

ICE Operating Procedures for Implementation of Policy on Emergency and Special Evacuation Allowances

General

A formal, written Evacuation Order, signed and approved by the ICE Assistant Secretary or other authorized official, is a mandatory precondition for the use of any of the authorities and benefits outlined below.

These procedures implement the ICE Financial Management Policy, (number to be assigned), titled "Emergency and Special Evacuation Allowances," for which approvals rest with ICE program directors or their designees. All approving officials are to apply the principle of reasonable care and cost for the expenditure of government funds. Approvals of expenses incurred as a result of emergency and special evacuation situations may be retroactive if determined that the costs incurred were consistent with the standards and expenditure levels outlined herein

1. Evacuation Payments *(Not treated as debt owed the government)*

While an evacuation order is in effect, the agency may make evacuation payments to an affected employee who is prevented from performing the regular duties of his/her position. Payments should be made consistent with regular pay periods. The agency may require employees to perform any work deemed necessary or required during the period of the evacuation without regard to the employee's grade or title. Failure or refusal to perform assigned work is a basis for terminating the evacuation payment. Employees who do not receive evacuation payments may be granted excused absence.

a. The ICE program director or his/her designee is authorized to approve such payments. Approved requests for payment shall include the following information:

- (1) Full name of the employee,
- (2) Social security number of the employee,
- (3) Duty location of the employee and ICE program, and
- (4) Time period covered, and projected work days and hours (may not continue for more than 180 days after the effective date of the evacuation order.
- (5) The location of work (home, alternative location, etc.).

[Note: For intermittent employees, the agency must estimate the days and hours the employee would have expected to work during the selected time period (not to exceed 80 hours in a bi-weekly pay

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period). Also, the salary will include all pay typically earned, including law enforcement availability pay, AUO, Sunday premium pay, etc.]

- b. Approved requests are to be submitted through the ICE Office of Human Capital (OHC), to coordinate action with the USDA's National Finance Center (NFC) to issue the evacuation payments. In the event the USDA NFC is unavailable, the ICE Office of Finance will issue payments (with data support from the OHC and ICE Office of Budget) to the individuals through use of direct deposit information or by alternative means as identified (e.g., cash payments). The payment will be reduced by 30% to reflect deductions for required withholdings (in accordance with OPM guidelines), which will be credited to the ICE suspense account.
 - c. On a bi-weekly basis, the ICE program director or his/her designee will be required to certify the continued need for evacuation payments. Evacuation payments may be granted for a period not to exceed 180 days.
 - d. After an evacuation is terminated, the agency shall make any adjustments to an affected employee's pay on the basis of the rates of pay, allowances, and differentials, if any, to which the employee otherwise would have been entitled under applicable statutes.
2. **Advance Payments** *(Treated as debt owed the government)*
- a. Each ICE program director or his/her designee is authorized to approve **advance payments** on behalf of their employees when such payments is required to help the employee defray immediate expenses incidental to the evacuation; payments that the employee would otherwise would be entitled to.
 - b. The ICE program director or his/her designee shall submit approved actions to the ICE Office of Finance to (1) request action by the USDA NFC or , if the option is not available, (2) issue such payments. The request will include the following information:
 - (1) Full name of the employee,
 - (2) Social security number of the employee,
 - (3) Duty location of the employee and ICE program,
 - (4) Time period covered for the payment (cannot exceed 30 days), and
 - (5) Amount requested (based on the time period and the salary the employee would have otherwise received)

[Note: For intermittent employees, the agency must estimate the

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days and hours the employee would have expected to work during the selected time period (not to exceed 80 hours in a bi-weekly pay period). Also, the salary should include all pay typically earned, including law enforcement availability pay, AUO, Sunday premium pay, etc.]

- c. Based on approved amounts, the ICE program will establish a Miscellaneous Obligation Record for the total amount of the payments, using the established emergency Accounting Classification Code Structure (ACCS) for the emergency situation.
- d. The ICE Office of Financial Management (OFM) will request issuance of the payments by the USDA NFC. If USDA NFC is unavailable, ICE OFM will issue advance payments to the individuals through use of direct deposit information or by alternative means, as identified. The payment will be reduced by 30% to reflect deductions for required withholdings (in accordance with OPM guidelines), which will be credited to the ICE suspense account .
- e. Advance payments are equivalent to a loan and must be treated as a debt owed to the Federal Government. The amounts are to be repaid based on the conditions set-forth by the government, unless other authorized actions (e.g., waivers) are approved by the Assistant Secretary or his/her designee based on a formal determination that recovery of the funds would be against equity or good conscience or against the public interest (5 U.S.C. § 5522(c).) Note: advance salary advance payments are considered taxable income and will be included in the employee's W2.

3. Temporary Duty Stations and Relocation

An agency may provide affected employees (and dependents) with additional allowance payments for travel and subsistence expenses (i.e., per diem) to offset any direct added expenses employees incur as a result of their evacuation or the evacuation of their dependents. Employees are authorized to use government issued travel cards for allowable expenses.

Approved travel expenses and per diem for an employee and his or her dependents may be reimbursed from the date of departure from the evacuated area through the date of arrival at the safe haven, including any period of delay en route (beyond employee's control or result from evacuation travel arrangements).

