

# Rules and Regulations

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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