

# Federal Prevailing Rate Advisory Committee 648th FPRAC

Janice R. Lachance, Chair, Presiding

Thursday, October 19, 2023

Virtual Meeting via Microsoft Teams  
Office of Personnel Management  
Washington, D.C. 20415

## Attendance:

### Members/Alternates:

#### Management Members:

Mark Allen, OPM  
Nancy Anderson Speight, DoD  
Mandy Laughlin, Army  
Catherine Anders, Navy  
Ann Vicks, VA

#### Labor Members:

Jacqueline Simon, AFGE  
Daniel Horowitz, AFGE  
Paul O'Connor, Metal Trades  
Felicia Neale, ACT

### Staff Specialists and Visitors:

Brenda Roberts, Designated Federal Officer, OPM  
Ana Paunoiu, OPM  
Samantha Bono, OPM  
Christopher Lynch, DoD  
Karl Fendt, DoD  
Gary Kistner, DoD  
Daniel Hester, DoD  
Tiawanna Smith, DoD  
Kieu Nguyen, DoD  
Erica Abiera, DoD  
Charles Arnold, DoD  
Dawna Powell, DoD  
Christine Wlezien, DoD  
Larry Snow, DoD  
Jerry Dollente, DoD

Sarah Short, DoD  
Ricky Recaido, DoD  
Angelica Novegil, DoD  
JeeYoung Kang, Army  
Brandon Anderson, Navy  
Kimberly Eidson, Air Force  
Sheila Willis, VA  
Cynthia Bell, VA  
Ralph Reels, VA  
Keyonna Butler, VA  
Jeremy Tisdale, Butner Federal Prison  
Dan Pullium, Naval Support Activity Monterey  
Recording Secretary:  
Mike Eicher, OPM  
[Transcript prepared from digital audio produced by FPRAC.]

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## I. Opening Announcements and Introductions

Chair Lachance: I want to welcome everyone to the 648th meeting of the Federal Prevailing Rate Advisory Committee. Today is October 19th, and we're now at 10:02 and are ready to start the meeting.

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

My name is Janice Lachance. It's great to be here, and I chair this committee. So let's start with introductions and attendance, so we've got them on the record. We're going to start with the Labor members. Metal Trades.

Mr. O'Connor: Paul O'Connor is here.

Chair Lachance: Thank you, Paul.

Mr. O'Connor: You're welcome.

Chair Lachance: AFGE.

Ms. Simon: This is—Jacque Simon is here, and Daniel?

Mr. Horowitz: Daniel Horowitz. Alternate member sitting in today for AFGE.

Chair Lachance: Great. Welcome. NAGE.

[No audible response.]

Chair Lachance: ACT.

[No audible response.]

Chair Lachance: We'll move to the agency representatives. OPM.

Mr. Allen: This is Mark Allen for the OPM staff.

Chair Lachance: Department of Defense.

Ms. Speight: This is Nancy Speight, and I'm with Chris Lynch.

Chair Lachance: Great. Army.

Ms. Laughlin: Good morning. Good morning. Mandy Laughlin, Army.

Chair Lachance: Navy.

[No audible response.]

Chair Lachance: And the VA. Oh, sorry, did we have a Navy?

Ms. Anders: Navy's here. Catherine Anders and Brandon Anderson.

Chair Lachance: Great, thank you. And the VA.

Ms. Vicks: Good morning. Ann Vicks and Sheila Willis.

Chair Lachance: Great. Great to see you all. And Brenda Roberts has joined us. She's here as the Designated Federal Official under the Federal Advisory Committee Act, and if there are any staff who are attending, could you introduce yourselves now if you haven't already been mentioned?

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

Ms. Bono: Samantha Bono, OPM.

Mr. Eicher: Mike Eicher, OPM.

Mr. Fendt: Karl Fendt, DoD.

Mr. Kistner: Gary Kistner, DoD.

Ms. Bell: Cynthia Bell, VA.

Mr. Reels: Ralph Reels, VA.

Ms. Eidson: Kimberly Eidson, Air Force.

Attendee: [Unclear.]

Mr. Tisdale: Jeremy Tisdale, Butner Federal Prison.

Mr. Hester: Daniel Hester, DoD.

Ms. Smith: Tiawanna Smith, DoD.

Chair Lachance: Great. And I know we have some observers and some guests with us. Do you want to introduce yourselves so we can get you on the record?

LCDR Pullium: I'm Lieutenant Commander Dan Pullium, Public Works Officer for Naval Support Activity Monterey.

Chair Lachance: Thank you, Lieutenant Commander.

Ms. Kang: Good morning. This is JeeYoung Kang from Army.

Attendee: [Unclear]—DoD.

Ms. Abiera: Hi. This is Erica Abiera with DoD.

Ms. Nguyen: Good morning. Kieu Nguyen with DoD.

Chair Lachance: And I know we have our colleague from Butner on.

Mr. Tisdale: Yes, ma'am. Jeremy Tisdale.

Chair Lachance: Thank you.

Okay. If that's everyone, thank you all for being here.

I do want to note before we launch into this public meeting that FPRAC held another working group meeting on September 21st to consider potential recommendations for reforms to the FWS, and an update regarding the working group and its discussions will be presented later today.

So we have no announcements on the agenda this morning, but does anyone have any announcements that are not on the agenda?

[No audible response.]

