

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-AH27

Prevailing Rate Systems; Redefinition of Certain Federal Wage System Wage Areas

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed rule that would redefine several Federal Wage System (FWS) wage areas for pay-setting purposes. OPM is engaged in an ongoing project to review the geographic definitions of selected FWS wage areas. Based on recent reviews of wage and survey area boundaries in a number of wage areas, OPM proposes redefinitions and/or renamings affecting the following FWS wage areas: Hagerstown-Martinsburg-Chambersburg, MD; Biloxi, MS; Columbus-Aberdeen, MS; Jackson, MS; Meridian, MS; Great Falls, MT; Pittsburgh, PA; Eastern Tennessee; Corpus Christi, TX; San Antonio, TX; and West Virginia.

DATES: Comments must be received on or before January 18, 1996.

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, or FAX: (202) 606-0824.

FOR FURTHER INFORMATION CONTACT: Mark Allen, (202) 606-2848.

SUPPLEMENTARY INFORMATION: OPM is engaged in an ongoing project to review the geographic definitions of selected FWS appropriated fund wage areas. Section 532.211 of title 5, Code of Federal Regulations, lists the following criteria for consideration when OPM defines FWS wage area boundaries:

- (i) Distance, transportation facilities, and geographic features;
- (ii) Commuting patterns; and
- (iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

As part of the system-wide review of wage area boundaries, OPM is also considering whether the survey areas within each wage area should be expanded or reduced in size.

OPM recently completed reviews of the definitions of several FWS wage areas and, based on analyses of the regulatory criteria for defining wage areas, is proposing the changes described below. The Federal Prevailing Rate Advisory Committee, the statutory national-level labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, has reviewed and concurred by consensus with all of the changes described in this proposed rule.

Hagerstown-Martinsburg-Chambersburg, MD: OPM proposes to remove Fulton County, PA, from the Pittsburgh, PA, area of application and redefine the county to the Hagerstown-Martinsburg-Chambersburg, MD, area of application. An analysis of the regulatory criteria for defining FWS wage areas shows that, while other regulatory criteria are indeterminate, distance and commuting pattern criteria strongly favor definition of Fulton County to the Hagerstown-Martinsburg-Chambersburg wage area instead of to the Pittsburgh wage area. For example, an analysis of the distances between Fulton County and the Hagerstown-Martinsburg-Chambersburg and Pittsburgh survey areas shows that Fulton County is about 232 km (144 miles) away from Pittsburgh, but is only about 37 km (23 miles) away from Chambersburg, PA, the closest of the three main population centers in the Hagerstown-Martinsburg-Chambersburg survey area. Also, an analysis of the commuting patterns of Fulton County's resident workforce shows that about 55 percent of Fulton County's resident workforce commutes to work in the Hagerstown-Martinsburg-Chambersburg survey area, and less than 1 percent of Fulton County's resident workforce commutes to work in the Pittsburgh survey area.

This change would be effective for the next full-scale wage survey in the Hagerstown-Martinsburg-Chambersburg

wage area, which is scheduled to begin in January 1996. There are currently no FWS employees stationed in Fulton County. No other changes are proposed for the Hagerstown-Martinsburg-Chambersburg wage area.

Biloxi, MS: For the following reasons, OPM proposes that Stone County, MS, be removed from the Biloxi survey area: No FWS employees are stationed in Stone County; the county is no longer defined as part of a Metropolitan Statistical Area (MSA); and the wage survey data yield from private industrial establishments located in Stone County accounted for less than 1 percent of the Biloxi wage area's survey data during the last full-scale wage survey in the wage area.

This change would be effective for the next full-scale wage survey in the Biloxi wage area, which is scheduled to begin in November 1997. Stone County would remain in the Biloxi area of application. No other changes are proposed for the Biloxi wage area.

Columbus-Aberdeen, MS: Based on current FWS employment patterns in the Columbus-Aberdeen wage area, OPM proposes to add Grenada and Leflore Counties, MS, to the Columbus-Aberdeen survey area. Grenada and Leflore Counties are currently defined to the Columbus-Aberdeen area of application. A majority of the FWS employees currently stationed in the Columbus-Aberdeen wage area—about 70 percent—work in the Columbus-Aberdeen wage area's area of application rather than its survey area. Grenada and Leflore Counties are located in the central and western portions of the Columbus-Aberdeen wage area and are the only non-surveyed counties in the wage area with substantial FWS employment. With the addition of Grenada and Leflore Counties to the Columbus-Aberdeen survey area, about 82 percent of wage area employees would be included within the survey area.

