



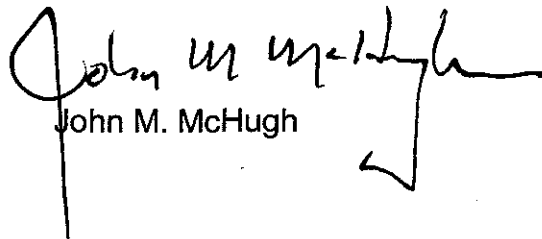
SECRETARY OF THE ARMY
WASHINGTON

26 NOV 2012

MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE AFFAIRS)

SUBJECT: Delegation of Authority—Increased Annual Premium Pay Limitation for Calendar Year 2012

1. Reference Memorandum, Under Secretary of Defense (Personnel and Readiness), 11 Apr 12, subject: Calendar Year 2012 Waiver of Annual Pay Limitations for Certain Employees.
2. Pursuant to the reference, I hereby delegate to you the authority to determine when employees, other than employees assigned to Iraq and Afghanistan, meet the eligibility criteria for the increased annual premium pay limitation for calendar year 2012. This authority shall be exercised consistent with governing law, regulation and Department of Defense guidance.
3. Unless expressly prohibited or restricted by law, directive, regulation or policy, or as set forth herein, you may redelegate this authority to other Department of the Army officials at a level no lower than activity commander or civilian head of an activity. If you elect to redelegate this authority, you may further restrict or condition your delegates' exercise of the authority. A re delegation of authority will not be effective unless it is in writing, signed by you and has been determined not to be legally objectionable upon review by the Office of the Army General Counsel. No re delegation will take effect until a record copy of the re delegation has been provided to the Office of the Administrative Assistant for archiving. You will remain cognizant of and responsible for any and all actions taken pursuant to this delegated or redelegated authority.
4. Although not a limitation on your authority to act on my behalf, in those cases where your proposed decision represents a change in precedent or policy; is of significant White House, congressional, department or public interest; or has been, or should be, of interest or concern to me for any reason, you will brief me before the decision, unless the exigencies of the situation prevent such action. Continue my practice of coordination with the Office of the Army General Counsel.
5. This delegation is effective immediately and expires 31 December 2013 unless earlier revoked or superseded.


John M. McHugh



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON, DC 20310-0111

31 OCT 2012

SAMR

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Delegation of Authority – Increased Annual Premium Pay Limitations for Calendar Year 2012

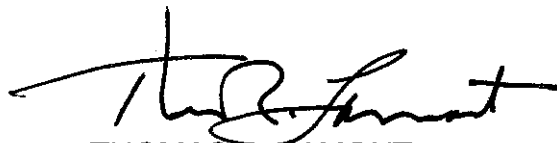
1. Reference Under Secretary of Defense (Personnel and Readiness) memorandum dated April 11, 2012, subject: Calendar Year 2012 Waiver of Annual Pay Limitations for Certain Employees (enclosed).
2. Request that you delegate to me, for further delegation, the authority delegated to you in the enclosed referenced USD (P&R) memorandum. Pursuant to Section 1104 of Public Law 112-81, which extends the authority in Section 1101(a) of Public Law 110-417, as amended by Section 1106 of Public Law 111-84, as further amended by Section 1103 of Public Law 111-383, the above reference grants the Secretaries of the Military Departments the authority to determine when employees, other than employees assigned to Iraq and Afghanistan, meet the eligibility criteria for the increased annual premium pay limitation for calendar year 2012.
3. To be eligible for the increased annual premium pay limitation under the DoD guidance, covered employees must meet the following criteria:
 - (a) perform work while in an overseas location that is in the area of responsibility (AOR) of the Commander of the United States Central Command (CENTCOM) or an overseas location that was formerly in the AOR of the CENTCOM Commander but has been moved to the AOR of the Commander of the United States Africa Command (AFRICOM);
 - (b) are subject to the provisions of 5 U.S.C. § 5547 or a similar limitation otherwise established;
 - (c) are assigned to an overseas location in the US CENTCOM or the US AFRICOM areas of responsibility specified at Appendix A of the above reference for at least 42 consecutive days; and
 - (d) perform work in direct support of, or directly related to the response to a national emergency declared by the President or a military operation, including a contingency operation as defined by 10 U.S.C. § 101(a)(13).

