

CRS Report for Congress

Received through the CRS Web

Legislative, Executive, and Judicial Officials: Process for Adjusting Pay and Current Salaries

February 23, 2006

Barbara L. Schwemle
Analyst in American National Government
Government and Finance Division

Legislative, Executive, and Judicial Officials: Process for Adjusting Pay and Current Salaries

Summary

Leaders and Members of the Senate and the House of Representatives, the Vice President, individuals in positions on the Executive Schedule (EX), and federal justices and judges — all hereafter referred to as federal officials — receive an annual pay adjustment under the Ethics Reform Act of 1989, P.L. 101-194 (103 Stat. 1716, at 1769, 5 U.S.C. §5318 note). The percentage change in the wages and salaries for the private industry workers element of the Employment Cost Index (ECI), minus 0.5% (December indicator) provides the basis for the pay adjustment. In January 2006, federal officials received a 1.9% salary increase.

EX pay rates provide limitations on maximum basic pay rates for Members of the Senior Executive Service and employees in senior-level (SL) and scientific and professional (ST) positions. EX pay rates also provide limitations on basic pay, basic pay and locality pay combined, and total compensation for employees in General Schedule (GS) positions.

This report includes five tables which provide the January 2004, January 2005, and January 2006 salaries for federal officials and members of the SES, for employees in SL, ST, and GS-15 positions in the Washington, DC, and the “Rest of the United States” locality pay areas, and the January 2007 projected salaries for federal officials. It will be updated as more information about future pay increases becomes available.

Contents

Legislative, Executive, and Judicial Officials	1
Pay Adjustments Since 1991	2
Senior Executive Service and Certain Senior-Level Positions	8
General Schedule GS-15 Positions	11

List of Tables

Table 1. Legislative, Executive, and Judicial Salaries	3
Table 2. Legislative, Executive, and Judicial Salaries, Projected for January 2007	6
Table 3. Senior Executive Service (SES) Pay	9
Table 4. Pay For Senior-Level (SL) and Scientific and Professional (ST) Employees	11
Table 5. Pay For General Schedule Grade GS-15	13

Legislative, Executive, and Judicial Officials: Process for Adjusting Pay and Current Salaries

Legislative, Executive, and Judicial Officials

A provision in the Ethics Reform Act of 1989 provides for an annual salary adjustment for leaders and Members of the Senate and House of Representatives, the Vice President, individuals in positions on the Executive Schedule (EX), and federal justices and judges.¹ The adjustment is based on the percentage change in the wages and salaries (not seasonally adjusted) for the private industry workers element of the Employment Cost Index (ECI), minus 0.5% (December indicator).² It becomes effective at the same time as, and at a rate no greater than, the annual base pay rate adjustment for federal white-collar civilian employees under the General Schedule (GS).³ The adjustment cannot, however, be less than zero or greater than 5%.⁴ While this provision of the Ethics Reform Act sets the rate of the judicial pay adjustment, a 1981 law provides that any salary increase for justices and judges must be “specifically authorized by Act of Congress hereafter enacted.”⁵

¹ P.L. 101-194, §704, Nov. 30, 1989; 103 Stat. 1716, at 1769; 5 U.S.C. 5318 note. The law amended 2 U.S.C. §31(2), 3 U.S.C. §104, 5 U.S.C. §5318, and 28 U.S.C. §461(a). For an analysis of pay adjustments for Members of Congress, see CRS Report RL30014, *Salaries of Members of Congress: Current Procedures and Recent Adjustments*, by Paul Dwyer. See also CRS Report RS20388, *Salary Linkage: Members of Congress, Certain Federal Officials, and Certain Federal Judges*, by Barbara L. Schwemle.

² The term “base quarter” means the three-month period ending on December 31 of a year. The ECI for the last base quarter is reduced by the ECI for the second to last base quarter, the resulting difference is divided by the ECI for the second to last base quarter, and the quotient is multiplied by 100.

