

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT Washington, DC 20415

July 19, 2006

MEMORANDUM FOR CHIEF HUMAN CAPITAL OFFICERS

FROM:

LINDA M. SPRINGER

Director

SUBJECT:

2006 Annual Review of Special Rates

This memorandum announces the 2006 annual review of special rates authorized under 5 U.S.C. 5305 and 5 CFR part 530, subpart C. The Office of Personnel Management (OPM) authorizes special rates for specific occupations, grades, and locations to alleviate existing or likely significant recruitment or retention problems. Under 5 CFR 530.307(a), OPM may, at any time, conduct general or targeted reviews of established special rates to determine whether they should be increased, decreased, or discontinued based on staffing considerations. By this memorandum, OPM is requesting that agencies conduct a general review of special rates for the purpose of determining the special rate adjustments that should be made in January 2007 in conjunction with General Schedule (GS) rate adjustments.

OPM Review and Adjustment of Special Rates

Under 5 CFR 530.304(c), a special rate generally is computed by adding a special rate supplement (i.e., a fixed dollar amount or fixed percentage amount) to the underlying GS rate. At the time of a GS annual pay adjustment, special rate employees will receive the same adjustment in their underlying GS rate (or LEO special base rate) as other GS employees. However, OPM must make a separate determination as to whether to adjust (increase or decrease) or discontinue a special rate supplement, taking into account the circumstances and factors that led to establishing the special rate schedule. Based on the adjustment of a special rate supplement, the corresponding special rate (i.e., underlying GS rate plus supplement) may be increased, reduced, or discontinued.

We are using an exception-based approach for the annual review. Under this approach, agencies do not need to submit a certification form for each special rate schedule. Instead, agencies must submit information to OPM only if they are requesting a special rate adjustment greater than or less than the January 2007 GS annual pay adjustment under 5 U.S.C. 5303 or similar provision of law. OPM will review such agency submissions and make determinations regarding the appropriate adjustment in the affected special rate schedules. All other special rate schedules will be adjusted by the same percentage as the January 2007 GS pay adjustment.

Attachment 1 provides detailed instructions for requesting an adjustment in a special rate supplement that is greater than or less than the January 2007 GS annual pay adjustment and other information about the exception-based approach. Attachment 2 provides an index of the current special rate schedules by agency. Agencies must submit requests to OPM to adjust (increase or decrease) or discontinue a special rate supplement by October 13, 2006.

Terminated Special Rates

Under 5 U.S.C. 5305(h) and 5 CFR 530.303(d), an employee's entitlement to a special rate is eliminated if the employee is entitled to a higher rate of basic pay, such as a locality rate under 5 U.S.C. 5304. As a result of the January 2007 pay adjustment, some special rate schedules may be terminated because higher locality rates apply at all steps of each covered grade, or certain grades or steps of a special rate schedule may be discontinued because higher locality rates apply. The termination of special rates will not result in a loss in pay for any covered employees, since all affected employees will receive the higher locality rate to which they are otherwise entitled. OPM will notify agencies of any terminated special rates when we announce the results of the 2006 annual review of special rates.

Discontinued or Decreased Special Rates

If a special rate schedule (or grade of a schedule) applicable to a position is discontinued or decreased by OPM, and the employee holding the position is placed in a non-special rate position or a lower-paid special rate position, the employee is entitled to pay retention under 5 CFR 536.301(a)(8). Agencies must follow the rules in 5 CFR 536.304 to determine the employee's pay retention entitlement. (See also the *Grade and Pay Retention Examples* at http://www.opm.gov/oca/pay/HTML/Grade_PayRetention_EX.asp.)

