

Rules and Regulations

Federal Register

Vol. 61, No. 22

Thursday, February 1, 1996

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Chapter III

Removal of CFR Chapter

Effective February 1, 1996, the Administrative Conference of the United States (ACUS) is terminated by Public Law 104-52, 104 Stat. 480 (see 5 U.S.C. note preceding 591). Therefore, the Office of the Federal Register is removing ACUS regulations from the Code of Federal Regulations pursuant to its authority to maintain an orderly system of codification under 44 U.S.C. 1510 and 1 CFR part 8.

Accordingly, 1 CFR is amended by removing parts 301 through 326 and vacating Chapter III.

BILLING CODE 1505-1D-M

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 530, 531, 534, 550, 575, 581, 582, and 630

RIN: 3206-AH09

Pay Under the General Schedule; Termination of Interim Geographic Adjustments

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to implement the termination of interim geographic adjustments (IGA's) payable to certain Federal employees. The IGA's were terminated by the President because the locality-based comparability payments he authorized for January 1996 exceed 8 percent in both of the two remaining IGA areas (New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, and

Los Angeles-Riverside-Orange County, CA).

DATES: The regulations are effective on January 1, 1996, and are applicable on the first day of the first pay period beginning on or after January 1, 1996. Comments must be received on or before April 1, 1996.

ADDRESSES: Comments may be sent or delivered to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415 (FAX: (202) 606-0824).

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

SUPPLEMENTARY INFORMATION: On August 31, 1995, the President transmitted to Congress a plan for fixing alternative levels of locality-based comparability payments affecting General Schedule (GS) employees in January 1996 under the authority of 5 U.S.C. 5304a. The alternative plan provides an 8.05-percent comparability payment for the New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, locality pay area and an 8.15-percent comparability payment for the Los Angeles-Riverside-Orange County, CA, locality pay area. These locality payments will exceed the 8-percent interim geographic adjustment (IGA) authorized for the New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, and Los Angeles-Riverside-Orange County, CA, interim geographic adjustment areas. Consequently, the President issued Executive Order 12984 of December 28, 1995, which includes no IGA pay schedules. This action has the effect of terminating the IGA's previously established for the New York and Los Angeles Consolidated Metropolitan Statistical Areas (CMSA's). These interim regulations implement the termination of IGA's.

Section 302 of the Federal Employees Pay Comparability Act of 1990 (FEPCA) (Pub. L. 101-509) authorized the President to establish IGA's of up to 8 percent of basic pay for GS employees in geographic areas with significant disparities between Federal and non-Federal pay. On December 12, 1990, the President issued Executive Order 12736, designating the (1) New York-Northern New Jersey-Long Island, NY-NJ-CT CMSA (changed to the New York-Northern New Jersey-Long Island, NY-

NJ-CT-PA CMSA as of December 31, 1992); (2) Los Angeles-Anaheim-Riverside, CA CMSA (changed to the Los Angeles-Riverside-Orange County, CA CMSA as of December 31, 1992); and (3) San Francisco-Oakland-San Jose, CA CMSA as geographic areas in which IGA's should be paid. Payment of IGA's in these geographic areas began in January 1991.

Interim geographic adjustments were intended to be an interim measure pending the implementation of locality-based comparability payments in January 1994. Because locality pay is to be phased in over several years, section 302(d)(2)(A) of FEPCA provides that employees receiving IGA's may not have their pay reduced as a result of the implementation of locality pay. Therefore, the regulations governing IGA's under 5 CFR part 531, subpart A, provided that an employee's IGA entitlement terminates when his or her locality rate of pay exceeds his or her IGA rate of pay.

In January 1995, the San Francisco-Oakland-San Jose, CA CMSA was terminated as an IGA area because the locality payment for that area exceeded 8 percent. (See Executive Order 12944 of December 29, 1994.) Since locality pay will exceed 8 percent in the New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, and Los Angeles-Riverside-Orange County, CA, IGA areas in January 1996, the President has terminated IGA's for these areas, as well.

As a result of the termination of IGA's, OPM is removing 5 CFR part 531, subpart A, "Interim Geographic Adjustments." However, because some employees in the former IGA areas will continue to receive "continued rates of pay" (a form of saved pay established in January 1994 for employees who previously received an IGA on top of a worldwide or nationwide special rate), we are retaining—in a new subpart G of part 531—several provisions previously found in subpart A concerning the administration of continued rates of pay.