³ Footnote 1 and Government Management Reform Act of 1994, P.L. 103-356, Title I, §101(4), Oct. 13, 1994; 108 Stat. 3410, at 3411. Under 5 U.S.C. §5318(a), salaries are rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100).

⁴ Article III, Section 1 of the *Constitution of the United States* provides that “The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.” The pay adjustment set under the Ethics Reform Act would not apply to the extent that it would reduce the salary of any individual whose compensation may not be diminished under Article III, Section 1. (28 U.S.C. §461(b).)

⁵ P.L. 97-92, §140, Dec. 15, 1981; 95 Stat. 1183, at 1200; 28 U.S.C. 461 note. The law provides “[t]hat nothing in this limitation shall be construed to reduce any salary which may
(continued...)

The legislative, executive, and judicial officials — all hereafter referred to as federal officials — received a 1.9% pay adjustment in January 2006.

Pay Adjustments Since 1991. Federal officials received pay adjustments in 11 of the 16 years since the enactment of the Ethics Reform Act. The adjustments follow:

1991. Adjustment was 3.6%.⁶ P.L. 101-520, Title III, §321, Nov. 5, 1990; 104 Stat. 2254, at 2285, authorized the judicial pay adjustment.

1992. Adjustment was 3.5%. P.L. 102-140, Title III, §305, Oct. 28, 1991; 105 Stat. 782, at 810, authorized the judicial pay adjustment.

1993. Adjustment was 3.2%. P.L. 102-395, Title III, §304, Oct. 6, 1992; 106 Stat. 1828, at 1859, authorized the judicial pay adjustment.

1994. Projected adjustment was 2.1%. Congress passed legislation freezing salaries for Members of Congress (P.L. 103-6, §7, Mar. 4, 1993; 107 Stat. 33, at 35). Federal officials did not receive a pay adjustment because GS base pay was not adjusted (P.L. 103-123, §517B, §615, Oct. 28, 1993; 107 Stat. 1226, at 1253-1254, 1261-1263).

1995. Projected adjustment was 2.6%, but would have been limited to GS base pay adjustment of 2.0%. Federal officials did not receive a pay adjustment (P.L. 103-329, §630(a)(2), Sept. 30, 1994; 108 Stat. 2382, at 2424).

1996. Projected adjustment was 2.3%, but would have been limited to GS base pay adjustment of 2.0%. Federal officials did not receive a pay adjustment (P.L. 104-52, §633, Nov. 19, 1995; 109 Stat. 468, at 507).

1997. Projected adjustment was 2.3%. Federal officials did not receive a pay adjustment (P.L. 104-208, §637, Sept. 30, 1996; 110 Stat. 3009, at 3009-364).

1998. Projected adjustment was 2.9%. Adjustment was 2.3%, the same as the GS base pay adjustment. P.L. 105-119, Title III, §306, Nov. 26, 1997; 111 Stat. 2440, at 2493, authorized the judicial pay adjustment.

1999. Projected adjustment was 3.4%, but would have been limited to GS base pay adjustment of 3.1%. Federal officials did not receive a pay adjustment (P.L. 105-277, §621, Oct. 21, 1998; 112 Stat. 2681, at 2681-518).

⁵ (...continued)

be in effect at the time of enactment of this joint resolution nor shall this limitation be construed in any manner to reduce the salary of any Federal judge or of any Justice of the Supreme Court.” Congress enacted this provision of law in the wake of a court decision (U.S. v. Will, 449 U.S. 2000 (1980)) brought by several judges on behalf of the entire Judiciary which resulted in the restoration of two (1976 and 1979) of four (1976-1979) judicial pay adjustments that Congress had rejected. The provision was made permanent in the Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriations Act, 2002, P.L. 107-77, Title VI, §625, Nov. 28, 2001; 115 Stat. 748, at 803.

