

Office of Personnel Management

§ 531.704

(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 this subpart;

(3) A special law enforcement officer adjusted rate of pay under subpart C of this part, 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 continued rate of pay is considered basic pay for the same purposes as described in § 531.606(b), as applicable.

(c) A continued rate of pay is paid only for those hours for which an employee is in a pay status.

(d) A continued 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.

(e) At the time of an adjustment in pay under 5 U.S.C. 5303, a continued rate of pay shall be increased by the lesser of—

(1) The dollar amount of the adjustment (including a zero adjustment) made under 5 U.S.C. 5303 in the General Schedule rate of basic pay for the employee's grade and step (or relative position in the rate range); or

(2) The dollar amount of the adjustment (including a zero adjustment) in the special salary rate applicable to the employee as a result of the annual review of special rates required by § 530.304 of this chapter.

(f) An increase in a continued rate of pay under paragraph (e) of this section is not an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code.

(g) A continued rate of pay terminates on the date—

(1) An employee's official duty station is no longer located in one of the interim geographic adjustment areas;

(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 continued rate of pay;

(5) An employee's special law enforcement adjusted rate of pay under subpart C of this part exceeds his or her continued rate of pay;

(6) An employee's locality rate of pay under subpart F of this part exceeds his or her continued rate of pay;

(7) An employee is reduced in grade; or

(8) An employee is no longer in a position covered by a nationwide or worldwide special rate authorization (or, in the event of the conversion of a nationwide or worldwide special rate authorization to a local special rate authorization, a position covered by the new local special rate authorization).

(h) Termination of a continued rate of pay under paragraph (g) of this section is not an adverse action for the purpose of subpart D of part 752 of this chapter.

(i) An employee's entitlement to a continued rate of pay is not affected by a temporary promotion or temporary reassignment, except that a continued rate shall be suspended when a temporary promotion or reassignment causes one of the conditions in paragraph (g) of this section to be satisfied. In such situations, an employee's entitlement to continued pay will resume as if never interrupted upon return to the permanent position, subject to the requirements of this subpart. A continued rate that is resumed shall include any pay adjustments that were authorized for the permanent position under paragraph (e) of this section during the period of the temporary promotion or reassignment.

[61 FR 3541, Feb. 1, 1996, as amended at 61 FR 34714, July 3, 1996; 64 FR 36771, July 8, 1999]

§ 531.704 Effect of continued rates of pay 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 New York Field Division of the Federal Bureau of Investigation under section

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601(a)(2) of Public Law 100-453, as amended, shall be reduced by the amount of any continued rate adjustment payable to that employee under this subpart. For the purpose of applying this section, the amount of any continued rate adjustment shall be determined by subtracting the employee's scheduled annual rate of pay (as defined in § 531.602 of this part from his or her continued rate of pay.

§ 531.705 Reports.

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

PART 532—PREVAILING RATE SYSTEMS

Subpart A—General Provisions

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- 532.101 Scope.
- 532.103 Coverage.
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Subpart B—Prevailing Rate Determinations

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- 532.243 Consultation with the agency wage committee.
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- 532.247 Wage change surveys.
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- 532.254 Special schedules.
- 532.255 Regular appropriated fund wage schedules in foreign areas.
- 532.257 Regular nonappropriated fund wage schedules in foreign areas.
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- 532.261 Special wage schedules for leader and supervisory schedules for leader and supervisory wage employees in the Puerto Rico wage area.
- 532.263 Special wage schedules for production facilitating positions.
- 532.265 Special wage schedules for apprentices and shop trainees.
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- 532.269 Special wage schedules for Corps of Engineers, U.S. Army navigation lock and dam employees.
- 532.271 Special wage schedules for National Park Service positions in overlap areas.
- 532.273 Special wage schedules for United States Information Agency Radio Antenna Rigger positions.
- 532.275 Special wage schedules for ship surveyors in Puerto Rico.
- 532.277 Special wage schedules for U.S. Navy positions in Bridgeport, California.
- 532.279 Special wage schedules for printing positions.
- 532.281 Special wage schedules for divers and tenders.
- 532.283 Special wage schedules for non-appropriated fund tipped employees classified as waiter/waitress.
- 532.285 Special wage schedules for supervisors of negotiated rate Bureau of Reclamation employees.
- APPENDIX A TO SUBPART B OF PART 532—NATIONWIDE SCHEDULE OF APPROPRIATED FUND REGULAR WAGE SURVEYS
- APPENDIX B TO SUBPART B OF PART 532—NATIONWIDE SCHEDULE OF NONAPPROPRIATED FUND REGULAR WAGE SURVEYS
- APPENDIX C TO SUBPART B OF PART 532—APPROPRIATED FUND WAGE AND SURVEY AREAS
- APPENDIX D TO SUBPART B OF PART 532—NON-APPROPRIATED FUND WAGE AND SURVEY AREAS