## II. Review of the Minutes of the 647th Meeting

Chair Lachance: Okay. Well, we can move then to review the transcript of the

last public meeting, which was held on July 20th, 2023. Are there any changes that anyone wants to bring to our attention? Did you all take a look at the transcript, and did anything jump out at you that we should change?

[No audible response.]

Chair Lachance: So if there are none, is there any objection to adopting the transcript of the last meeting?

[No audible response.]

Chair Lachance: Okay. Without objection, the transcript is adopted.

### 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 and 637-OC-2
- Letters from Steven R. Kester Regarding the Pay Disparity Between FWS and GS Employees at Tobyhanna Army Depot, 627-OC-1, 633-OC-1, and 637-OC-2
- 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 Update to Market vs Schedule, 638-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
- Letter from FWS Employees in the Salinas-Monterey FWS Wage Area Requesting FPRAC Reexamine the Placement of Wage Grade Employees Working in the Salinas-Monterey, CA, Wage Area, 644-NAGE-1

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, 643-OC-2
- Additional Supporting Documentation submitted by Federal Correctional Complex Butner employees, 643-OC-3 through 643-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

Chair Lachance: There are still items under the Old Business agenda items that remain on the agenda, and rather than reading through all of them, should we instead

move to the two items under New Business? And if there are any questions or comments about the Old Business we can circle back to those.

[No audible response.]

Chair Lachance: Well, I'm not hearing any objections to that.

Mark, did you have a comment?

Mr. Allen: No. I was going to say I'm fine with moving forward to the New Business item because that directly addresses most of the Old Business items.

Chair Lachance: That's a great point. Thank you, Mark.

#### IV. New Business

- a. Working Group Discussion Draft on Wage Area Regulatory Criteria (5 CFR 532.211), 648-OPM-1
- b. Letter from Sen. John Fetterman in Support of the Proposal to Move Monroe County, PA, to the New York, NY, Wage Area, 648-OC-1

Chair Lachance: So given that, would you like to give us a summary of the last working group meeting and introduce the first item under New Business, 648-OPM-1.

Mr. Allen: Sure. I just wanted to double-check and see if anybody from NAGE or ACT has been able to join us?

[No audible response.]

Mr. Allen: And my reason for asking is if we were going to vote on an issue this morning, we would need to have a quorum for voting purposes. We have a quorum for conducting business. So if we don't have anybody from ACT or NAGE on, we can still conduct business and discuss what we need to discuss, possibly have an agreement in

principle and then follow up with the members who couldn't be here, and then have an agreement at whenever the next meeting is, which is currently in November. But having said that, I'm not going to belabor that issue.

I'm just going to get started with my explanation of how we got to where we're at currently with the review of how the GS system and how the Federal Wage System operate, and so the issue of GS and FWS pay area boundaries has been discussed very many times since locality pay was established in 1994, and the GS system for the first time got its own nationwide system of making distinctions in pay based on location.

After 1994, the committee of the FPRAC started hearing increasing numbers of complaints from employees that there were more than one wage area within a GS locality pay area. Other basic equity concerns were raised and discussed over the course of the years.

Since around 2007, FPRAC has been discussing this matter in great and exhausted detail without coming to a resolution. In House Report 117-79 in 2022, which was attached to the NDAA, Congress encouraged OPM to explore limiting the number of local wage areas defined within a GS pay area to a single wage area. So that's the prompt that put us in a position at the committee where we took a renewed focus on these issues to see if there could be some way that the OPM could address the congressional interests and the employee interest in these issues where, in some cases, there are five wage areas within a single GS locality pay area boundary.

So when the chair came on board last year, soon after that, FPRAC established a new working group to study how it could be possible administratively to address the concern that was raised in House Report 117-79. There are a number of other issues

that the working group agreed to discuss, basically a top-to-bottom review of the Federal Wage System.

One of the first—or the major thing that the working group so far has recommended and FPRAC recommended to the Director of OPM was that there should be a recommendation that OPM should pursue requesting the elimination of the annual cap on wage schedule adjustments.

Subsequent to that, I would just place in the President's budget plan for FY 2024, the administration would be taking that into consideration and looking at it for future action.

As far as the reviews of wage areas go, I'd like to thank everybody for bearing with the OPM staff over the last year, basically, and reading through the exhaustive work that the OPM staff has put together to attempt to help the members understand how wage areas are constructed and have been constructed historically, as well as how the GS locality pay areas have been constructed administratively and then through regulation.

And at the September working group meeting, the OPM staff—that's me—suggested that enough information existed to begin discussions at a public meeting of what it would take to make administrative changes along the lines of what the House reported, suggested that OPM explore. So the regulations would lead to there being only one wage area within each GS locality pay area. That's excluding the rest of U.S. locality pay area.

So basically, OPM document 648-OPM-1 is the first step towards consideration of possible changes to the regulatory criteria that, in my view, it would need to be made

in order for there to be only one GS—one wage area within a GS locality pay area.

At this time, the document is for discussion among committee members. It doesn't state that it's a proposal necessarily, but it's for everybody on the committee to absorb and share your own points of view with what the regulatory criteria, draft changes would do.

So the technical intent of the revisions as drafted to 5-CFR-532.211 is to combine the local commuting pattern methodology that's the primary factor used for defining GS locality pay area boundaries along with metropolitan area definitions into the existing methodology that's used for how the Federal Wage System is operated. And I will note there that the Federal Wage System criteria have remained almost entirely intact since around 1993, so 30 years without being revisited and changed.

