HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
(a), (b)	5 U.S.C. 1092.	Oct. 28, 1949, ch. 782, § 302, 63 Stat. 957.
(c)	5 U.S.C. 1093.	Oct. 28, 1949, ch. 782, § 303, 63 Stat. 957.

In subsection (c), the prohibition is restated in positive form. The words ''to pay'' are substituted for the words ''to pay the compensation of''. The words ''the group, section, bureau'' are omitted as included in the words ''the organization unit''. The word ''actually'' in the phrase ''of the supervision exercised'' is omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 5107. Classification of positions

Except as otherwise provided by this chapter, each agency shall place each position under its jurisdiction in its appropriate class and grade in conformance with standards published by the Office of Personnel Management or, if no published standards apply directly, consistently with published standards. When facts warrant, an agency may change a position which it has placed in a class or grade under this section from that class or grade to another class or grade. Subject to subchapter VI of chapter 53 of this title, these actions of an agency are the basis for pay and personnel transactions until changed by certificate of the Office.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 453; Pub. L. 95–454, title VIII, § 801(a)(3)(E), title IX, § 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1222, 1224.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 1102(a).	Oct. 28, 1949, ch. 782, § 502(a), 63 Stat. 958.

The words ''to which this chapter applies'' are omitted as unnecessary in view of section 5102. The words ''Subject to section 5337 of this title'' are added to reflect the qualification imposed by that section.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1978—Pub. L. 95–454 substituted ''Office of Personnel Management'' for ''Civil Service Commission'', ''Office'' for ''Commission'', and ''subchapter VI of chapter 53'' for ''section 5337''.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 803(a)(3)(E) of Pub. L. 95–454, substituting reference to subchapter VI of chapter 53 for reference to section 5337, effective on first day of first applicable pay period beginning on or after 90th day after Oct. 13, 1978, see section 801(a)(4) of Pub. L. 95–454, set out as an Effective Date note under section 5361 of this title.

Amendment by section 906(a)(2), (3) of Pub. L. 95–454, substituting reference to Office of Personnel Management for reference to Civil Service Commission, effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95–454, set out as a note under section 1101 of this title.

§ 5108. Classification of positions above GS–15

(a) The Office of Personnel Management may, for any Executive agency—

(1) establish, and from time to time revise, the maximum number of positions which may at any one time be classified above GS–15; and

(2) establish standards and procedures published by the Director of the Office of Personnel Management in such form as the Director may determine (including requiring agencies, where necessary in the judgment of the Office, to obtain the prior approval of the Office) in accordance with which positions may be classified above GS–15.

(b) The President, rather than the Office, shall exercise the authority under subsection (a) in the case of positions proposed to be placed in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.

(c) The Librarian of Congress may classify positions in the Library of Congress above GS–15 pursuant to standards established by the Office in subsection (a)(2).

