



Federal Register

Monday,
May 13, 2002

Part XXXVII

Office of Personnel Management

Semiannual Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT (OPM)

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following Office of Personnel Management (OPM) regulations are scheduled for development or review from April 1, 2002 through March 31, 2003. This

agenda carries out OPM's responsibilities to publish a semiannual agenda under Executive Order 12866 "Regulatory Planning and Review" and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: Jacqueline D. Carter, (202) 606-1973.

SUPPLEMENTARY INFORMATION: OPM has begun a comprehensive, systematic

review of its Governmentwide personnel regulations. OPM has undertaken this initiative to make the regulations more readable wherever possible, to eliminate duplication, and to weed out obsolete references. OPM will incorporate any necessary substantive changes as part of this project. OPM intends to publish the revised regulations as proposed regulations during the coming year.

U.S. Office of Personnel Management.

Kay Coles James,
Director.

Office of Personnel Management—Proposed Rule Stage

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3345	Probation on Initial Appointment to a Competitive Position	3206-AI47
3346	Merit Promotion and Internal Placement	3206-AI20
3347	Reemployment Priority List	3206-AI34
3348	Amendment to Selective Service Registration Requirements	3206-AI52
3349	Other Than Full-Time Employment (Part-Time, Seasonal, Intermittent)	3206-AI22
3350	Order of Release From Competitive Level	3206-AI96
3351	Re-Employment Rights	3206-AI19
3352	Training	3206-AJ19
3353	Classification Appeals of General Schedule Employees	3206-AH38
3354	Superior Qualifications Appointments	3206-AI00
3355	Pay Under the General Schedule; Subpart F—Locality-Based Comparability Payments	3206-AJ62
3356	Job Grading Reviews and Appeals of Federal Wage System Employees	3206-AI14
3357	Miscellaneous Changes in Pay and Leave Regulations	3206-AJ59
3358	Reemployment of Military and Civilian Retirees To Meet Exceptional Employment Needs	3206-AI32
3359	Miscellaneous Leave Regulations	3206-AI44
3360	Retirement; Credit for Military Service	3206-AG58
3361	Continuation of Eligibility for Certain Civil Service Benefits for Former Federal Employees of the Civilian Marksmanship Program.	3206-AJ55
3362	Retirement; Debt Collection	3206-AE72
3363	Retirement; Court Orders Awarding Survivor Annuities; Correcting or Supplementing the First Order Dividing Marital Property	3206-AG28
3364	Retirement; FERS Elections of Coverage	3206-AG96
3365	Federal Employees' Health Benefits Program: Continuing FEHB Coverage Into Retirement	3206-AI62
3366	Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996 for the Federal Employees' Health Benefits Program	3206-AJ45
3367	Financial Sanctions of Health Care Providers in the Federal Employees' Health Benefits Program	3206-AJ42
3368	Federal Employees' Health Benefits Acquisition Regulation: Large Provider Agreements, Subcontracts, and Miscellaneous Changes	3206-AJ20
3369	Implementation of Additional Cost Principles in the Federal Employees' Health Benefits Program	3206-AJ10

Office of Personnel Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3370	Excepted Service—Schedule A Authority for Nontemporary Part-Time or Intermittent Positions	3206-AJ06
3371	Excepted Service; Career and Career-Conditional Employment	3206-AJ28
3372	Excepted Service—Schedule A Authority for Chinese, Japanese, and Hindu Interpreters	3206-AJ43
3373	Time-in-Grade Restrictions	3206-AG06

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Office of Personnel Management—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3374	Promotion and Internal Placement; Accelerated Qualifications	3206-AG19
3375	Reasonable Accommodation Language for Vacancy Announcements	3206-AJ11
3376	Recruitment and Selection Through Competitive Examination	3206-AJ52
3377	Official Duty Station Determinations for Pay Purposes	3206-AH84
3378	Holidays and Premium Pay	3206-AH86
3379	Prevailing Rate Systems; Definition of San Joaquin County, California, to a Nonappropriated Fund Wage Area	3206-AJ35
3380	Prevailing Rate Systems; Change in the Survey Cycle for the Portland, Oregon, Wage Area	3206-AJ60
3381	Prevailing Rate Systems; Definition of Santa Clara, California, Nonappropriated Fund Wage Area	3206-AJ61
3382	Basic Pay for Employees of Temporary Organizations	3206-AJ47
3383	Pay for Administrative Appeals Judge Positions	3206-AJ44
3384	Grade and Pay Retention	3206-AI88
3385	Pay Administration; Availability Pay for Criminal Investigators	3206-AJ49
3386	Premium Pay Limitations	3206-AJ56
3387	Administratively Uncontrollable Overtime Pay	3206-AJ57
3388	Repeal of Dual Compensation Reduction for Military Retirees	3206-AI92
3389	Retention Allowances	3206-AJ48
3390	Voluntary Separation Incentive Repayment Waivers	3206-AG20
3391	Cost-of-Living Allowances (Nonforeign Areas); Commissary/Exchange Rates; Survey Frequency; Gradual Reductions	3206-AJ40
3392	Cost-of-Living Allowances (Nonforeign Areas); Methodology Changes	3206-AJ41
3393	Retirement; Coverage—Nonappropriated Fund Instrumentalities	3206-AH57
3394	Coverage for Certain Employees of the District of Columbia	3206-AI02
3395	Retirement, Health, and Life Insurance Coverage for Certain Employees of the District of Columbia Under the District of Columbia Courts and Justice Technical Corrections Act of 1998	3206-AI55
3396	Retirement; State Income Tax Withholding Instrumentalities	3206-AH62
3397	Correction of Retirement Coverage Errors Under the Federal Erroneous Retirement Coverage Correction Act	3206-AJ38
3398	Retirement; General Administration	3206-AI83
3399	Federal Employees' Group Life Insurance Program: Miscellaneous Changes and Clarifications	3206-AG63
3400	Federal Employees' Group Life Insurance: Premium Changes and Change in Time Frames for Electing Insurance	3206-AJ46
3401	Federal Employees' Health Benefits Program: Payment of Premiums for Periods of Leave Without Pay or Insufficient Pay	3206-AG66
3402	Federal Employees' Health Benefits Program: Effective Dates	3206-AI37
3403	Implementation of Premium Conversion for Executive Branch Federal Employees Participating in the Federal Employees' Health Benefits (FEHB) Program	3206-AJ17
3404	Federal Employees' Health Benefits Children's Equity	3206-AJ34
3405	Suspension of Enrollment in the Federal Employees' Health Benefits Program To Enroll in the TRICARE	3206-AJ36
3406	Debarments and Suspensions of Health Care Providers From the Federal Employees' Health Benefits Program	3206-AD76
3407	Federal Employees' Group Life Insurance Federal Acquisition Regulation	3206-AI65

Office of Personnel Management—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3408	Personnel Security and Related Programs	3206-AC21
3409	Investigations	3206-AB92
3410	Law Enforcement Officer and Firefighter Retirement	3206-AJ39
3411	Retirement; FERS Basic Annuity	3206-AE73
3412	Governmentwide Debarment and Suspension (Nonprocurement)	3206-AJ31

Office of Personnel Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
3413	Miscellaneous Changes in Office of Personnel Management's Regulations	3206-AJ54
3414	Federal Employment Priority Consideration for the District of Columbia Employees	3206-AI28

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Office of Personnel Management—Completed Actions (Continued)

Sequence Number	Title	Regulation Identification Number
3415	Placement Assistance and Reduction in Force	3206-AJ18
3416	Career Transition Assistance for Surplus and Displaced Federal Employees	3206-AJ32
3417	Reduction in Force Retreat Rights	3206-AJ14
3418	Locality-Based Comparability Payments	3206-AI81
3419	Prevailing Rate Systems; Change in the Survey Cycle for the Pennington, South Dakota, Nonappropriated Fund Wage Area	3206-AJ30
3420	Firefighter Pay	3206-AI50
3421	Cost-of-Living Allowances (Nonforeign Areas); Interim COLA Rate Increases Pursuant to Settlement of Litigation ..	3206-AJ26
3422	Absence and Leave: Use of Restored Annual Leave	3206-AJ51