So under the GS system, there's a technical term that's used for how journey-to-work data or analyzed or commuting data. That's employment interchange, which is a statistical standard measure that shows the degree of economic integration between geographic locations. So that could be from county to county. It could be MSA to MSA. It could be CSA to CSA.

Under the General Schedule system, since the very beginning of it, they've used CSA definitions—or the name has changed over the years, but it's basically a larger metropolitan area definition than has been included in the Federal Wage System regulations.

So in the last working group meeting, we, the OPM staff, presented about a five-inch stack of documents that showed that changing the criteria used in the Federal Wage System from using MSAs to using CSAs would still leave more than one wage

area within a GS locality pay area boundary.

So what the draft changes to 5 CFR 532.211 are basically indicating that the only way to get to the point where there only be one wage area within a GS locality pay area is to adopt the main criterion that's used for the GS area, which is looking at the commuting patterns in a different way than has been traditionally done with a Federal Wage System, and that's using the employment interchange rather than what we usually call out commuting.

So I'll go over what those changes are briefly, but I believe that the revisions would address the congressional interest expressed in the House report language, but I would welcome any discussion from any of the members.

So I'll run through the 648-OPM-1 document. So it starts out with—and this is a factor that I was pointing to, that, the language is actually very old language. The regulatory criteria as they're currently structured—and this goes back way back to the 1970s, early 1970s, is their only really criteria specifically there for establishing wage areas. So what we're suggesting here is that it's not just establishing the areas. It's establishing and maintaining the areas within the regulations.

So the A1 refers to a survey area definition, and one thing we've added there is similar geographic entities. And what that's really referring to is that every now and then, some states will change what they call their geographic coverage for things like counties. So we're putting an all-encompassing wording in there. The thing driving this is Connecticut recently changed from "counties" to a different term.

So another new section here would be survey areas are established and maintained where there are a minimum of 100 or more wage employees subject to a

regular wage schedule, and those employees are located close to concentrations of private-sector employment such as [unclear] and this is a change here such found in a combined statistical area or a metropolitan area. So because combined areas are larger than MSAs, this would make wage area boundaries larger than they currently are.

So [unclear] survey areas would be in A2. Again, we add similar geographic entities to that, and here's where we incorporate the GS methodology for defining locality pay area boundaries into the existing Federal Wage System criteria. So it says through consideration, the criteria, including local commuting patterns, such as employment interchange measures, distance, transportation facilities, geographic features, similarities in overall population, employment, and the kinds and sizes of private industrial establishment, and other factors relevant to the process of determining and establishing rates of pay for wage employees at prevailing wage levels.

So my intent of putting that last clause in there is that for many, many years now, the FPRAC has had a practice of also acknowledging if there are two establishments within the same agency and there's movement back and forth, basically a shared workforce between those, those places, such as a VA medical center with an outpatient clinic, that the committee can consider or may consider that those two places have such a linkage that they should be in the same wage area, or a national forest or a national park, but we've always done this, but at FPRAC, it's just we haven't explicitly said it in the regulations. So I wanted to capture that in the regulations so that we have something to base the changes in wage area definitions on. And Shenandoah National Park is one of these things that came up recently as well as the National Parks, the national monuments in Southern Utah. So no real change there other than putting—it's



basically updating the regulatory language.

In B, again, we switch over to using CSAs as well as MSAs.

And then in C, add the word there "and maintained," so "established and maintained."

The intent for these regulations—and we've discussed this in exhaustive detail in the working group sessions—is that we're removing the language that currently exists where it would say that an entire MSA should be surveyed because the committee has not followed that practice since probably mid-1990s. So currently, most of the wage areas don't have survey areas that cover an entire MSA, because MSAs got bigger over time. So basically, this could be subject to further discussion at the committee on a wage area by wage area basis, but my understanding of the goals from the working group is that survey areas should not be expanded outside the areas that are currently surveyed unless there are 100 or more Federal Wage System employees in a county. And that 100 figure goes way back to an early 1980s GAO study which said that for prevailing rate purposes, if a county has 100 or more wage employees in it, then it should be part of the survey area. So again, it's not really changing anything, but it's documenting the way that FPRAC has always worked. So just the rest remains the same under C.

We go to D, and under D, we replicate the language that's used earlier for combining adjacent areas. So it would consider local commuting patterns again, such as employment interchange measures, and then the regular Federal Wage System criteria.

And E and F would not change. Section F, there is something that the committee

recommended several years ago because of Joint Base McGuire-Dix-Lakehurst being split between two separate wage areas. So we addressed that problem with a regulatory change administratively.

So open the floor to feedback, discussion.

Chair Lachance: Questions? Comments?

Mr. Tisdale: Yes, I do have a question. So if I understood him where he said that OPM is not—or the committee is not keeping up with the surveys of the areas? I thought that was the lead agency, the DoD's—if they're—if they're recognizing the lead agency, the DoD is the one that does the surveys and keeps them. I thought that's what's been going on for the past 20 years, that the surveys were being done.

Mr. Allen: I'm sorry to break in there. I would suggest that since this issue that you're raising is for Butner and it's not really subject for this this part of the meeting, if it's okay with you, could you hold your questions until after we've discussed this issue?

Mr. Tisdale: No problem.

Chair Lachance: Okay. Jacque, you have your hand raised?

