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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 337 and 410

Examining System; Training

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Civil Service Reform Act of 1978 contained certain grade and pay retention provisions. The legislation authorized the Office of Personnel Management to prescribe regulations to require agencies to take several remedial actions, including steps to assure that affected employees can acquire qualifications for selection to other positions. This document implements these statutory provisions.

EFFECTIVE DATE: April 21, 1980.

FOR FURTHER INFORMATION CONTACT: Richard Brown, Agency Compliance and Evaluation, Agency Relations, Office of Personnel Management, 1900 E Street, NW., Room 5460, Washington, D.C. 20415 (202) 632-4467.

SUPPLEMENTARY INFORMATION: On September 7, 1979, the Office of Personnel Management published proposed regulations to implement this section of the Civil Service Reform Act (44 FR 52217) and invited comments from the public. Comments were received from one labor organization. Those comments suggested clarification of regulations pertaining to crediting experience for employees entitled to retained grade and modification of regulations on training of retained grade employees to allow preparation for positions with higher career ladders than the employees' original positions.

The change clarifying regulations pertaining to crediting experience was made as suggested. The suggested modification on training was not

adopted because it would have authorized training beyond that intended by the Civil Service Reform Act (Pub. L. 95-454).

OPM has determined that this is a significant regulation for the purposes of E.O. 12044.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is amending Title 5, Code of Federal Regulations, as follows:

PART 337—EXAMINING SYSTEM

(1) Section 337.102 is added to read as follows:

§ 337.102 Evaluating qualifications for employees who are in a retained grade.

(a) Employees who are in a retained grade must have the experience they gain subsequent to the downgrading action that placed them in a retained grade considered in the following manner. For placements during the period the employee is in a retained grade, agencies must consider the experience subsequent to the downgrading action to be either:

(1) At the level of the retained grade and in the series of the position which he or she occupied at the time of the downgrading; or

(2) At the grade and in the series of the position to which the employee is downgraded.

(b) Agencies must determine which experience to consider on the basis of which will most likely result in placement. For placements or promotions after the retained grade period, the experience is considered only at the grade level and in the series of the position to which the employee was downgraded.

PART 410—TRAINING

(2) Part 410, Subpart E is amended by revising § 410.503 to read as follows:

§ 410.503 General prohibitions, training through non-Government facilities.

(a) An agency may not authorize the training of an employee through a non-Government facility for the purpose of making a promotion if another employee within the agency is:

(1) Equal in ability and suitability; and
(2) Fully qualified to fill the position; and

(3) Available within a reasonable distance from the position location.

(b) To assure adherence to the constraint of paragraph (a) of this section, the agency head shall establish policies and procedures he or she considers reasonable and necessary relating to areas of consideration and to determinations concerning:

- (1) Ability;
- (2) Suitability;
- (3) Availability;
- (4) Qualifications; and
- (5) Geographic location.

(c) An exception to the constraint of paragraph (a) is granted for training an employee under the authority of 5 U.S.C. 5364.

(d) An exception to 5 U.S.C. 4107(c)(1) is provided to employees trained under the authority of 5 U.S.C. 5364 if:

(1) The career ladder of the new occupation does not provide a greater potential for promotion than the occupation from which the employee was downgraded; and

(2) The new position is at or below the employee's retained grade.

(5 U.S.C. 5364)

[FR Doc. 80-8685 Filed 3-20-80; 8:45 am]

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COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 706

Amendments to Procedural Rules, Questions and Answers

AGENCY: Council on Wage and Price Stability.

ACTION: Interim final rule, with request for comments.

SUMMARY: To implement the decision of the President to expand the number of companies that periodically report price-change information, the Council is amending several sections of its procedural rules to lower the dollar threshold for formal reporting from \$250 million to \$100 million in annual net sales or revenues. The Council is also amending its rules to provide that compliance units that had, or are part of companies that had net sales or revenues of \$100 million or more should request approval for exceptions under Section 706.31. The Council is also issuing a Question and Answer regarding self-administration of

exceptions by companies in the \$100 million-\$250 million range before the effective date of these changes.

DATES: The effective date is March 14, 1980; comments may be submitted by April 21, 1980.

ADDRESS: Written comments should be sent to Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Office of Price Monitoring

Energy, Chemicals, and Rubber—Larry Forest: 456-7747.

Health, Insurance, Regulated Industries, and Services—Arthur Corazzini: 456-7730.

Construction & Construction Materials—Joseph Lackey: 456-7158.

Food, Agriculture, and Trade—Stephen Hiemstra: 456-7740.

Metals, Machinery and Equipment—Eugene Roberts: 456-7784.

Exceptions—Walter Leibowitz/David Wagner: 456-7733.

Office of General Counsel

Alfred M. Wurglitz: 456-6286.

