

NFFE News



OPM Seeking to Implement NFFE Proposal to Pay Feds Fair Rates when Performing Duties of Higher-Graded Positions

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The Office of Personnel Management (OPM) has issued a proposed regulation to pay federal employees at proper rates when they are non-competitively detailed or temporarily promoted to a higher-graded position. The proposal stems in part from the National Federation of Federal Employees (NFFE) legal team petitioning OPM to amend its regulations in November 2022.

“We are pleased OPM took our recommendation to end this particular kind of wage theft,” said NFFE Deputy General Counsel Yvette Piacsek. “For twenty years, many employees could only receive pay or recognition for work they performed at a higher grade for a maximum of 120 days, even if they performed the work for longer, simply because their agency did not advertise and compete the job. Employees should not have to pay the price for management’s missteps any longer. When this rule takes effect, our union will be able to secure fair results for these employees – the full pay for the entire time they performed duties at a higher grade.”

According to the OPM regulation change, if an employee claims that they have been performing duties that fall under the position description of a higher-graded role, they must have an adjudicatory body decide in favor of the employee being paid the appropriate higher rate. Adjudicatory bodies include arbitrators, federal courts, the Merit Systems Protection Board (MSPB), and others. The policy is also intended to apply to federal employees who are in non-bargaining unit positions.

“I am pleased to see that OPM is embracing an easy solution to an ongoing issue that has left federal employees undercompensated when they perform duties above their pay grade,” said NFFE National President Randy Erwin. “Every federal employee deserves to be paid appropriately for their service to the American people, especially when they are detailed or assigned the work of a higher-graded position. NFFE is proud to have been influential in bringing about this positive move for our members and all federal employees.”

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