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[CHAPTER 270]

May 24, 1946
[S. 1415]
[Public Law 390]

AN ACT

To increase the rates of compensation of officers and employees of the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Federal Employees Pay Act of 1946.

SECTION 1. This Act may be cited as the "Federal Employees Pay Act of 1946".

INCREASE IN CLASSIFICATION ACT PAY RATES

42 Stat. 1491.
5 U. S. C. § 673; Supp. V, § 673.
Infra; post, p. 219.

Basic compensation.

SEC. 2. (a) Each of the existing rates of basic compensation provided by section 13 of the Classification Act of 1923, as amended and supplemented, except those affected by subsection (b) of this section, is hereby increased by 14 per centum or $250 per annum whichever is the greater, except that no such rate shall be increased by more than 25 per centum. Such augmented rates shall be considered to be the regular rates of basic compensation provided by such section.

56 Stat. 733.
5 U. S. C., Supp. V, § 673.

Charwomen.

(b) (1) The proviso to the fifth paragraph under the heading "Crafts, Protective, and Custodial Service" in section 13 of the Classification Act of 1923, as amended, is hereby amended to read as follows: "*Provided*, That charwomen working part time be paid at the rate of 90 cents an hour, and head charwomen at the rate of 95 cents an hour".

Clerical-mechanical service.

(2) Such section is amended so as to provide the following rates of compensation for positions in the clerical-mechanical service:

Grade 1, 90 to 97 cents an hour.
Grade 2, $1.04 to $1.12 an hour.
Grade 3, $1.20 to $1.27 an hour.
Grade 4, $1.35 to $1.49 an hour.

55 Stat. 613.
5 U. S. C., Supp. V, § 667 (b) (1).

(c) The increase in existing rates of basic compensation provided by this section shall not be construed to be an "equivalent increase" in compensation within the meaning of section 7 (b) (1) of the Classification Act of 1923, as amended.

INCREASE IN PAY RATES FOR CUSTOMS CLERKS AND IMMIGRANT INSPECTORS

45 Stat. 955.
19 U. S. C. §§ 6a-6d; Supp. V, §§ 6a-6d note.
45 Stat. 954.
8 U. S. C. § 109; Supp. V, § 109.

SEC. 3. Each of the existing rates of basic compensation provided by the Act entitled "An Act to adjust the compensation of certain employees in the Customs Service", approved May 29, 1928, as amended and supplemented, and those provided by the second paragraph of section 24 of the Immigration Act of 1917, as amended and supplemented, are hereby increased by 14 per centum or $250 per annum whichever is the greater, except that no such rate shall be increased by more than 25 per centum. Such augmented rates shall be considered to be the regular rates of basic compensation.

INCREASE IN STATUTORY PAY RATES IN THE EXECUTIVE BRANCH NOT UNDER CLASSIFICATION ACT

59 Stat. 302.
5 U. S. C., Supp. V, § 942 (b).
59 Stat. 296.
5 U. S. C., Supp. V, § 902.
Post, p. 218.
59 Stat. 488.
D. C. Code, Supp. V, §§ 31-638 to 31-658.
Post, p. 717.

SEC. 4. Rates of basic compensation specifically provided by statute (including any increase therein computed in accordance with section 602 (b) of the Federal Employees Pay Act of 1945), for positions in the executive branch or the District of Columbia municipal government which are not included in section 102, as amended, of the Federal Employees Pay Act of 1945 or in the District of Columbia Teachers' Salary Act of 1945, and are not increased by any other provision of this Act, are hereby increased by 14 per centum or $250

per annum whichever is the greater, except that no such rate shall be increased by more than 25 per centum. Such augmented rates shall be considered to be the regular rates of basic compensation.

INCREASE IN PAY RATES IN THE LEGISLATIVE BRANCH

SEC. 5. (a) The first sentence of section 501 of the Federal Employees Pay Act of 1945 is amended by inserting before the period at the end thereof a comma and the following: "plus (A) 14 per centum of his rate of compensation (including the additions thereto resulting from the application of the foregoing percentages), or (B) $250 per annum, whichever is the greater, except that such rate of compensation shall not be increased by more than 25 per centum".

