

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 531

RIN 3206-AG88

### Pay Under the General Schedule; Locality Pay Areas for 1997

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing final regulations to remove three metropolitan areas from the "Rest of U.S." locality pay area and establish three new locality pay areas in January 1997 corresponding to these metropolitan areas. The three metropolitan areas affected by these final regulations are: Milwaukee-Racine, WI; Minneapolis-St. Paul, MN-WI; and Pittsburgh, PA. The President's Pay Agent made the final determination on the boundaries of the new locality pay areas after considering the recommendations of the Federal Salary Council and public comments.

**EFFECTIVE DATE:** The regulations are effective on January 1, 1997, and are applicable on the first day of the first pay period beginning on or after January 1, 1997.

**FOR FURTHER INFORMATION CONTACT:** Jeanne Jacobson, (202) 606-2858 or FAX: (202) 606-0824.

**SUPPLEMENTARY INFORMATION:** On October 16, 1995, the Office of Personnel Management (OPM) published proposed regulations to remove three metropolitan areas from the "Rest of U.S." locality pay area and establish three new locality pay areas in January 1997 corresponding to these metropolitan areas based on the recommendations of the Federal Salary Council. (See 60 FR 53545.) After considering the views of the Federal Salary Council and comments from

agencies, organizations, and individuals, the President's Pay Agent (consisting of the Secretary of Labor, the Director of the Office of Management and Budget (OMB), and the Director of OPM) decided to adopt the Federal Salary Council's recommendations on the three new locality pay areas. This determination was reflected in the Pay Agent's November 29, 1995, report to the President. These final regulations list the locality pay areas for 1997, including the three new locality pay areas corresponding to the following Metropolitan Statistical Areas (MSA's) or Consolidated Metropolitan Statistical Areas (CMSA's), as defined by OMB: (1) Milwaukee-Racine, WI; (2) Minneapolis-St. Paul, MN-WI; and (3) Pittsburgh, PA.

The definitions of the MSA's and CMSA's that comprise the locality pay areas are found in OMB Bulletin No. 96-08, June 28, 1996. Based on these definitions, the three new locality pay areas will be composed of the following geographic areas:

(1) Milwaukee-Racine, WI—includes Milwaukee, Ozaukee, Washington, Waukesha, and Racine Counties;

(2) Minneapolis-St. Paul, MN-WI—includes, in Minnesota, Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright Counties and, in Wisconsin, Pierce and St. Croix Counties; and

(3) Pittsburgh, PA—includes Allegheny, Beaver, Butler, Fayette, Washington, and Westmoreland Counties.

The boundaries of locality pay areas are subject to change if the boundaries of the corresponding MSA's and CMSA's change, as determined by OMB.

OPM received comments on the boundaries of the proposed locality pay areas from nine agency field offices, four employee organizations, and two individuals. Most commenters fully supported the boundaries of the new locality pay areas. However, three commenters requested that certain additional areas in the "Rest of U.S." locality pay area be included in the Minneapolis-St. Paul, MN-WI, locality pay area. These areas are Waseca County, MN; the city of Rochester, MN; and Pine County, MN. However, as explained below, none of these locations meets all of the criteria set forth by the Federal Salary Council for removal from the "Rest of U.S." locality

pay area and inclusion as an "area of application" in the Minneapolis-St. Paul locality pay area.

Prior to the implementation of locality pay in 1994, the President's Pay Agent adopted the Federal Salary Council's recommendation that the boundaries of locality pay areas follow the boundaries of MSA's and CMSA's, as defined by OMB. The Federal Salary Council also recommended that certain areas outside the boundaries of an MSA or CMSA (i.e., "areas of application") be included in the locality pay area if they meet certain criteria.

In order for the Federal Salary Council to recommend an area as a county-wide area of application for the January 1997 locality payments, the affected county must—

1. Be contiguous to a pay locality;
2. Contain at least 2,000 GS-GM employees;
3. Have a significant level of urbanization, based on 1990 Census data. A "significant level of urbanization" is defined as a population density of more than 200 per square mile or at least 90 percent of the population in urbanized areas; and
4. Demonstrate some economic linkage with the pay locality, defined as commuting at a level of 5 percent or more into or from the areas in question. The areas in question are the contiguous county under consideration and the central counties (or in the case of New England, the central cores) identified by the Census Bureau for the process of defining the CMSA's and MSA's involved.

In the case of Waseca County, criterion 1—that the county be contiguous to the Minneapolis-St. Paul, MN-WI, locality pay area—is not met.

With respect to the city of Rochester, MN, under established policies, areas of application must comprise entire counties (except where a Federal facility crosses pay area boundaries). Even if individual cities could be considered, Rochester would not meet criterion 1—that an area of application be contiguous to a pay locality. Nor does Olmstead County, MN, meet this criterion.

In the case of Pine County, criterion 2—that it contain at least 2,000 GS-GM employees—and criterion 3—that it have a significant level of urbanization—are not met.

Therefore, because the FSC's criteria for "areas of application" were not met

none of the those areas in question will be part of the Minneapolis-St. Paul, MN-WI, locality pay area.

#### 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

In certify that these regulations will not have a significant impact on a substantial number of small entities because they will apply only to Federal agencies and employees.

#### List of Subjects in 5 CFR Part 531

Government employees, Law enforcement officers, Wages.

Office of Personnel Management,

James B. King,

Director.

