

Directive

MRP 4531.1

3/25/13

SALARY RATE DETERMINATIONS

1. PURPOSE

This Directive establishes Marketing and Regulatory Programs (MRP) policy for determining rates of basic pay for employees in positions covered by the General Schedule (GS/GM) and the Prevailing Rate (WG/WL/WS) Systems.

2. RELACEMENT HIGHLIGHTS

This Directive replaces MRP Directive 4531.2, Highest Previous Rate, dated 02/15/01.

3. AUTHORITIES

This Directive supplements the following laws, rules, and regulations:

- a. Title 5, U. S. Code, Chapter 53;
- b. Title 5, Code of Federal Regulations (CFR), Parts 530, 531, 532, and 536; and
- c. The Office of Personnel Management's Federal Wage System – Appropriated Fund Operating Manual, found on the Internet at:
<http://www.opm.gov/oca/wage/appfund/>

4. POLICY

- a. It is MRP policy that employees' rate of basic pay will be set at the maximum rate permitted by law or regulation, except as noted below.
 - b. In addition to the prohibitions of 5 CFR 531.223 and Subchapter 8-3(e) of the Office of Personnel Management's Federal Wage System – Appropriated Fund
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Distribution: AMS, APHIS, GIPSA

Originating Office: HRD-HRPB

Operating Manual, the maximum rate payable or highest previous rate (HPR) will not be based on:

- (1) A demotion for cause (i.e., as a result of a performance or disciplinary action).
- (2) An appointment to a seasonal position initially filled under Schedule A appointments in the Excepted Service, under 5 CFR 213.3113 (f) (2), in the Cotton and Tobacco Program, Agricultural Marketing Service.
- (3) A voluntary demotion with no prospect of re-promotion within 120 days when the Program has established a written policy on how pay will be set (5 CFR 531.221(a) (2).
- (4) A voluntary demotion with prospects of re-promotion within 120 days.
- (5) A rate earned while on an on-call or as-needed (intermittent) work schedule.
- (6) Erroneous rates.

NOTE: Rates earned under a mixed tour schedule may be used only as HPR while an employee is assigned to either a full-time or part-time work schedule.

- c. Programs may establish additional written policy on the circumstances when HPR will be granted for voluntary demotions when the employee has no prospect of repromotion within 120 days. Copies must be provided to the Human Resources Division (HRD) - Servicing Personnel Office (SPO) and the Human Resources Policy Branch (HRPB) for posting on the web. If a Program has not established a written policy, the SPO will set an employee's pay at the maximum rate permitted by law or regulations. Typically, this will result in the granting of HPR.

The authority to establish policy on pay setting for voluntary demotions is delegated as follows:

AMS*	Administrator Associate Administrator Deputy Administrators
APHIS*	Administrator Associate Administrator Deputy Administrators
GIPSA*	Administrator Deputy Administrators

*This authority may not be re-delegated.

5. OPERATING GUIDELINES

- a. Additional information on determining rates of basic pay may be found in the Human Resources Desk Guide (HRDG), Subchapter 4531, Salary Rate Determinations. This Directive and HRDG Subchapter 4531 are available on the MRP Human Resources (MRP HR) home page at: <https://www.aphis.usda.gov/aphis/ourfocus/business-services/HRD> and on the Information Technology electronic library at https://www.aphis.usda.gov/aphis/resources/forms/ct_forms_+issuances_records_library_main and the AMS Administrative Issuances home page at <https://www.ams.usda.gov/about-ams/policies/ams-issuances>
- b. Before this policy may be implemented for employees in recognized bargaining units, agencies must discharge their bargaining obligations.

6. INQUIRIES

- a. Direct general inquiries on procedural matters to the SPO.
- b. Direct requests for policy interpretations on complex issues to the Pay, Leave and Tours of Duty Specialist, HRPB, HRD, MRP Business Services at 301-851-2910.

/s/

Marilyn L. Holland
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MRP Business Services

