

agency movement of current agency employees;

(2) Appointments of 10 point veterans;

(3) Reemployment of former agency employees who have regulatory or statutory reemployment rights;

(4) Temporary appointments of under 90 days (including extensions);

(5) An action taken under part 351 of this chapter;

(6) The filling of a position by an excepted appointment;

(7) Conversions of employees on excepted appointments that confer eligibility for noncompetitive conversion into the competitive service; and

(8) Noncompetitive movement of displaced employees between agencies or employees moved as a result of reorganization or transfer of function.

(9) Placement of injured workers receiving workers' compensation benefits.

§ 330.706 Agency notification requirements.

(a) At the time it issues specific RIF separation notices, an agency must give its employees information about their eligibility for the special interagency selection priority.

(b) Agencies are required to report all vacancies to OPM when accepting applications from outside the agency (including applications for temporary positions lasting 90 or more days).

(c) In addition, agencies shall provide OPM an electronic file of complete vacancy announcements or recruiting bulletins for all positions reported.

(d) *Content.* Notice to OPM of job announcements must include the position title, tenure, location, pay plan and grade (or pay rate) of the vacant position; application deadline; and other information specified by OPM. In addition, agencies are required to provide OPM with an electronic file of the complete vacancy announcement or recruiting bulletin, which must include the qualifications required, equal opportunity provisions and, when applicable, veterans' preference provisions.

§ 330.707 Application and selection.

(a) *Application.* (1) To receive this special selection priority, eligible employees must apply directly to agencies for specific vacancies in the local commuting area within the prescribed time frames, attach the appropriate proof of eligibility as described in paragraph (a)(2) of this section, and be determined well-qualified by the agency for the specific position.

(2) *Proof of eligibility.* Employees may submit the following as proof of eligibility for the special selection priority:

(i) RIF separation notice;

(ii) Documentation showing that they were separated as a result of declining a transfer of function or directed reassignment to another commuting area;

(iii) Official certification from an agency stating that its agency cannot place an individual whose injury compensation has been or is being terminated;

(iv) Official notification from OPM that an individual's disability annuity has been or is being terminated; or

(v) Official notification from the Military Department or National Guard Bureau that the employee has retired under 5 U.S.C. 8337(h) or 8456.

(b) *Selection.* In making selections, an agency will adhere to the overall order of selection set forth in § 330.705. In addition, the following apply:

(1) An agency cannot select another candidate from outside the agency if eligible employees are available for the vacancy or vacancies.

(2) If two or more eligible employees apply for a vacancy and are determined to be well-qualified, any of these eligible employees may be selected.

(3) If no eligible employees apply or none is deemed well-qualified, the agency may select another candidate without regard to this subpart. (This flexibility does not apply to selections made from the agency's Reemployment Priority List as described in subpart B of this part.)

(c) An agency may select a candidate from its Career Transition Assistance Plan or Reemployment Priority List, as described in subparts F and B of this part respectively, or another current agency employee (if no eligible employees are available through its CTAP or RPL) at any time.

§ 330.708 Qualification reviews.

Agencies will ensure that a documented review is conducted whenever otherwise eligible employees are found to be not well-qualified.

§ 330.709 Reporting.

(a) Each agency shall submit an annual report covering each fiscal year activity under this subpart to OPM no later than December 31 of each year, beginning December 31, 1996.

(b) Each report will include data specified in § 330.610 of subpart F, and will also include information on:

(1) The number of eligible employees determined to be not well-qualified;

(2) The number of selections of eligible employees from other Federal agencies;

(3) The number of selections of other employees from other Federal agencies who are not displaced; and

(4) The number of selections from outside the Federal Government.

§ 330.710 Oversight.

OPM is responsible for oversight of the Interagency Career Transition Assistance Plan for Local Displaced Employees and may conduct reviews of agency activity at any time.

