

Calendar No. 171

111TH CONGRESS }
1st Session }

SENATE

{ REPORT
111-86

UNITED STATES SECRET SERVICE
UNIFORMED DIVISION MODERNIZATION
ACT OF 2009

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 1510

TO TRANSFER STATUTORY ENTITLEMENTS TO PAY AND HOURS
OF WORK AUTHORIZED BY THE DISTRICT OF COLUMBIA CODE
FOR CURRENT MEMBERS OF THE UNITED STATES SECRET
SERVICE UNIFORMED DIVISION FROM THE DISTRICT OF COLUM-
BIA CODE TO THE UNITED STATES CODE



OCTOBER 5, 2009.—Ordered to be printed

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WASHINGTON : 2009

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UNITED STATES SECRET SERVICE UNIFORMED DIVISION MODERNIZATION ACT OF 2009

OCTOBER 5, 2009.—Ordered to be printed

Mr. LIEBERMAN, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 1510]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

I. PURPOSE AND SUMMARY

The purpose of this legislation is to transfer the statutory entitlements for pay and hours of work for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code; to create a new, stable salary table for the Uniformed Division; to simplify the administration of pay; and to provide the Secret Service with flexibility when it hires personnel with previous law enforcement experience.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Most individuals think of the Secret Service as the Special Agents who investigate counterfeit currency or jog alongside the Presidential motorcade. But those agents comprise only approximately half of the agency's 6,500 personnel. The Secret Service also employs approximately 2,000 technical, professional and administrative support personnel, and approximately 1,300 Uniformed Division law enforcement officers who help protect the President, the

White House, foreign dignitaries and mission offices. This legislation deals specifically with the Secret Service's Uniformed Division.

Originally separate from the Secret Service, the protection force began in 1860 with some members from the U.S. military and the Washington, D.C. Metropolitan Police Force. The White House Military Aide directed the protection force until 1922, when a White House Police Force was formally established. At that time, the White House Police Force was a local law enforcement agency, akin to the D.C. Metropolitan Police Force, but with a smaller jurisdiction. Following a White House intrusion in 1930, the White House Police Force was transferred and placed under the supervision of the Chief of the Secret Service to ensure the agency had exclusive control over every facet of Presidential protection. The force was renamed the Executive Protection Service in 1970 when its mission was expanded to include diplomatic missions, and then again renamed in 1977—this time the United States Secret Service Uniformed Division—as its protection mission continued to gradually expand.

This legislation has multiple purposes. First, it effects a long overdue migration of the Uniformed Division's statutory authorities, from the District of Columbia Code to the U.S. Code, to reflect the change of responsibility for protecting the White House from a local responsibility to a federal one.

Second, the legislation gives the Uniformed Division the ability to compete better in recruiting and retaining officers with other federal, state and local law enforcement organizations operating in the area, including the Capitol Police, the Pentagon Force Protection Agency, and FBI Police Officers, among others. According to statistics provided to the Committee by the Secret Service, the agency has been experiencing significant resignations (frequently referred to as non-retirement separations) from Uniformed Division Officers, particularly those with fewer than ten years of service. It believes that junior officers are resigning to join other forces with better pay and benefits than the Uniformed Division can currently offer.

The following chart illustrates the retention problems facing the Uniform Division:

PERCENTAGE OF UNIFORMED DIVISION OFFICERS WITH THE SPECIFIED LENGTH OF SERVICE WHO ARE SEPARATING FROM THE DIVISION EACH YEAR

[FY 2005—FY 2009*]

Length of service	FY 2006	FY 2007	FY 2008	FY 2009*
Less than a year	7.6%	6.6%	18.7%	23.7%
1-3 years	58.0%	53.8%	39.6%	33.9%
4-5 years	10.9%	14.2%	15.6%	29.4%
6-10 years	3.4%	7.5%	14.8%	8.8%
11-15 years	3.4%	3.8%	3.0%	2.9%
16-20 years	1.7%	.....	1.5%	2.9%
21-25 years	3.4%	6.6%	3.7%	
26-30 years	5.0%	4.7%	1.5%	
More than 30 years	6.7%	2.8%	1.5%	

*FY 2009 to date (October 1, 2008—May 31, 2009).

