

Federal Prevailing Rate Advisory Committee

646th FPRAC

Janice R. Lachance, Chair, Presiding

Thursday, May 18, 2023

Virtual Meeting via Microsoft Teams

Office of Personnel Management

Washington, D.C. 20415

Attendance:

Members/Alternates:

Management Members:

Mark Allen, OPM
Christopher Lynch, DoD
Mandy Laughlin, Army
Sonja Loss, Navy
Ophelia Ann Vicks, VA

Labor Members:

Craig Norman, MTD
Jacqueline Simon, AFGE
Richard Loeb, AFGE
Felicia Neale, ACT

Staff Specialists and Visitors:

Brenda Roberts, Designated Federal Officer, OPM
Ana Paunoiu, OPM
Samantha Bono, OPM
Karl Fendt, DoD
Gary Kistner, DoD
Christine Wlezien, DoD
Erica Abiera, DoD
Jerry Dollente, DoD
JeeYoung Kang, Army
Brandon Anderson, Navy
Kimberly Eidson, Air Force
Sheila Willis, VA
Cynthia Bell, VA

Ralphele Reels, VA
Arleen Romba, VA
Paul O'Connor, MTD
Craig Norman, MTD
Jefferey Osborn, ACT
Nancy Keating, DHS
Jenelle Grier DHS
Derek Hughes, DHS
Gary Pugh, DHS
Drew Friedman, Federal News Network
Recording Secretary:
Mike Eicher, OPM
[Transcript prepared from digital audio produced by FPRAC.]

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I. Opening Announcements and Introductions

Chair Lachance: Thank you so much for being here, and I apologize for being a little bit late, but thank you for everyone's patience.

I want to welcome all of you to the 646th meeting of the Federal Prevailing Rate Advisory Committee. It is May 18th, and the time is now 10:02.

We are holding this meeting virtually, and we are going to record it, as we usually do. A verbatim transcript will be provided to all the members for review at the next meeting.

For those of you who don't know me yet, I'm Janice Lachance, and I have the privilege of chairing this committee.

So let's start with introductions, so that we can get attendance on record. I'm going to start with the Labor members. Metal Trades?

Mr. O'Connor: Paul O'Connor, IBEW and Metal Trades.

Chair Lachance: Thank you, Paul.

Mr. Norman: Craig Norman, Metal Trades.

Chair Lachance: Great. Thank you.

AFGE?

Ms. Simon: This is Jackie Simon, and I believe Richard Loeb is on too.

Chair Lachance: Nice to see you, Rich. Thank you.

NAGE?

[No audible response.]

Chair Lachance: Does not seem as though we have anyone from NAGE.

Let me move to the Management members, DoD?

Mr. Lynch: Hi. This is Chris Lynch.

Chair Lachance: Thank you, Chris.

Army?

Ms. Laughlin: Good morning. This is Mandy Laughlin and JeeYoung Kang is also on the line.

Chair Lachance: Great. Thank you, Mandy.

Navy?

Ms. Loss: Yes. Hi. Good morning, ma'am. This is Sonja Loss, and Brandon Anderson is on the phone.

Chair Lachance: Great. The VA?

Ms. Vicks: Good morning. This is Ann Vicks, and Sheila Willis is on the line as well.

Chair Lachance: Terrific. OPM?

Mr. Allen: Mark Allen with the OPM staff.

Chair Lachance: And I see Brenda Roberts has joined us as the Designated Federal Official under the Federal Advisory Committee Act. Welcome, Brenda.

For the staff who are attending, could you introduce yourselves as well so we have a record of who is here?

Ms. Paunoiu: Good morning. This is Ana Paunoiu, OPM.

Chair Lachance: Great.

Ms. Bono: This is Samantha Bono, OPM.

Mr. Eicher: Mike Eicher, OPM.

Chair Lachance: Thank you.

Any other staff from any of our agencies?

Mr. Reels: Ralphele Reels, VA.

Chair Lachance: Great. Thank you.

Ms. Bell: Cynthia Bell, VA.

Ms. Grier: Good morning. Jenelle Grier from DHS, OCHCO, and I also have Gary Pugh and Derek Hughes as well. Thank you.

Ms. Rumba: Good morning. This is Arleen Rumba from VHA.