Ms. Simon: Yeah. Thank you, Mark and Janice. I think all of us have had a chance to look at the proposed changes to the regulation, and the question remained, what would implementation look like? And regarding that, I just sent an email a few minutes ago to everybody on the normal FPRAC email list with a motion that I'd like to make, but I really want to make sure everyone appreciates the fact that this was absolutely a joint project between the Labor side and DoD. And I want to give Nancy Speight full credit for working collaboratively with us to develop this proposal.

And so I don't know if everybody can open their email, if everybody's even gotten

it, but I'd like to read the proposed motion, if that's okay.

Chair Lachance: Yes, go ahead.

Ms. Simon: Okay. I mean, it's hard to do this on a Teams thing, you know—

Chair Lachance: Yeah.

Ms. Simon: —because we don't have a screen. But anyway, it says, "In order to comply with the NDAA, the 2022 report language regarding the Federal Wage System, FPRAC recommends the following: All parties agree to the goal of closely aligning the boundaries utilized by the General Schedule system and the Federal Wage System. To that end, the Department of Defense will conduct and complete an implementation study within 60 days of October 19, 2023, of the proposed changes of the criteria to be used by FWS to draw wage boundaries." I know it's a long sentence, but we all understand it. "Upon the completion of the study, FPRAC will recommend to the OPM Director regulatory changes to achieve this alignment. OPM will draft and issue proposed regulations to implement the regulatory changes within 60 days following the recommendation."

Chair Lachance: And the language did pop up on the screen.

Ms. Simon: Oh.

Chair Lachance: I think that's Ana. So thank you, Ana, for doing that for those of you who want to take a look at the language.

Ms. Simon: I believe, just incidentally, Felicia Neale from ACT has joined.

Felicia, are you on?

[No audible response.]

Ms. Simon: She was teaching a class, and she said she was going to step out

and join so that we'd have a forum.

Ms. Neale: Yes, I'm online.

Ms. Simon: Oh, great. Wonderful. Thank you.

Chair Lachance: That's great. Has anyone—you got it in an email. Does anyone have any comments? We should open a discussion about the motion at this point. First of all, is there a second?

Ms. Speight: This is Nancy Speight. I'd like to add to something.

Chair Lachance: Of course, Nancy.

Ms. Speight: We are inviting OPM and the Federal unions to participate in this study.

Chair Lachance: Oh, that's great. Yeah. I was going to actually make a recommendation that the language say that the Department of Defense working with the OPM staff, but if that's the intent, Nancy, then I won't change the language, to keep it simple and straightforward, but I do appreciate the fact that this implementation study will have the input from a lot of the experts.

Ms. Speight: Now, keep in mind, we're on a 60- day deadline. If my team can vouch for this, we got to the \$15 an hour in 60 days. They worked their tail off. So if we can do this, everybody's going to join the club. Okay?

Chair Lachance: Well, that's an honorable club to be in. Thank you for inviting everybody.

And I'm looking at the OPM staff. They look ready to roll, right?

Mr. Allen: Yeah. I'll just note that the working group has already done an enormous amount of work to get us to this point.

Chair Lachance: Yes.

Mr. Allen: So there's still a lot of work to do, but we work very well with Karl, his staff, and other people with DoD and VA, and so we're ready.

Ms. Simon: Okay. You know, within 60 days, you could finish it in a week or two and nobody would object.

[Laughter.]

Ms. Speight: We're counting on it. We're hoping there's no furlough, but I don't know how that's going to count.

Chair Lachance: Well, let's—yeah.

Ms. Speight: Cross that bridge when we come to it.

Chair Lachance: Yeah. I'd actually like to say let's jump off that bridge when we come to it. But let's hope it doesn't come to that. I agree. It sounds like everybody is really willing to roll up their sleeves, use the work that's already been done as maybe a head start, and I know it's going to be—I know 60 days is quick. It's going to take a lot of effort, and I know as chair, I'm extremely grateful for everyone's commitment.

I would like a second for the motion, though, so that we can have an official conversation about it. Nancy, will you second?

Ms. Speight: Oh, yeah, I'll second.

Chair Lachance: Okay, thanks. Any further discussion, thoughts, questions? We have all the parties on this call who will be involved in this, so now's the time to really think about any thoughts or observations that you have.

Ms. Simon: Well, OPM staff has said they're willing to get right to work. DoD staff has said they're willing to get right to work. If there's anything AFGE can do to help

facilitate this and move it along, we're just as willing to get to work and participate as needed. We're very eager to help.

Chair Lachance: That's great. Well, we are actually living the vision of FPRAC, right? A Labor-Management partnership that works by consensus. This is really terrific.

Are we ready then—oh, Paul, you've raised your hand.

Mr. O'Connor: Yeah, I raised my hand. I just wanted to clarify that the purpose of this motion is to align as best as possible the Federal Wage System wage areas with the GS system areas. Is that what we're talking about doing?

Mr. Allen: Yeah. Paul, that was my intent with the changes to the regulatory language, just want to make that absolutely clear that the idea there is that the end result would be that there would only be one wage area within a GS locality pay area, except for the rest of the U.S. And there are a couple of other situations the working group talked about with things like Imperial County. But we could talk about that more in more depth as part of the implementation plan.

Mr. O'Connor: If there are discrepancies between the two wage areas, are we saying that the GS areas will remain static and the wage areas, the federal wage areas will be incorporated into similar GS areas, or could the GS areas change to fit in with some wage areas?

Mr. Allen: So the approach we took with the working group documents is that OMB provided new metropolitan area definitions back in July, and FPRAC's practice has always been to use those new definitions. They haven't changed very much. Minor things have changed.

