

106TH CONGRESS
1ST SESSION

S. 1598

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 SENATE OF THE UNITED STATES

SEPTEMBER 16, 1999

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 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 “(5)(A) Notwithstanding paragraphs (1) and
6 (2), the overtime hourly rate of pay for an employee
7 described under subparagraph (B) is an amount
8 equal to one and one-half times the hourly rate of
9 basic pay of the employee, and all that amount is
10 premium pay.

11 “(B) Subparagraph (A) refers to an employee
12 of the National Weather Service who occupies a non-
13 managerial position—

14 “(i) classified at GS–14 or lower; and

15 “(ii) as determined by the Secretary of
16 Commerce—

17 “(I) the duties of which are essential
18 to the immediate daily operation of the
19 forecast and warning responsibilities of the
20 National Weather Service and directly af-
21 fect public and aviation safety;

22 “(II) in which overtime work is usu-
23 ally unscheduled due to the vicissitudes of
24 severe weather; and

25 “(III) in which overtime work is
26 therefore unusually taxing.”.

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 Section 5546(a) of title 5, United States Code, is
 9 amended—

10 (1) by striking “(a)” and inserting “(a)(1)”;

11 and

12 (2) by adding at the end the following:

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

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

1 **SEC. 4. 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.

○