

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AG83

Prevailing Rate Systems; Technical Corrections and Clarifications

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed regulations to correct and clarify certain matters relating primarily to pay administration under the Federal Wage System (FWS). The proposed regulations would correct errors and eliminate ambiguities in the administration of the system.

DATES: Comments must be received by August 14, 1995.

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

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

SUPPLEMENTARY INFORMATION: Federal agencies have been instrumental in helping OPM to identify the need for several corrections and clarifications in FWS regulations. In some cases, errors were noted. In other instances, regulatory provisions were found to be ambiguous. Accordingly, the proposed changes include the following: (1) Clarification of provisions governing the analysis of usable wage survey data in § 532.241; (2) clarification of the definitions of two terms in § 532.401; (3) a description of limitations on the use of a rate of pay earned on temporary promotion as a "highest previous rate" in § 532.405; (4) correction for conformance with 5 CFR part 536 of provisions on the application of pay retention when a wage schedule is reduced in § 532.415; (5) and insertion

of a mistakenly deleted Standard Industrial Classification code in § 532.267(c)(1).

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

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would 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.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM proposes to amend 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.

Subpart B—Prevailing Rate Determinations

2. Section 532.241 is amended by revising paragraph (a)(1) to read as follows:

§ 532.241 Analysis of usable wage survey data.

(a)(1) The lead agency shall compute a weighted average rate for each appropriated fund survey job having at least 10 unweighted matches and for each nonappropriated fund job having at least 5 unweighted matches. The weighted average rates shall be computed using the survey job data collected in accordance with §§ 532.235 and 532.247 and the establishment weight.

3. In § 532.267, paragraph (c)(1) is revised to read as follows:

§ 532.267 Special wage schedules for aircraft, electronic, and optical instrument overhaul and repair positions in Puerto Rico.

(c) * * *

(1) Surveys shall, at a minimum, include the air transportation and electronics industries in SIC's 3571, 3572, 3575, 3577, 3663, 3669, 3672, 3674, 3679, 3695, 3812, 4512, 4513, 4522, 4581, 5044, and 5045.

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Subpart D—Pay Administration

4. In § 532.401, the definitions of *change to lower grade* and *promotion* are revised to read as follows:

§ 532.401 Definitions.

* * * * *

Change to lower grade means to change in the position of an employee who, while continuously employed—

(1) Move from a position in one grade of a prevailing rate schedule established under this part to a position in a lower grade of the same type prevailing rate schedule, whether in the same or different wage area;

(2) Moves from a position under a prevailing rate schedule established under this part to a position under a different prevailing rate schedule (e.g., WL to WG) with a lower representative rate; or

(3) Moves from a position not under a prevailing rate schedule to a position with a lower representative rate under a prevailing rate schedule.

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Promotion means a change in the position of an employee who, while continuously employed—

(1) Moves from a position in one grade of a prevailing rate schedule established under this part to a position in a higher grade of the same type prevailing rate schedule, whether in the same or different wage area;

(2) Moves from a position under a prevailing rate schedule established under this part to a position under a different prevailing rate schedule (e.g., WG to WL) with a higher representatives rate; or

(3) Moves from a position not under a prevailing rate schedule to a position with a higher representative rate under a prevailing rate schedule.

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5. In § 532.405, paragraph (d) is added to read as follows:

§ 532.405 Use of highest previous rate.

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