

Bosque
Brazos
Falls
Freestone
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Robertson

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[FR Doc. 95-5453 Filed 3-6-95; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 532

RIN 3206-AG44

Prevailing Rate Systems; Abolishment of Cook, IL, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule to abolish the Cook, IL, nonappropriated fund (NAF) Federal Wage System wage area and add Cook County, IL, as an area of application to the Lake, IL, NAF wage area for pay-setting purposes.

EFFECTIVE DATE: April 6, 1995.

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

SUPPLEMENTARY INFORMATION: On November 23, 1994, the Office of Personnel Management (OPM) published an interim rule to abolish the Cook, IL, nonappropriated fund (NAF) Federal Wage System wage area and add Cook County, IL, as an area of application to the Lake, IL, NAF wage area for pay-setting purposes. The interim rule provided a 30-day period for public comment. OPM received no comments during the comment period. Therefore, the interim 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 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.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule amending 5 CFR part 532 published on November 23, 1994 (59 FR 60293), is adopted as final without any changes.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 95-5452 Filed 3-6-95; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Part 1300 and Chapter LXXVII

RIN 3209-AA15

Supplemental Standards of Ethical Conduct for Employees of the Office of Management and Budget

AGENCY: Office of Management and Budget (OMB).

ACTION: Final rule.

SUMMARY: The Office of Management and Budget, with the concurrence of the Office of Government Ethics (OGE), is issuing regulations for employees of the OMB that supplement the Standards of Ethical Conduct for Employees of the Executive Branch issued by OGE with a requirement for prior approval of outside employment. The Office of Management and Budget also is repealing its old standards of conduct regulations and is inserting in their place a cross-reference to the new provisions and to applicable executive branch-wide standards of ethical conduct, as well as to applicable financial disclosure regulations.

EFFECTIVE DATE: These regulations are effective on March 7, 1995.

FOR FURTHER INFORMATION CONTACT: Darrell A. Johnson, OMB Designated Agency Ethics Official (DAEO), (202) 395-5715, or McGavock D. Reed, OMB Alternate DAEO, (202) 395-3563.

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 1992, OGE published new Standards of Ethical Conduct for Employees of the Executive Branch (Standards). 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 Standards, codified at 5 CFR part 2635 and effective February 3, 1993, established uniform standards of ethical conduct that apply to all executive branch personnel.

With the concurrence of OGE, 5 CFR 2635.105 authorizes executive branch agencies to publish agency-specific supplemental regulations necessary to implement their respective ethics programs. With OGE's concurrence, OMB has determined that the following supplemental regulations, being

codified in new 5 CFR chapter LXXVII, consisting of part 8701, are necessary to the success of its ethics program. The Office of Management and Budget is simultaneously repealing its superseded Standards of Conduct at 5 CFR part 1300 and is replacing those provisions with a single section that provides cross-references to 5 CFR parts 2634 and 2635, and to OMB's new supplemental regulations.

II. Analysis of the Regulations

Section 8701.101 General

Section 8701.101 explains that the regulations contained in the final rule will apply to all OMB employees and are supplemental to the executive branch-wide standards. Employees of OMB also are subject to the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635 and the executive branch financial disclosure regulations at 5 CFR part 2634.

Section 8701.102 Prior Approval for Outside Employment

Under 5 CFR 2635.803, agencies may, by supplemental regulation, require employees to obtain prior approval before engaging in outside employment. Under 5 CFR 1300.735-15(b) which is now being revoked, OMB employees have long been required to obtain advance approval for outside employment, and OMB has determined that it is necessary to the administration of its ethics program to continue to require that employees obtain prior approval before engaging in outside employment. New paragraph 8701.102, therefore, continues the basic requirement for prior approval of outside employment. By adding a definition of "employment," however, it clarifies the circumstances under which prior approval must be obtained and, by specifying the information to be provided as part of the employee's request, it provides additional guidance for employees who are required to submit requests for approval.

Whereas 5 CFR 1300.735-15(b) had specified that approval was to be obtained from the Assistant to the Director for Administration, section 8701.102 contains a multiple approval requirement. In addition to the approval of his or her division of office head, the employee must obtain the approval of the OMB General Counsel, as well as that of the designated agency ethics official.

The standard to be used in approving or denying requests for approval of outside employment is set forth at section 8701.102(b), in part, to highlight