

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.

Janice R. Lachance,

Acting 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.

Appendix C to Subpart B of Part 532 [Amended]

2. Appendix C to subpart B is amended by revising the wage area listings for the Newburgh, New York, and New York, New York, wage area to read as follows: Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas.

* * * * *

New York

* * * * *

Newburgh*Survey Area*

New York:
Dutchess
Orange
Ulster

Area of Application. Survey area plus:

New York:
Delaware
Sullivan

New York*Survey Area*

New York:
Bronx
Kings
Nassau
New York
Queens
Suffolk
Westchester

New Jersey:
Bergen
Essex
Hudson
Middlesex
Morris
Passaic
Somerset
Union

Area of Application. Survey area plus:

New York:

Putnam
Richmond
Rockland
New Jersey:
Monmouth
Sussex

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[FR Doc. 97-28971 Filed 10-31-97; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF PERSONNEL MANAGEMENT**5 CFR Part 630**

RIN: 3206-A103

Emergency Leave Transfer Program

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing proposed regulations governing the establishment of an emergency leave transfer program to permit the transfer of unused annual leave to Federal employees adversely affected by a major disaster or emergency, as declared by the President.

DATES: Comments must be received on or before January 2, 1998.

ADDRESSES: Comments may be sent or delivered to Donald J. Winstead, Assistant Director for Compensation Administration, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415; FAX (202) 606-0824; or email to payleave@opm.gov.

FOR FURTHER INFORMATION CONTACT: Jo Ann Perrini, (202) 606-2858, FAX (202) 606-0824, or email to payleave@opm.gov.

SUPPLEMENTARY INFORMATION: Section 9004 of Pub. L. 105-18, June 12, 1997, added section 6391 to title 5, United States Code, to provide that in the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management (OPM) to establish an emergency leave transfer program under which an employee in any Executive agency may donate annual leave for transfer to employees of his or her agency or to employees in other agencies who are adversely affected by such disaster or emergency. The Act also permits agency leave banks established under 5 U.S.C. 6362 to donate leave under an emergency leave transfer program established by OPM.

The Federal leave sharing program has proven to be an effective and cost-

efficient means of allowing Federal employees to help their fellow workers in times of need. Under the current voluntary leave transfer program established under 5 U.S.C. 6332, an employee may donate unused annual leave for transfer to other Federal employees who have medical emergencies and who have exhausted their own leave. The emergency leave transfer program will be in addition to the voluntary leave transfer and leave bank programs and will provide leave benefits specific to the needs of employees affected by major disasters or emergencies. The emergency leave transfer program will permit employees to donate annual leave to employees who do not necessarily face a medical emergency but who need to take leave because of other effects of disasters or emergencies, such as a flood or an earthquake that has destroyed an employee's property or an emergency situation such as that created by the Oklahoma City bombing on April 19, 1995. In addition, employees approved as emergency leave recipients under the emergency leave transfer program will be able to use donated leave without having to exhaust their own accrued and accumulated annual and sick leave.

Establishment of Emergency Leave Bank

When directed by the President, OPM will establish an emergency leave transfer program for a major disaster or emergency that is declared by the President under which employees may transfer their unused annual leave to employees in their own agencies or other agencies who are adversely affected by the disaster or emergency. We anticipate that the authority to establish an emergency leave transfer program for an emergency or disaster declared by the President will be exercised only after appropriate consultation with the agencies affected by the emergency or disaster. OPM will establish and maintain an emergency leave bank for each such disaster or emergency that will contain the aggregate amount of annual leave donated by emergency leave donors in the agencies for a specific disaster or emergency. OPM will coordinate the transfer of donated annual leave from each agency to the emergency leave bank. An emergency leave donor may not contribute annual leave for transfer to a specific emergency leave recipient under this program. However, an employee may continue to donate his or her unused annual leave to a specific leave recipient under the separate authority for voluntary leave transfer in

5 U.S.C. 6332 and must follow the rules governing that program.

Each agency will be responsible for approving an emergency leave recipient and determining the amount of donated annual leave to be transferred to each of its approved emergency leave recipients. The agency must notify OPM of the aggregate amount of donated annual leave needed for transfer from the emergency leave bank to its approved emergency leave recipients. The minimum amount of annual leave an emergency leave donor may contribute in a leave year is 1 hour, and the maximum is 104 hours. In unusual situations, OPM may waive the limitations on donating annual leave.

To ensure that a sufficient amount of donated annual leave is available for all affected employees, emergency leave recipients may receive a maximum of 240 hours of donated leave at any one time from the emergency leave bank for each disaster or emergency. Emergency leave recipients may substitute donated leave retroactively for any period of leave without pay or advanced annual or sick leave used as result of the disaster or emergency. In addition, while an emergency leave recipient is in a shared leave status (i.e., using donated leave to recover from the disaster or emergency), annual and sick leave will continue to accrue to the credit of the employee without limitation. Any accrued annual leave is subject to the maximum annual leave ceilings established by 5 U.S.C. 6304(a), (b), (c), or (f).