The GS area definitions are proposed to change pretty substantially in January

2024. OPM published proposed regulations which are in the process of being finalized at this point. So we would be using the locality pay area boundaries as they would be proposed for January 2024.

But to answer your question, Paul, the GS areas may change independently at some point in the future from how the wage areas work, and then if that does happen, FPRAC will take a look at that again and marry those back up and fix any issues we see. I'm not anticipating, given the number of changes to the GS areas that will take place in January, that we'd be making many—very many changes in the future for how the wage areas would look. But there would be a lot of changes definitely in how the wage areas are constructed.

Mr. O'Connor: Okay. I look at this motion, and it sounds really good to me. The Metal Trades will certainly support working with this language moving forward, any way we can.

And I like the idea of working together in Labor and Management. You know, it's kind of my thing. I prefer to work that way. It's always better that way, and if we can actually accomplish something that way at this level, that would be really important for Congress to see.

Chair Lachance: That's a great point.

Mr. O'Connor: For everybody to see, I mean.

Ms. Speight: I think for DoD, it would be a lesson.

Chair Lachance: Nancy, you had your hand up. Was that a legacy hand, or did you have another comment?

Ms. Speight: I had a comment, but I can't remember exactly what it is. But I do

want to mention two things. I have a question on the language, which is probably minor, so we'll go back to that in a second of the proposal that Mark went through.

But the intent here is that AFGE and I worked on this morning was to allow us time to make sure we put out any potential fires, address any potential—Jacque, how would you word it? We don't want to get ourselves into a situation where more people lose than gain, or we lose the sight of the law and the integrity behind it.

Ms. Simon: Yeah. I just think once we see how this is going to play out and what the implications will be, FPRAC will have ongoing work to do because anomalies arise, just like anomalies arise with the GS system. And that's what the Federal Salary Council busies itself with. But you have a new framework, and that's where we're headed for a new framework.

Ms. Speight: Yeah. And we're committed to working very hard to—obviously, they're going to have to be working very hard to get this done. But notice also OPM, we're holding you to the line if we get this through and everybody agrees to getting those regulations done.

Mr. Allen: Yeah. I would say we're—like my staff are very adept at writing regulations for wage area boundary issues. We do a lot of those.

Ms. Speight: Well, we want them— everybody wants this done before the next election. Is that correct, Jacque?

Ms. Simon: I wasn't going to say that, but yes I would like that to happen.

Ms. Speight: Well, I can be blunt.

Mr. O'Connor: I concur.

Chair Lachance: Yeah. I think as soon as possible so that it doesn't get tangled



up in that process of democracy that we're going to exercise next year.

Ms. Speight: I'd like my fellow military services to let me know if you have a problem with this, because we haven't had a chance to discuss it—and VA, since you're our partners, if you don't mind.

Ms. Vicks: VA is in support of this motion. Thank you.

Chair Lachance: That's great. Thank you.

Ms. Laughlin: Hi, Nancy. This is Mandy.

Chair Lachance: Go ahead, Mandy.

Ms. Laughlin: We are in support of that as well.

Ms. Speight: Thank you so much. Appreciate it, Mandy. I think it's a great opportunity for all of us to work together and look at it from a fresh direction, keeping in mind the intent. So thank you. I know Navy is on the line and so is—but Air Force is not. Is that correct?

Chair Lachance: Navy, any thoughts from you? Catherine?

Ms. Anders: Hello. Department of Navy is also in support of this plan.

Ms. Eidson: Air Force is online also, and we are in support.

Ms. Speight: Okay, super.

Ms. Neale: And—

Ms. Speight: I'm sorry. Go ahead? Who was that?

Ms. Neale: Oh, this was Felicia from ACT. We're also in support.

Chair Lachance: Oh, great. It's great to hear from you.

Ms. Eidson: I don't know if I was on mute or not. This is Kim from Air Force. We're in support.

Ms. Speight: Okay. Thank you. We will—our team will be in touch with you—or all of you, to make sure if you—see if you want to be on this working group, which the larger it gets, the longer it's going to take. Keep in mind, everybody. But we will do it.

Chair Lachance: There we go. Well, we've had this great discussion, and I haven't heard anyone in opposition. Can we move forward in consensus with the language of this motion without needing a vote? If there's any objections at all, speak now—yeah, Jacque.

Ms. Simon: Mark, the fact that ACT joined, do we now have a quorum for voting?

Mr. Allen: Yes.

Ms. Simon: Why don't we vote, just to make it official.

Chair Lachance: All right. We can do that.

Ms. Simon: So it's been moved and seconded, and it's been discussed. Are we ready to vote?

Mr. Allen: Yeah. I ask Ana to walk us through the procedures. One of the Management members will have to abstain, so there's a balance of four and four on Labor and Management. Usually, it would be one of the military departments that would abstain. But you've already said you agree with it, so—

Ms. Speight: I'm sorry. Who's the fourth union? I didn't hear it.

Mr. Allen: Metal Trades, two AFGE, and ACT.

Ms. Simon: That's Association of Civilian Technicians.

Chair Lachance: Yeah. AFGE has two reps.

Ms. Simon: Yeah, we have two.

Ms. Speight: Thank you.

Chair Lachance: Ana, do you want to call the roll?

Ms. Paunoiu: Yes. Before we vote, we have to read the motion again. I can read.

Chair Lachance: All right. Go ahead.

