



United States  
Department of  
Agriculture

Forest  
Service

Albuquerque Service Center  
Human Resources Management

3900 Masthead NE  
Albuquerque, NM 87109

**File Code:** 6150-3-1  
**Route To:**

**Date:** July 26, 2010

**Subject:** Waiver of the Biweekly Maximum Earning Limitation in Response to the Deepwater Horizon in the Gulf of Mexico

**To:** Tom Harbour, Director, Fire and Aviation Management

Enclosed is the USDA, Office of Human Resources Management's approval memorandum, "USDA-Wide Bi-weekly Pay Cap Waiver", to waive the biweekly maximum earnings limitation for the period of April 20, 2010 through August 28, 2010 (Pay Periods 8- 17), in which Forest Service employees are required to work considerable amounts of overtime in response to the Deepwater Horizon oil spill in the Gulf of Mexico. The catastrophic explosion which caused an oil spill from an offshore drilling rig in the Gulf of Mexico began on April 20, 2010.

Those employees who are exempt from the biweekly maximum and from the Fair Labor Standards Act (FLSA) must be reminded that they are subject to the annual maximum earnings limitation and it is up to each employee to assure that they do not earn more premium pay than the law allows per year.

The employee's annual maximum earnings limitation for calendar year 2010 is the greater of the salary for Level V of the Executive Schedule (or \$145,700.00) or the GS-15, Step 10, rate of pay, including any applicable locality payment or special rate supplement they receive.

For your convenience, we have enclosed the 2010 annual caps on premium pay for each of the locality areas. As the attached enclosure reflects, the annual caps listed for each locality area are higher in every case than the salary for Executive Schedule Level V.

If you have any questions, please contact Lisa Swenka, HR Specialist, Pay Policy, ASC-HRM at (505) 563-9296 or email her at [lswenka@fs.fed.us](mailto:lswenka@fs.fed.us).

*/s/ Janet Ford (for)*  
ROBIN D. BAILEY JR.  
Director, Human Resources Management

Attachments

cc: Lisa Swenka  
Donn Broich  
Dana Askins  
Diane N Taylor  
Michael Perez



Monica McGee  
dwlitigationhold  
Deepwater  
LegalHold\_wo  
Sarah R Fisher  
Gordon Sachs  
Cheryle L Miller  
Nancy Kollin  
Kimberly Hickman  
Deselyn Sanders  
Kristi D Jamison  
Kim Saner  
Susan R Austin  
Joyce Rottenberg  
Frank Gallegos  
Stephen Deep  
Robin Winston  
Laree S Edgecombe  
Patrick Carey