

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 Parts 330, 333, and 335

RIN 3206-AH25

Agency Funding for Federal Employment Information

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed regulations requiring each agency to pay a fee for its share of the cost of providing employment information through OPM to Federal employees and the public. The regulations implement a permanent statutory provision of Public Law 104-52, which authorizes OPM to charge fees to agencies to pay the cost of providing Federal employment information and related services.

DATES: Written comments will be considered if received on or before February 7, 1996.

ADDRESSES: Send or deliver written comments to Leonard R. Klein, Associate Director for Employment, Office of Personnel Management, Room 6F08, 1900 E Street, NW., Washington, DC 20415 (FAX 202-606-5049).

FOR FURTHER INFORMATION CONTACT: Richard Whitford on 202-606-2525, TDD 202-606-0591, or FAX 202-606-5049.

SUPPLEMENTARY INFORMATION: The Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104-52, November 19, 1995) shifts the funding for the Federal employment information function from OPM appropriations to a combination of OPM appropriations and fees for services to be paid by agencies into OPM's revolving fund. Each subsequent year Congress will decide how much money to appropriate directly to OPM for this function. This new financial obligation of agencies is contained in

section 4 of the OPM general provisions, title IV, of Public Law 104-52.

Providing Employment Information

Agencies are subject to two statutory requirements that require public notice for competitive examinations and vacancies in the competitive service and Senior Executive Service. Under both laws, OPM is responsible for collecting and disseminating the information.

Under 5 U.S.C. 3327, agencies must notify OPM of (1) competitive examinations and (2) vacancies in the competitive service and Senior Executive Service for which the agency will consider applicants from outside the Federal service. OPM's implementing regulations for the competitive service are in 5 CFR 330.102 and 333.102 and the Senior Executive Service, in § 317.501(b).

Section 3327 requires OPM to make information available to State Employment Service offices regarding competitive examinations conducted by OPM or agencies under delegated examining authority. It also authorizes OPM to issue regulations under which agencies shall notify the State Employment Service of vacancies for which the agency seeks applications from persons outside the Federal service. Since 1989, OPM has met these statutory requirements through regular electronic reports of job listings in the Federal Employment Information System to America's Job Bank, a Department of Labor funded organization that disseminates vacancy information to State Employment Service offices. Agencies need take no further action.

Under 5 U.S.C. 3330, agencies must notify OPM of competitive service job announcements open to applicants outside an agency's own workforce. OPM is required to make this information available to the public. (This requirement was previously in 5 U.S.C. 3329, which was redesignated as section 3330 by Public Law 104-52.) OPM's implementing regulations are in 5 CFR 335.105.

Agencies also are required by the Interagency Career Transition Assistance Plan for Displaced Employees in 5 CFR part 330 to notify OPM of vacancies open to candidates outside an agency's workforce. OPM makes this information available to assist displaced employees in finding employment. The Plan implemented, in

part, the President's memorandum of September 12, 1995, entitled "Career Transition Assistance for Federal Employees."

In addition to carrying out the obligations discussed above, OPM provides employment information to support outplacement services provided by agency career transition centers. OPM also responds to a large volume of inquiries from the public, Federal employees, Congressional offices, and others on a broad range of employment topics.

Funding Job Information

Previously, Congress provided direct funding to OPM to carry out employment information functions. However, during deliberations on OPM's FY 96 appropriations, Congress concluded that individual agencies should fund these functions. Congress reduced OPM's FY 96 funding of the employment information function to only 32 percent of what it was in FY 95. Public Law 104-52 adds the following new subsection to redesignated 5 U.S.C. 3330:

"(f) The Office may, to the extent it determines appropriate, charge such fees to agencies for services provided under this section and for related Federal employment information. The Office shall retain such fees to pay the costs of providing such services and information."

These regulations implement the new subsection (f). For the future, OPM will establish a working group of the Interagency Advisory Group, consisting of officials from representative agencies and OPM, to review the level, quality and costs of information services provided and make recommendations for improving efficiency and effectiveness. All agencies will have the opportunity, through the Interagency Advisory Group, to discuss and comment on recommendations of the working group prior to implementation.

OPM will regularly report to agencies the information it collects regarding customer satisfaction and complaints. OPM also will notify each agency annually of the costs of the services, its obligation and of payment procedures.