Ms. Eidson: Good morning. This is Kimberly Eidson from Air Force.

Mr. Fendt: This is Karl Fendt from DoD, and we have a couple of Wage staff that we've shared with Ana earlier.

Chair Lachance: Great. Thank you. Thanks, everybody. Is there anyone else who hasn't been covered in any of the categories I've mentioned? Any other guests who have joined us today for the public meeting?

Mr. Osborn: Jeff Osborn, ACT.

Chair Lachance: Great.

Ms. Paunoiu: Janice, we also have Drew Friedman from the Federal News Network who's listening in.

Chair Lachance: Great. Thank you very much.

Mr. Allen: I believe you have a quorum for voting purposes if there's an item to vote on with ACT joining us.

Chair Lachance: Great. Good to know.

So let me first note that FPRAC held another working group meeting this morning, just before this one, to consider potential recommendations for reforms to the

Federal Wage System. We have no other announcements on the agenda this morning, but does anyone have any announcements that we may not have included or known about?

[No audible response.]

II. Review of the Minutes of the 644th Meeting

Chair Lachance: Hearing none, we can move to review the transcript of the last public meeting, which was held on April 20th of this year. Are there any changes that anyone wants to bring to our attention?

[No audible response.]

Chair Lachance: If not, is there any objection to adopting the transcript of the last meeting?

[No audible response.]

Mr. Allen: No objection.

Chair Lachance: Great. Hearing no objection, the transcript is adopted. Thank you all very much for your review.

III. Old Business

a. Letter from the American Federation of Government Employees, Dated September 6, 2018, Requesting FPRAC Review a Proposal to Not Allow Federal Wage System Wage Area Boundaries to Split General Schedule Locality Pay Areas and a Proposal to Redefine Monroe County, PA, from the Scranton-Wilkes-Barre, PA, Wage Area to the New York, NY, Wage Area, 620-AFGE-1

- Letter from the American Federation of Government Employees, Dated March 22, 2022, Requesting FPRAC Review a Proposal to Limit all Non-Rest of U.S. General Schedule Locality Pay Areas to no more than one Federal Wage System Wage Area and a Proposal to Redefine Monroe County, PA, from the Scranton-Wilkes-Barre, PA, Wage Area to the New York, NY, Wage Area, 637-AFGE-1
- 2022 Update to Review of Monroe County, Pennsylvania, 638-OPM-2
- Estimated 5-Year Cost Projection of Application of FPRAC Document 620-AFGE-1, 622-OPM-1
- Paper Pay Disparity at Tobyhanna Army Depot by Joseph P. Lynott Sr., 623-OC-2
- Email Message from Steven R. Kester in Support of the Proposal to Move Monroe County, PA, to the New York, NY, Wage Area, 623-OC-3
- Letters from Steven R. Kester Regarding the Pay Disparity Between FWS and GS Employees at Tobyhanna Army Depot, 627-OC-1 and 633-OC-1, 637-OC-2, 637-OC-3, 640-OC-1

- Employment Distribution at Tobyhanna Army Depot, 634-OPM-1, and 2022 Update to GS and FWS Employment Distribution at Tobyhanna Army Depot, 638-OPM-3
- Market Rates vs Schedule Rates for Electronics Mechanics (Series 2604) Tobyhanna Army Depot, 634-OPM-2, and 2022 to Market Rates vs Schedule Rates, 637-OPM-4

b. Letter from the American Federation of Government Employees, Dated September 3, 2019, Requesting FPRAC Recommend Redefining San Joaquin County, CA, from the Stockton, CA, Wage Area to the San Francisco, CA, Wage Area, 627-AFGE-1

- Review of San Joaquin County, California, 629-MGT-1

c. Letter from the National Association of Government Employees, Dated September 25, 2019, Requesting FPRAC Reexamine the Placement of Wage Grade Employees Working in the Salinas-Monterey, CA, Wage Area, 628-NAGE-1

- Review of the Salinas-Monterey, California, Federal Wage System Wage Area, 629-MGT-2
- Request for the abolishment of the Monterey/Salinas wage survey area, 632-NAGE-1, 636-NAGE-1, 641-NAGE-1, and 641-NAGE-2

d. Letter from the Association of Civilian Technicians, Dated November 9, 2019, Requesting FPRAC Consider Moving the Puerto Rico Wage Area into the Special Appropriated Fund Schedule for U.S. Insular Areas, 629-ACT-1

