

(1) develop a plan that incorporates the following elements:

(A) adherence to merit principles set forth in section 2301;

(B) a fair, credible, and transparent employee performance appraisal system;

(C) a link between the pay-for-performance system, the employee performance appraisal system, and the agency's strategic plan;

(D) a means for ensuring employee involvement in the design and implementation of the system;

(E) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the pay-for-performance system;

(F) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review;

(G) effective safeguards to ensure that the management of the system is fair and equitable and based on employee performance; and

(H) a means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the pay-for-performance system;

(2) upon approval, receive an allocation of funding from the Office;

(3) make payments to individual employees in accordance with the agency's approved plan; and

(4) provide such information to the Office regarding payments made and use of funds received under this section as the Office may specify.

(b) The Office, in consultation with the Chief Human Capital Officers Council, shall review and approve an agency's plan before the agency is eligible to receive an allocation of funding from the Office.

(c) The Chief Human Capital Officers Council shall include in its annual report to Congress under section 1303(d) of the Homeland Security Act of 2002 an evaluation of the formulation and implementation of agency performance management systems.

(Added Pub. L. 108-136, div. A, title XI, § 1129(a), Nov. 24, 2003, 117 Stat. 1644.)

REFERENCES IN TEXT

Section 1303(d) of the Homeland Security Act of 2002, referred to in subsec. (c), is section 1303(d) of Pub. L. 107-296, which is set out as a note under section 1401 of this title.

PRIOR PROVISIONS

A prior section 5406, added Pub. L. 98-615, title II, § 201(a), Nov. 8, 1984, 98 Stat. 3211; amended Pub. L. 101-103, § 4, Sept. 30, 1989, 103 Stat. 671; Pub. L. 102-22, § 2(b), Mar. 28, 1991, 105 Stat. 71, related to performance awards, prior to repeal by Pub. L. 103-89, § 3(a)(1), (c), Sept. 30, 1993, 107 Stat. 981, 983, eff. Nov. 1, 1993.

§ 5407. Nature of payment

Any payment to an employee under this section shall be part of the employee's basic pay for the purposes of subchapter III of chapter 83, and

chapters 84 and 87, and for such other purposes (other than chapter 75) as the Office shall determine by regulation.

(Added Pub. L. 108-136, div. A, title XI, § 1129(a), Nov. 24, 2003, 117 Stat. 1645.)

PRIOR PROVISIONS

A prior section 5407, added Pub. L. 98-615, title II, § 201(a), Nov. 8, 1984, 98 Stat. 3213, related to cash award program, prior to repeal by Pub. L. 103-89, § 3(a)(1), (c), Sept. 30, 1993, 107 Stat. 981, 983, eff. Nov. 1, 1993.

§ 5408. Appropriations

There is authorized to be appropriated \$500,000,000 for fiscal year 2004, and, for each subsequent fiscal year, such sums as may be necessary to carry out the provisions of this chapter. In the first year of implementation, up to 10 percent of the amount appropriated to the Fund shall be available to participating agencies to train supervisors, managers, and other individuals involved in the appraisal process on using performance management systems to make meaningful distinctions in employee performance and on the use of the Fund.

(Added Pub. L. 108-136, div. A, title XI, § 1129(a), Nov. 24, 2003, 117 Stat. 1645.)

PRIOR PROVISIONS

Prior sections 5408 to 5410 were repealed by Pub. L. 103-89, § 3(a)(1), (c), Sept. 30, 1993, 107 Stat. 981, 983, effective Nov. 1, 1993.

Section 5408, added Pub. L. 98-615, title II, § 201(a), Nov. 8, 1984, 98 Stat. 3214, required annual reports by Office of Personnel Management.

Section 5409, added Pub. L. 98-615, title II, § 201(a), Nov. 8, 1984, 98 Stat. 3214, directed Office of Personnel Management to prescribe regulations.

