

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2939

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.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2002

Mr. BREAUX (for himself and Mr. ROBERTS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## 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,*

3       **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. OVERTIME RATES.**

2 (a) IN GENERAL.—Section 5542(a) of title 5, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 “(6) Notwithstanding paragraphs (1) and (2),  
6 for an employee of the National Weather Service  
7 who occupies a nonmanagerial position in GS–14 or  
8 under and, as determined by the Secretary of Com-  
9 merce—

10 “(A) the duties of which are critical to the  
11 immediate daily operation of the forecast and  
12 warning responsibilities of the National Weath-  
13 er Service and directly affect public and avia-  
14 tion safety;

15 “(B) in which overtime work is usually un-  
16 scheduled due to the vicissitudes of severe  
17 weather; and

18 “(C) in which overtime work is therefore  
19 unusually taxing;

20 the overtime hourly rate of pay is an amount equal  
21 to one and one-half times the hourly rate of basic  
22 pay of the employee, and all that amount is pre-  
23 mium pay.”.

24 (b) EXEMPTION FROM LIMITATION.—Section  
25 5547(a) of title 5, United States Code, is amended in the  
26 second sentence by striking “title.” and inserting “title,

1 or to any employee of the National Weather Service who  
2 occupies a position described in section 5542(a)(6) of this  
3 title.”.

4 **SEC. 3. FLEXIBLE WORK SCHEDULING.**

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

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

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

19 **SEC. 4. EFFECTIVE DATE.**

20 The amendments made by this Act shall apply with  
21 respect to service performed on or after the first day of  
22 the first applicable pay period beginning after the end of  
23 the 30-day period beginning on the date of enactment of  
24 this Act.

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