

SALARY AND BONUS LIMITATIONS FOR 2020

GENERAL INSTRUCTIONS

The attached Directive is being issued in draft to give the Workforce Development Community the opportunity to review and comment prior to final issuance.

Submit any comments by email or mail no later than **November 14, 2020**.

All comments received within the comment period will be considered before issuing the final Directive. Commenters will not be responded to individually. Rather, a summary of comments will be released with the final Directive.

Comments received after the specified due date will not be considered.

Email Scott.Osborne@edd.ca.gov
Include "Draft Directive Comments" in the email subject line.

Mail Employment Development Department
Policy Unit
PO Box 826880, MIC 69
Sacramento, CA 94280-0001

If you have any questions, contact Scott Osborne at 1-916-654-6577.

SALARY AND BONUS LIMITATIONS FOR 2020

EXECUTIVE SUMMARY

This policy provides the guidance and establishes the procedures regarding the 2020 salary and bonus limitations for individuals paid by funds appropriated to the Department of Labor (DOL) Employment and Training Administration (ETA). This policy applies to all subrecipients expending *Workforce Innovation and Opportunity Act* (WIOA) program funds. The 2020 salary rates for executive level employees became effective January 1, 2020.

This policy contains no state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

This policy supersedes Workforce Services Directive *Salary and Bonus Limitations for 2018* (WSD18-07), dated September 28, 2018. Retain this Directive until further notice.

REFERENCES

- *Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006* (Public Law 109-234), Title VII, Section 7013
- DOL Training and Employment Guidance Letter (TEGL) 05-06, *Implementing the Salary and Bonus Limitations in Public Law 109-234* (August 15, 2006)
- US Office of Personnel Management, [2020 Rates of Pay for the Executive Schedule](#)

BACKGROUND

On June 15, 2006, President Bush signed into law an emergency supplemental appropriations bill, Public Law 109-234. Section 7013 of this law limits the salary and bonus compensation for individuals paid by funds appropriated to the ETA and provided to recipients and subrecipients. Specifically, Section 7013 states the following:

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

“None of the funds appropriated in Public Law 109-149 or prior acts under the heading ‘Employment and Training’ that are available for expenditure on or after the date of enactment of this section shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II, except as provided for under Section 101 of Public Law 109-149. This limit shall not apply to vendors providing goods and services as defined in the Office of Management and Budget Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organization that administers federal programs involved including Employment and Training Administration programs.”

As a result of this law, the ETA issued TEGl 05-06 on August 15, 2006. This TEGl discusses the limitations on salary and bonus payments allowable with funds appropriated to the ETA. Specifically, this TEGl provides information on programs affected by this provision, effective dates and funding cycles, covered individuals and transactions, application of the limitation, and related grant and contract modifications.

POLICY AND PROCEDURES

Public Law 109-234 sets the limit on salary and bonus compensation for individuals paid by funds appropriated to the ETA at a rate equivalent to no more than Executive Level II. A salary table providing this rate is listed on the [Pay and Leave](#) webpage of the Federal Office of Personnel Management’s website. These levels are adjusted annually.

Effective January 1, 2020, the salary and bonus limit is set to \$197,300. It should be noted that these limitations do not apply to benefits that are not salary and bonuses. For example, fringe benefits, insurance premiums, or pension plans paid by a subrecipient are not included in this calculation. Per the DOL’s ETA Region 6 Office, the salary and bonus limit applies to both the gross amount of salary and bonus, and to the rate at which the salary is paid. As a result, for individuals who do not work full time on the ETA funded projects or who are only employed part time or part of the year, the salary and bonus limit will be prorated based on the amount of time the individual is dedicated to the ETA funded grant. The following are examples provided by the DOL ETA Region 6 to illustrate how the limitations are calculated based on salary and bonus levels, as well as the rate at which they are paid:

Example 1

An Executive Director’s W-2 for 2020 includes \$150,000 of gross compensation. The Executive Director worked part-time (.50 Full Time Equivalent [FTE]) all year. One hundred percent of the Executive Director’s salary costs benefited ETA-funded programs.

