§ 5101 Purpose

It is the purpose of this chapter to provide a plan for classification of positions whereby—

(1) in determining the rate of basic pay which an employee will receive—

(A) the principle of equal pay for substantially equal work will be followed; and

(B) variations in rates of basic pay paid to different employees will be in proportion to substantial differences in the difficulty, responsibility, and qualification requirements of the work performed and to the contributions of employees to efficiency and economy in the service; and

(2) individual positions will, in accordance with their duties, responsibilities, and qualification requirements, be so grouped and identified by classes and grades, as defined by section 5102 of this title, and the various classes will be so described in published standards, as provided by section 5105 of this title, that the resulting position-classification system can be used in all phases of personnel administration.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 443.)

Historical and Revision Notes

<table>
<thead>
<tr>
<th>Derivation</th>
<th>U.S. Code</th>
<th>Revised Statutes and Statutes at Large</th>
</tr>
</thead>
</table>

The words “and for rates of basic compensation” are omitted as inapplicable to this chapter since the provisions of former chapter 21 relating to rates of basic compensation are carried into subchapter III of chapter 53. The word “officer” is omitted as included in “employee” as defined in section 5102.

The words “pay administration; and” are omitted as covered by section 5105, which provides for the establishment of pay grades for employees of the government.

The word “pay” is omitted as covered by section 5105, which provides for the establishment of pay grades for employees of the government.

Subpart D—Pay and Allowances

CHAPTER 51—CLASSIFICATION

Sec. 5101. Purpose.
5102. Definitions; application.
5103. Determination of applicability.
5104. Basis for grading positions.
5105. Standards for classification of positions.
5106. Basis for classifying positions.
5107. Classification of positions.
5109. Positions classified by statute.
5110. Review of classification of positions.
5111. Revocation and restoration of authority to classify positions.
5113. Classification records.
5114. Repealed.
5115. Regulations.

AMENDMENTS


References in Other Laws to Chapter 51 and Subchapter III of Chapter 53

References in laws to fix pay in accordance with this chapter and subchapter III of chapter 53 of this title considered to include authority under section 5376 of this title, if applicable, but not to include any authority under section 5301 of this title or section 529 [title III, §302] of Pub. L. 101–509, set out as a note under section 5304 of this title, see section 529 [title I, §101(c)(2)] of Pub. L. 101–509, set out in a References in Other Laws to GS–16, 17, or 18 Pay Rates; Regulations note under section 5376 of this title.

§ 5102. Definitions; application

(a) For the purpose of this chapter—

(1) “agency” means—

(A) an Executive agency;

(B) the Library of Congress;

(C) the Botanic Garden;

(D) the Government Printing Office;

(E) the Office of the Architect of the Capitol; and

(F) the government of the District of Columbia;

but does not include—

(i) a Government controlled corporation;

(ii) the Tennessee Valley Authority;

(iii) the Virgin Islands Corporation;

(iv) the Atomic Energy Commission;

(v) the Central Intelligence Agency;

(vi) the National Security Agency, Department of Defense;

(vii) the Government Accountability Office; or1

(ix) the Defense Intelligence Agency, Department of Defense; or

(x) the National Geospatial-Intelligence Agency, Department of Defense.2

(2) “employee” means an individual employed in or under an agency;

(3) “position” means the work, consisting of the duties and responsibilities, assignable to an employee;

(4) “class” or “class of positions” includes all positions which are sufficiently similar, as to—

(A) kind or subject-matter of work;

(B) level of difficulty and responsibility; and

(C) the qualification requirements of the work;

(5) “grade” includes all classes of positions which, although different with respect to kind or subject-matter of work, are sufficiently equivalent as to—

(A) level of difficulty and responsibility; and

1So in original. The word “or” probably should not appear.
2So in original. Subsec. (a)(1) does not contain a cl. (viii).
3So in original. The period probably should be a semicolon.

Subpart D—Pay and Allowances

CHAPTER 51—CLASSIFICATION

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AMENDMENTS


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§ 5102. Definitions; application

(a) For the purpose of this chapter—

(1) “agency” means—

(A) an Executive agency;

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(E) the Office of the Architect of the Capitol; and

(F) the government of the District of Columbia;

but does not include—

(i) a Government controlled corporation;

(ii) the Tennessee Valley Authority;

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(vii) the Government Accountability Office; or1

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(x) the National Geospatial-Intelligence Agency, Department of Defense.2

(2) “employee” means an individual employed in or under an agency;

(3) “position” means the work, consisting of the duties and responsibilities, assignable to an employee;

(4) “class” or “class of positions” includes all positions which are sufficiently similar, as to—

(A) kind or subject-matter of work;

(B) level of difficulty and responsibility; and

(C) the qualification requirements of the work;

(5) “grade” includes all classes of positions which, although different with respect to kind or subject-matter of work, are sufficiently equivalent as to—

(A) level of difficulty and responsibility; and

1So in original. The word “or” probably should not appear.
2So in original. Subsec. (a)(1) does not contain a cl. (viii).
3So in original. The period probably should be a semicolon.
(B) level of qualification requirements of the work;

to warrant their inclusion within one range of rates of basic pay in the General Schedule.

(b) Except as provided by subsections (c) and (d) of this section, this chapter applies to all ci-
vilian positions and employees in or under an agency, including positions in local boards and
appeal boards within the Selective Service Sys-
tem and employees occupying those positions.

(c) This chapter does not apply to—

12, 1970, 84 Stat. 776;

(2) members of the Foreign Service whose
pay is fixed under the Foreign Service Act of
1980; and positions in or under the Department
of State which are—

(A) connected with the representation of
the United States to international organiza-
tions; or

(B) specifically exempted by statute from
this chapter or other classification or pay
statute;

(3) physicians, dentists, nurses, and other
employees in the Veterans Health Administra-
tion of the Department of Veterans Affairs
whose pay is fixed under chapter 15 of
Columbia whose pay is fixed under chapter 33
of title 31, District of Columbia Code; the chief
judges and the associate judges of the Superior
Court of the District of Columbia and the Dis-
District of Columbia Court of Appeals; and non-
judicial employees of the District of Columbia
court system whose pay is fixed under title 11
of the District of Columbia Code;

(4) teachers, school officials, and employees
of the Board of Education of the District of
Columbia whose pay is fixed under chapter 15
of title 31, District of Columbia Code; the chief
judges and the associate judges of the Superior
Court of the District of Columbia and the Dis-
District of Columbia Court of Appeals; and non-
judicial employees of the District of Columbia
court system whose pay is fixed under title 11
of the District of Columbia Code;

(5) members of the Metropolitan Police, the
Fire Department of the District of Columbia,
the United States Park Police, and the United
States Secret Service Uniformed Division;
members of the police force of the National
Zoological Park whose pay is fixed under section
5375 of this title; and members of the po-
lice forces of the Bureau of Engraving and
Printing and the United States Mint whose
pay is fixed under section 5378 of this title;