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 453; Pub. L. 89–632, § 1(a)–(d), Oct. 8, 1966, 80 Stat. 878; Pub. L. 90–83, § 1(12), Sept. 11, 1967, 81 Stat. 197; Pub. L. 91–187, § 1, Dec. 30, 1969, 83 Stat. 850; Pub. L. 91–206, § 5(a), Mar. 10, 1970, 84 Stat. 51; Pub. L. 91–596, § 30, Dec. 29, 1970, 84 Stat. 1619; Pub. L. 91–644, title I, § 11, Jan. 2, 1971, 84 Stat. 1889; Pub. L. 91–656, § 9, Jan. 8, 1971, 84 Stat. 1955; Pub. L. 92–261, § 12, Mar. 24, 1972, 86 Stat. 112; Pub. L. 90–351, title I, § 506(c), as added Pub. L. 93–83, § 2, Aug. 6, 1973, 87 Stat. 211; Pub. L. 93–282, title III, § 301, May 14, 1974, 88 Stat. 137; Pub. L. 93–406, title I, § 507(b), title II, § 1051(b)(2), title IV, § 4002(c), Sept. 2, 1974, 88 Stat. 894, 951, 1005; Pub. L. 93–415, title II, § 201(g), Sept. 7, 1974, 88 Stat. 1113; Pub. L. 93–463, title IV, § 410, Oct. 23, 1974, 88 Stat. 1414; Pub. L. 93–516, title II, § 208(b), Dec. 7, 1974, 88 Stat. 1629; Pub. L. 93–651, title II, § 208(b), Nov. 21, 1974, 89 Stat. 2–14; Pub. L. 94–183, § 2(14), (15), Dec. 31, 1975, 89 Stat. 1057; Pub. L. 94–233, § 13, Mar. 15, 1976, 90 Stat. 233; Pub. L. 94–503, title II, § 202(a), Oct. 15, 1976, 90 Stat. 2426; Pub. L. 95–91, title VII, § 710(b), Aug. 4, 1977, 91 Stat. 609; Pub. L. 95–190, § 11(a), Nov. 16, 1977, 91 Stat. 1398; Pub. L. 95–219, § 3(c), Dec. 28, 1977, 91 Stat. 1614; Pub. L. 95–251, § 1, Mar. 27, 1978, 92 Stat. 183; Pub. L. 95–454, title IV, § 414(a)(1)(A), (C), (D), Oct. 13, 1978, 92 Stat. 1177; Pub. L. 95–486, § 10, Oct. 20, 1978, 92 Stat. 1634; Pub. L. 95–563, § 14(g), Nov. 1, 1978, 92 Stat. 2390; Pub. L. 95–612, § 3(b), Nov. 8, 1978, 92 Stat. 3091; Pub. L. 95–624, § 22, Nov. 9, 1978, 92 Stat. 3466; Pub. L. 95–630, title V, § 502(c), Nov. 10, 1978, 92 Stat. 3681; Pub. L. 96–54, § 2(a)(23), Aug. 14, 1979, 93 Stat. 382; Pub. L. 96–191, § 8(c), Feb. 15, 1980, 94 Stat. 33; Pub. L. 100–325, § 2(g), May 30, 1988, 102 Stat. 581; Pub. L. 100–702, title I, § 104(c)(2), Nov. 19, 1988, 102 Stat. 4645; Pub. L. 101–474, § 5(i), Oct. 30, 1990, 104 Stat. 1100; Pub. L. 101–509, title V, § 529 [title I, § 102(b)(2)], Nov. 5, 1990, 104 Stat. 1427, 1443; Pub. L. 102–378, § 2(23), Oct. 2, 1992, 106 Stat. 1348; Pub. L. 110–372, § 2(c)(4), Oct. 8, 2008, 122 Stat. 4044; Pub. L. 111–68, div. A, title I, § 1403, Oct. 1, 2009, 123 Stat. 2038.)

HISTORICAL AND REVISION NOTES

1966 ACT

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
(a), (b), (c) (1)–(7), (d).	5 U.S.C. 1105(a)–(h), (j)–(*l*).	Oct. 28, 1949, ch. 782, § 505, 63 Stat. 959. Sept. 1, 1954, ch. 1208, § 101(a), 68 Stat. 1105. June 28, 1955, ch. 189, § 12(a), 69 Stat. 179. July 31, 1956, ch. 804, § 502, 70 Stat. 762. Aug. 14, 1957, Pub. L. 85–136, 71 Stat. 352. June 20, 1958, Pub. L. 85–462, §§ 10 (less ''(i)''), 11, 72 Stat. 213, 213A. Sept. 23, 1959, Pub. L. 86–370, § 2(a), (b), 73 Stat. 650. Sept. 23, 1959, Pub. L. 86–377, § 1(a), 73 Stat. 700. July 1, 1960, Pub. L. 86–568, § 203, 74 Stat. 305. Sept. 26, 1961, Pub. L. 87–322, § 1, 75 Stat. 685. Oct. 4, 1961, Pub. L. 87–367, §§ 102(a), (b), 103(1), 75 Stat. 786, 787. Oct. 11, 1962, Pub. L. 87–793, § 606, 76 Stat. 848. Aug. 14, 1964, Pub. L. 88–426, § 103(b), 78 Stat. 402.
(c)(8)	5 U.S.C. 298a.	July 7, 1955, ch. 279, § 201 (2d proviso on p. 273), 69 Stat. 273. Oct. 11, 1962, Pub. L. 87–793, § 607(b), 76 Stat. 850.
(c)(9)	45 U.S.C. 228j(b)(4) (4th sentence).	Sept. 6, 1958, Pub. L. 85–927, § 3, 72 Stat. 1781.

