

compelled to testify, or produce evidence, documentary or otherwise, before the Board in obedience to a subpoena issued by it. A person so testifying is not exempt from prosecution and punishment for perjury committed in so testifying.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 406; Pub. L. 95-454, title IX, §906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 118k(d) (less 1st sentence).	July 19, 1940, ch. 640, §4 "Sec. 12(d) (less 1st sentence)", 54 Stat. 769.

In subsection (a), the word "affirmation" is omitted as included in "oath" on authority of section 1 of title 1, United States Code. The title of the court is changed to conform to title 28.

In subsection (c), the prohibition is restated in positive form.

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—Subsec. (a). Pub. L. 95-454 substituted "Merit Systems Protection Board" and "Board" for "Civil Service Commission" and "Commission", respectively, wherever appearing.

Subsecs. (b), (c). Pub. L. 95-454 substituted "Board" for "Commission" 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.

§ 1508. Judicial review

A party aggrieved by a determination or order of the Merit Systems Protection Board under section 1504, 1505, or 1506 of this title may, within 30 days after the mailing of notice of the determination or order, institute proceedings for review thereof by filing a petition in the United States District Court for the district in which the State or local officer or employee resides. The institution of the proceedings does not operate as a stay of the determination or order unless—

- (1) the court specifically orders a stay; and
- (2) the officer or employee is suspended from his office or employment while the proceedings are pending.

A copy of the petition shall immediately be served on the Board, and thereupon the Board shall certify and file in the court a transcript of the record on which the determination or order was made. The court shall review the entire record including questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that the additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce this evidence in the hearing before the Board, the

court may direct that the additional evidence be taken before the Board in the manner and on the terms and conditions fixed by the court. The Board may modify its findings of fact or its determination or order in view of the additional evidence and shall file with the court the modified findings, determination, or order; and the modified findings of fact, if supported by substantial evidence, are conclusive. The court shall affirm the determination or order, or the modified determination or order, if the court determines that it is in accordance with law. If the court determines that the determination or order, or the modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Board with directions either to make a determination or order determined by the court to be lawful or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court are final, subject to review by the appropriate United States Court of Appeals as in other cases, and the judgment and decree of the court of appeals are final, subject to review by the Supreme Court of the United States on certiorari or certification as provided by section 1254 of title 28. If a provision of this section is held to be invalid as applied to a party by a determination or order of the Board, the determination or order becomes final and effective as to that party as if the provision had not been enacted.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 406; Pub. L. 95-454, title IX, §906(a)(6), Oct. 13, 1978, 92 Stat. 1225.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 118k(c).	July 19, 1940, ch. 640, §4 "Sec. 12(c)", 54 Stat. 768.

Sections 346 and 347 of title 28 referred to in former section 118k(c) were repealed by the Act of June 25, 1948, ch. 646, §39, 62 Stat. 862, and are now covered by section 1254 of title 28. The titles of the courts are changed to conform to title 28.

In the reference to filing a written petition, "written" is omitted as unnecessary.

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 "Merit Systems Protection Board" and "Board" 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.