These regulations also consolidate the public notice requirements for competitive service positions in parts 330, 333, and 335. OPM will notify agencies directly of the information regarding specific announcements to be

reported. The requirement in parts 330 and 333 that individual agencies notify the State Employment Service of vacancies is eliminated since OPM provides this report on behalf of agencies. Furthermore, to better serve displaced employees and the public, OPM recently asked agencies to provide electronic files of vacancy announcements to OPM. OPM will make these available directly to job seekers, minimizing the number of inquiries to agencies, and thus reducing personnel office workload.

Computation of Agency Fees for FY 96

The Federal Employment Information System is a dynamic data base of job listings and vacancy announcements as well as general employment information for students, veterans, disabled persons, and others. To minimize the financial impact of the new law on agencies, OPM has already reduced or eliminated several services previously provided. These included live operator telephone service and face-to-face counter service at Federal Employment Information Centers, as well as customized responses to written inquiries. Available services now include access to three automated data bases:

- the Career America Connection—a nationwide phone system with access points at OPM Service Centers and the OPM Staffing Service Center in Macon, GA.
- the Federal Job Opportunities Board—an electronic bulletin board with access for individuals, career transition centers, and college placement offices through modems or Internet.
- touchscreen computers located in OPM offices, Federal office buildings, and other locations.

Job seekers can read or download job listings, vacancy announcements, and application materials, or they can request that such materials be mailed or faxed to them. The system is accessible to the hearing impaired, and OPM provides large print or Braille versions for the visually impaired. OPM also provides limited live operator service on its Career America Connection lines into the Macon, GA, Staffing Service Center.

This level of employment information is the minimum we must provide to fulfill our statutory obligations. This minimum level of employment information service will cost \$5.3 million in FY 96 in operating and maintenance costs. OPM has already borne the costs of developing the system and installing the technology.

Congress directed that OPM share the operating and maintenance costs necessary to provide this service. OPM

has been appropriated \$2.5 million for this purpose in FY 96. The balance is \$2.8 million, which we propose to charge to agencies as authorized by Pub. L. 104-52.

To determine a fair fee structure, we considered all who benefit from this service. Clearly we all do.

- The system enables OPM and agencies to meet the public notice requirements of an open, competitive merit system as required by law.
- The system attracts quality candidates for those agencies that are recruiting, and provides a mechanism to assist agencies in achieving a diverse workforce. It provides a vital link to students at colleges and universities, as well as to counsellors who assist veterans and the disabled.

- The system helps surplus and displaced employees. The system provides the framework for the career transition programs that will replace the Interagency Placement Program.

- The system handles over 6.5 million inquiries a year, inquiries that would otherwise go to individual agency personnel offices.

Because all agencies benefit from this service whether or not they are actively recruiting, OPM has proposed to agencies that the FY 96 fee for employment information services be based on each agency's proportionate share of the Federal competitive service workforce. The employment figures would be taken from OPM's Central Personnel Data File (CPDF) as of March 31, 1995, and would include all permanent and nonpermanent competitive service employees.

OPM proposed to include nonpermanent employees because use of temporary and term employment has increased as agencies adjust to reduced funding levels, and job announcements for nonpermanent as well as permanent employment must be reported to OPM.

We proposed to count employment as of March 31st because employment on that date is available in time to allow for agency planning and budgeting.

After considering comments on this proposal, OPM will issue final regulations. At that time, we will begin to collect fees for FY 96. Although OPM recommends that agencies be billed at the agency level to minimize billing and accounting, OPM will accommodate agencies as much as possible, such as billing at the sub-component level if an agency prefers.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities

because it pertains only to Federal agencies.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects

5 CFR Part 330

Armed forces reserves, Government employees.

5 CFR Parts 333 and 335

Government employees.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend 5 CFR parts 330, 333, and 335, as follows:

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

1. The authority citation for part 330 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954-58 Comp., p. 218.

Section 330.102 also issued under 5 U.S.C. 3327 and 3330.

Subpart B also issued under 5 U.S.C. 3315 and 8151.

Section 330.401 also issued under 5 U.S.C. 3310.

Subpart H also issued under 5 U.S.C. 8337(h) and 8457(b).

Subpart I also issued under sec. 4432 of Pub. Law 102-484, 106 Stat 2720, 5 U.S.C. 3301 note.

2. Section 330.102 is revised, to read as follows:

§ 330.102 Federal employment information.

