

§ 531.302

- (a) Boston-Worcester-Lawrence, MA-NH-ME-CTCMSA;
- (b) Chicago-Gary-Kenosha, IL-IN-WI CMSA;
- (c) Los Angeles-Riverside-Orange County, CA CMSA;
- (d) New York-Northern New Jersey-Long Island, NY-NJ-CT-PA CMSA;
- (e) Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD CMSA;
- (f) San Francisco-Oakland-San Jose, CA CMSA;
- (g) San Diego, CA MSA; or
- (h) Washington-Baltimore, DC-MD-VA-WV CMSA.

[57 FR 2432, Jan. 22, 1992, as amended at 58 FR 3200, Jan. 8, 1993; 58 FR 33499, June 18, 1993; 58 FR 69173, Dec. 30, 1993; 59 FR 11700, Mar. 14, 1994; 59 FR 67605, Dec. 30, 1994; 61 FR 3540, Feb. 1, 1996; 62 FR 25425, May 9, 1997; 64 FR 69173, Dec. 10, 1999]

§ 531.302 Determining special law enforcement adjusted rates of pay.

(a) To determine the special law enforcement adjusted rate of pay, the scheduled annual rate or pay for a law enforcement officer whose official duty station is in one of the special pay adjustment areas listed below shall be multiplied by the factor shown for that area:

| Special pay adjustment area | Factor |
|--|--------|
| Boston-Worcester-Lawrence, MA-NH-ME-CT CMSA | 1.16 |
| Chicago-Gary-Kenosha, IL-IN-WI CMSA | 1.04 |
| Los Angeles-Riverside-Orange County, CA CMSA | 1.16 |
| New York-Northern New Jersey-Long Island, NY-NJ-CT-PA CMSA | 1.16 |
| Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD CMSA | 1.04 |
| San Francisco-Oakland-San Jose, CA CMSA | 1.16 |
| San Diego, CA MSA | 1.08 |
| Washington-Baltimore, DC-MD-VA-WV CMSA | 1.04 |

(b) Except as provided in paragraph (c) of this section, the special law enforcement adjusted rate of pay may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

(c) The special law enforcement adjusted rate of pay for an employee in a position described in 5 U.S.C. 5304(h)(1)(A)-(E), including members of the Senior Executive Service, may not exceed the rate of basic pay payable for level III of the Executive Schedule.

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§ 531.303 Computation of hourly, daily, weekly, and biweekly adjusted rates of pay.

When it is necessary to convert the special law enforcement adjusted rate of pay to an hourly, daily, weekly, or biweekly rate, the following methods apply:

- (a) To derive an hourly rate, divide the adjusted annual rate of pay by 2,087 and round to the nearest cent, counting one-half cent and over as a whole cent;
- (b) To derive a daily rate, multiply the hourly rate by the number of daily hours of service required by the employee's basic daily tour of duty;
- (c) To derive a weekly or biweekly rate, multiply the hourly rate by 40 or 80, as the case may be.

§ 531.304 Administration of special law enforcement adjusted rates of pay.

- (a) A law enforcement officer shall receive the greatest of—
 - (1) His or her rate of basic pay, including any applicable special salary rate established under 5 U.S.C. 5305 or similar provision of law or special rate for law enforcement officers under section 403 of FEPCA;
 - (2) A *continued rate of pay* under subpart G of this part;
 - (3) A special law enforcement adjusted rate of pay under this subpart, where applicable, including a special law enforcement adjusted rate of pay continued under § 531.307; or
 - (4) A “locality rate of pay” under subpart F of this part, where applicable.
- (b) A special law enforcement adjusted rate of pay and a special law enforcement adjusted rate of pay that is continued under § 531.307(a) are considered basic pay for the purpose of computing—
 - (1) Retirement deductions and benefits under chapters 83 or 84 of title 5, United States Code;
 - (2) Life insurance premiums and benefits under parts 870, 871, 872, and 873 of this chapter;
 - (3) Premium pay under subparts A and I of part 550 of this chapter (including the computation of limitations on premium pay under 5 U.S.C. 5547, overtime pay under 5 U.S.C. 5542(a), and

compensatory time off under 5 U.S.C. 5543);

(4) Severance pay under subpart G of part 550 of this chapter;

(5) Advances in pay under subpart B of part 550 of this chapter; and

(6) Basic pay that a career appointee in the Senior Executive Service elects to continue while serving under certain Presidential appointments, as provided by 5 U.S.C. 3392(c)(1) and § 317.801 of this chapter.

(c) When an employee's official duty station is changed from a location not in a special pay adjustment area to a location in a special pay adjustment area, payment of the special law enforcement adjusted rate of pay begins on the effective date of the change in official duty station.

(d) A special law enforcement adjusted rate of pay is paid only for those hours for which an employee is in a pay status.

(e) A special law enforcement adjusted rate of pay shall be adjusted as of the effective date of any change in the applicable scheduled annual rate of pay.

(f) Except as provided in paragraph (g) of this section, entitlement to a special law enforcement adjusted rate of pay under this subpart terminates on the date—

(1) An employee's official duty station is no longer located in a special pay adjustment area;

(2) An employee is no longer in a position covered by this subpart;

(3) An employee separates from Federal service;

(4) An employee's special salary rate under 5 U.S.C. 5305 or similar provision of law (other than section 403 of FEPCA) exceeds his or her special law enforcement adjusted rate of pay under this subpart; or

(5) An employee's "locality rate of pay" under subpart F of this subpart exceeds his or her special law enforcement adjusted rate of pay under this subpart.

(g) In the event of a change in the geographic area covered by a CMSA, PMSA, or MSA described in § 531.301 of this chapter, the effective date of a change in an employee's entitlement to a special law enforcement adjusted rate of pay under this subpart shall be

the first day of the first pay period beginning on or after the date on which a change in the definition of the CMSA, PMSA, or MSA is made effective.

(h) Payment of, or an increase in, a special law enforcement adjusted rate of pay is not an equivalent increase in pay within the meaning of 5 U.S.C. 5335.

(i) A special law enforcement adjusted rate of pay is included in an employee's "total remuneration," as defined in § 551.511(b) of this chapter, and "straight time rate of pay," as defined in § 551.512(b) of this chapter, for the purpose of computations under the Fair Labor Standards Act of 1938, as amended.

(j) Termination of a special law enforcement adjusted rate of pay under paragraph (f) of this section is not an adverse action for the purpose of subpart D of part 752 of this chapter.

(k) When an employee's *special law enforcement adjusted rate of pay* under this subpart is greater than any applicable *locality rate of pay* under subpart F of this part, a *continued rate of pay* under subpart G of this part, or special salary rate under 5 U.S.C. 5305 or similar provision of law (other than section 403 of FEPCA), the payment of the rate resulting from the comparison required by paragraph (a) of this section shall be deemed to have reduced the special pay adjustment for law enforcement officers payable under section 404 of FEPCA, as authorized by section 404(a) of FEPCA.

[57 FR 2432, Jan. 22, 1992, as amended at 58 FR 33499, June 18, 1993; 58 FR 69173, Dec. 30, 1993; 61 FR 3540, Feb. 1, 1996; 64 FR 36771, July 8, 1999; 64 FR 69173, Dec. 10, 1999]

§ 531.305 Reports.

The Office of Personnel Management may require agencies to report pertinent information concerning the administration of payments under this subpart.

§ 531.306 Effect of special pay adjustments for law enforcement officers on retention payments under FBI demonstration project.

As required by section 406 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509), a retention payment payable to an employee of the