sion'' and ''Commission'', respectively, wherever appearing.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–454 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.

§ 3309. Preference eligibles; examinations; additional points for

A preference eligible who receives a passing grade in an examination for entrance into the competitive service is entitled to additional points above his earned rating, as follows—

(1) a preference eligible under section 2108(3)(C)–(G) of this title—10 points; and

(2) a preference eligible under section 2108(3)(A)–(B) of this title—5 points.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 419; Pub. L. 90–83, § 1(8), Sept. 11, 1967, 81 Stat. 197; Pub. L. 105–85, div. A, title XI, § 1102(b), Nov. 18, 1997, 111 Stat. 1922.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 852 (1st sentence).	June 27, 1944, ch. 287, § 3 (less proviso), 58 Stat. 388. Jan. 19, 1948, ch. 1, § 2, 62 Stat. 3. Dec. 27, 1950, ch. 1151, § 2(a), 64 Stat. 1117. July 14, 1952, ch. 728, § 2, 66 Stat. 627. Aug. 14, 1953, ch. 485, § 1(a) ''Sec. 3 (1st sentence)'', 67 Stat. 581.

The word ''competitive'' is added before ''service'' for clarity. Application of this section to the excepted service in the executive branch and to the government of the District of Columbia, as provided in former section 858, is carried into section 3320.

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

1997—Par. (2). Pub. L. 105–85 substituted ''section 2108(3)(A)–(B)'' for ''section 2108(3)(A)''.

1967—Cl. (1). Pub. L. 90–83 substituted ''section 2108(3)(C)–(G)'' for ''section 2108(3)(B)–(F).'' See Historical and Revision Notes under section 3305 of this title.

§ 3310. Preference eligibles; examinations; guards, elevator operators, messengers, and custodians

In examinations for positions of guards, elevator operators, messengers, and custodians in the competitive service, competition is restricted to preference eligibles as long as preference eligibles are available.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 420.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 852 (2d sentence).	June 27, 1944, ch. 287, § 3 (proviso), 58 Stat. 388. Aug. 14, 1953, ch. 485, § 1(a) ''Sec. 3 (2d sentence)'', 67 Stat. 581.

The words ''in the competitive service'' are added for clarity. The reference to ''examinations held prior to December 31, 1954, for positions of apprentices'' is omitted as obsolete. Application of this section to the excepted service in the executive branch and to the government of the District of Columbia, as provided in former section 858, is carried into section 3320.

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

§ 3311. Preference eligibles; examinations; crediting experience

In examinations for the competitive service in which experience is an element of qualification, a preference eligible is entitled to credit—

(1) for service in the armed forces when his employment in a similar vocation to that for which examined was interrupted by the service; and

(2) for all experience material to the position for which examined, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he received pay therefor.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 420.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 853.	June 27, 1944, ch. 287, § 4, 58 Stat. 388.

The words ''for the competitive service'' are added after ''examinations'' for clarity. Application of this section to the excepted service in the executive branch and to the government of the District of Columbia, as provided in former section 858, is carried into section 3320.

In paragraph (1), the words ''service in the armed forces'' are substituted for ''in the military or naval service of the United States'' on authority of the Act of July 26, 1947, ch. 343, § 305(a), 61 Stat. 508. The word ''actual'' is omitted as surplusage.

In paragraph (2), the words ''material to the position for which examined'' are substituted for ''valuable'' for clarity.

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

§ 3312. Preference eligibles; physical qualifications; waiver

(a) In determining qualifications of a preference eligible for examination for, appointment in, or reinstatement in the competitive service, the Office of Personnel Management or other examining agency shall waive—

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the Office or other examining agency, after considering the recommendation of an accredited physician, the preference eligible is physically able to perform efficiently the duties of the position.

(b) If an examining agency determines that, on the basis of evidence before it, a preference eligible under section 2108(3)(C) of this title who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the position, the exam-