

(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 certificate, and the certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials.

(b) An employee affected or an agency may request at any time that the Office exercise the authority granted to it by subsection (a) of this section and the Office shall act on the request.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 456; Pub. L. 95-454, title IX, §906(a)(2), (3), (17), Oct. 13, 1978, 92 Stat. 1224, 1226.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 1101.	Oct. 28, 1949, ch. 782, §501, 63 Stat. 958.

In subsection (a), the words “which may be exercised at any time in its discretion” are omitted as redundant. The words “is binding on all administrative, certifying, payroll, disbursing, and accounting officials” are substituted for “shall be binding on all administrative, certifying, payroll, disbursing, and accounting officers of the Government” to preserve the application to members of the uniformed services.

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

Editorial Notes

AMENDMENTS

1978—Pub. L. 95-454, §906(a)(17), substituted “Office of Personnel Management” for “Civil Service Commission” in section catchline.

Subsecs. (a), (b). Pub. L. 95-454, §906(a)(2), (3), substituted “Office of Personnel Management” and “Office” for “Civil Service Commission” and “Commission”, respectively, wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

§ 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.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 456; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 1106.	Oct. 28, 1949, ch. 782, §506, 63 Stat. 959.

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.

Editorial Notes

AMENDMENTS

1978—Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

[§ 5114. Repealed. Pub. L. 99-386, title I, § 110(a), Aug. 22, 1986, 100 Stat. 822]

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 456; Pub. L. 95-454, title IX, §906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224, related to reports to Congress on positions in GS-16, 17, and 18.

§ 5115. Regulations

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

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 457; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 1072.	Oct. 28, 1949, ch. 782, §1101, 63 Stat. 971.
.....	5 U.S.C. 1072a.	Sept. 1, 1954, ch. 1208, §113, 68 Stat. 1108.

Former sections 1072 and 1072a are combined and restated for clarity. The remainder of the authority is carried into sections 3324, 5338, 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.

Editorial Notes

REFERENCES IN TEXT

Section 5114, referred to in text, was repealed by Pub. L. 99-386, title I, § 110(a), Aug. 22, 1986, 100 Stat. 822.

AMENDMENTS

1978—Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

¹ See References in Text note below.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1978 AMENDMENT**

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

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.
5349. Prevailing rate employees; legislative, judicial, Bureau of Engraving and Printing, and government of the District of Columbia.

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.

- Sec.
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.
5378. Police forces of the Bureau of Engraving and Printing and the United States Mint.
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.¹
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.

Editorial Notes**AMENDMENTS**

2000—Pub. L. 106-554, §1(a)(3) [title VI, §645(a)(3)], Dec. 21, 2000, 114 Stat. 2763, 2763A-170, added item 5372b.
1992—Pub. L. 102-378, §8(a), Oct. 2, 1992, 106 Stat. 1359, repealed Pub. L. 100-510, §1206(i)(2). See 1990 Amendment note below.

Pub. L. 102-378, §2(24), Oct. 2, 1992, 106 Stat. 1348, substituted “repayments” for “repayment” in item 5379 and struck out “Sec.” before item 5391.

1990—Pub. L. 101-510, div. A, title XII, §1206(i)(2), Nov. 5, 1990, 104 Stat. 1663, which added item 5380 “Pay authority for critical positions”, was repealed by Pub. L. 102-378, §8(a), Oct. 2, 1992, 106 Stat. 1359, which provided that this title shall read as if such section 1206(i)(2) had not been enacted.

Pub. L. 101-510, div. A, title XII, §1206(b)(2), Nov. 5, 1990, 104 Stat. 1661, added item 5379.

Pub. L. 101-509, title V, §529 [title I, §§101(a)(2), 102(a)(2), 103(b), 104(b), 105(a)(2), 109(a)(1)(B), title II, §§205(b), 211(b)(2)], Nov. 5, 1990, 104 Stat. 1427, 1439, 1443, 1445, 1446, 1448, 1451, 1457, 1461, struck out items 5301 “Policy”, 5303 “Higher minimum rates; Presidential authority”, 5304 “Presidential policies and regulations”, 5305 “Annual pay reports and adjustments”, 5306 “Advisory Committee on Federal Pay”, 5307 “Pay fixed by administrative action”, and 5308 “Pay limitation”, and added items 5301 to 5307, struck out “; higher rates for supervisors of prevailing rate employees” after “appointments” in item 5333, substituted “Health care positions” for “Scientific and professional positions” in item 5371, and added items 5372a, 5376 to 5378, item for subchapter IX, and items 5391 and 5392.

Pub. L. 101-263, §1(b), Apr. 4, 1990, 104 Stat. 125, inserted “the” before “National” in item 5375.

1979—Pub. L. 96-54, §2(a)(26)(B), Aug. 14, 1979, 93 Stat. 382, substituted “prevailing rate” for “wage-board” in item 5333.

1978—Pub. L. 95-454, title IV, §407(b), title VIII, §801(a)(3)(B)(i), (ii), Oct. 13, 1978, 92 Stat. 1172, 1221, struck out items 5337 “Pay saving” and 5345 “Retained rate of pay on reduction in grade or reassignment”,

¹ Section catchline amended by Pub. L. 108-136 without corresponding amendment of chapter analysis.