

Directive

MRP 4531.2

2/15/01

HIGHEST PREVIOUS RATE

1. PURPOSE

This Directive establishes Marketing and Regulatory Programs (MRP) policy on setting the Highest Previous Rate (HPR) of pay for employees in positions covered by the General Schedule (GS/GM) and the Prevailing Rate (WG/WL/WS) Systems.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces the following Agency-specific directives and instructions:

- a. AMS Directive 322.1, Rate of Basic Pay - Position or Appointment Changes, dated 9/20/85,
- b. APHIS Directive 434.2, Salary Rate Determinations, dated 5/17/88, and
- c. GIPSA Directive 434.2, Salary Rate Determinations, dated 10/7/86.

3. AUTHORITIES

This Directive supplements the following laws, rules, and regulations:

- a. Title 5, U. S. Code, Chapter 53;
- b. Title 5, Code of Federal Regulations (CFR), Parts 530-532 and 536; and
- c. Department Personnel Manual (DPM) Chapter 536, Subchapters 1 and 3.

4. POLICY

- a. It is MRP policy that employees' rate of basic pay will be set at the maximum rate permitted by law or regulation. In the case of HPR determinations, the rate will be based on:

- (1) An appointment greater than 90 days or one or more appointments without a break in service totaling at least 90 continuous days (5 CFR 531.203 [d][1]);
 - (2) A regular tour of duty (rates earned under a mixed tour schedule can be used only as an HPR while an employee is assigned to either a full-time or part-time work schedule);
 - (3) Temporary promotions of 1 year or more.
- b. In addition to the prohibitions of 5 CFR 531.203 (d), an HPR will not be based on:
- (1) An intermittent, on-call, or as-needed work schedule;
 - (2) A demotion for cause; or
 - (3) Seasonal positions initially filled under Schedule A appointments in the Excepted Service, under 5 CFR 213.3113 (f)(2), in Cotton Programs, AMS.
- c. MRP agencies have the discretion to establish policy and determine what level of supervision has the authority to determine whether an HPR will be granted for voluntary demotions. If MRP agencies choose not to establish such policies, then the servicing personnel office will grant employees an HPR in accordance with law or regulation that provides employees with the maximum benefit.

GIPSA Exception: Approval to grant an HPR is only delegated to Division Directors.

5. OPERATING GUIDELINES

Additional information on HPR may be found in the Human Resources Desk Guide (HRDG), Subchapter 4531, Highest Previous Rate. This Directive and HRDG Subchapter 4531 are available on the MRP Human Resources (MRPHR) home page at www.aphis.usda.gov/mb/mrphr and on the Information Technology electronic library at www.aphis.usda.gov/library and the AMS Administrative Issuances home page at www.ams.usda.gov/issuances.

Before this policy can be implemented for employees in recognized bargaining units, agencies must discharge their bargaining obligations.

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6. INQUIRIES

Direct general inquiries on procedural matters to the servicing personnel office. Direct requests for policy interpretations on complex issues to the Pay, Leave, and Tours of Duty Specialist, Employment Policy Branch, MRP Human Resources Division.

Deputy Administrator
MRP Business Services

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