We ask agency headquarters to bring any problems encountered in implementing the annual review process to our attention as they arise. You may contact the Pay and Leave Administration Group by telephone at (202) 606-2858, by fax at (202) 606-0824, or by email at pay-performance-policy@opm.gov.

cc: Human Resources Directors

Attachments

2006 ANNUAL REVIEW INSTRUCTIONS

1. General

The Office of Personnel Management (OPM) is conducting the 2006 review of special rates authorized by 5 U.S.C. 5305 and 5 CFR part 530, subpart C. OPM authorizes special rates for specific occupations, grades, and locations to alleviate existing or likely recruitment or retention problems. The special rate schedules applicable to your agency are listed in the index in Attachment 2. Please note that the six schedules for information technology (IT) employees, tables 999A-999F, are listed in the third row of the index and are applicable to all agencies employing General Schedule (GS) employees even though they are not shown in the individual agency listings.

2. Deadline

Agencies must submit all annual review materials to OPM by **October 13, 2006**, unless an extension is approved by OPM. Please send your materials to the Pay and Leave Administration Group by fax at (202) 606-0824 or mail to the following address:

Office of Personnel Management Division for Strategic Human Resources Policy Center for Pay and Performance Policy Attn: Special Rates Annual Review Team 1900 E Street, NW., Room 7H31 Washington, DC 20415-8200

3. Agency Reviews

In conducting the annual review of special rates, OPM relies on the reviews conducted by agencies employing special rate employees. In conducting their reviews, agencies must consider the circumstances and factors consistent with OPM's regulations at 5 CFR 530.304 and 530.306.

4. Adjustments Equal to the GS Adjustment

Agencies do not need to submit any documentation to request adjustments in special rate schedules equal to the GS percentage adjustment in January 2007. As permitted by the new regulations in 5 CFR 530.307, special rate schedules will automatically be adjusted in January 2007 by the GS percentage adjustment without any agency action, unless OPM specifically approves an alternative adjustment. This means that fixed-dollar special rate supplements will be adjusted by approximately the same percentage as the GS adjustment, while fixed-percentage supplements will remain at the same percentage amount.

5. Adjustments Greater Than or Less Than the GS Adjustment

Agencies requesting special rate adjustments that are **greater** than the January 2007 GS annual pay adjustment must submit additional data in accordance with OPM regulations and the instructions on OPM Form 1397. Staffing data should cover the period from May 29, 2005, through May 27, 2006, if possible. (A copy of OPM Form 1397 is available at http://www.opm.gov/oca/compmemo/2000/ssrpage.asp.)

Agencies requesting special rate adjustments that are **less than** the January 2007 GS annual pay adjustment must submit a written justification and any applicable supporting data in accordance with OPM regulations and the instructions on OPM Form 1397. Such a request may be appropriate if you have determined that special rates are no longer necessary to prevent a serious staffing problem and you wish to phase out special rates by freezing or reducing the special rate supplement. (See also "Requests for Reduction or Termination of Special Rate Schedules.")

6. Requests for Reduction or Termination of Special Rate Schedules

Agencies may request to reduce or terminate special rate schedules or grades of a schedule as part of the annual review process. These types of requests trigger the pay retention provisions of 5 U.S.C. 5363 for eligible employees. Therefore, OPM advises agencies to consider phasing out special rates that are no longer necessary by freezing or reducing special rate supplements without reducing the corresponding special rate. (A special rate supplement may be reduced without triggering pay retention as along as the employee's underlying base rate is increased simultaneously by a sufficient amount to prevent the employee's special rate from being reduced. In other words, if the increase in the underlying base rate exceeds the reduction in the special rate supplement, the employee will still have a net increase in his or her special rate.)

Termination of a special rate schedule may be appropriate if there are no longer any employees covered by that schedule. In this case, the affected agency or agencies should provide OPM Form 1397 indicating the termination of the schedule and that there are no covered employees.

Any agency contemplating a request for reduction or termination of a special rate schedule with covered employees should contact OPM's Pay and Leave Administration Group by telephone at (202) 606-2858 or by email at pay-performance-policy@opm.gov for additional information and instructions.

