

# Rules and Regulations

Federal Register

Vol. 69, No. 93

Thursday, May 13, 2004

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

RIN 3206-AJ79

#### Prevailing Rate Systems; Change in Federal Wage System Survey Job

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing a final rule to create a Federal Wage System appropriated fund optional survey job of Electronic Industrial Controls Mechanic, WG-11. The new title and grade level will best reflect the occupational title and the level of work used by private industry.

**DATES:** Effective Date: This regulation is effective on June 14, 2004.

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

**SUPPLEMENTARY INFORMATION:** On August 12, 2003, the Office of Personnel Management (OPM) published a proposed rule (68 FR 47877) to change the title and grade level of the Federal Wage System (FWS) appropriated fund optional survey job, Industrial Electronic Controls Repairer. Since the new title and grade level closely reflect the occupational title and level of work used by private industry, the Department of Defense may be able to collect more private sector wage data for the occupation. The proposed rule had a 30-day comment period, during which we received no comments.

The Federal Prevailing Rate Advisory Committee (FPRAC) established a Survey Job Work Group (SJWG) to review FWS survey job descriptions. The SJWG recommended that OPM change the title of the optional survey

job, "Industrial Electronic Controls Repairer" to "Electronic Industrial Controls Mechanic" because the new title conforms to the title of the FWS job grading standard for the occupation and corresponds to the title typically used by private industry. The SJWG also recommended that OPM change the grade level from WG-10 to WG-11 because the new grade level better reflects the level of work currently done by Federal blue-collar employees. FPRAC agreed with its working group and recommended that OPM make these changes.

#### Executive Order 12866 Regulatory Review

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

#### Regulatory Flexibility Act

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

#### List of Subjects in 5 CFR Part 532

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

Office of Personnel Management.

**Kay Coles James,**  
*Director.*

■ Accordingly, the Office of Personnel Management is amending 5 CFR part 532 as follows:

#### PART 532—PREVAILING RATE SYSTEMS

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

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

##### 532.217 [Amended]

■ 2. In § 532.217 paragraph (c) table is amended by removing the job title entry "Industrial Electronic Controls Repairer", and its corresponding job grade "10", and adding in its place "Electronic Industrial Controls Mechanic", grade "11."

[FR Doc. 04-10869 Filed 5-12-04; 8:45 am]

**BILLING CODE 6325-39-P**

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 550

RIN 3206-AK47

#### Pay Administration (General)

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management is issuing final regulations to implement a provision of the National Defense Authorization Act for Fiscal Year 2004, which modified the hourly overtime pay cap for certain Federal employees who are exempt from the Fair Labor Standards Act of 1938, as amended.

**EFFECTIVE DATE:** May 13, 2004.

**FOR FURTHER INFORMATION CONTACT:** Vicki Draper by telephone at (202) 606-2858; by FAX at (202) 606-0824; or by e-mail at [pay-performance-policy@opm.gov](mailto:pay-performance-policy@opm.gov).

**SUPPLEMENTARY INFORMATION:** The Office of Personnel Management (OPM) is issuing final regulations to implement a new hourly overtime pay provision established by section 1121 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136, November 24, 2003). Section 1121 amended 5 U.S.C. 5542(a)(2), which establishes an hourly overtime pay cap for certain employees who are exempt from the Fair Labor Standards Act of 1938, as amended (FLSA). Prior to the amendments made by section 1121, an employee whose rate of basic pay exceeded the minimum rate for GS-10 (including any applicable special rate of pay for law enforcement officers or special pay adjustment for law enforcement officers under section 403 or 404 of the Federal Employees Pay Comparability Act of 1990, respectively; a locality-based comparability payment under 5 U.S.C. 5304; and any applicable special rate of pay under 5 U.S.C. 5305 or similar provision of law), received an overtime hourly rate of pay equal to one and one-half times the applicable minimum hourly rate of basic pay for GS-10. OPM's regulations implement section 1121 by establishing the hourly overtime pay cap for an employee whose rate of basic pay exceeds the applicable minimum rate for GS-10 at the higher of two rates: (1) One and one-