

108TH CONGRESS
1ST SESSION

S. 1339

To amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service employees who perform essential services during severe weather events.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2003

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

A BILL

To amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service employees who perform essential services during severe weather events.

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. OVERTIME RATES.**

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

7 “(6)(A) Notwithstanding paragraphs (1) and
8 (2), the overtime pay shall be as provided in sub-

1 paragraph (B) for an employee of the National
2 Weather Service—

3 “(i) who occupies a nonmanagerial position
4 in GS–14 or under; and

5 “(ii) as determined by the Secretary of
6 Commerce, whose position involves—

7 “(I) duties that are critical to the im-
8 mediate daily operation of the forecast and
9 warning responsibilities of the National
10 Weather Service and directly affect public
11 and aviation safety; and

12 “(II) overtime work that is usually
13 unscheduled due to the vicissitudes of se-
14 vere weather and is therefore unusually
15 taxing.

16 “(B) The overtime hourly rate of pay is an
17 amount equal to one and one-half times the hourly
18 rate of basic pay of the employee, and all that
19 amount is premium pay.”.

20 (b) EXEMPTION FROM LIMITATION.—Section
21 5547(d) of title 5, United States Code, is amended by
22 striking the period and inserting “, or to any employee
23 of the National Weather Service who occupies a position
24 described in section 5542(a)(6).”.

1 **SEC. 2. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to service performed on or after the first day of
4 the first applicable pay period beginning after the end of
5 the 30-day period beginning on the date of enactment of
6 this Act.

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