

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

600th FPRAC

SHELDON FRIEDMAN, Chairperson, Presiding

Thursday, December 18, 2014

Room 5526

Office of Personnel Management
Washington, D.C. 20415**ATTENDANCE:****Members/Alternates:**Management Members:Mark Allen, OPM
Jim Davey, DoD
David Pedersen, Navy
Arleen Romba, VALabor Members:Bill Fenaughty, MTD/NFFE
Jacque Simon, AFGE (via phone)
Candace Archer, AFGE
Adair Gregory, NAGE (via phone)
Steven Landis, ACT**Staff Specialists and Visitors:**Jeanne Jacobson, Designated Federal Officer, OPM
Madeline Gonzalez, OPM
Robbins Byrne, OPM
Jim Brady, DoD
Luis Lynch, Air Force
Thurstan Hunter, VA
Donovan Collins, VA**Recording Secretaries:**

Mike Eicher, OPM

[Transcript prepared from digital audio produced by FPRAC.]

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P R O C E E D I N G

CHAIRMAN FRIEDMAN: Well, good morning, everyone, and welcome to this, our 600th, meeting of the Federal Prevailing Rate Advisory Committee. I guess that's quite a milestone for us. My name is Sheldon Friedman, Chair of the Committee.

As we always do, let's go around the room and introduce ourselves. We'll start with you, Bill.

MR. FENAUGHTY: Bill Fenaughty, Metal Trades Division and NFFE.

MS. ARCHER: Candace Archer, AFGE.

MR. LANDIS: Steven Landis, ACT.

MR. ALLEN: Mark Allen with OPM.

MR. DAVEY: Jim Davey with DoD.

MR. PEDERSEN: Dave Pedersen with Navy.

MS. ROMBA: Arleen Romba with VA.

CHAIRMAN FRIEDMAN: And I understand we have at least one member on the phone today. Would you please introduce yourself? Can you hear me?

MS. SIMON (via phone): Yeah. This is Jacque Simon from AFGE.

CHAIRMAN FRIEDMAN: Is anyone else on the phone?

[No audible response.]

CHAIRMAN FRIEDMAN: Who else were we expecting on the phone?

MS. GONZALEZ: Pamela Sokol from Army and Adair Gregory from NAGE.

CHAIRMAN FRIEDMAN: We've got four on each side, including Jacque, so I think we can get started.

Why don't people around the room also introduce themselves?

MS. JACOBSON: Jeanne Jacobson, OPM, Designated Federal Officer.

MR. LYNCH: Luis Lynch, Air Force.

MR. BRADY: Jim Brady, DoD.

MR. COLLINS: Donovan Collins, VA.

MR. HUNTER: Thurstan Hunter, VA.

MS. GONZALEZ: Madeline Gonzalez with OPM.

MR. EICHER: Mike Eicher, OPM.

CHAIRMAN FRIEDMAN: And I think someone may have just joined us on the phone. Could you please --

MR. GREGORY (via phone): Yes. This is Adair Gregory with NAGE.

CHAIRMAN FRIEDMAN: Okay, welcome.

MR. GREGORY (via phone): Thank you.

CHAIRMAN FRIEDMAN: So I have distributed a couple of announcements.

First is my response to a letter we got in August from Senator Brown of Ohio regarding a matter that was brought to FPRAC's attention back in 2010. We distributed the incoming letter from Senator Brown at an earlier meeting.

Also -- and I think people are aware of this already, but I have circulated the letter from Brenda Roberts of OPM regarding approval of special rates for non-appropriated fund FWS positions at the Minot Air Force Base in North Dakota.

Any questions about either of those?

[No response.]

CHAIRMAN FRIEDMAN: If not, we could go on to the review of the transcript of our last meeting. Are there any other corrections beyond those that we've heard from you about for the transcript of that meeting?

[No audible response.]

CHAIRMAN FRIEDMAN: If not, is there any objection to adopting that transcript?

[No audible response.]

CHAIRMAN FRIEDMAN: Hearing no objection, the transcript of our last meeting is adopted. Thank you.

And that brings up Old Business. Is there anything that people want to discuss about items (a) through (d) under Old Business?

MS. ARCHER: I guess the motion that we have included here about the Mississippi Lakes project would fall under Old Business --

CHAIRMAN FRIEDMAN: (e).

MS. ARCHER: (e), yes.

CHAIRMAN FRIEDMAN: Yes. So I'm asking if anybody wants to deal with (a) through (d).

MS. ARCHER: Yes. Oh, I'm sorry.

CHAIRMAN FRIEDMAN: That's okay.

Hearing --

[No audible response.]

