

106TH CONGRESS  
2D SESSION

# H. R. 5333

To amend title 5, United States Code, to revise the overtime pay limitation for Federal employees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2000

Mr. CUMMINGS introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To amend title 5, United States Code, to revise the overtime pay limitation for Federal employees, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the “Federal Employees’  
4       Overtime Pay Limitation Amendments Act of 2000”.

5       SEC. 2. (a) Title 5, United States Code is amended—

6               (1) in section 5542(a)—

7                       (A) by amending paragraph (2) to read as  
8               follows:

9               “(2) For an employee whose basic pay is at a  
10              rate which exceeds the minimum rate of basic pay

1 for GS–10 (including any applicable locality-based  
2 comparability payment under section 5304 or similar  
3 provision of law and any applicable special rate of  
4 pay under section 5305 or similar provision of law),  
5 the overtime hourly rate of pay is an amount equal  
6 to the greater of—

7 “(A) one and one-half times the minimum  
8 hourly rate of basic pay for GS–10 (including  
9 any applicable locality-based comparability pay-  
10 ment under section 5304 or similar provision of  
11 law and any applicable special rate of pay under  
12 section 5305 or similar provision of law); or

13 “(B) the hourly rate of basic pay of the  
14 employee (including any applicable locality-  
15 based comparability payment under section  
16 5304 or similar provision of law and any appli-  
17 cable special rate of pay under section 5305 or  
18 similar provision of law),

19 and all that amount is premium pay;” and

20 (B) by amending paragraph (4) to read as  
21 follows:

22 “(4) Notwithstanding paragraphs (1) and (2),  
23 for any pay period during which an employee is en-  
24 gaged in work in connection with an emergency (in-  
25 cluding a wildfire emergency) that involves a direct

1 threat to life or property, including work performed  
2 in the aftermath of such an emergency, the overtime  
3 hourly rate of pay is an amount equal to one and  
4 one-half times the hourly rate of basic pay of the  
5 employee, except that such overtime hourly rate of  
6 pay may not exceed the greater of—

7 “(A) one and one-half times the minimum  
8 hourly rate of basic pay for GS-12 (including  
9 any applicable locality-based comparability pay-  
10 ment under section 5304 or similar provision of  
11 law but excluding any applicable special rate of  
12 pay under section 5305 or similar provision of  
13 law); or

14 “(B) the hourly rate of basic pay of the  
15 employee (including any applicable locality-  
16 based comparability payment under section  
17 5304 or similar provision of law and any appli-  
18 cable special rate of pay under section 5305 or  
19 similar provision of law),

20 and all that amount is premium pay. A determina-  
21 tion as to the existence and duration of such an  
22 emergency and its aftermath, and whether work is  
23 connected to it, shall be made at the discretion of  
24 the head of the agency (or his or her designee) in

1 consultation with the Director of the Office of Man-  
2 agement and Budget.”; and

3 (2) in section 5547—

4 (A) by amending subsection (a) to read as  
5 follows:

6 “(a) An employee may be paid premium pay under  
7 sections 5542, 5545 (a), (b), and (c), 5545a, and 5546  
8 (a) and (b) only to the extent that the payment does not  
9 cause the aggregate of basic pay and such premium pay  
10 for any pay period for such employee to exceed the greater  
11 of—

12 “(1) the maximum rate of basic pay payable for  
13 GS-15 (including any applicable locality-based com-  
14 parability payment under section 5304 or similar  
15 provision of law and any applicable special rate of  
16 pay under section 5305 or similar provision of law);  
17 or

18 “(2) the rate payable for level V of the Execu-  
19 tive Schedule.”;

20 (B) by amending subsection (b)(1) to read:

21 “(1) Subject to regulations prescribed by the  
22 Office of Personnel Management, the first sentence  
23 of subsection (a) shall not apply to an employee who  
24 is paid premium pay by reason of work in connection

1 with an emergency as specified under section  
2 5542(a)(4).”;

3 (C) by amending subsection (b)(2) to read  
4 as follows:

5 “(2) Notwithstanding paragraph (1), no em-  
6 ployee referred to in such paragraph may be paid  
7 premium pay under the provisions of law cited in the  
8 first sentence of subsection (a) if, or to the extent  
9 that, the aggregate of the basic pay and premium  
10 pay under those provisions for such employee would,  
11 in any calendar year, exceed the greater of—

12 “(A) the maximum rate of basic pay pay-  
13 able for GS-15 in effect at the end of such cal-  
14 endar year (including any applicable locality-  
15 based comparability payment under section  
16 5304 or similar provision of law and any appli-  
17 cable special rate of pay under section 5305 or  
18 similar provision of law); or

19 “(B) the rate payable for level V of the  
20 Executive Schedule in effect at the end of such  
21 calendar year.”;

22 (D) by amending subsection (e) to read as  
23 follows:

24 “(e) The Office of Personnel Management may pre-  
25 scribe regulations governing the applicability of subsection

1 (b) to employees who are in receipt of annual premium  
2 pay for standby duty or administratively uncontrollable  
3 overtime work under section 5545(c) or availability pay  
4 for criminal investigators under section 5545a.”, and

5 (E) by adding at the end:

6 “(d) This section shall not apply to any employee of  
7 the Federal Aviation Administration or the Department  
8 of Defense who is paid premium pay under section  
9 5546a.”,

10 (b) The amendments made by subsection (a) shall  
11 take effect on the first day of the first pay period begin-  
12 ning on or after 120 days following the date of enactment  
13 of this Act.

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