Accordingly, OPM is amending part 531 of title 5, Code of Federal Regulations, as follows:

### **PART 531—PAY UNDER THE GENERAL SCHEDULE**

1. The authority citation for part 531 continues 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 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(b)(1), and 5553; and E.O. 12883, 58 FR 63281, 3 CFR, 1993 Comp., p. 682;

Subpart G 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 F—Locality-Based Comparability Payments**

2. In § 531.603, paragraph (b) is revised to read as follows:

##### **§ 531.603 Locality pay areas.**

\* \* \* \* \*

(b) The following are locality pay areas for the purpose of this subpart:

(1) Atlanta, GA—consisting of the Atlanta, GA MSA;

(2) Boston-Worcester-Lawrence, MA-NH-ME-CT—consisting of the Boston-Worcester-Lawrence, MA-NH-ME-CT CMSA;

(3) Chicago-Gary-Kenosha, IL-IN-WI—consisting of the Chicago-Gary-Kenosha, IL-IN-WI CMSA;

(4) Cincinnati-Hamilton, OH-KY-IN—consisting of the Cincinnati-Hamilton, OH-KY-IN CMSA;

(5) Cleveland-Akron, OH—consisting of the Cleveland-Akron, OH CMSA;

(6) Columbus, OH—consisting of the Columbus, OH MSA;

(7) Dallas-Fort Worth, TX—consisting of the Dallas-Fort Worth, TX CMSA;

(8) Dayton-Springfield, OH—consisting of the Dayton-Springfield, OH MSA;

(9) Denver-Boulder-Greeley, CO—consisting of the Denver-Boulder-Greeley, CO CMSA;

(10) Detroit-Ann Arbor-Flint, MI—consisting of the Detroit-Ann Arbor-Flint, MI CMSA;

(11) Houston-Galveston-Brazoria, TX—consisting of the Houston-Galveston-Brazoria, TX CMSA;

(12) Huntsville, AL—consisting of the Huntsville, AL MSA;

(13) Indianapolis, IN—consisting of the Indianapolis, IN MSA;

(14) Kansas City, MO-KS—consisting of the Kansas City, MO-KS MSA;

(15) Los Angeles-Riverside-Orange County, CA—consisting of the Los Angeles-Riverside-Orange County, CA CMSA, plus Santa Barbara County, CA, and that portion of Edwards Air Force Base, CA, not located within the Los Angeles-Riverside-Orange County, CA CMSA;

(16) Miami-Fort Lauderdale, FL—consisting of the Miami-Fort Lauderdale, FL CMSA;

(17) Milwaukee-Racine, WI—consisting of the Milwaukee-Racine, WI CMSA;

(18) Minneapolis-St. Paul, MN-WI—consisting of the Minneapolis-St. Paul, MN-WI MSA;

(19) New York-Northern New Jersey-Long Island, NY-NJ-CT-PA—consisting of the New York-Northern New Jersey-Long Island, NY-NJ-CT-PA CMSA;

(20) Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD—consisting of the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD CMSA;

(21) Pittsburgh, PA—consisting of the Pittsburgh, PA MSA;

(22) Portland-Salem, OR-WA—consisting of the Portland-Salem, OR-WA CMSA;

(23) Richmond-Petersburg, VA—consisting of the Richmond-Petersburg, VA MSA;

(24) Sacramento-Yolo, CA—consisting of the Sacramento-Yolo, CA CMSA;

(25) St. Louis, MO-IL—consisting of the St. Louis, MO-IL MSA;

(26) San Diego, CA—consisting of the San Diego, CA MSA;

(27) San Francisco-Oakland-San Jose, CA—consisting of the San Francisco-Oakland-San Jose, CA CMSA;

(28) Seattle-Tacoma-Bremerton, WA—consisting of the Seattle-Tacoma-Bremerton, WA CMSA;

(29) Washington-Baltimore, DC-MD-VA-WV—consisting of the Washington-Baltimore, DC-MD-VA-WV CMSA, plus St. Mary's County, MD; and

(30) Rest of U.S.—consisting of those portions of the continental United States not located within another locality pay area.

[FR Doc. 96-20092 Filed 8-6-96; 8:45 am]

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## **OFFICE OF GOVERNMENT ETHICS**

### **5 CFR Part 2635**

**RINs 3209-AA04, 3209-AA15**

#### **Further Grace Period Extension for Certain Existing Agency Standards of Conduct**

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Office of Government Ethics is granting one further grandfathering grace period extension of just under three months for certain existing executive agency standards of conduct, dealing with regulatory financial interest prohibitions and prior approval for outside employment and activities, which have been temporarily preserved. This further action (three previous extensions have been granted) is necessary because some agencies still have not been able to issue, with OGE concurrence and co-signature, interim or final supplemental regulations during the prior grace periods. This further extension will help ensure that agencies which in conjunction with OGE are actively working on draft supplementals will have adequate time to issue, if they so desire, successor supplemental regulatory provisions to replace grandfathered financial interest prohibitions and prior approval requirements.

**EFFECTIVE DATE:** August 7, 1996.

**FOR FURTHER INFORMATION CONTACT:** William E. Gressman, Office of Government Ethics; telephone: 202-208-8000, extension 1110; FAX: 202-208-8037.

**SUPPLEMENTARY INFORMATION:** The Office of Government Ethics is granting, under the executive branch standards of ethical conduct, an extension of time until November 1, 1996 for certain