



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Thursday, December 5, 2002
2002payagent

MEMORANDUM FOR: Heads Of Executive Departments And Agencies

FROM: Kay Coles James, Director

Subject: Extension of Locality Payments to Non-General Schedule Employees

The President's Pay Agent has decided to extend locality-based comparability payments again in calendar year 2003 to the same Governmentwide and single-agency categories that are receiving these payments in calendar year 2002. Because the President's alternative plan for General Schedule (GS) locality payments in 2003 holds locality rates at the same percentages of basic pay authorized for 2002, the locality pay percentages for the Governmentwide and single-agency categories to which locality payments were extended on December 6, 2001, will be the same as those authorized for these categories of employees in calendar year 2002. As required by current law, these locality payments will remain in effect through the last day of the last pay period commencing during calendar year 2003. Even though the President has decided not to increase the locality pay percentages authorized for 2003, this action is necessary in order to prevent a reduction in the total pay of affected employees.

Locality payments will be extended to the Governmentwide categories with no further action required by any agency. Locality payments will be extended to the single-agency categories without any further action required by any agency unless the head of an Executive agency requests otherwise. This is because the law (5 U.S.C. 5304(h)(2)(A)) provides that locality payments may be extended to single-agency categories of employees only at the request of the head of an Executive agency.

Please notify the Director of the Office of Personnel Management (OPM) at the address shown below by **December 16, 2002**, if you do not want locality payments extended in 2003 to a single-agency employee category in your agency for which such payments were previously authorized by the Pay Agent. Please note that a decision not to extend comparability payments in 2003 to a category of employees means that those employees would no longer be entitled to any locality payment. All employees in a given locality pay area who receive locality payments in 2003 must receive the same percentage as received by GS employees in that area. (For your convenience, a list of the Governmentwide and single-agency categories that are now receiving locality payments under the Pay Agent's authority is provided in the attachments to this memorandum.)

New requests for extending locality-based comparability payments to single-agency categories of non-GS employees should be submitted by the agency head or his or her designee to the

following address by December 16, 2002, to ensure that the extension takes effect on the first day of the first pay period beginning on or after January 1, 2003:

The Honorable Kay Coles James
Director
Office of Personnel Management
1900 E Street NW.
Washington, DC 20415-0001

In your request, please include information on--

- (1) the legal authority under which the employees are paid,
- (2) the types of employees to be paid, and
- (3) the number of employees to be paid.

Also, please fax a copy of your request to (202) 606-0824. Please direct questions about the extension of locality-based comparability payments to Brenda Roberts, of OPM's Workforce Compensation and Performance Service, at (202) 606-2858 or email to payleave@opm.gov.

Attachment 1

Locality Pay Extensions

Governmentwide Categories of Non-General Schedule Employees

1. Employees in Senior Executive Service (SES) positions paid under 5 U.S.C. 5382
2. Administrative law judges (ALJs) paid under 5 U.S.C. 5372
3. Administrative appeals judges (AAJs) paid under 5 U.S.C. 5372b
4. Members of Boards of Contract Appeals (BCA) paid under 5 U.S.C. 5372a
5. Senior-level (SL) and scientific or professional (ST) positions paid under 5 U.S.C. 5376
6. Members of the Foreign Service (FS) paid under 22 U.S.C. 3963
7. Members of the Senior Foreign Service (SFS) paid under 22 U.S.C. 3962

Attachment 2

LOCALITY PAY EXTENSIONS

SINGLE-AGENCY CATEGORIES OF NON-GENERAL SCHEDULE EMPLOYEES

| Agency | Pay Authority [pay plan code] | Types of Employees [number of employees ^[1]] | Original Approval Date |
|--|--|---|-----------------------------------|
| Agency for International Development | 22 U.S.C. 2385 [AD] | Miscellaneous types of positions [66] | Jan. 7, 1994 |
| | 22 U.S.C. 2386 [EE, EG] | Experts and consultants under the Foreign Assistance Act [15] | Jan. 7, 1994 |
| | 5 U.S.C. 3109 [ED, EF] | Experts and consultants [15] | Jan. 7, 1994 |
| Agriculture | 5 CFR 213.3102(l) [EG] | Temporary, intermittent, and seasonal employees [1] | Feb. 9, 1994 |
| | 5 U.S.C. 3109 [ED, EF] | Experts and consultants [3] | Feb. 9, 1994 |
| American Battle Monuments Commission | 36 U.S.C. 121 [AD] | Secretary of the American Battle Monuments Commission [1] | Nov. 25, 1996 |
| Commerce | 35 U.S.C. 3(c) [AD] | Examiners-in-chief on the Board of Patent Appeals and Interferences [8] | Jan. 4, 1994 |
| | 35 U.S.C. 3(e) [AD] | Attorney examiners (trademark) on the Trademark Trial & Appeal Board [48] | Jan. 4, 1994 |
| Corporation for National and Community Service | 42 U.S.C. 12651f(b)(1) [NX] | Senior level equivalent employees in pay band NX-2 of CNS alternative personnel system [9] | June 15, 1995 |