59 Stat. 301.
5 U. S. C., Supp. V, § 931.
Post, p. 834.

(b) The second sentence of such section 501 is amended to read as follows: "The additional compensation provided by this section and section 502 shall be considered a part of the basic compensation of any such officer or employee for the purposes of the Civil Service Retirement Act of May 29, 1930, as amended."

46 Stat. 468.
5 U. S. C. § 691 *et seq*; Supp. V, § 691 *et seq*.
Post, pp. 339, 658, 659, 705, 706, 850, 939.

(c) Section 502 of such Act is amended to read as follows:

59 Stat. 301.
5 U. S. C., Supp. V, § 932.

"ADDITIONAL COMPENSATION IN LIEU OF OVERTIME

"SEC. 502. Each officer and employee in or under the legislative branch entitled to the benefits of section 501 of this Act shall be paid additional compensation at the rate of 10 per centum of the aggregate of the rate of his basic compensation and the rate of additional compensation received by him under section 501 of this Act."

Supra.

INCREASE IN PAY RATES IN THE JUDICIAL BRANCH

SEC. 6. (a) The first sentence of section 521 of the Federal Employees Pay Act of 1945 is amended by inserting before the period at the end thereof a comma and the following: "plus (A) 14 per centum of his rate of compensation (including the additions thereto resulting from the application of the foregoing percentages), or (B) $250 per annum, whichever is the greater, except that such rate of compensation shall not be increased by more than 25 per centum".

59 Stat. 301.
5 U. S. C., Supp. V, § 934.

(b) The second sentence of such section 521 is amended to read as follows: "The limitations of $6,500 and $7,500 with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges, contained in the eighth paragraph under the head 'Miscellaneous Items of Expense' in The Judiciary Appropriation Act, 1946 (Public Law Numbered 61, Seventy-ninth Congress), or in any subsequent appropriation Act, shall be increased by the amounts necessary to pay the additional basic compensation provided by this section; and the changes in the rates of basic compensation in the Classification Act of 1923, as amended, made by section 405 of this Act and section 2 of the Federal Employees Pay Act of 1946 shall not be taken into account in fixing salaries under any such appropriation Act."

Secretaries and law clerks.

59 Stat. 199.
28 U. S. C., Supp. V, § 374b.

42 Stat. 1488; 59 Stat. 300.
5 U. S. C. §§ 661–674; Supp. V, § 661 *et seq*.
Ante, p. 216; *post*, p. 219.

(c) Section 522 of such Act is amended to read as follows:

59 Stat. 302.
5 U. S. C., Supp. V, § 935.

"ADDITIONAL COMPENSATION IN LIEU OF OVERTIME

"SEC. 522. (a) Each officer and employee of the Supreme Court of the United States entitled to the benefits of section 521 of this Act shall be paid additional compensation at the rate of 10 per centum of the rate of his basic compensation. As used in this subsection the term 'basic compensation' includes the additional basic compensation provided by section 521 of this Act.

59 Stat. 301.
5 U. S. C., Supp. V, § 934.
Supra.
"Basic compensation."

"(b) The additional compensation provided by subsection (a) of this section shall be considered a part of the basic compensation of any such officer or employee for the purposes of the Civil Service Retirement Act of May 29, 1930, as amended."

46 Stat. 468.
5 U. S. C. § 691 *et seq.*; Supp. V, § 691 *et seq.*
Post, pp. 339, 658, 659, 705, 706, 850, 939.

LIMITATION ON AGGREGATE RATE PAYABLE

59 Stat. 303.
5 U. S. C., Supp. V, § 943 (b).

SEC. 7. (a) Section 603 (b) of the Federal Employees Pay Act of 1945 is amended by inserting after the words "by reason of the enactment of this Act" the words "or any amendment thereto".

(b) Notwithstanding any other provision of this Act, no officer or employee shall, by reason of the enactment of this Act, be paid with respect to any pay period, basic compensation, or basic compensation plus any additional compensation provided by the Federal Employees Pay Act of 1945, as amended, at a rate in excess of $10,000 per annum.

