

(g) *Decision final.* Decisions to designate or not designate a cave as significant are made at the sole discretion of the authorized officer and are not subject to further administrative review or appeal under 43 CFR part 4.

(h) If a cave is determined to be significant, its entire extent, including passages not mapped or discovered at the time of the determination, is deemed significant. This includes caves that extend from lands managed by any Federal agency into lands managed by one or more other bureaus or agencies of the Department of the Interior, as well as caves initially believed to be separate for which interconnecting passages are discovered after significance is determined.

§ 37.12 Confidentiality of cave location information.

(a) *Information disclosure.* No Department of the Interior employee shall disclose information that could be used to determine the location of any significant cave or cave under consideration for determination, unless the authorized officer determines that disclosure will further the purposes of the Act and will not create a substantial risk to cave resources of harm, theft, or destruction.

(b) *Requesting confidential information.* Notwithstanding paragraph (a) of this section, the authorized officer may make confidential cave information available to a Federal or State governmental agency, bona fide educational or research institute, or individual or organization assisting the land managing agency with cave management activities. To request confidential cave information, such entities shall make a written request to the authorized officer that includes the following:

- (1) Name, address, and telephone number of the individual responsible for the security of the information received.
- (2) A legal description of the area for which the information is sought.
- (3) A statement of the purpose for which the information is sought, and
- (4) Written assurances that the requesting party will maintain the confidentiality of the information and protect the cave and its resources.

(c) *Decision final.* Decisions to permit or deny access to confidential cave information are made at the sole discretion of the authorized officer and are not subject to further administrative review or appeal under 5 U.S.C. 552 or 43 CFR parts 2 or 4.

PART 38—PAY OF U.S. PARK POLICE—INTERIM GEOGRAPHIC ADJUSTMENTS

Sec.

38.1 Definitions.

38.2 Computation of hourly, daily, weekly, and biweekly adjusted rates of pay.

38.3 Administration of adjusted rates of pay.

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§ 38.1 Definitions.

In this subpart: *Adjusted annual rate of pay* means an employee's scheduled annual rate of pay multiplied by 1.08 and rounded to the nearest whole dollar, counting 50 cents and over as a whole dollar.

Employee means a U.S. Park Police officer whose official duty station is located in an interim geographic adjustment area.

Interim geographic adjustment area means any of the following Consolidated Metropolitan Statistical Areas (CMSAs) as defined by the Office of Management and Budget (OMB).

- (1) New York-Northern New Jersey-Long Island, NY-NJ-CT; and
- (2) San Francisco-Oakland-San Jose, CA.

Official duty station means the duty station for an employee's position of record as indicated on his or her most recent notification of personnel action.

Scheduled annual rate of pay means—

- (1) The U.S. Park Police rate of basic pay for the employee's rank and step, exclusive of additional pay of any kind;
- (2) A retained rate of pay, where applicable, exclusive of additional pay of any kind.

§ 38.2 Computation of hourly, daily, weekly, and biweekly adjusted rates of pay.

When it is necessary to convert the adjusted annual rate of pay to an hourly, daily, weekly, or biweekly rate, the following methods apply:

- (a) To derive an hourly rate, divide the adjusted annual rate of pay by 2,087 and round to the nearest cent, counting one-half cent and over as a whole cent;
- (b) To derive a daily rate, multiply the hourly rate by the number of daily hours of service required;
- (c) To derive a weekly or biweekly rate, multiply the hourly rate by 40 or 80, as the case may be.

§ 38.3 Administration of adjusted rates of pay.

- (a) An employee is entitled to be paid the greater of—
 - (1) The adjusted annual rate of pay;
 - or
 - (2) His or her rate of basic pay (including a local special salary rate, where applicable), without regard to any adjustment under this section.
- (b) An adjusted rate of pay is considered basic pay for purposes of computing:
 - (1) Retirement deductions and benefits;
 - (2) Life insurance premiums and benefits;
 - (3) Premium pay;
 - (4) Severance pay;
- (c) When an employee's official duty station is changed from a location not in an interim geographic adjustment area to a location in an interim geographic adjustment area, payment of the adjusted rate of pay begins on the

effective date of the change in official duty station.

- (d) An adjusted rate of pay is paid only for those hours for which an employee is in a pay status.
- (e) An adjusted rate of pay shall be adjusted as of the effective date of any change in the applicable scheduled rate of pay.
- (f) Except as provided in paragraph (g) of this section, entitlement to an adjusted rate of pay under this subpart terminates on the date.
 - (1) An employee's official duty station is no longer located in an interim geographic adjustment area;
 - (2) An employee moves to a position not covered;
 - (3) An employee separates from Federal service; or
 - (4) An employee's local special salary rate exceeds his or her adjusted rate of pay.
- (g) In the event of a change in the geographic area covered by a CMSA, the effective date of a change in an employee's entitlement to an adjusted rate of pay under this subpart shall be the first day of the first pay period beginning on or after the date on which a change in the definition of a CMSA is made effective.
- (h) Payment of or an increase in, an adjusted rate of pay is not an equivalent increase in pay.
- (i) An adjusted rate of pay is included in an employee's "total remuneration," and "straight time rate of pay," for the purpose of computations under the Fair Labor Standards Act of 1938, as amended.
- (j) Termination of an adjusted rate of pay under paragraph (f) of this section is not an adverse action.