

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 532

RIN 3206-AM32

Prevailing Rate Systems; Redefinition of the Madison, WI, and Southwestern Wisconsin Appropriated Fund Federal Wage System Wage Areas

AGENCY: U.S. Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The U.S. Office of Personnel Management is issuing a proposed rule that would redefine the geographic boundaries of the Madison, Wisconsin, and Southwestern Wisconsin appropriated fund Federal Wage System (FWS) wage areas. The proposed rule would redefine Adams and Waushara Counties, WI, from the Southwestern Wisconsin wage area to the Madison wage area. These changes are based on recent consensus recommendations of the Federal Prevailing Rate Advisory Committee to best match the counties proposed for redefinition to a nearby FWS survey area. No other changes are proposed for the Madison and Southwestern Wisconsin FWS wage areas.

DATES: We must receive comments on or before December 20, 2010.

ADDRESSES: Send or deliver comments to Jerome D. Mikowicz, Deputy Associate Director for Pay and Leave, Employee Services, U.S. Office of Personnel Management, Room 7H31, 1900 E Street, NW., Washington, DC 20415-8200; e-mail pay-performance-policy@opm.gov; or FAX: (202) 606-4264.

FOR FURTHER INFORMATION CONTACT: Madeline Gonzalez, (202) 606-2838; e-mail pay-performance-policy@opm.gov; or FAX: (202) 606-4264.

SUPPLEMENTARY INFORMATION: The U.S. Office of Personnel Management (OPM) is issuing a proposed rule to redefine

the Madison, WI, and Southwestern Wisconsin appropriated fund Federal Wage System (FWS) wage areas. This proposed rule would redefine Adams and Waushara Counties, WI, from the Southwestern Wisconsin wage area to the Madison wage area.

OPM considers the following regulatory criteria under 5 CFR 532.211 when defining FWS wage area boundaries:

- (i) Distance, transportation facilities, and geographic features;
- (ii) Commuting patterns; and
- (iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

Adams County is currently defined to the Southwestern Wisconsin area of application. Based on our analysis of the regulatory criteria for defining appropriated fund FWS wage areas, we find that Adams County would be more appropriately defined as part of the Madison area of application. When measuring to cities, the distance criterion favors the Madison wage area. When measuring to host installations, the distance criterion favors the Southwestern Wisconsin wage area. The transportation facilities and geographic features criteria are indeterminate. The commuting patterns criterion slightly favors the Madison wage area. Similarities in overall population, total private sector employment, and kinds and sizes of private industrial establishments favor the Southwestern Wisconsin wage area. Although a standard review of regulatory criteria shows mixed results, the distance criterion indicates Adams County is closer to the Madison survey area. Based on this analysis, we recommend that Adams County be redefined to the Madison wage area.

Waushara County is also currently defined to the Southwestern Wisconsin area of application. Our analysis of the regulatory criteria indicates that Waushara County would be more appropriately defined as part of the Madison wage area. When measuring to cities, the distance criterion favors the Madison wage area. When measuring to host installations, the distance criterion favors the Southwestern Wisconsin wage area. The transportation facilities and geographic features criteria are indeterminate. The commuting patterns criterion is also indeterminate. Similarities in overall population, total

private sector employment, and kinds and sizes of private industrial establishments favor the Southwestern Wisconsin wage area. Although a standard review of regulatory criteria shows mixed results, the distance criterion indicates Waushara County is closer to the Madison survey area. Based on this analysis, we recommend that Waushara County be redefined to the Madison wage area.

The Federal Prevailing Rate Advisory Committee (FPRAC), the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended these changes by consensus. These changes would be effective on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations. FPRAC recommended no other changes in the geographic definitions of the Madison and Southwestern Wisconsin wage areas.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

U.S. Office of Personnel Management.

John Berry,
Director.