59 Stat. 295.
5 U. S. C., Supp. V, §§ 901-948.
Ante, p. 216 *et seq.*

VESSEL EMPLOYEES

59 Stat. 296.
5 U. S. C., Supp. V, § 902 (d).
59 Stat. 304.
5 U. S. C., Supp. V, §§ 946, 947.
Infra; post, p. 219.

SEC. 8. (a) Section 102 (d) of the Federal Employees Pay Act of 1945 is amended to read as follows:

"(d) This Act, except sections 606 and 607, shall not apply to employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, to vessel employees of the Coast and Geodetic Survey, to vessel employees of the Department of the Interior, or to vessel employees of the Panama Railroad Company."

(b) Section 606 of such Act is amended to read as follows:

"VESSEL EMPLOYEES

"SEC. 606. Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, vessel employees of the Department of the Interior, and vessel employees of the Panama Railroad Company, may be compensated in accordance with the wage practices of the maritime industry."

COMPENSATORY TIME OFF FOR IRREGULAR OR OCCASIONAL OVERTIME WORK

59 Stat. 297.
5 U. S. C., Supp. V, § 912 (a).

SEC. 9. Section 202 (a) of the Federal Employees Pay Act of 1945 is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty hours".

NIGHT PAY DIFFERENTIAL

59 Stat. 298.
5 U. S. C., Supp. V, § 921.

SEC. 10. That part of section 301 of the Federal Employees Pay Act of 1945 which precedes the first proviso is amended to read as follows: "Any officer or employee to whom this title applies who is assigned to a regularly scheduled tour of duty, any part of which, including overtime, falls between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian, shall, for duty between such hours, excluding periods when he is in a leave status, be paid compensation at a rate 10 per centum in excess of his rate of basic compensation for duty between other hours:".

PAY FOR HOLIDAY WORK

59 Stat. 298.
5 U. S. C., Supp. V, § 922.

SEC. 11. That part of the first sentence of section 302 of the Federal Employees Pay Act of 1945 which precedes the proviso is amended to read as follows: "Any officer or employee to whom this title applies who is assigned to duty on a holiday designated by Federal statute or Executive order during hours which fall within his basic administrative workweek of forty hours shall be compensated for not to

exceed eight hours of such duty, excluding periods when he is in a leave status, in lieu of his regular rate of basic compensation for such duty, at the rate of twice such regular rate of basic compensation, in addition to any extra compensation for night duty provided by section 301 of this Act:". *Ante*, p. 218.

PAY RATES FOR GRADES 9 AND 10 OF THE CRAFTS, PROTECTIVE, AND CUSTODIAL SERVICE OF THE CLASSIFICATION ACT

SEC. 12. (a) Section 13 of the Classification Act of 1923, as amended, is hereby further amended by striking out the second paragraph relating to grade 9 of the Crafts, Protective, and Custodial Service and substituting therefor the following: 45 Stat. 784. 5 U. S. C. § 673. *Ante*, p. 216. *Infra*.

"The annual rates of compensation for positions in this grade shall be $2,870, $2,980, $3,090, $3,200, $3,310, $3,420, and $3,530."

(b) Section 13 of the Classification Act of 1923, as amended, is hereby further amended by striking out the second paragraph relating to grade 10 of the Crafts, Protective, and Custodian Service and substituting therefor the following: *Supra*.

"The annual rates of compensation for positions in this grade shall be $3,200, $3,310, $3,420, $3,530, $3,640, $3,750, and $3,860."

(c) With respect to grades 9 and 10 of the Crafts, Protective, and Custodial Service, the increase in rates of basic compensation provided by section 2 of this Act shall be computed on the rates of basic compensation established for such grades, as amended by subsections (a) and (b) of this section. *Ante*, p. 216.