Office of Personnel Management—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
3206-AF57	Performance Management Reform Initiatives	03/04/2002	Withdrawn
3206-AG78	Retirement Coverage for the District of Columbia Financial Control Board Employees	03/01/2002	Withdrawn
3206-AG92	Availability of Official Information	03/13/2002	Withdrawn
3206-AH37	Retirement; Service Credit	03/01/2002	Withdrawn
3206-AI46	Clarification of Hiring Authorities	04/01/2002	Withdrawn
3206-AI51	Excepted Service Promotion and Internal Placement	03/13/2002	Withdrawn
3206-AJ27	Cost-of-Living Allowances (Nonforeign Areas); Revised COLA Regulations Pursuant to Settlement of Litigation	03/04/2002	Withdrawn
3206-AJ37	Privacy Procedures for Personnel Records	03/13/2002	Withdrawn

Office of Personnel Management (OPM)

Proposed Rule Stage

3344. EMPLOYMENT IN THE EXCEPTED SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 8151; EO 10577

CFR Citation: 5 CFR 302

Legal Deadline: None

Abstract: The revised regulations will make it easier for agencies to understand how to run the excepted service employment system, so they can create better and more efficient employment procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Tina Vay, Employment Service, Staffing and

Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0390

RIN: 3206-AH83

3345. PROBATION ON INITIAL APPOINTMENT TO A COMPETITIVE POSITION

Priority: Other Significant

Legal Authority: 5 USC 3321

CFR Citation: 5 CFR 315, subpart H

Legal Deadline: None

Abstract: This regulation will permit agencies to use a competitive service probationary period of up to three years, when the work of the position cannot be properly evaluated in only one year. It will also establish one year as the minimum probationary period.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda Watson, Employment Service, Examining and Qualification Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0023
Email: lmwatson@opm.gov

RIN: 3206-AI47

3346. MERIT PROMOTION AND INTERNAL PLACEMENT

Priority: Other Significant

Legal Authority: 5 USC 3301; 5 USC 3302

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Proposed Rule Stage

CFR Citation: 5 CFR 316; 5 CFR 335

Legal Deadline: None

Abstract: In an effort to streamline selection procedures and provide agencies with greater flexibility, the Office of Personnel Management (OPM) is proposing to revise the regulations covering merit promotion and internal placement. These regulations will provide a framework within which agencies may develop merit-based programs for internal selections.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Karen Jacobs, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0023

RIN: 3206-AI20

3347. REEMPLOYMENT PRIORITY LIST

Priority: Other Significant

Legal Authority: 5 USC 1315; 5 USC 8151

CFR Citation: 5 CFR 330, subpart B

Legal Deadline: None

Abstract: The Office of Personnel Management is proposing regulations covering the operation and administration of the Reemployment Priority List (RPL). The RPL provides competitive service employees, separated by reduction in force, with the first opportunity for reemployment in their former agency over candidates who do not work for the agency. The RPL also provides the same priority to former employees who were separated or downgraded because of a compensable injury or disability and have fully recovered more than one year after compensation began. These proposed regulations would update RPL procedures in order to assist agencies in providing displaced employees with maximum reemployment opportunities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jacqueline Yeatman, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0960
Fax: 202 606-2329

RIN: 3206-AI34

3348. AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 3328

CFR Citation: 5 CFR 300

Legal Deadline: None

Abstract: Delegates to agencies' determination whether a Federal job applicant's failure to register with the Selective Service was knowing and willful. This change is authorized by an amendment to 5 U.S.C. 3328.

Timetable:

Action	Date	FR Cite
NPRM	03/29/99	64 FR 14842
NPRM Comment Period End	04/28/99	
NPRM	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Larry Lorenz, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0830

RIN: 3206-AI52

3349. OTHER THAN FULL-TIME EMPLOYMENT (PART-TIME, SEASONAL, INTERMITTENT)

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 3301

CFR Citation: 5 CFR 340; 5 CFR 110

Legal Deadline: None

Abstract: Grants agencies and employees more flexibility by clarifying agency authority to schedule part-time employees on a pay period, rather than weekly, basis; defines job sharing; modifies seasonal employment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Diane Tyrrell, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 9th Floor, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0960
Fax: 202 606-2329

RIN: 3206-AI22

3350. ORDER OF RELEASE FROM COMPETITIVE LEVEL

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 1302; 5 USC 3502; 5 USC 3503

CFR Citation: 5 CFR 351

Legal Deadline: None

Abstract: The Office of Personnel Management is proposing retention regulations covering the order in which agencies release competing employees from their competitive levels in a reduction in force.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Thomas A. Glennon, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0960
Fax: 202 606-2329

RIN: 3206-AI96

3351. RE-EMPLOYMENT RIGHTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 3582; 5 USC 3301; PL 103-296

CFR Citation: 5 CFR 352

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Legal Deadline: None

Abstract: Updates provisions to conform to law allowing employees assigned to international organizations under certain conditions to maintain FERS and FICA retirement coverage; current regulations only mention CSRS retirement.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Mike Mahoney, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0023

RIN: 3206-AI19

3352. TRAINING

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410

Legal Deadline: None

Abstract: Section 410.309 of title 5, CFR (continued service agreements) and 5 CFR 410.404 (expenses of training and meetings) need clarification. 5 CFR 410.309, as written, omits allowance for agency heads to delegate authority to define requirements for continued service. It also omits circumstances when the requirement for continued service can be waived, which has caused confusion for agencies in developing their continued service agreements. Amending 5 CFR 410.309 returns to regulation, language removed in 1996 that has had the unintended effect of limiting agency head authority in the area of continued service agreements for training. With increasing interest in academic education and service agreements, agencies have expressed concern about their legal authority with regard to these agreements.

As written, 5 CFR 410.404 does not sufficiently clarify distinctions between training and meetings. 5 U.S.C. 4109 provides agencies authority to pay the expenses of training. 5 U.S.C. 4110 provides them authority to pay the expenses of meetings. However, 5 CFR

410.404 blurs the distinctions between these two; amending it would make clear the distinctions and clarify conditions under which a meeting may be considered training.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: LaVeen Ponds, Office of Workforce Relations, Office of Personnel Management, Office of Human Resource Development, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-1394
Email: lmponds@opm.gov

RIN: 3206-AJ19

3353. CLASSIFICATION APPEALS OF GENERAL SCHEDULE EMPLOYEES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5112

CFR Citation: 5 CFR 511, subpart A; 5 CFR 511, subpart F; 5 CFR 511, subpart G

Legal Deadline: None

Abstract: The position classification appeals regulations require updating to reflect current organizational nomenclature following a reorganization within OPM.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	07/00/02	
Final Action	08/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Melissa Drummond, Office of Merit Systems Oversight and Effectiveness, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2530
Fax: 202 606-2663
Email: madrummo@opm.gov

RIN: 3206-AH38

3354. SUPERIOR QUALIFICATIONS APPOINTMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5333

CFR Citation: 5 CFR 531

Legal Deadline: None

Abstract: Revises regulations concerning the appointment of superior candidates above the minimum rate of pay for General Schedule positions. Clarifies and modifies what agencies should consider when making these superior qualifications appointments.