(6) lighthouse keepers and civilian employ-
ees on lightships and vessels of the Coast
Guard whose pay is fixed under section 432(f)
and (g) of title 14;

(7) employees in recognized trades or crafts,
or other skilled mechanical crafts, or in un-
skilled, semiskilled, or skilled manual-labor
occupations, and other employees including foremen and supervisors in positions having
trade, craft, or laboring experience and knowl-
edge as the paramount requirement, and em-
ployees in the Bureau of Engraving and Print-
ing whose duties are to perform or to direct
manual or machine operations requiring spe-
cial skill or experience, or to perform or direct
the counting, examining, sorting, or other ver-
ification of the product of manual or machine
operations;

(8) officers and members of crews of vessels;

(9) employees of the Government Printing
Office whose pay is fixed under section 305 of
title 44;

(10) civilian professors, instructors, and lec-
turers at a professional military education
school (and, in the case of the George C. Mar-
shall European Center for Security Studies, the Director and the Deputy Director) whose
pay is fixed under section 1595, 4021, 7478, or
9021 of title 10; civilian professors, lecturers,
and instructors at the Military Academy, the
Naval Academy, and the Air Force Academy
whose pay is fixed under sections 4338, 6952,
and 9338, respectively, of title 10; senior profes-
sors, professors, associate and assistant profes-
sors, and instructors at the Naval Post-
graduate School whose pay is fixed under section
7044 of title 10; the Provost and Academic
Dean of the Naval Postgraduate School whose
pay is fixed under section 7043 of title 10; civil-
lian professors, instructors, and lecturers in
the defense acquisition university structure
(including the Defense Systems Management
College) whose pay is fixed under section
1746(b) of title 10;

(11) aliens or noncitizens of the United
States who occupy positions outside the United
States;

3868:]

(13) employees who serve without pay or at
nominal rates of pay;

(14) employees whose pay is not wholly from
appropriated funds of the United States (other
than employees of the Federal Retirement
Thrift Investment Management System ap-
pointed under section 454(c)(2) of this title),
except that with respect to the Veterans' Can-
teen Service, Department of Veterans Affairs
this paragraph applies only to employees nec-
necessary for the transaction of the business of
the Service at canteens, warehouses, and stor-
age depots whose employment is authorized by
section 7802 of title 38;

(15) employees whose pay is fixed under a co-
operative agreement between the United
States and—

(A) a State or territory or possession of
the United States, or political subdivision
thereof; or

(B) an individual or organization outside
the service of the Government of the United
States;

(16) student nurses, medical or dental in-
terns, residents-in-training, student dieti-
tians, student physical therapists, student oc-
cupational therapists, and other student em-
ployees, assigned or attached to a hospital,
clinic, or laboratory primarily for training
purposes, whose pay is fixed under subchapter
V of chapter 53 of this title or sections 7405
and 7406 of title 38;

(17) inmates, patients, or beneficiaries re-
ceiving care or treatment or living in Govern-
ment agencies or institutions;

(18) experts or consultants, when employed
temporarily or intermittently in accordance
with section 3109 of this title;

(19) emergency or seasonal employees whose
employment is of uncertain or purely tem-
porary duration, or who are employed for brief
periods at intervals;

(20) employees employed on a fee, contract,
or piece work basis;

(21) employees who may lawfully perform
their duties concurrently with their private
profession, business, or other employment, and whose duties require only a portion of their time, when it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the Government of the United States;

(22) "teachers" and "teaching positions" as defined by section 901 of title 20;

(23) administrative law judges designated administrative patent judges in the United States Patent and Trademark Office;

(24) temporary positions in the Bureau of the Census established under section 23 of title 13, and enumerator positions in the Bureau of the Census;

(25) positions for which rates of basic pay are individually fixed, or expressly authorized to be fixed, by other statute, at or in excess of the rate for level V of the Executive Schedule;

(26) civilian members of the faculty of the Coast Guard Academy whose pay is fixed under section 186 of title 14;

(27) members of the police of the Library of Congress whose pay is fixed under section 107 of title 2;

(28) civilian members of the faculty of the Air Force Institute of Technology whose pay is fixed under section 9314 of title 10;

(29) administrative law judges appointed under section 3105; or

(30) members of agency boards of contract appeals appointed under section 7105(a)(2), (c)(2), or (d)(2) of title 41.

(d) This chapter does not apply to an employee of the Office of the Architect of the Capitol whose pay is fixed by other statute. Subsection (c) of this section, except paragraph (7), does not apply to the Office of the Architect of the Capitol.

(e) Except as may be specifically provided, this chapter does not apply for pay purposes to any employee of the government of the District of Columbia during fiscal year 2006 or any succeeding fiscal year.


### Historical and Revision Notes

1966 Act

<table>
<thead>
<tr>
<th>Subsection</th>
<th>U.S. Code</th>
<th>Revised Statutes and Statutes at Large</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b)</td>
<td>§ U.S.C. 1081(b)</td>
<td>Oct. 28, 1949, ch. 782, §202(a), 61 Stat. 994</td>
</tr>
<tr>
<td>(c)</td>
<td>§ U.S.C. 1082(a)</td>
<td>Oct. 28, 1949, ch. 782, §203(a), 61 Stat. 994</td>
</tr>
<tr>
<td>(d)</td>
<td>§ U.S.C. 1084(a)</td>
<td>Oct. 28, 1949, ch. 782, §204(a), 61 Stat. 994</td>
</tr>
</tbody>
</table>

The section is reorganized and restated for clarity.

In subsection (a)(1)(i), the exception of "a Government controlled corporation" is added to preserve the application of this chapter to "corporations wholly owned by the United States". This is necessary as the defined term "Executive agency" includes the defined term "Government corporation" and the latter includes both Government owned and controlled corporations. Thus the exclusion of Government controlled corporations, which are distinct from wholly owned corporations, operates to preserve the application of the chapter to wholly owned corporations.


The exceptions for Production Credit Corporations and Federal Intermediate Credit Banks in former section 1082(18) and (19) are omitted as they are no longer "corporations wholly owned by the United States". Under the Farm Credit Act of 1956, 70 Stat. 659, the Production Credit Corporations were merged in the Federal Intermediate Credit Banks, and pursuant to that Act the Federal Intermediate Credit Banks have ceased to be corporations wholly owned by the United States.

Subsection (a)(2) is added for clarity. The reference to "any individual employed in or under an agency" includes both officers and employees of an agency.

In subsection (a)(5), the words "in the General Schedule" are substituted for the reference in former section 1082(22) to "positions which are exempt from this chapter, pursuant to section 1082(2)(B)".

In subsection (b), the reference to former section 1085 is omitted as unnecessary. Former section 1085 which exempted certain agencies from former sections 1151-1153 is carried into section 305.


In subsection (c)(2)(B), the words "this chapter" are substituted for the reference in former section 1082(2)(B) to "the Classification Act of 1923, as amended," on authority of section 1106 of the Act of Oct. 28, 1949, 63 Stat. 972, and technical section 7(b).