CHAIRMAN FRIEDMAN: Okay. So let's move on to (e). Yes, Candace. Your motion certainly does fall under (e), and that's the issue regarding the Lake employees in the Northern Mississippi wage area.

We have before us the review prepared by OPM staff of the two counties in which those Lakes are located, which we distributed at the last meeting.

We also have a very useful list of FPRAC recommendations in recent years in cases where there are closely located or closely related Federal activities that straddle county lines.

And we understand that AFGE has a proposal it wants to make on this matter as well.

So the floor is open on this issue. We started a discussion the last time. We had also very good, helpful input from local management about the Lakes Project. The floor is open. Who wants it?

MS. ARCHER: Well, I guess I'll start. We made this motion I think at the last meeting. This is just formally making sure that it's in writing and people can see exactly what we're moving for, and I think we had a robust discussion last time. We heard from management in the Lake Projects, and management seemed to suggest that this was something that would be cost effective, would also be fair to employees, would increase morale, and would allow them better ability to manage their workforce. So that's the reason for our motion, and I'm not sure if --

CHAIRMAN FRIEDMAN: Why don't you start by stating the motion?

MS. ARCHER: Oh. Oh, I'm sorry.

CHAIRMAN FRIEDMAN: I think we're getting slightly ahead into the --

MS. ARCHER: Okay. AFGE moves that the special wage schedule be established for the workers of the Mississippi Lake Project, so that employees of the four project offices are paid on the same pay scale and receive the prevailing rate for the Memphis pay area due to the unique circumstances of their work.

By unique circumstances of their work --

CHAIRMAN FRIEDMAN: Let's hold it. We'll get to discussion of the motion shortly.

MS. ARCHER: Sorry.

CHAIRMAN FRIEDMAN: Is there a second?

MR. LANDIS: I'll second.

CHAIRMAN FRIEDMAN: Okay. It has been moved and seconded that a special wage schedule be established for the workers at the Mississippi Lakes project, so employees at the four project offices are paid on the same scale and receive the prevailing rate for the Memphis wage area due to the unique circumstances of their work.

The floor is now open for discussion. If you want to have the floor first and explain why --

MS. ARCHER: Sure. My apologies. I was jumping a bit.

CHAIRMAN FRIEDMAN: -- you're proposing this --

MS. ARCHER: Like I said, I think we had a robust discussion last time. We heard from management how this would benefit not only the mission of the project, but also the morale of the workers as well as cost effectiveness and management flexibility.

In addition, what we have seen is that the work that these folks do is essentially overlapped on all of these sites, so it does constitute what we think is one worksite, and so we think that this is a proposal that would be -- would actually solve the problem that's existed for a very long time in that area.

CHAIRMAN FRIEDMAN: Any further discussion?

MR. DAVEY: Yes. First of all, we have a motion. We may have a vote. This is Christmastime. There's a 7-day minority report opportunity, and the seventh day happens to be a holiday.

So I'm suggesting that it's not a good time to vote on things, simply because there's a constrained time to perform any after-action reports that might happen.

CHAIRMAN FRIEDMAN: So you're requesting that we defer this to another meeting? Is that --

MR. DAVEY: Yes.

CHAIRMAN FRIEDMAN: Well --

MR. DAVEY: A discussion is fine, but I think anything voted today would be shortening the time frame for any after-action reports due to the holidays coming up.

CHAIRMAN FRIEDMAN: Just as a side bar, you say the seventh day is the holiday and, therefore, a short amount of time to do a minority report.

MR. DAVEY: Right.

CHAIRMAN FRIEDMAN: Is that your understanding of how the 7-day rule works, Mark?

MR. ALLEN: I believe the way the rules as written for the Committee's operations after a vote takes place provide that the minority members may decide to send in a minority report opposing the authority recommendation. The members in the minority have 7 days in which to --

CHAIRMAN FRIEDMAN: 7 calendar days?

MS. GONZALEZ: 7 workdays.

MR. DAVEY: 7 workdays.

CHAIRMAN FRIEDMAN: 7 workdays. So, in fact, the fact that it's a holiday doesn't shorten the --

MR. DAVEY: Except for two of those days happen to be holidays.

CHAIRMAN FRIEDMAN: Right. But then you get an additional day after that.

MR. DAVEY: Oh, because it's workdays.

CHAIRMAN FRIEDMAN: Yeah. Yeah, you get an additional 2 days.

MR. DAVEY: Yeah. Well, in addition to the holiday part of it, everyone at this time of the year is short-staffed. At least within our department, there's lots of holiday taking going on -- which reduces the ability of the staff to consider all of these items on time.

So I respectfully request a vote not be taking on this, simply because holiday, number one; number two, we're short-staffed.