This proposed survey area expansion would not create an undue survey burden on the lead agency for the wage area (the Department of Defense) and is strongly justified by the geographic distribution of local FWS employment. To more accurately reflect the broader geographic coverage of the expanded survey area, OPM proposes to rename the Columbus-Aberdeen wage area "Northern Mississippi." These changes

would be effective for the next full-scale wage survey in the wage area, which is scheduled to begin in February 1996. No other changes are proposed for this wage area.

Jackson, MS: OPM proposes to remove Adams, Claiborne, and Jefferson Counties, MS, from the Jackson survey area. In 1973, the Civil Service Commission, based on the consensus recommendation of FPRAC, added Adams, Claiborne, and Jefferson Counties to the Jackson survey area. FPRAC recommended this change to allow the inclusion in local wage surveys of counties along the Mississippi River that had experienced recent industrial growth. Regional commuting patterns and transportation facilities were also cited as factors favoring expansion of the survey area.

Based on current FWS employment patterns in the Jackson wage area and the large size of the current Jackson survey area, OPM considers it unnecessary to continue surveying Adams, Claiborne, and Jefferson Counties. Only about nine FWS employees, or less than 2 percent of the Jackson wage area total, are currently stationed in the three counties considered for removal from the survey area. The wage survey data yield from Adams, Claiborne, and Jefferson Counties has been relatively low in past surveys; only about 11 percent of the Jackson survey data during the last full-scale wage survey came from private industrial establishments located in these three counties. Also, the three counties considered for removal from the survey area are inconveniently located for survey purposes. For example, the surveyable private industrial establishments in Adams County are located approximately 185 km (115 miles) away from the city of Jackson, the main population center and the main FWS employment location in the Jackson wage area.

This change in the Jackson survey area would be effective for the next full-scale wage survey in the Jackson wage area, which is scheduled to begin in February 1997. As explained below for the Meridian, MS, wage area, OPM also proposes to remove Lamar County, MS, from the Jackson area of application and redefine the county to the Meridian survey area. No other changes are proposed for the Jackson wage area.

Meridian, MS: OPM proposes to remove Lamar County, MS, from the Jackson, MS, area of application and redefine the county to the Meridian FWS survey area. An analysis of the regulatory criteria for defining FWS wage areas shows that, while other regulatory criteria are indeterminate,

distance and commuting pattern criteria strongly favor definition of Lamar County to the Meridian wage area instead of the Jackson wage area. For example, an analysis of the distances between Lamar County and the Meridian and Jackson survey areas shows that Lamar County is about 179 km (111 miles) away from Jackson, but is only about 27 km (17 miles) away from Hattiesburg, MS, the closest of the two main population centers in the Meridian survey area. Also, an analysis of the commuting patterns of Lamar County's resident workforce shows that about 50 percent of Lamar County's resident workforce commutes to work in the Meridian survey area, but less than 1 percent of Lamar County's resident workforce commutes to work in the Jackson survey area.

While there are currently no FWS employees stationed in Lamar County, the addition of Lamar County to the Meridian survey area would provide a desirable increase in the number of surveyable private sector industrial establishments in the Meridian survey area—about 14 percent more than in the current Meridian survey area. Also, Lamar County is one of the two counties of the Hattiesburg, MS MSA. The other county of the Hattiesburg MSA, Forrest County, is already defined to the Meridian survey area.

This change would be effective for the next full-scale wage survey in the Meridian wage area, which is scheduled to begin in February 1997. No other changes are proposed for the Meridian wage area.

Great Falls, MT: The survey area of the Great Falls wage area explained in 1973 with the addition of Yellowstone County, MT, and again expanded in 1981 with the addition of Lewis and Clark County, MT. Because the Great Falls survey area currently includes both the Great Falls, MT MSA and the Billings, MT MSA, OPM proposes to rename the wage area "Montana" to better reflect the broader geographic coverage of the current survey area than is suggested by the current wage area name.

This change would be effective for the next full-scale wage survey in the wage area, which is scheduled to begin in July 1996. No other changes are proposed for this wage area.