Timetable:

Action	Date	FR Cite
NPRM	03/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-2858
Fax: 202 606-4264
Email: payleave@opm.gov

RIN: 3206-AI00

3355. • PAY UNDER THE GENERAL SCHEDULE; SUBPART F—LOCALITY-BASED COMPARABILITY PAYMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5304

CFR Citation: 5 CFR 531

Legal Deadline: None

Abstract: Under current regulations, locality pay area boundaries change automatically whenever the Office of Management and Budget (OMB) modifies the geographic coverage of a metropolitan statistical area (MSA) or a consolidated metropolitan statistical area. OMB plans wholesale modifications in metropolitan area definitions in 2003 based on new criteria and 2000 census data. We plan to tie our locality pay area definitions to the geographic coverage of MSAs as defined in OMB Bulletin 99-4 so that locality pay area boundaries will not automatically change when OMB revises its metropolitan area definitions. This will allow the President's Pay Agent and the Federal Salary Council the opportunity to

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Proposed Rule Stage

review the new metropolitan area definitions to see if they are appropriate for use in the locality pay program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
Final Action	11/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Allan G. Hearne, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2838
Fax: 202 606-4264
Email: aghearne@opm.gov

RIN: 3206-AJ62

3356. JOB GRADING REVIEWS AND APPEALS OF FEDERAL WAGE SYSTEM EMPLOYEES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5346

CFR Citation: 5 CFR 532, subpart G

Legal Deadline: None

Abstract: The job grading reviews and appeals regulations require updating to reflect current organizational nomenclature following a reorganization within OPM.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	07/00/02	
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Melissa Drummond, Office of Merit Systems Oversight and Effectiveness, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2530
Fax: 202 606-2663
Email: madrummo@opm.gov

RIN: 3206-AI14

3357. MISCELLANEOUS CHANGES IN PAY AND LEAVE REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5307; 5 USC 5514; 5 USC 5527; 5 USC 5334; 5 USC 5338; 5 USC 5542(c); 5 USC 5548; 5 USC 6311; 5 USC 4301 et seq; Fair Labor Standards Act of 1939, as amended, sec 4(f)

CFR Citation: 5 CFR 531; 5 CFR 550; 5 CFR 551; 5 CFR 630

Legal Deadline: None

Abstract: These interim regulations will correct or clarify several provisions dealing with the pay and leave of Federal employees. The changes are needed to make regulations consistent with law and current practice and to eliminate unnecessary agency reports to OPM. Questions and comments from users of the regulations prompted the changes. The interim regulations will assist agencies in administering pay and leave programs in a consistent manner and in accordance with applicable law.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bryce Baker, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2858
Fax: 202 606-4264
Email: payleave@opm.gov

RIN: 3206-AJ59

3358. REEMPLOYMENT OF MILITARY AND CIVILIAN RETIREES TO MEET EXCEPTIONAL EMPLOYMENT NEEDS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8344; 5 USC 8468

CFR Citation: 5 CFR 553

Legal Deadline: None

Abstract: Establishes new criteria for granting exceptions for key positions in temporary organizations established by law or Executive order. This rule will also expand and clarify the criteria used in exercising this authority.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Larry Lorenz, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0830

RIN: 3206-AI32

3359. MISCELLANEOUS LEAVE REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630

Legal Deadline: None

Abstract: The Office of Personnel Management is proposing miscellaneous changes in the leave regulations in 5 CFR part 630. The proposed changes will include clarifying provisions on the Federal leave-sharing program, home leave, transfer of leave from the U.S. Postal Service, and leave entitlements for employees under 90-day appointments or under part-time or intermittent work schedules. The proposed regulations also will include changes to comply with new legislation requiring lump-sum payment for annual leave for employees transferring from a Department of Defense base that is closing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharon Herzberg, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2858
Fax: 202 606-4264
Email: payleave@opm.gov

RIN: 3206-AI44

OPM

Proposed Rule Stage

3360. RETIREMENT; CREDIT FOR MILITARY SERVICE**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8347(a); 5 USC 8461(g); 38 USC 4331**CFR Citation:** 5 CFR 8347(a); 5 CFR 8461(g); 5 CFR 842.306; 5 CFR 842.307**Legal Deadline:** None**Abstract:** These regulations implement changes in the treatment of certain military service under CSRS and FERS required under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	
Final Action	04/00/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Christopher H. Ziebarth, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov**RIN:** 3206-AG58**3361. • CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF THE CIVILIAN MARKSMANSHIP PROGRAM.****Priority:** Substantive, Nonsignificant**Legal Authority:** Sec 1622(b), PL 104-106, 110 Stat. 515**CFR Citation:** 5 CFR 831; 5 CFR 842; 5 CFR 870; 5 CFR 890**Legal Deadline:** None**Abstract:** These regulations describe conditions and procedures applicable to continuation of eligibility for certain Civil Service benefits for former Federal employees of the Civilian Marksmanship Program.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	
Final Action	10/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Howard T. Newland Jr., Retirement and Insurance Service, Retirement Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov**RIN:** 3206-AJ55**3362. RETIREMENT; DEBT COLLECTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8347; 5 USC 8461**CFR Citation:** 5 CFR 835(e)**Legal Deadline:** None**Abstract:** These regulations will amend the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) regulations by consolidating and updating existing regulations in three different subparts of the CSRS regulations and 5 CFR 845 in the FERS regulations to eliminate duplication of the provisions governing debt collection. This item is for subpart E of the new part 835, which will address collections of Government claims from payments made by OPM.**Timetable:**

Action	Date	FR Cite
NPRM	10/05/92	57 FR 45753
Second NPRM	05/00/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Patricia A. Rochester, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov**RIN:** 3206-AE72**3363. RETIREMENT; COURT ORDERS AWARDING SURVIVOR ANNUITIES; CORRECTING OR SUPPLEMENTING THE FIRST ORDER DIVIDING MARITAL PROPERTY****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8347; 5 USC 8461**CFR Citation:** 5 CFR 838**Legal Deadline:** None**Abstract:** These regulations would establish standards for determining which supplemental or correcting court orders are not "modifications" and the procedures applicable to such orders. They also provide for the continuation of the former spouse's survivor coverage and the reduction in the retiree's annuity until the State court decides the extent of the former spouse's rights to retirement benefits.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Robert Girouard, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov**RIN:** 3206-AG28**3364. RETIREMENT; FERS ELECTIONS OF COVERAGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8347(a); 5 USC 8461(g); PL 99-335, sec 301(d)(3)**CFR Citation:** 5 CFR 846**Legal Deadline:** None**Abstract:** These regulations implement title III of the Federal Employees Retirement System (FERS) Act of 1986, as amended, dealing with the election of FERS coverage by employees under the Civil Service Retirement System and certain other employees. The regulations contain regulatory and interpretative rules concerning employees' eligibility to elect FERS coverage, procedures for electing FERS coverage, and basic benefits based on the service for employees who elect FERS coverage.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/21/87	52 FR 19235
Interim Final Rule	09/13/93	58 FR 47821
Interim Final Rule	06/18/98	63 FR 33231
NPRM	12/00/02	
Final Action	04/00/03	

Regulatory Flexibility Analysis Required: No

OPM

Proposed Rule Stage

Government Levels Affected: None

Agency Contact: James Giuseppe, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov

RIN: 3206-AG96

3365. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: CONTINUING FEHB COVERAGE INTO RETIREMENT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: This proposed regulation would increase OPM's ability to waive requirements for continuing health benefits coverage into retirement when it is to the advantage of the Government to do so.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Barbara Myers, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0004

RIN: 3206-AI62

3366. IMPLEMENTATION OF THE ADMINISTRATIVE SIMPLIFICATION PROVISIONS OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 FOR THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-191

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: The administrative simplification provisions on the Health Insurance Portability and Accountability Act of 1996 (HIPAA)

requires covered entities (providers, health plans and clearinghouses) to ensure the privacy of individually identifiable personal health information. The Federal Employees' Health Benefits (FEHB) Program has been deemed a health plan, and as such must comply with the security, privacy, and transaction standards that are part of the administrative simplification provisions of HIPAA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Abby L. Block, Assistant Director, Office of Insurance Programs, Office of Personnel Management, Retirement and Insurance Group Room 3425, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0770