CHAIRMAN FRIEDMAN: Okay. Well, we actually have to either vote on that, unless there's a consensus. Is there a consensus to defer this one month or not?

MR. ALLEN: Until January?

CHAIRMAN FRIEDMAN: Until January.

MS. ARCHER: I don't think there's a consensus.

CHAIRMAN FRIEDMAN: So then we need -- okay. So you have essentially made a motion --

MR. DAVEY: I make a motion to --

CHAIRMAN FRIEDMAN: -- to defer it --

MR. DAVEY: -- to defer it --

CHAIRMAN FRIEDMAN: -- for a month.

MR. DAVEY: Yeah.

CHAIRMAN FRIEDMAN: You guys are going to make me become an expert on Robert's Rules of Order -- I'm not -- I don't want to be.

I believe that's a debatable motion. So is there any debate on postponing till next month?

MS. SIMON (via phone): Sheldon, this is Jacque. Is there a quorum present?

CHAIRMAN FRIEDMAN: Yes.

MS. SIMON (via phone): Okay. Well, then I just would like to speak in opposition to the motion. These people have been waiting a really long time. Years, not months. This is not a new issue for FPRAC. We have discussed this. We have studied this. We have spent an inordinate amount of time on this issue.

We have all the information before us and have had that information before us for months, if not years, and it's certainly time for justice for these workers. And I think any kind of delay at this point is just the wrong thing to do. So I speak against the delay.

MR. DAVEY: Well, as far as having information in front of us, this concept just showed up recently. What was before us before was the concept of a redefinition of a county, and so this is a new concept. So I wouldn't agree that we've had time to consider this for years and years and years. Until very recently, no one had ever spoken of a, quote/unquote, special wage schedule for these employees.

MS. ARCHER: Well --

CHAIRMAN FRIEDMAN: Any additional - yes?

MS. ARCHER: But you have had a month to consider that, and we did make this motion at the last meeting. All we're doing now is we're formalizing it.

MR. DAVEY: Okay. And --

MS. ARCHER: So -- and you'll see in the -- you know, in the transcript that we made a motion to do this.

So, you know, I mean, you've had time over the last month to look into this and see if this is, you know,

problematic or whatever and come in today ready to move on it or not.

MR. FENAUGHTY: Sheldon?

CHAIRMAN FRIEDMAN: Yeah. Bill?

MR. FENAUGHTY: I remember what happened at the last month's meeting. We could have voted on it then, and then this problem wouldn't have existed about this holiday issue.

The reason that we didn't vote on it last month was because the Chair recommended that we put the motion in writing. That's the only reason that we didn't vote, because you wanted to see something formal in writing. If anybody remembers something different than that, I don't.

MR. DAVEY: And the formal writing showed up within -- less than 24 hours ago, is when we saw it.

MR. FENAUGHTY: That's right, Jimmy, but everybody knew what this was about last month. This is just the same words that were spoken last month on this --

MR. DAVEY: There are many, many motions --

MR. FENAUGHTY: -- paper.

MR. DAVEY: -- that are deferred over time. They all aren't voted on instantly for various reasons.

CHAIRMAN FRIEDMAN: Anybody got any new points to make on this?

MR. DAVEY: I have a question about the -- is this something that we're allowed to do? Is it within the purview of the FPRAC members to create a --

CHAIRMAN FRIEDMAN: Well, let's --

MR. DAVEY: -- special wage schedule?

CHAIRMAN FRIEDMAN: Let's deal with -- well, I think we got to deal with your motion to postpone first.

MR. DAVEY: Thank you.

CHAIRMAN FRIEDMAN: Unless there's a question about the main motion, which we're not quite --

MR. DAVEY: Okay.

MR. ALLEN: Mr. Chairman, I do remember in the past -- and this is not strictly within the rules of the Committee, but there have been times in the past where the period between a vote and a minority report being sent in was extended by the Chairman or by the agreement of the Committee.

CHAIRMAN FRIEDMAN: Which is it? Does the Chair have the authority to extend that period, or does it require a consensus to extend that period?

MR. ALLEN: I believe it would require a consensus among the Committee members to do that.

CHAIRMAN FRIEDMAN: All right. Well, let's -- so once we dispose of the motion or make some decision on the motion to postpone, if you then want to propose more time to submit your minority report, we can see if there is a consensus.

But, again, I think, Mark, again, that is still -- and after we make a decision on postponing the question.

MR. ALLEN: Yeah.

CHAIRMAN FRIEDMAN: Is there any objection to voting on the motion to postpone? Are there any new points people need to make about it before we vote on it?

[No audible response.]