- 2016 Study by NOAA Describing the Ocean Economies of the U.S. Virgin Islands and Puerto Rico, 629-ACT-2
- Review of the Puerto Rico Federal Wage System Wage Area, 631-MGT-1
- Puerto Rico Wage Grade Adjustment 2020, 631-ACT-1
- Letter from the Association of Civilian Technicians Requesting FPRAC Delay the Vote on the ACT Puerto Rico Proposal until April/May 2021, 636-ACT-1

e. Email from the American Federation of Government Employees, Dated May 23, 2022, Requesting FPRAC Review a Proposal to Unify the WG schedules at the Federal Correctional Complex Butner, 639-AFGE-1

- Supporting Documentation submitted by Federal Correctional Complex Butner employees, 639-AFGE-2 through 639-AFGE-7
- Email from Federal Correctional Complex Butner FWS employees requesting an update on FPRAC Review of an AFGE Proposal to Unify the WG schedules at the Federal Correctional Complex Butner, 632-OC-2
- Additional Supporting Documentation submitted by Federal Correctional Complex Butner employees, 634-OC-3 through 634-OC-6
- Review of Durham and Granville Counties, North Carolina, 644-MGT-1

f. Email message from Ms. Kathleen Pagano regarding pay disparities at the Naval Facilities Engineering Systems Command Mid-Atlantic, Public Works Department, 643-OC-7

- Letter from Sen. Elizabeth Warren (D-MA), Sen. Edward J. Markey (D-MA), Sen. Jack Reed (D-RI), and Sen. Sheldon Whitehouse (D-RI) to OPM in support of the 2010 Federal Prevailing Rate Advisory Committee (FPRAC) recommendation to consolidate Federal Wage System (FWS) wage areas that lie within General Schedule (GS) locality pay areas, Dated February 19, 2020, 643-OC-8

g. Email from the American Federation of Government Employees, Dated February 13, 2023, Requesting FPRAC Review a Proposal to Redefine the Canyonlands National Park to the Southeastern Arizona FWS Wage Area, 645-AFGE-1

- Redefinition of Canyonlands National Park and review of Beaver, Emery, Garfield, Grand, Iron, Kane, Millard, Piute, San Juan, Sevier, Wayne, and Washington Counties, Utah, 645-MGT-1

h. North American Industry Classification System Based Federal Wage System Wage Surveys (2022 Update), 645-MGT-2

Chair Lachance: There are still items under Old Business on the agenda that will stay on the agenda while the working group considers the possibility of recommendations for FWS reform. So rather than read through all of those, is it still the committee's consensus that action on these items should be deferred for a time while the working group is meeting, or does anyone have any comment about any of the items this morning?

Mr. Allen: I believe we may be able to cover (g) and (h).

Mr. Loeb: Thank you. I was about to say, I hope we're able to address item Roman numeral III (g).

Chair Lachance: Great. Let me go to that which is maybe coming up next. If not, we can turn to it. At the April 20th meeting, we did introduce two items, one of which Rich just referred to. They are now listed under Old Business since some members really wanted to take a closer look at this. So under FPRAC document 645-AFGE-1, we have an email from the American Federation of Government Employees dated February 13th, 2023, requesting FPRAC review of a proposal to redefine the Canyonlands National Park to the Southeastern Arizona FWS wage area, and then we have FPRAC document 645-MGT-1, which is a proposal to redefine the Canyonlands National Park and a review of several counties in southern Utah.

I know everyone had wanted to double-check because of the complexity of the geography in that area and make sure that this motion and this action covered everything that needed to be covered. Was everybody able to take a look at that who wanted to, and are there questions or comments about the proposal?

Mr. Loeb: I reviewed it and reviewed it with the people who suggested it to us, and we were all quite confident with the proposal that was put forth. We just wanted to take—we wanted to just give the people who brought us the suggestion, a chance to look it over before voting. That's the only reason for the delay.

Chair Lachance: That is just fine. It is not a delay if we are working to get things right.

Any other questions or comments?

[No audible response.]

Chair Lachance: Great. Are we ready to adopt the Management proposal? Any further discussion?

[No audible response.]