These interim regulations also make conforming changes in other parts of the regulations to reflect the termination of IGA's. For example, the interim regulations revise the definition of *rate of basic pay* in § 550.103 relating to premium pay by removing the reference to "interim geographic adjustment" and

adding "continued rate adjustment" to the list of payments included in an employee's *rate of basic pay* for premium pay purposes.

Waiver of Notice of Proposed Rulemaking and Delay in Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists to make this amendment effective in less than 30 days. These interim regulations reflect the termination of IGA's effective on the first day of the first pay period beginning on or after January 1, 1996, as required by the President's Executive Order 12984 of December 28, 1995.

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 apply only to Federal agencies and employees.

List of Subjects in 5 CFR Parts 530, 531, 534, 550, 575, 581, 582, and 630

Administrative practice and procedure, Alimony, Child support, Claims, Government employees, Hospitals, Law enforcement officers, Reporting and recordkeeping requirements, Students, and Wages.

Office of Personnel Management,
James B. King,
Director.

Accordingly, OPM is proposing to amend parts 530, 531, 534, 550, 575, 581, and 582, and 630 of title 5, Code of Federal Regulations, as follows:

PART 530—PAY RATES AND SYSTEMS (GENERAL)

1. The authority citation for part 530 is revised to read as follows:

Authority: 5 U.S.C. 5305 and 5307; E.O. 12748, 56 FR 4521, 3 CFR, 1991 Comp., p. 316;

Subpart B also issued under secs. 302(c) and 404(c) of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), 104 Stat. 1462 and 1466, respectively;

Subpart C also issued under sec. 4 of the Performance Management and Recognition System Termination Act of 1993 (Pub. L. 103-89), 107 Stat. 981.

2. In § 530.202, paragraph (2) in the definition of *aggregate compensation* is revised to read as follows:

§ 530.202 Definitions.

* * * * *

Aggregate compensation means the total of—

(2) Locality-based comparability payments under 5 U.S.C. 5304; continued rate adjustments under subpart G of part 531 of this chapter; or special pay adjustments for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509);

* * * * *

PART 531—PAY UNDER THE GENERAL SCHEDULE

3. 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 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;

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.

4. Subpart A consisting of §§ 531.101-531.106 is removed and reserved.

5. In § 531.301, paragraph (1) in the definition of *scheduled annual rate of pay* is revised to read as follows:

§ 531.301 Definitions.

* * * * *

Scheduled annual rate of pay means—

(1) The General Schedule rate of basic pay for the employee's grade and step (or relative position in the rate range), including a special rate for law enforcement officers under section 403 of the Federal Employees Pay Comparability Act of 1990 (FEPCA) (Pub. L. 101-509), but exclusive of a special salary rate established under 5 U.S.C. 5305 or similar provision of law (other than section 403 of FEPCA), a *continued rate of pay* under subpart G of this part, a *special law enforcement adjusted rate of pay* under this subpart (including a rate continued under § 531.307), a *locality rate of pay* under

subpart F of this part, or additional pay of any kind;

* * * * *

6. In § 531.304, paragraphs (a)(2) and (k) are revised to read as follows:

§ 531.304 Administration of special law enforcement adjusted rates of pay.

(a) * * *

(2) A *continued rate of pay* under subpart G of this part;

* * * * *

(k) When an employee's *special law enforcement adjusted rate of pay* under this subpart is greater than any applicable *locality rate of pay* under subpart F of this part, a *continued rate of pay* under subpart G of this part, or special salary rate under 5 U.S.C. 5305 or similar provision of law (other than section 403 of FEPCA), the payment of the rate resulting from the comparison required by paragraph (a) of this section shall be deemed to have reduced the special pay adjustment for law enforcement officers payable under section 404 of FEPCA, as authorized by section 404(a) of FEPCA.

7. Section 531.306 is revised to read as follows:

§ 531.306 Effect of special pay adjustments for law enforcement officers on retention payments under FBI demonstration project.