Section 5410, added Pub. L. 98-615, title II, § 201(a), Nov. 8, 1984, 98 Stat. 3214; amended Pub. L. 101-103, § 2, Sept. 30, 1989, 103 Stat. 670; Pub. L. 102-22, § 2(c), Mar. 28, 1991, 105 Stat. 71; Pub. L. 103-89, § 2, Sept. 30, 1993, 107 Stat. 981, related to termination of chapter and accompanying regulations.

CHAPTER 55—PAY ADMINISTRATION

SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
5501.	Disposition of money accruing from lapsed salaries or unused appropriations for salaries.
5502.	Unauthorized office; prohibition on use of funds.
5503.	Recess appointments.
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5506.	Computation of extra pay based on standard or daylight saving time.
5507.	Officer affidavit; condition to pay.
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5509.	Appropriations.

SUBCHAPTER II—WITHHOLDING PAY

5511.	Withholding pay; employees removed for cause.
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5513.	Withholding pay; credit disallowed or charge raised for payment.
5514.	Installment deduction for indebtedness because of erroneous payment. ¹
5515.	Crediting amounts received for jury or witness service.

¹ Section catchline amended by Pub. L. 97-365 without corresponding amendment of chapter analysis.

- 5516. Withholding District of Columbia income taxes.
- 5517. Withholding State income taxes.
- 5518. Deductions for State retirement systems; National Guard employees.
- 5519. Crediting amounts received for certain Reserve or National Guard service.
- 5520. Withholding of city or county income or employment taxes.
- 5520a. Garnishment of pay.

SUBCHAPTER III—ADVANCEMENT, ALLOTMENT,
AND ASSIGNMENT OF PAY

- 5521. Definitions.
- 5522. Advance payments; rates; amounts recoverable.
- 5523. Duration of payments; rates; active service period.
- 5524. Review of accounts.
- 5524a. Advance payments for new appointees.
- 5525. Allotment and assignment of pay.
- 5526. Funds available on reimbursable basis.
- 5527. Regulations.

SUBCHAPTER IV—DUAL PAY AND DUAL
EMPLOYMENT

- 5531. Definitions.
- [5532. Repealed.]
- 5533. Dual pay from more than one position; limitations; exceptions.
- 5534. Dual employment and pay of Reserves and National Guardsmen.
- 5534a. Dual employment and pay during terminal leave from uniformed services.
- 5535. Extra pay for details prohibited.
- 5536. Extra pay for extra services prohibited.
- 5537. Fees for jury and witness service.
- 5538. Nonreduction in pay while serving in the uniformed services or National Guard.

SUBCHAPTER V—PREMIUM PAY

- 5541. Definitions.
- 5542. Overtime rates; computation.
- 5543. Compensatory time off.
- 5544. Wage-board overtime and Sunday rates; computation.
- 5545. Night, standby, irregular, and hazardous duty differential.
- 5545a. Availability pay for criminal investigators.
- 5545b. Pay for firefighters.
- 5546. Pay for Sunday and holiday work.
- 5546a. Differential pay for certain employees of the Federal Aviation Administration and the Department of Defense.
- 5547. Limitation on premium pay.
- 5548. Regulations.
- 5549. Effect on other statutes.
- [5550. Repealed.]
- 5550a. Compensatory time off for religious observances.
- 5550b. Compensatory time off for travel.

SUBCHAPTER VI—PAYMENT FOR ACCUMULATED
AND ACCRUED LEAVE

- 5551. Lump-sum payment for accumulated and accrued leave on separation.
- 5552. Lump-sum payment for accumulated and accrued leave on entering active duty; election.
- 5553. Regulations.

SUBCHAPTER VII—PAYMENTS TO MISSING
EMPLOYEES

- 5561. Definitions.
- 5562. Pay and allowances; continuance while in a missing status; limitations.
- 5563. Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations.
- 5564. Travel and transportation; dependents; household and personal effects; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.

- 5565. Agency review.
- 5566. Agency determinations.
- 5567. Settlement of accounts.
- 5568. Income tax deferment.
- 5569. Benefits for captives.
- 5570. Compensation for disability or death.