Chair Lachance: Can we do a show of hands, or can be this be done by consensus since we had extensive conversation about it the last time?

Mr. Allen: Yes, it can be adopted just by consensus.

Chair Lachance: It can be.

Are there any objections to a consensus approval of this proposal?

[No audible response.]

Chair Lachance: Good. Silence is golden. The proposal is approved.
Congratulations, everybody.

Mr. Allen: As I say, the next step for this would be similar to what we did with Shenandoah National Park, which is to proceed to recommend to Director Ahuja to issue a proposed regulation followed by a final regulation. Probably within the time frame, maybe after six months, this will be completed. It's not something that happens immediately, but we'll move as fast as we can on the regulatory changes.

Chair Lachance: Great. Thank you so much, Mark.

And also, under Old Business, we have 645-MGT-2, which is the 2022 update to the North American Industry Classification System, fondly known as NAICS, which will be the basis of the Federal Wage System wage surveys.

We had some discussion about this the last time. People, I think, wanted to take a look, make sure they were comfortable with it, dig into it a bit. Did any other questions arise, or does anybody have comments on this?

[No audible response.]

Chair Lachance: Hearing none, are we ready to adopt the 2022 updates to NAICS? Can we do that by consensus as well? Is there any objection to proceeding by consensus?

[No audible response.]

Chair Lachance: If not, we have adopted the 2022 updates to NAICS. Thank you so much everybody.

We're now turning to the committee's New Business items. Under FPRAC document 646-MGT-1—

Mr. O'Connor: I'm sorry. This is Paul O'Connor. I couldn't hit my mic button fast enough.

Chair Lachance: Okay.

Mr. O'Connor: When we vote to support a change, are we voting to create the change or to recommend OPM to create the change?

Mr. Allen: It's a recommendation.

Mr. O'Connor: Okay. Just wanted to make sure. Thank you.

Chair Lachance: Sure.

Mr. Allen: Whenever OPM would implement, there'd be another chance for public comment for regulation.

Mr. O'Connor: Of course. Thanks.

Chair Lachance: Great. Anyone else whose mute button was uncooperative?

[No audible response.]

IV. New Business

a. Abolishment of the Allegheny, Pennsylvania, Nonappropriated Fund Federal Wage System Wage Area, 646-MGT-1

- Department of Veterans Affairs' Assessment of the Management Proposal to Abolish the Allegheny, Pennsylvania, Nonappropriated Fund Federal Wage System Wage Area, 646-VA-1

Chair Lachance: All right. So we are now going to turn to the New Business items. If you will refer to FPRAC document 646-MGT-1. We have a Management proposal to abolish the Allegheny, Pennsylvania, NAF wage area, and under FPRAC document 646-VA-1, we have an assessment of this proposal from the VA, who will primarily be most impacted by this action.

Mark, do you want to introduce the proposal and then perhaps the VA can speak to it as well?

Mr. Allen: Sure. As occasionally happens with non-appropriated fund wage areas, there's a newly established location that needs to be added to a current survey area, or there are wage areas that are defined separately that no longer have the capability for conducting local wage surveys. This is essentially what's happened with the non-appropriated fund survey area that covers Pittsburgh.

The Department of Defense requested that the Allegheny wage area be abolished because they can no longer do wage surveys there.

The Management members agreed with that recommendation. Under 646-MGT-1, the recommendation is to abolish the Allegheny, Pennsylvania, wage area. There are a number of outlying area of application counties. Ana, if you put the map up that shows the current wage area definition for Allegheny—

Okay. That's the current definition of the wage area. What the Management members are recommending here is that Cuyahoga County, Ohio, be redefined as an area of application for the Macomb, Michigan, wage area; Trumbull County, Ohio, be defined to Niagara, New York; Allegheny and Butler be defined to Cumberland, Pennsylvania; Harrison County, West Virginia, be defined to Prince William, Virginia; and remove Westmoreland County, Pennsylvania, because there are no Federal Wage System employees there.

The impact on employee wages in this case will be none because of the \$15-an-hour minimum rate policy. The wage schedules are the same between what people are currently paid in the Allegheny, Pennsylvania, NAF wage area and what people would be paid when they're moved to different wage areas.

