

Disaster Overtime Pay Reimbursement and Personnel Policy Provisions

FEMA determines the eligibility of overtime, premium pay, and compensatory time costs based on the Applicant's personnel policy, provided that the policy:

- Is in writing and was adopted prior to the disaster event for which the applicant is seeking FEMA reimbursement for overtime compensation.

For example, overtime pay will not be eligible for FEMA reimbursement if a disaster overtime compensation policy is adopted *after* the date of the disaster event.

- Does not include language making overtime compensation subject to or contingent on Federal funding or a Presidential disaster declaration.

For example, language such as "*In the event of a Presidential disaster declaration, overtime compensation shall be awarded*" is not permissible because this makes the award of overtime compensation contingent on receiving a Presidential declaration. In addition, language such as "*Overtime pay will be awarded subject to FEMA reimbursement*" is not permissible because this makes the award of overtime compensation contingent on federal funding.

- Is applied uniformly regardless of a Presidential declaration.

For example, provisions that authorize higher rates of overtime compensation during a Presidential declaration than during a non-Presidentially declared emergency are not permissible.

- Sets non-discretionary criteria for when the Applicant activates various pay types.

For example, language such as "*the Manager may, in his or her discretion, award overtime compensation*" would not be permissible because this makes the award of overtime compensation discretionary.

If these requirements are not met, FEMA limits public assistance funding to the Applicant's non-discretionary, uniformly applied pay rates.¹

Although not a guarantee of FEMA reimbursement, the personnel policy provisions for disaster overtime pay from the Town of Kure Beach's personnel policy offered below provide an example that meets FEMA requirements for disaster overtime compensation personnel policy provisions. Local governments should consult with their human resources director and attorney before adopting any personnel policy changes.

¹ [FEMA Public Assistance Program and Policy Guide, April 2018](#), p. 23.

Example Disaster Overtime Pay Personnel Policy Provisions

Emergency Situations – non-exempt employees

In emergency situations, non-exempt employees will be compensated at their usual overtime rate of time and one half for hours worked in excess of (40) forty hours per week and double time for hours worked on weekends and holidays. Police Officers are paid regular pay for hours worked up to 171 in a 28-day cycle and any hours over 171 are paid at time and one half.

Emergency Situations – exempt employees

For exempt employees (including Department Heads) required to work extended hours during an emergency, the Town Council shall compensate for hours worked over and above the regular workweek at their regular hourly rate.

Source: Town of Kure Beach Personnel Policy, Art. III, Sec. 12 (3/1/2018)

For more information, contact:

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