George R. Johnson, Jr.: 456-6286.

Charles A. Samuels: 456-6286.

SUPPLEMENTARY INFORMATION: On March 14, 1980, the President announced several wage and price actions as part of his anti-inflation program. One of these actions was to reduce the threshold for regular, formal reporting of data for evaluating compliance information from \$250 million to \$100 million in annual net sales or revenues. These changes to Part 706 implement the President's decision.

Compliance units meeting the new dollar reporting thresholds are asked to submit Form CO-1 (Price) by May 1, 1980, and Form PM-1 (Second Program Year) by May 15, 1980.

In addition, the Questions and Answers III-C-13 issued today makes clear that, notwithstanding the provision lowering the threshold for advance approval of exceptions from \$250 million to \$100 million, the Council is not requesting companies in the \$100 million-\$250 million range to seek ratification of any exceptions that were self-administered before March 14, 1980. Other Q's & A's are amended to conform with these changes.

The Council is publishing these materials on an interim final basis since compliance units with net sales or revenues of \$100 million to \$250 million have a need to know what actions to take under the standards and the procedural rules. The Council has

provided a 30-day comment period rather than the customary 60-day period, since it is important to receive any public comments as soon as possible so that any changes may be made rapidly. Companies may rely fully on these interim provisions unless and until they are modified. Since companies in the \$100 million to \$250 million range were already within the purview of the anti-inflation program and all that is now requested is the filing of periodic reports, these changes are not significant regulations which are expected to have major economic consequences for the general economy within the meaning of Executive Order 12044.

(Council on Wage and Price Stability Act, Pub. L. 93-387 (August 24, 1974), as amended by Pub. L. 94-78 (August 9, 1975) and Pub. L. 95-121 (October 5, 1977), 12 U.S.C. 1904 note; as last amended by Pub. L. 96-10 (May 10, 1979); E.O. 12092 (November 1, 1978); E.O. 12181 (September 28, 1979).)

Issued in Washington, D.C., March 18, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, Part 706 of Title 6 CFR is amended as set forth below:

1. Section 706.21 is amended by changing the reporting threshold in paragraph (b) from "\$250 million" to "\$100 million" so as to read as follows:

§ 706.21 Submission on company organization for purposes of compliance.

(b) Company Organization for Price Compliance. A compliance unit that had, or that is part of a company that had, net sales or revenues of \$100 million or more in its last complete fiscal year before October 2, 1979, and any other company designated by the Council, should furnish the council by a date to be announced by the Council with the information specified in § 707.1(a).

2. Section 706.22 is amended by changing the report threshold in paragraph (a) from "\$250 million" to "\$100 million" so as to read as follows:

§ 706.22 Periodic data submissions.

(a) Form PM-1. A compliance unit that had, or is part of a company that had, net sales or revenues of \$100 million or more in its last complete fiscal year before October 2, 1979, and any other compliance unit designated by the Council, should furnish the Council with the data specified on Form PM-1. These submissions should be made not more than 45 calendar days after the end of each of the first three quarters and 60

calendar days after the end of the second program year.

3. Section 706.31 is amended by changing "\$250 million" to "\$100 million" in paragraph (a) so as to read as follows:

§ 706.31 Who should request approval.

(a) Any compliance unit or employee unit that intends to apply one or more of the exceptions specified in § 706.32, other than the tandem exception under Section 705B-9 should request a determination from the Council that the exception is warranted, if:

(1) The request relates to the price standard and the compliance unit had, or is part of a company that had net sales or revenues of \$100 million or more in its last complete fiscal year prior to October 2, 1979; or

(2) The request relates to the pay standard, and (i) the affected employee unit consists of 100 or more employees in a compliance unit with (or that is part of a company with) 1,000 or more employees, or (ii) the affected collective-bargaining agreement covers 1,000 or more employees, regardless of the number of employees in an individual company's employee units.

The Council is also issuing the following Question and Answer III-C-13 to read as follows:

Q13. Notwithstanding Q & A III-C-7, if a company self-administered a hardship exception when it was not required to obtain advance approval, and it is now requested to obtain approval under amended § 706.31(a), should it seek ratification of the exception?

A. No. However, the company should notify the Council that it has self-administered an exception and maintain supporting documentation to be made available to the Council on request.

The Council is also amending the following Q's & A's (III-B-7; III-B-8; III-B-11; III-B-15; III-B-16; and III-C-1) which were published on November 21, 1979 (44 FR 67060) changing "\$250 million" to "\$100 million" in each case.

Finally, the Council is amending the Second-Year Price Standards Implementation Guide published January 16, 1980, (45 FR 3217) by changing "\$250 million" to "\$100 million" at 45 FR 3232, column 1.

[FR Doc. 80-8843 Filed 3-19-80; 12:58 pm]

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