Termination of Disaster or Emergency

Annual leave donated to an emergency leave bank for a specific disaster or emergency cannot be transferred to another emergency leave bank. When a disaster or emergency terminates, OPM will return to the donating agencies any donated annual leave that was not used by the emergency leave recipients. The amount of donated leave returned will be proportional to the amount of annual leave donated by the agency to the emergency leave bank for the disaster or emergency. Each agency will be responsible for determining the amount of returned annual leave to be restored to each of its emergency leave donors based on agency records of the amount of annual leave donated by the leave donor.

Redesignating Subpart K—Reservist Leave Bank Program

Subpart K of 5 CFR part 630, Reservist Leave Bank Program, is redesignated in its entirety as subpart M of 5 CFR part 630. The proposed rules for the new

Emergency Leave Transfer Program are added as subpart K of 5 CFR part 630.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

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 employees and agencies.

List of Subjects in 5 CFR Part 630

Government employees.

Office of Personnel Management.

Janice R. Lachance,

Acting Director.

Accordingly, OPM is amending part 630 of title 5 of the Code of Federal Regulations as follows:

PART 630—ABSENCE AND LEAVE

1. 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. 6304(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; subpart L also issued under 5 U.S.C. 6387 and Pub. L. 103-3, 107 Stat. 23; and subpart M also issued under 5 U.S.C. 6391 and Pub. L. 105-18, 111 Stat. 158.

2. In part 630, subpart K (consisting of §§ 630.1101 through 630.1109) is redesignated as subpart M (consisting of §§ 630.1301 through 630.1309); a new subpart K (consisting of §§ 630.1101 through 630.1106) is added; and in the newly redesignated subpart M, for each section indicated in the left column, the citations in the middle column are removed wherever they appear in the section, and the citations in the right column are added to read as follows:

Subpart K—Emergency Leave Transfer Program

Sec.

630.1101 Purpose, applicability, and administration.

630.1102 Definitions.

630.1103 Establishment of emergency leave transfer program.

630.1104 Transfer of annual leave.

630.1105 Limitations on donation and use of annual leave.

630.1106 Termination of disaster or emergency.

Subpart K—Emergency Leave Transfer Program

§ 630.1101 Purpose, applicability, and administration.

(a) *Purpose.* This subpart provides regulations to implement section 6391 of title 5, United States Code, and must be read together with section 6391. Section 6391 of title 5, United States Code, provides that in the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management (OPM) to establish an emergency leave transfer program under which an employee may donate unused annual leave for transfer to employees of his or her agency or to employees in other Executive agencies who are adversely affected by such disaster or emergency.

(b) *Applicability.* This subpart applies to any individual who is defined as an "employee" in 5 U.S.C. 6331(1) and who is employed in an Executive agency.

(c) *Administration.* The head of each agency having employees subject to this subpart is responsible for the proper administration of this subpart. Each Federal agency shall establish and administer procedures to permit the voluntary transfer of annual leave consistent with this subpart.

§ 630.1102 Definitions.

In this subpart—

Agency means an "Executive agency," as defined in 5 U.S.C. 105.

Disaster or emergency means a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees (e.g., loss of life or property, serious injury, or mental illness as a result of direct threat to life or health).

Emergency leave bank means a pooled fund of annual leave established by OPM under § 630.1103(b) for employees who are adversely affected by a disaster or emergency.

Emergency leave donor means a current employee whose voluntary written request for transfer of annual leave to an emergency leave bank is approved by his or her employing agency.

Emergency leave recipient means a current employee for whom the employing agency has approved an

application to receive annual leave from an emergency leave bank.

Emergency shared leave status means the administrative status of an employee while the employee is using leave transferred from an emergency leave bank.

Employee has the meaning given that term in 5 U.S.C. 6331(1).

Leave year has the meaning given that term in § 630.201.

Paid leave status under subchapter I has the meaning given that term in § 630.902.

§ 630.1103 Establishment of emergency leave transfer program.

(a) When directed by the President, OPM will establish an emergency leave transfer program for a major disaster or emergency that is declared by the President. The emergency leave transfer program will permit an employee to donate his or her accrued annual leave for transfer to employees of the same or other Executive agencies who are adversely affected by such disaster or emergency.

(b) OPM will establish an emergency leave bank for each disaster or emergency for which the President directs OPM to establish an emergency leave transfer program. Each emergency leave bank established under this paragraph will contain the aggregate amount of annual leave donated by emergency leave donors to employees affected by the disaster or emergency for which the emergency leave bank was established. OPM will determine the period of time for which donations of accrued annual leave may be accepted for each emergency leave bank.