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5 CFR Parts 531, 550, 551, 610, and 630

RIN 3206-AH23

Format Changes in Compensation Regulations

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to revise the format of certain regulatory provisions in title 5, Code of Federal Regulations, relating to Federal employees' compensation so that all definitions of terms are listed in alphabetical order, consistent with the format preferred by the Office of the Federal Register.

EFFECTIVE DATE: December 29, 1995.

FOR FURTHER INFORMATION CONTACT: Mary Ann Ashford, (202) 606-2858 or FAX: (202) 606-0824.

SUPPLEMENTARY INFORMATION: Most of OPM's compensation regulations list definitional terms in alphabetical order without any letter or number designation, consistent with the format preferred by the Office of the Federal Register. However, in several sections of the regulations, letter or number designations continue to be used, and the definitions are not necessarily listed in alphabetical order. This format can make it difficult for the reader to readily locate a particular definition. OPM is revising these definitions so that all such listings are organized in alphabetical order without letter or number designations. With this change, all sections listing compensation definitions will have a consistent format, and it will be easier for users of the regulations to locate information. The regulations also include revisions in certain cross references made necessary because of the deletion of the former paragraph designations.

Because the changes do not involve rulemaking, the changes are final and become effective 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 apply only to Federal agencies and employees.

List of Subjects in 5 CFR Parts 531, 550, 551, 610, and 630

Administrative practice and procedure, Claims, Government employees, Law enforcement officers, Holidays, and Wages.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is amending parts 531, 550, 551, 610, and 630 of title 5 of the Code of Federal Regulations as follows:

PART 531—PAY UNDER THE GENERAL SCHEDULE

1. The authority citation for part 531 is revised to read as follows:

Authority: 5 U.S.C. 5115, 5307, and 5338; sec. 4 of Pub. L. 103-89, 107 Stat. 981; and E.O. 12748, 56 FR 4521, 3 CFR, 1991 Comp., p. 316;

Subpart A also issued under 5 U.S.C. 5304, 5305, and 5553; section 302 of the Federal Employees Pay Comparability Act of 1990 (FEPCA), Pub. L. 101-509, 104 Stat. 1462; and E.O. 12786, 56 FR 67453, 3 CFR, 1991 Comp., p. 376;

Subpart B also issued under 5 U.S.C. 5303(g), 5333, 5334(a), and 7701(b)(2);

Subpart C also issued under 5 U.S.C. 5304, 5305, and 5553; sections 302 and 404 of FEPCA, Pub. L. 101-509, 104 Stat. 1462 and 1466; and section 3(7) of Pub. L. 102-378, 106 Stat. 1356;

Subpart D also issued under 5 U.S.C. 5335(g) and 7701(b)(2);

Subpart E also issued under 5 U.S.C. 5336;

Subpart F also issued under 5 U.S.C. 5304, 5305(g)(1), and 5553; and E.O. 12883, 58 FR 63281, 3 CFR, 1993 Comp., p. 682.

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart A—Premium Pay

2. The authority citation for subpart A of part 550 is revised to read as follows:

Authority: 5 U.S.C. 5304 note, 5305 note, 5541(2)(iv), 5548, and 6101(c); E.O. 12748, 3 CFR, 1991 Comp., p. 316.

Subpart E—Pay From More Than One Position

3. The authority citation for subpart E of part 550 continues to read as follows:

Authority: 5 U.S.C. 5533.

Subpart F—Reduction-in-Retired-Pay Provision of the Dual Pay Statute

4. The authority citation for subpart F of part 550 continues to read as follows:

Authority: 5 U.S.C. 5532.

PART 551—PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

5. The authority citation for part 551 continues to read as follows:

Authority: 5 U.S.C. 5542(c); Sec. 4(f) of the Fair Labor Standards Act of 1938, as amended by Pub. L. 93-259, 88 Stat. 55 (29 U.S.C. 204f).