| | |
|--|-----------|
| 2020 Salary and Bonus Limit | \$197,300 |
| Salary eligible for the salary and bonus limit .50 FTE x 100% of salary = 50% (Calculation: \$197,300 x 50%) | \$98,650 |
| Total gross compensation | \$150,000 |
| Salary costs benefitting ETA-funded programs (Calculation: \$150,000 x 100%) | \$150,000 |
| Salary in excess of the salary and bonus limit (Calculation: \$150,000 - \$98,650) | \$51,350 |

In this scenario, the Executive Director’s salary is eligible for 50 percent of the annual salary and bonus limit (.50 FTE x 100% of his salary benefited ETA-funded programs). Therefore, \$98,650 (\$197,300 x 50% = \$98,650) of the salary may be paid using ETA appropriated funds or other federal funds. The remaining \$51,350 (\$150,000 - \$98,650 = \$51,350) of the salary is in excess of the allowable 2020 salary and bonus limit and must therefore be paid using non-federal funds.

Example 2

An Executive Director’s W-2 for 2020 includes \$150,000 of gross compensation. The Executive Director worked part-time (.50 FTE) all year. Seventy percent of the Executive Director’s salary costs benefited ETA-funded programs.

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|---|-----------|
| 2020 Salary and Bonus Limit | \$197,300 |
| Salary eligible for the salary and bonus limit .50 FTE x 70% of salary = 35% (Calculation: \$197,300 x 35%) | \$69,055 |
| Total gross compensation | \$150,000 |
| Salary costs benefitting ETA-funded programs (Calculation: \$150,000 x 70%) | \$105,000 |
| Salary in excess of the salary and bonus limit (Calculation: \$105,000 - \$69,055) | \$35,945 |

In this scenario, the Executive Director’s salary is eligible for 35 percent of the annual salary and bonus limit (.50 FTE x 70% of his salary benefited ETA-funded programs). Therefore, \$69,055 (\$197,300 x 35% = \$69,055) of the salary may be paid using ETA appropriated funds or other federal funds. Since only 70 percent of the Executive Director’s salary costs benefited ETA-funded programs, the remaining amount of \$35,945 (\$150,000 x 70% = \$105,000 - \$69,055 = \$35,945), which is in excess of the allowable 2020 salary and bonus limit, must be paid using non-federal funds.

Example 3

An Executive Director's W-2 for 2020 includes \$200,000 of gross compensation. The Executive Director worked full-time all year. Forty percent of the Executive Director's salary costs benefited ETA-funded programs.

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|--|-----------|
| 2020 Salary and Bonus Limit | \$197,300 |
| Salary eligible for the salary and bonus limit (Calculation: \$197,300 x 40%) | \$78,920 |
| Total gross compensation | \$200,000 |
| Salary costs benefitting ETA-funded programs (Calculation: \$200,000 x 40%) | \$80,000 |
| Salary in excess of the salary and bonus limit (Calculation: \$80,000 - \$78,920) | \$1,080 |

In this scenario, the Executive Director's salary is eligible for 40 percent of the annual salary and bonus limit (40% of his salary benefited ETA-funded programs). Therefore, \$78,920 ($\$197,300 \times 40\% = \$78,920$) of the salary may be paid using ETA appropriated funds or other federal funds. Since only 40 percent of the Executive Director's salary costs benefited ETA-funded programs, the remaining amount of \$1,020 ($\$200,000 \times 40\% = \$80,000 - \$78,920 = \$1,080$), which is in excess of the allowable 2020 salary and bonus limit, must be paid using non-federal funds.

All subrecipients of WIOA program funds are required to comply with federal requirements regarding the limitations on salary and bonus payments. Additionally, subrecipients are required to follow the instructions for implementing the salary and bonus limitations as provided in [TEGL 05-06](#).

ACTION

Bring this Directive to the attention of all affected staff and subrecipients.

INQUIRIES

If you have any questions, contact your [Regional Advisor](#).

/s/ JAIME L. GUTIERREZ, Chief
Central Office Workforce Services Division