RIN: 3206-AJ45

3367. FINANCIAL SANCTIONS OF HEALTH CARE PROVIDERS IN THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8902a

CFR Citation: 5 CFR 890, subpart J

Legal Deadline: None

Abstract: These regulations will implement the financial sanctions provisions of the Federal Employees' Health Care Protection Act of 1998 (Pub. L. 105-266). In cases where a health care provider had knowingly: (1) submitted false, fraudulent, or misleading claims; (2) failed to provide claims-related information requested by OPM or a FEHBP carrier; or (3) submitted claims while debarred, the statute authorizes OPM to effectuate civil monetary penalties of not more than \$10,000 per item or service involved and to assess damages of not more than twice the amount claimed for each item or service. These financial sanctions may be imposed, in addition to suspension or debarment; the other forms of sanctions authorized by the statute. The regulatory provisions for suspension and debarment are being implemented in an earlier amendment to 5 CFR 890, subpart J.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: J. David Cope, Debarring Official, Office of the Inspector General, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2851
Fax: 202 606-2153
Email: jdcope@opm.gov

RIN: 3206-AJ42

3368. FEDERAL EMPLOYEES' HEALTH BENEFITS ACQUISITION REGULATION: LARGE PROVIDER AGREEMENTS, SUBCONTRACTS, AND MISCELLANEOUS CHANGES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8913; 40 USC 486(c); 48 CFR 1.301

CFR Citation: 48 CFR 1602; 48 CFR 1604; 48 CFR 1615

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is proposing a new policy that establishes notification and information requirements, including audit, for Federal Employees' Health Benefits (FEHB) experience-rated carrier large provider agreements. The proposed regulation also revises the threshold for advance approval of carrier subcontracts.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mike Kaszynski, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0004
Email: mwkaszyn@opm.gov

RIN: 3206-AJ20

OPM

Proposed Rule Stage

3369. IMPLEMENTATION OF ADDITIONAL COST PRINCIPLES IN THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8913; 40 USC 486(c); 48 CFR 1.301**CFR Citation:** 48 CFR 1630; 48 CFR 1631; 48 CFR 1652**Legal Deadline:** None**Abstract:** The Office of Personnel Management is proposing a regulation that would inform experience-rated carriers in the Federal Employees' Health Benefits Program how it intends to implement additional cost principles.**Timetable:**

Action	Date	FR Cite
NPRM	10/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Anne Easton, Retirement and Insurance Services, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0004
Email: aseaston@opm.gov**RIN:** 3206-AJ10

Office of Personnel Management (OPM)

Final Rule Stage

3370. EXCEPTED SERVICE—SCHEDULE A AUTHORITY FOR NONTEMPORARY PART-TIME OR INTERMITTENT POSITIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3301; 5 USC 3307**CFR Citation:** 5 CFR 213**Legal Deadline:** None**Abstract:** The Office of Personnel Management proposes to revoke the schedule A excepted service appointing authority for nontemporary part-time or intermittent positions for which total annual compensation does not exceed 40 percent of GS-3, step 1 because the conditions justifying the original exception no longer exist.**Timetable:**

Action	Date	FR Cite
NPRM	09/10/01	66 FR 46968
Final Action	05/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tina Vay, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0390**RIN:** 3206-AJ06**3371. EXCEPTED SERVICE; CAREER AND CAREER-CONDITIONAL EMPLOYMENT****Priority:** Other Significant**Legal Authority:** EO 13162**CFR Citation:** 5 CFR 213; 5 CFR 315**Legal Deadline:** None**Abstract:** These regulations implement Executive Order 13162, which establishes the Federal Career Intern Program. This program will be used to attract exceptional men and women to the Federal workforce who have diverse professional experiences, academic training, or competencies and prepare them for careers in analyzing and implementing public programs.

This regulation supports the Administration's effort to recruit the highest caliber people to the Federal Government, develop their professional abilities, and retain them in Federal departments and agencies.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/14/00	65 FR 78077
Interim Final Rule Effective	12/14/00	
Final Action	09/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Karen Jacobs, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0830

Fax: 202 606-0023

RIN: 3206-AJ28**3372. EXCEPTED SERVICE—SCHEDULE A AUTHORITY FOR CHINESE, JAPANESE, AND HINDU INTERPRETERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3301**CFR Citation:** 5 CFR 213**Legal Deadline:** None**Abstract:** The Office of Personnel Management proposes to revoke the schedule A excepted service appointing authority for Chinese, Japanese and Hindu interpreters because the conditions justifying the original exception no longer exist.**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3128
Final Action	07/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Tina Vay, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0390**RIN:** 3206-AJ43**3373. TIME-IN-GRADE RESTRICTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3301; 5 USC 3302; EO 10577

OPM

Final Rule Stage

CFR Citation: 5 CFR 300**Legal Deadline:** None

Abstract: Eliminates requirement that employees serve one year in-grade to be eligible for promotion above the GS-5 level. This is separate from the qualifications requirement for one year's experience at the next lowest grade or equivalent for promotion.

Timetable:

Action	Date	FR Cite
NPRM	06/15/94	59 FR 30717
NPRM Comment Period End	01/10/95	60 FR 2546
Final Action	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Tina Vay, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0390

RIN: 3206-AG06**3374. PROMOTION AND INTERNAL PLACEMENT; ACCELERATED QUALIFICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3301; 5 USC 3302; 5 USC 3304**CFR Citation:** 5 CFR 316; 5 CFR 335; 5 CFR 338**Legal Deadline:** None

Abstract: OPM will issue final regulations on Accelerated Qualifications only to authorize agencies to establish intensive training programs for acquiring qualifications at an accelerated rate.

Timetable:

Action	Date	FR Cite
NPRM	02/20/96	61 FR 6324
Final Action	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Karen Jacobs, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0023

RIN: 3206-AG19**3375. REASONABLE ACCOMMODATION LANGUAGE FOR VACANCY ANNOUNCEMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3304(f); 5 USC 3327; ...**CFR Citation:** 5 CFR 302; 5 CFR 317; 5 CFR 330; 5 CFR 333; 5 CFR 335**Legal Deadline:** None

Abstract: The Office of Personnel Management is publishing interim regulations requiring a reasonable accommodation statement in agency vacancy announcements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/11/01	66 FR 63905
Interim Final Rule Effective	01/10/02	
Final Action	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Linda Watson, Employment Service, Examining and Qualification Policy Division, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0830
Fax: 202 606-0023
Email: lmwatson@opm.gov

RIN: 3206-AJ11**3376. RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 3301; 5 USC 3302**CFR Citation:** 5 CFR 332**Legal Deadline:** None

Abstract: OPM is issuing an interim regulation to allow agencies to decide how candidates are referred for competitive appointment when agencies fill multiple vacancies simultaneously. We are codifying a long-standing practice (5 U.S.C. 3301 and 3302) of providing agencies with the option of either certifying a candidate for only one vacancy at a time, or certifying a candidate simultaneously for all vacancies for which that candidate expresses an interest, is eligible, and is within reach.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/02	67 FR 7055
Interim Final Rule Effective	02/15/02	
Final Action	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Suzy Barker, Director, Examination and Qualification Policy Division, Office of Personnel Management, Employment Service, Washington, DC 20415
Phone: 202 606-0390
Fax: 202 606-0390
Email: smbarker@opm.gov

RIN: 3206-AJ52**3377. OFFICIAL DUTY STATION DETERMINATIONS FOR PAY PURPOSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5305; 5 USC 5304; 5 USC 5941; EO 10000; PL 101-509, sec 404**CFR Citation:** 5 CFR 530; 5 CFR 531; 5 CFR 591**Legal Deadline:** None

Abstract: These proposed regulations would clarify the location-based pay entitlements of Federal employees who are detailed or temporarily assigned to work at a new location, including telework situations. Location-based pay entitlements include locality payments, special salary rates, and nonforeign area cost-of-living allowances.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/09/97	62 FR 25423
Interim Final Rule Comment Period End	07/08/97	
Final Action	03/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-2858