Pittsburgh, PA: Based on current FWS employment patterns in the Pittsburgh wage area, OPM proposes to add Butler County, PA, to the Pittsburgh survey area. Butler County is currently defined to the Pittsburgh area of application. There are currently about 170 FWS employees—about 8 percent of the Pittsburgh wage area total—stationed in

Butler County. Butler County is currently a non-surveyed part of the Pittsburgh, PA MSA. Three of the counties of the Pittsburgh MSA (Beaver, Washington, and Westmoreland) are currently included in the Pittsburgh survey area, but far fewer FWS employees are stationed in those three counties than in Butler County.

This proposed survey area expansion would not create an undue survey burden on the lead agency for the Pittsburgh wage area (the Department of Veterans Affairs) and is strongly justified by the geographic distribution of local FWS employment. This change in the Pittsburgh survey area definition would be effective for the next full-scale wage survey in the wage area, which is scheduled to begin in August 1997.

Also, as explained above for the Hagerstown-Martinsburg-Chambersburg, MD, wage area, OPM proposes to remove Fulton County, PA, from the Pittsburgh area of application and redefine the county to the Hagerstown-Martinsburg-Chambersburg, MD, area of application. No other changes are proposed for the Pittsburgh wage area.

Eastern Tennessee: As explained below for the West Virginia wage area, OPM proposes to remove Norton city from the Eastern Tennessee area of application and redefine the city to the West Virginia area of application. No other changes are proposed for the Eastern Tennessee wage area.

Corpus Christi, TX: OPM proposes to remove Brooks, Cameron, Hidalgo, Kenedy, Starr, and Willacy Counties, TX, from the San Antonio, TX, area of application and define these six counties to the Corpus Christi area of application. An analysis of the regulatory criteria for defining FWS wage areas shows that the distance criterion favors the definition of these counties to the Corpus Christi wage area much more than to the San Antonio wage area. Also, because the most favorable routes by road from the counties go through the present Corpus Christi wage area before reaching the San Antonio survey area, transportation facilities and geographic features criteria strongly favor the Corpus Christi wage area more than the San Antonio wage area. Although all the other regulatory criteria are indeterminate, the redefinition of Brooks, Cameron, Hidalgo, Kenedy, Starr, and Willacy Counties to the Corpus Christi area of application is strongly justified by the extent to which the distance, transportation facilities, and geographic features criteria favor the Corpus Christi wage area.

The following agencies currently have FWS employees stationed in the six Texas counties proposed for redefinition

to the Corpus Christi area of application: The Department of Agriculture; the Department of the Army; the General Services Administration; the Department of the Interior; the International Boundary and Water Commission, United States and Mexico; and the Department of Justice. These changes would become effective when the final rule following this proposed rule becomes effective. No other changes are proposed for the Corpus Christi wage area.

West Virginia: OPM proposes to remove Norton city, an independent Virginia city, from the Eastern Tennessee area of application and redefine the city to the West Virginia area of application. Although Norton city is currently defined to the Eastern Tennessee area of application, the city is completely surrounded by Wise County, which is defined to the West Virginia area of application. Because of their special geographic relationship, Wise County and North city should be defined to the same area of application.

This change would be effective for the next full-scale wage survey in the West Virginia wage area, which is scheduled to begin in March 1997. There are no FWS employees currently stationed in North city. No other changes are proposed for the West Virginia wage area.

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.

2. Appendix C to subpart B is amended by revising the wage area listings for Hagerstown-Martinsburg-Chambersburg, MD; Biloxi, MS; Columbus-Aberdeen, MS; Jackson, MS; Meridian, MS; Great Falls, MT; Pittsburgh, PA; Eastern Tennessee;

Corpus Christi, TX; San Antonio, TX; and West Virginia to read as follows:

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas.

* * * * *

Maryland

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Hagerstown-Martinsburg-Chambersburg

Survey Area

Maryland:

Washington

Pennsylvania:

Franklin

West Virginia:

Berkeley

Area of Application. Survey Area Plus

Maryland:

Allegany

Garrett

Pennsylvania:

Fulton

Virginia (cities):

Harrisonburg

Winchester

Virginia (counties):

Clarke

Culpeper

Frederick

Greene

Madison

Page

Rappahannock

Rockingham

Shenandoah

Warren

West Virginia:

Hampshire

Hardy

Jefferson

Mineral

Morgan

* * * * *

Mississippi

Biloxi

Survey Area

Mississippi:

Hancock

Harrison

Jackson

Area of Application. Survey Area Plus

Mississippi:

George

Pearl River

Stone

Jackson

Survey Area

Mississippi:

Hinds

Rankin

Warren

Area of Application. Survey Area Plus

Mississippi:

Adams

Amite

Attala

Claiborne
Copiah
Covington
Franklin
Holmes
Humphreys
Issaquena
Jefferson
Jefferson Davis
Lawrence
Lincoln
Madison
Marion
Pike
Scott
Sharkey
Simpson
Smith
Walthall
Wilkinson
Yazoo

Meridian

Survey Area

Mississippi:

Forrest

Lamar

Lauderdale

Alabama:

Choctaw

Area of Application. Survey Area Plus

Mississippi:

Clarke

Greene

Jasper

Jones

Kemper

Leake

Neshoba

Newton

Perry

Wayne

Alabama:

Sumter

Northern Mississippi

Survey Area

Mississippi:

Clay

Grenada

Leflore

Lee

Lowndes

Monroe

Oktibbeha

Area of Application. Survey Area Plus

Mississippi:

Alcorn

Bolivar

Calhoun

Carroll

Chickasaw

Choctaw

Coahoma

Itawamba

Lafayette¹⁵

Montgomery

Noxubee

Panola

Pontotoc¹⁵

Prentiss

Quitman

Sunflower

Tallahatchie

Tishomingo
 Union¹⁵
 Washington
 Webster
 Winston
 Yalobusha
 * * * * *

Montana
 Montana
 Survey Area
 Montana:
 Cascade
 Lewis and Clark
 Yellowstone

Area of Application. Survey Area Plus

Montana:
 Beaverhead
 Big Horn
 Blaine
 Broadwater
 Carbon
 Carter
 Chouteau
 Custer
 Daniels
 Dawson
 Deer Lodge
 Fallon
 Fergus
 Flathead
 Gallatin
 Garfield
 Glacier
 Golden Valley
 Granite
 Hill
 Jefferson
 Judith Basin
 Lake
 Liberty
 Lincoln
 McCone
 Madison
 Meagher
 Mineral
 Missoula
 Musselshell
 Park
 Petroleum
 Phillips
 Pondera
 Powder River
 Powell
 Prairie
 Ravalli
 Richland
 Roosevelt
 Rosebud
 Sanders
 Sheridan
 Silver Bow
 Stillwater
 Sweet Grass
 Teton
 Toole
 Treasure
 Valley
 Wheatland
 Wibaux
 Wyoming:
 Big Horn

Park
 * * * * *
 Pennsylvania
 * * * * *

Pittsburgh

Survey Area

Pennsylvania:
 Allegheny
 Beaver
 Butler
 Washington
 Westmoreland

Area of Application. Survey Area Plus

Pennsylvania:
 Armstrong
 Bedford
 Blair
 Cambria
 Cameron
 Centre
 Clarion
 Clearfield
 Clinton
 Crawford
 Elk
 Erie
 Fayette
 Forest
 Greene
 Huntingdon
 Indiana
 Jefferson
 Lawrence
 McKean
 Mercer
 Potter
 Somerset
 Venango
 Warren
 Ohio:
 Belmont
 Carroll
 Harrison
 Jefferson
 Tuscarawas
 West Virginia:
 Brooke
 Hancock
 Marshall
 Ohio
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Tennessee
 Eastern Tennessee

Survey Area

Tennessee:
 Carter
 Hawkins
 Sullivan
 Unicoi
 Washington
 Virginia (city):
 Bristol
 Virginia (counties):
 Scott
 Washington

Area of Application. Survey Area Plus

Tennessee:
 Cocke
 Greene
 Hancock

Johnson
 Virginia:
 Buchanan
 Grayson
 Lee
 Russell
 Smyth
 Tazewell

North Carolina:
 Alleghany
 Ashe
 Watauga
 Kentucky:
 Harlan
 Letcher

* * * * *

Texas
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Corpus Christi

Survey Area

Texas:
 Nueces
 San Patricio

Area of Application. Survey Area Plus

Texas:
 Aransas
 Bee
 Brooks
 Calhoun
 Cameron
 Goliad
 Hidalgo
 Jim Wells
 Kenedy
 Kleberg
 Live Oak
 Refugio
 Starr
 Victoria
 Willacy
 * * * * *

San Antonio

Survey Area

Texas:
 Bexar
 Comal
 Guadalupe

Area of Application. Survey Area Plus

Texas:
 Atascosa
 Bandera
 De Witt
 Dimmit
 Duval
 Edwards
 Frio
 Gillespie
 Gonzales
 Jim Hogg
 Karnes
 Kendall
 Kerr
 Kinney
 La Salle
 McMullen
 Maverick
 Medina
 Real
 Uvalde
 Val Verde
 Webb

¹⁵ Excluding Holly Springs National Forest.