⁶ Under the Ethics Reform Act of 1989 (P.L. 101-194, §703, Nov. 30, 1989; 103 Stat. 1716, at 1768, 5 U.S.C. 5318 note), federal officials (but not Senators) also received a 25% pay adjustment which was compounded with the 3.6% annual pay adjustment. The Senate later passed legislation (Legislative Branch Appropriations Act, 1992, P.L. 102-90, Aug. 14, 1991; 105 Stat. 450-451) which became effective on the day of enactment and provided Senators with the same pay as Representatives. For a discussion of the Senate action, see, CRS Report RL30014, *Salaries of Members of Congress: Current Procedures and Recent Adjustments*, by Paul Dwyer.

2000. Adjustment was 3.4%. P.L. 106-113, Div. B, §1000(a)(1) [Title III, §304], Nov. 29, 1999; 113 Stat. 1501, at 1535, 1501A-36-A37, authorized the judicial pay adjustment.

2001. Projected adjustment was 3.0%. Adjustment was 2.7%, the same as the GS base pay adjustment. P.L. 106-553, §1(a)(2) [Title III, §309], Dec. 21, 2000; 114 Stat. 2762 at, 2762A-89, authorized the judicial pay adjustment.

2002. Adjustment was 3.4%. P.L. 107-77, Title III, §305, Nov. 28, 2001; 115 Stat. 748, at 783, authorized the judicial pay adjustment.

2003. Projected adjustment was 3.3%. Adjustment was 3.1%, the same as the GS base pay adjustment. P.L. 108-6, §1, Feb. 13, 2003; 117 Stat. 10, authorized the judicial pay adjustment.

2004. Adjustment was 2.2%. Adjusted temporarily at 1.5% pending enactment of P.L. 108-99. P.L. 108-167, §1, Dec. 6, 2003; 117 Stat. 2031, authorized the judicial pay adjustment.

2005. Adjustment was 2.5%. P.L. 108-447, §306, Dec. 8, 2004; 118 Stat. 2809, at 2895, authorized the judicial pay adjustment.

2006. Adjustment was 1.9%. P.L. 109-115, §405, Nov. 30, 2005; 119 Stat. 2396, at 2470 authorized the judicial pay adjustment.

Table 1 below shows the January 2004, January 2005, and January 2006 salaries for federal officials. **Table 2** below shows the projected January 2007 salaries for federal officials.

Table 1. Legislative, Executive, and Judicial Salaries

Position	January 2004	January 2005	January 2006
Legislative Branch			
Vice President of the United States (President of the Senate)	\$203,000	\$208,100	\$212,100
Speaker of the House of Representatives	203,000	208,100	212,100
President Pro Tempore of the Senate	175,700	180,100	183,500
Majority and Minority Leaders — House and Senate	175,700	180,100	183,500
Senators, Representatives, Resident Commissioner of Puerto Rico, and Delegates	158,100	162,100	165,200
Comptroller General of the United States	158,100	162,100	165,200
Deputy Comptroller General	145,600	149,200	152,000
General Counsel, Government Accountability Office	136,900	140,300	143,000
Librarian of Congress	158,100	162,100	165,200

Position	January 2004	January 2005	January 2006
Deputy Librarian	145,600	149,200	152,000
Register of Copyrights	145,600	149,200	152,000
Director, Congressional Research Service	145,600	149,200	152,000
Public Printer	158,100	162,100	165,200
Deputy Public Printer	145,600	149,200	152,000
Executive Branch			
President of the United States	\$400,000	\$400,000	\$400,000
Vice President of the United States	203,000	208,100	212,100
Executive Schedule (EX) Level I: Cabinet-level officials	175,700	180,100	183,500
EX Level II: Deputy secretaries of departments, secretaries of military departments, and heads of major agencies	158,100	162,100	165,200
EX Level III: Under secretaries of departments and heads of middle-level agencies	145,600	149,200	152,000
EX Level IV: Assistant secretaries and general counsels of departments, heads of smaller agencies, members of certain boards and commissions	136,900	140,300	143,000
EX Level V: Administrators, commissioners, directors, and members of boards, commissions, or units of agencies	128,200	131,400	133,900
Judicial Branch			
Chief Justice of the United States	\$203,000	\$208,100	\$212,100
Associate Justices of the Supreme Court	194,300	199,200	203,000
Judges, U.S. Courts of Appeal	167,600	171,800	175,100
Judges, U.S. Court of Appeals for the Armed Services	167,600	171,800	175,100
Judges, U.S. District Courts	158,100	162,100	165,200