PART 610—HOURS OF DUTY

Subpart A—Weekly and Daily Scheduling of Work

6. The authority citation for subpart A of part 610 continues to read as follows:

Authority: 5 U.S.C. 6101; sec. 1(1) of E.O. 11228, 3 CFR, 1964-1965 Comp., p. 317.

Subpart B—Holidays

7. The authority citation for subpart B of part 610 continues to read as follows:

Authority: 5 U.S.C. 6101; sec. 1(1) of E.O. 11228, 3 CFR, 1964-1965 Comp., p. 317.

Subpart C—Administrative Dismissals of Daily, Hourly, and Piecework Employees

8. The authority citation for subpart C of part 610 continues to read as follows:

Authority: 5 U.S.C. 6104; E.O. 10552, 3 CFR, 1954-1958 Comp., p. 201.

PART 630—ABSENCE AND LEAVE

9. The authority citation for part 630 is revised to read as follows:

Authority: 5 U.S.C. 6311; § 630.301 also issued under Pub. L. 103-356, 108 Stat. 3410; § 630.303 also issued under 5 U.S.C. 6133(a); §§ 630.306 and 630.308 also issued under 5 U.S.C. 6403(d)(3), Pub. L. 102-484, 106 Stat. 2722, and Pub. L. 103-337, 108 Stat. 2663; subpart D also issued under Pub. L. 103-329, 108 Stat. 2423; § 630.501 and subpart F also issued under E.O. 11228, 30 FR 7739, 3 CFR, 1974 Comp., p. 163; subpart G also issued under 5 U.S.C. 6305; subpart H also issued under 5 U.S.C. 6326; subpart I also issued under 5 U.S.C. 6332, Pub. L. 100-566, 102 Stat. 2834, and Pub. L. 103-103, 107 Stat. 1022; subpart J also issued under 5 U.S.C. 6362, Pub. L. 100-566, and Pub. L. 103-103; subpart K also issued under Pub. L. 102-25, 105 Stat. 92; and subpart L also issued under 5 U.S.C. 6387 and Pub. L. 103-3, 107 Stat. 23.

10. In §§ 531.202, 550.103, 550.502, 550.602, 551.102, 610.102, 610.303, 630.201, 630.601, 630.702 and 630.803 Remove designation from each definition and alphabetize. §§ 550.103, 550.171, 550.181, 550.185, 551.102, 551.103, 551.207, 610.202, 630.1202, 630.1211 [Amended].

11. In the list below, for each section indicated in the left column, remove the current reference and add the appropriate new reference, as indicated.

Sections	Remove	Add
550.103, definition of "Law enforcement Officer"	"paragraph (t)(1), (2), or (3)"	"Paragraph (1), (2), or (3)".
550.103, definition of "Criminal investigator"	"paragraph (t) of this section"	"this section".
550.171	550.103(o)	550.103.
550.181	550.103(u)	550.103.
550.185(a)	550.103(j)	550.103.
551.102, definition of "Trainee"	"paragraph (d) of this section"	"this section".
551.102, definition of "Volunteer"	"paragraph (d) of this section"	"this section".
551.103(b)(2)	551.102(f)	551.102.
551.103(b)(3)	551.102(g)	551.102.
551.207(b)	551.102(h)	551.102.
610.202(a)	610.102(c)	610.102
630.1202:		
Accrued leave	630.201(b)(1)	630.201.
Accumulated leave	630.201(b)(2)	630.201.
Administrative workweek	610.102(a)	610.102.
Regularly scheduled	610.102(g)	610.102.

Sections	Remove	Add
Regulatory scheduled administrative work-week	610.102(b)	610.102.
Tour of duty	610.102(h)	610.102.
630.1211(b)(1)	550.103(j)	550.103.

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FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Parts 2421, 2422, and 2429

Meaning of Terms as Used in This Subchapter; Representation Proceedings; Miscellaneous and General Requirements

AGENCY: Federal Labor Relations Authority.

ACTION: Final rules.

