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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AG83

Prevailing Rate Systems; Technical Corrections and Clarifications

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule to correct and clarify certain matters relating primarily to pay administration under the Federal Wage System. This rule corrects errors and eliminates ambiguities in the administration of the system.

EFFECTIVE DATE: January 8, 1996..

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

SUPPLEMENTARY INFORMATION: On July 14, 1995, OPM published a proposed rule to correct and clarify matters relating primarily to pay administration under the Federal Wage System. The purpose is to correct errors and eliminate ambiguities in the administration of the system. The proposed rule provided a 30-day period for public comment. OPM received no comments during the comment period. Therefore, the proposed rule is being adopted as a final rule.

Regulatory Flexibility Act

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

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 unweighed matches and for each nonappropriated fund job having at least 5 unweighed 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.

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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 definition of *Change to a lower grade* is removed, a new definition for *Change to lower grade* is added, and the definition of *Promotion* is revised to read as follows:

§ 532.401 Definitions.

* * * * *

Change to lower grade 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 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.

* * * * *

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 representative 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.

* * * * *

(d) The highest previous rate may be based upon a rate of pay received during a temporary promotion, so long as the temporary promotion is for a period of not less than 1 year. This limitation does not apply upon permanent placement in a position at the same or higher grade.

6. In § 532.415, paragraph (c) is revised to read as follows:

§ 532.415 Application of new or revised wage schedules.

* * * * *

(c) In applying a new or revised wage schedule, the scheduled rate of pay of an employee paid at one of the steps of the employee's grade on an old wage schedule shall be adjusted upward to the newly adjusted rate for the same numerical step of the grade whenever

there is an increase in rates. Except when there is a decrease in wage rates because of a statutory reduction in scheduled rates, the employee is entitled to pay retention as provided in 5 CFR 536.104(a)(3).

[FR Doc. 95-29700 Filed 12-06-95; 8:45 am]

BILLING CODE 6325-01-M

APPALACHIAN REGIONAL COMMISSION

5 CFR Part 1900

Repeal of Employee Responsibilities and Conduct Regulations for Appalachian Regional Commission Federal Employees (Federal Staff)

AGENCY: Appalachian Regional Commission (ARC or Agency).

ACTION: Final rule.

SUMMARY: The Appalachian Regional Commission is issuing as a final rule regulations for the officers and employees of the Agency's Federal staff which repeal its superseded employee standards of conduct and cross-reference the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) and Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture Regulations (Regulations) issued by the Office of Government Ethics (OGE).

EFFECTIVE DATE: December 7, 1995.

FOR FURTHER INFORMATION CONTACT: Guy Paul Land, Counsel to the Federal Co-Chairman, Appalachian Regional Commission, 1666 Connecticut Avenue NW., Washington DC 20235, 202-884-7660.

SUPPLEMENTARY INFORMATION: On August 7, 1992, OGE published Standards of Ethical Conduct for Employees of the Executive Branch. The Standards, which are codified at 5 CFR part 2635, became effective on February 3, 1993. They established uniform ethical conduct standards applicable to all executive branch personnel and hence are applicable to ARC Federal employees. On April 7, 1993, OGE also published the Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture Regulations which are applicable to all executive branch employees. The Financial Disclosure Regulations, which are codified at 5 CFR part 2634, took effect upon publication except for the rules on confidential disclosure which became effective on October 5, 1992. These Regulations are also applicable to ARC Federal employees. As a result of the implementation by OGE of the

Standards of Conduct and Financial Disclosure Regulations for executive branch personnel, on the effective date of this final rule, the Agency's regulations on employee Responsibilities and Conduct, 5 CFR part 1900, will be amended to remove sections 1900.735-101 through 1900.735-108 and add a new section 1900.100 to provide a cross-reference to the Executive Branch Standards and Financial Disclosure Regulations.

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b), the Appalachian Regional Commission finds good cause exists for waiving the general notice of proposed rulemaking as to this final rule. The notice is being waived because this rulemaking relating to ARC Federal employees concerns matters of agency organization, practice and procedure. Further, it is in the public interest that the final rule, which repeals superseded ARC regulations and promulgates a cross-reference to the currently effective branch-wide Standards and Financial Disclosure Regulations, become effective upon publication in the Federal Register.

Executive Order 12866

In promulgating this final regulation, the Appalachian Regional Commission adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This final rule has not been reviewed by the Office of Management and Budget under that Executive order, since it deals with agency organization, management, and personnel matters and is not in any event deemed "significant" thereunder.

Regulatory Flexibility Act

The Appalachian Regional Commission has determined under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this regulation will not have a significant impact on small business entities because it affects only ARC Federal employees.

Paperwork Reduction Act

The Appalachian Regional Commission has determined that the Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain any information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 5 CFR Part 1900

Conflict of interests, Government employees.

Approved: November 30, 1995.

Jesse L. White, Jr.,

Federal Co-Chairman, Appalachian Regional Commission.

For the reasons set forth in the preamble, the Appalachian Regional Commission is revising part 1900 of title 5 of the Code of Federal Regulations to read as follows:

PART 1900—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Authority: 5 U.S.C. 7301, 40 U.S.C. App. 106.

Section 1900.100 Cross-references to employee ethical conduct standards and financial disclosure regulations.

Officers and employees of the Appalachian Regional Commission Federal Staff are subject to the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 3635 and the executive branch-wide financial disclosure regulations at 5 CFR part 2634.

[FR Doc. 95-29884 Filed 12-6-95; 8:45 am]

BILLING CODE 6130-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 17

Regulations Governing the Financing of Commercial Sales of Agricultural Commodities

AGENCY: Foreign Agricultural Services, USDA.

ACTION: Final rule.

SUMMARY: This rule amends regulations applicable to the financing of the sale and exportation of agricultural commodities pursuant to title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480).

The purposes of these changes are: To eliminate the potential for certain conflicts of interest; to keep the costs of the Public Law 480, title I program as low as possible; to insure that all persons seeking to participate in supplying and shipping commodities financed under Public Law 480, title I, receive fair and equitable treatment; and to reflect a reorganization of administrative functions within the Department of Agriculture.

EFFECTIVE DATE: See **SUPPLEMENTARY INFORMATION** for compliance requirements.

FOR FURTHER INFORMATION CONTACT: Connie B. Delaplane, Director, P.L. 480 Operations Division, Export Credits,