OPM

Final Rule Stage

Fax: 202 606-4264
 Email: payleave@opm.gov
 RIN: 3206-AH84

3378. HOLIDAYS AND PREMIUM PAY

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5548; 5 USC 6133; 29 USC 204(f)

CFR Citation: 5 CFR 532; 5 CFR 550; 5 CFR 551; 5 CFR 610

Legal Deadline: None

Abstract: These final regulations implement changes in law that provide: 1) authority for compensatory time off for prevailing rate (wage) employees in lieu of overtime pay; and 2) agency flexibility in determining the "in lieu of" holiday for employees on compressed work schedules when the actual holiday for the employee is on a non-workday. A current regulation is also corrected to comply with a provision of law authorizing use of alternative work schedules for civilian nonappropriated fund employees of the armed services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/97	62 FR 28305
Final Action	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415
 Phone: 202 606-2858
 Fax: 202 606-4264
 Email: payleave@opm.gov

RIN: 3206-AH86

3379. PREVAILING RATE SYSTEMS; DEFINITION OF SAN JOAQUIN COUNTY, CALIFORNIA, TO A NONAPPROPRIATED FUND WAGE AREA

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5343

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Because of the construction of a new Army and Air Force Exchange

service distribution depot at the Sharpe Army Depot in San Joaquin County, California, the Office of Personnel Management will establish a new nonappropriated fund Federal Wage System wage area for San Joaquin County. Pay for Federal blue-collar workers who are paid from nonappropriated funds in the new San Joaquin wage area will be based on local wage surveys ordered to begin in February of each year.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/23/02	67 FR 3035
Final Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Chenty I. Carpenter, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415
 Phone: 202 606-2848
 Fax: 202 606-4264
 Email: cicarpen@opm.gov

RIN: 3206-AJ35

3380. • PREVAILING RATE SYSTEMS; CHANGE IN THE SURVEY CYCLE FOR THE PORTLAND, OREGON, WAGE AREA

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5343

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: To improve administration of local wage surveys for Federal Wage System employees in the Portland, OR, wage area, the Office of Personnel Management will change the dates of full-scale wage surveys in the wage area from August of each odd numbered fiscal year to August of each even numbered fiscal year.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/24/02	67 FR 20009
Interim Final Rule Effective	04/24/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Chenty I. Carpenter, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415
 Phone: 202 606-2848
 Fax: 202 606-4264
 Email: cicarpen@opm.gov
 RIN: 3206-AJ60

3381. • PREVAILING RATE SYSTEMS; DEFINITION OF SANTA CLARA, CALIFORNIA, NONAPPROPRIATED FUND WAGE AREA

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5343

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Because of the closure of the Army and Air Force Exchange Service Oakland Distribution Center, the Office of Personnel Management (OPM) is abolishing the Alameda-Contra Costa, CA, nonappropriated fund Federal Wage System wage area. OPM will establish a new Santa Clara, CA, nonappropriated fund wage area with Santa Clara County defined as the wage area's survey area and Alameda, Contra Costa, and San Mateo Counties defined as the wage area's area of application.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Chenty I. Carpenter, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415
 Phone: 202 606-2848
 Fax: 202 606-4264
 Email: cicarpen@opm.gov
 RIN: 3206-AJ61

3382. BASIC PAY FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 3161(d)

CFR Citation: 5 CFR 534

Legal Deadline: None

OPM

Final Rule Stage

Abstract: The Office of Personnel Management is issuing final regulations on setting the rate of basic pay for employees of temporary organizations, as defined in 5 U.S.C. 3161(a).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/02	67 FR 3581
Interim Final Rule Comment Period End	03/26/02	
Final Action	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-2858
Fax: 202 606-4264
Email: payleave@opm.gov

RIN: 3206-AJ47

3383. PAY FOR ADMINISTRATIVE APPEALS JUDGE POSITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5372b

CFR Citation: 5 CFR 534, subpart F

Legal Deadline: None

Abstract: These interim regulations implement a pay system for administrative appeals judge positions. The administrative appeals judge pay system was recently authorized to cover positions that are not classifiable above GS-15 and for which the duties primarily involve reviewing decisions of administrative law judges. OPM is issuing regulations to ensure that agencies implement and administer the administrative appeals judge pay system in a consistent and equitable manner.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/11/01	66 FR 63906
Interim Final Rule Comment Period End	02/11/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-2858
Fax: 202 606-4264
Email: payleave@opm.gov

RIN: 3206-AJ44

3384. GRADE AND PAY RETENTION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5361; 5 USC 5366

CFR Citation: 5 CFR 536

Legal Deadline: None

Abstract: The Office of Personnel Management is issuing final regulations giving agencies discretionary authority to grant pay retention to certain employees moving to positions under pay systems other than the General Schedule or the Federal Wage System. This new flexibility will allow agencies to prevent eligible employees from suffering a reduction in pay that would otherwise result from a management action.

Timetable:

Action	Date	FR Cite
NPRM	05/25/00	65 FR 33785
Final Action	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sharon Herzberg, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2858
Fax: 202 606-4264
Email: payleave@opm.gov

RIN: 3206-AI88

3385. PAY ADMINISTRATION; AVAILABILITY PAY FOR CRIMINAL INVESTIGATORS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5545(h); 5 USC 5548

CFR Citation: 5 CFR 550

Legal Deadline: None

Abstract: These final regulations will clarify a number of issues relating to the administration of availability pay, a form of premium pay for criminal investigators who are required to work, or be available to work, substantial amounts of unscheduled overtime duty based on the needs of the employing agency.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/94	59 FR 66149
Second Interim Final Rule	01/29/99	64 FR 4517
Final Action	03/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kevin Kitchelt, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2858
Fax: 202 606-4264
Email: payleave@opm.gov

RIN: 3206-AJ49

3386. • PREMIUM PAY LIMITATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5547; 5 USC 5548

CFR Citation: 5 CFR 550

Legal Deadline: None

Abstract: The Office of Personnel Management is issuing interim regulations to implement recent statutory amendments dealing with the premium pay limitations for Federal employees. Those amendments raise the premium pay caps for most employees, provide authority to use an annual cap instead of a biweekly cap in additional circumstances, and make certain other changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/19/02	67 FR 19319
Interim Final Rule Effective	04/29/02	
Final Action	10/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

OPM

Final Rule Stage

Government Levels Affected: None

Agency Contact: Bryce Baker, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2858
Fax: 202 606-4264
Email: payleave@opm.gov

RIN: 3206-AJ56**3387. • ADMINISTRATIVELY UNCONTROLLABLE OVERTIME PAY****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5547**CFR Citation:** 5 CFR 550.151**Legal Deadline:** None

Abstract: The Office of Personnel Management is issuing interim regulations concerning the rules governing payment of administratively uncontrollable overtime (AUO) pay. This interim rule permits agencies to pay AUO pay to an employee during a temporary assignment that would not otherwise warrant the payment of AUO pay, if the temporary assignment is directly related to a national emergency.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/13/02	67 FR 6640
Interim Final Rule Comment Period End	04/15/02	
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Kevin Kitchelt, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2858
Fax: 202 606-4264
Email: payleave@opm.gov

RIN: 3206-AJ57**3388. REPEAL OF DUAL COMPENSATION REDUCTION FOR MILITARY RETIREES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8344; 5 USC 8468**CFR Citation:** 5 CFR 553**Legal Deadline:** None

Abstract: The Office of Personnel Management is publishing final regulations to implement the repeal of reduction in military retired or retainer pay required of some military retirees in civilian positions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/12/00	65 FR 19643
Interim Final Rule Effective	04/12/00	
Final Action	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Larry Lorenz, Employment Service, Staffing and Restructuring Policy Division, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0830

RIN: 3206-AI92**3389. RETENTION ALLOWANCES****Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 5 USC 5754**CFR Citation:** 5 CFR 575, subpart C**Legal Deadline:** None

Abstract: These final regulations would provide agencies with greater flexibility in the use of retention allowances by allowing them to pay such allowances to employees who are likely to leave their position for other Federal employment under certain limited circumstances.