GENERAL ACCOUNTING OFFICE

SEC. 13. This Act and any other general legislation heretofore or hereafter enacted governing the employment, compensation, emoluments, and status of officers and employees of the United States shall apply to officers and employees of the General Accounting Office in the same manner and to the same extent as if such officers and employees were in or under the executive branch of the Government.

PERSONNEL CEILINGS

SEC. 14. (a) Section 607 of the Federal Employees Pay Act of 1945 is amended by adding at the end thereof a new subsection as follows: 59 Stat. 304. 5 U. S. C., Supp. V, § 947.

"(g) (1) In carrying out the provisions of subsection (b) of this section—

"(A) with respect to the departments (other than the Department of War and the Department of the Navy), establishments, and agencies (including Government-owned or controlled corporations) in the executive branch, the Director shall so determine the numbers of full-time civilian employees and the man-months of part-time employment on the basis of the relative needs of such departments, establishments, and agencies for personnel, that the aggregate number of such civilian employees (including the full-time equivalent of man-months of part-time employment) shall not exceed (i) five hundred and twenty-eight thousand nine hundred and seventy-five for the quarter beginning October 1, 1946; (ii) five hundred and one thousand seven hundred and seventy-one for the quarter beginning January 1, 1947; (iii) four hundred and seventy-four thousand five hundred and sixty-seven for the quarter beginning April 1, 1947; and (iv) four hundred and forty-seven thousand three hundred and sixty-three after June 30, 1947;

War and Navy Departments.

"(B) with respect to the Department of War and the Department of the Navy, the Director shall so determine the numbers of civilian employees (including the full-time equivalent of man-months of part-time employment) that at the earliest date practicable, but in no event later than July 1, 1947, the number shall not exceed one hundred and seventy-six thousand with respect to the Department of War, or one hundred thousand with respect to the Department of the Navy.

Maximum numbers.

The numbers of employees specified in this paragraph shall be regarded as maximum numbers, and nothing herein shall be construed to limit the authority of the Director to establish lower aggregate numbers whenever, in his opinion, the numbers so specified are in excess of those necessary for the proper and efficient exercise of the authorized functions of the departments, establishments, and agencies to which this subsection applies. The procedural provisions of subsection (b) of this section shall be applicable with respect to determinations under this paragraph.

Excess employment, restrictions.

"(2) No provision of law heretofore or hereafter enacted authorizing the employment of personnel by, or appropriating funds for the compensation of personnel of, or conferring additional functions upon, any department, establishment, or agency, shall be construed to authorize the employment of, or payment of compensation to, a greater number of employees subject to this subsection than the number so determined by the Director with respect to such department, establishment, or agency unless such provision of law specifically authorizes the employment or payment of salaries of personnel in excess of such number, or exempts such department, establishment, or agency from the provisions of this subsection, and any such employment or payment not so authorized shall be deemed to be a violation of the provisions of section 3679 of the Revised Statutes of the United States (U. S. C., 1940 edition, title 31, sec. 665).

31 U. S. C., Supp. V, § 665 notes.

Nonapplicability.

"(3) The provisions of this subsection shall not apply with respect to employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose. The provisions of subparagraph (A) of paragraph (1) shall not apply with respect to officers and employees in the field service of the Post Office Department or to officers and employees of the Veterans' Administration, but shall apply with respect to officers and employees outside the United States whose compensation is fixed in accordance with the Classification Act of 1923, as amended, and who are not excluded from the provisions of this section by the provisions of subsection (f). The provisions of subparagraph (B) of paragraph (1) shall not apply with respect to officers and employees outside the several States and the District of Columbia."

42 Stat. 1488.
5 U. S. C. §§ 661–674; Supp. V, § 661 *et seq.*
Ante, pp. 216, 219.

59 Stat. 305.
5 U. S. C., Supp. V, § 947 (f).

(b) Effective October 1, 1946, subsection (f) of such section is amended by striking out "(1) employees of the War and Navy Departments except those who are subject to the provisions of titles II and III of this Act; or (2)".

APPROPRIATIONS AUTHORIZED

SEC. 15. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 16. This Act, except section 14 (b), shall take effect on July 1, 1946.

Approved May 24, 1946.