In subsection (c)(4), the words "chapter 15 of title 31, District of Columbia Code" are substituted for the reference in former section 1082(4) to "the District of Columbia Court of Appeals" for "District of Columbia Court of Appeals".

Subsection (c)(5), the word "officers" is omitted as included in "member".

In subsection (c)(10), the words "sections 6952 and 7478 of title 10", "section 7041 of title 10", and "section 7043 of title 10" are substituted for the renumbering in former section 1082(10) to "the Classification Act of 1923", "the District of Columbia Court of General Sessions" and "District of Columbia Court of Appeals" for "Municipal Court for the District of Columbia" and "Municipal Court of Appeals for the District of Columbia", respectively, on authority of D.C. Code §11–1502.

The exception for judges of the Juvenile Court of the District of Columbia is based on D.C. Code §11–1502.

In subsection (c)(15), the word "officers" is omitted as included in "member".

In subsection (c)(16), the reference to "section 1106 of the Act of Oct. 28, 1949, 63 Stat. 972, and technical section 7(b)" is omitted as unnecessary. Former section 1085 which exempted certain agencies from former sections 1151-1153 is carried into section 305.


In subsection (c)(22), the words "as defined by section 1091(b)" are substituted for the reference in former section 1082(26) to "as defined in section 1076m-1 of title 34", and "section 1074 of title 34", respectively, on authority of former section 1085 which exempted certain agencies from former sections 1151-1153 is carried into section 305.

In subsection (c)(25), the words "schedule" is omitted as unnecessary. Former section 1085 which exempted certain agencies from former sections 1151-1153 is carried into section 305.


The amendment to 5 U.S.C. §102(c)(15) is made to correct a typographical error.


REFERENCES IN TEXT


Level V of the Executive Schedule, referred to in subsec. (c)(25), is set out in section 5316 of this title.

AMENDMENTS

2011—Subsec. (c)(30). Pub. L. 111–350 substituted “section 7105(a)(2), (c), or (d)(2) of title 41” for “section 8 of the Contract Disputes Act of 1978”.

2010—Subsec. (c)(5). Pub. L. 110–212 substituted “the United States Secret Service Uniformed Division” for “the Executive Protective Service”.


2002—Pub. L. 108–375, §557(b)(5)(B), which directed amendment of subsec. (b) by substituting “Proving and Academic Dean” for “Academic Dean”, could not be executed because the words “Academic Dean” did not appear.

Subsec. (c)(10). Pub. L. 110–375, §557(b)(5)(A), substituted “Proving and Academic Dean of the Naval Postgraduate School” for “Academic Dean of the Postgraduate School of the Naval Academy”.


1996—Subsec. (a)(1)(i)(vii). Pub. L. 104–201, §3548(a)(2)(A), redesignated cls. (vii) and (viii) as (vi) and (vii), respectively, and struck out former cl. (vi) which read as follows: “the Panama Canal Commission:”.


Subsec. (a)(1)(ix). Pub. L. 104–201, §3548(a)(2)(A)(ii), redesignated cl. (x) as (ix) and (x) as (ix) and (x), respectively.


Subsec. (c)(12). Pub. L. 104–201, §3548(a)(2)(B), struck out par. (12) which read as follows: “any Executive agency to the extent of any election under section 1212(b)(2) (relating to the Panama Canal Employment System) of the Panama Canal Act of 1979:”.

1994—Subsec. (a)(1)(ix) to (xi). Pub. L. 103–359 directed the amendment of cl. (ix) by striking “or” at end which.
could not be executed because par. (1) does not contain a cl. (ix), directed the substitution of “; or” for period at end of cl. (x) which was executed by inserting “; or” at end of cl. (x) to reflect the probable intent of Congress because a semicolon already exists at end of cl. (x), and added cl. (xi).

Subsec. (c)(3). Pub. L. 103–446 struck out comma after “Department of Veterans Affairs”.

1993—Subsec. (c)(10). Pub. L. 103–160, § 923(b), inserted “(and, in the case of the George C. Marshall European Center for Security Studies, the Director and the Deputy Director) after “professional military education school”.

Pub. L. 103–160, § 533(c), substituted “at the Military Academy, the Naval Academy, and the Air Force Academy” for “at the Military Academy” whose pay is fixed under sections 6952, 9338, respectively, of title 10” for “at the Naval Academy whose pay is fixed under section 6952 of title 10”.


Subsec. (c)(14). Pub. L. 102–54, § 13(b)(1), substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

Pub. L. 102–40, § 403(c)(1)(A), substituted “section 7802 of title 38” for “section 6202 of title 38”.

Subsec. (c)(16). Pub. L. 102–40, § 403(c)(1)(B), substituted “sections 7405 and 7406” for “section 4114”.


Subsec. (c)(5). Pub. L. 101–509, § 529 [title I, § 109(a)(2)], substituted “members” for “and members” after “Protective Service;” and inserted at end “and members of the police forces of the Bureau of Engraving and Printing and the United States Mint whose pay is fixed under section 5378 of this title”;

Subsec. (c)(10). Pub. L. 101–510 struck out “and” before “the Academic Dean” and inserted at end “civilian professors, instructors, and lecturers in the defense acquisition university structure (including the Defense Systems Management College)” whose pay is fixed under section 1746(b) of title 10;”.


1989—Subsec. (c)(10). Pub. L. 101–189 inserted “civilian professors, instructors, and lecturers at a professional military education school whose pay is fixed under section 1565, 4021, 4748, or 9021 of title 10”;

substituted “Naval War College and” after “instructors at”;

and substituted “section 6952” for “sections 6952 and 7478”.

1986—Subsec. (c)(27). Pub. L. 100–135 substituted “police” for “special police force”.

1985—Subsec. (c)(14). Pub. L. 99–335 inserted “other than employees of the Federal Retirement Thrift Investment System appointed under section § 874(c)(2) of this title”.

1984—Subsec. (a)(1)(vii) to (x). Pub. L. 98–618 struck out “or” at end of cl. (xii), inserted “or” at end of cl. (xii), and added cl. (x).

1983—Subsec. (a)(1)(ii) to (ix). Pub. L. 97–468, eff. Jan. 5, 1983, struck out cl. (iii) which excluded the Alaska Railroad and redesignated cl. (iv) to (ix) as (iii) to (viii), respectively. See Effective Date of 1983 Amendment note below.


Subsec. (c)(2). Pub. L. 96–465 substituted “members of the Foreign Service whose pay is fixed under the Foreign Service Act of 1980” for “employees in the Foreign Service of the United States whose pay is fixed under chapter 14 of this title”.


Subsec. (c)(9). Pub. L. 94–183, § 213, substituted “305” for “40”.

1973—Subsec. (b). Pub. L. 93–175 extended this chapter to include positions in local boards and appeal boards within the Selective Service System and employees occupying those positions.

