

Civilian Personnel
 Optional Pay-Fixing Provisions

History. This supersedes III Corps and Fort Hood Regulation 690-44 dated 14 April 1989.

Summary. This regulation applies optional pay-fixing for civilian employees at Fort Hood.

Applicability. This regulation applies to all appropriated fund civilian employees at Fort Hood.

Supplementation. Local supplementation of this regulation is prohibited except upon approval of the Civilian Personnel Advisory Center.

Suggested Improvements. The proponent of this regulation is the Civilian Personnel Advisory Center. Send suggested improvements to the Commander, III Corps and Fort Hood, ATTN: AFZF-CP.

FOR THE COMMANDER:
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OVERVIEW

Purpose This regulation establishes policies and procedures governing application of the optional pay-fixing provisions of federal statutes and regulations as implemented by DOD and DA.

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References

<p>Section I. Required References.</p> <p>5 USC Chapter 53 5 CFR 531 and 532 DOD PPP Operations Manual</p> <p>Section II. Related References This section not used.</p>	<p>Section III. Referenced Forms.</p> <p>SF 50, Notification of Personnel Action</p>
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Abbreviations and Terms	<p>DA Department of the Army DOD Department of Defense</p>	<p>OPM Office of Personnel Management PPP Priority Placement Program</p>
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- Change to Lower Grade -**
- Voluntary - When an employee is placed in a lower grade position based upon a voluntary personal request or application.
 - Involuntary - When a current employee is placed in a lower grade position as a result of Reduction-in-Force.

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**Abbreviations
and Terms**

Existing rate of pay - the rate of basic pay received immediately before the effective date of a transfer, promotion, demotion, or within-grade increase.

Highest previous rate - the highest rate of basic pay previously paid to a person and while employed in a job in any branch of the federal government based on a regular tour of duty under an appointment not limited to 90 days or less, or for a continuous period of no less than 90 days under one or more appointments without a break in service.

Last earned rate – the rate of pay which preserves, to the maximum extent possible, the last earned rate, except when such rate is earned while serving under a temporary promotion.

Maximum payable rate - highest actual dollar amount or step value that may be paid to an employee, may be more or less than the highest previous rate.

Rate of basic pay - the rate of pay fixed by law or administrative action for the position held by the employee before any deduction and exclusive of additional pay of any kind, such as premium payment for overtime, night, holiday, or standby duty, and differentials or allowances received in certain foreign and non-foreign areas.

Representative rate - step 4 for general schedule positions; step 2 for federal wage system positions.

Reinstatement - a person who previously was employed under career or career-conditional appointment (or equivalent).

Transfer - appointment of an applicant from another Federal agency without a break in service.

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Policy

In optional pay-fixing situations, pay is set at the maximum payable rate for all personnel actions subject to conditions outlined elsewhere in this regulation.

Other paragraphs of this regulation outline conditions for typical reinstatement, transfer, voluntary change to lower grade, and involuntary change to lower grade actions .

Not all conditions are represented.

No rate of pay above the minimum rate is required to be granted automatically.

The specific rate of pay is set in each individual case covered by this regulation, at the time the action is taken.

If a decision is made to afford an employee the benefit of a former rate of pay but it is not possible to get proof of the former rate prior to taking the action, the action may be processed at the minimum step of the grade, or according to this regulation, at the highest allowable step rate which can be verified and subject to upward adjustment.

- In such cases, record a statement on the Standard Form (SF-50, Notification of Personnel Action), to serve as a basis for retroactive adjustment of the pay rate through issuance of a correction SF-50.
- Without the statement, the pay rate cannot be adjusted retroactively.

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Policy (continued) If application of law, OPM, DOD, or DA policy guidance or regulations results in a higher rate of pay for an employee than provided for by this regulation, grant the higher rate of pay required by mandatory pay-fixing regulations.

Note: The activity manager may exclude positions designated as hard to fill, either by virtue of the use of a special salary rate or recruitment history.

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CHANGE TO LOWER GRADE

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Voluntary Change to Lower Grade When an employee requests a voluntary change to lower grade

- Set pay in the lower grade at a rate which does not exceed the employee’s existing rate of pay (i.e., when the rate of basic pay falls between two step rates, give the lower of the two rates).
- Table 2-1 explains conditions and actions resulting in a voluntarily applying for and accepting a lower grade than that previously held.

Table 2-1. Conditions and Actions Resulting from Voluntary Change to Lower Grade

CONDITION	ACTION
Position is at a lower grade than that currently held	Employee applies for and is selected for a position, either for career or personal reasons
Position is at a lower grade than that currently or previously held	Employee, with another Federal agency or Department of the Army activity, applies for and is selected for a position, either for career or personal reasons

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Involuntary Change to Lower Grade **Table 2-2. Involuntary Change to Lower Grade Actions**

CONDITION	ACTION
When an employee who is entitled to retained pay is placed in a lower grade	<ul style="list-style-type: none"> • Set pay in the lower grade at a rate that equals or exceeds the existing rate of pay. • The existing rate exceeds the top step of the lower grade, the employee retains his or her existing rate to a maximum of 150 percent of the top step of the lower grade. • Table 2-3 explains conditions and actions resulting from involuntary change to lower grade actions.

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Conditions and Actions for Involuntary Change

Table 2-3. Conditions and Actions Resulting from Involuntary Change to Lower Grade

CONDITION	ACTION
Formal Employee Development Program	The employee applies for and is placed in a lower grade position in a formal employee development program: <ul style="list-style-type: none"> • The Career Intern Program. • Apprenticeship Program.
Locally restructured inhire positions are <u>not</u> in a formal employee development program.	Set pay according to policy outlined above for voluntary change to lower grade when an employee enters a locally restructured inhire position.
Declination of Offer - Retained Grade.	If an employee is in a retained-grade status or would otherwise be entitled to retained grade and the employee declines a reasonable offer of a position which terminates the entitlement to retained grade and results in a change to lower grade <ul style="list-style-type: none"> • Set pay in the lower grade at a rate that equals the existing rate of pay if such a rate exists, or • Set pay at the top step of the lower grade if the existing rate exceeds the top step.

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Reinstatement Table 2-4. Reinstatement.

CONDITION	ACTION
When an applicant is appointed based on prior federal service	Set pay at a rate which does <u>not</u> exceed the maximum payable rate (i.e., when the maximum payable rate falls between two step rates, give the lower of the two rates).

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Transfer Table 2-5. Transfer.

CONDITION	ACTION
When an applicant is appointed based on current employment in another federal agency	Set pay at a rate which does <u>not</u> exceed the employee's maximum payable rate (i.e., when the maximum payable rate falls between two step rates, give the lower of the two rates).

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