As required by section 406 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), a retention payment payable to an employee of the New York Field Division of the Federal Bureau of Investigation under section 601(a)(2) of Public Law 100-453, as amended, shall be reduced by the amount of any special any adjustment for law enforcement officers payable to that employee under this subpart. For the purpose of applying this section, the amount of the special pay adjustment for law enforcement officers shall be determined by subtracting the employee's scheduled annual rate of pay from his or her special law enforcement adjusted rate of pay.

8. In § 531.602, paragraph (1) in the definition of *scheduled annual rate of pay* is revised to read as follows:

§ 531.602 Definitions.

* * * * *

Scheduled annual rate of pay means—

(1) The General Schedule rate of basic pay for the employee's grade and step (or relative position in the rate range), including a special rate for law enforcement officers under section 403 of the Federal Employees Pay Comparability Act of 1990 (FEPCA)

(Pub. L. 101-509, 104 Stat. 1465), but exclusive of a special salary rate established under 5 U.S.C. 5305 or similar provision of law (other than section 403 of FEPCA), a *continued rate of pay* under subpart G of this part, a *special law enforcement adjusted rate of pay* under subpart C of this part (including a rate continued under § 531.307), a *locality rate of pay* under this subpart, or additional pay of any kind;

* * * * *

9. In § 531.606, paragraph (a)(2) is revised to read as follows:

§ 531.606 Administration of locality rates of pay.

(a) * * *

(2) A *continued rate of pay* under subpart G of this part;

* * * * *

10. A new subpart G is added to read as follows:

Subpart G—Continued Rates of Pay

Sec.

531.701 Definitions.

531.702 Computation of hourly, daily, weekly, and biweekly continued rates of pay.

531.703 Administration of continued rates of pay.

531.704 Effect of continued rates of pay on retention payments under FBI demonstration project.

531.705 Reports.

Subpart G—Continued Rates of Pay

§ 531.701 Definitions.

In this subpart:

Continued rate of pay means a rate of pay first established in January 1994 for an employee who previously received an interim geographic adjustment on top of a worldwide or nationwide special rate authorized under 5 U.S.C. 5305.

Employee means an employee in a position in whom subchapter III of chapter 53 of title 5, United States Code applies, whose official duty station is located in an interim geographic adjustment area and who is receiving a continued rate of pay.

General Schedule means the basic pay schedule established under 5 U.S.C. 5332.

Interim geographic adjustment area means one of the following Consolidated Metropolitan Statistical Areas (CMSA's), as defined by the Office of Management and Budget (OMB), that was an interim geographic adjustment area when continued rates of pay first became applicable in January 1994:

(1) New York-Northern New Jersey-Long Island, NY-NJ-CT-PA;

(2) Los Angeles-Riverside-Orange County, CA; or

(3) San Francisco-Oakland-San Jose, CA.

Official duty station means the duty station for an employee's position of record as indicated on his or her most recent notification of personnel action.

§ 531.702 Computation of hourly, daily, weekly, and biweekly continued rates of pay.

When it is necessary to convert a continued rate of pay from an annual rate to an hourly, daily, weekly, or biweekly rate, the following methods apply:

(a) To derive an hourly rate, divided the continued rate by 2,087 and round to the nearest cent, counting one-half cent and over as a whole cent;

(b) To derive a daily rate, multiply the hourly rate by the number of daily hours of service required by the employee's basic daily tour of duty;

(c) To derive a weekly or biweekly rate, multiply the hourly rate by 40 or 80, as the case may be.

§ 531.703 Administration of continued rates of pay.

(a) An employee shall receive the greatest of—

(1) His or her rate of basic pay, including any applicable special salary rate established under 5 U.S.C. 5305 or similar provision of law or special rate for law enforcement officers under section 403 of FEPCA;

(2) A *continued rate of pay* under this subpart;

(3) A *special law enforcement officer adjusted rate of pay* under subpart C of this part, where applicable, including a *special law enforcement adjusted rate of pay* continued under § 531.307; or

(4) A *locality rate of pay* under subpart F of this part, where applicable.

(b) A continued rate of pay is considered basic pay for the same purposes as described in § 531.606(b), as applicable.

(c) A continued rate of pay is paid only for those hours for which an employee is in a pay status, except that it shall be included in a lump-sum payment for annual leave under 5 U.S.C. 5551 or 5552.

