

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

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: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing 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. The three metropolitan areas affected by this proposed regulation are the following: (1) Milwaukee-Racine, WI; (2) Minneapolis-St. Paul, MN-WI; and (3) Pittsburgh, PA. These proposed changes are based on a recommendation of the Federal Salary Council. The purpose of this notice is to solicit public comments on the boundaries of locality pay areas recommended by the Federal Salary Council before the President's Pay Agent makes a final determination on this matter.

DATES: Comments must be received on or before November 15, 1995.

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: Section 5304(a)(1) of title 5, United States Code, provides that locality payments shall be payable within each locality determined to have a pay disparity greater than 5 percent. Section 5304(f)(1) authorizes

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 the Office of Personnel Management (OPM)) to provide for such pay localities as the Pay Agent considers appropriate. In so doing, the Pay Agent must give thorough consideration to the views and recommendations of the Federal Salary Council, a body composed of experts in the fields of labor relations and pay and representatives of Federal employee organizations. Members of the Federal Salary Council are appointed by the President and meet regularly to consider issues related to the locality pay system for General Schedule employees.

In late 1994, the President's Pay Agent adopted the recommendations of the Federal Salary Council concerning locality pay areas for 1995 in their entirety. These recommendations resulted in the establishment of a total of 27 locality pay areas consisting of 26 areas corresponding to Metropolitan Statistical Areas (MSA's) or Consolidated Metropolitan Statistical Areas (CMSA's), including certain "areas of application" contiguous to 2 CMSA's, plus 1 area composed of the "Rest of U.S." (See 59 FR 67605, December 30, 1994, and 5 CFR 531.603(b).)

Starting with the January 1996 locality payments, 5 U.S.C. 5304(d)(1) requires the Pay Agent to make recommendations to the President no later than 13 months before the start of the calendar year for which the locality payments are paid. Therefore, the locality pay areas established by the Pay Agent for the 1995 locality payments are also applicable to the locality payments authorized for 1996.

At its meeting on September 28, 1995, the Federal Salary Council recommended the removal of three metropolitan areas from the "Rest of U.S." locality pay area and the establishment of three new locality pay areas corresponding to these metropolitan areas in January 1997. The MSA's and CMSA's affected by this recommendation are the following: (1) Milwaukee-Racine, WI; (2) Minneapolis-St. Paul, MN-WI; and (3) Pittsburgh, PA. The Bureau of Labor Statistics (BLS) conducted additional local salary surveys in 1994-95 in these areas at the direction of the Pay Agent following an earlier recommendation of the Federal

Salary Council, and these surveys showed that the pay disparity in each of these areas was greater than in the "Rest of U.S." locality pay area. These 3 new locality pay areas would be in addition to the 27 locality pay areas established for the 1995 and 1996 locality payments.

At the direction of the President's Pay Agent, BLS also conducted local salary surveys in 1994-95 in the Phoenix-Mesa, AZ, and Tampa-St. Petersburg-Clearwater, FL, metropolitan areas. These surveys showed the pay disparities in these areas to be below the pay disparity for the "Rest of U.S." locality pay area. In accordance with the criteria previously established by the Federal Salary Council, these areas are not being proposed as separate locality pay areas and will continue to be part of the "Rest of U.S." locality pay area because the pay disparity in each area is $\frac{2}{10}$ ths of a percentage point or more below the pay disparity for the "Rest of U.S." locality pay area. The information used to make this determination is a part of the public record and is available from OPM.

The Pay Agent's decision regarding locality pay areas for 1997 must be made no later than November 30, 1995. Therefore, OPM has established a 30-day public comment period on these proposed regulations. After the public comment period, the Pay Agent will consider the comments received from Federal employees, agencies, employee organizations, and other interested parties before making its determination on the establishment of pay localities. The Pay Agent also will consider any additional views and recommendations expressed directly to the Pay Agent by any member of the Federal Salary Council or by employee organizations not represented on the Council. The final regulations issued by OPM will reflect the Pay Agent's final determination on this matter.

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 would not have a significant economic impact on a substantial number or small entities because they would apply only to Federal agency 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 proposing to amend part 531 of title 5, Code of Federal Regulations, as follows:

PART 531—PAY UNDER THE GENERAL SCHEDULE

1. The authority citation of part 531 continues to read as follows:

Authority: 5 U.S.C. 5115, 5307, and 5558; sec. 4 of Pub. L. 103-89, 107 Stat. 981; and E.O. 12748, 56 FR 4521, February 4, 1991, 3 CFR, 1991 Comp., p. 316;

Subpart A 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, December 30, 1991, 3 CFR, 1919 Comp., p. 376;

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, November 29, 1993, 3 CFR, 1993 Comp., p. 682

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-Reverside-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. 95-25583 Filed 10-13-95; 8:45 am]

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FEDERAL RESERVE SYSTEM**12 CFR Chapter II**

[Docket No. R-0898]

Section 303 Regulatory Review Timetable

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Schedule for review of regulations.

SUMMARY: The Board of Governors of the Federal Reserve System (the Board) is publishing a schedule for review of its major regulations, policy statements, and other regulatory guidance pursuant to the requirements of section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994 (Section 303). The timetable should enable interested parties to comment meaningfully at various points in the review process, including providing suggestions for the development of regulatory proposals for comment. Any comments received will be considered during the course of the individual reviews listed below. Several major regulatory reviews are currently pending before the Board, and these also are set forth in the notice. The Board has already undertaken various measures since the passage of Section 303 to fulfill its mandate to streamline and improve the Board's regulations and policies, as well as to work jointly with the other Federal banking agencies to make uniform regulations and guidelines implementing common statutory and supervisory policies.

DATES: Comments may be submitted until further notice.

ADDRESSES: Comments should refer to Docket No. R-0898, and may be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551. Comments also may be delivered to Room B-2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street, N.W. (between Constitution Avenue and C Street) at any time. Comments received will be available for inspection in Room MP-500 of the Martin Building between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in 12 CFR 261.8 of the Board's