7. Certification

The head of each agency must document and certify his or her recommendation for any special rate adjustment not equal to the January 2007 GS annual pay adjustment or to terminate a special rate schedule and submit such certification to OPM on OPM Form 1397. A headquarters official designated to act on behalf of the head of the agency or department may sign the certification.

If there are substantial differences among agency recommendations for a particular special rate schedule, OPM will designate a lead agency (usually the agency with the largest number of covered employees). OPM generally will be the lead agency for worldwide/nationwide schedules. The lead agency will be responsible for obtaining a consensus from the major agencies involved and submitting a final recommendation for that schedule. We expect each agency covered by a schedule to cooperate with the designated lead agency in attempting to reach a consensus.

8. New Requests Not Part of the Annual Review

Agencies should indicate how requests to establish a new special rate schedule submitted between now and December 31, 2006, relate to the anticipated January 2007 GS adjustment.

9. Effective Date

Adjustments in special rate schedules resulting from this year's annual review will take effect on the same date as the general GS adjustment—i.e., the first day of the first applicable pay period beginning on or after January 1, 2007. If there is no general GS adjustment in 2007, the amount of the special rate adjustment will be zero, unless an adjustment greater than the GS adjustment is requested and approved. Any such adjustment will take effect on the first day of the first applicable pay period beginning on or after January 1, 2007. However, OPM may authorize new schedules and changes in existing special rate schedules at any time during the year if all the required criteria for establishing or adjusting special rates are met.

INDEX TO TITLE 5 SPECIAL RATE TABLES BY AGENCY

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Agency AN	Subelem 00	Title AFRICAN DEVELOPMENT FOUNDATION	SPECIAL RATE TABLES
AM	00	AGENCY FOR INTERNATIONAL DEVELOPMENT	0029 0499 0524
A*	00	ALL FEDERAL GOVERNMENT AGENCIES	999A 999B 999C 999D 999E 999F
AB	00	AMERICAN BATTLE MONUMENTS COMMISSION	0414
BT	00	ARCHITECT & TRANS BARRIER COMPLIANCE BD	0029
LA	00	ARCHITECT OF THE CAPITOL	0029 0180 0304 0414 0422
RH	01	ARMED FORCES RETIREMENT HOME-GULFPORT	0290
RH	02	ARMED FORCES RETIREMENT HOME-WASHINGTON	0029 0039 0156 0290 0303 0304 0334 0405 0414 0428
IB	00	BROADCASTING BOARD OF GOVERNORS	0012 0029 0070 0414 0422
DJ	03	BUR OF PRISONS/FEDERAL PRISON SYSTEM	0013 0466
HS	BD	BUREAU OF CUSTOMS AND BORDER PROTECTION	0570 0571 0572 0573
HE	39	CENTERS FOR DISEASE CONTROL & PREVENTION	0417
НВ	00	CMTE FOR PURCH FRM BLIND & OTH SEV HAND	0029
CF	00	COMMISSION OF FINE ARTS	0029
CC	00	COMMISSION ON CIVIL RIGHTS	0029 0070
SK	00	CONSUMER PRODUCT SAFETY COMMISSION	0012 0029 0032 0057 0414 0422
EQ	00	COUNCIL ON ENVIRONMENTAL QUALITY	0029
DD	07	DEFENSE LOGISTICS AGENCY	0105 0556 0562 983P 983S
BF	00	DEFENSE NUCLEAR FACILITIES SAFETY BOARD	0029
AG		DEPARTMENT OF AGRICULTURE	0010 0012 0023 0029 0032 0047 0057 0070 0112 0115 0137 0155 0159 0201 0222 0223 0256 0304 0305 0382 0414 0417 0422 0479
			0484 0490 0499 0524 0564
СM		DEPARTMENT OF COMMERCE	0010 0012 0023 0029 0032 0047 0057 0070 0071 0072 0141 0159 0223 0304 0305 0310 0414 0422 0458 0569 0589 980D 983C 983D
DD		DEPARTMENT OF DEFENSE (EXCL MIL DEPTS)	0010 0012 0023 0029 0032 0047 0057 0065 0070 0071 0072 0137
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ÉĎ		DEPARTMENT OF EDUCATION	0012 0023 0029 0057 0070
DN	100	DEPARTMENT OF ENERGY	0012 0023 0029 0032 0047 0137 0173 0290 0304 0305 0329 0349
			0414 0415 0422 0499 0504
HE	-	DEPARTMENT OF HEALTH AND HUMAN SERVICES	0012 0023 0029 0032 0039 0047 0057 0070 0071 0112 0138 0168 0187 0269 0270 0271 0275 0290 0304 0305 0323 0329 0352 0414
			0417 0422 0474 0499 0524 983D
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DJ	1	DEPARTMENT OF JUSTICE	0010 0012 0013 0023 0029 0032 0047 0057 0070 0071 0112 0124
	-		0152 0187 0190 0214 0224 0230 0282 0286 0287 0288 0289 0290 0292 0293 0294 0296 0297 0299 0300 0301 0304 0316 0352 0357
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			0519 0527 0532 0539 0540 0541 0574 983A 983D 983E
DL	-	DEPARTMENT OF LABOR	0012 0023 0029 0032 0047 0057 0070 0071 0112 0137 0159 0304 0305 0352 0414 0417 0422 0499 0903
ST	00	DEPARTMENT OF STATE	0012 0023 0029 0047 0057 0070 0156 0223 0290 0302 0304 0414
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AF	-	DEPARTMENT OF THE AIR FORCE	0007 0010 0011 0012 0023 0029 0032 0047 0057 0065 0070 0071 0072 0105 0133 0134 0137 0143 0153 0156 0173 0174 0198 0202