Position	January 2004	January 2005	January 2006
Judges, United States Court of Federal Claims	158,100	162,100	165,200
Judges, United States Court of International Trade	158,100	162,100	165,200
Judges, Tax Court of the United States	158,100	162,100	165,200
Judges, U.S. Court of Appeals for Veterans Claims	158,100	162,100	165,200
Bankruptcy Judges	145,500	149,132	151,984
Magistrate Judges	145,500	149,132	151,984
Director, Administrative Office of U.S. Courts	158,100	162,100	165,200
Deputy Director, Administrative Office of U.S. Courts	145,500	149,132	151,984
Director, Federal Judicial Center	158,100	162,100	165,200
Deputy Director, Federal Judicial Center	145,500	149,132	151,984
Administrative Assistant to the Chief Justice	up to 158,100	up to 162,100	up to 165,200
Circuit Executives	up to 136,900	up to 140,300	up to 143,000

Notes: Salaries for the Comptroller General of the United States (31 U.S.C. §703(f)(1)), the Deputy Comptroller General (31 U.S.C. §703(f)(2)), the General Counsel of the Government Accountability Office (31 U.S.C. §731(c)), the Librarian of Congress (2 U.S.C. §136a-2(1)), the Deputy Librarian (2 U.S.C. §136a-2(2)), the Register of Copyrights (17 U.S.C. §701(f)), the Director of the Congressional Research Service (2 U.S.C. §166(c)(1)), the Public Printer (44 U.S.C. §303), and the Deputy Public Printer (44 U.S.C. §303) are tied to the Executive Schedule by law. For an analysis of congressional staff salaries which are tied to Member of Congress pay rates, see CRS Memorandum, *Effect of Congressional Pay Freeze on Officer and Staff Salaries*, by Ida A. Brudnick (available to Members of Congress and their staff from the author).

The President's current salary became effective at noon on January 20, 2001, and was established by the Treasury and General Government Appropriations Act, 2000, P.L. 106-58, Title VI, §644, Sept. 29, 1999; 113 Stat. 430, at 478; 3 U.S.C. §102.

The salary for the Director of the Administrative Office (AO) of U.S. Courts is the same as that of U.S. District Court Judges (28 U.S.C. §603). The salary for the Deputy Director of the AO is 92% of the AO Director's salary (28 U.S.C. §603). The salary for the Director of the Federal Judicial Center (FJC) is the same as the AO Director's salary (28 U.S.C. §626). The salary for the Deputy Director of the FJC is the same as the Deputy AO Director's salary (28 U.S.C. §626). The salary for the Administrative Assistant to the Chief Justice cannot exceed the AO Director's salary (28 U.S.C. §677). Salaries for Circuit Executives cannot exceed EX Level IV (28 U.S.C. §332(f)(1)).