Accordingly, the U.S. Office of Personnel Management is proposing to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix C to subpart B is amended by revising the wage area listings for the Madison, WI, and Southwestern Wisconsin wage areas to read as follows:

**Appendix C to Subpart B of Part 532—
Appropriated Fund Wage and Survey
Areas**

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**WISCONSIN
Madison
Survey Area**

Wisconsin:
Dane
Area of Application. Survey area plus:

Wisconsin:
Adams
Columbia
Dodge
Grant
Green
Green Lake
Iowa
Jefferson
Lafayette
Marquette
Rock
Sauk
Waushara

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**Southwestern Wisconsin
Survey Area**

Wisconsin:
Chippewa
Eau Claire
La Crosse
Monroe
Trempealeau
Area of Application. Survey area plus:

Wisconsin:
Barron
Buffalo
Clark
Crawford
Dunn
Florence
Forest
Jackson
Juneau
Langlade
Lincoln
Marathon
Marinette
Menominee
Oconto
Oneida
Pepin
Portage
Price
Richland
Rusk
Shawano
Taylor
Vernon
Vilas
Waupaca
Wood

Minnesota:
Fillmore
Houston
Wabasha
Winona

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**MERIT SYSTEMS PROTECTION
BOARD**

5 CFR Part 1206

**Practices and Procedures, Board
Meetings**

AGENCY: Merit Systems Protection Board.

ACTION: Proposed rule.

SUMMARY: The Merit Systems Protection Board (MSPB or the Board) is proposing to amend its open meeting regulations at 5 CFR 1206.7 to ensure consistency with the Government in Sunshine Act.

DATES: Submit written comments on or before December 20, 2010.

ADDRESSES: Send comments to William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419; (202) 653-7200, fax: (202) 653-7130 or e-mail: mspb@mspb.gov.

FOR FURTHER INFORMATION CONTACT: William D. Spencer, Clerk of the Board, Merit Systems Protection Board, 1615 M Street, NW., Washington, DC 20419; (202) 653-7200, fax: (202) 653-7130 or e-mail: mspb@mspb.gov.

SUPPLEMENTARY INFORMATION: This notice proposes to make several amendments to 5 CFR 1206.7. The title of § 1206.7 is re-named to more fully advise the reader of matters addressed therein. In section (a)(1) of the proposed regulation a new section is added to make clear that the Board may, instead of maintaining a transcript or electronic recording, maintain a set of minutes of a meeting closed pursuant to section (10) of 5 U.S.C. 552b(c). This revised section also sets forth the information that must be included in a set of minutes. Section (a)(2) of the proposed amendment states the Board's responsibility to promptly make available to the public copies of transcripts, recordings, or minutes of closed meetings, except where the Board determines that such information may be withheld pursuant to 5 U.S.C. 552b(c). Section (a)(3) of the proposed regulation addresses the Board's responsibility to retain copies of transcripts, recordings or minutes of closed meetings. Section (b) of 5 CFR 1206.7 is unchanged by the proposed amendment.

List of Subjects in 5 CFR Part 1206

Administrative practice and procedure, Board meetings.

Accordingly, the Board proposes to amend 5 CFR part 1206 as follows:

PART 1206—[AMENDED]

1. The authority citation for 5 CFR part 1206 continues to read:

Authority: 5 U.S.C. 552b.

2. Revise § 1206.7 to read as follows:

§ 1206.7 Transcripts, recordings or minutes of open and closed meetings; public availability; retention.

(a) *Closed meetings.* (1) For every meeting, or portion thereof, closed pursuant to this part the presiding officer shall prepare a statement setting forth the time and place of the meeting and the persons present, which statement shall be retained by the Board. For each such meeting, or portion thereof, the Board shall maintain a copy of the General Counsel's certification under § 1206.6(b) of this part, a statement from the presiding official specifying the time and place of the meeting and naming the persons present, a record (which may be part of the transcript) of all votes and all documents considered at the meeting, and a complete transcript or electronic recording of the proceedings, except that for meetings or portions of meetings closed pursuant to section (10) of 5 U.S.C. 552b(c), the Board may maintain either a transcript, electronic recording, or a set of minutes. In lieu of a transcript or electronic recording, a set of minutes shall fully and accurately summarize any action taken, the reasons therefor and views thereon, documents considered and the members' vote on each roll call vote, if any.

(2) The Board shall make promptly available to the public copies of transcripts, recordings or minutes maintained as provided in accordance with paragraph (a) of this section, except to the extent the items therein contain information which the Board determines may be withheld pursuant to the provisions of 5 U.S.C. 552b(c). Copies of transcripts or minutes, or transcriptions of electronic recordings including the identification of speakers, shall to the extent determined to be publicly available, be furnished to any person, subject to the payment of duplication costs or the actual cost of transcription.

(3) The Board shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two (2) years after such meeting or until one (1) year after the conclusion of any Board proceeding