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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AG53

Prevailing Rate Systems; Abolishment of Certain Special Wage Schedules for Printing Positions

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 Federal Wage System special wage schedules for printing positions in the Los Angeles, California; San Diego, California; San Francisco, California; and Seattle-Everett-Tacoma, Washington, wage areas. Printing and lithographic employees in these wage areas will now be paid rates from the regular wage schedule for their respective wage area.

DATES: This interim rule becomes effective on September 6, 1995. Comments must be received by October 6, 1995. Employees paid rates from special wage schedules for printing positions in these areas will continue to be paid rates from those schedules until their conversion to the regular wage schedules for their respective wage areas effective on the first day of the first full pay period beginning on or after September 6, 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: The Department of Defense recommended to

the Office of Personnel Management that the Los Angeles, San Diego, San Francisco, and Seattle-Everett-Tacoma Printing and Lithographic wage schedules be abolished and that the regular wage schedule for each area apply to printing employees. Federal employment in printing and lithographic occupations in these wage areas has declined in recent years. Only a small number of employees are now paid from these special wage schedules, and only a few of these employees actually benefit by being paid from the special schedule rather than the regular wage schedule. Most of the covered employees are paid "floor rates" established under the 5 CFR 532.279 provision that no maximum rate on a special printing schedule may be less than the maximum rate for the corresponding grade on the regular wage schedule for the wage area. In addition, with the reduced number of employees, it has been difficult to comply with the requirement that workers paid from the special printing schedule participate in the special wage survey process.

Los Angeles, California: Federal employment in printing and lithographic occupations in the Los Angeles wage area declined from 49 in 1993 to a current total of 16 in 1995. The special printing and lithographic wage schedule for the Los Angeles wage area now applies to 15 Defense Printing Service employees and 1 Department of Agriculture employee. The last full-scale survey involved the substantial work effort of contacting 72 printing establishments spread over Los Angeles County. Upon abolishment of the Los Angeles special printing schedule, three employees will become entitled to pay retention when converted to the regular wage schedule. The remaining 13 employees will benefit upon conversion by receiving higher regular wage rates.

San Diego, California: Federal employment in printing and lithographic occupations in the San Diego wage area declined from 46 in 1993 to a current total of 23 in 1995. The special printing and lithographic wage schedule for the San Diego wage area now applies to 23 Defense Printing Service employees. The last full-scale survey involved the substantial work effort of contracting 65 printing establishments spread over San Diego County. Upon abolishment of the San Diego special printing schedule, six

employees will become entitled to pay retention when converted to the regular wage schedule. The remaining 17 employees will benefit upon conversion by receiving higher regular wage rates.

San Francisco, California: Federal employment in printing and lithographic occupations in the San Francisco wage area declined from 55 in 1993 to a current total of 16 in 1995. The special printing and lithographic wage schedule for the San Francisco wage area now applies to seven General Services Administration employees, five Defense Printing Service employees, two National Aeronautics and Space Administration employees, one Department of Agriculture employee, and one United States Coast Guard employee. The last full-scale survey involved the substantial work effort of contacting 71 printing establishments spread over 8 counties in the San Francisco metropolitan area. Upon abolishment of the San Francisco special printing schedule, two employees will become entitled to pay retention when converted to the regular wage schedule. The remaining 14 employees will benefit upon conversion by receiving higher regular wage rates.

Seattle-Everett-Tacoma, Washington: Federal employment in printing and lithographic occupations in the Seattle-Everett-Tacoma wage area declined from 45 in 1994 to a current total of 19 in 1995. The special printing and lithographic wage schedule for the Seattle-Everett-Tacoma wage area now applies to 11 Defense Printing Service employees and 8 General Services Administration employees. The last full-scale survey involved the substantial work effort of contacting 100 printing establishments spread over 4 counties. Upon abolishment of the Seattle-Everett-Tacoma special schedule, all 19 employees will benefit when converted to the regular wage schedule by receiving higher regular wage rates.

Upon abolishment of these special printing schedules, the printing and lithographic employees will be converted to the regular schedule for their wage area on a grade-for-grade basis. Their new rate of pay will be set at the applicable step of the regular schedule that equates to the employees' existing scheduled rate of pay. When the existing rate falls between two steps, the employee's new rate will be set at the rate of the higher of those two steps.

This conversion does not constitute an equivalent increase for within-grade increase purposes. In accordance with the OPM Operating Manual, *The Guide to Processing Personnel Actions*, this pay plan change will be processed as a "Pay Adjustment," Nature of Action Code 894, authority code ZLM, citing this **Federal Register** notice as authority. Pay retention provisions will apply for employees not receiving increases upon conversion.

The Federal Prevailing Rate Advisory Committee has reviewed this recommendation and by consensus has 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 September 1995 wage surveys in Los Angeles, San Diego, San Francisco, and Seattle-Everett-Tacoma must 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 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.

§ 532.279 [Amended]

2. In § 532.279, paragraphs (j) (5) through (8) are removed.

[FR Doc. 95-21904 Filed 9-5-95; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1137

[DA-95-21]

Milk in the Eastern Colorado Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This document suspends certain performance standards of the Eastern Colorado Federal milk order. Mid-America Dairymen, Inc., a cooperative association that supplies milk for the market's fluid needs, requested the suspension. The suspension will make it easier for handlers to qualify milk for pool status and will prevent uneconomic milk movements that otherwise would be required to maintain pool status for milk of producers who have been historically associated with the market.

EFFECTIVE DATES: The suspension to § 1137.7 is effective from September 1, 1995, through February 29, 1996. The suspensions to § 1137.12 are effective from September 1, 1995, through August 31, 1996.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-9368.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued July 24, 1995; published July 28, 1995 (60 FR 38767).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. This rule lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers who have been historically associated with this market will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this rule in conformance with Executive Order 12866.

This suspension of rule has been reviewed under Executive Order 12778,

Civil Justice Reform. This rule is not intended to have a retroactive effect and will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act, as amended, and of the order regulating the handling of milk in the Eastern Colorado marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on July 28, 1995 (60 FR 38767), concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. One comment supporting the suspension was filed and no opposing views were received.

After consideration of all relevant material, including the proposal in the notice, the comment received and other available information, it is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. For the months of September 1, 1995, through February 29, 1996: In the second sentence of § 1137.7(b), the words "plant which has qualified as a" and "of March through August"; and

2. For the months of September 1, 1995, through August 31, 1996: In the first sentence of § 1137.12(a)(1), the words "from whom at least three deliveries of milk are received during the month at a distributing pool plant"; and in the second sentence, the words "30 percent in the months of March, April, May, June, July, and December