Total compensation for Circuit Executives, the AO Director, and the Deputy AO Director may be up to the Vice President's salary. (Homeland Security Act of 2002, P.L. 107-296, Title XIII, §1322, Nov. 25, 2002; 116 Stat. 2135, at 2297-2298; 5 U.S.C. §5307(d)). This provision also applies

to employees paid under 28 U.S.C. §604 which authorizes the AO Director to set compensation for clerks of court, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other employees of the courts whose compensation is not otherwise fixed by law. Performance appraisal systems for employees, “as designed and applied,” must make “meaningful distinctions based on relative performance.” The AO Director is responsible for any regulations (which must be consistent with the Office of Personnel Management and Office of Management and Budget regulations for members of the SES and SL and ST employees), certifications, or other measures necessary to implement the provision. Certification is for a period of two calendar years, but may be terminated at any time upon a finding of nonconformance with applicable requirements. This provision is under study by the AO Director’s office and regulations have not been issued.

Table 2. Legislative, Executive, and Judicial Salaries, Projected for January 2007

Position	January 2007, if 2.0% Adjustment	January 2007, if 1.7% Adjustment
Legislative Branch		
Vice President of the United States (President of the Senate)	\$216,300	\$215,700
Speaker of the House of Representatives	216,300	215,700
President Pro Tempore of the Senate	187,200	186,600
Majority and Minority Leaders — House and Senate	187,200	186,600
Senators, Representatives, Resident Commissioner of Puerto Rico, and Delegates	168,500	168,000
Comptroller General of the United States	168,500	168,000
Deputy Comptroller General	155,000	154,600
General Counsel, Government Accountability Office	145,900	145,400
Librarian of Congress	168,500	168,000
Deputy Librarian	155,000	154,600
Register of Copyrights	155,000	154,600
Director, Congressional Research Service	155,000	154,600
Public Printer	168,500	168,000
Deputy Public Printer	155,000	154,600
Executive Branch		
President of the United States	\$400,000	\$400,000
Vice President of the United States	216,300	215,700

Position	January 2007, if 2.0% Adjustment	January 2007, if 1.7% Adjustment
Executive Schedule (EX) Level I: Cabinet-level officials	187,200	186,600
EX Level II: Deputy secretaries of departments, secretaries of military departments, and heads of major agencies	168,500	168,000
EX Level III: Under secretaries of departments and heads of middle-level agencies	155,000	154,600
EX Level IV: Assistant secretaries and general counsels of departments, heads of smaller agencies, members of certain boards and commissions	145,900	145,400
EX Level V: Administrators, commissioners, directors, and members of boards, commissions, or units of agencies	136,600	136,200
Judicial Branch		
Chief Justice of the United States	\$216,300	\$215,700
Associate Justices of the Supreme Court	207,100	206,500
Judges, U.S. Courts of Appeal	178,600	178,100
Judges, U.S. Court of Appeals for the Armed Services	178,600	178,100
Judges, U.S. District Courts	168,500	168,000
Judges, United States Court of Federal Claims	168,500	168,000
Judges, United States Court of International Trade	168,500	168,000
Judges, Tax Court of the United States	168,500	168,000
Judges, U.S. Court of Appeals for Veterans Claims	168,500	168,000
Bankruptcy Judges	155,000	154,600
Magistrate Judges	155,000	154,600
Director, Administrative Office of U.S. Courts	168,500	168,000
Deputy Director, Administrative Office of U.S. Courts	155,000	154,600

Position	January 2007, if 2.0% Adjustment	January 2007, if 1.7% Adjustment
Director, Federal Judicial Center	168,500	168,000
Deputy Director, Federal Judicial Center	155,000	154,600
Administrative Assistant to the Chief Justice	up to 168,500	up to 168,000
Circuit Executives	up to 145,900	up to 145,400

Notes: The January 2007 pay adjustment provided for by the Ethics Reform Act would be 2.0% (2.5% minus 0.5%) according to U.S. Department of Labor, Bureau of Labor Statistics, *Employment Cost Index—December 2005* (Washington, DC: Jan. 31, 2006), p. 14. The pay adjustment, however, can be no greater than the annual base pay rate adjustment for federal white-collar civilian employees under the General Schedule (GS). For January 2007, the GS base pay adjustment required by law is 1.7% according to U.S. Department of Labor, Bureau of Labor Statistics, *Employment Cost Index—September 2005* (Washington, DC: Oct. 28, 2005), pp. 2, 14.