The legislation is intended to provide sufficient incentives to more junior officers to stay with the Secret Service. It would do so by creating a new, stable salary table, which establishes specific

rates of pay for each officer rank and step (a level of pay within a rank based on several factors, such as years of service and quality of work), for the Uniformed Division. It rectifies anomalies, like varying pay increases between steps in the salary table, and would also simplify the administration of pay by ensuring that all personnel are compensated for all time worked, consistent with other federal employees. It also provides the Secret Service with some additional flexibility to hire personnel with previous relevant experience or superior qualifications at a higher rank or step. No current employees pay or benefits will be reduced as a result of the legislation.

III. LEGISLATIVE HISTORY

S. 1510 was introduced by Chairman Joseph I. Lieberman on July 23, 2009 and was referred to the Senate Committee on Homeland Security and Governmental Affairs. On July 29, 2009, the Committee considered S. 1510. The bill was adopted by the Committee by voice vote, and favorably reported to the Senate. Members present for the vote on the bill were Chairman Lieberman; Senators Akaka, Carper, Pryor, Landrieu, McCaskill and Burriss; Ranking Minority Member Collins; and Senators Coburn and Voinovich.

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title of the bill is the United States Secret Service Uniformed Division Modernization Act of 2009.

Section 2. Purpose

This section states the purpose of the legislation, to transfer the statutory entitlements for pay and benefits for current officers in the Uniformed Division from the District of Columbia Code to the United States Code.

Section 3. Human Resources for United States Secret Service Uniformed Division

Subsection (a) amends subpart I of part III of title 5, U.S. Code to give the Secretary of Homeland Security the authority to fix and adjust pay and benefits for employees of the Uniformed Division. The subsection establishes a new schedule of rates for Uniformed Division personnel; gives the Director of the Secret Service authority to hire an officer at a rate above the minimum rate for individuals with superior qualifications; changes the number of steps per rank, to thirteen; sets compensation levels for individuals holding a technical position; establishes processes for determining pay rates following a promotion or demotion; and increases the clothing allowance benefit, from \$300 annually to \$500 annually.

Subsection (b) sets an annual leave limitation for the three most senior officials in the Uniformed Division, consistent with the ceiling for members of the Senior Executive Service and other similar categories of Federal employees.

Subsection (c) makes a technical fix to title 5 of the U.S. Code to allow members of the Uniformed Division covered under the Federal Employees' Compensation Act (FECA), upon their request,

to use sick leave in connection with a work-related injury or illness, as other FECA-covered employees may do.

Section 4. Miscellaneous provisions

Subsection (a) requires the new salary schedule be implemented on or after May 1, 2010, and clarifies which step officers will begin at within a specific rank, based on full years of creditable service.

Subsection (b) provides a 2.92 percent increase in the annuity paid to retired members of the Uniformed Division.

Section 5. Technical and conforming amendments

This section makes several conforming amendments to the U.S. Code and the District of Columbia Code, to reflect the transfer of governing authorities for Uniformed Division pay out of the District of Columbia Code and into title 5 of the United States Code.

Section 6. Effective date

This section requires this legislation take effect on the first day of the first pay period on or after May 1, 2010.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirement of paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate the Committee has considered the regulatory impact of this bill. CBO states that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

VI. ESTIMATED COST OF LEGISLATION

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 8, 2009.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1510, the U.S. Secret Service Uniformed Division Modernization Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Barry Blom.

Sincerely,

DOUGLAS W. ELMENDORF, *Director.*

Enclosure.

S. 1510—United States Secret Service Uniformed Division Modernization Act of 2009

Summary: S. 1510 would transfer the authority that governs pay and hours of work for current members of the U.S. Secret Service Uniformed Division from the District of Columbia Code to the U.S. Code. That transfer would result in several changes to the pay and benefits of Uniformed Division members, including a revised salary schedule. In addition, retired members of the Uniformed Division who also are members of the District of Columbia Police and Fire-

fighters Retirement and Disability System would receive an increase of nearly 3 percent in their retirement compensation.

CBO estimates that implementing this legislation would cost \$39 million between 2010 and 2014, assuming appropriation of the necessary amounts. The bill also contains provisions that increase direct spending for retirement benefits of the Uniformed Division. CBO estimates that, if enacted, S. 1510 would increase direct spending by \$14 million over the 2010–2019 period. Enacting the bill would have no effect on revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the federal government: The costs of this legislation fall within budget functions 600 (income security) and 750 (administration of justice).