(d) A continued rate of pay is included in an employee's "total remuneration," as defined in § 551.511(b) of this chapter, and "straight time rate of pay," as defined in § 551.512(b) of this chapter, for the purpose of computations under the Fair Labor Standards Act of 1938, as amended.

(e) At the time of an adjustment in pay under 5 U.S.C. 5303, a continued rate of pay shall be increased by the lesser of—

(1) The dollar amount of the adjustment (including a zero adjustment) made under 5 U.S.C. 5303 in the General Schedule rate of basic pay for the employee's grade and step (or relative position in the rate range); or

(2) The dollar amount of the adjustment (including a zero adjustment) in the special salary rate applicable to the employee as a result of the annual review of special rates required by § 530.304 of this chapter.

(f) An increase in a continued rate of pay under paragraph (e) of this section is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code.

(g) A continued rate of pay terminates on the date—

(1) An employee's official duty station is no longer located in one of the interim geographic adjustment areas;

(2) An employee is no longer in a position covered by this subpart;

(3) An employee separates from Federal service;

(4) An employee's special salary rate under 5 U.S.C. 5305 or similar provision of law (other than section 403 of FEPCA) exceeds his or her continued rate of pay;

(5) An employee's *special law enforcement adjusted rate of pay* under subpart C of this part exceeds his or her continued rate of pay;

(6) An employee's *locality rate of pay* under subpart F of this part exceeds his or her continued rate of pay;

(7) An employee is reduced in grade; or

(8) An employee is no longer in a position covered by a nationwide or worldwide special rate authorization (or, in the event of the conversion of a nationwide or worldwide special rate authorization to a local special rate authorization, a position covered by the new local special rate authorization).

(h) Termination of a continued rate of pay under paragraph (g) of this section is not an adverse action for the purpose of subpart D of part 752 of this chapter.

(i) An employee's entitlement to a continued rate of pay is not affected by a temporary promotion or a temporary reassignment.

§ 531.704 Effect of continued rates of pay on retention payments under FBI demonstration project.

As required by section 406 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), a retention payment payable to an employee of the New York Field Division of the Federal Bureau of Investigation under section 601(a)(2) of Public Law 100-453, as amended, shall

be reduced by the amount of any continued rate adjustment payable to that employee under this subpart. For the purpose of applying this section, the amount of any continued rate adjustment shall be determined by subtracting the employee's scheduled annual rate of pay (as defined in § 531.602 of this part from his or her continued rate of pay.

§ 531.705 Reports.

The Office of Personnel Management may require agencies to report pertinent information concerning the administration of payments under this subpart.

PART 534—PAY UNDER OTHER SYSTEMS

11. The authority citation for part 534 continues to read as follows:

Authority: 5 U.S.C. 1104, 5307, 5351, 5352, 5353, 5376, 5383, 5384, 5385, 5541, and 5550a.

12. In § 534.401, paragraph (b)(3) is revised to read as follows:

§ 534.401 Definitions and setting individual basic pay.

* * * * *

(b) * * *

(3) For the purpose of paragraph (b)(2) of this section, *rate of basic pay* means the rate of pay fixed by law or administrative action for the position held by an employee or, in the case of an employee entitled to grade or pay retention, the employee's retained rate of pay, before any deductions and exclusive of additional pay of any other kind, such as locality-based comparability payments under 5 U.S.C. 5304 or special pay adjustments for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509).

* * * * *

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart A—Premium Pay

13. The authority citation for subpart A of part 550 continues 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.

14. In § 550.103, the definition of *rate of basic pay* is revised to read as follows:

§ 550.103 Definitions.

* * * * *

Rate of basic pay means the rate of pay fixed by law or administrative

action for the position held by an employee, including any applicable special pay adjustment for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), locality-based comparability payment under 5 U.S.C. 5304, or continued rate adjustment under subpart G of part 531 of this chapter, before any deductions and exclusive of additional pay of any other kind.

* * * * *

15. In § 550.105, paragraph (a)(1) is revised to read as follows:

§ 550.105 Biweekly maximum earnings limitation.

(a) * * *

(1) A locality-based comparability payment under 5 U.S.C. 5304; and

* * * * *

16. In § 550.106, paragraph (c)(1) is revised to read as follows:

§ 550.106 Annual maximum earnings limitation for work in connection with an emergency.

