

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 316

RIN 3206 AI45

Temporary and Term Employment

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) proposes to revise its regulations to provide the possibility for promotion of employees appointed as worker-trainees under TAPER appointments through grade GS-4, WG-5, or equivalent grades in the Federal Wage System.

DATES: Written comments will be considered if received on or before December 18, 1998.

ADDRESSES: Send or deliver written comments to Mary Lou Lindholm, Associate Director for Employment, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6500, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Diane Tyrrell, 202-606-0830, FAX 202-606-0390, or TDD 202-606-0023.

SUPPLEMENTARY INFORMATION: In striving to meet the goals under the President's welfare to work initiative, Federal agencies have used the TAPER (temporary appointment pending the establishment of a register) authority as their primary appointing authority to appoint employees into the worker trainee program. Using this authority, the current regulations do not allow for promotion beyond the GS-3, WG-4 and equivalent level. Based on the success to date with the use of this authority, agencies would like more flexibility to be able to advance employees beyond the current limits. Currently, these employees must compete for other opportunities or remain at this grade level until completion of the three year period under the program. Agencies have voiced concern regarding the

undue restriction of this grade level limitation.

Program Background

The worker-trainee program was initiated in 1968 and was developed and used, at that time, extensively as a vehicle to competitively hire unskilled, disadvantaged workers. By 1979, activity under this program became very limited and as a result too costly for the Office of Personnel Management (OPM) to maintain registers. Rather than completely eliminate the program, OPM retained the worker trainee as an option under the TAPER authority. Today, it is once again being used widely in connection with the welfare to work program.

Incentive For Change

Agencies have had positive experiences in the recruitment of individuals from the welfare rolls. Currently, employees who are eager and show an ability to excel beyond the current grade level limits of GS-3, WG-4 and equivalent, are forced to remain at this level. In an effort to provide maximum opportunity to those hired into the worker-trainee program, while remaining consistent with the intent of the program, agencies have expressed interest in providing promotion opportunity beyond the current program limits. This enhancement would allow promotion beyond the GS-3, WG-4 levels when appropriate, and would further the overall goals of the welfare to work program.

Justification for New Limit

While there is a need to recognize employee performance and provide advancement opportunity, OPM must balance this with the original intent of the program to provide opportunity for "trainees" to acquire or improve basic skills. This program was designed and continues to function as a "trainee" program for those individuals who are newly hired into government service. Based on classification standards, the highest grade level to which employees would be expected to advance under this program would be to the GS-4, WG-5 or equivalent. We therefore find this to be an appropriate level at which to limit advancement in the worker-trainee program.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

List of Subjects in 5 CFR Part 316

Government employees.

U.S. Office of Personnel Management.

Janice R. Lachance,
Director.

Accordingly, OPM is proposing to amend part 316 of title 5, Code of Federal Regulations, as follows:

PART 316—TEMPORARY AND TERM EMPLOYMENT

1. The authority citation for part 316 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.

Subpart B—TAPER Employment

2. Section § 316.201 paragraph (b) is revised to read as follows:

§ 316.201 Purpose and duration.

* * * * *

(b) *Specific authority for Worker-Trainee positions.* Agencies may make TAPER appointments to positions at GS-1, WG-1 and WG-2 and may reassign or promote the appointees to other positions through grade GS-4, WG-5, or equivalent grades in the Federal Wage System consistent with § 330.501 of this chapter. Agencies are authorized to reassign or promote Worker-Trainees under this authority. [FR Doc. 98-30842 Filed 11-17-98; 8:45 am]

BILLING CODE 6325-01-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Docket No. FV98-930-1 PR]

Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 1998-99 Crop Year for Tart Cherries

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.
