



Billing code 6325-39-P

**OFFICE OF PERSONNEL MANAGEMENT**

**5 CFR Part 532**

**RIN 3206-AN93**

**Prevailing Rate Systems; Definition of Johnson County, Indiana, to a Nonappropriated Fund Federal Wage System Wage Area Wage Areas**

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a proposed rule that would define Johnson County, Indiana, as an area of application county to the Hardin-Jefferson, Kentucky, nonappropriated fund (NAF) Federal Wage System (FWS) wage area. This change is necessary because there is one NAF FWS employee working in Johnson County, and the county is not currently defined to a NAF wage area.

**DATES:** Send comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

- Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Madeline Gonzalez, by telephone at (202) 606-2858 or by email at [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov).

**SUPPLEMENTARY INFORMATION:** OPM is issuing a proposed rule that would define Johnson County, IN, as an area of application to the Hardin-Jefferson, KY, NAF FWS wage area. The Department of Defense notified OPM that the Army and Air Force Exchange Service now has one NAF FWS employee at Camp Atterbury in Johnson County.

Under section 532.219 of title 5, Code of Federal Regulations, each NAF wage area “shall consist of one or more survey areas, along with nonsurvey areas, if any, having nonappropriated fund employees.” Johnson County does not meet the regulatory criteria under 5 CFR 532.219 to be established as a separate NAF wage area; however, nonsurvey counties may be combined with a survey area to form a wage area. Section 532.219 lists the regulatory criteria that OPM considers when defining FWS wage area boundaries. This regulation allows consideration of the following criteria: proximity of largest activity in each county, transportation facilities and commuting patterns, and similarities of the counties in overall population, private employment in major industry categories, and kinds and sizes of private industrial establishments.

Johnson County, IN, would be defined as an area of application to the Hardin-Jefferson, KY, NAF FWS wage area. The proximity criterion favors the Hardin-Jefferson wage area. The transportation facilities criterion does not favor one wage area more than another. However, there is more direct access from Camp Atterbury to Fort Knox, the host installation in the Hardin-Jefferson wage area, than from Camp Atterbury to Wright Patterson Air Force Base, the host installation in the Greene-Montgomery wage area. The commuting patterns criterion does not favor one wage area more than another. The difference between the resident workforce

commuting to work in the Hardin-Jefferson and Greene-Montgomery survey areas is insignificant; however, marginally more people commute into the Hardin-Jefferson survey area (0.05%) than into the Greene-Montgomery survey area (0.02%). The overall population, employment sizes, and kinds and sizes of private industrial establishments criterion does not favor one wage area more than another. While a standard review of regulatory criteria shows mixed results, the proximity criterion favors the Hardin-Jefferson wage area. Based on this analysis, we propose that Johnson County be defined to the Hardin-Jefferson NAF wage area.

With the definition of Johnson County to the Hardin-Jefferson NAF wage area, the Hardin-Jefferson wage area would consist of two survey counties (Hardin and Jefferson Counties, KY) and six area of application counties (Jefferson, Johnson, and Martin Counties, IN, and Fayette, Madison, and Warren Counties, KY). The Federal Prevailing Rate Advisory Committee, the national labor-management committee responsible for advising OPM on matters concerning the pay of FWS employees, recommended this change by consensus. This change would be effective on the first day of the first applicable pay period beginning on or after 30 days following publication of the final regulations.

### **Regulatory Impact Analysis**

This action is not a “significant regulatory action” under the terms of Executive Order (EO) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under EO 12866 and 13563 (76 FR 3821, January 21, 2011).

### **Reducing Regulation and Controlling Regulatory Costs**

This rule is not an Executive Order 13771 regulatory action because this rule is not significant under EO 12866.

### **Regulatory Flexibility Act**

OPM certifies that this rule will not have a significant economic impact on a substantial number of small entities.

### **Federalism**

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

### **Civil Justice Reform**

This regulation meets the applicable standard set forth in Executive Order 12988.

### **Unfunded Mandates Act of 1995**

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

### **Congressional Review Act**

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of nonagency parties and, accordingly, is not a “rule” as that term is used by the Congressional Review Act (Subtitle E of the Small Business “Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

### **Paperwork Reduction Act**

This rule does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act.

**List of Subjects in 5 CFR Part 532**

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

OFFICE OF PERSONNEL MANAGEMENT.

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Stephen Hickman,  
Federal Register Liaison.

Accordingly, OPM is proposing to amend 5 CFR part 532 as follows:

**PART 532--PREVAILING RATE SYSTEMS**

1. The authority citation for part 532 continues to read as follows:

**Authority:** 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. In Appendix D to subpart B amend the table by revising the wage area listing for Kentucky to read as follows:

**Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas**

**DEFINITIONS OF WAGE AREAS AND WAGE AREA SURVEY AREAS**

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KENTUCKY
CHRISTIAN-MONTGOMERY
<i>Survey Area</i>
Kentucky:
Christian
Tennessee:
Montgomery
<i>Area of Application. Survey area.</i>

HARDIN-JEFFERSON						
<i>Survey Area</i>						
Kentucky:						
Hardin						
Jefferson						
<i>Area of Application. Survey area plus:</i>						
Indiana:						
Jefferson						
Johnson						
Martin						
Kentucky:						
Fayette						
Madison						
Warren						

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[FR Doc. 2019-20146 Filed: 9/19/2019 8:45 am; Publication Date: 9/20/2019]