



January 28, 2004

Mr. Jeffrey E. Sumberg
Deputy Associate Director for
Workforce Relations and Accountability Policy
Office of Personnel Management
Room 7H28
1900 E Street, NW
Washington, DC 20415

Dear Mr. Sumberg:

We, as officers of the Council of Federal EEO and Civil Rights Executives, submit the following comments to the interim final rules dealing with the reimbursement provisions of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) that the Office of Personnel Management published in the Federal Register on January 22, 2004.

Following is a list of our recommendations:

- 1) Add the following information to section 724.104(b) of the interim rules, Federal agencies which are delinquent in paying FMS within 45 business days of notification and those that have made separate arrangements in writing with FMS for reimbursement will be charged market interest rates.
- 2) Add section 724.104(c) (Procedures) to the interim final rules which will include the following information, Federal agencies will not use a reduction in force, furloughs, terminations/separations, or any other reductions in compensation, benefits (including travel and training), abolishment or disapproval of workforce Full-Time Equivalents (FTE's), when reimbursing the Judgment Fund.

If you have any questions about these recommendations, please do not hesitate to call Jorge Ponce at (202) 482-8185 or Delia Johnson at (202) 619-5157.

Sincerely,
Jorge E. Ponce & Delia L. Johnson
Co-Chairs
Council of Federal EEO & Civil Rights Executives

