

§ 550.401

5 CFR Ch. I (1-1-03 Edition)

**Subpart D—Payments During Evacuation**

AUTHORITY: 5 U.S.C. 5527; E.O. 10982, 3 CFR 1959-1963, p. 502.

SOURCE: 59 FR 66332, Dec. 28, 1994, unless otherwise noted.

**§ 550.401 Purpose, applicability, authority, and administration.**

(a) *Purpose.* This subpart provides regulations to administer subchapter III (except sections 5524a and 5525) of chapter 55 of title 5, United States Code. The regulations provide for Governmentwide uniformity in making payments during an evacuation to employees or their dependents, or both, who are evacuated in the United States because of natural disasters or for military or other reasons that create imminent danger to their lives.

(b) *Applicability.* This subpart applies to—

(1) Executive agencies, as defined in section 105 of title 5, United States Code.

(2) Employees of an agency who are U.S. citizens or who are U.S. nationals;

(3) Employees of an agency who are not citizens or nationals of the United States, but who were recruited with a transportation agreement that provides return transportation to the area from which recruited; and

(4) Alien employees of an agency hired within the United States.

(c) *Authority.* The head of an agency may make advance payments and evacuation payments and pay special allowances as provided by this subpart. If the head of an agency proposes to issue regulations that deviate from the provisions of this subpart, prior approval of the agency regulations, as required by section 4(b) of Executive Order 10982 of December 25, 1961, must be secured from the Office of Personnel Management.

(d) *Administration.* The head of an agency having employees subject to this subpart is responsible for the proper administration of this subpart. Payment of advance payments and evacuation payments and any required adjustments shall be made in accordance

with procedures established by the agency.

[59 FR 66332, Dec. 28, 1994, as amended at 65 FR 41869, July 7, 2000]

**§ 550.402 Definitions.**

*Agency* means an Executive agency, as defined in section 105 of title 5, United States Code.

*Day* means a calendar day, except when otherwise specified by the head of an agency.

*Dependent* means a relative of the employee residing with the employee and dependent on the employee for support.

*Designated representative* means a person 16 years of age or over who is named by an employee for the purpose of caring for a dependent.

*Evacuated employee* means an employee of an agency who has received an order to evacuate.

*Order to evacuate* means an oral or written order to evacuate an employee from an assigned area.

*Safe haven* means a designated area to which an employee or dependent will be or has been evacuated.

*United States* means the 50 States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and any territory or possession of the United States.

[59 FR 66332, Dec. 28, 1994, as amended at 65 FR 41869, July 7, 2000]

**§ 550.403 Advance payments; evacuation payments; special allowances.**

(a) An advance payment of pay, allowances, and differentials may be made to an employee who has received an order to evacuate, provided that, in the opinion of the agency head or designated official, payment in advance of the date on which an employee otherwise would be entitled to be paid is required to help the employee defray immediate expenses incidental to the evacuation.

(b) Evacuation payments of pay, allowances, and differentials may be made to an employee during an evacuation and shall be paid on the employee's regular pay days when feasible.

(c) Special allowances, including travel expenses and per diem, may be paid to evacuated employees to offset