The criterion that we considered, in this case, is proximity. I do acknowledge that the definitions of some of these counties are going to be pretty far removed from where a survey area is, because there's no longer a capability to do the wage surveys in Allegheny County that's driving the need to make this decision to have the wage area abolished and have the counties that are remaining to have Federal Wage System employment defined to an appropriate survey area.

Chair Lachance: Are there any comments or questions about this?

Ms. Simon: I have my hand up for questions.

Chair Lachance: I'm very sorry. When the maps are up, it's hard to see, so please. Thank you for speaking up. Happy to recognize you, Jacque.

Ms. Simon: Oh, now you took the map away.

Chair Lachance: Oh, okay. Get the map back up.

Ms. Simon: Okay. These are discontinuous borders for this wage area?

Mr. Allen: Yes. The law specifies for non-appropriated fund areas that they can only be defined where employees under the NAF system actually work.

Ms. Simon: Oh, this is NAF. Okay.

Mr. Allen: Yes.

Ms. Simon: So the rationale is partly because there are too few employees and because you don't have any—you can't find anybody to survey. Is that the rationale?

Mr. Allen: Yes. The case here is that there are not enough wage employees in any of these counties to continue having a separate wage survey for them.

Ms. Simon: What does the appropriated fund wage area look like?

Mr. Allen: The appropriated fund wage area, there would be a separate Pittsburgh wage area, a separate Cleveland area, and a separate West Virginia wage area.

Ms. Simon: I was going to say, there's lots of wage grade employees in these counties. I guess just not NAF. All right. Thank you.

Chair Lachance: Any other comments or questions?

[No audible response.]

Chair Lachance: VA, did you want to have a comment on this? I'm happy if you don't but want to give you the opportunity.

Ms. Willis: I think we have Ms. Cindy Bell, who is one of our staff members, on the call. She'll give a few notes for the group. Cindy, over to you.

Ms. Bell: Thank you, Sheila.

Good morning. So when we did the assessment on this, we didn't find that there would be a negative impact to the employees that we have in those areas. We did, however, not have an accurate assessment of the number of employees that would be impacted. I don't believe the number was significant. The report had listed that there were 13. We did find a slightly higher number of employees impacted, but with that aside, without the negative impact, we really didn't have any concerns from our end.

Chair Lachance: That's helpful.

Is this something we can move by consensus? Is there any objection to moving this by consensus?

[No audible response.]

Chair Lachance: Hearing none, this proposal is adopted. Thank you all very much for that.

There are no other items under New Business. Is there anything anyone wants to raise, or do any of our guests have comments that they'd like the committee to hear?

Mr. Allen: I did have one thing that we didn't get to in our working group meeting, and that's that we were providing a couple of FYI copies of post installation documents. We don't have those placed on the agenda, but since the members of the working group got those lists, I just wanted to let everybody know that we, the OPM staff, plan to update the appropriated fund and non-appropriated fund operating manuals with those new listings of post installations. The thing that is prompting us to do these at this time

is there have been a number of changes in the names of military installations, such as Fort Hood becoming Fort Cavazos. There will be no change in how the wage surveys are done or anything, it's just documenting and keeping the host installation listings up to date.

Chair Lachance: Thanks, Mark. I did see that fine print.

Hearing no further comments, we could adjourn at this point. Is there anyone opposed to the meeting being adjourned?

Mr. O'Connor: I just have a thought. If we're going to do these meetings, the working group and the public meeting, back-to-back, I would suggest that we flip them and do the working group meeting after in case we—like we did this time, came up with the—we reached the hour limit, and it was a hard stop. So the conversations ended.

Chair Lachance: That's a great suggestion. Let's see if we can't make that work with everybody's busy schedules.

Mr. O'Connor: That's my idea. If anybody's supposed to it, I'm certainly open to talk about it.

Chair Lachance: I don't think anybody's opposed. We just want to be sure we get as many people involved as possible, but you make a great point, and we'll strive for that going forward for sure.

Mr. O'Connor: Thanks.

Chair Lachance: And maybe even with a little break in between. Wouldn't that be a luxury—

Mr. O'Connor: Yes.

Chair Lachance: —instead of making—dial all these different numbers?

Is there any objection to adjourning, or does anyone else have any further comments?

[No audible response.]

Chair Lachance: Thank you, everybody. This meeting is adjourned officially.