

106TH CONGRESS
1ST SESSION

H. R. 826

To amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and to limit Sunday premium pay for employees of the National Weather Service to hours of service actually performed on Sunday.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1999

Mr. DAVIS of Virginia (for himself, Mr. WATTS of Oklahoma, Mr. KING, Mr. SNYDER, Mr. ABERCROMBIE, Mr. MORAN of Virginia, Mrs. MEEK of Florida, Mr. KUCINICH, Mrs. MINK of Hawaii, Mr. FROST, and Mr. McNULTY) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and to limit Sunday premium pay for employees of the National Weather Service to hours of service actually performed on Sunday.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Weather
3 Service Flexible Work Scheduling Act”.

4 **SEC. 2. OVERTIME RATES.**

5 (a) IN GENERAL.—Section 5542(a) of title 5, United
6 States Code, is amended by adding at the end the follow-
7 ing:

8 “(5) Notwithstanding paragraphs (1) and (2) of
9 this subsection, for an employee of the National
10 Weather Service who occupies a nonmanagerial posi-
11 tion in GS–14 or under and, as determined by the
12 Secretary of Commerce—

13 “(A) the duties of which are essential to
14 the immediate daily operation of the forecast
15 and warning responsibilities of the National
16 Weather Service and directly affect public and
17 aviation safety;

18 “(B) in which overtime work is usually un-
19 scheduled due to the vicissitudes of severe
20 weather; and

21 “(C) in which overtime work is therefore
22 unusually taxing;
23 the overtime hourly rate of pay is an amount equal
24 to one and one-half times the hourly rate of basic
25 pay of the employee, and all that amount is pre-
26 mium pay.”.

1 (b) EXEMPTION FROM LIMITATION.—Section
 2 5547(a) of title 5, United States Code, is amended in the
 3 second sentence by striking “title.” and inserting “title,
 4 or to any employee of the National Weather Service who
 5 occupies a position described in section 5542(a)(5) of this
 6 title.”.

7 **SEC. 3. FLEXIBLE WORK SCHEDULING.**

8 Subsection (a) of section 5546 of title 5, United
 9 States Code, is amended by striking “(a)” and inserting
 10 “(a)(1)” and by adding at the end the following:

11 “(2)(A) In the case of an employee of the National
 12 Weather Service, the first sentence of paragraph (1) shall
 13 be applied by substituting ‘, with respect to that portion
 14 of such period of service which is performed on Sunday,
 15 to pay’ for ‘to pay for the entire period of service’.

16 “(B) The Office of Personnel Management shall, for
 17 purposes of subparagraph (A), by regulation provide for
 18 the rounding of any fraction of an hour of service per-
 19 formed on Sunday to the next highest whole number, with
 20 offsetting rounding in non-Sunday service so that total
 21 service for the period involved remains the same.”.

22 **SEC. 4. EFFECTIVE DATE.**

23 The amendments made by this Act shall apply with
 24 respect to service performed on or after the first day of
 25 the first applicable pay period beginning after the end of

1 the 30-day period beginning on the date of enactment of
2 this Act.