Wilson
Zapata
Zavala
* * * * *

West Virginia

West Virginia

Survey Area

West Virginia:

Cabell
Harrison
Kanawha
Marion
Monongalia
Putnam
Wayne

Ohio:

Lawrence

Kentucky:

Boyd Greenup

Area of Application. Survey Area Plus

West Virginia:

Barbour
Boone
Braxton
Calhoun
Clay
Doddridge
Fayette
Gilmer
Grant
Greenbrier
Jackson
Lewis
Lincoln
Logan
McDowell
Mason
Mercer
Mingo
Monroe
Nicholas
Pendleton
Pleasants
Pocahontas
Preston
Raleigh
Randolph
Ritchie
Roane
Summers
Taylor
Tucker
Tyler
Upshur
Webster
Wetzel
Wirt
Wood
Wyoming

Ohio:

Athens
Gallia
Jackson
Meigs
Monroe
Morgan
Noble
Pike
Scioto
Vinton
Washington

Kentucky:

Carter

Elliott
Floyd
Johnson
Lawrence
Lewis
Magoffin
Martin
Pike
Virginia (city):
Norton
Virginia (counties):
Dickenson
Wise
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FEDERAL RESERVE SYSTEM

5 CFR Chapter LVIII

12 CFR Part 264

[Docket No. R-0900]

RIN 3209-AA15

Supplemental Standards of Ethical Conduct for Employees of the Board of Governors of the Federal Reserve System

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Proposed rule.

SUMMARY: The Board of Governors of the Federal Reserve System, with the concurrence of the Office of Government Ethics (OGE), proposes to issue regulations for the officers and employees of the Board that supplement the Standards of Ethical Conduct for Employees of the Executive Branch issued by OGE. The proposed regulation is a necessary supplement to the Executive Branch-wide Standards because it addresses ethical issues unique to the Board. The regulation as proposed would establish rules relating to: financial interests and transactions; borrowing and extensions of credit; employment relationships of immediate family members; and outside employment. The Board is also proposing to replace its old employee conduct regulation with a residual cross-reference to the new provisions.

DATES: Comments are invited and must be received on or before February 20, 1996.

ADDRESSES: Comments should refer to Docket No. R-0900, and may be mailed to Williams W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Comments also may be delivered to Room B-2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m.

weekdays, or to the guard station in the Eccles Building courtyard on 20th Street, NW. (between Constitution Avenue and C Street) at any time. Comments received will be available for inspection in Room MP-500 of the Martin Building between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in 12 CFR 261.8 of the Board's rules regarding availability of information.

FOR FURTHER INFORMATION CONTACT: Cary Williams, Managing Senior Counsel, Legal Division, Board of Governors of the Federal Reserve System, telephone (202) 452-3295, FAX (202) 452-3101. For the hearing impaired only, Telecommunications Device for the Deaf, Dorothea Thompson (202) 452-3544.

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 1992, OGE published the Standards of Ethical Conduct for Employees in the Executive Branch. See 57 FR 35006-35067, as corrected at 57 FR 48557 and 57 FR 52583, with additional grace period extensions at 59 FR 4779-4780 and 60 FR 6390-6391. The Executive Branch-wide Standards are now codified at 5 CFR part 2635. Effective February 3, 1993, they established uniform ethical conduct standards applicable to all executive branch personnel.

With the concurrence of OGE, 5 CFR 2635.105 authorizes executive agencies to publish agency-specific supplemental regulations necessary to implement their respective ethics programs. The Board, with OGE's concurrence, has determined that the following proposed supplemental regulations are necessary to implement the Board's ethics program successfully, in light of the Board's unique programs and operations. The proposed supplemental rule addresses issues relevant to the Board's roles with respect to monetary policy and banking regulation. The Board is also proposing to delete the existing provisions of 12 CFR part 264 that its supplemental regulation, once finally adopted, and the Executive Branch-wide Standards supersede and to add in their place a residual cross-reference to the current provisions.

II. Analysis of the Proposed Regulations

Section 6801.101 General

Section 6801.101 explains that the proposed regulations contained in the rule would apply to all Board employees, including Board members, and are supplemental to the Executive Branch-wide Standards.