| Agency | Pay Authority [pay plan code] | Types of Employees [number of employees ^[1]] | Original Approval Date |
|---------|----------------------------------|---|---------------------------|
| Defense | 10 U.S.C. 1595 [AD] | National Defense University Directors, Deans, and Professors [72] | Jan. 3, 1997 |
| | 10 U.S.C. 4021 [AD] | United States Army Command and General Staff College Civilian Staff and Faculty [5] | Jan. 3, 1997 |
| | 10 U.S.C. 4331 and 4338 [AD] | United States Army Military Academy Civilian Staff and Faculty [97] | Jan. 3, 1997 |
| | 10 U.S.C. 6952 [AD] | United States Naval Academy Civilian Faculty [322] | Jan. 3, 1997 |
| | 10 U.S.C. 7043 [AD] | Naval Postgraduate School Academic Dean [1] | Jan. 3, 1997 |
| | 10 U.S.C. 7044 [AD] | Naval Postgraduate School Civilian Faculty [322] | Jan. 3, 1997 |
| | 10 U.S.C. 7478 [AD] | Naval War College Faculty [52] | Jan. 3, 1997 |
| | 10 U.S.C. 7478 [AD] | United States Marine Corps Command and Staff College Civilian Faculty [14] | Jan. 3, 1997 |
| | 10 U.S.C. 9021 [AD] | Air University Civilian Faculty [30] | Jan. 3, 1997 |
| | 10 U.S.C. 9314 [AD] | Air Force Institute of Technology Civilian Faculty [114] | Jan. 3, 1997 |
| | 10 U.S.C. 9338 [AD] | United States Air Force Academy Civilian Faculty [77] | Jan. 3, 1997 |
| | 10 U.S.C. 1746 [AD] | Defense Acquisition University Faculty [305] | April 12, 2000 |
| | Sec. 1101 of PL 105-261 | Defense Advanced Research Projects Agency (DARPA) Experimental Personnel Management Program [20] | July 28, 2000 |

| Agency | Pay Authority [pay plan code] | Types of Employees [number of employees ^[1]] | Original Approval Date |
|---|---|---|---------------------------|
| Defense Nuclear Facilities Safety Board | Section 161d of the Atomic Energy Act of 1954 (Public Law 101-510) [DN] | Professional scientific and technical personnel [59] | Dec. 30, 1996 |
| Energy | 42 U.S.C. 7231(d) [EJ] | Scientific, engineering, professional, and administrative employees [200] | Dec. 30, 1994 |
| | P.L. 103-337 [EK] | Scientific, engineering, and technical employees [200] | Dec. 30, 1994 |
| | P.L. 92-463 [EI] | Miscellaneous types of positions [14] | Dec. 30, 1994 |
| | 5 U.S.C. 3109 & 42 U.S.C. 7233 [ED, EF] | Experts and consultants [105] | Dec. 30, 1994 |
| Education | 20 U.S.C. 9011 [AD] | Executive Director of the National Assessment Governing Board [1] | June 26, 2002 |
| Environmental Protection Agency | P.L. 95-190 [AD] | Miscellaneous types of positions [19] | Jan. 4, 1994 |
| Export-Import Bank | P.L. 102-583 [AD] | Miscellaneous types of positions [35] | Jan. 24, 1994 |
| General Services Administration | 5 U.S.C. 3109 [ED, EF] | Experts and consultants [10] | June 7, 1999 |

| Agency | Pay Authority [pay plan code] | Types of Employees [number of employees ^[1]] | Original Approval Date |
|-------------------|---|--|---------------------------|
| Interior | Title 4 of D.C. Code [SP] | United States Park Police [620] (Note: Under section 4-416(c)(3) of the D.C. Code, United States Park Police are entitled to locality pay under 5 U.S.C. 5304 by law, not by administrative action. However, locality payments are frozen at calendar year 2000 levels under section 902(b) of Public Law 106-554, December 21, 2000. Public Law 106-554, which took effect on July 1, 2001, provided for significant basic pay increases as part of a conversion to a new pay system.) | Aug. 10, 1998 |
| Justice | 5 U.S.C. 3151 [ES] | Members of the FBI and DEA SES [232] | Jan. 4, 1994 |
| | Section 371(a) of Public Law 104-208 and 8 U.S.C. 1101(b)(4) [IJ] | Immigration judges [200] (Note: Immigration judges are entitled to locality pay under 5 U.S.C. 5304 by law, not by administrative action. See section 371(c)(2)(B) of Public Law 104-208, September 30, 1996.) | Dec. 29, 1996 |
| Labor | P.L. 103-227 [AD] | Executive Director and other staff members of the National Skills Standards Board [6] | Apr. 22, 1996 |
| National Archives | 44 U.S.C. 2102 Note [AD] | Director of the Center for Legislative Archives [1] | July 15, 1994 |
| | 44 U.S.C. 2503(a) [AD] | Executive Director, National Historical Publications and Records Commission [1] | July 15, 1994 |