(a) *Vacancies open to the public.*

(1) *Notice required.* (i) Under 5 U.S.C. 3327, Federal agencies must notify OPM promptly of:

(A) Open competitive examinations;

(B) Vacancies in the competitive service to be filled under direct hire procedures or part 333 of this chapter; and

(C) Vacancies in the Senior Executive Service for which the agency seeks applications from persons outside the Federal service. Also, in accordance with § 317.501(b)(2) of this chapter, agencies must notify OPM of all Senior Executive Service vacancies to be filled by initial career appointment.

(ii) OPM will provide this information to the employment offices of the United States Employment Service.

(2) *Agencies covered.* Paragraph (a)(1) of this section applies to:

(i) The executive departments listed at 5 U.S.C. 101;

(ii) The military departments listed at 5 U.S.C. 102;

(iii) Government owned corporations in the executive branch as described at 5 U.S.C. 103;

(iv) Independent establishments in the executive branch as described at 5 U.S.C. 104, including the Nuclear Regulatory Commission; and

(v) Government Printing Office.

(b) *All other vacancies.*

(1) *Notice required.* Under 5 U.S.C. 3330, OPM must maintain, and make available to the public, a list of agency vacancy announcements for positions in the competitive service. Under § 330.706 of this chapter, agencies must notify OPM of competitive service vacancies for which an agency will accept applications from outside an agency's workforce. Therefore, agencies must notify OPM promptly of competitive service vacancies to be filled for more than 90 days from among current career and career-conditional employees, reinstatement eligibles, and/or candidates with noncompetitive appointment eligibility, when the agency will accept applications from individuals outside the agency's own work force.

(2) *Agencies covered.* Except for any executive agency or unit thereof whose principal function is the conduct of foreign intelligence or counterintelligence activities, as determined by the President, paragraph (b)(1) of this section applies to:

(i) The executive departments listed at 5 U.S.C. 101;

(ii) The military departments listed at 5 U.S.C. 102;

(iii) Government corporations in the executive branch as described at 5 U.S.C. 103; and

(iv) Independent establishments in the executive branch as described at 5 U.S.C. 104.

(c) *Content.* Notice to OPM of job announcements must include the position title, tenure, location, pay plan and grade (or pay rate) of the vacant position; application deadline; and other information specified by OPM. In addition, agencies shall provide OPM with an electronic file of the complete vacancy announcement or recruiting bulletin, which must include the qualifications required, equal opportunity provisions and, when applicable, veterans' preference provisions.

(d) *Funding.* Under 5 U.S.C. 3330(f), OPM is authorized to charge fees to agencies for their share of the cost of providing employment information to the public and to Federal employees.

OPM will work with agencies to review the effectiveness and efficiency of the Federal Employment Information System in meeting Federal agency and public needs and identify improvements to the system, consistent with the minimum level of service and statutory requirements. Subsequently, OPM will annually compute the cost of providing employment information and notify each agency of its share, along with a full accounting of the costs, and payment procedures.

PART 333—RECRUITMENT AND SELECTION FOR TEMPORARY AND TERM APPOINTMENTS OUTSIDE THE REGISTER

3. The authority citation for 333 is revised to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302, 3327, 3330; E.O. 10577, 3 CFR 1954-58 Comp., p. 218; § 333.203 also issued under 5 U.S.C. 1104.

4. Section 333.102 is revised to read as follows:

§ 333.102 Notice of job announcements to OPM.

Under 5 U.S.C. 3327 and 3330, agencies are required to report job announcements to OPM when recruiting outside the register. This requirement is implemented through § 330.102 of this chapter.

PART 335—PROMOTION AND INTERNAL PLACEMENT

5. The authority citation for part 335 is revised to read as follows:

Authority: 5 U.S.C. 3301, 3302, 3330; E.O. 10577, 3 CFR 1954-58 Comp., p. 218.

6. Section 335.105 is revised to read as follows:

§ 335.105 Notice of job announcements to OPM.

Under 5 U.S.C. 3330, agencies are required to report job announcements to OPM. This requirement is implemented through § 330.102 of this chapter.

[FR Doc. 96-214 Filed 1-5-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-AWP-45]

Proposed Amendment of Class E Airspace; Hanford, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Hanford, CA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 32 has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Hanford Municipal Airport, Hanford, CA.

DATES: Comments must be received on or before February 15, 1996.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP-530, Docket No. 95-AWP-45, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business at the Office of the Manager, System Management Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Scott Speer, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725-6533.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are presently helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: