

OPM Regulatory Review & Development Agenda – 12/06 thru 6/07

| Timetable | Proposed Rule Stage | CFR Citation | Abstract | Legal Authority |
|--------------|---|--------------|--|--|
| 3/07 | EMPLOYMENT IN THE EXCEPTED SERVICE | 5 CFR 213 | The revised regulations will make it easier for agencies to appoint persons in the excepted service, by allowing them to create better and more efficient employment procedures | 5 USC 1302; 5 USC 3301 to 3302; 5 USC 8151; EO 10577 |
| 12/06 – 6/07 | FREEDOM OF INFORMATION ACT (FOIA) REGULATIONS | 5 CFR 294 | The revisions include incorporating the E-FOIA Act of 1996, the Agency reorganization of 2003 and to make plain language modifications. | 5 USC 552 |
| 2/07 – 12/07 | PRIVACY ACT REGULATIONS | 5 CFR 297 | The revisions include incorporating the Agency reorganization of 2003 and to make plain language modifications. | 5 USC 552 |
| 12/06 | TIME-IN GRADE RULE ELIMINATED | 5 CFR 300 | The abolishment of the time-in-grade restriction on advancement to positions in the General Schedule would eliminate the 52-week service requirement for promotions. If the requirement is abolished, employees must continue to meet qualification requirements which may require certain lengths of experience. | 5 USC 552; 5 USC 1104; 5 USC 3301 |
| 3/07 | RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL) | 5 CFR 330 | OPM is proposing to revise the rules on Federal vacancy announcements, reemployment priority list requirements, positions restricted to preference eligibles, time after competitive appointment, the Career Transition Assistance Plan (CTAP), and the Interagency CTAP. The proposed rules enhance the clarity of the regulations, memorialize certain longstanding OPM policies, remove expired | 5 USC 101; 5 USC 1104; 5 USC 1302; 5 USC 3301 |

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| | | | statutory placement assistance programs, reorganize information for ease of reading, and revise certain placement assistance program provisions for consistency and program improvements. |
| 3/07 | RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION | 5 CFR 332 | OPM is proposing to amend its regulations governing recruitment and selection through competitive examination primarily to clarify the distinction between objections, pass-overs, and suitability determinations. OPM is also proposing to amend the definition section of this part to make the regulations more readable and to remove the section in this part dealing with filling certain postmaster positions because the information is obsolete. |
| 9/07 | MERIT PROMOTION AND INTERNAL PLACEMENT | 5 CFR 316; 5 CFR 335 | In an effort to provide agencies with greater flexibility and to clarify existing flexibility, 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. |
| 3/07 | OTHER THAN FULL-TIME EMPLOYMENT (PART-TIME, SEASONAL, AND INTERMITTENT) | 5 CFR 340; 5 CFR 110 | These proposed regulations will grant 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; and modifies seasonal employment, and includes plain language changes. |

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| 12/06 | REPRESENTATIVE RATE; ORDER OF RELEASE FROM COMPETITIVE LEVEL; ASSIGNMENT RIGHTS | 5 USC 351 | These regulations clarify representative rate as used in OPM's retention regulations. Specifically, these regulations clarify how an Agency determines employees' retention rights when the Agency has positions in one or more pay bands. These regulations also clarify the order in which an Agency releases employees from a competitive level. Finally, these regulations clarify how an Agency determines employees' retention rights when a competitive area includes more than one local commuting area. | 5 USC 3502(a) |
| 3/07 | MEDICAL QUALIFICATION DETERMINATIONS | 5 CFR 339 | OPM is proposing to amend its regulations governing medical qualifications determinations primarily to update references and language, add definitions, clarify coverage and applicability, and address the need for medical testing/ examination or medical documentation of an employee whose job has no physical standards or physical requirements. | 5 USC 3301 to 3302; 5 USC 3312(b); 5 USC 3318(b) |
| 12/06 | TRAINING AND EXECUTIVE MANAGEMENT AND SUPERVISORY DEVELOPMENT | 5 CFR 410 | OPM proposes to amend parts 410 and 412 to implement training and development requirements contained in the Workforce Flexibilities Act of 2004 (Pub. L. 108-411). The proposed amendment establishes an annual requirement for agencies to evaluate training programs and plans, and modify these programs and plans to accomplish agency performance plans and strategic | 5 USC 41 |

