

**Sarkar, Rumu, CIV, WSO-BRAC**

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**From:** Hague, David, CIV, WSO-BRAC  
**Sent:** Tuesday, July 12, 2005 8:36 AM  
**To:** Sarkar, Rumu, CIV, WSO-BRAC  
**Subject:** Re: SGE Pay Status

Thks Rumu.

-----Original Message-----

**From:** Sarkar, Rumu, CIV, WSO-BRAC <rumu.sarkar@wso.whs.mil>  
**To:** Hague, David, CIV, WSO-BRAC <David.Hague@wso.whs.mil>  
**Sent:** Tue Jul 12 08:21:33 2005  
**Subject:** SGE Pay Status

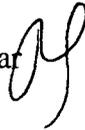
Sir: I am submitting an information memo to you that captures research completed on Commissioner pay status and the continuation of their role as SGEs beyond the 130 day limit. This information was in an earlier memo and has been edited out, but contains information that you may find useful in the future. Please let me know if you would like me to make any changes to the draft.

Many thanks, Rumu

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July 12, 2005

## INFORMATION MEMORANDUM FOR THE GENERAL COUNSEL

FROM: Associate General Counsel, Rumu Sarkar 

SUBJECT: SGE Pay and Status

This memorandum will memorialize legal research completed on two related questions: first, whether Commissioners serving on the Base Closure and Realignment Commission (the "Commission") are entitled to a daily rate of pay, and second, what is their status as Special Government Employees after they have served 130 days.

The BRAC statute, Section 2902((g)(1)(B)), authorizes the Chairman to be "paid at a rate equal to the *daily equivalent* of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5315, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission." (Emphasis supplied.) The GSA publishes the rates for Level III salary, and the current level is \$149,200.

The daily rate is calculated by following these steps: (1) \$149,200 is divided by 2087 for executive branch commissions (N.B. for legislative branch commissions, the salary is divided by 2080); (2) \$71.50 hourly rate results; (3) \$71.50 multiplied by eight equals the daily rate of \$572.00. Thus, the Chairman is entitled to a daily rate of \$571.92. The way in which the hours are coded in by the payroll agent depends on the way in which the commissions direct them. For example, if a Commissioner works one hour, then he or she would be paid \$571.92. An hourly rate is paid until eight hours (the daily rate) is reached. If eight hours are exceeded, then the daily rate of \$571.92 is calculated. No extra payment (on an hourly or any other basis) is calculated for hours worked beyond the eight hours/daily rate. Commissioners, other than the Chairman, are paid at the daily rate equivalent to Level IV of the Executive Schedule (i.e., \$140,300). (See Section 2902(g)(1)(A)). The math works out to \$67 hourly rate, and \$537.76 daily rate.

As far as the 130-day limit on Special Government Employees (SGEs) is concerned, the expectation is that an SGE will work for 130 days or less during a consecutive 365-days period. However, OGE recognizes that SGEs may actually work more than 130 days, but this does not affect their SGE status. (See OGE's Public Financial Disclosure, A Reviewer's Reference, 2d ed., page 2-6.) Therefore, contrary to the suggestion that Commissioners may not work beyond the 130 days, this does happen on occasion, and has been anticipated as a matter of law. This may mean, however, that the Commissioner in question may need to file an annual SF-278 financial disclosure report, and there may be certain tax consequences. These issues may be addressed at a later time, as necessary.