The section is reorganized for clarity.

In subsection (a)(2), the date ''October 4, 1961'' is substituted for ''the date of enactment of this subparagraph''.

Subsection (c)(6) is added on authority of section 302 of the Act of July 29, 1958, Pub. L. 85–568, 72 Stat. 433, 42 U.S.C. 2453, and Transfer Plan, effective March 15, 1960, 25 F.R. 2151, section 2(c) of which in effect transferred from the Department of Defense to the National Aeronautics and Space Administration 5 of the 372 positions authorized to be placed in GS–16, 17, and 18 pursuant to section 1(a) of the Act of Sept. 23, 1959, Pub. L. 86–377, 73 Stat. 700.

In subsection (c)(8), the words ''on and after July 7, 1955'' are omitted as obsolete.

In subsection (d), the words ''subsequent to February 1, 1958'' are omitted as obsolete and the words ''of the Government'' are omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

The amendment to 5 U.S.C. 5108(c)(5) corrects a typographical error and conforms to the source law (act of October 11, 1962, Public Law 87–793, section 606(b), 76 Stat. 849; former 5 U.S.C. 1105(j)).

AMENDMENTS

2009—Subsec. (c). Pub. L. 111–68 added subsec. (c).

2008—Subsec. (a)(2). Pub. L. 110–372 inserted ''published by the Director of the Office of Personnel Management in such form as the Director may determine'' after ''and procedures''.

1992—Subsec. (a)(2). Pub. L. 102–378 substituted a period for semicolon at end.

1990—Pub. L. 101–509 amended section generally, substituting provisions relating to classification of positions above GS–15, consisting of subsecs. (a) and (b), for provisions relating to classification of provisions at GS–16, 17, and 18, consisting of subsecs. (a) to (c).

Subsec. (c). Pub. L. 101–474 redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1), which read as follows: ''the Director of the Administrative Office of the United States Courts, subject to the standards and procedures prescribed by this chapter, may place a total of 17 positions in GS–16, 17, and 18; and''.

1988—Subsec. (a). Pub. L. 100–325 added cl. (iii) and substituted ''the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service'' for ''GS–16, 17, and 18 in the Federal Bureau of Investigation'' in last sentence.

Subsec. (c)(1). Pub. L. 100–702 substituted ''17 positions'' for ''15 positions''.

1980—Subsec. (c). Pub. L. 96–191 struck out par. (1) which authorized Comptroller General, subject to procedures prescribed by this section, to place a total of 90 positions in General Accounting Office in GS–16, 17, and 18, and redesignated pars. (2) to (4) as (1) to (3), respectively.

1979—Subsec. (c)(4), (17). Pub. L. 96–54 redesignated par. (17), relating to executive departments or agencies in which boards of contracts appeals are established, as par. (4).

1978—Subsec. (a). Pub. L. 95–630 substituted ''3,310'' for ''3,301''.

Pub. L. 95–612 substituted ''3362'' for ''3301''.

Pub. L. 95–454, § 414(a)(1)(C), substituted provisions authorizing Director of Office of Personnel Management to establish the maximum number of positions, not to exceed 10,777, which may be placed in GS–16, 17, and 18, and the Senior Executive Service and to place positions in GS–16, 17, or 18, and requiring the President to carry out the Director's authority for proposed positions in the Federal Bureau of Investigation for provisions authorizing a majority of the Civil Service Commissioners to establish the maximum number of positions, not to exceed 3362 (in addition to certain specified positions), which may be placed in GS–16, 17, and 18, placing a percentage limitation on the number of positions placed in GS–17 and 18, and requiring the approval of a majority of the Commissioners to place positions in GS–16, 17, or 18.