Timetable:

Action	Date	FR Cite
NPRM	01/10/01	66 FR 5491
NPRM Comment Period End	03/20/01	
Final Action	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Jeanne D. Jacobson, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-2858

Fax: 202 606-4264

Email: payleave@opm.gov

RIN: 3206-AJ48**3390. VOLUNTARY SEPARATION INCENTIVE REPAYMENT WAIVERS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 103-226**CFR Citation:** 5 CFR 576**Legal Deadline:** None

Abstract: Public Law 103-226 authorized OPM to waive repayment of a voluntary separation incentive payment under certain circumstances if a former employee, who accepted the incentive payment, is reemployed by an executive agency of the United States within five years of separation. Later Public Laws, written for specific agencies, usually contain a waiver of repayment provision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/94	59 FR 55808
Final Action	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Charles Gray, Employee Service, Office of Personnel Management, Staffing Restructuring Policy Division, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0960

RIN: 3206-AG20**3391. COST-OF-LIVING ALLOWANCES (NONFOREIGN AREAS); COMMISSARY/EXCHANGE RATES; SURVEY FREQUENCY; GRADUAL REDUCTIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 5941**CFR Citation:** 5 CFR 591**Legal Deadline:** None

Abstract: The Office of Personnel Management (OPM) is issuing regulations to implement recent amendments to Executive Order 10000 regarding nonforeign area cost-of-living allowances (COLAs). These regulations eliminate the separate COLA rate paid to Federal employees with commissary and exchange privileges; allow OPM to conduct COLA surveys less frequently;

OPM

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and permit OPM to reduce COLA rates gradually regardless of the cause of the reduction. These changes will accomplish several of the provisions agreed upon under a recent settlement of litigation concerning nonforeign area COLAs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/01	66 FR 56751
Interim Final Rule Effective	11/09/01	
Final Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kurt Springmann, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-2838
Fax: 202 606-4264
Email: cola@opm.gov

RIN: 3206-AJ40

3392. COST-OF-LIVING ALLOWANCES (NONFOREIGN AREAS); METHODOLOGY CHANGES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 5941

CFR Citation: 5 CFR 591

Legal Deadline: None

Abstract: The Office of Personnel Management (OPM) is making wide-ranging changes in the methodology used to determine nonforeign area cost-of-living allowances (COLAs). OPM is implementing these changes pursuant to the settlement of litigation regarding the COLA program.

Timetable:

Action	Date	FR Cite
NPRM	11/09/01	66 FR 56741
Final Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kurt Springmann, Workforce Compensation and Performance Service, Office of Personnel Management, Office of Compensation Administration, 1900 E Street NW., Washington, DC 20415

Phone: 202 606-2838

Fax: 202 606-4264

Email: cola@opm.gov

RIN: 3206-AJ41

3393. RETIREMENT; COVERAGE—NONAPPROPRIATED FUND INSTRUMENTALITIES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831; 5 CFR 837; 5 CFR 841 to 844; 5 CFR 847

Legal Deadline: Final, Statutory, August 9, 1996.

Abstract: These regulations implement the provisions of Public Law 104-106 and Public Law 107-107, which allow certain employees, who have been employed by nonappropriated fund instrumentalities under the jurisdiction of the armed forces, to obtain retirement credit under limited circumstances.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/09/96	61 FR 41714
Interim Final Rule	06/00/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James Giuseppe, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov

RIN: 3206-AH57

3394. COVERAGE FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8347(a); 5 USC 8361(g); PL 105-33, sec 11202(f), 11232(e), 11246(b); PL 106-522, sec 145

CFR Citation: 5 CFR 831; 5 CFR 837; 5 CFR 842; 5 CFR 846; 5 CFR 870; 5 CFR 890

Legal Deadline: None

Abstract: These regulations implement provisions of the National Capital Revitalization and Self-Government Improvement Act of 1997, which requires that nonjudicial employees of

the District of Columbia Courts, and under certain conditions, the District of Columbia Corrections Trustee, and the District of Columbia Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee and their respective employees be considered Federal employees for purposes of Federal retirement, health, and life insurance coverage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/97	62 FR 50995
Interim Final Rule Comment Period End	12/01/97	
Final Action	03/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Robert Girouard, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov

RIN: 3206-AI02

3395. RETIREMENT, HEALTH, AND LIFE INSURANCE COVERAGE FOR CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA UNDER THE DISTRICT OF COLUMBIA COURTS AND JUSTICE TECHNICAL CORRECTIONS ACT OF 1998

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-274

CFR Citation: 5 CFR 831; 5 CFR 837; 5 CFR 842; 5 CFR 846; 5 CFR 870; 5 CFR 890

Legal Deadline: None

Abstract: These interim regulations implement the District of Columbia Courts and Justice Technical Corrections Act of 1998. The effect of these regulations is to extend Federal retirement, health insurance, and life insurance coverage to employees of the Public Defender Service of the District of Columbia under section 7 of the Act, and to exclude certain former employees of the District of Columbia, who are hired by the Department of Justice or by the Court Services and Offender Supervision Agency, from Federal retirement coverage if they elect, under section 3 of the Act, to continue their coverage under a

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retirement system for employees of the District of Columbia.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/99	64 FR 15286
Interim Final Rule Comment Period End	06/29/99	
Final Action	03/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Girouard, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov

RIN: 3206-AI55

3396. RETIREMENT; STATE INCOME TAX WITHHOLDING INSTRUMENTALITIES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8345; 5 USC 8347; 5 USC 8461; 5 USC 8469

CFR Citation: 5 CFR 831, subpart S; 5 CFR 841, subpart J

Legal Deadline: None

Abstract: These regulations modify existing regulations to reflect changes designed to expand and streamline the process of withholding State income tax from CSRS and FERS annuities.

Timetable:

Action	Date	FR Cite
NPRM	06/23/99	64 FR 33429
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia A. Rochester, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov

RIN: 3206-AH62

3397. CORRECTION OF RETIREMENT COVERAGE ERRORS UNDER THE FEDERAL ERRONEOUS RETIREMENT COVERAGE CORRECTION ACT

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-265

CFR Citation: 5 CFR 839

Legal Deadline: None

Abstract: The Office of Personnel Management is amending its regulations to include new rules for correcting certain retirement coverage errors. We are amending the regulations to implement the provisions of the Federal Erroneous Retirement Coverage Corrections Act (the FERCCA), title II of Public Law 106-265. The regulations will allow agencies to correct affected coverage errors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/19/01	66 FR 15605
Interim Final Rule Effective	03/19/01	
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James Giuseppe, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov

RIN: 3206-AJ38

3398. RETIREMENT; GENERAL ADMINISTRATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 841

Legal Deadline: None

Abstract: These regulations would allow an agency to retain the individual retirement record when an employee transfers within the same agency even though the employee would be serviced by another intra-agency payroll.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/00	65 FR 21119
Interim Final Rule Effective	04/20/00	
Final Action	10/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert Girouard, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299
Email: combox@opm.gov

RIN: 3206-AI83

3399. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM: MISCELLANEOUS CHANGES AND CLARIFICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870

Legal Deadline: None

Abstract: These regulations include changes to FEGLI regulations that clarify procedures for signing and witnessing designations of beneficiary, accepting designations of beneficiary by facsimile, accepting DNA evidence to establish paternity, etc.