Ms. Paunoiu: In order to comply with the NDAA 2022 report language regarding the Federal Wage System, the FPRAC recommends the following. All parties agree to the goal of closely aligning the boundaries utilized by the General Schedule system and the General Wage System. To that end, the Department of Defense will conduct and complete an implementation study within 60 days of October 19th, 2023, of the proposed changes of the criteria to be used by the FWS to draw wage boundaries. Upon the completion of the study, FPRAC will recommend to the OPM Director regulatory changes to achieve this alignment. OPM will draft and issue proposed regulations to implement the regulatory changes within 60 days following the recommendation.

OPM? For OPM?

Mr. Allen: Yes.

Ms. Paunoiu: DoD?

Ms. Speight: Yes.

Ms. Paunoiu: Army?

Ms. Laughlin: Yes.

Ms. Paunoiu: VA?

Ms. Vicks: Yes.

Ms. Paunoiu: Metal Trades?

Mr. O'Connor: Yes.

Ms. Paunoiu: AFGE? Ms. Simon?

Ms. Simon: Yes.

Ms. Paunoiu: AFGE? Mr. Horowitz?

Mr. Horowitz: Yes.

Ms. Paunoiu: ACT?

Ms. Neale: Yes.

Ms. Paunoiu: And we have a recommendation. The vote has passed.

Mr. Allen: Thanks, Ana.

Chair Lachance: Unanimously. Thank you, Ana. Okay. Thanks, everybody. I know a lot of thought has gone into this, and I know a lot of work moving forward is going to go into it, so thank you to everyone. We will hope that our timeline doesn't get disrupted by any kind of shutdown. We avoided it the last time. Let's hope we can do it again this time and keep the momentum going. I'm very grateful for all of you who were involved in this.

So do we move on to the other item of New Business? We have a letter for the record from Pennsylvania Senator John Fetterman in support of the proposal to move Monroe County, Pennsylvania, to the New York, New York, wage area and in support of addressing the pay inequity between GS and FWS employees. I hope everybody saw that, and does anyone have a comment on it? Certainly, this has been front and center for FPRAC's discussions over the last several months, and maybe some of the work that's going to happen in the next 60 days can help with this situation. Any comments?

Mr. Allen: I would just say that I appreciate the committee coming to consensus on this because I think we're basically answering Senator Fetterman's concerns. A

motion has been made with a major initiative to move forward on addressing the concerns that Congress has raised for a long time now.

Ms. Simon: And I would just say that the AFGE local at Tobyhanna deserves a lot of the credit for bringing this issue to our attention and never giving up. They've certainly worked on this issue to get a legislative solution, an administrative solution, and I think that they'll be very pleased with our action here today.

Chair Lachance: Thank you, Jacque.

Mr. Allen: It really is an excellent letter. It's, in my view, flawless.

Chair Lachance: There we go. A flawless letter. That's great.

Mr. O'Connor: This is Paul O'Connor.

Chair Lachance: Yeah, Paul.

Mr. O'Connor: Just a question. What does it look like to—what am I trying to say?—to minimize the disparity in pay between GS and wage grade? Does that mean—I get we're talking about trying to equalize the wage area and the GS area. I get that. That makes sense. But what about like the locality pay? How would that play into it?

Mr. Allen: Yeah. This is intended to address the geographic differences. FPRAC established a working group with a long list of other survey methodology issues to consider and potentially address. So there's more work for the committee to do.

Mr. O'Connor: Yeah. Okay. That's good. That's a good answer. More work.

Chair Lachance: More work. Roll up your sleeves.

Any other comments on this?

Mr. O'Connor: Rolled up.

Chair Lachance: There you go. Paul's ready.

Any other comments on this letter?

[No audible response.]

Chair Lachance: Great. That wraps up the agenda items, and so I do want to thank everybody for the progress, the very significant progress that we made today.

I know our guest from Butner had a question for us. Do you want to address the committee at this time?

Mr. Tisdale: Well, Ms. Lachance, I got more than one.

Chair Lachance: Okay.

Mr. Tisdale: And I'm sure there's a couple people on here that is ready or foaming at the mouth to respond to me because I email them every day, twice a day. So I'm sure they're itching, but that's okay. I got thick skin, I can take it.

So as of May 2023, the DoD finished the survey for Butner. Erica Abiera with the DoD informed us by email that we are gravely behind. This is not a secret. OPM has acknowledged it. DoD has acknowledged. FPRAC, you already know. The pay disparity at Butner is horrendous. We know this. Erica Abiera informed us that we're up to \$8 an hour behind.

Now, since everybody has acknowledged this, I would like to know why OPM, when Senator Ted Budd reached out to them, responded saying that the local wages here meet the surveys. They're in line with them. I would really like to know that, because we all know—and since y'all have acknowledged it, everybody knows it, that people on this board that's been there for 20 years know there's an issue, big issue, but when a Senator reaches out, they're lied to.

I want to know why, because it's not right. It's misleading. Even if, say, a lie of

omission, even if you didn't know, or you knew, but you didn't give out the correct information, it's still a lie. That's the first thing. That's the first thing I want to know because I got it in black and white in the response, Ms. Lachance. I can send it to you. I can send it to Ms. Jacque with the AFGE as well. So that's my first question, and I would really like an answer today.

Mr. Allen: So not having seen—this is Mark. Not having seen the communication that was provided, I can't give a definitive answer, but when OPM would provide responses to Congress, they're always truthful.