1970—Subsec. (c)(1). Pub. L. 91–375 repealed provision declaring this chapter inapplicable to employees in the postal field service whose pay is fixed under chapter 45 of title 39.

Subsec. (c)(4). Pub. L. 91–358 expanded reference to include chief judges, substituted reference to the Superior Court of the District of Columbia for references to the District Columbia Court of General Sessions and the Juvenile Court of the District of Columbia, and provided that chapter not apply to nonjudicial employees of the District of Columbia court system whose pay is fixed under title 11 of the District of Columbia Code.

1969—Subsec. (c)(5). Pub. L. 91–34 extended provisions to include members of the National Zoological Park police force whose pay is fixed under section 5365 of this title.


Effective Date of 2010 Amendment
Pub. L. 111–282, § 5, Oct. 15, 2010, 124 Stat. 3044, provided that: “This Act [enacting chapter 102 of this title, amending this section and sections 5541, 6304, and 6324 of this title, enacting provisions set out as notes under section 10201 of this title, and amending provisions set out as notes under section 3056A of Title 18, Crimes and Criminal Procedure] and the amendments made by this Act shall take effect on the first day of the first pay period which begins after the date of the enactment of this Act (Oct. 15, 2010).”

Effective Date of 1999 Amendment
Amendment by Pub. L. 106–113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106–113, set out as a note under section 35 of Title 10, Armed Forces.

Effective Date of 1996 Amendment
Amendment by section 112(a)(1) of Pub. L. 104–201 effective Oct. 1, 1996, see section 1241 of Pub. L. 104–201, set out as a note under section 193 of Title 1, Armed Forces.

Effective Date of 1990 Amendment
Amendment by section 529 [title I, § 101(b)(9)(F), 104(d)(1)] of 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 3581 of this title.

Amendment by section 529 [title I, § 109(a)(2)] of Pub. L. 101–509 effective on first day of first applicable pay period beginning on or after the 30th day following Nov. 5, 1990, see section 529 [title I, § 108(c)] of Pub. L. 101–509, set out as an Effective Date note under section 5378 of this title.

Effective Date of 1987 Amendment
this section and sections 167 and 167h of Title 2, The Congress shall apply with respect to pay periods beginning after September 30, 1987, except that any pay increase for employees of the Library of Congress, pursuant to the amendments made by such section, shall be subject to appropriation and shall be implemented in four approximately equal annual increments, so that pay parity with the Capitol Police occurs beginning with the first pay period beginning after September 30, 1990."

**Effective Date of 1986 Amendment**
Amendment by Pub. L. 99–335 effective Jan. 1, 1987, see section 702(a) of Pub. L. 99–335, set out as an Effective Date note under section 5101 of this title.

**Effective Date of 1983 Amendment**
Amendment by Pub. L. 97–48 effective on date of transfer of Alaska Railroad to the State [Jan. 5, 1985, pursuant to section 1203 of Title 49, Railroads, see section 615(b) of Pub. L. 97–48.

**Effective Date of 1980 Amendments**
Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.


**Effective Date of 1979 Amendments**
Amendment by Pub. L. 96–70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96–70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

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 Amendment**
Amendment by section 801(a)(3)(D) of Pub. L. 95–454 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.


**Effective Date of 1973 Amendment**
Amendment by Pub. L. 93–176 effective not later than beginning of first pay period which begins on or after 90th day following Dec. 5, 1973, see section 4 of Pub. L. 93–176, set out as a note under section 460 of the Appendix to Title 50, War and National Defense.

**Effective Date of 1970 Amendments**
Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

Amendment by Pub. L. 91–358 effective first day of seventh calendar month which begins after July 29, 1970, see section 199(a) of Pub. L. 91–358, set out as a note under section 1257 of Title 28, Judiciary and Judicial Procedure.

**Effective Date of 1969 Amendment**
Amendment by Pub. L. 91–34 effective at beginning of first pay period which commences on or after June 30, 1969, see section 3(a) of Pub. L. 91–34, set out as an Effective Date note under section 5375 of this title.

**Effective Date of 1968 Amendment**
Pub. L. 90–610, § 3, Oct. 21, 1968, 82 Stat. 1201, provided that: "The amendments made by this Act [amending this section and section 167 of Title 2, The Congress] shall take effect on the first day of the first pay period which begins on or after the date of enactment of this Act [Oct. 21, 1968]. Notwithstanding any provisions of this Act, no rate of basic pay shall be reduced by reason of the enactment of this Act."

**Effective Date of 1967 Amendment**
Section 9(b) of Pub. L. 90–83 provided that: "Section 1(3) [amending section 1305 of this title], (10) [amending section 3324 of this title], (11) [amending this section], (12) [amending section 5108 of this title], (22) [enacting section 5534a of this title], (23) [amending the analysis for chapter 55 of this title], (83)(a) and (d) [amending section 6344 of this title], (89) [amending section 6521 of this title], (96) [amending section 902 of this title], (99) [amending section 8113 of this title] of this Act is effective as of September 6, 1966, for all purposes."

**Repeals**

**Transfer of Functions**
For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 460(b), 531(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**Abolition of Atomic Energy Commission**
Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

**Dissolution of Virgin Islands Corporation**

**Civilian Members of Faculty of Air Force Institute of Technology on November 8, 1985**
Section 504(c) of Pub. L. 99–145 provided that: "Section 9314(b)(2) of title 10, United States Code (as added by subsection (a)(1)(B)), and section 5102(c)(2) of title 5, United States Code (as added by subsection (b)), shall not apply to any person who on the date of the enactment of this Act [Nov. 8, 1985]—"(1) is a civilian member of the faculty of the United States Air Force Institute of Technology;"(2) is paid a rate of basic pay under the General Schedule; and"
"(3) elects, under procedures prescribed by the Secretary of the Air Force, to continue to be paid under the General Schedule."
§ 5103. Determination of applicability

The Office of Personnel Management shall determine finally the applicability of section 5102 of this title to specific positions and employees, except for positions and employees in the Office of the Architect of the Capitol.


HISTORICAL AND REVISION NOTES

Derivation | U.S. Code | Revised Statutes and Statutes at Large
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Former sections 1083 and 1084(c) are combined and re-stated for clarity. The words “hereinafter referred to as the Commission” in former section 1083 are omitted as unnecessary. The exception from “section 1082 (except paragraph (7) thereof)” in former section 1084(c) is carried into section 5102(d).

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


EFFECTIVE DATE OF 1978 AMENDMENT


§ 5104. Basis for grading positions

The General Schedule, the symbol for which is “GS”, is the basic pay schedule for positions to which this chapter applies. The General Schedule is divided into grades of difficulty and responsibility of work, as follows:

1. Grade GS–1 includes those classes of positions the duties of which are to perform, under immediate supervision, with little or no latitude for the exercise of independent judgment—
   (A) The simplest routine work in office, business, or fiscal operations; or
   (B) Elementary work of a subordinate technical character in a professional, scientific, or technical field.

