

(Pub. L. 108-7, div. H, title I, § 1008, Feb. 20, 2003, 117 Stat. 359.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108-7.

§ 1931. Additional compensation for employees with specialty assignments and proficiencies

(a) Establishment of positions

The Chief of the Capitol Police may establish and determine, from time to time, positions in salary classes of employees of the Capitol Police to be designated as employees with specialty assignments or proficiencies, based on the experience, education, training, or other appropriate factors required to carry out the duties of such employees.

(b) Additional compensation

In addition to the regularly scheduled rate of basic pay, each employee holding a position designated under this section shall receive an amount determined by the Chief, except that—

- (1) such amount may not exceed 25 percent of the employee's annual rate of basic pay; and
- (2) such amount may not be paid in a calendar year to the extent that, when added to the total basic pay paid or payable to such employee for service performed in the year, such amount would cause the total to exceed the annual rate of basic pay payable for level II of the Executive Schedule, as of the end of such year.

(c) Manner of payment

The additional compensation authorized by this subsection shall be paid to an employee in a manner determined by the Chief or his designee except when the employee ceases to be assigned to the specialty assignment or ceases to maintain the required proficiency. The loss of such additional compensation shall not constitute an adverse action for any purpose.

(d) Determination not appealable or reviewable

Any determination under section¹ (a) shall not be appealable or reviewable in any manner.

(Pub. L. 108-7, div. H, title I, § 1011, Feb. 20, 2003, 117 Stat. 360.)

Editorial Notes

REFERENCES IN TEXT

Level II of the Executive Schedule, referred to in subsec. (b)(2), is set out in section 5313 of Title 5, Government Organization and Employees.

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§ 1932. Application of premium pay limits on annualized basis

(a) In general

Any limits on the amount of premium pay which may be earned by officers and members of

the Capitol Police during emergencies (as determined by the Capitol Police Board) shall be applied by the Chief of the Capitol Police on an annual basis and not on a pay period basis. Any determination under this subsection shall not be reviewable or appealable in any manner.

(b) Effective date

Subsection (a) shall apply with respect to hours of duty occurring on or after September 11, 2001.

(Pub. L. 108-7, div. H, title I, § 1012, Feb. 20, 2003, 117 Stat. 361.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108-7.

§ 1933. Clarification of authorities regarding certain personnel benefits

(a) No lump-sum payment permitted for unused compensatory time

(1) In general

No officer or employee of the United States Capitol Police whose service with the United States Capitol Police is terminated may receive any lump-sum payment with respect to accrued compensatory time off, except to the extent permitted under section 1313(c)(4) of this title.

(2) Omitted

(b) Overtime compensation for officers and employees exempt from Fair Labor Standards Act of 1938

(1) Criteria under which compensation permitted

The Chief of the Capitol Police may provide for the compensation of overtime work of exempt individuals which is performed on or after March 4, 2010, in the form of additional pay or compensatory time off, only if—

(A) the overtime work is carried out in connection with special circumstances, as determined by the Chief;

(B) the Chief has established a monetary value for the overtime work performed by such individual; and

(C) the sum of the total amount of the compensation paid to the individual for the overtime work (as determined on the basis of the monetary value established under subparagraph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

(2) Exempt individuals defined

In this subsection, an “exempt individual” is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 1313 of this title

¹ So in original. Probably should be “subsection”.