

# Rules and Regulations

Federal Register

Vol. 60, No. 123

Tuesday, June 27, 1995

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

**5 CFR Parts 451, 531, 550, 551, 591,  
and 630**

**RIN 3206-AG15**

### Incentive Awards; Pay and Leave Administration

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing final regulations to incorporate certain incentive awards and pay and leave administration rules contained in the provisionally retained Federal Personnel Manual (FPM) material, which expired on December 31, 1994, into the Code of Federal Regulations (CFR) and to remove certain recordkeeping and reporting requirements.

**DATES:** The final rules are effective on July 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Barbara Colchao, (202) 606-2720, concerning questions about the final regulations for incentive awards in 5 CFR part 451, and Bryce Baker (202) 606-2858, concerning questions about the final regulations for pay and leave administration in 5 CFR parts 531, 550, 551, 591, and 630.

**SUPPLEMENTARY INFORMATION:** On December 28, 1994, OPM published interim regulations (59 FR 66629) to incorporate a small number of miscellaneous incentive awards and pay and leave administration provisions in the provisionally retained FPM, which expired on December 31, 1994, into the CFR.

The rules relate to—

(1) Incentive awards—cash award limitations, documentation of informal

recognition items, and eligible award recipients;

(2) Application of the two-step promotion rule for promotions from GS-1 and GS-2 positions;

(3) Application of leave without pay towards the completion of waiting periods for within-grade increases;

(4) Counting travel time as “hours of work;”

(5) Sunday premium pay for periods of paid leave and excused absence;

(6) Payments during evacuation;

(7) Back pay computations;

(8) Computing cost-of-living allowances for employees receiving pay retention; and

(9) Leave for uncommon tours of duty.

These rules did not establish any new requirements, and they removed the recordkeeping requirements related to waiving the biweekly pay cap on premium pay and the reporting requirements for payments during evacuation.

The 60-day comment period ended on February 27, 1995. OPM received comments from one agency, one employee organization, and one individual. These comments, as well as certain technical changes in the final regulations, are summarized below.

### Incentive Awards

An agency noted that the former, provisionally retained FPM material (FPM Chapter 451, Subchapter 3, section 3-2c) encouraging agencies to establish honorary awards for private citizens was not incorporated in regulation. The agency asked under what authority agencies could continue to grant awards to private citizens. Agencies may grant such awards under agency-specific authorities that would be appropriate depending on the nature of the contribution to be recognized. However, awards authorized by chapter 45 of title 5, United States Code, may be granted only to Federal employees or former Federal employees for contributions made while in the Federal service. To clarify that former Federal employees may receive awards authorized by 5 U.S.C. chapter 45 and reflect expired FPM material and statutory intent, OPM is amending 5 CFR 451.104(f) to include separated employees, as well as the legal heirs or estates of deceased employees, as eligible award recipients.

### Sunday Premium Pay for Periods of Paid Leave and Excused Absence

An individual commented that part-time employees are not entitled to Sunday premium pay. OPM agrees. To clarify this, we have revised 5 CFR 550.171 and the definition of *Sunday work* in 5 CFR 550.103(o). This clarification is consistent with the information in expired Federal Personnel Manual Letter 550-79, which stated that part-time employees and employees who work intermittently are not entitled to premium pay for Sunday work; it also reflects a Comptroller General opinion regarding the compensation of part-time employees (46 Comp. Gen. 337 (1966)).

### Leave for Uncommon Tours of Duty

An employee organization commented that the manner in which leave is to be charged to employees on uncommon tours of duty—specifically, firefighters who work 24-hour shifts—is not clear. In 5 CFR 630.210, the interim regulation provides agencies with the authority to require that an employee with an uncommon tour of duty must accrue and use leave on the basis of that uncommon tour of duty. Leave accrual must be directly proportional to the leave accrual rates in 5 U.S.C. 6303(a). Also, leave must be charged on an hour-for-hour basis for each hour of absence from the uncommon tour of duty. The regulation in 5 CFR 630.210 does not change the methodology for charging leave to employees on uncommon tours of duty that was previously published in the Federal Personnel Manual.

A firefighter whose leave is administered on the basis of a 144-hour biweekly tour of duty, and who has 15 or more years of service, accrues 374 hours of annual leave over a period of 26 biweekly pay periods (25 pay periods times 14 hours, plus 1 pay period times 24 hours), which equals 10 percent of the number of hours in 26 biweekly pay periods (3,744 hours). Similarly, an employee whose leave is administered on the basis of an 80-hour biweekly tour of duty, and who has 15 or more years of service, accrues 208 hours of annual leave over a period of 26 biweekly pay periods (26 pay periods times 8 hours), which also equals 10 percent of the number of hours in 26 biweekly pay periods (2,080 hours). This proportional relationship between the annual leave