CHAIRMAN FRIEDMAN: Then I believe we'll --

MR. DAVEY: I think we need to second it first.

CHAIRMAN FRIEDMAN: On the motion to postpone, probably. Is there a second? -

MR. PEDERSEN: I'll second that.

CHAIRMAN FRIEDMAN: Okay. So it's been moved and seconded to postpone until the January meeting consideration of the AFGE motion, which I suppose I'm supposed to read, but you know what I'm talking about.

So then I believe we're ready to vote now.

MS. GONZALEZ: There are four Management members and five Labor members, so which Labor member would not vote?

MS. ARCHER: I'll -- no, I shouldn't do that. Forget it. [Laughs.] I have to vote.

MS. GONZALEZ: I need four and four, so --

MR. LANDIS: I guess I can step aside for this vote.

MS. GONZALEZ: Okay. OPM?

MR. ALLEN: On the motion to --

CHAIRMAN FRIEDMAN: Yeah. You're supposed to read the motion. I'm sorry. Yeah, this is the motion to postpone. I thought I said -- this is the motion to postpone until --

MS. GONZALEZ: Until January.

CHAIRMAN FRIEDMAN: -- January, consideration of the AFGE motion.

MR. ALLEN: Okay. Yes.

MS. GONZALEZ: DoD?

MR. DAVEY: Yes.

MS. GONZALEZ: Navy?

MR. PEDERSEN: Yes.

MS. GONZALEZ: VA?

MS. ROMBA: Yes.

MS. GONZALEZ: Metal Trades?

MR. FENAUGHTY: No.

MS. GONZALEZ: AFGE, Candace?

MS. ARCHER: No.

MS. GONZALEZ: AFGE, Jacques?

MS. SIMON (via phone): No.

MS. GONZALEZ: And NAGE?

MR. GREGORY (via phone): No.

MS. GONZALEZ: It's a tie, Mr. Chairman.

CHAIRMAN FRIEDMAN: Okay. The Chairman votes no but is very sympathetic to the idea of giving DoD an extra month for its minority report.

So motion to postpone fails, and we're back to debate on the main motion, which is to create a special wage schedule for the four Lakes. Would you want to --

MR. DAVEY: I'd like to make a motion that deals with the postponed time. Is it in order to do that at this point?

CHAIRMAN FRIEDMAN: Is this regarding additional time for the minority report?

MR. DAVEY: Yes.

CHAIRMAN FRIEDMAN: Yeah, certainly. I think it is.
I'll just say it's in order.

MR. DAVEY: Okay.

[Laughter.]

MR. DAVEY: I would like to make a motion that the time be extended for the minority report on this issue until the next meeting, the next January meeting of FPRAC.

CHAIRMAN FRIEDMAN: Okay. You want another month beyond the --

MR. DAVEY: Yeah.

CHAIRMAN FRIEDMAN: Normally, it would be a 7-day window.

MR. DAVEY: 7-day window?

CHAIRMAN FRIEDMAN: You want at least 7 days.

MR. ALLEN: So this would be up through January 15th.
That's when the next FPRAC meeting is.

MR. DAVEY: Yes.

CHAIRMAN FRIEDMAN: Okay. So it's been moved to allow additional time for the minority report until the January meeting of FPRAC. Any debate of that?

MR. DAVEY: Second it?

MR. PEDERSEN: Yes.

MR. FENAUGHTY: So they got 7 days, and now they want 37 days. In my mind --

MR. DAVEY: Please keep in mind -- please keep in mind that it's also use-or-lose time within the government, and the actual deadline to use that is January 8th, I believe.

MR. FENAUGHTY: We didn't make up these time frames, Jim. They've been here a long time.

We may be willing to listen to something just a little bit between 37 and 7.

MR. DAVEY: I understand that what we are saying is -- I'm just letting you know that we're short-staffed, and now there's additional items that may be required of our staff during the time when we're trying to issue wage schedules.

How many wage schedules do we have to issue?

MR. BRADY: A couple hundred.

MR. DAVEY: A couple hundred wage schedules, which would be really our priority.

MR. ALLEN: It's actually only extending about, I think, 21 days beyond the 7 days.

MR. FENAUGHTY: Those are workdays.

MR. DAVEY: Well, I'm not talking workdays. I'm talking 20 workdays, maybe.

MR. ALLEN: No. If we're just talking calendar days to get it through January 15th, then 7 workdays would take us up through -- beyond Christmas, and then it's really only -- actually, it's only 2 weeks after that normal deadline.

CHAIRMAN FRIEDMAN: Any other discussion?

MR. LANDIS: I just have a question. How is this motion different than the motion that was just defeated?