| Agency | Pay Authority [pay plan code] | Types of Employees [number of employees ^[1]] | Original Approval Date |
|---|---|---|---------------------------|
| National Science Foundation | 42 U.S.C. 1873(a)(1) [AD, EE, EG] | Professional and technical employees, experts and consultants [264] | Jan. 4, 1994 |
| | 5 U.S.C. 3109 [ED, EF] | Experts and consultants [1] | Mar. 22, 1994 |
| Nuclear Regulatory Commission | Atomic Energy Act of 1954 & Energy Reorganization Act of 1974 [SN, AJ] | Senior Level employees [41] and Administrative Judges [12] | Jan. 4, 1994 |
| Office of Personnel Management | 5 U.S.C. 3109 [EF, ED, EH] | Experts and consultants [2] | Jan. 7, 1994 |
| Overseas Private Investment Corporation | Section 233(d) of the Foreign Assistance Act of 1961 [AD] | Miscellaneous types of positions [20] | Jan. 31, 1996 |
| Peace Corps | 22 U.S.C. 2506(a)(2) [AD] | Miscellaneous types of positions [83] | Jan. 7, 1994 |
| | 5 U.S.C. 3109 [EE] | Experts and consultants [34] | Jan. 7, 1994 |
| Securities and Exchange Commission | Section 203 of the Securities Litigation Uniform Standards Act of 1998 [EZ] | Economists [15] | Dec. 23, 1998 |
| Small Business Administration | P.L. 96-382 [AD] | Miscellaneous types of positions [34] | Jan. 4, 1994 |
| | 5 U.S.C. 3109 [ED, EF] | Experts and consultants [1] | Dec. 30, 1994 |
| Smithsonian | 5 U.S.C. 5375 | Members of the police force of the National Zoological Park [13] | Jan. 7, 1994 |
| Social Security Administration | 42 U.S.C. 903(i) [AD] | Staff Director of the Social Security Advisory Board [1] | Feb. 20, 1998 |

| Agency | Pay Authority [pay plan code] | Types of Employees [number of employees ^[1]] | Original Approval Date |
|--------------------------------------|---|---|---------------------------|
| State | 22 U.S.C. 1474(l) [GG] | Non-U.S. citizen employees [307] | Jan. 4, 1994 |
| | 22 U.S.C. 4204 [GG] | Employees at the National Foreign Affairs Training Center [350] | Jan. 7, 1994 |
| | 22 U.S.C. 287 [GG] | Employees at the U.S. Mission to the United Nations [58] | Jan. 7, 1994 |
| | 22 U.S.C. 287 [AD] | Miscellaneous types of positions [12] | Jan. 7, 1994 |
| | 5 U.S.C. 3109 [ED, EF] | Experts and consultants [50] | Jan. 7, 1994 |
| Treasury | 5 U.S.C. 5378 [TR] | Members of the police forces in the Bureau of Engraving and Printing and Bureau of the Mint [377] | Jan. 31, 1994 |
| | Title 4 of the D.C. Code [LE] | Uniformed Division of the U.S. Secret Service [1,095] (Note: Under section 4-416(c)(3) of the D.C. Code, United States Secret Service Uniformed Division officers are entitled to locality pay under 5 U.S.C. 5304 by law, not by administrative action. However, locality payments are frozen at calendar year 2000 levels under section 902(b) of Public Law 106-554, December 21, 2000. Public Law 106-554, which took effect on July 1, 2001, provided for significant basic pay increases as part of a conversion to a new pay system.) | Jan. 31, 1994 |
| U.S. Trade and Development Agency | Section 661(c)(2)(C) of the Foreign Assistance Act of 1961 [AD] | Miscellaneous types of positions [2] | Dec. 9, 1998 |

| Agency | Pay Authority [pay plan code] | Types of Employees [number of employees ^[1]] | Original Approval Date |
|------------------|----------------------------------|---|---------------------------|
| Veterans Affairs | 38 U.S.C. 7404(b)(1) [VN] | Physician assistants, optometrists, podiatrists, and expanded-function dental auxiliaries [1,139] | Jan. 4, 1994 |
| | 38 U.S.C. 7405(b)(2) [AD] | Medical support personnel, trainees, and students [631] | Jan. 4, 1994 |
| | 38 U.S.C. 7404(a) [SR] | Non-physician, non-dentist, and non-nurse employees [4] | April 5, 1994 |
| | 38 U.S.C. 7101A [AL] | Members of the Board of Veteran's Appeals [53] | Dec. 30, 1994 |

^[1] Number of employees as of the original approval date.