	By fiscal year, in millions of dollars—											
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2010– 2014	2010– 2019
CHANGES IN SPENDING SUBJECT TO APPROPRIATION												
Estimated Authorization Level	3	9	9	9	9	10	10	10	10	11	40	90
Estimated Outlays	3	9	9	9	9	10	10	10	10	11	39	90
CHANGES IN DIRECT SPENDING												
Estimated Budget Authority	*	1	1	1	1	1	1	2	2	2	6	14
Estimated Outlays	*	1	1	1	1	1	1	2	2	2	6	14

Note: * = less than \$500,000.

Basis of estimate: For this estimate, CBO assumes that S. 1510 would be enacted near the beginning of fiscal year 2010.

Spending subject to appropriation

S. 1510 would increase discretionary spending for pay and benefits for members of the U.S. Secret Service Uniformed Division. CBO estimates that implementing those changes would cost \$39 million over the 2010–2014 period, assuming appropriation of the necessary amounts. In addition, CBO assumes that the conversion to the new salary schedule will occur in May 2010, as required under the legislation.

S. 1510 would set forth a schedule of pay rates for members of the U.S. Secret Service Uniformed Division to be paid under the U.S. Code. That schedule is composed of 13 steps (one fewer than under the current schedule) for each of the different ranks that comprise the Uniformed Division. Under the legislation, the increments between steps of a given rank would be adjusted so that the dollar increase between each step is the same. S. 1510 also would reduce the amount of service time required to advance to the highest step from 30 years to 22 years. As a result of those changes, most members would receive a small salary increase upon conversion to the new pay scale.

Several other changes in pay or benefits would occur as a result of the legislation. Those changes include moving the provisions governing premium pay (such as overtime) from the District of Columbia Code to the U.S. Code, granting an additional 6 percent salary increase to members deemed to hold technician positions, and increasing the maximum annual clothing allowance to plainclothes members from \$300 to \$500. No current employee's pay or benefits would be reduced as a result of the legislation.

Direct spending

In addition, S. 1510 would increase by nearly 3 percent the annuity paid to retired members of the Secret Service Uniformed Division who currently participate in the District of Columbia Police and Firefighters Retirement and Disability System. CBO estimates that this change would increase payments to retired Secret Service employees by about \$14 million over the 2010–2019 period.

Intergovernmental and private-sector impact: S. 1510 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Pay—Barry Blom, Retirement—Santiago Vallinas; Impact on State, Local, and Tribal Governments: Elizabeth Cove Delisle; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the following changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed

in italic, existing law in which no change is proposed is shown in roman):

UNITED STATES CODE
TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

* * * * *

SUBPART I—MISCELLANEOUS

95. Personnel Flexibilities Relating to the Internal Revenue Service.	9501
97. Department of Homeland Security	9701
98. National Aeronautics and Space Administration	9801
99. Department of Defense National Security Personnel System.	9901
101. Federal Emergency Management Agency Personnel ..	10101
102. <i>United States Secret Service Uniformed Division Personnel.</i>	10201

* * * * *

PART III—EMPLOYEES

* * * * *

SUBPART D—PAY AND ALLOWANCES

* * * * *

CHAPTER 51—CLASSIFICATION

* * * * *

§ 5102. Definitions; application

* * * * *

(c) * * *

(5) members of the Metropolitan Police, the Fire Department of the District of Columbia, the United States Park Police, and **[the Executive Protective Service]** *the United States Secret Service Uniformed Division*; members of the police force of the National Zoological Park whose pay is fixed under section 5375 of this title; and members of the police forces of the Bureau of Engraving and Printing and the United States Mint whose pay is fixed under section 5378 of this title;

* * * * *

CHAPTER 55—PAY ADMINISTRATION

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§ 5541. Definitions

* * * * *

(2) * * *

(iv) * * *

(II) [a member of the United States Secret Service Uniformed Division,] a member of the United States Park Police, other than for purposes of section 5545(a) and 5546;

* * * * *

SUBPART E—ATTENDANCE AND LEAVE

* * * * *

CHAPTER 63—LEAVE

* * * * *

§ 6304. Annual leave; accumulation

* * * * *

(f)(1) * * *

(F) a position to which section 5376 applies; [or]

(G) a position designated under section 1607(a) of title 10 as an Intelligence Senior Level position[.]; or

(H) a position in the United States Secret Service Uniformed Division at the rank of Deputy Chief, Assistant Chief, or Chief.

