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rate that is next above the applicant's highest previous Federal rate of pay, up to the maximum rate F.

(2) An agency may offer an administrative law judge applicant with superior qualifications a higher than minimum rate if it first obtains approval from OPM to offer such a higher rate to an applicant who is within reach on a certificate of eligible administrative law judge applicants in order to pay that rate of pay that is next above the applicant's existing pay or earnings up to the maximum rate F. ''Superior qualifications'' for applicants includes having legal practice before the hiring agency, having practice in another forum with legal issues of concern to the hiring agency, or having an outstanding reputation among others in the field. OPM will approve such payment of higher than minimum rates for applicants with superior qualifications only when it is clearly necessary to meet the needs of the Government.

(h) Subject to the approval of OPM, and on the appropriate recommendation of the employing agency, an agency may on a one-time basis, advance an administrative law judge in a position at AL–3 with added administrative and managerial duties and responsibilities one rate beyond that allowed under current pay rates for AL–3, up to the maximum Rate F.

(i) Upon appointment to an administrative law judge position placed at AL–2 or AL–1, administrative law judges will be paid at the established rates for those levels.

(j) In making initial pay adjustments for administrative law judges from positions paid under the General Schedule to positions paid under the new pay system established under 5 U.S.C. 5372, the rate of basic pay for any such judge shall, upon conversion to the new pay system, be at least equal to the rate that was payable to that individual immediately before such conversion.

(k) Except as provided in paragraph (l) of this section, on the first day of the first applicable pay period beginning on or after February 10, 1991, administrative law judges will be converted from the General Schedule to AL–3, 2, and 1 as follows:

General schedule	AL
GS–15, Steps 1–2–3–4	AL–3, Rate A.
GS–15, Steps 5–6	AL–3, Rate B.
GS–15, Steps 7–8–9	AL–3, Rate C.
GS–15, Step 10	AL–3, Rate D.
GS–16, Steps 1–2–3	AL–3, Rate C.
GS–16, Steps 4–5–6	AL–3, Rate D.
GS–16, Steps 7–8	AL–3, Rate E.
GS–16, Step 9	AL–3, Rate F.
GS–17, Steps 1–5	AL–2.
GS–18	AL–1.

(l) In making the initial conversion from the General Schedule pay rates to the new AL pay system for administrative law judges, effective on the first day of the first applicable pay period beginning on or after February 10, 1991, those GS–15 and GS–16 administrative law judges receiving the 8 percent interim geographic adjustments authorized by Schedule 9 of Executive Order 12736 of December 12, 1990, will convert as follows:

General schedule	AL
GS–15, Steps 1–2	AL–3, Rate A.
GS–15, Steps 3–4–5	AL–3, Rate B.
GS–15, Steps 6–7	AL–3, Rate C.
GS–15, Steps 8–9–10	AL–3, Rate D.
GS–16, Steps 1–2	AL–3, Rate C.
GS–16, Steps 3–4	AL–3, Rate D.
GS–16, Steps 5–6–7	AL–3, Rate E.
GS–16, Steps 8–9	AL–3, Rate F.

(m) Agencies must document all pay changes made in accordance with this section by completing a Standard Form 50, or equivalent, in the usual manner and forwarding an extra copy directly to the Office of Administrative Law Judges, Career Entry Group, U.S. Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415.

[56 FR 6210, Feb. 14, 1991, as amended at 57 FR 1369, Jan. 14, 1992]

§ 930.211 Performance rating.

An agency shall not rate the performance of an administrative law judge.

§ 930.212 Rotation of administrative law judges.

Insofar as practicable, an agency shall assign its administrative law judges in rotation to cases.