Pub. L. 95–251 substituted ''340 administrative law judge'' for ''240 hearing examiner''.

Subsec. (c)(2). Pub. L. 95–454, § 414(a)(1)(A)(i), (D)(i), redesignated par. (3), relating to the Director of the Administrative Office of the United States, as (2) and repealed former par. (2) relating to the Federal Bureau of Investigation.

Subsec. (c)(3). Pub. L. 95–486 inserted provision subjecting the Director of the Administrative Office of the United States Courts to the standards and procedures prescribed by this chapter and substituted provision authorizing placement of 15 positions in GS–16, 17, and 18 for provision authorizing placement of 4 positions in GS–17.

Pub. L. 95–454, § 414(a)(1)(D), redesignated par. (12), relating to the Chief Judge of the United States Tax Court, as par. (3). Former par. (3) redesignated (2).

Subsec. (c)(4) to (11). Pub. L. 95–454, § 414(a)(1)(A)(i), repealed par. (4) relating to the Commissioner of Immigration and Naturalization, par. (5) relating to the Secretary of Defense, par. (6) relating to the Administrator of the National Aeronautics and Space Administration, pars. (7) and (8) relating to the Attorney General, par. (9) relating to the Railroad Retirement Board, par. (10) relating to the Secretary of Labor and the Occupational Safety and Health Review Commission, and par. (11) relating to the Law Enforcement Assistance Administration.

Subsec. (c)(8). Pub. L. 95–624 substituted ''45'' for ''32''.

Subsec. (c)(12). Pub. L. 95–454, § 414(a)(1)(D)(i), redesignated par. (12) relating to the Chief Judge of the United States Tax Court, as (3).

Subsec. (c)(13) to (16). Pub. L. 95–454, § 414(a)(1)(A)(i), repealed par. (13) relating to the Commodity Futures Trading Commission, par. (14) relating to the Secretary of Health, Education, and Welfare, par. (15) relating to the Chairman of the Equal Employment Opportunity Commission, and par. (16) relating to the Secretary of Health, Education, and Welfare.

Subsec. (c)(17). Pub. L. 95–563 added par. (17).

Subsec. (d). Pub. L. 95–454, § 414(a)(1)(A)(ii), repealed subsec. (d) which provided the order for reducing the positions authorized to be placed in grades GS–16, 17, and 18 under this section when a general authorization statute authorized additional positions in these grades.

Subsec. (e). Pub. L. 95–454, § 414(a)(1)(A)(ii), repealed subsec. (e) which authorized Commissioner of Internal Revenue to place 20 additional positions in grades GS–16 and 17.

Subsec. (f). Pub. L. 95–454, § 414(a)(1)(A)(ii), repealed subsec. (f) which authorized Secretary of Labor to place additional positions in grades GS–16, 17, and 18.

Subsec. (g). Pub. L. 95–454, § 414(a)(1)(A)(ii), repealed subsec. (g) which authorized Pension Benefit Guaranty Corporation to place additional positions in grades GS–16, 17, and 18.

1977—Subsec. (a). Pub. L. 95–219 substituted ''3301'' for ''3293''.

Pub. L. 95–190 substituted ''3293'' for ''3243''.

Pub. L. 95–91 substituted ''3243'' for ''2754''.

1976—Subsec. (c)(7). Pub. L. 94–233 restructured provisions and, as restructured, deleted authority relating to 8 positions of Member of the Board of Parole in GS–17.

Subsec. (c)(8). Pub. L. 94–503 substituted provision that the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS–16, 17, and 18 for provision that the Attorney General, without regard to this chapter (except section 5114), may place 1 position in GS–16.