SUMMARY: The Federal Labor Relations Authority is amending its regulations governing representation proceedings and related provisions of other regulations that define or reference provisions of the representation regulations. These amendments will streamline the regulations and make the regulations more flexible in addressing the representational concerns of agencies, labor organizations, and individuals.

EFFECTIVE DATE: March 15, 1996.

FOR FURTHER INFORMATION CONTACT: Solly Thomas, Executive Director, Federal Labor Relations Authority, 607 14th Street, N.W., Washington, D.C. 20424-0001.

SUPPLEMENTARY INFORMATION:

Transition Rules and Regulations

Part 2422 of the regulations of the Federal Labor Relations Authority governs representation proceedings. Several terms involved in representation proceedings and used in Part 2422 are defined in certain sections of Part 2421 of the regulations of the Federal Labor Relations Authority. Additionally, there are references in Part 2429 of the regulations to specific sections in Part 2422. The current definitions and regulations will continue to govern all representation cases currently pending before the Federal Labor Relations Authority and those for which representation petitions are filed before March 15, 1996.

Notice and Opportunity to Comment

The Federal Labor Relations Authority proposed revision to its regulations regarding the meaning of

certain terms used in Subchapter C (Part 2421) and representation proceedings (Part 2422). The proposed revision was for the purpose of streamlining the regulations and making the rules more flexible in addressing the representational concerns of agencies, labor organizations, and individuals. The proposed rules were published in the Federal Register for notice and comment on August 4, 1995. Customer views were solicited via a focus group meeting on August 29, 1995, and formal written comments were submitted by both agencies and labor organizations. All comments have been considered and many comments have prompted substantive revisions to the proposed rule. Any such revision is noted in the section-by-section analysis.

Section-by-Section Analysis

The following sectional analysis reflects revisions to the proposed changes to Part 2421—Meaning of Terms As Used in This Subchapter and Part 2422—Representation Proceedings. Following this analysis, conforming amendments to Part 2429—Miscellaneous and General Requirements are briefly explained.

Part 2421

Section 2421.11

The proposed definition of “party” has been narrowed to clarify that it does not include an individual in those instances referenced in subsection (b).

Section 2421.18

Final rule is same as proposed rule.

Section 2421.19

The order of reference to agency or activity has been reversed.

Section 2421.20

Final rule is same as proposed rule.

Section 2421.21

The proposed definition has been narrowed to clarify that those parties “affected by issues raised” in a petition include agencies, activities or labor organizations, but not bargaining units.

Section 2421.22

Final rule is same as proposed rule.

Part 2422

Section 2422.1

The final sentence in proposed subsection (a)(2) has been redesignated as subsection (3) to clarify that the showing of interest requirement pertains to all petitions filed under subsection (a). One commenter questioned whether any purposes for which petitions could have been filed have been eliminated by the consolidation of the former separate petitions into a single petition. As noted in the supplementary information accompanying the proposed rule, all functions of the former separate petitions are incorporated into the single petition.

Section 2422.2

Several commenters objected to the fact that, unlike the current regulations, the proposed regulation did not specify the purposes for which listed entities may file petitions. For example, under current practice, labor organizations can file petitions for eligibility for dues allotment; individuals can file petitions seeking an election to determine if employees in a unit no longer wish to be represented; agencies can file petitions based upon good faith doubt as to the continued appropriateness of a currently recognized labor organization to represent an existing unit; and, petitions to consolidate existing units can be filed by an agency, a labor organization, or both may file jointly. Agreeing with the commenters that the proposed regulation could lead to confusion, the final regulation has been revised to clarify which entities have standing to file which representation petitions. The order of reference to agency or activity has been reversed.

Section 2422.3

The order of reference to agency or activity in subsections (a)(1) and (a)(2) has been reversed.

Section 2422.4

The proposed rule offered two options concerning the service of supporting documentation. Under Option 1, supporting documentation, with the exception of showings of interest, would be served on all affected parties. Under Option 2, supporting documentation, with the exception of showings of interest, challenges to showings of