(c) Each Federal agency shall—

(1) Accept annual leave donated by emergency leave donors for each declared disaster or emergency;

(2) Debit the amount of annual leave donated to an emergency leave bank from each emergency leave donor's annual leave account;

(3) Maintain records on the amount of leave donated by each emergency leave donor for a specific emergency leave bank (for the purpose of restoring unused transferred annual leave under § 630.1105(i)); and

(4) Report the aggregate amount of annual leave donated to an emergency leave bank to OPM.

(d) A leave bank established under subchapter IV of chapter 63 of title 5, United States Code, and subpart J of this part 630 may, with the concurrence of the leave bank board established under § 630.1003, donate annual leave to an emergency leave bank.

§ 630.1104 Transfer of annual leave.

(a) An employee may submit a voluntary written request to his or her employing agency that a specified number of hours of his or her accrued annual leave, consistent with the limitations in § 630.1105(a), be transferred from his or her annual leave account to an emergency leave bank established under § 630.1103(b). An emergency leave donor may not donate annual leave for transfer to a specific emergency leave recipient under this subpart.

(b) OPM will notify each affected agency of the aggregate amount of donated annual leave that will be credited to the agency for transfer by the agency to its approved emergency leave recipient(s).

(c) An employee who has been affected by a disaster or emergency (or his or her personal representative) may make written application to his or her employing agency to become an emergency leave recipient. The employee's application shall include a statement describing his or her need for leave from an emergency leave bank.

(d) Each affected agency shall—

(1) Take action to approve or disapprove a request to become an emergency leave recipient based on evidence administratively acceptable to the agency;

(2) Determine the amount of donated annual leave to be transferred to each emergency leave recipient (an amount that may vary according to individual needs);

(3) Notify OPM of the total number of approved emergency leave recipients and the aggregate amount of donated annual leave needed for transfer from the emergency leave bank; and

(4) Credit the annual leave account of each approved emergency leave recipient as soon as possible after the date OPM notifies the agency of the amount of donated annual leave that will be credited to the agency under paragraph (b) of this section.

§ 630.1105 Limitations on donation and use of annual leave.

(a) An emergency leave donor may not contribute less than 1 hour nor more than 104 hours of annual leave in a leave year. In unusual situations, OPM may waive the maximum limitation on donating annual leave under this section.

(b) Annual leave donated under this subpart may not be applied against the limitations on annual leave that may be donated under the voluntary leave transfer or leave bank programs established under 5 U.S.C. 6332 and 6362, respectively.

(c) An emergency leave recipient may receive a maximum of 240 hours of donated annual leave at any one time from an emergency leave bank for each disaster or emergency.

(d) Each emergency leave recipient shall use the donated annual leave for purposes related to the disaster or emergency for which the emergency leave recipient was approved.

(e) Annual leave transferred under this subpart may be—

(1) Substituted retroactively for any period of annual leave, sick leave, or leave without pay used as a result of the disaster or emergency, or

(2) Used to liquidate an indebtedness incurred by the emergency leave recipient for advanced annual or sick leave used as a result of the disaster or emergency.

(f) While an emergency leave recipient is in an emergency shared leave status under this subpart, annual and sick leave shall accrue to the credit of the employee at the same rate as if the employee were in a paid leave status under subchapter I of chapter 63 of title 5, United States Code, and shall be subject to the limitations imposed by 5 U.S.C. 6304(a), (b), (c), and (f) at the end of the leave year in which the transferred annual leave is received.

(g) Annual leave transferred under this subpart may not be—

(1) Included in a lump-sum payment under 5 U.S.C. 5551 or 5552;

(2) Made available for recredit under 5 U.S.C. 6306 upon reemployment by a Federal agency; or

(3) Used to establish initial eligibility for immediate retirement or acquire eligibility to continue health benefits into retirement under 5 U.S.C. 6302(g).

(h) When OPM determines that a disaster or emergency has terminated under § 630.1106(a)(1), OPM will return to the donating agencies any annual leave donated to an emergency leave bank that is not used by an approved emergency leave recipient. The amount of remaining annual leave to be returned to each agency will be proportional to the amount of annual leave donated by the agency to the emergency leave bank for such disaster or emergency. Annual leave donated to an emergency leave bank for a specific disaster or emergency may not be transferred to another emergency leave bank.

(i) Under procedures established by the donating agency, the agency shall determine the amount of annual leave returned under paragraph (h) of this section to be restored to each of the emergency leave donors who, on the date leave restoration is made, is employed by a Federal agency. At the election of the emergency leave donor,

unused transferred annual leave restored to the emergency leave donor under paragraph (h) of this section may be restored by—

(1) Crediting the restored annual leave to the emergency leave donor's annual leave account in the current leave year; or

(2) Crediting the restored annual leave to the emergency leave donor's annual leave account effective as of the first day of the first leave year beginning after the date of election.

