

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-A106

Prevailing Rate Systems; Removal of Putnam, Richmond, and Rockland Counties, NY, and Monmouth County, NJ, from the New York, NY, Appropriated Fund Survey Area

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing a proposed rule that would remove Putnam, Richmond, and Rockland Counties, NY, and Monmouth County, NJ, from the survey area of the New York, NY, appropriated fund Federal Wage System wage area. The four counties would remain in the area of application of the New York, NY, wage area.

DATES: Comments must be received by December 3, 1997.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415, or FAX: (202) 606-0824.

FOR FURTHER INFORMATION CONTACT: Frank Derby at (202) 606-2848, or e-mail: fjderby@opm.gov.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management (OPM) is engaged in an ongoing project to review the geographic definitions of selected Federal Wage System (FWS) appropriated fund wage areas. OPM recently reviewed the definition of the New York, New York, FWS wage area and is proposing the change described below.

When the Federal Wage System was established in 1972, the New York, NY, survey area was composed of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and

Westchester Counties, NY; and Essex, Hudson, Morris, and Union Counties, NJ. In 1975, the Federal Prevailing Rate Advisory Committee agreed by consensus with a proposal to recommend that the New York, NY, survey area be expanded to include Putnam County, NY; and Bergen, Middlesex, Monmouth, Passaic, and Somerset Counties, NJ. This change was made so as to include 100 percent of the New York wage area's FWS employment in the New York, NY, survey area and to provide for a larger number of surveyable private industrial establishments.

As the largest FWS survey—with a sample of more than 900 industrial establishments—the New York, NY, FWS wage survey has become increasingly difficult to conduct because its logistical demands create unusual burdens on local agency activities already strained by downsizing and budget constraints. To reduce the logistical burdens of the New York, NY, FWS wage survey, OPM would remove Putnam, Richmond, and Rockland Counties, NY; and Monmouth County, NJ, from the New York, NY, survey area. Of the 19 counties in the New York, NY, survey area, OPM proposes that these four counties be removed from the survey area because their removal appears to offer the best means of reducing the logistical burdens of surveys in the New York, NY, wage area while least affecting the determination of prevailing rates for FWS employees in that wage area.

Putnam County is located north of Westchester County, New York. There are currently no FWS employees stationed in Putnam County and, in addition, there are only 11 surveyable private industrial establishments in the county (less than 1 percent of the wage area total).

Richmond County, Staten Island, is accessible from the rest of the New York, NY, survey area only via four toll bridges. There are currently about 91 FWS employees stationed in Richmond County (2 percent of the wage area total). There are only 33 surveyable private industrial establishments in Richmond County (less than 1 percent of the wage area total).

Rockland County is located to the north of Bergen County, New Jersey, and to the west of Westchester County, New York. There are currently no FWS

employees stationed in Rockland County and, in addition, there are only 72 surveyable private industrial establishments in the county (1 percent of the wage area total).

Monmouth County is located to the south of Middlesex County, New Jersey, and is the southeastern-most county in the New York, NY, wage area. There are currently about 335 FWS employees stationed in Monmouth County (8 percent of the wage area total). When Monmouth County was added to the New York, NY, survey area in 1975, there were more than 1,500 FWS employees stationed in the county. While there were about 1,000 FWS employees stationed at Fort Monmouth in 1975, there are now only about 60 FWS employees stationed at that installation. In addition, there are only 133 surveyable private industrial establishments in the county (2 percent of the wage area total).

The removal of these four counties from the New York, NY, FWS survey area would leave 90 percent of the wage area's FWS employment in the New York, NY, survey area, and would include the number of surveyable private industrial establishments in the New York, NY, survey universe by only 4 percent. OPM also considered the possible removal of other counties from the New York survey area but none appeared to offer as convincing a rationale for removal as do Putnam, Richmond, Rockland, or Monmouth Counties.

The Federal Prevailing Rate Advisory Committee, the statutory national-level labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, has reviewed and concurred by consensus with this proposed change.