CHAIRMAN FRIEDMAN: Oh. Well, the motion that was defeated was to postpone consideration of the AFGE motion until the next meeting, January meeting.

MR. LANDIS: Okay.

CHAIRMAN FRIEDMAN: This is a motion to allow -- you know what? This actually -- I think we actually --

MR. DAVEY: The vote would happen today.

CHAIRMAN FRIEDMAN: Mm-hmm.

MR. DAVEY: But it would simply -- well, the first motion was to not vote today.

CHAIRMAN FRIEDMAN: Right.

MR. DAVEY: But the vote --

CHAIRMAN FRIEDMAN: I think what I should have said is the motion is out of order until we finish this other motion, frankly, but I didn't. So we're talking about it. So let's deal with it because it's different from postponing.

Anyway, they want more time for a minority report. Normally, they'd have 7 business days from a decision here, and Jim is asking that they have a month for their minority report if there needs to be a minority report.

MR. LANDIS: Right. I understand the technical difference. We were voting today as opposed to voting in a month, but if they have until next month to do the minority report anyway, it would be no different than if we voted on it and just went through next month.

But like Bill was saying, I would have no problem -- I mean, again, we would discuss this -- with an additional 7 business days onto the original 7 business days, but postponing it for another -- not postponing it, but waiting for the minority report again until the January meeting doesn't sound like it -- it's being delayed until the January meeting, one way or the other, whether we vote on it today or we vote on it at the January meeting.

CHAIRMAN FRIEDMAN: You're saying you would accept some additional time?

MR. LANDIS: I'm suggesting that's a possibility that we would have to discuss on the Labor side.

MR. DAVEY: The quantity of work that we are required to put out over the holidays is enormous. Anything that happened from September through now, all those wage schedules are required to be issued during this time frame. It's difficult with everyone taking holiday leave and holidays taking place as well. It's difficult enough to complete that task.

So, with all due respect, I'd like you all to take that into account when we have an additional item to consider during that very, very busy time frame.

MR. ALLEN: I'm just looking at my -- it's actually my payroll calendar here. If we had 7 working days between today and the date from which the minority report would normally be required, it would be --

MS. ARCHER: The 31st?

MR. ALLEN: The 31st is correct. So there would be 10 additional working days which would lead us up through January 15th.

MS. ARCHER: Nine. Right?

CHAIRMAN FRIEDMAN: Is the 7-day rule a regulation? Is this something --

MR. DAVEY: No. It's in the Charter that we have for consideration.

MS. GONZALEZ: It's in the Committee rules.

CHAIRMAN FRIEDMAN: It's in the -- well, it is?

MR. DAVEY: Yes.

CHAIRMAN FRIEDMAN: Because we've just been looking at Committee rules, and I don't remember seeing anything about -- I know I've seen 7 days for minority report somewhere, but it's in the Committee rules document that we're looking at? Can you point where?

MS. GONZALEZ: It's in Section V(e).

CHAIRMAN FRIEDMAN: Oh, okay. Okay. So it is.

MR. FENAUGHTY: Sheldon, let me just say this. I mean, we're kind of out of order here a little bit.

CHAIRMAN FRIEDMAN: I think we are, actually. I agree with that.

MR. FENAUGHTY: I mean, we certainly understand what Jim is saying in part, but why don't we vote on the motion and see if we actually need a --

CHAIRMAN FRIEDMAN: That's why we're out of order. No, you're absolutely right. I made a goof. This procedure --

MR. DAVEY: So let's delay this discussion.

CHAIRMAN FRIEDMAN: -- it might be moot. It might not be moot. We don't know yet.

So I go back to the main motion. Is there any more debate on the main motion?

MR. DAVEY: Yes. I have a question. We're talking about this is the 600th meeting of the Federal Prevailing Rate Advisory Committee, and I'm trying to recollect when in the past 600 meetings has FPRAC created a special wage schedule. Really, is it within the purview of this Committee to create such a special wage schedule?

CHAIRMAN FRIEDMAN: Well, anything we do is a recommendation to the Director. So we don't create anything. I mean, everything we do is a recommendation to the Director of OPM, so --

MR. DAVEY: The recommendations in the past -- well, I know that we've talked about redefining areas, but I don't recollect any discussion ever within FPRAC to make such a recommendation.

When it comes to a special wage schedule, then that's defined in the operating manual of the procedures for that.

I don't know. Mark, do you remember off the top of your head whether there is a special wage -- something in the operating manual that deals with this?

MR. ALLEN: It's actually a provision in both the operating manual and in regulation that authorizes OPM to create special wage schedules, which are different than special rates.

We actually do have many special wage schedules that were developed over the years. A lot of them were developed early on in the pay system when we were -- the Civil Service Commission was accommodating preexisting practices that agencies had, such as -- I think maybe the lock and dam schedule is one. There's another special schedule system for Department of the Interior overlap schedules. Printing and lithographic employees were placed on a series of special schedules because of their specialized industry. The foreign areas schedules, those are considered to be special wage schedules. And all of those at one point or another were recommended to be developed by FPRAC and the Civil Service Commission, when OPM first put them into the operating manual and then later in the regulations under Title 5.

CHAIRMAN FRIEDMAN: Any other discussion of the main motion?

[No audible response.]

CHAIRMAN FRIEDMAN: Are we ready to vote then?

MR. FENAUGHTY: I'm ready.

CHAIRMAN FRIEDMAN: Let me state the motion. It's been moved that a special wage schedule be established for the workers at the Mississippi Lake Projects, so that employees in the four --

MR. ALLEN: Mr. Chairman, the Management members would like to take a brief caucus.

CHAIRMAN FRIEDMAN: Okay. We are in recess for a caucus.

[Management members go in caucus off the record.]

CHAIRMAN FRIEDMAN: Management has returned from its caucus, and we are back in session.

MR. ALLEN: Mr. Chairman, the Management members have some additional discussion points they would like to raise.

CHAIRMAN FRIEDMAN: Okay. The floor is yours.

MR. DAVEY: Looking at the motion, the motion describes the unique circumstance of their work, this being the employees at these Lakes that work for the Corps of Engineers.

I'm not sure that that's necessarily true. We're aware that they have some circumstances, but whether it's unique or not, I don't think that we know the answer to that.

I suspect the National Guard people who are within 5 miles of these people we're talking about have interaction with other National Guard members in their states as well, if not more so than these people that we're talking about now.

So I'm concerned about the concept of the organization being one of the main drivers of why we're talking about this and the application of that concept to the National Guard or other organizations as well.

CHAIRMAN FRIEDMAN: Anything else from your caucus that you want to report back to us?

MR. DAVEY: Anything else?

[No audible response.]

CHAIRMAN FRIEDMAN: Any further discussion of the motion?

MR. LANDIS: Now, we --

CHAIRMAN FRIEDMAN: Actually, we had -- oh, you wanted to --

MR. LANDIS: I just wanted to record the vote, is all. If that's now, that would be fine.

CHAIRMAN FRIEDMAN: I think we -- if there's not further discussion, go ahead.

MR. LANDIS: I just wanted to say since I won't be officially voting here, I just wanted to express ACT's support for the motion.

CHAIRMAN FRIEDMAN: Okay. Any further -- I think we did this already, but let me ask just one more time. Any further discussion of this motion?

[No audible response.]

CHAIRMAN FRIEDMAN: If not, we are ready to vote. Let me read the motion. The motion is to establish a special wage schedule for the workers at the Mississippi Lake Project, so that the employees in four project offices are paid on the same scale and receive the prevailing rate of the Memphis pay area due to the unique circumstances of their work. That's the motion.

I think we are ready to vote. Madeline?

MS. GONZALEZ: I will start with Labor this time. Metal Trades?

MR. FENAUGHTY: Yes.

MS. GONZALEZ: AFGE, Candace?

MS. ARCHER: Yes.

MS. GONZALEZ: AFGE, Jacques?

MS. SIMON (via phone): Yes.

MS. GONZALEZ: NAGE?

MR. GREGORY (via phone): Yes.

MS. GONZALEZ: OPM?

MR. ALLEN: No.

MS. GONZALEZ: DoD?

MR. DAVEY: No.

MS. GONZALEZ: Navy?

MR. PEDERSEN: No.

MS. GONZALEZ: VA?

MS. ROMBA: No.

MS. GONZALEZ: Mr. Chairman, it's a tie.

CHAIRMAN FRIEDMAN: Okay. The Chair votes yes.

I believe the location, the nearby location and closely related nature of the activity and the interchange -- the potential interchange of the workers between the four Lakes definitely justifies the creation of a special wage schedule in this case.

Did you want to bring up your request for --

MR. DAVEY: Yes. Mr. Chairman, I would like to make a motion that the length of time for a minority report be extended beyond 7 days to the next meeting, the 15th of January.

MR. PEDERSEN: I second that motion.

CHAIRMAN FRIEDMAN: Okay. It's been moved and seconded to extend the length of time we'll allow for a minority report until the January meeting of FPRAC. Any discussion?

MS. ARCHER: And that would be 14 days instead of 7, just so I'm clear? This is working days?

MR. DAVEY: It's more than 14 working days.

MS. ARCHER: No. I think it is 14 or 15 working days.

CHAIRMAN FRIEDMAN: You mean additional beyond the 7. Is that what you're --

MS. ARCHER: No, no. It changes if there's 7 to 14.

CHAIRMAN FRIEDMAN: Oh.

MS. ARCHER: I just want to make sure that I have counted correctly to understand what you're asking for.

CHAIRMAN FRIEDMAN: You're basically saying the reason for this is the holidays and the -- is this so we recognize the special -- somewhat special case --

MR. DAVEY: Yes.

MR. ALLEN: It looks like a total of 17 working days instead of --

MS. ARCHER: Well, the 2nd was granted off, right?

MR. ALLEN: No, we never have that day off.

MS. ARCHER: Well, I thought -- what was the executive order?

CHAIRMAN FRIEDMAN: It was the day after Christmas.

MR. ALLEN: On my calendar, it's 17 total working days.

CHAIRMAN FRIEDMAN: So it's 10 additional.

MR. ALLEN: Yeah.

CHAIRMAN FRIEDMAN: Any further discussion?

[No audible response.]

CHAIRMAN FRIEDMAN: Are we ready to vote?

Or is there a consensus to adopt this motion?

[No audible response.]

MS. ARCHER: Jacque, do you have anything to weigh in on the consensus issue?

MS. SIMON (via phone): I can barely hear. I don't know what the question is.

MS. ARCHER: The question is, is there consensus on the motion to allow the minority report to be granted an extra 10 working days to be completed?

MS. SIMON (via phone): Okay.

CHAIRMAN FRIEDMAN: So does Labor -- is there consensus to adopt this motion?

MS. SIMON (via phone): I have no objection to that.

MR. FENAUGHTY: We're good.

MS. ARCHER: So, yeah, we have consensus.

CHAIRMAN FRIEDMAN: So there is consensus then to allow an additional 10 working days beyond the 7, until the January meeting. Okay.

CHAIRMAN FRIEDMAN: And that brings up item (f) under Old Business. Is there any discussion of the North Dakota issue? We did circulate Brenda Robert's letter regarding one request that OPM had received on that matter. I believe there is another pending request from DoD related to North Dakota and FWS.

Is there something else you want to report on about this, Mark?

MR. ALLEN: I don't have anything new to report on, other than what you've said, Mr. Chairman, other than that OPM did respond pretty quickly to the lead agency request to establish special wage rates for certain non-appropriated fund positions at Minot Air Force Base. Those were approved.

We are also looking into lead agency request to establish certain appropriated fund occupations as primary wage grade, wage leader, wage supervisor positions.

MS. ARCHER: Can you clarify that there has been a request for the --

MR. ALLEN: Yeah.

MS. ARCHER: Okay.

MR. ALLEN: A request has been sent to OPM.

MS. ARCHER: So there's one that's been approved and one that's pending?

MR. ALLEN: That's right.

MS. ARCHER: Okay.

CHAIRMAN FRIEDMAN: Any other discussion on the North Dakota issue at this time?

MS. ARCHER: We look forward to hearing an update on the other request when it comes in.

CHAIRMAN FRIEDMAN: Okay. I'm sure we'll be able to provide something to the Committee about that as soon as we have that information.

Okay. Then Item (g), any discussion on item (g) under Old Business?

MR. ALLEN: Mr. Chairman. OPM staff are currently developing, as we mentioned at our last meeting, an analysis of the wage area definition criteria for this proposal. We don't have anything today, but we will get something to the Committee as soon as we can.

CHAIRMAN FRIEDMAN: So we'll have an OPM staff analysis of this issue possibly at the next meeting?

MR. ALLEN: Soon.

CHAIRMAN FRIEDMAN: Fairly soon?

MR. ALLEN: As soon as we can.

CHAIRMAN FRIEDMAN: 10 working days?

MR. ALLEN: An additional 17, maybe.

[Laughter.]

CHAIRMAN FRIEDMAN: All right. So I guess we can move on to New Business, and the first item under New Business is changes we've been working on to the rules for our Committee.

I did notice a couple other things. So we have suggested a couple more changes to what was sent to us from the working group. I'll just tell you quickly what those are.

For several years now, we have been posting the transcripts of our meetings as well as the annual summaries of our work on the OPM website. We referenced that with respect to

transcripts in the revised new rules, but we didn't reference it with respect to the annual summaries, and we just corrected that to make it consistent and up to date.

And the other change -- where is that? Okay. Let me find my copy. Madeline?

MS. GONZALEZ: Page 4, V(e).

CHAIRMAN FRIEDMAN: Thank you.

MR. FENAUGHTY: It's in red.

CHAIRMAN FRIEDMAN: It's in red, yeah.

And then the other change, I found it a little bit confusing, the discussion about what is public and what is not from our documents and have tried to clarify that, and it's referenced in two places under reports in VI(a) and then at the end at VI(c), right after transcripts. And basically, the distinction is between documents that are introduced at a public meeting, which are publicly available upon request -- versus documents that are background to those documents or background analyses that are not actually introduced. And those would not be publicly available.

Did I get that right, Mark?

MR. ALLEN: Yes.

CHAIRMAN FRIEDMAN: Okay. Those are the only two changes from what you had seen previously, but I have to stop reading this because every time I read it, I find something else.

Anyway, so are we prepared to adopt our revised rules today? Any discussion of the rules?

[No audible response.]

CHAIRMAN FRIEDMAN: Do we need a motion? We need a motion to adopt.

MS. SIMON (via phone): Sheldon, this is Jacque. I'd like some time, actually, to think about that. One of the things that's always surprised me is the number of people who read all the transcripts and look through all the materials on FPRAC. I hear from them regularly, and so any reduction and availability of that would probably negatively affect our members.

So if I could have some more time to consider this proposal, I'd appreciate it.

CHAIRMAN FRIEDMAN: Yeah. No, the intention certainly was not to reduce the public availability of anything.

MS. SIMON (via phone): Okay.

CHAIRMAN FRIEDMAN: Is there agreement then to postpone consideration of this?

MR. ALLEN: Yes.

CHAIRMAN FRIEDMAN: All right. We will take it up again in January. Hopefully, we can adopt it in January. That would be nice.

And then --

MR. DAVEY: Mr. Chairman, I have just one comment. When I was reading through it, I noticed that there was a 7-day minority report time limit.

CHAIRMAN FRIEDMAN: Yes.

MR. DAVEY: So that is why that was on top of my head.

CHAIRMAN FRIEDMAN: Yes. That's what we -- yes, it is in here, and it was before. It's not a new thing.

MR. DAVEY: Correct.

CHAIRMAN FRIEDMAN: It's been there.

MS. ARCHER: Right, right.

CHAIRMAN FRIEDMAN: So under New Business item (b), this is simply an informational table that I asked Madeline to put together which reviews all the various pay flexibilities available to Federal Wage System employees, potentially available, and it's not really anything for us to take action on. This is for everybody's background information.

But if there are any questions about it, feel free to ask them, any discussion or comment on it.

MR. ALLEN: Mr. Chairman, I should point out that this is a compensation flexibilities document that was written specifically for Federal Wage System employees. There are some things in here that apply only to Federal Wage System employees, or they're slightly different than would apply to General Schedule employees. Like the unrestricted rates, that's not something that would apply under the General Schedule.

Otherwise, things like recruitment, relocation, and retention incentives, those are under the same regulations.

CHAIRMAN FRIEDMAN: Any questions or discussion or comments on this?

I found it a very useful document. I want to thank Madeline for putting it together. It was educational for me.

MR. DAVEY: And looking at the top of page 2 where it talks about special schedules, we just took a vote on a special schedule, I think, and I was looking at this, comparing it to that. I don't see that FPRAC is authorized to vote a special wage schedule.

CHAIRMAN FRIEDMAN: What does it say?

MR. DAVEY: Lead agency with the approval of OPM may establish a --

CHAIRMAN FRIEDMAN: Is there some statutory language that underlies that?

Anybody here can answer that? What does it say?

MR. ALLEN: I think it's probably best to cover that issue in the minority report, the one we already voted on.

CHAIRMAN FRIEDMAN: Okay. Any other questions, comments, discussion about the 600-OC-3?

MS. ARCHER: I just want to echo what you just suggested. I think this is a very helpful document, and thank you for putting to together.

CHAIRMAN FRIEDMAN: Madeline. Thank Madeline.

MS. ARCHER: Yeah. Madeline, thank you.

CHAIRMAN FRIEDMAN: If there's no other New Business -- is there any other New Business?

MR. ALLEN: I'd like to wish everybody Happy Holidays.

CHAIRMAN FRIEDMAN: I second that motion.

[Laughter.]

CHAIRMAN FRIEDMAN: Probably even get a consensus on that. That would be great. Okay.

MR. ALLEN: And extended into the new year as well.

CHAIRMAN FRIEDMAN: And before we adjourn, please don't run out without tasting some of our delicious holiday party treats. If there's no objection, we could adjourn.

[No audible response.]

CHAIRMAN FRIEDMAN: Hearing none, we are adjourned, and we will see everyone in the new year, and the happiest holidays to everyone.