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SUBJECT: Delegation of Authority – Increased Annual Premium Pay Limitation for Calendar Year 2012

4. Eligible employees are entitled to premium payments to the extent the employee's combined payable amount of basic pay and premium pay for calendar year 2012 does not exceed the annual rate of salary payable to the Vice President under section 104 of title 3, U.S.C., which is \$230,700 for calendar year 2012. In addition, the aggregate pay limitation for total annual compensation established by 5 U.S.C. § 5307, or other similar limitation, will not apply to an employee in calendar year 2012 if the employee is granted an annual premium pay limitation waiver under the DoD policy.
5. Under the DoD guidance, employees assigned to Iraq and/or Afghanistan for at least 42 consecutive calendar days are deemed to meet the eligibility requirements for the increased annual premium pay limitation for calendar year 2012. However, the DoD guidance grants to the Secretaries of the Military Departments the authority to determine when employees, other than employees assigned to Iraq and/or Afghanistan, meet the eligibility criteria.
6. The authority delegated to you to determine eligibility for the increased annual premium pay limitation for calendar year 2012 may be further delegated, in writing, to managerial and supervisory levels deemed appropriate. I request that you delegate the authority to me with authority for further delegation to a level no lower than activity commander or civilian head of an activity, for use consistent with the DoD guidance.
7. A delegation memorandum is enclosed for your consideration and signature.

2 Encls
as



THOMAS R. LAMONT
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Secretary of the Army:

Approve: *[Signature]* Disapprove: _____ Other: _____



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

APR 11 2012

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
DIRECTOR, COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Calendar Year 2012 Waiver of Annual Pay Limitations for Certain Employees

Eligible Department of Defense (DoD) employees are authorized an increase to the calendar year 2012 premium pay limitations, as defined by the provisions of Section 5547 of title 5, United States Code (U.S.C.), if they perform work in direct support of, or directly related to, a military operation, including a contingency operation or an operation in response to an emergency declared by the President. Eligible employees are those assigned to an overseas area of responsibility of the Commander of the U.S. Central Command (CENTCOM) or an overseas location that has been moved from the U.S. CENTCOM area of responsibility to the area of responsibility of the Commander of the U.S. Africa Command (Appendix A of the attached document). By agreement with the Under Secretary of Defense for Intelligence (USD(I)), this increase is administratively extended to employees covered by the Defense Civilian Intelligence Personnel System (DCIPS) who meet the criteria above.


The increase is authorized by exercising the waiver granted in Section 1104 of the National Defense Authorization Act (NDAA) for Fiscal Year 2012 (Public Law 112-81, December 31, 2011) (NDAA 2012), which extends the authority in Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417, dated October 18, 2008) (NDAA 2009) as amended by Section 1106(a) of the NDAA for Fiscal Year 2010 (Public Law 111-84, dated October 28, 2009) (NDAA 2010), and by Section 1106(b) and Sections 1601 - 1603 of title 10, U.S.C. for DCIPS employees. Eligible DoD employees who are granted a waiver under these authorities will be covered by a higher annual premium pay cap and will be entitled to premium payments to the extent the employee's combined payable amount of basic pay and premium pay for calendar year 2012 does not exceed the annual rate of

salary payable to the Vice President under Section 104 of title 3, U.S.C. which is \$230,700 for 2012.

In addition, subsection 1101(b) of NDAA 2009 continues to apply and provides that the aggregate limitation on pay under Section 5307 of title 5, U.S.C. will not apply to an employee in calendar year 2012 if the employee is granted a waiver of the normally applicable premium pay limitations under subsection 1101(a). Subsection 1101(c) of NDAA 2009 also continues to apply and provides that any payments made under the subsection 1101(a) waiver authority resulting in additional premium pay of a type normally creditable as basic pay will not be considered basic pay for any purpose (e.g., retirement). Further, such additional premium pay may not be used in computing lump-sum payments for accumulated and accrued annual leave under Section 5551 of title 5, U.S.C.

For 2012, this waiver again applies, by agreement with the USD(I), to DCIPS employees. The attached guidance, initially distributed for the increased limitation for Calendar Year 2010, remains in effect, and has been updated to reflect the changes applicable in Calendar Year 2012.

Questions may be addressed to Mr. Seth Shulman, Chief, Compensation Division, Defense Civilian Personnel Advisory Service, at seth.shulman@cpms.osd.mil or 703-696-2104.


Jo Ann Rooney
Acting

Attachment:
As stated

**2012 Annual Limitation of Premium Pay and Aggregate Waiver Provisions
United States Central Command Area of Responsibility for Employees
Covered by 5 U.S.C. §§ 5547 and 5307; 5 C.F.R. §§ 9901.362 and 9901.313;
and 10 U.S.C. §§ 1601-1614**