2. Grade GS–2 includes those classes of positions the duties of which are—
   (A) To perform, under immediate supervision, with limited latitude for the exercise of independent judgment, routine work in office, business, or fiscal operations, or comparable subordinate technical work of limited scope in a professional, scientific, or technical field, requiring some training or experience;
   (B) To perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

3. Grade GS–3 includes those classes of positions the duties of which are—
   (A) To perform, under immediate or general supervision, somewhat difficult and responsible work in office, business, or fiscal operations, or comparable subordinate technical work of limited scope in a professional, scientific, or technical field, requiring in either case—
      (i) some training or experience;
      (ii) Working knowledge of a special subject matter; or
      (iii) To some extent the exercise of independent judgment in accordance with well-established policies, procedures, and techniques; or
   (B) To perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

4. Grade GS–4 includes those classes of positions the duties of which are—
   (A) To perform, under immediate or general supervision, moderately difficult and responsible work in office, business, or fiscal operations, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—
      (i) A moderate amount of training and minor supervisory or other experience;
      (ii) Good working knowledge of a special subject matter or a limited field of office, laboratory, engineering, scientific, or other procedure and practice; and
      (iii) The exercise of independent judgment in accordance with well-established policies, procedures, and techniques; or
   (B) To perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

5. Grade GS–5 includes those classes of positions the duties of which are—
   (A) To perform, under general supervision, difficult and responsible work in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—
      (i) Considerable training and supervisory or other experience;
      (ii) Broad working knowledge of a special subject matter or of office, laboratory, engineering, scientific, or other procedure and practice; and
      (iii) The exercise of independent judgment in a limited field;
   (B) To perform, under immediate supervision, and with little opportunity for the exercise of independent judgment, simple and elementary work requiring professional, scientific, or technical training; or
(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(6) Grade GS–6 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, difficult and responsible work in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable training and supervisory or other experience;

(ii) broad working knowledge of a special and complex subject matter, procedure, or practice, or of the principles of the profession, art, or science involved; and

(iii) to a considerable extent the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(7) Grade GS–7 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, work of considerable difficulty and responsibility along special technical or supervisory lines in office, business, or fiscal administration, or comparable subordinate technical work in a professional, scientific, or technical field, requiring in either case—

(i) considerable specialized or supervisory training and experience; and

(ii) comprehensive working knowledge of a special and complex subject matter; procedure, or practice, or of the principles of the profession, art, or science involved; and

(iii) to a considerable extent the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(8) Grade GS–8 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, very difficult and responsible work along special technical or supervisory lines in office, business, or fiscal administration, requiring—

(i) considerable specialized or supervisory training and experience; and

(ii) comprehensive and thorough working knowledge of a specialized and complex subject matter; procedure, or practice, or of the principles of the profession, art, or science involved; and

(iii) to a considerable extent the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(9) Grade GS–9 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, very difficult and responsible work along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) somewhat extended specialized training and considerable specialized, supervisory, or administrative experience which has demonstrated capacity for sound independent work;

(ii) thorough and fundamental knowledge of a special and complex subject matter, or of the profession, art, or science involved; and

(iii) considerable latitude for the exercise of independent judgment;

(B) with considerable latitude for the exercise of independent judgment, to perform moderately difficult and responsible work, requiring—

(i) professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing; and

(ii) considerable additional professional, scientific, or technical training or experience which has demonstrated capacity for sound independent work; or

(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(10) Grade GS–10 includes those classes of positions the duties of which are—

(A) to perform, under general supervision, highly difficult and responsible work along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) somewhat extended specialized, supervisory, or administrative training and experience which has demonstrated capacity for sound independent work;

(ii) thorough and fundamental knowledge of a specialized and complex subject matter, or of the profession, art, or science involved; and

(iii) considerable latitude for the exercise of independent judgment; or

(B) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(11) Grade GS–11 includes those classes of positions the duties of which are—

(A) to perform, under general administrative supervision and with wide latitude for the exercise of independent judgment, work of marked difficulty and responsibility along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—

(i) extended specialized, supervisory, or administrative training and experience which has demonstrated important attainments and marked capacity for sound independent action or decision; and

(ii) intimate grasp of a specialized and complex subject matter, or of the profes-
§ 5104

sions the duties of which are—
(B) with wide latitude for the exercise of independent judgment, to perform responsible work of considerable difficulty requiring somewhat extended professional, scientific, or technical training and experience which has demonstrated important attainments and marked capacity for independent work; or
(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(12) Grade GS–12 includes those classes of positions the duties of which are—
(A) to perform, under general administrative supervision, with wide latitude for the exercise of independent judgment, work of a very high order of difficulty and responsibility along special technical, supervisory, or administrative lines in office, business, or fiscal administration, requiring—
(i) extended specialized, supervisory, or administrative training and experience which has demonstrated leadership and attainments of a high order in specialized or administrative work; and
(ii) intimate grasp of a specialized and complex subject matter or of the profession, art, or science involved;
(B) under general administrative supervision, and with wide latitude for the exercise of independent judgment, to perform professional, scientific, or technical work of marked difficulty and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and attainments of a high order in professional, scientific, or technical research, practice, or administration, or
(C) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(13) Grade GS–13 includes those classes of positions the duties of which are—
(A) to perform, under administrative direction, with very wide latitude for the exercise of independent judgment, work of unusual difficulty and responsibility along special technical, supervisory, or administrative lines, requiring extended specialized, supervisory, or administrative training and experience which has demonstrated leadership and marked attainments;
(B) to serve as assistant head of a major organization involving work of comparable level within a bureau;
(C) to perform, under administrative direction, with wide latitude for the exercise of independent judgment, work of unusual difficulty and responsibility requiring extended professional, scientific, or technical training and experience which has demonstrated leadership and marked attainments in professional, scientific, or technical research, practice, or administration; or
(D) to perform other work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(14) Grade GS–14 includes those classes of positions the duties of which are—
(A) to perform, under general administrative direction, with wide latitude for the exercise of independent judgment, work of exceptional difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and unusual attainments; or
(B) to serve as head of a major organization within a bureau involving work of comparable level;
(C) to plan and direct or to plan and execute major professional, scientific, technical, administrative, fiscal, or other specialized programs, requiring extended training and experience which has demonstrated leadership and exceptional attainments; or
(D) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(15) Grade GS–15 includes those classes of positions the duties of which are—
(A) to perform, under general administrative direction, with very wide latitude for the exercise of independent judgment, work of outstanding difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and exceptional attainments;
(B) to serve as head of a major organization within a bureau involving work of comparable level;
(C) to plan and direct or to plan and execute specialized programs of marked difficulty, responsibility, and national significance, along professional, scientific, technical, administrative, fiscal, or other lines, requiring extended training and experience which has demonstrated leadership and unusual attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or
(D) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.

