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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AH22

Prevailing Rate Systems; Abolishment of Philadelphia, PA, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final rule to abolish the Philadelphia, PA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and redefine the five counties having continuing FWS employment as areas of application to nearby NAF wage areas for pay-setting purposes.

EFFECTIVE DATE: July 5, 1996.

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

SUPPLEMENTARY INFORMATION: On November 14, 1995, OPM published an interim rule to abolish the Philadelphia, PA, nonappropriated fund (NAF) Federal Wage System wage area and redefine the five counties having continuing FWS employment as areas of application to nearby NAF wage areas for pay-setting purposes. Philadelphia County and Chester County, PA, are being redefined to the Montgomery, PA, wage area. New Castle County, DE; Cape May, NJ; and Salem County, NJ, are being redefined to the Burlington, NJ, wage area. The remaining Philadelphia wage area counties (Camden and Cloucester, NJ) have no FWS employees and are being deleted. The interim rule provided a 30-day period for public comment. OPM received one comment during the comment period suggesting that the Montgomery, PA, survey area be expanded to include Philadelphia County or that a differential be paid to

workers employed in Philadelphia County. After another detailed review, OPM found that it would not be feasible for the Montgomery County survey host activity to support a survey expanded to include an additional large urban area like Philadelphia County. Hence, OPM concurs with the findings of FPRAC and does not agree that the Montgomery survey area should be expanded.

Regarding the suggestion of a differential, OPM has provided directly to the sender of the suggestion guidance on how agencies may request wage flexibilities under current regulations for special rates, special schedules, and increased minimum rates to counter recruitment or retention difficulties. 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 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.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule amending 5 CFR part 532 published on November 14, 1995 (60 FR 57145), is adopted as final without any changes.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96-13842 Filed 6-3-96; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 532

RIN 3206-AH41

Prevailing Rate Systems; Redefinition of Oneida, NY, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing an interim rule to abolish the Oneida, NY, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and to

establish a new Jefferson, NY, NAF wage area with a survey area consisting of Jefferson County—currently an unsurveyed county in the Oneida wage area. The Oneida wage area is presently composed of one survey area county (Oneida) and nine area of application counties (Albany, Clinton, Jefferson, Onondaga, Ontario, Schenectady, Saratoga, Seneca, and Steuben). After this change, a new wage area, Jefferson, NY, will include seven of these counties, with Jefferson designated as the survey area and Albany, Oneida, Onondaga, Ontario, Schenectady, and Steuben designated as areas of application. Clinton, Saratoga, and Seneca, which have no FWS employees, will be deleted.

DATES: This interim rule becomes effective on June 6, 1996. Comments must be received by July 5, 1996. Employees currently paid rates from the Oneida, NY, NAF wage schedule will continue to be paid from that schedule until their conversion to the Jefferson, NY, NAF wage schedule on May 16, 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) 606-2394.

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

SUPPLEMENTARY INFORMATION: Because the closing of the Oneida, NY, nonappropriated fund (NAF) wage area host activity, Griffiss Air Force Base, left Oneida County without an activity having the capability to conduct a wage survey, the Department of Defense requested that the Oneida wage area be abolished and that a new Jefferson, NY, NAF wage area be established with a survey area consisting of Jefferson County—currently an unsurveyed county in the Oneida wage area. The Oneida wage area is presently composed of one survey area county (Oneida) and nine area of application counties (Albany, Clinton, Jefferson, Onondaga, Ontario, Schenectady, Saratoga, Seneca, and Steuben).

The new wage area being established by this interim rule, Jefferson, NY, will include seven of these counties, with Jefferson designated as the survey area and Albany, Oneida, Onondaga, Ontario, Schenectady, and Steuben

designated as areas of application. Jefferson County meets the minimum requirements to be the survey area. Fort Drum, located in Jefferson County, has 181 NAF Federal Wage System employees and has the capability to conduct the survey. Jefferson County also meets the other regulatory requirement of a minimum of 1,800 private enterprise employees in establishments within survey specifications (with approximately 16,970 such employees). Clinton, Saratoga, and Seneca, which have no FWS employees, will be deleted.

As required in regulation, 5 CFR 532.219, the following criteria were considered in redefining these wage areas:

- (1) Proximity of largest activity in each county;
- (2) Transportation facilities and commuting patterns; and
- (3) Similarities of the counties in:
 - (i) Overall population;
 - (ii) Private employment in major industry categories; and
 - (iii) Kinds and sizes of private industrial establishments.

The criteria strongly favor redefinition to the proposed Jefferson survey area for the closest two counties to be redefined, Oneida and Onondaga. For the four more distant counties to the southwest (Ontario and Steuben) and to the southeast (Schenectady and Albany), the regulatory criteria are mixed, with Jefferson first-ranked on either the transportation and commuting patterns criterion or the similarities in population and private industry criterion. Although consideration was given to the possible redefinition of these four counties to the closer Niagara, New York, or Hampden, Massachusetts, areas, the mixed nature of these findings supports this redefinition. Other relevant factors weighed include the continuity of the historical composition of the old wage area and a natural affinity of these New York counties having continuing NAF employment. The willingness of DOD and its wage committee to establish a new wage area and conduct a new survey furthers the concepts of wage rates based on prevailing local rates and of effective partnership in this period of wage area realignments as base closures shrink the NAF workforce.

The full-scale surveys will continue to be ordered in March of even numbered fiscal years—e.g., in March 1996. The Federal Prevailing Rate Advisory Committee reviewed this recommendation and by consensus 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 1996 Jefferson, NY, NAF wage area survey 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 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.

Appendix B to Subpart B of Part 532 [Amended]

2. In appendix B to subpart B, the listing for the State of New York is amended by removing the entry for Oneida and adding in alphabetical order a new entry of Jefferson with a beginning month of survey of “March” and a fiscal year of full-scale survey of “Even.”

3. Appendix D to subpart B is amended by removing the wage area list for Oneida, New York, and by adding in alphabetical order a new list for Jefferson, New York, to read as follows:

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

*	*	*	*	*
New York				
*	*	*	*	*
Jefferson Survey Area				
New York				
Jefferson				
Area of Application. Survey Area Plus				
New York				
Albany				

Oneida
Onondaga
Ontario
Schenectady
Steuben

* * * * *

[FR Doc. 96-13840 Filed 6-3-96; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 532

RIN 3206-AH29

Prevailing Rate Systems; Abolishment of Franklin, OH, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final rule to abolish the Franklin, OH, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and redefine the five counties having continuing FWS employment as areas of application to the Greene-Montgomery, OH, NAF wage area for pay-setting purposes. Those five counties include three Ohio counties (Franklin, Licking, and Ross) and two West Virginia counties (Raleigh and Wayne). The remaining Franklin wage area county (Cabell) has no FWS employment and is being deleted.

EFFECTIVE DATE: July 5, 1996.

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

SUPPLEMENTARY INFORMATION: On January 31, 1996, OPM published an interim rule to abolish the Franklin, OH, nonappropriated fund (NAF) Federal Wage System wage area and redefine the five counties having continuing FWS employment as areas of application to the Green-Montgomery, OH, NAF wage area for pay-setting purposes. Those five counties include three Ohio counties (Franklin, Licking, and Ross) and two West Virginia counties (Raleigh and Wayne). The remaining Franklin wage area county (Cabell) has no FWS employment and is being deleted. 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

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