§ 630.1106 Termination of disaster or emergency.

The disaster or emergency affecting an emergency leave recipient shall terminate—

(a) When OPM determines that the disaster or emergency has terminated;

(b) When the emergency leave recipient's Federal service terminates;

(c) At the end of the biweekly pay period in which the emergency leave recipient, or his or her personal representative, notifies the employing agency that he or she is no longer affected by such disaster or emergency;

(d) At the end of the biweekly pay period in which the employing agency

determines, after written notice from the agency and an opportunity for the emergency leave recipient, or his or her personal representative, to answer orally or in writing, that the emergency leave recipient is no longer affected by such disaster or emergency; or

(e) At the end of the biweekly pay period in which the emergency leave recipient's employing agency receives notice that OPM has approved an application for disability retirement for the emergency leave recipient under the Civil Service Retirement System or the Federal Employees' Retirement System.

§§ 630.1304, 630.1308, and 630.1309 [Amended]

| Section | Remove | Add |
|------------------------------|------------------------|-------------------|
| 630.1304(c) | § 630.1109(b)(1) | § 630.1309(b)(1). |
| 630.1308(b) | § 630.1107 | § 630.1307. |
| 630.1309(b)(1) and (d) | § 630.1104(c) | § 630.1304(c). |
| 630.1309(d) | § 630.1103(b) | § 630.1303(b). |

[FR Doc. 97-28970 Filed 10-31-97; 8:45 am]
BILLING CODE 6325-01-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 304, 308, 310, 320, 327, 381, 416, and 417

[Docket No. 97-051N]

Reopening of Comment Period on the Generic HACCP Models and Guidance Materials

AGENCY: Food Safety and Inspection Service.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the reopening of the comment period to solicit additional public comment on the 13 generic Hazard Analysis and Critical Control Point (HACCP) models, the Guidebook for the Preparation of HACCP Plans, and Hazards and Controls Guide for Meat and Poultry Products. The comment period is being reopened so that ongoing public meetings on plant communication can include further discussion on the usefulness of the generic models and guidance materials in preparing for HACCP implementation.

DATES: Written comments on the generic models and guidance materials must be submitted on or before February 2, 1998.

ADDRESSES: The models, Guidebook, and Guide may be viewed in the FSIS Docket Reading Room, Room 102 Cotton Annex Building, 300 12th Street, SW, Washington, DC 20250-3700 and at Government Depository Libraries throughout the country. Comments on the models and other documents should be directed to Ms. Diane Moore, FSIS Docket Clerk, at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia F. Stolfa, Assistant Deputy Administrator, Regulations & Inspection, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, at (202) 205-0699, FAX (202) 401-1760.

SUPPLEMENTARY INFORMATION: On July 25, 1996, FSIS published a final rule, "Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems" (61 FR 38806). This rule introduces sweeping changes to the meat and poultry inspection system and directly targets pathogenic organisms on those products that can cause foodborne illness. In the preamble to the proposed rule, FSIS announced it would develop generic models to facilitate preparation of mandated HACCP plans, especially by "small" and "very small" establishments.

FSIS announced the availability of the models and guidance materials on June 12, 1997, and solicited public comment on those documents. (62 FR 32053) The models included Generic HACCP Model for Raw, Ground Meat and Poultry Products; Generic HACCP Model for Raw, Not Ground Meat and Poultry

Products; Generic HACCP Model for Poultry Slaughter; Generic HACCP Model for Mechanically Separated (Species)/Mechanically Deboned Poultry; Generic HACCP Model for Thermally Processed Commercially Sterile Meat and Poultry Products; Generic HACCP Model for Irradiation; Generic HACCP Model for Meat and Poultry Products with Secondary Inhibitors, Not Shelf-Stable; Generic HACCP Model for Heat Treated, Shelf-Stable Meat and Poultry Products; Generic HACCP Model for Not Shelf-Stable Heat Treated, Not Fully Cooked Meat and Poultry Products; Generic HACCP Model for Fully Cooked, Not Shelf-Stable Meat and Poultry Products; Generic HACCP Model for Beef Slaughter; Generic HACCP Model for Pork Slaughter; and Generic HACCP Model for Not Heat Treated, Shelf-Stable Meat and Poultry Products. The initial comment period expired on August 11, 1997.

FSIS is reopening the comment period to allow plant owners and operators to further discuss the generic models and other documents during the second round of meetings held as part of the Agency's Plant Communications Initiative. Seven meetings, including a teleconference, are scheduled to be held across the country from August 18 through December 6, 1997. FSIS is interested in learning about the types of technical assistance that would be helpful to small plant managers in development of their HACCP systems.