Mr. Tisdale: Sir, if I had your email, I would send it to you, because I have it right here in black and white.

But, Mr. Allen, you know, FPRAC knows, OPM knows, DoD knows. Y'all have all acknowledged the pay disparity here, and to sit there and respond in black and white and said, "No, there's not an issue. We are in line with the surveys since the last wage survey was in 2022." Well, we all know it was May 2023. That's not a truthful answer.

I could send you the email. I'd love to. I'd love to send you all the communication.

Mr. Allen: Yeah. I can't respond to an allegation like that without seeing something in writing about what you're actually referring to. I will acknowledge—and I think we said this at prior FPRAC meetings—that there is a pay gap in the Central North Carolina wage area, and the Department of Defense has also acknowledged that there is a pay gap. I know that we have communicated with staff at Butner to indicate what would need to happen for that pay gap to be eliminated—

Mr. Tisdale: Right.

Chair Lachance: —which would be that the law would need to change. And

FPRAC recommended last year that the law be changed.

There's also an administrative way of approaching that, but that would require the employing agency to make a request to the Department of Defense.

Mr. Tisdale: I'm glad you're mentioned that. I really am, because here's another issue we run into. We got a lot of finger pointing. We got OPM, DoD pointing to the BOP, the BOP pointing their fingers back. Now, I do have an email from the chief HR person of the BOP, Chad Klavetter, stating that we put in—we request a special rate. And he informed us that only GSs are allowed—are authorized special rates in the BOP, not FWSs. And the BOP has zero authority, and he said see, subsection 5 of OPM policy.

So being that I've been hip deep in this for months now, because I'm not going to give up like other people—they're just so frustrated, they're just trying to take a break—I sent it back to him, subsection 5 with the authority. And I've even asked them, "Hey, you need to be on these meeting calls, because if you're pointing a finger to the DoD and the DoD is pointing back at you, somebody in the mix is not telling the truth. Somebody doesn't want to do something. It feels like—and it's what—actually what the DoD has recently feels like, they're not even—and I hate to say it like this, but lubing it up anymore. They're really not.

And here's my examples why. So FCI [unclear] had to fix their pay disparity. DoD had to, make it the \$15 minimum wage. So if that \$15 minimum wage is based on a percentage of your pay, just like the annual increases that the President signs off of, who decided to give them \$6-an-hour increase across the board? That's strike one and two. That's a slap to our face, because this has been ongoing for 21.5 years.



And then the DoD fixe—I guess puts USP Lee on a special table, even though our regular schedule was ahead of theirs, and they were ranked 95th out of 96 prisons—now are ahead of us. WS-4 and above.

Now, as we see this, it's looking more and more like the BOP might be telling the truth. The DoD is the one that sets our pay. I worked for the Department of Defense for years. I got out, got—was tired of it. I know how it all works. I get it. The DoD sets our pay. They're the ones that set our pay, sets the pay. The BOP really shouldn't have no authority in it, because it's the DoD that sets it. The BOP literally does not pay me. I don't know—[unclear]. My check comes from the Department of Agriculture. That's where my W-4 is every year, Department of Agriculture. So if the Department of Defense, which the Department of Agriculture is under Department of Defense, the DoD has all the authority, and they're making it look like the BOP is telling the truth.

Mr. Allen: Yeah. What I'm going to suggest here is it may be helpful for you and possibly Jacque and I to get on the phone together in a separate call and explain what we understand that you're referring to. There are a number of allegations that you're making, they're just not well founded. I think we can clear up some discrepancies outside of this public meeting.

Mr. Tisdale: I'm going to tell y'all this. I'm not going to tell you what's coming, but something far worse is coming from our side. And I don't want it to go there, even though I'm the one suggesting it—and I won't lie about it. I'm the one pushing it. I don't want it to get to that point, because I'm asking people for help. We're asking everybody for help. 21.5 years and we see everybody getting everything else, everybody doing everything for everybody else around the country, but not Butner. I don't know if there's

an ex-spouse here, somebody hates us, or what it is. But something has to change, and it needs to change extremely quickly.

I can't force nobody up there in your all's positions to go, "Hey, Congress. Hey, DOJ, BOP." I can't do that. Y'all can't do that. And I understand. I know there's politics. I get it, but—

Chair Lachance: Well, I think you—

Mr. Tisdale: Those are my gripes. Those are the issues I'm having. And the only other question I had is, where are we at lifting the pay cap nationwide?

Chair Lachance: It's still an OPM priority, legislative priority. I know that the agency is working very, very closely with some members of Congress. But as you can see in the headlines every day, that is also a very, very challenging arena to operate in. It will take members of Congress to do this, but OPM continues to provide the information, urge people, urge the Senators and Members of the House of Representatives to make this happen. So that work is proceeding.

Jacque, I see your hand is up.

Ms. Simon: Yeah. I've been in sort of constant communication with our local at Butner, usually Oshel Tucker [phonetic], and so the last time I communicated with Mr. Tucker, we talked about the lifting of the cap and this effort to bring the GS and wage grade boundaries into alignment.

I think that this might help Butner. However, we are very aware of the situation at Butner, and I don't think that Butner is being left out of efforts throughout the council to try to raise pay for everybody inside an institution. There's not—if not through higher wages because we can't accomplish that, through retention and recruitment bonuses,

which are not a substitute for pay raises, but they are—they're money in your pocket.