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| | | | goals; outlines an employee development continuum for supervisors, managers, and executives; provides a framework for agencies to develop a comprehensive management succession training program; and specifies specific training that agencies will provide to managers. This proposed amendment also removes language that is redundant or contradictory to the statutory change. | |
| 12/06 | SUITABILITY | 5 CFR 731 | OPM will propose to amend its regulations governing Federal employment suitability to authorize agencies to debar from employment for up to three years those found unsuitable, extend the suitability process to those applying for or who are in positions that can be non-competitively converted to the competitive service, provide additional procedural protections for those found unsuitable for Federal employment, and clarify the scope of authority for the Merit Systems Protection Board to review actions taken under the regulations. OPM is also proposing changes to make the regulations more readable. | 5 USC 1302; 5 USC 3301; 5 USC 7301; 5 USC 7701 |
| 12/06 – 12/07 | FEDERAL EMPLOYEES' GROUP LIFE INSURANCE (FEGLI) PROGRAM: EXPANDED OPPORTUNITIES TO ELECT COVERAGE, MISCELLANEOUS CHANGES AND CLARIFICATIONS, AND PLAIN LANGUAGE REWRITE | 5 CFR 870 | These regulations increase the opportunities for employees to elect coverage. They also 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 | 5 USC 8716 |

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| | | | paternity, etc. They also change the time frame for electing optional insurance when first eligible from 31 days to 60 days and add information on basic insurance for certain Department of Defense employees under Public Law 106-398. | |
| 12/06 | VETERANS' PREFERENCE | 5 CFR 211 | OPM is revising its regulation regarding veterans' preference in response to a statutory change to clarify language in title 5, United States Code (U.S.C.) paragraph 2108. The purpose of this change is to clarify that military reservist, who are released from active duty and otherwise qualified, are eligible for veterans' preference in Federal hiring. | 5 USC 2108 |
| 6/07 | CHANGES IN PAY ADMINISTRATION RULES FOR GENERAL SCHEDULE EMPLOYEES | 5 CFR 294; 5 CFR 359; 5 CFR 362; 5 CFR 451 | OPM is issuing final regulations to implement a provision of the Federal Workforce Flexibility Act of 2004 that amends the rules governing pay setting for employees covered by the General Schedule. In particular, we are revising provisions related to special rates, locality rates, and retained rates. The statutory and regulatory changes are designed to correct a variety of pay administration anomalies that resulted in unfair pay reductions or unwarranted pay increases, to allow locality rates and special rates to be treated in similar ways, and to improve the operation of the special rates program. | Section 301 of PL 108-411; 5 USC 3596; 5 USC 5304 to 5305; |
| 9/07 | REASONABLE ACCOMMODATION LANGUAGE FOR | 5 CFR 302; 5 | OPM is publishing interim | 5 USC 1302; 5 |

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| | VACANCY ANNOUNCEMENTS | CFR 317; 5 CFR 330; 5 CFR 333; 5 CFR 335 | regulations requiring a reasonable accommodation statement in agency vacancy announcements. | USC 3301 to 3302; 5 USC 3304(f); 5 USC 3327 |
| 12/06 | AWARDS | 5 CFR 451 | OPM is issuing final regulations regarding the employee awards program. These revisions clarify that performance-based cash awards are granted on the basis of a rating of record of "fully successful" or equivalent or higher. In addition, performance-based cash awards programs, as designed and applied, must make meaningful distinctions based on levels of performance. The proposed changes are designed to ensure that better performers receive greater recognition. | 5 USC 4302; 5 USC 4501; 5 USC 4503; 5 USC 4506 |
| 6/07 | RECRUITMENT, RELOCATION, AND RETENTION INCENTIVES | 5 CFR 530; 5 CFR 575 | OPM is issuing final regulations to implement a provision of the Federal Workforce Flexibility Act of 2004 that provides agencies with the authority to pay recruitment, relocation, and retention incentives to employees. The new authorities will provide agencies with additional flexibility to help recruit and retain employees and better meet agency strategic human capital needs. | 5 USC 5307; 5 USC 5753 to 5754 |
| 1/07 | ALLOTMENTS FROM FEDERAL EMPLOYEES | 5 CFR 550 | OPM is issuing interim regulations on the use of OPM's allotment authority to allow for salary reductions made as part of a flexible benefits plan. | 5 USC 5527; EO 10982; 3 CFR, 1959-1963 Comp, p. 263 |
| 6/07 | PAY ADMINISTRATION (GENERAL) | 5 CFR 550 | OPM is issuing interim regulations to implement a provision of the Federal Workforce Flexibility Act of | 5 USC 5550b |