* * * * *

(c) * * *

(a) A locality-based comparability payment under 5 U.S.C. 5304; and

* * * * *

17. In § 550.107, paragraph (a) is revised to read as follows:

§ 550.107 Special maximum earnings limitation for law enforcement officers.

* * * * *

(a) 150 percent of the minimum rate for GS-15, including a locality-based comparability payment under 5 U.S.C. 5304 or special law enforcement adjustment under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509) and any special salary rate established under 5 U.S.C. 5305, rounded to the nearest whole cent, counting one-half cent and over as a whole cent; or

* * * * *

18. In § 550.111, the first sentence in paragraph (d)(2) is revised to read as follows:

§ 550.111 Authorization of overtime pay.

* * * * *

(d) * * *

(2) Performed by an employee, when the employee's basic pay exceeds the minimum rate for GS-10 (including any applicable special rate of pay for law enforcement officers or special pay adjustment for law enforcement officers under section 403 or 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), respectively; a locality-based comparability payment under 5 U.S.C. 5304; and any applicable

special rate of pay under 5 U.S.C. 5305 or similar provision of law) or when the employee is engaged in professional or technical, engineering or scientific activities. * * *

19. In § 550.113, paragraph (a) is revised to read as follows:

§ 550.113 Computation of overtime pay.

(a) For each employee whose rate of basic pay does not exceed the minimum rate for GS-10 (including any applicable special rate of pay for law enforcement officers or special pay adjustment for law enforcement officers under section 403 or 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), respectively; a locality-based comparability payment under 5 U.S.C. 5304; and any applicable special rate of pay under 5 U.S.C. 5305 or similar provision of law), the overtime hourly rate is 1½ times his or her hourly rate of basic pay.

* * * * *

20. In § 550.114, paragraph (c) is revised to read as follows:

§ 550.114 Compensatory time off.

* * * * *

(c) The head of an agency may provide that an employee whose rate of basic pay exceeds the maximum rate for GS-10 (including any applicable special rate of pay for law enforcement officers or special pay adjustment for law enforcement officers under section 403 or 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), respectively; a locality-based comparability payment under 5 U.S.C. 5304; and any applicable special rate of pay under 5 U.S.C. 5305 or similar provision of law) shall be compensated for irregular or occasional overtime work with an equivalent amount of compensatory time off from the employee's tour of duty instead of payment under § 550.113 of this part.

* * * * *

21. In § 550.141, the second sentence is revised to read as follows:

§ 550.141 Authorization of premium pay on an annual basis.

* * * Premium pay under this section is determined as an appropriate percentage, not in excess of 25 percent, of that part of the employee's rate of basic pay which does not exceed the minimum rate of basic pay for GS-10 (including any applicable locality-based comparability payment under 5 U.S.C. 5304 or special rate of pay under 5 U.S.C. 5305 or similar provision of law).

22. In § 550.144, paragraph (a), introductory text, is revised to read as follows:

§ 550.144 Rates of premium pay payable under § 550.141.

(a) An agency may pay the premium pay on an annual basis referred to in § 550.141 to an employee who meets the requirements of that section, at one of the following percentages of that part of the employee's rate of basic pay which does not exceed the minimum rate of basic pay for GS-10 (including any applicable locality-based comparability payment under 5 U.S.C. 5304 or special rate of pay under 5 U.S.C. 5305 or similar provision of law):

* * * * *

23. In § 550.151, the second sentence is revised to read as follows:

§ 550.151 Authorization of premium pay on an annual basis.

* * * Premium pay under this section is determined as an appropriate percentage, not less than 10 percent nor more than 25 percent, of the employee's rate of basic pay (as defined in § 550.103).

24. In § 550.154, paragraph (a) is revised to read as follows:

§ 550.154 Rates of premium pay payable under § 550.151.

(a) An agency may pay the premium pay on an annual basis referred to in § 550.151 to an employee who meets the requirements of that section, at one of the following percentages of the employee's rate of basic pay (as defined in § 550.103):

* * * * *

Subpart B—Advances in Pay

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

Authority: 5 U.S.C. 5524a, 5545a(h)(2)(B); sections 302 and 404 of the Federal Employees Pay Comparability Act of 1990 (Public Law 101-509), 104 Stat. 1462 and 1466, respectively; E.O. 12748, 3 CFR, 1992 Comp., p. 316.