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VA		DEPARTMENT OF VETERANS AFFAIRS	0010 0029 0032 0057 0112 0117 0137 0305 0370 0414 0422 0458 0499 0543
HU	1	DEPTMENT OF HOUSING & URBAN DEVELOPMENT	0012 0023 0029 0047 0057 0070 0071 0112 0137 0414
EP	00	ENVIRONMENTAL PROTECTION AGENCY	0012 0023 0029 0032 0047 0057 0112 0305 0414 0415 0422 0524
EE	00	EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	0010 0012 0023 0029 0032 0047 0057 0070 0112 0458
EB	00	EXPORT-IMPORT BANK OF THE UNITED STATES	0010 0012 0029 0070 0414 0415 0417 0422
DJ	02	FEDERAL BUREAU OF INVESTIGATION	0348
FC	00	FEDERAL COMMUNICATIONS COMMISSION	0012 0023 0029 0057 0070 0304 0422 0484
LF	00	FEDERAL ELECTION COMMISSION	0029
AU	00	FEDERAL LABOR RELATIONS AUTHORITY	0029
MC	00	FEDERAL MARITIME COMMISSION	0029
FM	00	FEDERAL MEDIATION AND CONCILIATION SERV	0012 0029
RS	00	FEDERAL MINE SAFETY & HEALTH REVIEW COMM	0029
RF	00	FEDERAL RETIREMENT THRIFT INVESTMENT BD	0029
FT	00	FEDERAL TRADE COMMISSION	0012 0029 0057 0070 0112 0458
HE	36	FOOD AND DRUG ADMINISTRATION	0458
GS		GENERAL SERVICES ADMINISTRATION	0012 0023 0029 0047 0057 0070 0071 0105 0112 0150 0151 0152
IN	08	GEOLOGICAL SURVEY	0159 0305 0329 0349 0414 0422 0490
HE	37	INDIAN HEALTH SERVICE	0001 0316 0372 0467 0473 0487 0536
AH	03	INSTITUTE OF MUSEUM & LIBRARY SERVICES	0029
IF	00	INTER-AMERICAN FOUNDATION	0029
TR	93	INTERNAL REVENUE SERVICE	0442 0443 0444 0446 0448 0450
LC	00	LIBRARY OF CONGRESS	0029 0304

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