(HISTORICAL AND REVISION NOTES)

Derivation U.S. Code Revised Statutes and Statutes at Large

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Former sections 1111 and 1112 are combined and restated. Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

The General Schedule, referred to in text, is set out under section 5332 of this title.

AMENDMENTS


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.

JOB EVALUATION POLICY ACT OF 1970


‘TITLE I—CONGRESSIONAL FINDINGS WITH RESPECT TO JOB EVALUATION AND RANKING IN THE EXECUTIVE BRANCH

‘SEC. 101. The Congress hereby finds that—

“(1) the tremendous growth required in the activities of the Federal Government in order to meet the country’s needs during the past several decades has led to the need for employees in an ever-increasing and changing variety of occupations and professions, many of which did not exist when the basic principles of job evaluation and ranking were established by the Classification Act of 1923 (Act Mar. 4, 1923, ch. 265, 42 Stat. 1488). The diverse and constantly changing nature of these occupations and professions requires that the Federal Government reassess its approach to job evaluation and ranking better to fulfill its role as an employer and assure efficient economical administration;

“(2) the large number and variety of job evaluation and ranking systems in the executive branch have resulted in significant inequities in selection, promotion, and pay of employees in comparable positions among these systems;

“(3) little effort has been made by Congress or the executive branch to consolidate or coordinate the various job evaluation and ranking systems, and there has been no progress toward the establishment of a coordinated system in which job evaluation and ranking, regardless of the methods used, is related to a unified set of principles providing coherence and equity throughout the executive branch;

“(4) within the executive branch, there has been no significant study of, or experimentation with the several recognized methods of job evaluation and ranking to determine which of those methods are most appropriate for use and application to meet the present and future needs of the Federal Government; and

“(5) notwithstanding the recommendations resulting from the various studies conducted during the last twenty years, the Federal Government has not taken the initiative to implement those recommendations with respect to the job evaluation and ranking systems within the executive branch, with the result that such systems have not, in many cases, been adapted or administered to meet the rapidly changing needs of the Federal Government.

‘TITLE II—STATEMENT OF POLICY

‘SEC. 201. It is the sense of Congress that—

“(1) the executive branch shall, in the interest of equity, efficiency, and good administration, operate under a coordinated job evaluation and ranking system for all civilian positions, to the greatest extent practicable;

“(2) the system shall be designed so as to utilize such methods of job evaluation and ranking as are appropriate for use in the executive branch, taking into account the various occupational categories of positions therein; and

“(3) the United States Civil Service Commission shall be authorized to exercise general supervision and control over such a system.

‘TITLE III—PREPARATION OF A JOB EVALUATION AND RANKING PLAN BY THE CIVIL SERVICE COMMISSION AND REPORTS AND RECOMMENDATIONS TO CONGRESS

‘SEC. 301. The Civil Service Commission, through such organizational unit which it shall establish within the Commission and which shall report directly to the Commission, shall prepare a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking for civilian positions, in the executive branch. The plan shall include, among other things—

“(1) provision for the establishment of a method or methods for evaluating jobs and aligning them by level;

“(2) a time schedule for the conversion of existing job evaluation and ranking systems into the coordinated system;

“(3) provision that the Civil Service Commission shall have general supervision of and control over the coordinated job evaluation and ranking system, including, if the Commission deems it appropriate, the authority to approve or disapprove the adoption, use and administration in the executive branch of the method or methods established under that system;

“(4) provision for the establishment of procedures for the periodic review by the Civil Service Commission of the effectiveness of the method or methods adopted for use under the system; and

“(5) provision for maintenance of the system to meet the changing needs of the executive branch in the future.

‘SEC. 302. In carrying out its functions under section 301 of this Act, the Commission shall consider all recognized methods of job evaluation and ranking.

‘SEC. 303. The Civil Service Commission is authorized to secure directly from any executive agency, as defined by section 106 of title 5, United States Code, or any bureau, office, or part thereof, information, suggestions, estimates, statistics, and technical assistance for the purposes of this Act; and each such executive agency or bureau, office, or part thereof is authorized and directed to furnish such information, suggestions, estimates, statistics, and technical assistance directly to the Civil Service Commission upon request by the Commission.

‘SEC. 304. (a) Within one year after the date of enactment of this Act, the Commission shall submit to the President and the Congress an interim progress report on the current status and results of its activities under this Act, together with its current findings.

“(b) Within two years after the date of enactment of this Act [Mar. 17, 1970]—

“(1) the Civil Service Commission shall complete its functions under this Act and shall transmit to the President a comprehensive report of the result of its activities, together with its recommendations (including its draft of proposed legislation to carry out such recommendations), and

“(2) the President shall transmit that report (including the recommendations and draft of proposed legislation of the Commission) to the Congress, together with such recommendations as the President deems appropriate.

“(c) The Commission shall submit to the Committees on Post Office and Civil Service of the Senate and House of Representatives once each calendar month, or at such other intervals as may be directed by those committees, or either of them, an interim progress re-
port on the then current status and results of the activities of the Commission under this Act, together with the then current findings of the Commission.

“(d) The Commission shall periodically consult with, and solicit the views of, appropriate employee and professional organizations.

“(e) The organizational unit established under section 301 of this Act shall cease to exist upon the submission of the report to the Congress under subsection (b) of this section.”

§ 5105. Standards for classification of positions

(a) The Office of Personnel Management, after consulting the agencies, shall prepare standards for placing positions in their proper classes and grades. The Office may make such inquiries or investigations of the duties, responsibilities, and qualification requirements of positions as it considers necessary for this purpose. The agencies, on request of the Office, shall furnish information for and cooperate in the preparation of the standards. In the standards, which shall be published in such form as the Office may determine, the Office shall—

(1) define the various classes of positions in terms of duties, responsibilities, and qualification requirements;

(2) establish the official class titles; and

(3) set forth the grades in which the classes have been placed by the Office.

(b) The Office, after consulting the agencies to the extent considered necessary, shall revise, supplement, or abolish existing standards, or prepare new standards, so that, as nearly as may be practicable, positions existing at any given time will be covered by current published standards.

(c) The official class titles established under subsection (a)(2) of this section shall be used for personnel, budget, and fiscal purposes. However, this requirement does not prevent the use of organizational or other titles for internal administration, public convenience, law enforcement, or similar purposes.


Historical and Revision Notes

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<th>Derivation</th>
<th>U.S. Code</th>
<th>Revised Statutes and Statutes at Large</th>
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The section is restated for clarity. In subsection (b), the requirement that the Commission keep the standards up to date is omitted as included in the requirement that the Commission revise, supplement, or abolish existing standards, or prepare new standards so as to keep them current as nearly as practicable.

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


Effective Date of 1978 Amendment


Performance Management Skills and Competencies

Pub. L. 111–352, §12, Jan. 4, 2011, 124 Stat. 3882, provided that:

“(a) PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.—Not later than 1 year after the date of enactment of this Act [Jan. 4, 2011], the Director of the Office of Personnel Management, in consultation with the Performance Improvement Council, shall identify the key skills and competencies needed by Federal Government personnel for developing goals, evaluating programs, and analyzing and using performance information for the purpose of improving Government efficiency and effectiveness.