In addition, under "Special Evacuation Allowances for Evacuated Employees and their Dependents," the employee and dependents (age 12 or older) will receive the full "lodgings-plus" per diem rate applicable for

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the safe haven location or for a locale other than the safe haven that has been approved by appropriate authority (based on the GSA-prescribed per diem rate).

Finally, emergency subsistence allowances may be granted to employees who have been ordered to remain in the evacuation zone for official duties, on a case-by-case basis.

a. The respective ICE program director shall authorize evacuation travel consistent with the issued Evacuation Order and the needs of the program. The respective ICE program shall establish a evacuation travel authorization order for each employee in Travel Manager (or manual travel authorization if Travel Manager is unavailable and posted timely within ICE's financial system by another ICE Program office or with ICE OFM's assistance) using the established ACCS (project codes, task codes) for the emergency and citing in the reason for travel, "Evacuation Travel." Allowable expenses include the items listed below> Maximum expense levels, however, can be established under the authority of the Assistant Secretary. Allowable expenses include:

- (1) Normal transportation expenses to safe haven or alternative site;
- (2) GSA-approved per diem rate including lodging (note: if the evacuation continues more than 30 days, the maximum per diem rates (based on the first 30 days) are reduced to 60 percent of the applicable per diem rate paid beginning on the 31st day). The full per diem rate applies to the employee and all dependents 12 years and older. Dependents under 12 are authorized ½ the per diem rate (5 C.F.R. § 550.405, Determination of special allowances).

[Note: No lodging is authorized if the employee and his/her dependents stay with friends or relatives instead of a commercial lodging establishment regardless of whether any lodging payment is made to the friend or relative. In such situations, the employee and dependents are only authorized the Miscellaneous and Incidental Expenses (MI&E) portion of the per diem allowance. Lodging is restricted to one room unless multiple rooms are authorized.

[Questions concerning per diem rates, and other allowance expenses should be directed to the established ICE Office of Financial Management emergency contact point for all travel questions.]

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b. The respective ICE program shall identify requirements for emergency subsistence allowances for employees who have been ordered to remain in the evacuation zone for official duties. These allowances are not entitlements and shall be approved on a case-by-case basis.

(1) The ICE program director or his/her designee is authorized to approve requested emergency subsistence allowances, consistent with the required standards and operational requirements. A file for each such determination is to be maintained by the ICE program for post review, including a clear justification for approval of the allowances based on the special circumstances that existed.

(2) If approved, the ICE program shall establish a emergency subsistence allowance travel authorization order in Travel Manager (or manual travel authorization if Travel Manager is unavailable with a copy provided to the servicing Finance Office within five business days) using the established ACCS (project codes, task codes) for the emergency and citing in the reason for travel, "Emergency Subsistence Allowance Travel." The same allowable expenses for evacuation travel apply, but if the employee's home is habitable, the employee may not receive lodging even if returning to the home would be inconvenient.

c. If a travel advance is required based on an immediate need, and a Travel Card is not available, the ICE program, on behalf of the affected employees, shall process the request through Travel Manager. If Travel Manager is unavailable, the ICE program shall provide the following information to the Dallas Finance Center, ICE Office of Financial Management, for issuance of a travel advance:

- (1) Employee Name
- (2) Social Security Number
- (3) Travel Authorization number
- (4) Amount of travel advance requested
- (5) Electronic Fund Transfer information for deposit of funds (unless already on file with the Finance Office)

[Note: Limits on the amount of the travel advance may be increased through a request submitted to the ICE Office of Financial Management, Travel Card Coordinator.

d. If the affected employee does not have access to a government issued travel card, the ICE program, on behalf of the affected employee,

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shall provide a list to the ICE Travel Card Coordinator (Martha Wright), ICE OFM, for immediate action to the required travel cards. The request will include the information normally contained on the Travel Card applications (e.g., employee name, social security number, etc.).

Each ICE program is responsible for ensuring that each employee understands all the rules on the proper use of the government-issued travel credit card and allowable expenses. Support from the ICE Office of Financial management is available, however, to assist in training employees on allowable expenses.

e. Specific contract points on questions concerning creation of Travel Authorizations, determining allowable and authorized expenses, preparation of travel vouchers, and other related actions, may be directed to the ICE Office of Financial Management. The contact points shall be provided through an ICE Broadcast and also posted on the ICE OFM webpage.

4. Other

a. It is the responsibility of the each ICE program director to ensure that all government funds, financial records, and supporting documentation are protected in offices impacted by emergency situations. Prior to a formal evacuation, the ICE program director must ensure that:

- (1) All currency is properly deposited in a financial institution or that the funds are converted to a money order or other monetary instrument and mailed for deposit to ICE OFM Burlington Finance Center (BFC) with a detailed explanation regarding the source of the funds being deposited, the submitting office, and any other supporting documents.
- (2) All financial records are housed in a safe location or transferred to an alternative site for protection.
- 3) All debts, e.g. for salary advances, are collected in accordance with the prescribed procedures.
- 4) Financial records in support of all approved decisions for authorizing allowances and payment under the provisions included herein are complete and available for post-audit. Further, that the ICE Office of Financial Management is receives a copy of all approved actions.