Oh, I just want to assure you that Butner is very much on the front burner and not forgotten and not ignored or neglected. We just haven't succeeded yet. And we will keep working on it till we do.

Mr. Tisdale: We do appreciate that it's finally got approved for a retention bonus. Finally. Even through work through COVID, we get it. We do appreciate it. But that's a short time fix for a long-term problem because after a year, it goes away. Once it's resubmitted, if it's not approved, it goes away, and we're still halfway back in the same boat that we were in the beginning of this—it doesn't—

Chair Lachance: Well, I would say—

Mr. Tisdale: It's not a retention or recruitment effort—or retention and recruitment issue for the Federal Wage supervisors here at Butner. On paper, if you look—yeah, we look good. And the only reason we look good is because custody is running as fast as they can to get away from weekends, holidays, night—mandated OT. They're running, and they're running right into our departments and filling us up and using us as stepping stones to get—"Oh, I'm in [unclear]. I can move up a lot quicker," and go on about their way.

Chair Lachance: Well, I think what you've heard here—

[Simultaneous speaking.]

Mr. Tisdale: [In progress]—after year.

Chair Lachance: Yeah. Could I finish my thought, please?

Mr. Tisdale: Yes, ma'am, I'm sorry.

Chair Lachance: And I think what you've heard here are that people are willing to

work with you to get a common understanding of what the situation is, and Jacque has spoken up saying that she's not going to give up. OPM is here to provide information for you. So let's make a pact here that we don't forget about Butner, and that we—everybody provides. you with the information that's needed to make some of the changes that you're advocating for.

You know, it's certainly a legitimate request. You need to understand the circumstances that you're functioning in, and I think you've heard today that there are people who are willing to work with you on that to make sure that this issue gets the attention it deserves.

Mr. Tisdale: I would love to work with everybody. I could send them all the information, but I don't have the contacts. Like I told Mr. Allen, I would love to send him what OPM sent to Ted Budd's office. I would love to, but I don't know how to get in touch with everybody.

Ms. Simon: Can you please share it with your local president and have it go through the local president and the council? And I'll make sure everybody at OPM gets it. That's how I'll get it. Okay?

Mr. Tisdale: I can do that.

Ms. Simon: You got to go through the local president. Okay, thanks.

Mr. Tisdale: No problem.

Mr. Allen: Thanks, Jacque.

Chair Lachance: Okay, thanks. Is there any—are there any other issues that anyone wants to raise?

[No audible response.]

Chair Lachance: So we've gone through our agenda. We've had a significant accomplishment and breakthrough. Is there a motion to adjourn this meeting?

Ms. Speight: There's a hand up.

Chair Lachance: Oh, I'm sorry. Is that yours, Nancy? I'm sorry. I don't see it.

LCMR Pullium: Yes. Hi. Good morning. This is Lieutenant Commander Dan Pullium.

Chair Lachance: Oh, hello. I apologize.

LCMR Pullium: Public Works Officer for Monterey.

Chair Lachance: It didn't show up on the screen.

LCMR Pullium: No, not a problem. Sometimes there's a delay.

I just wanted to say that I really appreciate the efforts of the working group. So I'm really excited about what I heard today and the motion that passed. Some of you might recall back in February, I presented to the group detailing some of the issues impacting Monterey and specifically my workforce in Monterey. So unless I'm missing something, I think this could result in Monterey potentially being added to the greater San Francisco GS wage area, or maybe it's too early to tell at this point.

But I just want to—my question to the group is for breaking this down, for an update for my staff, is this essentially—is the motion that's being—that was voted on and the subsequent study and recommendations, the 60-day period and then the 60-day implementation, is that going to come with it, the new wage areas and—or is it just the guidance to start establishing? And what does that mean for, end of the day, new area for us out in the field?

Thank you. Over.

Mr. Allen: Yeah. I can answer the mechanics of that. So with any regulatory process affecting wage areas or generally any regulatory process, there would need to be a proposed regulation with a public comment period, and then the agency issuing the regulations would need to consider those comments and then move towards issuing a final regulation, and then after that it would be a 30-day period for implementation. So I would not say that anybody should be told that they're getting increases in pay within a 60-day period or even 120-day period.

There's still work that the committee needs to do to develop an implementation plan. So that's the phase that we're going to be in first, and then we'll move towards issuing a proposed regulation after that.

Ms. Speight: I'm sorry. I'm not sure we answered his question correct—fully. I think he asked whether the working group that's about to start would lay out the areas, the proposed areas to be, where the survey areas would be added to the locality page.

Did I hear that correctly, Lieutenant Commander?

LCMR Pullium: Yes, that's correct.

Ms. Speight: So could you please expound on that a little bit, Mark? We weren't—

Mr. Allen: Yeah. The implementation plan would be developed over the course of the next 60 days, which would lay out the geographic changes that would be necessary. The process after that would be required. So an FPRAC recommendation would need to be implemented by OPM through the regulatory processes, which take a longer amount of time.

Ms. Speight: Thank you.

LCMR Pullium: Thank you very much.

Chair Lachance: Anyone else?

[No audible response.]

Chair Lachance: If not, can we get a motion to adjourn?

Ms. Simon: I move to adjourn.

Chair Lachance: Thank you, Jacque.

Mr. Allen: I second.

Chair Lachance: Thanks for the second.

Any objections?

[No audible response.]

Chair Lachance: Okay. Without objection, this meeting is adjourned. Thank you,  
everybody.

[End of recorded session.]