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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AG74

Prevailing Rate Systems; Abolishment of Clinton, NY, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing interim regulations to abolish the Clinton, NY, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and add Clinton County, NY, as an area of application to the Oneida, NY, NAF wage area for pay-setting purposes. No employee's wage rate will be reduced as a result of this change.

DATES: This interim rule becomes effective on March 30, 1995. Comments must be received by May 1, 1995. Employees paid rates from the Clinton, NY, NAF wage schedule will continue to be paid from the schedule until their conversion to the new Oneida, NY, NAF wage schedule on its effective date, May 4, 1995.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Acting Assistant Director for Compensation Policy, Human Resources Systems Service, U.S. Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Paul Shields, (202) 606-2848.

SUPPLEMENTARY INFORMATION: The Department of Defense recommended to the Office of Personnel Management that the Clinton, NY, NAF wage area be abolished and that Clinton County be added as an area of application to the Oneida, NY, NAF wage area. With the

scheduled 1995 closing of the host installation, Plattsburgh Air Force Base (AFB), there will no longer be a local activity with the capability to do the Clinton, NY, survey. There will, however, still be about 23 NAF employees in Clinton County. Neither of the current area of application counties, Chittenden and Franklin, VT, has FWS NAF employees.

The provisions of 5 CFR 532.219 list the following criteria for consideration when two or more counties are to be combined to constitute a single wage area:

- (1) Proximity of largest activity in each county;
- (2) Transportation facilities and commuting patterns; and
- (3) Similarities of the counties in:
 - (i) Overall population;
 - (ii) Private employment in major industry categories; and
 - (iii) Kinds and sizes of private industrial establishments.

These criteria are discussed in turn below.

Of the largest nearby activities with NAF employees, Plattsburgh AFB, Clinton County, NY, is closest to Griffiss Air Force Base, Oneida, NY. Slightly more distant are Portsmouth Naval Shipyard and the U.S. Military Academy. Distances from Plattsburgh Air Force Base to the host activities of the surrounding wage areas are as follows: Griffiss Air Force Base, Oneida County, 320 km (199 miles); Portsmouth Naval Ship Yard, York County, ME, 362 km (225 miles); and the United States Military Academy, Orange County, NY, 396 km (246 miles).

Considering transportation facilities, from Plattsburgh AFB, the largest installations in the three surrounding survey areas can all be reached easily by Interstate Highways and some primary undivided roads. An analysis of 1990 census commuting patterns data indicates that no workers commute between Clinton County, NY, and the three survey counties under consideration (Oneida, York, and Orange).

In terms of similarities of the counties in overall population, private employment, and kinds and sizes of private industrial establishments, Clinton County is most similar to York County.

In summary, the first criterion, proximity, favors Oneida County.

Considering the second criterion, transportation facilities and commuting patterns, none of the three counties being considered is favored. The third criterion, similarities in population and industry, favors York County. On balance, evaluation under the criteria favors the definition of Clinton County to the Oneida, NY, NAF wage area.

The Federal Prevailing Rate Advisory Committee reviewed this recommendation and by consensus recommended approval.

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to section 553(d)(3) of title 5, United States Code, I find that good cause exists for making this rule effective in less than 30 days. The notice is being waived and the regulation is being made effective in less than 30 days because preparations for the March 1995 Clinton survey must otherwise begin immediately.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

Lorraine A. Green,
Deputy Director.

Accordingly, OPM is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

Appendix B to Subpart B of Part 532 [Amended]

2. In Appendix B to subpart B of part 532, the listing for the State of New York is amended by removing the entry for Clinton.

Appendix D to Subpart B of Part 532 [Amended]

3. Appendix D to subpart B of part 532 is amended by removing the entry