

**Guidance on Waivers of Premium Pay  
To Meet A Critical Need  
(9/5/08)**

Background:

5 CFR §550.106(b)(1) provides that the bi-weekly limit on premium pay be waived for overtime work that is critical to an agency's mission.

Criteria:

DOE has established the following criteria for making these determinations. Requests must address these criteria.

1. The work must directly affect a Departmental element's core business activity.
2. The work must be urgent and unavoidable, i.e., it cannot be delayed or extended over a longer period of time.
3. Additional human resources with the expertise needed cannot be added due to the immediacy of the business need.
4. No other appropriate compensation option is available.

Approval Process:

Requests are to be addressed to the Director, Office of Human Capital Management and sent through the respective Secretarial Program Office, if applicable, for concurrence. Requests are reviewed by the Office of Strategic Planning and Vision prior to being referred to the Director, Office of Human Capital Management with a recommendation.

Information and Assistance:

For information on the use of this authority or assistance in preparing a request, contact Bruce Murray by email at [bruce.murray@hq.doe.gov](mailto:bruce.murray@hq.doe.gov) or by phone at 202-586-3372.