

§ 536.101

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Subpart A—Definitions; Coverage and Applicability

§ 536.101 General.

(a) Title VIII of Public Law 95–454 (The Civil Service Reform Act of 1978) provides that an employee who is placed in a lower grade as a result of reduction-in-force procedures, or whose position is reduced in grade as a result of reclassification of the position, is entitled to retain for a period of 2 years the grade held immediately before that placement or reduction. It also provides the authority for granting an employee indefinite pay retention. In addition to specifying criteria and conditions for the application of the grade

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and pay retention provisions, the law authorizes the Office of Personnel Management to extend the application of these provisions to other individuals and situations to which they would not otherwise apply.

(b) This part contains the regulations—including extensions, conditions, criteria, and procedures—which the Office of Personnel Management has prescribed for the administration of grade and pay retention. This part supplements and implements the provisions of 5 U.S.C. 5361–5366, and section 801(b) of Public Law 95–454, and must be read together with those sections of law.

§ 536.102 Definitions.

For the purposes of this part:

Demotion at an employee’s request means a reduction in grade that is initiated by the employee for his or her benefit, convenience, or personal advantage. A demotion that is caused or influenced by a management action is not considered to be at an employee’s request, except that a voluntary demotion in response to a management action directly related to personal cause is considered to be at the employee’s request.

Demotion for personal cause means a reduction in grade based on the conduct, character, or unacceptable performance of an employee.

Employee means an employee as defined in 5 U.S.C. 5361 and also an individual who is moved from a position which is not under a covered pay schedule to a position which is under a covered pay schedule provided that the individual’s employment immediately prior to the move was on other than a temporary or term basis.

Employment on a temporary or term basis means employment under an appointment having a definite time limitation or designated as temporary or term.

Rate of basic pay means, for any pay system, the rate of pay fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional pay of any kind such as night or environmental differentials in the case of a prevailing rate employee.