Senior Executive Service and Certain Senior-Level Positions

Maximum basic pay rates for members of the Senior Executive Service (SES) and certain senior-level positions are tied to the Executive Schedule. An individual in an SES position: (1) directs the work of an organizational unit; (2) is held accountable for the success of one or more specific programs or projects; (3) monitors progress toward organizational goals and periodically evaluates and makes appropriate adjustments to such goals; (4) supervises the work of employees other than personal assistants; or (5) otherwise exercises important policy-making, policy-determining, or other executive functions.⁷ Salaries for members of the SES are determined annually by agency heads “under a rigorous performance management system,” and range from the minimum rate of basic pay for a senior level (SL) employee (120% of the minimum basic pay rate for GS-15; \$109,808, as of January 2006) to either EX Level III (\$152,000, as of January 2006), in agencies whose performance appraisal systems have not been certified by the Office of Personnel Management (OPM) as making “meaningful distinctions based on relative performance,” or EX Level II (\$165,200, as of January 2006), in agencies whose performance appraisal systems have been so certified.⁸ Total compensation⁹ for

⁷ 5 U.S.C. §3132(a)(2).

⁸ National Defense Authorization Act for Fiscal Year 2004, P.L. 108-136, Div. A, Title XI, §1125(a)(2), Nov. 24, 2003; 117 Stat. 1392, at 1638-1639; 5 U.S.C. §5382. The Office of Personnel Management published interim regulations on January 13, 2004, proposed regulations on July 29, 2004, and final regulations on December 6, 2004, to implement the pay system. U.S. Office of Personnel Management, “Senior Executive Service Pay and Performance Awards,” *Federal Register*, vol. 69, no. 8, Jan. 13, 2004, pp. 2047-2052. U.S. Office of Personnel Management, “Senior Executive Service Pay and Performance Awards and Aggregate Limitation on Pay,” *Federal Register*, vol. 69, no. 145, July 29, 2004, pp. 45535-45546. U.S. Office of Personnel Management, “Senior Executive Service Pay and Performance Awards; Aggregate Limitation on Pay,” *Federal Register*, vol. 69, no. 233,

(continued...)

members of the SES in agencies whose performance appraisal systems “as designed and applied” have been certified by OPM may be up to the Vice President’s salary (\$212,100, as of January 2006)¹⁰ and up to EX Level I (\$183,500, as of January 2006) in agencies whose performance appraisal systems have not been so certified.¹¹ **Table 3** below shows January 2004 through January 2006 salaries for the SES.

Table 3. Senior Executive Service (SES) Pay

Effective January 2004		
Minimum	Maximum	
\$104,927	\$145,600	Agencies without a certified performance appraisal system
\$104,927	\$158,100	Agencies with a certified performance appraisal system
Effective January 2005		
\$107,550	\$149,200	Agencies without a certified performance appraisal system
\$107,550	\$162,100	Agencies with a certified performance appraisal system
Effective January 2006		
\$109,808	\$152,000	Agencies without a certified performance appraisal system
\$109,808	\$165,200	Agencies with a certified performance appraisal system

⁸ (...continued)

Dec. 6, 2004, pp. 70355-70367. See CRS Report RL33128, *Senior Executive Service Pay for Performance System*, by L. Elaine Halchin, for an analysis of the SES pay adjustment process.

⁹ The term total compensation as used in this report refers to the aggregate of allowances, differentials, bonuses, awards, or other similar cash payments, and basic pay. It does not include advance payments, payments to missing employees, or back pay. The term also does not include travel and transportation allowances, except for recruitment, relocation, and retention bonuses, supervisory differentials, and expenses to obtain professional credentials, or allowances, generally, except for post differentials, danger pay, nonforeign area cost of living allowances, and physicians comparability allowances. (5 U.S.C. §5307(a)(1)(2)).

