

to as the Federal Employee Viewpoint Survey, and performance management for employees; and

(3) a comparison of the items listed in (1) and (2) with employees not covered by the demonstration project.

(Added Pub. L. 95-454, title VI, § 601(a), Oct. 13, 1978, 92 Stat. 1186; amended Pub. L. 115-232, div. A, title XI, § 1106, Aug. 13, 2018, 132 Stat. 2001.)

Editorial Notes

AMENDMENTS

2018—Subsec. (d)(2). Pub. L. 115-232, § 1106(1), added par. (2) and struck out former par. (2) which read as follows: “Not more than 10 active demonstration projects may be in effect at any time.”

Subsec. (j). Pub. L. 115-232, § 1106(2), added subsec. (j).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

EFFECTIVE DATE

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

AUTHORITY OF EXPORT-IMPORT BANK TO CONDUCT DEMONSTRATION PROGRAM

Pub. L. 104-97, § 2, Jan. 11, 1996, 109 Stat. 984, provided that: “Notwithstanding section 4701(a)(1)(A) of title 5, United States Code, the Export-Import Bank of the United States may conduct a demonstration project in accordance with section 4703 of such title.”

§ 4704. Allocation of funds

Funds appropriated to the Office of Personnel Management for the purpose of this chapter may be allocated by the Office to any agency conducting demonstration projects or assisting the Office in conducting such projects. Funds so allocated shall remain available for such period as may be specified in appropriation Acts. No contract shall be entered into under this chapter unless the contract has been provided for in advance in appropriation Acts.

(Added Pub. L. 95-454, title VI, § 601(a), Oct. 13, 1978, 92 Stat. 1188.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

§ 4705. Regulations

The Office of Personnel Management shall prescribe regulations to carry out the purpose of this chapter.

(Added Pub. L. 95-454, title VI, § 601(a), Oct. 13, 1978, 92 Stat. 1188, § 4706; renumbered § 4705, Pub.

L. 105-362, title XIII, § 1302(b)(2)(B)(i), Nov. 10, 1998, 112 Stat. 3293.)

Editorial Notes

PRIOR PROVISIONS

A prior section 4705, added Pub. L. 95-454, title VI, § 601(a), Oct. 13, 1978, 92 Stat. 1188, required annual report on research programs and demonstration projects, prior to repeal by Pub. L. 105-362, title XIII, § 1302(b)(2)(B)(i), Nov. 10, 1998, 112 Stat. 3293.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

[§ 4706. Renumbered § 4705]

CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

Sec.

4801. Nonapplicability of chapter 47.

4802. Securities and Exchange Commission.

§ 4801. Nonapplicability of chapter 47

Chapter 47 shall not apply to this chapter.

(Added Pub. L. 107-123, § 8(a), Jan. 16, 2002, 115 Stat. 2398.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2001, see section 11 of Pub. L. 107-123, set out as an Effective Date of 2002 Amendment note under section 78ee of Title 15, Commerce and Trade.

§ 4802. Securities and Exchange Commission

(a) In this section, the term “Commission” means the Securities and Exchange Commission.

(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

(e) The Commission shall consult with the Office of Personnel Management in the implementation of this section.

(f) This section shall be administered consistent with merit system principles. (Added Pub. L. 107-123, §8(a), Jan. 16, 2002, 115 Stat. 2398.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2001, see section 11 of Pub. L. 107-123, set out as an Effective Date of 2002 Amendment note under section 78ee of Title 15, Commerce and Trade.

EMPLOYEES REPRESENTED BY LABOR ORGANIZATIONS

Pub. L. 107-123, §8(b), Jan. 16, 2002, 115 Stat. 2398, provided that: "To the extent that any employee of the Securities and Exchange Commission is represented by a labor organization with exclusive recognition in accordance with chapter 71 of title 5, United States Code, no reduction in base pay of such employee shall be made by reason of enactment of this section [enacting this chapter, amending sections 3132 and 5373 of this title, section 1833b of Title 12, Banks and Banking, and section 78d of Title 15, Commerce and Trade, and enacting provisions set out as a note under this section] (including the amendments made by this section)."

IMPLEMENTATION PLAN AND REPORT

Pub. L. 107-123, §8(c), Jan. 16, 2002, 115 Stat. 2398, provided that:

- "(1) IMPLEMENTATION PLAN.—
"(A) IN GENERAL.—The Securities and Exchange Commission shall develop a plan to implement section 4802 of title 5, United States Code, as added by this section.
"(B) INCLUSION IN ANNUAL PERFORMANCE PLAN AND REPORT.—The Securities and Exchange Commission shall include—
"(i) the plan developed under this paragraph in the annual program performance plan submitted under section 1115 of title 31, United States Code; and
"(ii) the effects of implementing the plan developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

- "(2) IMPLEMENTATION REPORT.—
"(A) IN GENERAL.—Before implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Government Reform [now Committee on Oversight and Accountability] and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

- "(B) CONTENT.—The report under this paragraph shall include—
"(i) evidence and supporting documentation justifying the plan; and
"(ii) budgeting projections on costs and benefits resulting from the plan."

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.
5108. Classification of positions above GS-15.

- Sec. 5109. Positions classified by statute.
5110. Review of classification of positions.
5111. Revocation and restoration of authority to classify positions.
5112. General authority of the Office of Personnel Management.
5113. Classification records.
[5114. Repealed.]
5115. Regulations.

Editorial Notes

AMENDMENTS

- 1992—Pub. L. 102-378, §2(22), Oct. 2, 1992, 106 Stat. 1348, substituted "above GS-15" for "at GS-16, 17, and 18" in item 5108.
1986—Pub. L. 99-386, title I, §110(b), Aug. 22, 1986, 100 Stat. 822, struck out item 5114 "Reports; positions in GS-16, 17, and 18".
1978—Pub. L. 95-454, title IX, §906(a)(17), Oct. 13, 1978, 92 Stat. 1226, substituted "Office of Personnel Management" for "Civil Service Commission" in item 5112.

§ 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 with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 1071, Oct. 28, 1949, ch. 782, §101, 63 Stat. 954.

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" is defined in section 5102.

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

Statutory Notes and Related Subsidiaries

OCCUPATIONAL SERIES FOR DIGITAL CAREER FIELDS

Pub. L. 117-81, div. A, title XI, §1118, Dec. 27, 2021, 135 Stat. 1956, provided that: "Not later than 270 days after the date of the enactment of this Act [Dec. 27, 2021], the Director of the Office of Personnel Management shall, pursuant to chapter 51 of title 5, United States Code, establish or update one or more occupational series