“(b) POSITION CLASSIFICATIONS.—Not later than 2 years after the date of enactment of this Act, based on the identifications under subsection (a), the Director of the Office of Personnel Management shall incorporate, as appropriate, such key skills and competencies into relevant position classifications.

“(c) INCORPORATION INTO EXISTING AGENCY TRAINING.—Not later than 2 years after the enactment of this Act, the Director of the Office of Personnel Management shall work with each agency, as defined under section 301(f) of title 5, United States Code, to incorporate the key skills identified under subsection (a) into training for relevant employees at each agency.”

§ 5106. Basis for classifying positions

(a) Each position shall be placed in its appropriate class. The basis for determining the appropriate class is the duties and responsibilities of the position and the qualifications required by the duties and responsibilities.

(b) Each class shall be placed in its appropriate grade. The basis for determining the appropriate grade is the level of difficulty, responsibility, and qualification requirements of the work of the class.

(c) Appropriated funds may not be used to pay an employee who places a supervisory position in a class and grade solely on the basis of the size of the organization unit or the number of subordinates supervised. These factors may be given effect only to the extent warranted by the work load of the organization unit and then only in combination with other factors, such as the kind, difficulty, and complexity of work supervised, the degree and scope of responsibility delegated to the supervisor, and the kind, degree, and character of the supervision exercised.


Historical and Revision Notes

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<td>(a), (b)</td>
<td>§ 1092</td>
<td>Oct. 28, 1949, ch. 782, §302, 63 Stat. 957.</td>
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<td>(c)</td>
<td>§ 1093</td>
<td>Oct. 28, 1949, ch. 782, §303, 63 Stat. 957.</td>
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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.


HISTORICAL AND REVISION NOTES

Derivation | U.S. Code | Revised Statutes and Statutes at Large
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The words “to which this chapter applies” are omitted as unnecessary in view of section 502. 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


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) of Pub. L. 95–454, set out as an Effective Date note under section 5361 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).


HISTORICAL AND REVISION NOTES

1966 ACT

Derivation | U.S. Code | Revised Statutes and Statutes at Large
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<th>Derivation</th>
<th>U.S. Code</th>
<th>Revised Statutes and Statutes at Large</th>
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<td>(c)(8)</td>
<td>45 U.S.C. 228(b)(4)</td>
<td>July 7, 1955, ch. 279, §201(a) (as proviso on p. 279), 69 Stat. 273</td>
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The section is reorganized for clarity.

In subsection (a)(2), the date “October 4, 1961” is substituted for “the date of enactment of this subchapter”.


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. 1103(e)).

AMENDMENTS


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”.


1988—Subsec. (c). Pub. L. 101-500 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 positions at GS-16 and 17.

1984—Subsec. (c). Pub. L. 98-473 redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1), which read as follows: “The Administrator of the Federal Highway Administration have the authority to establish the maximum number of positions, not to exceed 9922, in addition to certain specified positions, which may be placed in GS-16, 17, and 18, and 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.

1978—Subsec. (a). Pub. L. 95-630 substituted “3,310” for “3,301”.

1975—Subsec. (a). Pub. L. 94-632 substituted “335” for “3301”.

1973—Pub. L. 93-454, §414(a)(1)(C), substituted provisions authorizing Director of Office of Personnel Management to establish the maximum number of positions, not to exceed 10,77, 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 3992 in addition to certain specified positions, which may be placed in GS-16, 17, and 18, and 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.

1972—Pub. L. 92-584 added “32”.

1967—Subsec. (c)(10). Pub. L. 90-236 substituted “3293” for “3292”.


1960—Subsec. (c). Pub. L. 86-244 added cl. (i) 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.

1959—Subsec. (c)(1). Pub. L. 86-702 substituted “17 positions” for “15 positions”.

1958—Subsec. (c). Pub. L. 85-630 substituted “3293” for “3292”.

1957—Subsec. (a). Pub. L. 85-219 substituted “3301” for “3301”. in which boards of contracts appeals are established, as par. (4).
of positions in FBI from 110 to 140.

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 210(g)), may place 1 position in GS–18.

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, aspars. (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, aspars. (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. (g). Pub. L. 93–406, §402(c), added subsec. (g).


1971—Subsec. (a). Pub. L. 91–656, §9(b), substituted “2,734” 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.


Subsec. (b)(2). Pub. L. 91–187, §1(b), increased number of positions in Library of Congress from 29 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 before 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). Pub. 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.
tive 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 1651(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 4002(a) of Pub. L. 93–406, which is classified to section 1461(a) of Title 29, Labor.

**Effective Date of 1973 Amendment**


**Effective Date of 1967 Amendment**

Amendment by Pub. L. 90–38 effective as of Sept. 6, 1966, for all purposes, see section 9(b) of Pub. L. 90–38, set out as a note under section 5102 of this title.

**Repeals**


**Additional GS–16, GS–17, and GS–18 Positions; Source for Appointments; Eligibility of Appointees; Determination of Authority on Leaving Positions; Termination of Aggregative Number of Positions Authorized for Placement in Such Grades**


**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 this title 5), the authority granted to an agency (as defined in section 5102a(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, 1976**

Section 414(a)(3) of Pub. L. 95–454 provided that: ‘‘(B) The position held by a railroad safety specialist of the Department 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.

(1) 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, 1976) continues to occupy such position.

(a) The terms ‘‘Notwithstanding any other provision of law’’ were omitted as unnecessary.

In subsection (a), the words ‘‘section 460d 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.

**Amendments**

1998—Subsecs. (b), (c). Pub. L. 105–206 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: ‘‘The position held by the employee appointed under section 3105(b) of the Internal Revenue Code of 1986 shall be considered a position classified above GS–9 pursuant to section 5108.’’


1990—Subsec. (b). Pub. L. 101–509 substituted ‘‘shall be considered a position classified above GS–9 pursuant to section 5108’’ for ‘‘is classified at GS–18, and in addition to the number of positions authorized by section 5106(a) of this title.’’


**Historical and Revision Notes**

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<th>Derivation</th>
<th>U.S. Code</th>
<th>Revised Statutes and Statutes at Large</th>
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<td>(a) ............</td>
<td>5 U.S.C. 516b (3d sentence)</td>
<td>Apr. 4, 1940, ch. 75, §2 (3d sentence); 54 Stat. 34.</td>
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<tr>
<td>(b) ............</td>
<td>5 U.S.C. 3013(a) (10th through 24th words of 1st sentence; and 24th sentence)</td>
<td>Sept. 23, 1959, Pub. L. 86–379, §1, 73 Stat. 702.</td>
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<td>(c) ................</td>
<td>46 U.S.C. 190w.</td>
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§5110. Review of classification of positions

(a) The Office of Personnel Management, from time to time, shall review such number of positions in each agency as will enable the Office to determine whether the agency is placing positions in classes and grades in conformance with or consistently with published standards.