¹⁰ Homeland Security Act of 2002, P.L. 107-296, Title XIII, §1322, Nov. 25, 2002; 116 Stat. 2135, at 2297-2298; 5 U.S.C. §5307(d) provided for OPM certification of agency performance appraisal systems with the concurrence of the Office of Management and Budget (OMB). See footnote eight for the regulations implementing the provision. An agency’s certification is for a period of two calendar years, but may be terminated at any time upon a finding that the agency has not conformed with applicable requirements.

¹¹ 5 U.S.C. §5307(a)(1).

Basic pay for certain senior-level positions — positions classified above GS-15 (SL pay schedule) and scientific or professional positions (ST pay schedule) — ranges from 120% of the minimum rate of basic pay for GS-15 (\$109,808, as of January 2006) to EX Level IV (\$143,000, as of January 2006).¹² SL and ST employees (unlike individuals in positions on the EX schedule or members of the SES) receive locality-based comparability payments. The total of base pay and locality pay cannot exceed EX Level III (\$152,000, as of January 2006).¹³ Total compensation for SL and ST employees in agencies whose performance appraisal systems “as designed and applied” have been certified by OPM may be up to the Vice President’s salary (\$212,100, as of January 2006)¹⁴ and up to EX Level I (\$183,500, as of January 2006) in agencies whose performance appraisal systems have not been so certified.¹⁵ **Table 4** below shows January 2004 through January 2006 salaries for SL and ST employees in the Washington, DC, and “Rest of the United States” locality pay areas.¹⁶

¹² Treasury, Postal Service and General Government Appropriations Act, 1991, P.L. 101-509, Title V, §529 [Title I, §102(a)(1)], Nov. 5, 1990; 104 Stat. 1389, at 1427, 1443; 5 U.S.C. §5376.

¹³ 5 U.S.C. §5304(g)(2).

¹⁴ Homeland Security Act of 2002, P.L. 107-296, Title XIII, §1322, Nov. 25, 2002; 116 Stat. 2135, at 2297-2298; 5 U.S.C. §5307(d) provided for OPM certification of agency performance appraisal systems with the concurrence of the Office of Management and Budget (OMB). See footnote eight for the regulations implementing the provision. An agency’s certification is for a period of two calendar years, but may be terminated at any time upon a finding that the agency has not conformed with applicable requirements.

¹⁵ 5 U.S.C. §5307(a)(1).

¹⁶ There are 32 locality pay areas for the purposes of the locality-based comparability payments — 31 discrete pay areas and a “Rest of the United States” pay area covering all employees not in one of the 31 areas. Salary information for SL and ST employees in all 32 locality pay areas is available on the Internet at [<http://www.opm.gov>].

Table 4. Pay For Senior-Level (SL) and Scientific and Professional (ST) Employees

Washington, DC Pay Area		"Rest of the United States" Pay Area	
Minimum	Maximum	Minimum	Maximum
Effective January 2004			
Basic Pay		Basic Pay	
\$104,927	\$136,900	\$104,927	\$136,900
With Locality Pay Adjustment		With Locality Pay Adjustment	
\$120,278	\$145,600	\$116,364	\$145,600
Effective January 2005			
Basic Pay		Basic Pay	
\$107,550	\$140,300	\$107,550	\$140,300
With Locality Pay Adjustment		With Locality Pay Adjustment	
\$124,736	\$149,200	\$120,155	\$149,200
Effective January 2006			
Basic Pay		Basic Pay	
\$109,808	\$143,000	\$109,808	\$143,000
With Locality Pay Adjustment		With Locality Pay Adjustment	
\$129,024	\$152,000	\$123,556	\$152,000

Note: The Washington, DC locality pay area is officially named the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area (CSA), plus the Hagerstown-Martinsburg, MD-WV Metropolitan Statistical Area, the York-Hanover-Gettysburg, PA CSA, Culpeper County, VA, and King George County, VA.