Because of a typographical error in appendix C to subpart B of 5 CFR part 532, the wage area listing for the New York, NY wage area follows immediately after the wage area listing for the Newburgh, NY, wage area without showing the title of the New York, NY, wage area. This rule would correct that inadvertent omission.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they 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.

Office of Personnel Management.

Janice R. Lachance,

Acting Director.

Accordingly, OPM proposes 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.

Appendix C to Subpart B of Part 532 [Amended]

2. Appendix C to subpart B is amended by revising the wage area listings for the Newburgh, New York, and New York, New York, wage area to read as follows: Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas.

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New York

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Newburgh

Survey Area

New York:
Dutchess
Orange
Ulster

Area of Application. Survey area plus:

New York:
Delaware
Sullivan

New York

Survey Area

New York:
Bronx
Kings
Nassau
New York
Queens
Suffolk
Westchester

New Jersey:
Bergen
Essex
Hudson
Middlesex
Morris
Passaic
Somerset
Union

Area of Application. Survey area plus:

New York:

Putnam
Richmond
Rockland
New Jersey:
Monmouth
Sussex

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BILLING CODE 6325-01-M

OFFICE OF PERSONNEL MANAGEMENT**5 CFR Part 630**

RIN: 3206-A103

Emergency Leave Transfer Program

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing proposed regulations governing the establishment of an emergency leave transfer program to permit the transfer of unused annual leave to Federal employees adversely affected by a major disaster or emergency, as declared by the President.

DATES: Comments must be received on or before January 2, 1998.

ADDRESSES: Comments may be sent or delivered to Donald J. Winstead, Assistant Director for Compensation Administration, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415; FAX (202) 606-0824; or email to payleave@opm.gov.

FOR FURTHER INFORMATION CONTACT: Jo Ann Perrini, (202) 606-2858, FAX (202) 606-0824, or email to payleave@opm.gov.

SUPPLEMENTARY INFORMATION: Section 9004 of Pub. L. 105-18, June 12, 1997, added section 6391 to title 5, United States Code, to provide that in the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management (OPM) to establish an emergency leave transfer program under which an employee in any Executive agency may donate annual leave for transfer to employees of his or her agency or to employees in other agencies who are adversely affected by such disaster or emergency. The Act also permits agency leave banks established under 5 U.S.C. 6362 to donate leave under an emergency leave transfer program established by OPM.

The Federal leave sharing program has proven to be an effective and cost-

efficient means of allowing Federal employees to help their fellow workers in times of need. Under the current voluntary leave transfer program established under 5 U.S.C. 6332, an employee may donate unused annual leave for transfer to other Federal employees who have medical emergencies and who have exhausted their own leave. The emergency leave transfer program will be in addition to the voluntary leave transfer and leave bank programs and will provide leave benefits specific to the needs of employees affected by major disasters or emergencies. The emergency leave transfer program will permit employees to donate annual leave to employees who do not necessarily face a medical emergency but who need to take leave because of other effects of disasters or emergencies, such as a flood or an earthquake that has destroyed an employee's property or an emergency situation such as that created by the Oklahoma City bombing on April 19, 1995. In addition, employees approved as emergency leave recipients under the emergency leave transfer program will be able to use donated leave without having to exhaust their own accrued and accumulated annual and sick leave.

Establishment of Emergency Leave Bank

When directed by the President, OPM will establish an emergency leave transfer program for a major disaster or emergency that is declared by the President under which employees may transfer their unused annual leave to employees in their own agencies or other agencies who are adversely affected by the disaster or emergency. We anticipate that the authority to establish an emergency leave transfer program for an emergency or disaster declared by the President will be exercised only after appropriate consultation with the agencies affected by the emergency or disaster. OPM will establish and maintain an emergency leave bank for each such disaster or emergency that will contain the aggregate amount of annual leave donated by emergency leave donors in the agencies for a specific disaster or emergency. OPM will coordinate the transfer of donated annual leave from each agency to the emergency leave bank. An emergency leave donor may not contribute annual leave for transfer to a specific emergency leave recipient under this program. However, an employee may continue to donate his or her unused annual leave to a specific leave recipient under the separate authority for voluntary leave transfer in