26. In § 550.202, the definition of *rate of basic pay* is revised to read as follows:

§ 550.202 Definitions.

* * * * *

Rate of basic pay means the rate of pay fixed by law or administrative action for the position held by an employee, including, as applicable, annual premium pay under 5 U.S.C. 5545(c), availability pay under 5 U.S.C. 5545a, night differential for prevailing rate employees under 5 U.S.C. 5343(f), and any special pay adjustment for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-

509) or locality-based comparability payment under 5 U.S.C. 5304, but not including additional pay of any kind.

Subpart G—Severance Pay

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

Authority: 5 U.S.C. 5595; E.O. 11257, 3 CFR, 1964-1965 Comp., p. 357.

28. In § 550.703, the definition of *rate of basic pay* is revised to read as follows:

§ 550.703 Definitions.

* * * * *

Rate of basic pay means the rate of pay fixed by law or administrative action for the position held by an employee, including, as applicable, annual premium pay for standby duty under 5 U.S.C. 5545(c)(1), availability pay under 5 U.S.C. 5545a, night differential for prevailing rate employees under 5 U.S.C. 5343(f), and any continued rate adjustment under subpart G of part 531 of this chapter, special pay adjustment for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), or locality-based comparability payment under 5 U.S.C. 5304, but not including additional pay of any kind.

* * * * *

PART 575—RECRUITMENT AND RELOCATION BONUSES; RETENTION ALLOWANCES; SUPERVISORY DIFFERENTIALS

29. The authority citation for part 575 is revised to read as follows:

Authority: 5 U.S.C. 1104(a)(2), 5753, 5754, and 5755; sec. 302 and 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), 104 Stat. 1462 and 1466, respectively; E.O. 12748, 3 CFR, 1992 Comp., p. 316.

30. In § 575.103, the definition of *rate of basic pay* is revised to read as follows:

§ 575.103 Definitions.

* * * * *

Rate of basic pay means the rate of pay fixed by law or administrative action for the position to which the employee is or will be newly appointed before deductions and exclusive of additional pay of any kind, such as locality-based comparability payments under 5 U.S.C. 5304 or special pay adjustments for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509).

* * * * *

31. In § 575.203, the definition of *rate of basic pay* is revised to read as follows:

§ 575.203 Definitions.

* * * * *

Rate of basic pay means the rate of pay fixed by law or administrative action for the position to which the employee is being relocated or, in the case of an employee who is entitled to grade or pay retention, the employee's retained rate of pay, before deductions and exclusive of additional pay of any kind, such as locality-based comparability payments under 5 U.S.C. 5304 or special pay adjustments for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509).

* * * * *

32. In § 575.303, the definition of *rate of basic pay* is revised to read as follows:

§ 575.303 Definitions.

* * * * *

Rate of basic pay means the rate of pay fixed by law or administrative action for the position held by an employee or, in the case of an employee who is entitled to grade or pay retention, the employee's retained rate of pay, before deductions and exclusive of additional pay of any kind, such as locality-based comparability payments under 5 U.S.C. 5304 or special pay adjustments for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509).

33. In § 575.402, paragraph (b) is revised to read as follows:

§ 575.402 Delegation of authority.

* * * * *

(b) A supervisory differential may not be paid on the basis of supervising a civilian employee whose rate of basic pay exceeds the maximum rate of basic pay established for grade GS-15 on the pay schedule applicable to the GS supervisor, including a schedule for any applicable locality rate of pay under 5 U.S.C. 5304, a special law enforcement adjusted rate of pay under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), or any applicable special rate of pay under 5 U.S.C. 5305.

34. In § 575.403, the definition of *rate of basic pay* is revised to read as follows:

§ 575.403 Definitions.

* * * * *

Rate of basic pay means the rate of pay fixed by law or administrative

action for the position held by an employee before deductions and exclusive of additional pay of any kind, such as locality-based comparability payments under 5 U.S.C. 5304 or special pay adjustments for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509).

