employment in the same or successor positions. We have adopted that suggestion in part. We agree that the limit should apply separately to positions having different job duties and qualification requirements. While a few individuals might be qualified and available to perform unrelated functions (e.g., surveyor and pilot), it would not be practical for the agency to create a job combining such distinct duties. We have rewritten the Schedule A authority to clarify that the limit applies to employment in jobs having related duties and comparable qualification requirements.

We have not adopted the suggestion that only excepted employment in an identical or successor position should count against the limit. Such a broad exclusion from the service limit would undermine the justification for the excepted authority. Examining for jobs in remote or isolated locations is impracticable when: only residents of the immediate area can be expected to reach the work site whenever they are needed; the amount of employment involved would not encourage outside applicants to move to the isolated area; and staff from an OPM or agency examining office could not readily reach the location to administer the competitive hiring process. If an agency can make competitive appointments to some jobs in a location, can combine related work to afford a substantial amount of employment, and/or can readily attract candidates from outside the immediate locality, the conditions for exception would not be met.

Another agency suggested that the authority should provide for OPM approval of Schedule A appointments for additional "circumstances" rather than additional "positions." The agency notes that it is not always possible to identify in advance all specific positions that may be needed in connection with a particular program or situation.

The wording of the Schedule A authority reflects Civil Service Rule VI (5 CFR 6.1), which authorizes OPM to except positions from the competitive service. This language does not preclude exception of positions based on the circumstances under which they are filled. OPM has previously approved Schedule A authorities that cover all positions meeting certain conditions or all positions filled in connection with a particular program, without listing those positions specifically. We will entertain similar requests submitted under this new Schedule A authority.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on

a substantial number of small entities (including small businesses, small organizational units, and small governmental jurisdictions) because they apply only to Federal employees.

List of Subjects in 5 CFR Parts 213 and 302

Government employees, Reporting and recordkeeping requirements.
U.S. Office of Personnel Management

James B. King,

Director.

Accordingly, OPM is amending 5 CFR parts 213 and 302 as follows:

PART 213—EXCEPTED SERVICE

1. The authority citation for part 213 continues to read as follows:

Authority: 5 U.S.C. 3301 and 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; § 213.101 also issued under 5 U.S.C. 2103; § 213.3102 also issued under 5 U.S.C. 3301, 3302, 3307, 8337(h), and 8456; E.O. 12364, 47 FR 22931, 3 CFR 1982 Comp., p. 185.

2. In §213.3102, paragraph (i) is revised and paragraph (m) is removed and reserved, to read as follows:

§ 213.3102 Entire executive civil service.

(i) Temporary and less-than-full time positions for which examining is

impracticable. These are:

- (1) Positions in remote/isolated locations where examination is impracticable. A remote/isolated location is outside the local commuting area of a population center from which an employee can reasonably be expected to travel on short notice under adverse weather and/or road conditions which are normal for the area. For this purpose, a population center is a town with housing, schools, health care, stores and other businesses in which the servicing examining office can schedule tests and/or reasonably expect to attract applicants. An individual appointed under this authority may not be employed in the same agency under a combination of this and any other appointment to positions involving related duties and requiring the same qualifications for more than 1,040 workings hour in a service year. Temporary appointments under this authority may be extended in 1-year increments, with no limit on the number of such extensions, as an exception to the service limits in § 213.104.
- (2) Positions for which a critical hiring need exists. This includes both short-term positions and continuing positions that an agency must fill on an interim basis pending completion of competitive examining, clearances, or

other procedures required for a longer appointment. Appointments under this authority may not exceed 30 days and may be extended for up to an additional 30 days if continued employment is essential to the agency's operations. The appointments may not be used to extend the service limit of any other appointing authority. An agency may not employ the same individual under this authority for more than 60 days in any 12-month period.

(3) Other positions for which OPM determines that examining is impracticable.

* * * * *

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

3. The authority citation for part 302 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302, and 8151, E.O. 10577 (3 CFR 1954–1958 Comp., p. 218); § 302.105 also issued under 5 U.S.C. 1104, Pub. L. 95–454, sec. 3(5); § 302.501 also issued under 5 U.S.C. 7701 et. seq.

4. In § 302.101, paragraph (c)(11) is added, to read as follows:

$\S 302.101$ Positions covered by the regulations.

(c) * * *

*

(11) Positions for which a critical hiring need exists when filled under § 213.3102(i)(2) of this chapter.

[FR Doc. 95–4394 Filed 2–22–95; 8:45 am] BILLING CODE 6325–01–M

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2604

RIN 3209-AA17

Freedom of Information Act Rules and Schedule of Fees for the Production of Public Financial Disclosure Reports

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule.

SUMMARY: The Office of Government Ethics is issuing a final rule which establishes procedures for the implementation of the Freedom of Information Act (FOIA). The rule also establishes a schedule of fees which will be charged for the reproduction and mailing of public financial disclosure reports (SF 278s).

EFFECTIVE DATE: March 27, 1995.

FOR FURTHER INFORMATION CONTACT: Janet K. Roell, Office of Government Ethics, telephone (202) 523–5757, FAX (202) 523–6325.