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HRDG 4531 - Highest Previous Rate - Section A

Last Modified:

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As stated in [MRP Directive 4531.1](#) (165.04 KB), Programs (e.g., Agricultural Marketing Service [AMS] Fruit & Vegetable Programs; 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:

- 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

Delegation of Authority

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 and the Deputy Administrators 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, Part 531.222 [a][2] or 5 CFR 532.401).

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.

Example 1: An employee is hired as a clerk at GS-3. Several years ago, the employee received a career-conditional appointment as a GS-5, step 1, but the employee resigned 30 days later. GS-5, step 1, is the employee's HPR because the appointment was not limited to 90 days or less.

Example 2: An employee is hired as an Agricultural Commodity Grader at GS-5. Several years ago, the employee served as a secretary at GS-7, step 1, under 2 consecutive 45-day temporary appointments. GS-7, step 1, is the HPR because the two appointments were continuous and together lasted for at least 90 calendar days.

Basis for Highest Previous Rate

If the HPR is a locality rate, the underlying GS rate must be used as the HPR in applying the maximum payable rate rule.

On a case-by-case basis, a GS employee's special rate of pay may be used as HPR when all of the following apply (5 CFR 531.222 [c]):

- The employee is reassigned to another position in the same agency at the same grade level;
- The special rate is the employee's rate of basic pay immediately before the reassignment; and,
- A management official, with delegated authority, determines, in writing, that the need for the services of

Exclusions

In addition to the exclusions found in 5 CFR 531.223, HPR may not be based on an intermittent, on-call, or as-needed work schedule or erroneous rates.

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

- General pay adjustments,
- Geographic conversion, if applicable,
- Within grade increases and quality step increases (QSIs),
- Promotion, and

Any other individual pay actions. These are processed in the order that gives the employee the maximum benefit.

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