1975—Subsec. (c)(11). Pub. L. 94–183, § 2(14), increased to twenty-five the number of positions which the Law Enforcement Assistance Administration may place in GS–16, 17, and 18. The increase required no change in text in view of the 1974 amendment by Pub. L. 93–415, which called for an identical increase.

Subsec. (c)(13) to (16). Pub. L. 94–183, § 2(15), redesignated par. (12) relating to the Commodity Futures Trading Commission, par. (12) relating to the Secretary of Health, Education, and Welfare and the Office for the Blind and Visually Handicapped of the Rehabilitation Services Administration, par. (13) relating to the Chairman of the Equal Employment Opportunity Commission, and par. (14) relating to the Secretary of Health, Education, and Welfare and the National Institute on Alcohol Abuse and Alcoholism, as pars. (13) to (16), respectively.

1974—Subsec. (c)(11). Pub. L. 93–415 increased from twenty-two to twenty-five the number of positions which the Law Enforcement Assistance Administration may place in GS–16, 17, and 18. Amendment has been executed to subsec. (c)(11) as the probable intent of Congress notwithstanding direction in section 210 (g) of Pub. L. 93–415 that the amendment be executed to subsec. (c) (10).

Subsec. (c)(11) to (14). Pub. L. 93–282 redesignated par. (10) relating to Law Enforcement Assistance Administration, par. (10) relating to Chief Judge of the United States Tax Court, par. (11) relating to Chairman of the Equal Employment Opportunity Commission, as pars. (11) to (13), respectively, and added par. (14) relating to GS–16, 17, and 18 positions in the National Institute on Alcohol Abuse and Alcoholism.

Subsec. (c)(12). Pub. L. 93–651 and Pub. L. 93–516 amended section identically, adding par. (12) relating to Secretary of Health, Education, and Welfare and the Office for the Blind and Visually Handicapped of the Rehabilitation Services Administration.

Subsec. (c)(12). Pub. L. 93–463 added par. (12) relating to Commodity Futures Trading Commission.

Subsec. (e). Pub. L. 93–406, § 1051(b)(2), added subsec. (e).

Subsec. (f). Pub. L. 93–406, § 507(b), added subsec. (f).

Subsec. (g). Pub. L. 93–406, § 4002(c), added subsec. (g).

1973—Subsec. (c)(10). Pub. L. 93–83 substituted in par. (10) as added by Pub. L. 91–644 ''twenty-two'' for ''twenty''.

1972—Subsec. (c). Pub. L. 92–261 added par. (11).

1971—Subsec. (a). Pub. L. 91–656, § 9(b), substituted ''2,754'' for ''2,734''.

Subsec. (c)(10). Pub. L. 91–656, § 9(a), added par. (10) relating to Chief Judge of the United States Tax Court.

Pub. L. 91–644 added par. (10) relating to Law Enforcement Assistance Administration.

1970—Subsec. (a). Pub. L. 91–206 substituted ''2,734'' for ''2,727''.

Subsec. (c)(10). Pub. L. 91–596 added par. (10) relating to positions in the Department of Labor.

1969—Subsec. (a). Pub. L. 91–187, § 1(a), substituted ''2,727'' for ''2,577''.

Subsec. (b)(2). Pub. L. 91–187, § 1(b), increased number of positions in Library of Congress from 28 to 44.

Subsec. (c)(1). Pub. L. 91–187, § 1(c), increased number of positions in GAO from 64 to 90.

Subsec. (c)(2). Pub. L. 91–187, § 1(d), increased number of positions in FBI from 110 to 140.

1966—Subsec. (a). Pub. L. 89–632, § 1(a), increased number of positions authorized to be established from 2,400 to 2,577, struck out cl. (1) designation preceding the provision limiting number of positions to be placed in GS–17 and GS–18, and struck out cls. (2) to (5), which made positions available only for allocation as follows: 50, with Presidential approval, for an agency or function created after Oct. 4, 1961, 14 to the United States Arms Control and Disarmament Agency, 6 to the Immigration and Naturalization Service, and 4 to the Federal Home Loan Bank Board, respectively.