Premium Pay Waiver

Effective January 1, 2012, Section 1101(a) of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year 2009 (Pub. L. 110-417) (NDAA 2009), as amended by Section 1106(a) of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111-84) (NDAA 2010), Section 1103 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Pub. L. 111-383) (NDAA 2011), and Section 1104 of the National Defense Authorization Act for Fiscal Year 2012 (Pub. L. 112-81) (NDAA 2012), is further amended by striking "through 2011" and inserting "through 2012". It authorizes the Secretary of Defense to waive the annual premium pay limitation resulting from Section 5547 of title 5, U.S.C. or a similar limitation otherwise established for employees up to the annual rate of the salary payable to the Vice President pursuant to Section 104 of title 3 U.S.C., which is \$230,700 for calendar year 2012. This waiver authority applies to DoD employees who (1) perform work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command (US CENTCOM) or an overseas location that was formerly in the area of responsibility of the US CENTCOM Commander but has been moved to the area of responsibility of the Commander of the United States Africa Command (US AFRICOM); (2) are subject to the provisions Section 5547 of title U.S.C. or a similar limitation otherwise established; (3) are assigned to an overseas location in the US CENTCOM or the US AFRICOM areas of responsibility specified at Appendix A for at least 42 consecutive calendar days; and (4) perform work in direct support of, or directly related to the response to a national emergency declared by the President or a military operation, including a contingency operation as defined in Section 101(a)(3) of title 10, U.S.C.

By agreement with the Under Secretary of Defense for Intelligence (USD(I)), the annual premium pay cap for employees under the Defense Civilian Intelligence Personnel System (DCIPS) is waived up to the annual rate of the salary payable to the Vice President pursuant to Section 104 of title 3, U.S.C., which is \$230,700 for calendar year 2012. This waiver authority applies to DoD employees covered by DCIPS who meet the four specified criteria described in the paragraph above.

For all covered employees, the increased annual premium pay limitation was effective on January 1, 2012, and applies to premium payments payable to an eligible employee during the 2012 calendar year.

Employees may be paid premium pay only to the extent that the payment does not cause the total of his or her basic pay and premium pay payable in the 2012 calendar year to exceed \$230,700. The increased premium pay cap cannot be applied to premium payments earned before an employee is assigned to the US CENTCOM or the US AFRICOM areas of responsibility specified at Appendix A but those payments will be counted toward the \$230,700 limitation if paid during the 2012 calendar year.

Employees assigned to Iraq or Afghanistan for at least 42 days are deemed to meet the eligibility requirements for the increased premium pay cap and no further determination regarding these employees is required. Determinations about whether employees in other U.S. CENTCOM or U.S. AFRICOM overseas areas of responsibility (Appendix A) perform work that meets the fourth eligibility criterion described in the first paragraph above, i.e., whether the employee is performing work in direct support of, or directly related to the response to a national emergency declared by the President or a military operation, including a contingency operation as defined in Section 101(a)(13) of title 10 U.S.C., must be made on a case-by-case basis.

Secretaries of the Military Departments and the Heads of Defense Agencies and DoD Field Activities with independent appointing authority on behalf of themselves and their serviced populations are hereby delegated the authority to determine when employees, other than employees assigned to Iraq or Afghanistan, meet the eligibility criteria. This authority may be further delegated, in writing, to managerial and supervisory levels deemed appropriate.

NOTE: Following withdrawal of military forces from Iraq, civilian employees assigned to Iraq are no longer considered to be supporting a military operation. Instead, beginning in 2012, such employees are deemed to meet the eligibility requirements for the increased premium pay cap based on their performance of work in direct support of, or directly related to the response to a national emergency declared by the President; Continuation of the National Emergency with Respect to the Stabilization of Iraq, signed May 17, 2011. If the National Emergency with Respect to the Stabilization of Iraq is not continued beyond May 22, 2012, employees assigned to Iraq will again become subject to the premium pay limitations under Section 5547 of title 5, U.S.C. However, payment for the pay period ending May 19, 2012, will remain subject to the higher limitation.

For employees who were serving in the area on January 1, 2012, the 42 consecutive days may include days served in 2011. The 42 consecutive days also may include days served in Afghanistan in 2013, although the higher annual pay limitation addressed in this policy will apply only to premium pay payable in 2012. For employees serving in Iraq, work days subsequent to termination of the the national emergency declared by the President on May 22, 2012 may be counted toward the 42 day consecutive service requirement. If the national emergency is extended by the President, employees in Iraq will continue to be covered by the higher pay limitations.

Aggregate Pay

Pursuant to Section 1101(b) of the NDAA 2009, amended as noted above, the calendar year 2012 aggregate pay limitation for total annual compensation (\$199,700) does not apply to employees covered by Section 5307 of title 5, U.S.C., or similar limitation (such as Section 9901.313 of title 5 of the Code of Federal Regulations (C.F.R.)), for whom the annual premium pay cap is waived under this policy. These employees are limited to base pay and premium pay payable in 2012 not to exceed \$230,700 but all other compensation that normally would be subject to the aggregate pay cap in Section 5307 of title 5, U.S.C., or similar limitation will be paid as it is earned. By agreement with the USD(I), this aggregate pay limitation waiver also applies in the same manner to employees covered by DCIPS.

Additional Guidance