AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Maritime-Richmond Yard Numbered 3 in such quantities and in such volumes as shall from time to time be required in the maintenance, operation, and use of said yard by the Secretary of Commerce, his lessees, successors and assigns, via said pipes and pipelines underlying said highway as the same now are and are now located or as the same may hereafter be replaced or hereafter located.

Approved September 30, 1950.

[CHAPTER 1123]

AN ACT

September 30, 1950
[H. R. 7824]
[Public Law 873]

To provide for the administration of performance-rating plans for certain officers and employees of the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Performance Rating Act of 1950".

Performance Rating Act of 1950.

"Department."

SEC. 2. (a) For the purposes of this Act, the term "department" includes (1) the executive departments; (2) the independent establishments and agencies in the executive branch, including corporations wholly owned by the United States; (3) the Administrative Office of the United States Courts; (4) the Library of Congress; (5) the Botanic Garden; (6) the Government Printing Office; (7) the General Accounting Office; and (8) the municipal government of the District of Columbia.

Nonapplicability.

(b) This Act shall not apply to—

(1) the Tennessee Valley Authority;

(2) the field service of the Post Office Department;

(3) physicians, dentists, nurses, and other employees in the Department of Medicine and Surgery in the Veterans' Administration whose compensation is fixed under Public Law 293, Seventy-ninth Congress, approved January 3, 1946;

59 Stat. 675.
38 U. S. C. §§ 15–15n; Sup. III, § 15b *et seq.*
Ante, pp. 18, 594.

(4) the Foreign Service of the United States under the Department of State;

(5) Production credit corporations;

(6) Federal intermediate credit banks;

(7) Federal land banks;

(8) Banks for cooperatives;

(9) officers and employees of the municipal government of the District of Columbia whose compensation is not fixed by the Classification Act of 1949 (Public Law 429, Eighty-first Congress, approved October 28, 1949);

63 Stat. 954.
5 U. S. C., Sup. III, § 1071 note.
Ante, pp. 232, 262; *post*, p. 1100.

(10) the Atomic Energy Commission;

(11) employees outside the continental limits of the United States who are paid in accordance with local native prevailing wage rates for the area in which employed.

Performance-rating plans.

SEC. 3. For the purpose of recognizing the merits of officers and employees, and their contributions to efficiency and economy in the Federal service, each department shall establish and use one or more performance-rating plans for evaluating the work performance of such officers and employees.

SEC. 4. No officer or employee of any department shall be given a performance rating, regardless of the name given to such rating, and no such rating shall be used as a basis for any action, except under a performance-rating plan approved by the Civil Service Commission as conforming with the requirements of this Act.

SEC. 5. Performance-rating plans required by this Act shall be as simple as possible, and each such plan shall provide—

(1) that proper performance requirements be made known to all officers and employees;

(2) that performance be fairly appraised in relation to such requirements;

(3) for the use of appraisals to improve the effectiveness of employee performance;

(4) for strengthening supervisor-employee relationships; and

(5) that each officer and employee be kept currently advised of his performance and promptly notified of his performance rating.

Ratings.

SEC. 6. Each performance-rating plan shall provide for ratings representing at least (1) satisfactory performance, corresponding to an efficiency rating of "good" under the Veterans' Preference Act of 1944, as amended, and under laws superseded by this Act; (2) unsatisfactory performance, which shall serve as a basis for removal from the position in which such unsatisfactory performance was rendered; and (3) outstanding performance, which shall be accorded only when all aspects of performance not only exceed normal requirements but are outstanding and deserve special commendation. No officer or employee shall be rated unsatisfactory without a ninety-day prior warning and a reasonable opportunity to demonstrate satisfactory performance.

58 Stat. 387.
5 U. S. C. §§ 851–869; Sup. III, § 851 *et seq.*
Post, p. 1117.

Review of rating.

SEC. 7. (a) Upon the request of any officer or employee of a department, such department shall provide one impartial review of the performance rating of such officer or employee.

Boards of review.

(b) There shall be established in each department one or more boards of review of equal jurisdiction for the purpose of considering and passing upon the merits of performance ratings under rating plans established under this Act. Each board of review shall be composed of three members. One member shall be designated by the head of the department. One member shall be designated by the officers and employees of the department in such manner as may be provided by the Civil Service Commission. One member, who shall serve as chairman, shall be designated by the Civil Service Commission. Alternate members shall be designated in the same manner as their respective principal members.