SUBCHAPTER VIII—SETTLEMENT OF ACCOUNTS

- 5581. Definitions.
- 5582. Designation of beneficiary; order of precedence.
- 5583. Payment of money due; settlement of accounts.
- 5584. Claims for overpayment of pay and allowances, and of travel, transportation and relocation expenses and allowances.

SUBCHAPTER IX—SEVERANCE PAY AND BACK
PAY

[5591 to 5594. Repealed.]

- 5595. Severance pay.
- 5596. Back pay due to unjustified personnel action.
- 5597. Separation pay.

AMENDMENTS

2009—Pub. L. 111–8, div. D, title VII, § 751(b), Mar. 11, 2009, 123 Stat. 695, added item 5538.

2004—Pub. L. 108–411, title II, § 203(b), Oct. 30, 2004, 118 Stat. 2313, added item 5550b.

1999—Pub. L. 106–65, div. A, title VI, § 651(a)(2), Oct. 5, 1999, 113 Stat. 664, struck out item 5532 “Employment of retired members of the uniformed services; reduction in retired or retainer pay.”

1998—Pub. L. 105–277, div. A, § 101(h) [title VI, § 628(b)], Oct. 21, 1998, 112 Stat. 2681–480, 2681–521, added item 5545b.

1994—Pub. L. 103–329, title VI, § 633(b)(3), Sept. 30, 1994, 108 Stat. 2427, added item 5545a.

1993—Pub. L. 103–94, § 9(b)(1), Oct. 6, 1993, 107 Stat. 1010, which directed amendment of table of chapters for chapter 55 of this title by adding item 5520a, was executed by adding item 5520a to table of sections for this chapter to reflect the probable intent of Congress.

1992—Pub. L. 102–484, div. D, title XLIV, § 4436(a)(2), Oct. 23, 1992, 106 Stat. 2724, added item 5597.

Pub. L. 102–378, § 2(44)(B), (45)(B), Oct. 2, 1992, 106 Stat. 1352, 1353, struck out item 5550 “Pay for Sunday and overtime work; employees of nonappropriated fund instrumentalities” and added item 5553.

1990—Pub. L. 101–509, title V, § 529 [title I, § 107(b)], Nov. 5, 1990, 104 Stat. 1427, 1449, added item 5524a.

1986—Pub. L. 99–399, title VIII, § 803(b), Aug. 27, 1986, 100 Stat. 883, added items 5569 and 5570.

1985—Pub. L. 99–224, § 1(b), Dec. 28, 1985, 99 Stat. 1741, substituted “and of travel, transportation and relocation expenses and allowances” for “other than travel and transportation expenses and allowances and relocation expenses” in item 5584.

1984—Pub. L. 98–525, title XV, § 1537(c)(6)(B), Oct. 19, 1984, 98 Stat. 2636, inserted “and the Department of Defense” in item 5546a.

1982—Pub. L. 97–276, § 151(c)(2), Oct. 2, 1982, 96 Stat. 1201, added item 5546a.

1978—Pub. L. 95–454, title III, § 308(f)(2), Oct. 13, 1978, 92 Stat. 1151, substituted “members of the uniformed services; reduction in retired or retainer pay” for “officers of the uniformed services; reduction in retired or retirement pay; exceptions” in item 5532.

Pub. L. 95–390, title IV, § 401(b), Sept. 29, 1978, 92 Stat. 762, added item 5550a.

1977—Pub. L. 95–30, title IV, § 408(b), May 23, 1977, 91 Stat. 157, substituted “city or county” for “city” in item 5520.

1975—Pub. L. 94–183, § 2(24), Dec. 31, 1975, 89 Stat. 1058, struck out “Sunday,” after “Night,” in item 5545.

1974—Pub. L. 93–340, § 1(b), July 10, 1974, 88 Stat. 294, added item 5520.

1972—Pub. L. 92–453, § 3(2), Oct. 2, 1972, 86 Stat. 760, substituted “overpayment of pay and allowances, other than travel and transportation expenses and allowances