

in an employee's special rate entitlements based on a change in the employee's position of record or official worksite. Pay-setting rules for other personnel actions affecting special rate employees are provided in 5 CFR parts 531 and 536. For example, if an employee becomes covered by a special rate schedule as a result of a change in the employee's official worksite, the geographic conversion rule in 5 CFR 531.205 must be used to set the employee's rate(s) of basic pay in the new location before considering any other simultaneous pay action (other than a general pay adjustment).

(b) The conversion rules in §§ 530.322 and 530.323 are considered general pay adjustments for the purpose of applying 5 CFR 531.206 (dealing with the order of precedence for processing simultaneous pay actions). The rate(s) of pay resulting from these conversion rules are considered the employee's existing rate(s) of pay before processing the next simultaneous pay action in the order of precedence.

§ 530.322 Setting pay when a special rate schedule is newly established or increased.

(a) *General rule.* When an employee holds a position that becomes covered by a newly established special rate schedule (including a schedule for which coverage is expanded) or increased special rate schedule (including an increased special rate range within a schedule), the agency must set the employee's special rate at the step (or relative position in range for a GM employee) of the grade on the new special rate schedule that corresponds to the employee's existing numerical step (or relative position in range for a GM employee) as in effect immediately before the new special rate schedule takes effect, except as otherwise provided in this section. The corresponding special rate is determined by adding the applicable special rate supplement on top of the employee's GS rate, subject to the limitation that no special rate may exceed the rate for level IV of the Executive Schedule. For an employee receiving an LEO special base rate, add the applicable special rate supplement to the GS rate for the employee's grade

and step, except as otherwise provided under § 530.304(d).

(b) *Employee entitled to a higher rate of basic pay.* As provided in § 530.303(d), if an employee meeting the coverage conditions for a newly established or increased special rate schedule is entitled to a higher rate of basic pay under other legal authority, the employee must be paid at that higher rate.

(c) *Employee receiving a retained rate.* When an employee is receiving a retained rate immediately before the employee's position is covered by a newly established or increased special rate schedule, the agency must determine the employee's rate of pay consistent with the requirements in 5 CFR part 536, subpart C (or 5 CFR 359.705 for a former member of the Senior Executive Service receiving a retained rate under that section).

[70 FR 31287, May 31, 2005, as amended at 73 FR 66151, Nov. 7, 2008]

§ 530.323 Setting pay when a special rate is discontinued or decreased.

(a) *General.* This section applies when a special rate applicable to a position is discontinued or decreased because of—

(1) A reduction or termination of the rates of the special rate schedule (or of rates of a rate range within a schedule); or

(2) The reduction in the scope of coverage of the special rate schedule.

(b) *Employee entitled to pay retention.* When a special rate applicable to a position is discontinued or decreased, and an employee holding the position is entitled to pay retention under 5 CFR part 536 as a result, the employee's rate of pay must be set consistent with the requirements in 5 CFR part 536, subpart C.

(c) *Employee not entitled to pay retention.* When a special rate applicable to a position is discontinued or decreased, and an employee holding the position is not entitled to pay retention under 5 CFR part 536, the employee's rate of pay is set in the highest applicable rate range at the grade and step (or relative position in range for a GM employee) that corresponds to the grade and step (or relative position in range for a GM employee) for the employee's existing

Pt. 531

5 CFR Ch. I (1–1–10 Edition)

special rate (as in effect immediately before the schedule change).

(d) *Employee receiving a retained rate.* When a special rate applicable to a position is discontinued or decreased, and the employee holding the position is receiving a retained rate immediately before the schedule change, the employee's rate of pay must be set consistent with the requirements in 5 CFR part 536, subpart C (or 5 CFR 359.705 for a former member of the Senior Executive Service receiving a retained rate under that section).

[70 FR 31287, May 31, 2005, as amended at 73 FR 66152, Nov. 7, 2008]

**PART 531—PAY UNDER THE
GENERAL SCHEDULE**

Subpart A [Reserved]

Subpart B—Determining Rate of Basic Pay

GENERAL PROVISIONS

Sec.

- 531.201 Purpose.
- 531.202 Coverage.
- 531.203 Definitions.
- 531.204 Entitlement to other rates of pay.
- 531.205 Converting pay upon change in location of employee's official worksite.
- 531.206 Order of processing simultaneous pay actions.
- 531.207 Applying annual pay adjustments.

**SETTING PAY WHEN APPOINTMENT OR POSITION
CHANGES**

- 531.211 Setting pay for a newly appointed employee.
- 531.212 Superior qualifications and special needs pay-setting authority.
- 531.213 Setting pay upon change in position without a change in grade.
- 531.214 Setting pay upon promotion.
- 531.215 Setting pay upon demotion.
- 531.216 Setting pay when an employee moves from a Department of Defense or Coast Guard nonappropriated fund instrumentality.
- 531.217 Special conversion rules for certain non-GS employees.

**USING A HIGHEST PREVIOUS RATE UNDER THE
MAXIMUM PAYABLE RATE RULE**

- 531.221 Maximum payable rate rule.
- 531.222 Rates of basic pay that may be used as the highest previous rate.
- 531.223 Rates of basic pay that may not be used as the highest previous rate.

SPECIAL RULES FOR GM EMPLOYEES

- 531.241 Retaining and losing GM status.

- 531.242 Setting pay upon loss of GM status.
- 531.243 Promotion of a GM employee.
- 531.244 Adjusting a GM employee's rate at the time of an annual pay adjustment.
- 531.245 Computing locality rates and special rates for GM employees.
- 531.246 Within-grade increases for GM employees.
- 531.247 Maximum payable rate rule for GM employees.

Subpart C [Reserved]

Subpart D—Within-Grade Increases

- 531.401 Principal authorities.
- 531.402 Employee coverage.
- 531.403 Definitions.
- 531.404 Earning within-grade increase.
- 531.405 Waiting periods for within-grade increase.
- 531.406 Creditable service.
- 531.407 Equivalent increase determinations.
- 531.408 [Reserved]
- 531.409 Acceptable level of competence determinations.
- 531.410 Reconsideration of a negative determination.
- 531.411 Continuing evaluation after withholding a within-grade increase.
- 531.412 Effective date of within-grade increase.
- 531.413 Reports and evaluation of within-grade increase authority.
- 531.414 Interim within-grade increase.

Subpart E—Quality Step Increases

- 531.501 Applicability.
- 531.502 Definitions.
- 531.503 Purpose of quality step increases.
- 531.504 Level of performance required for quality step increase.
- 531.505 Restrictions on granting quality step increases.
- 531.506 Effective date of a quality step increase.
- 531.507 Agency responsibilities.
- 531.508 Evaluation of quality step increase authority.

**Subpart F—Locality-Based Comparability
Payments**

- 531.601 Purpose.
- 531.602 Definitions.
- 531.603 Locality pay areas.
- 531.604 Determining an employee's locality rate.
- 531.605 Determining an employee's official worksite.
- 531.606 Maximum limits on locality rates.
- 531.607 Computing hourly, daily, weekly and biweekly locality rates.
- 531.608 Relationship of locality rates to other pay rates.
- 531.609 Adjusting or terminating locality rates.