(c) In addition to the performance-rating appeal provided in subsection (a), any officer or employee with a current performance rating of less than satisfactory, upon written appeal to the chairman of the appropriate board of review established under subsection (b), shall be entitled, as a matter of right, to a hearing and decision on the merits of the appealed rating. If an officer or employee with a current performance rating of satisfactory has not requested and obtained a review of such rating as provided in subsection (a), such officer or employee, upon written appeal to the chairman of the appropriate board of review established under subsection (b), shall be entitled, as a matter of right, to a hearing and decision on the merits of the appealed rating.

(d) At such hearing the appellant, or his designated representative, and representatives of the department shall be afforded an opportunity to submit pertinent information orally or in writing, and to hear or examine, and reply to, information submitted by others. After such hearing, the board of review shall confirm the appealed rating or make such change as it deems to be proper.

Regulations by Civil Service Commission, etc.

SEC. 8. (a) The Civil Service Commission is authorized to issue such regulations as may be necessary for the administration of this Act.

(b) The Commission shall inspect the administration of performance-rating plans by each department to determine compliance with the requirements of this Act and regulations issued thereunder.

(c) Whenever the Commission shall determine that a performance-rating plan does not meet the requirements of this Act and the regulations issued thereunder, the Commission may, after notice to the department, giving the reasons, revoke its approval of such plan.

(d) After such revocation, such performance-rating plan and any current ratings thereunder shall become inoperative, and the depart-

ment shall thereupon use a performance-rating plan prescribed by the Commission.

63 Stat. 967. 5 U. S. C., Sup. III, § 1121.

SEC. 9. (a) Section 701 of the Classification Act of 1949 (Public Law 429, Eighty-first Congress, approved October 28, 1949) is hereby amended to read as follows:

Compensation increases.

"SEC. 701. Each officer or employee compensated on a per annum basis, and occupying a permanent position within the scope of the compensation schedules fixed by this Act, who has not attained the maximum scheduled rate of compensation for the grade in which his position is placed, shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period following the completion of (1) each fifty-two calendar weeks of service if his position is in a grade in which the step-increases are less than $200, or (2) each seventy-eight calendar weeks of service if his position is in a grade in which the step-increases are $200 or more, subject to the following conditions:

"(A) That no equivalent increase in compensation from any cause was received during such period, except increase made pursuant to section 702 or 1002;

63 Stat. 968, 971. 5 U. S. C., Sup. III, §§ 1122, 1152. *Infra.*

"(B) That he has a current performance rating of 'Satisfactory' or better; and

"(C) That the benefit of successive step-increases shall be preserved, under regulations issued by the Commission for officers and employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency."

Supra.

(b) Section 702 (a) of such Act is amended by striking out "section 701 (a)" and inserting in lieu thereof "section 701".

63 Stat. 968. 5 U. S. C., Sup. III, § 1123 (b) (2).

SEC. 10. Section 703 (b) (2) of title VII of the Classification Act of 1949 (Public Law 429, Eighty-first Congress, approved October 28, 1949) is hereby amended to read:

"(2) No officer or employee shall receive a longevity step-increase unless his current performance rating is 'satisfactory' or better."

Repeals.

SEC. 11. The following Acts or parts of Acts are hereby repealed:

(1) Section 4 of the Act of August 23, 1912 (37 Stat. 413);

(2) The Act of July 31, 1946 (60 Stat. 751; 5 U. S. C. 669a);

63 Stat. 970. 5 U. S. C., Sup. III, §§ 1141, 1142.

(3) Title IX of the Classification Act of 1949 (Public Law 429, Eighty-first Congress).

Effective date.

SEC. 12. This Act shall take effect ninety days after the date of its enactment.

Appropriation authorized.

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 14. All laws or parts of laws inconsistent herewith are hereby repealed to the extent of such inconsistency.

Approved September 30, 1950.

[CHAPTER 1124]

September 30, 1950 [H. R. 7940] [Public Law 874]

AN ACT

To provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes.

Educational agencies affected by Federal activities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. In recognition of the responsibility of the United States for the impact which certain Federal activities have on the local educational agencies in the areas in which such activities are carried on,