(b) When the Office finds under subsection (a) of this section that a position is not placed in its proper class and grade in conformance with published standards or that a position for which there is no published standard is not placed in the class and grade consistently with published standards, it shall, after consultation with appropriate officials of the agency concerned, place the position in its appropriate class and grade and shall certify this action to the agency. The agency shall act in accordance with the certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.


Historical and Revision Notes

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In subsection (b), the words “to which this chapter applies” are omitted as unnecessary in view of section 5102. The words “appropriate officials” and “administrative, certifying, payroll, disbursing, and accounting officials” are substituted for “appropriate officers and employees” and “administrative, certifying, payroll, disbursing, and accounting officers”, respectively, to preserve the application to members of the uniformed services who are excluded from the definition of “officer” and “employee”. 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


Effective Date of 1978 Amendment


§5111. Revocation and restoration of authority to classify positions

(a) When the Office of Personnel Management finds that an agency is not placing positions in classes and grades in conformance with or consistently with published standards, it may revoke or suspend the authority granted to the agency by section 5107 of this title and require that prior approval of the Office be secured before an action placing a position in a class and grade becomes effective for payroll and other personnel purposes. The Office may limit the revocation or suspension to—

1. the departmental or field service, or any part thereof;
2. a geographic area;
3. an organization unit or group of organization units;
4. certain types of classification actions;
5. classes in particular occupational groups or grades; or
6. classes for which standards have not been published.

(b) After revocation or suspension, the Office may restore the authority to the extent that it finds that an agency is placing positions in classes and grades will be in conformance with or consistent with published standards.


Historical and Revision Notes

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In subsection (a), the words “in whole or in part” are omitted as unnecessary in view of the specific authority to limit the revocation or suspension. The words “The Commission may limit the revocation or suspension to” are substituted for “Such revocations or suspensions may be limited, in the discretion of the Commission, to” to eliminate redundancy.

In subsection (b), the words “After revocation or suspension” are substituted for “After all or part of the authority of the department has been revoked or suspended”. The words “may restore” are substituted for “may at any time restore” to eliminate redundancy.
§ 5112. General authority of the Office of Personnel Management

(a) Notwithstanding section 5107 of this title, the Office of Personnel Management may—

(1) ascertain currently the facts as to the duties, responsibilities, and qualification requirements of a position;

(2) place in an appropriate class and grade a newly created position or a position coming initially under this chapter;

(3) decide whether a position is in its appropriate class and grade; and

(4) change a position from one class or grade to another class or grade when the facts warrant.

The Office shall certify to the agency concerned its action under paragraph (2) or (4) of this subsection. The agency shall act in accordance with the Office's action under paragraph (2) or (4) of this subsection and the Office shall act on the request.

The Office of Personnel Management may—

(1) prescribe the form in which each agency shall record the duties and responsibilities of positions and the places where these records shall be maintained;

(2) examine these or other pertinent records of the agency; and

(3) interview employees of the agency who have knowledge of the duties and responsibilities of positions and information as to the reasons for placing a position in a class or grade.


§ 5113. Classification records

The Office of Personnel Management may—

(1) prescribe the form in which each agency shall record the duties and responsibilities of positions and the places where these records shall be maintained;

(2) examine these or other pertinent records of the agency; and

(3) interview employees of the agency who have knowledge of the duties and responsibilities of positions and information as to the reasons for placing a position in a class or grade.


### Historical and Revision Notes

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In paragraph (1), the words "to which this chapter applies" are omitted as unnecessary in view of section 5102.

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


### Effective Date of 1978 Amendment


§ 5115. Regulations

The Office of Personnel Management may prescribe regulations necessary for the administration of this chapter, except sections 5109 and 5114.1


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Former sections 1072 and 1072a are combined and restated for clarity. The remainder of the authority is carried into sections 3324, 3338, and 7154.

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

1 See References in Text note below.
CHAPTER 53—PAY RATES AND SYSTEMS

SUBCHAPTER I—PAY COMPARABILITY SYSTEM

Sec.
5301. Policy.
5302. Definitions.
5303. Annual adjustments to pay schedules.
5304. Locality-based comparability payments.
5304a. Authority to fix an alternative level of comparability payments.
5305. Special pay authority.
5306. Pay fixed by administrative action.
5307. Limitation on certain payments.
5308. Omitted.

SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

5311. The Executive Schedule.
5312. Positions at level I.
5313. Positions at level II.
5314. Positions at level III.
5315. Positions at level IV.
5316. Positions at level V.
5317. Presidential authority to place positions at levels IV and V.
5318. Adjustments in rates of pay.

SUBCHAPTER III—GENERAL SCHEDULE PAY RATES

5331. Definitions; application.
5332. The General Schedule.
5333. Minimum rate for new appointments.
5334. Rate on change of position or type of appointment; regulations.
5335. Periodic step-increases.
5336. Additional step-increases.
5337. Repealed.
5338. Regulations.

SUBCHAPTER IV—PREVAILING RATE SYSTEMS

5341. Policy.
5342. Definitions; application.
5343. Prevailing rate determinations; wage schedules; night differentials.
5344. Effective date of wage increase; retroactive pay.
5345. Repealed.
5346. Job grading system.
5347. Federal Prevailing Rate Advisory Committee.
5348. Crews of vessels.

SUBCHAPTER V—STUDENT-EMPLOYEES

5351. Definitions.
5352. Stipends.
5353. Quarters, subsistence, and laundry.
5354. Effect of detail or affiliation; travel expenses.
5355. Effect on other statutes.
5356. Appropriations.

SUBCHAPTER VI—GRADE AND PAY RETENTION

5361. Definitions.
5362. Grade retention following a change of positions or reclassification.

5363. Pay retention.
5364. Remedial actions.
5365. Regulations.
5366. Appeals.

SUBCHAPTER VII—MISCELLANEOUS PROVISIONS

5371. Health care positions.
5372. Administrative law judges.
5372a. Contract appeals board members.
5372b. Administrative appeals judges.
5373. Limitation on pay fixed by administrative action.
5374. Miscellaneous positions in the executive branch.
5375. Police force of the National Zoological Park.
5376. Pay for certain senior-level positions.
5377. Pay authority for critical positions.
5379. Student loan repayments.
5380. Repealed.

SUBCHAPTER VIII—PAY FOR THE SENIOR EXECUTIVE SERVICE

5381. Definitions.
5382. Establishment and adjustment of rates of pay for the Senior Executive Service.
5383. Setting individual senior executive pay.
5384. Performance awards in the Senior Executive Service.
5385. Regulations.

SUBCHAPTER IX—SPECIAL OCCUPATIONAL PAY SYSTEMS

5391. Definitions.
5392. Establishment of special occupational pay systems.

AMENDMENTS