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| | | | 2004, which establishes a new form of compensatory time off for time spent by an employee in a travel status away from the employee's official duty station when such time is not otherwise compensable. |
| 12/06 | LOCALITY-BASED COMPARABILITY PAYMENTS AND EVACUATION PAYMENTS | 5 CFR 530; 5 CFR 550 | OPM is issuing interim regulations concerning pay actions for employees affected by a pandemic health crisis. The interim regulations clarify the rules for determining an employee's official worksite when he or she teleworks from an alternative worksite during an emergency situation, such as a pandemic health crisis. In addition, the interim regulations permit an agency to provide evacuation payments to an employee who is ordered to evacuate from his or her regular worksite and directed to work from home during a pandemic health crisis. These regulations are being issued as part of OPM's efforts to provide agencies with guidance to ensure they are able to fulfill their critical missions while at the same time protect their employees should a pandemic influenza outbreak occur. |
| 2/07 | PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT | 5 CFR 551 | OPM proposes to revise the regulations issued under the Fair Labor Standards Act of 1938, as amended, to update and harmonize OPM's regulations with revisions made to the Department of Labor's regulations (29 CFR part 541) on the same issue. These regulations apply to all employees in agencies who are under OPM's jurisdiction |

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| | | | for FLSA purposes. | |
| 12/06 | REEMPLOYMENT OF CIVILIAN RETIREES TO MEET EXCEPTIONAL EMPLOYMENT NEEDS | 5 CFR 553 | OPM is issuing proposed regulations to amend the criteria under which OPM may grant dual compensation (salary offset) waivers on a case-by-case basis, or delegate waiver authority to agencies. This amendment clarifies that OPM may grant or delegate to agencies the authority to grant such waivers in situations resulting from emergencies posing an immediate and direct threat to life or property or situations resulting from unusual circumstances that do not involve an emergency. The proposed changes will make it easier for agencies to reemploy needed individuals when faced with unusual circumstances. In addition, we are proposing to amend the section headings to avoid redundancy. This amendment is also removing information concerning military employees. | 5 USC 8344; 5 USC 8468 |
| 6/07 | ALLOWANCES AND DIFFERENTIALS | 5 CFR 591 | OPM is issuing proposed regulations to increase the maximum annual uniform allowance rate. When civilian Federal employees are required to wear a uniform in the performance of their duties agencies must pay a uniform allowance or furnish a uniform. OPM is proposing to increase the maximum annual uniform allowance rate from \$400 to \$500. | 5 USC 5903 |
| Undetermined | AGENCY AUTHORITY TO TAKE PERSONNEL | 5 CFR 230 | The Office of Personnel | 5 USC 1302; 5 |

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| ACTIONS IN A NATIONAL EMERGENCY | | | Management is issuing regulations pertaining to agency hiring flexibilities available during national emergency periods. | USC 3301 to 3302 |
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| 10/07 | ENTERPRISE HUMAN RESOURCE INTEGRATION (EHRI) | 5 CFR 293 | To support the goals of EHRI, the Office of Personnel Management will make regulatory changes to allow the electronic processing, maintenance, and storage of Federal employee personnel files. | 5 USC 2951 |
| 12/00/07 | RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION | 5 CFR 332 | 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 5 U.S.C. 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. | 5 USC 3301 to 3302 |
| 12/00/07 | REPAYMENT OF STUDENT LOANS | 5 CFR 537 | The Office of Personnel Management proposes to revise the rules implementing 5 U.S.C. 5379, which permits agencies to provide student loan repayment benefits to candidates for Federal jobs or current Federal employees when necessary to recruit and retain highly qualified personnel. Except as otherwise stated in the supplementary information, the purpose of the revisions is to make part 537 more readable. | 5 USC 5379 |