Timetable:

Action	Date	FR Cite
NPRM	10/27/00	65 FR 64530
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Karen Leibach, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0004
Email: kjleibac@opm.gov

RIN: 3206-AG63

3400. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE: PREMIUM CHANGES AND CHANGE IN TIME FRAMES FOR ELECTING INSURANCE

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8716; PL 106-398

CFR Citation: 5 CFR 870

Legal Deadline: None

Abstract: Public Law 105-311 allowed retiring employees to elect to continue

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their option B and/or option C coverage on an unreduced basis. Since this means that more people over age 65 will have these coverages and will continue to pay premiums, the previous age band structure (with the top age band being 60 and over) needed to be expanded. OPM previously added additional age bands to option C; we now need to expand these further and to add age bands to option B. In addition, the actuaries have determined that changes in mortality rates warrant further changes to the FEGLI premiums. We are also changing the time frame for electing optional insurance when an employee is first eligible from 31 days to 60 days and adding information relating to basic insurance for certain Department of Defense employees under Public Law 106-398.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Karen Leibach, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0004
Email: kjleibac@opm.gov

RIN: 3206-AJ46

3401. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: PAYMENT OF PREMIUMS FOR PERIODS OF LEAVE WITHOUT PAY OR INSUFFICIENT PAY

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations that establish a requirement that Federal agencies counsel employees entering nonpay status, or whose pay is insufficient to cover their FEHB premium payments, of the options of continuing or terminating their FEHB coverage, and if continuing, of paying premiums directly on a current basis or incurring a debt to be withheld from future salary. These regulations are intended to ensure employees are fully aware of

these alternatives. We have received comments on the interim rules, which are under review.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/96	61 FR 37807
Interim Final Rule	12/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Barbara Myers, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0004

RIN: 3206-AG66

3402. FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM: EFFECTIVE DATES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: This proposed regulation would adopt January 1 as the effective date for all open season enrollment changes and new enrollment in the Federal Employees' Health Benefits Program.

Timetable:

Action	Date	FR Cite
NPRM	08/31/98	63 FR 46180
NPRM Comment Period End	09/30/98	
Final Action	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Barbara Myers, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0004

RIN: 3206-AI37

3403. IMPLEMENTATION OF PREMIUM CONVERSION FOR EXECUTIVE BRANCH FEDERAL EMPLOYEES PARTICIPATING IN THE FEDERAL EMPLOYEES' HEALTH BENEFITS (FEHB) PROGRAM

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 26 USC 125

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: At the President's direction, the Office of Personnel Management (OPM) issued regulations under the Federal Employees' Health Benefits (FEHB) Program to enable employees of all executive branch agencies to pay their share of FEHB premiums with pre-tax dollars in accordance with section 125 of the Internal Revenue Code. OPM simultaneously amended salary allotment regulations at 5 CFR 550, because employees participating in premium conversion must allot a portion of salary to their employing agency that agencies then use to pay the employee share of FEHB premiums.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/19/00	65 FR 44644
Interim Final Rule Effective	09/18/00	
Final Action	10/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Laurie Bodenheimer, Retirement and Insurance Services, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0770

RIN: 3206-AJ17

3404. FEDERAL EMPLOYEES' HEALTH BENEFITS CHILDREN'S EQUITY

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-394

CFR Citation: 5 CFR 890; 5 CFR 892

Legal Deadline: None

Abstract: Public Law 106-394 requires mandatory self and family coverage for FEHB-eligible employees who do not comply with a court or administrative order to provide health benefits for

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their children. This regulation requires that employees subject to such an order be enrolled in self and family coverage in a plan that provides full benefits to his/her child(ren) in the area where they live or provide documentation to his/her employing office that he/she has other health coverage for the children. If the employee does not enroll in an appropriate health plan or provide documentation of other coverage for the children, the employing office will enroll the employee for self and family coverage in the option of the Blue Cross and Blue Shield Service Benefit Plan that provides the lower level of coverage. This type of mandatory coverage has been in effect for several years in the private sector. This regulation defines how this requirement will be implemented in the Federal Employees' Health Benefits Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/02	
Final Action	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Karen Leibach, Retirement and Insurance Service, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0004
Email: kjleibac@opm.gov

RIN: 3206-AJ34

3405. SUSPENSION OF ENROLLMENT IN THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM TO ENROLL IN THE TRICARE

Priority: Substantive, Nonsignificant**Legal Authority:** 5 USC 8913**CFR Citation:** 5 CFR 890**Legal Deadline:** None

Abstract: The National Defense Authorization Act for 2001 (Act) contains provisions that extend Tricare pharmacy coverage to Uniformed Services Medicare eligible retirees, spouses, and survivors effective April 1, 2001. This will allow Uniformed Services beneficiaries to get prescriptions through Tricare's retail, mail order, or military treatment facility pharmacies. The Act also allows these

beneficiaries to regain eligibility for Tricare medical benefits effective October 1, 2001. Some enrollees in the FEHB Program served in the Uniformed Services prior to their civilian employment with the Federal Government. In certain cases, having served in both the Uniformed Services and as a civilian Federal employee entitles an individual to retirement benefits under both the Uniformed Services and the civil service retirement systems. The purpose of this proposed regulation is to allow FEHB Program annuitants to suspend their enrollment so they can use their Tricare benefits instead of their FEHB benefits. This regulation will also allow these individuals to voluntarily reenroll in the FEHB Program during the next Open Season if they no longer want to solely use the Tricare program to meet their health care needs. If an eligible individual is involuntarily disenrolled from the Tricare program, this proposed regulation would give the individual the right to immediately reenroll in the FEHB Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/01	66 FR 49081
Interim Final Rule Effective	09/26/01	
Final Action	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Michael W. Kaszynski, Retirement and Insurance Services, Office of Personnel Management, Insurance Policy and Information Division, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-0004
Fax: 202 606-0633
Email: mwkaszyn@opm.gov

RIN: 3206-AJ36

3406. DEBARMENTS AND SUSPENSIONS OF HEALTH CARE PROVIDERS FROM THE FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM

Priority: Substantive, Nonsignificant**Legal Authority:** 5 USC 8902a**CFR Citation:** 5 CFR 890, subpart J**Legal Deadline:** None

Abstract: These regulations will implement section 2 of Public Law 105-266, which amends 5 U.S.C. section 8902a, authorizing OPM to debar health care providers who have committed certain types of legal offenses or program-related violations from participation in the Federal Employees' Health Benefits Program (FEHBP), and to levy monetary penalties and assessments against individuals who have improperly obtained payments of FEHBP funds. This legislation removes unnecessary administrative constraints on the agency, provides more flexible and less time-consuming procedures, and will improve OPM's administration of sanctions against unfit health care providers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/89	54 FR 43939
NPRM	12/12/01	66 FR 64160
NPRM Comment Period End	02/11/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: J. David Cope, Debarring Official, Office of the Inspector General, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2851
Fax: 202 606-2153
Email: jdcope@opm.gov

RIN: 3206-AD76

3407. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE FEDERAL ACQUISITION REGULATION

Priority: Substantive, Nonsignificant**Legal Authority:** 5 USC 8716; 40 USC 486(C)**CFR Citation:** 48 CFR 1.301**Legal Deadline:** None

Abstract: This proposed regulation would revise the existing Federal Employees' Group Life Insurance Federal Acquisition Regulation (LIFAR) by updating and revising policy regulation with respect to the acquisition and administration of life insurance contract(s) for Federal employees.