Subsec. (b). Pub. L. 89–632, § 1(b), designated existing provisions as par. (1) and added par. (2).

Subsec. (c)(1). Public L. 89–632, § 1(c), increased number of positions in GAO from 39 to 64.

Subsec. (c)(2). Pub. L. 89–632, § 1(d), increased number of positions in FBI from 75 to 110.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–372 effective on the first day of the first pay period beginning on or after the 180th day following Oct. 8, 2008, see section 2(d) of Pub. L. 110–372, set out as a note under section 5376 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101–509, set out as a note under section 5301 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100–702, title I, § 109, Nov. 19, 1988, 102 Stat. 4645, provided that: ''This title [amending this section] shall become effective on January 1, 1989.''

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–191 effective Oct. 1, 1980, see section 10(a) of Pub. L. 96–191.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–54 effective July 12, 1979, see section 2(b) of Pub. L. 96–54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95–630 effective on expiration of 120 days after Nov. 10, 1978, see section 509 of Pub. L. 95–630, set out as a note under section 1752 of Title 12, Banks and Banking.

Amendment by Pub. L. 95–612 effective Oct. 1, 1978, or some later date related to availability of funds under appropriation acts authorized by appropriations authorization, see section 7 of Pub. L. 95–612, set out as a note under section 276c–2 of Title 22, Foreign Relations and Intercourse.

Amendment by Pub. L. 95–563 effective with respect to contracts entered into 120 days after Nov. 1, 1978 and, at the election of the contractor, with respect to any claim pending at such time before the contracting officer or initiated thereafter, see section 16 of Pub. L. 95–563, Nov. 1, 1978, 92 Stat. 2391.

Amendment by Pub. L. 95–454 effective 180 days after Oct. 13, 1978, see section 415(a)(3) of Pub. L. 95–454, set out as an Effective Date note under section 3131 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–233 effective on sixtieth day following Mar. 15, 1976, see section 16(b) of Pub. L. 94–233, set out as an Effective Date note under section 4201 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1974 AMENDMENTS

Amendment by Pub. L. 93–463 effective Oct. 23, 1974, see section 418 of Pub. L. 93–463, set out as a note under section 2 of Title 7, Agriculture.

Amendment by Pub. L. 93–415 effective Sept. 7, 1974, see section 263(a) of Pub. L. 93–415, set out as an Effective Date note under section 5601 of Title 42, The Public Health and Welfare.

Amendment by Pub. L. 93–406, § 1051(b)(2), effective on 90th day after Sept. 2, 1974, see section 1051(d) of Pub. L. 93–406, set out as a note under section 7802 of Title 26, Internal Revenue Code.

Amendment by Pub. L. 93–406, § 4002(c), effective Sept. 2, 1974, see section 4082(a) of Pub. L. 93–406, which is classified to section 1461(a) of Title 29, Labor.

EFFECTIVE DATE OF 1973 AMENDMENT

Offices and salaries modified under amendment by Pub. L. 93–83, prospectively only, effective on and after Aug. 6, 1973, see section 3 of Pub. L. 93–83.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–83 effective as of Sept. 6, 1966, for all purposes, see section 9(h) of Pub. L. 90–83, set out as a note under section 5102 of this title.

REPEALS

Pub. L. 95–612, § 3(b), Nov. 8, 1978, 92 Stat. 3091, cited as a credit to this section, was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

ADDITIONAL GS–16, GS–17, AND GS–18 POSITIONS; SOURCE FOR APPOINTMENTS; ELIGIBILITY OF APPOINTEES; TERMINATION OF AUTHORITY ON LEAVING POSITIONS; DETERMINATION OF AGGREGATE NUMBER OF POSITIONS AUTHORIZED FOR PLACEMENT IN SUCH GRADES

Pub. L. 95–612, § 3(a), (c), Nov. 8, 1978, 92 Stat. 3091, 3092, relating to the appointment of GS–16, GS–17, and GS–18 positions, was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

TERMINATION OF AUTHORITY TO PLACE POSITIONS IN GS–16, 17, OR 18 OF THE GENERAL SCHEDULE

Section 414(a)(1)(B) of Pub. L. 95–454 provided that: ''Notwithstanding any other provision of law (other than section 5108 of such title 5), the authority granted to an agency (as defined in section 5102(a)(1) of such title 5 under any such provision to place one or more positions in GS–16, 17, or 18 of the General Schedule, is hereby terminated.''