General Schedule GS-15 Positions

The General Schedule (GS) is the basic pay schedule for federal white-collar employees. It is divided into grades of difficulty and responsibility of work. There are 15 grades and 10 steps within each grade. The duties attached to positions at each grade are stated in statute at 5 U.S.C. §5104. Those for a GS-15, the top level of the schedule, are these:

- (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.¹⁷

GS employees receive an annual adjustment to basic pay and a locality-based comparability payment. EX pay rates provide limitations on GS pay. Basic pay cannot exceed EX Level V (\$133,900, as of January 2006), basic pay and locality pay combined cannot exceed EX Level IV (\$143,000, as of January 2006), and total compensation cannot exceed EX Level I (\$183,500, as of January 2006).¹⁸ GS-15 employees at the upper end of that pay grade in seven pay areas are currently affected by the EX Level IV cap on basic pay and locality pay combined as follows:

- employees at step 10 in the (1) Chicago-Naperville-Michigan City, IL-IN-WI Combined Statistical Area (CSA); (2) Detroit-Warren-Flint, MI, CSA, plus Lenawee County, MI; (3) Hartford-West Hartford-Willimantic, CT CSA, plus the Springfield, MA Metropolitan Statistical Area and New London County, CT; (4) Los Angeles-Long Beach-Riverside, CA CSA, plus the Santa Barbara-Santa Maria-Goleta, CA MSA and all of Edwards Air Force Base, CA; and (5) New York-Newark-Bridgeport, NY-NJ-CT-PA CSA, plus Monroe County, PA and Warren County, NJ;
- employees at steps 9 and 10 in the Houston-Baytown, Huntsville, TX CSA; and
- employees at steps 8, 9, and 10 in the San Jose-San Francisco-Oakland, CA CSA, plus the Salinas, CA MSA and San Joaquin County, CA.

Table 5 below shows January 2004 through January 2006 salaries for employees at GS grade 15 in the Washington, DC and “Rest of the United States” locality pay areas.¹⁹

¹⁷ 5 U.S.C. §5104(15).

¹⁸ 5 U.S.C. §5303(f), 5 U.S.C. §5304(g)(1), and 5 U.S.C. §5307(a)(1). See CRS Report RL33158, *Federal White-Collar Pay: FY2006 and FY2007 Salary Adjustments*, by Barbara L. Schwemle, for an analysis of the pay adjustment process for General Schedule positions.

¹⁹ Salary tables for GS-15 employees in all 32 locality pay areas are available on the Internet at [<http://www.opm.gov>].

Table 5. Pay For General Schedule Grade GS-15

Washington, DC Pay Area		"Rest of the United States" Pay Area	
Minimum (Step 1)	Maximum (Step 10)	Minimum (Step 1)	Maximum (Step 10)
Effective January 2004			
Basic Pay		Basic Pay	
\$87,439	\$113,674	\$87,439	\$113,674
With Locality Pay Adjustment		With Locality Pay Adjustment	
\$100,231	\$130,305	\$96,970	\$126,064
Effective January 2005			
Basic Pay		Basic Pay	
\$89,625	\$116,517	\$89,625	\$116,517
With Locality Pay Adjustment		With Locality Pay Adjustment	
\$103,947	\$135,136	\$100,129	\$130,173
Effective January 2006			
Basic Pay		Basic Pay	
\$91,507	\$118,957	\$91,507	\$118,957
With Locality Pay Adjustment		With Locality Pay Adjustment	
\$107,521	\$139,774	\$102,964	\$133,850

Note: The Washington, DC locality pay area is officially named the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area (CSA), plus the Hagerstown-Martinsburg, MD-WV Metropolitan Statistical Area, the York-Hanover-Gettysburg, PA CSA, Culpeper County, VA, and King George County, VA

crsphgww