Timetable:

Action	Date	FR Cite
Final Action	10/00/02	

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Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Anne Easton, Retirement and Insurance Services, Office of Insurance Programs, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415Phone: 202 606-0004
Email: aseaston@opm.gov**RIN:** 3206-AI65**Office of Personnel Management (OPM)****Long-Term Actions****3408. PERSONNEL SECURITY AND RELATED PROGRAMS****Priority:** Other Significant**Legal Authority:** 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577**CFR Citation:** 5 CFR 732**Legal Deadline:** None**Abstract:** With the abolishment in December 1993 of the Federal Personnel Manual (FPM), certain policies and procedures enunciated in the FPM must be considered for publication in another format. Since all of these policies and procedures are important to continued program operations, they will be incorporated in the Code of Federal Regulations.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/23/91	56 FR 18650
Interim Final Rule	09/16/94	59 FR 47527
Interim Final Rule	10/17/94	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Kathy Dillaman, Associate Director, Investigations Service, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415-4000
Phone: 202 606-1042**RIN:** 3206-AC21**3409. INVESTIGATIONS****Priority:** Other Significant**Legal Authority:** PL 93-579; 5 USC 552a**CFR Citation:** 5 CFR 736**Legal Deadline:** None**Abstract:** With the abolishment in December 1993 of the Federal Personnel Manual (FPM), certain

policies and procedures enunciated in the FPM must be considered for publication in another format. Since all of these policies and procedures are important to continued program operations, they will be incorporated in the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/23/91	56 FR 18650
Begin Review	10/01/93	
Interim Final Rule	09/16/94	59 FR 47527
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Kathy Dillaman, Associate Director, Investigations Service, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415-4000
Phone: 202 606-1042**RIN:** 3206-AB92**3410. LAW ENFORCEMENT OFFICER AND FIREFIGHTER RETIREMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8347; 5 USC 8461**CFR Citation:** 5 CFR 831; 5 CFR 842**Legal Deadline:** None**Abstract:** The Office of Personnel Management is issuing interim rules that permit certain police officers with the Metropolitan Washington Airports Authority to elect coverage under the special retirement provisions for law enforcement officers.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/25/01	66 FR 38523
Interim Final Rule	07/25/01	
Effective		
Final Action	04/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Patrick Jennings, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415-0001
Phone: 202 606-0299
Email: combox@opm.gov**RIN:** 3206-AJ39**3411. RETIREMENT; FERS BASIC ANNUITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 8461**CFR Citation:** 5 CFR 842, subparts B to G**Legal Deadline:** None**Abstract:** These final regulations will amend FERS Basic Annuity regulations governing Eligibility (subpart B), Credit for Service (subpart C), Computations (subpart F), and Alternative Forms of Annuity (subpart G). These regulations have been published at various times in interim final form, and have been affected by statutory changes.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/16/87	52 FR 2061
Interim Final Rule	01/16/87	52 FR 2067
Interim Final Rule	02/11/87	52 FR 4473
Interim Final Rule	02/11/87	52 FR 4479
Interim Final Rule	05/14/87	52 FR 18193
Interim Final Rule	04/08/88	53 FR 11635
Interim Final Rule	02/09/90	55 FR 4598
Final Rule	12/27/90	55 FR 53136
Interim Final Rule	02/19/91	56 FR 6549
Final Action	04/00/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Robert Girouard, Retirement and Insurance Service, Retirement Policy Center, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-0299

OPM

Long-Term Actions

Email: combox@opm.gov

RIN: 3206-AE73

3412. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

Priority: Substantive, Nonsignificant

Legal Authority: EO 12549

CFR Citation: 5 CFR 970

Legal Deadline: None

Abstract: These regulations will implement within OPM the provisions of the Governmentwide nonprocurement suspension and debarment common rule.

Timetable:

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3266
NPRM Comment Period End	03/25/02	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: J. David Cope, Debarment Official, Office of the Inspector General, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415
Phone: 202 606-2851
Fax: 202 606-2153
Email: jdcopes@opm.gov

RIN: 3206-AJ31

Office of Personnel Management (OPM)

Completed Actions

3413. • MISCELLANEOUS CHANGES IN OFFICE OF PERSONNEL MANAGEMENT'S REGULATIONS

Priority: Info./Admin./Other

Legal Authority: 5 USC 1103

CFR Citation: 5 CFR 213; 5 CFR 250; 5 CFR 293; 5 CFR 294; 5 CFR 300; 5 CFR 315; 5 CFR 316; 5 CFR 332; 5 CFR 339; 5 CFR 351; 5 CFR 352; 5 CFR 534; 5 CFR 550; 5 CFR 720; 5 CFR 732; 5 CFR 831; 5 CFR 837; 5 CFR 841; 5 CFR 930; 5 CFR 960

Legal Deadline: None

Abstract: The Office of Personnel Management issued a final rule to remove all references to the Federal Personnel Manual (FPM). These references are no longer in effect. This action does not make any substantive changes to the affected rules.

Timetable:

Action	Date	FR Cite
Final Action	12/27/01	66 FR 66709
Final Action Effective	12/27/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard B. Lowe, Executive Secretariat, Office of Personnel Management, Office of the Director, 1900 E Street NW., Washington, DC 20415
Phone: 202 606-1000
Email: rblowe@opm.gov

RIN: 3206-AJ54

3414. FEDERAL EMPLOYMENT PRIORITY CONSIDERATION FOR THE DISTRICT OF COLUMBIA EMPLOYEES

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 330

Completed:

Reason	Date	FR Cite
Final Action	02/13/02	67 FR 6639
Final Action Effective	03/15/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Jacqueline Yeatman
Phone: 202 606-0960
Fax: 202 606-2329

RIN: 3206-AI28

3415. PLACEMENT ASSISTANCE AND REDUCTION IN FORCE

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 330; 5 CFR 351

Completed:

Reason	Date	FR Cite
Final Action	02/05/02	67 FR 5195
Final Action Effective	02/05/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Pam Galemore
Phone: 202 606-0960
Fax: 202 606-2329

RIN: 3206-AJ18

3416. CAREER TRANSITION ASSISTANCE FOR SURPLUS AND DISPLACED FEDERAL EMPLOYEES

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 330, subpart F; 5 CFR 330, subpart G

Completed:

Reason	Date	FR Cite
Final Action	02/05/02	67 FR 5195
Final Action Effective	02/05/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Jacqueline Yeatman
Phone: 202 606-0960
Fax: 202 606-2329

RIN: 3206-AJ32

3417. REDUCTION IN FORCE RETREAT RIGHTS

Priority: Substantive, Nonsignificant

CFR Citation: 5 CFR 351

Completed:

Reason	Date	FR Cite
Final Action	02/05/02	67 FR 5196
Final Action Effective	02/05/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Thomas A. Glennon
Phone: 202 606-0960
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RIN: 3206-AJ14

OPM

Completed Actions

**3418. LOCALITY-BASED
COMPARABILITY PAYMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 531, subpart F**Completed:**

Reason	Date	FR Cite
Final Action	12/28/01	66 FR 67069
Final Action Effective	12/28/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Jeanne D. Jacobson

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RIN: 3206-AI81**3419. PREVAILING RATE SYSTEMS;
CHANGE IN THE SURVEY CYCLE FOR
THE PENNINGTON, SOUTH DAKOTA,
NONAPPROPRIATED FUND WAGE
AREA****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 532**Completed:**

Reason	Date	FR Cite
Final Action	03/25/02	67 FR 13553
Final Action Effective	04/24/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Chenty I. Carpenter

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RIN: 3206-AJ30**3420. FIREFIGHTER PAY****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 410; 5 CFR 550;
5 CFR 551; 5 CFR 591; 5 CFR 630; 5
CFR 870**Completed:**

Reason	Date	FR Cite
Final Action	04/02/02	67 FR 15463
Final Action Effective	05/02/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Bryce Baker

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RIN: 3206-AI50**3421. COST-OF-LIVING ALLOWANCES
(NONFOREIGN AREAS); INTERIM
COLA RATE INCREASES PURSUANT
TO SETTLEMENT OF LITIGATION****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 591**Completed:**

Reason	Date	FR Cite
Final Action	11/09/01	66 FR 56738
Final Action Effective	12/10/01	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Chenty Carpenter

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RIN: 3206-AJ26**3422. ABSENCE AND LEAVE: USE OF
RESTORED ANNUAL LEAVE****Priority:** Substantive, Nonsignificant**CFR Citation:** 5 CFR 630**Completed:**

Reason	Date	FR Cite
Interim Final Rule	11/02/01	66 FR 55557
Interim Final Rule Effective	11/02/01	
Final Action	03/04/02	67 FR 9581
Final Action Effective	04/03/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Sharon Herzberg

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RIN: 3206-AJ51

[FR Doc. 02-11102 Filed 05-10-02; 8:45 am]

BILLING CODE 6325-01-S