* * * * *

35. In § 575.405, paragraphs (c)(2) and (d)(2) are revised to read as follows:

§ 575.405 Calculation and payment of supervisory differential.

* * * * *

(c) * * *

(2) A locality-based comparability payment under 5 U.S.C. 5304, a continued rate adjustment under subpart G of part 531 of this chapter, or a special pay adjustment for law enforcement officers under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509);

* * * * *

(d) * * *

(2) A locality-based comparability payment under 5 U.S.C. 5304, a special law enforcement adjusted rate of pay under section 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), or another locality-based payment under similar authority, excluding a continued rate adjustment under subpart G of part 531 of this chapter;

* * * * *

PART 581—PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

36. The authority citation for part 581 continues to read as follows:

Authority: 15 U.S.C. 1673; 42 U.S.C. 659, 661-662; E.O. 12105, 43 FR 59465, 3 CFR, 1979 Comp., p. 262; E.O. 12953, 60 FR 11013.

37. In § 581.103, paragraph (a)(24) is revised to read as follows:

§ 581.103 Moneys which are subject to garnishment.

(a) * * *

(24) Locality-based comparability payments or continued rate adjustments;

* * * * *

PART 582—COMMERCIAL GARNISHMENT OF FEDERAL EMPLOYEES' PAY

38. The authority citation for part 582 continues to read as follows:

Authority: 5 U.S.C. 5520a; 15 U.S.C. 1673; E.O. 12897.

39. In § 582.102, paragraph (5) is revised to read as follows:

§ 582.102 Definitions.

In this part—* * *

(5) In conformance with 5 U.S.C. 5520a, *pay* means basic pay; premium pay paid under chapter 55, subchapter V, of title 5 of the United States Code; any payment received under chapter 55, subchapters VI, VII, and VIII, of title 5 of the United States Code; severance pay and back pay under chapter 55, subchapter IX, of title 5 of the United States Code; sick pay, and any other paid leave; incentive pay; locality pay (including special pay adjustments for law enforcement officers and locality-based comparability payments); back pay awards; and any other compensation paid or payable for personal services, whether such compensation is denominated as pay, wages, salary, lump-sum leave payments, commission, bonus, award, or otherwise; but does not include amounts received under any Federal program for compensation for work injuries; awards for making suggestions, reimbursement for expenses incurred by an individual in connection with employment, or allowances in lieu of thereof as determined by the employing agency.

PART 630—ABSENCE AND LEAVE

40. The authority citation for part 630 continues 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.

41. In § 630.1204, paragraph (d)(1) is revised to read as follows:

§ 630.1204 Intermittent leave or reduced leave schedule.

* * * * *

(d) * * *

(1) An equivalent grade or pay level, including any applicable locality-based comparability payment under 5 U.S.C. 5304; special rate of pay for law enforcement officers or special pay

adjustment for law enforcement officers under section 403 or 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), respectively; continued rate of pay under subpart G of part 531 of this chapter; or special salary rate under 5 U.S.C. 5305 or similar provision of law;

* * * * *

42. In § 630.1208, paragraph (b)(2) is revised to read as follows:

§ 630.1208 Protection of employment and benefits.

* * * * *

(b) * * *

(2) An equivalent grade or pay level, including any applicable locality-based comparability payment under 5 U.S.C. 5304; special rate of pay for law enforcement officers or special pay adjustment for law enforcement officers under section 403 or 404 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), respectively; continued rate of pay under subpart G of part 531 of this chapter; or special salary rate under 5 U.S.C. 5305 or similar provision of law;

* * * * *

[FR Doc. 96-1835 Filed 1-31-96; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 905 and 944

[Docket No. FV95-905-3FIR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; and Import Regulations (Grapefruit); Relaxation of the Minimum Size Requirement for Red Grapefruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule without change, the provisions of an interim final rule revising requirements under the Florida citrus marketing order and grapefruit import regulations. This rule relaxes the minimum size requirement for red seedless grapefruit to 3⁵/₁₆ inches in diameter (size 56). The Citrus Administrative Committee (Committee), the agency that locally administers the marketing order for oranges, grapefruit, tangerines, and tangelos grown in Florida, unanimously recommended this change. This change will enable handlers and importers to continue to ship size 56 red seedless grapefruit for