PART III—EMPLOYEES

Subpart A—General Provisions

Chap.	Sec.
21.	2101

21. Definitions

Chap.		Sec.			
23.	Merit System Principles	2301	92.	Prohibition on criminal ² history ² inquiries ² prior ² to conditional ² offer ²	9201
29.	Commissions, Oaths, Records, and Reports	2901		Subpart I—Miscellaneous	
	Subpart B—Employment and Retention		95.	Personnel flexibilities ² relating ² to the Internal Revenue Service	9501
31.	Authority for Employment	3101	96.	Personnel flexibilities ² relating ² to land ² management ² agencies ²	9601
33.	Examination, Selection, and Placement	3301	97.	Department of Homeland Security	9701
34.	Part-Time Career Employment Opportunities	3401	98.	National Aeronautics and Space Administration	9801
35.	Retention Preference, Restoration, and Reemployment ¹	3501	99.	Department of Defense Personnel Authorities	9901
37.	Information Technology Exchange Program	3701	101.	Federal Emergency Management Agency Personnel	10101
	Subpart C—Employee Performance		102.	United States Secret Service Uniformed Division Personnel	10201
41.	Training	4101		Subpart J—Enhanced Personnel Security Programs	
43.	Performance Appraisal	4301	110.	Enhanced personnel ² security ² programs ²	11001
45.	Incentive Awards	4501		Editorial Notes	
47.	Personnel Research Programs and Demonstration Projects	4701		AMENDMENTS	
48.	Agency Personnel Demonstration Project	4801		2019—Pub. L. 116–92, div. A, title XI, §1122(c), Dec. 20, 2019, 133 Stat. 1608, added item for chapter 92.	
	Subpart D—Pay and Allowances			2015—Pub. L. 114–113, div. M, title III, §306(a)(2), Dec. 18, 2015, 129 Stat. 2916, added items for subpart J and chapter 110.	
51.	Classification	5101		Pub. L. 114–47, §2(b), Aug. 7, 2015, 129 Stat. 487, added item for chapter 96.	
53.	Pay Rates and Systems	5301		2011—Pub. L. 112–81, div. A, title XI, §1101(d)(2), Dec. 31, 2011, 125 Stat. 1610, added item for chapter 99 and struck out former item for chapter 99 “Department of Defense National Security Personnel System”.	
54.	Human Capital Performance Fund	5401		2010—Pub. L. 111–292, §2(b)(1), Dec. 9, 2010, 124 Stat. 3170, added item for chapter 65.	
55.	Pay Administration	5501		Pub. L. 111–282, §4(c)(3), Oct. 15, 2010, 124 Stat. 3044, added item for chapter 102.	
57.	Travel, Transportation, and Subsistence	5701		2006—Pub. L. 109–295, title VI, §621(b), Oct. 4, 2006, 120 Stat. 1416, added item for chapter 101.	
59.	Allowances	5901		2004—Pub. L. 108–496, §4, Dec. 23, 2004, 118 Stat. 4010, added items for chapters 89A and 89B.	
	Subpart E—Attendance and Leave			Pub. L. 108–201, §3(b), Feb. 24, 2004, 118 Stat. 477, added item for chapter 98.	
61.	Hours of Work	6101		2003—Pub. L. 108–136, div. A, title XI, §§1101(a)(2), 1129(b), Nov. 24, 2003, 117 Stat. 1633, 1645, added items for chapters 54 and 99.	
63.	Leave	6301		2002—Pub. L. 107–347, title II, §209(c)(3), Dec. 17, 2002, 116 Stat. 2930, added item for chapter 37.	
65.	Telework	6501		Pub. L. 107–296, title VIII, §841(a)(3), Nov. 25, 2002, 116 Stat. 2233, added item for chapter 97.	
	Subpart F—Labor-Management and Employee Relations			Pub. L. 107–123, §8(d)(1)(A), Jan. 16, 2002, 115 Stat. 2399, added item for chapter 48.	
71.	Labor-Management Relations	7101		2000—Pub. L. 106–398, §1 [[div. A], title X, §1076(f)(1)(B)], Oct. 30, 2000, 114 Stat. 1654, 1654A–282, substituted “and Other Purposes” for “Purposes” in item for chapter 91.	
72.	Antidiscrimination; Right to Petition Congress	7201		Pub. L. 106–265, title I, §1002(b), Sept. 19, 2000, 114 Stat. 769, added item for chapter 90.	
73.	Suitability, Security, and Conduct	7301		1998—Pub. L. 105–206, title I, §1201(b), July 22, 1998, 112 Stat. 719, added items for subpart I and chapter 95.	
75.	Adverse Actions	7501		1993—Pub. L. 103–89, §3(a)(2), Sept. 30, 1993, 107 Stat. 981, struck out item for chapter 54 “Performance Management and Recognition System”.	
77.	Appeals	7701		1986—Pub. L. 99–335, title I, §101(b), June 6, 1986, 100 Stat. 588, added item for chapter 84.	
79.	Services to Employees	7901		1985—Pub. L. 99–169, title VIII, §801(b), Dec. 4, 1985, 99 Stat. 1010, added items for subpart H and chapter 91.	
	Subpart G—Insurance and Annuities			1984—Pub. L. 98–615, title II, §201(b), Nov. 8, 1984, 98 Stat. 3214, substituted “Performance Management and	
81.	Compensation for Work Injuries	8101			
83.	Retirement	8301			
84.	Federal Employees’ Retirement System	8401			
85.	Unemployment Compensation	8501			
87.	Life Insurance	8701			
89.	Health Insurance	8901			
89A.	Enhanced Dental Benefits	8951			
89B.	Enhanced Vision Benefits	8981			
90.	Long-Term Care Insurance	9001			
	Subpart H—Access to Criminal History Record Information				
91.	Access to Criminal History Records for National Security and Other Purposes	9101			

¹Chapter heading amended by Pub. L. 107–296 without corresponding amendment of part analysis.

²So in original. Probably should be capitalized.