LIMITATIONS ON EXECUTIVE POSITIONS NOT TO APPLY TO INDIVIDUALS OCCUPYING THOSE POSITIONS ON OCTOBER 12, 1978

Section 414(a)(3) of Pub. L. 95–454 provided that:

''(A) The provisions of paragraphs (1) and (2) of this subsection [amending sections 3104 and 5108 of this title] shall not apply with respect to any position so long as the individual occupying such position on the day before the date of the enactment of this Act [Oct. 13, 1978] continues to occupy such position.

''(B) The Director—

''(i) in establishing under section 5108 of title 5, United States Code, the maximum number of positions which may be placed in GS–16, 17, and 18 of the General Schedule, and

''(ii) in establishing under section 3104 of such title 5 the maximum number of scientific or professional positions which may be established,

shall take into account positions to which subparagraph (A) of this paragraph applies.''

[References in laws to rates of pay for GS–16, 17, or 18, or to maximum rates of pay under General Schedule, to be considered references to rates payable under specified sections of this title, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of this title.]

ADDITIONAL POSITIONS IN OFFICE OF MANAGEMENT AND BUDGET

Pub. L. 95–26, title I, May 4, 1977, 91 Stat. 94, authorizing the Director of the Office of Management and Budget to place a total of five positions on GS–16, 17, and 18 in addition to the positions authorized by section 5108 of this title, was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

PREFERENCE TO BLIND IN SELECTION OF PERSONNEL

Preference to be given to blind individuals in selection of additional personnel under subsec. (c)(12) of this section, see section 208(c) of Pub. L. 93–516, set out as a note under section 702 of Title 29, Labor.

§ 5109. Positions classified by statute

(a) The position held by an employee of the Department of Agriculture while he, under section 450d of title 7, is designated and vested with a delegated regulatory function or part thereof shall be classified in accordance with this chapter, but not lower than GS–14.

(b)(1) The position held by a fully experienced and qualified railroad safety inspector of the Department of Transportation shall be classified in accordance with this chapter, but not lower than GS–12.

(2) The position held by a railroad safety specialist of the Department shall be classified in accordance with this chapter, but not lower than GS–13.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 455; Pub. L. 91–34, § 2(b), June 30, 1969, 83 Stat. 41; Pub. L. 93–406, title II, § 1051(b)(1), Sept. 2, 1974, 88 Stat. 951; Pub. L. 95–454, title IX, § 906(b), Oct. 13, 1978, 92 Stat. 1226; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101–509, title V, § 529 [title I, § 101(b)(9)(G)], Nov. 5, 1990, 104 Stat. 1427, 1441; Pub. L. 103–272, § 4(b)(1), July 5, 1994, 108 Stat. 1361; Pub. L. 105–206, title I, § 1102(e)(2), July 22, 1998, 112 Stat. 704.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
(a)	5 U.S.C. 516b (3d sentence).	Apr. 4, 1940, ch. 75, § 2 (3d sentence), 54 Stat. 81.
(b)	5 U.S.C. 3013(a) (10th through 24th words of 1st sentence, and 2d sentence).	Sept. 28, 1959, Pub. L. 86–382, § 14(a) (10th through 24th words of 1st sentence, and 2d sentence), 73 Stat. 716.
(c)	40 U.S.C. 193w.	Sept. 23, 1959, Pub. L. 86–379, § 1, 73 Stat. 702.

In subsection (a), the words ''section 450d of title 7'' are substituted for ''this section'' to reflect the scheduled transfer of former section 516b to title 7.

In subsection (c), the words ''Notwithstanding any other law'' were omitted as unnecessary.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.