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HRDG 4531 - Highest Previous Rate - Section D

Last Modified:

Subchapter 4531 - Highest Previous Rate

Section D - Federal Wage System (FWS) - Highest Previous Rate

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As stated in [MRP Directive 4531.1](#) (165.04 KB), Programs (e.g., Agricultural Marketing Service [AMS] Fruit & Vegetable Program; Animal and Plant Health Inspection Service [APHIS] Veterinary Services; Grain Inspection, Packers and Stockyards Administration [GIPSA] Packers and Stockyards Program), have the authority to establish written policy outlining:

Delegation of Authority

- The pay setting procedures HRD must follow when an employee takes a voluntary demotion with no prospects of repromotion within 120 days, and
- The managerial level with the delegated authority to utilize the policy.

Written policies must be provided to the 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 and provided a copy to the SPO, the SPO will set an employee's rate of basic pay at the maximum rate permitted by law or regulation. Typically, this will result in the granting of HPR.

GIPSA Exception: Approval to grant HPR is only delegated to the Administrator, the Deputy Administrators and Division Directors. This authority may not be further re-delegated.

Responsibilities

Managers/supervisors - In instances where the granting of HPR is optional and the Program has delegated the authority to managers and/or supervisors to make the determination, then managers/supervisors are responsible for notifying the SPO, in writing, of their determination. Negative determinations must include a justification.

Servicing Personnel Office - The SPO is responsible for setting pay in cases where HPR has been approved.

An employee's rate of basic pay will be set at the maximum rate permitted by law or regulation. HPR must be based on:

- A regular tour of duty under an appointment not limited to 90 days or less; or
- For a continuous period of not less than 90 days under one or more appointments without a break in service (Title 5 CFR 532.401).

Basis for Highest Previous Rate

At least 90 continuous days under one or more appointments means that the employee served continuously under more than one appointment for 90 calendar days or more. Examples include a 120-day temporary appointment, or a permanent career-conditional appointment, even if the employee actually worked only 90 days or less during that appointment.

HPR may not be based on a rate received for:

Exclusions

- An appointment as an expert or consultant under 5 USC 3109,
- A rate of basic pay established under 5 USC 5305, or

When a position or appointment change and entitlement to a higher rate of pay occur at the same time, the higher rate of pay is deemed an employee's existing rate of basic pay.

Simultaneous Actions

Simultaneous FWS pay setting actions with the same effective date have the following order of precedence for processing:

- Increase in rate of pay, and
- Any other individual pay actions are processed in the order that gives the employee the maximum benefit.

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