* * * * *

§ 6324. Absence of certain police and firemen

(a) Sick leave may not be charged to the account of a member of the Metropolitan Police force or the Fire Department of the District of Columbia, the United States Park Police force, or the [Executive Protective Service force] *United States Secret Service Uniformed Division* for an absence due to injury or illness resulting from the performance of duty.

(b) * * *

(3) the Secretary of [the Treasury for the Executive Protective Service force] *Homeland Security for the United States Secret Service Uniformed Division*.

(c) *This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.*

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Subpart I—Miscellaneous

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CHAPTER 102—UNITED STATES SECRET SERVICE UNIFORMED DIVISION PERSONNEL

Sec.

10201. *Definitions.*

10202. *Authorities.*

10203. *Basic pay.*

10204. *Rate of pay for original appointments.*

10205. *Service step adjustments.*

10206. *Technician positions.*

10207. Promotions.
 10208. Demotions.
 10209. Clothing allowances.

§ 10201. Definitions

In this chapter—

- (1) *the term “member” means an employee of the United States Secret Service Uniformed Division having the authorities described under section 3056A(b) of title 18;*
- (2) *the term “Secretary” means the Secretary of the Department of Homeland Security; and*
- (3) *the term “United States Secret Service Uniformed Division” has the meaning given that term under section 3056A of title 18.*

§ 10202. Authorities

(a) *IN GENERAL.—The Secretary is authorized to—*

- (1) *fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;*
- (2) *determine what constitutes an acceptable level of competence for the purposes of section 10205;*
- (3) *establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and*
- (4) *determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.*

(b) *DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in this chapter.*

(c) *REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to administer this chapter.*

§ 10203. Basic pay

(a) *IN GENERAL.—The annual rates of basic pay of members of the United States Secret Service Uniformed Division shall be fixed in accordance with the following schedule of rates, except that the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks is limited to 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.*

Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer	44,000	46,640	49,280	51,920	54,560	57,200	59,840	62,480	65,120	67,760	70,400	73,040	75,680
Sergeant .....	.....	.....	.....	59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant .....	.....	.....	.....	.....	69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain .....	.....	.....	.....	.....	.....	79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector .....	.....	.....	.....	.....	.....	91,533	95,758	99,983	104,208	108,433	112,658	116,883	121,108
Deputy Chief	The rate of basic pay for Deputy Chief positions will be equal to 95% of the rate of pay for level V of the Executive Schedule.												
Assistant Chief	The rate of basic pay for Assistant Chief position will be equal to 95% of the rate of pay for level V of the Executive Schedule.												
Chief	The rate of basic pay for Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

(b) *SCHEDULE ADJUSTMENT.*—

(1)(A) *Effective at the beginning of the first pay period commencing on or after the first day of the month in which an adjustment in the rates of basic pay under the General Schedule takes effect under section 5303 or other authority, the schedule of annual rates of basic pay of members (except the Deputy Chiefs, Assistant Chief and Chief) shall be adjusted by the Secretary by a percentage amount corresponding to the percentage adjustment made in the rates of pay under the General Schedule.*

(B) *The Secretary may establish a methodology of schedule adjustment that—*

(i) *results in uniform fixed-dollar step increments within any given rank; and*

(ii) *preserves the established percentage differences among rates of different ranks at the same step position.*

(2) *Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.*

(3) *Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.*

§ 10204. Rate of pay for original appointments

(a) *IN GENERAL.*—*Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.*

(b) *EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.*—*The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual's superior qualifications or a special need of the Government for the individual's services.*

§ 10205. Service step adjustments

(a) *DEFINITION.*—*In this section, the term “calendar week of active service” includes all periods of leave with pay or other paid time off, and periods of non-pay status which do not cumulatively equal one 40-hour workweek.*

(b) *ADJUSTMENTS.*—*Each member whose current performance is at an acceptable level of competence shall have a service step adjustment as follows:*

(1) *Each member in service step 1, 2, or 3 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 52 calendar weeks of active service in the member's service step.*

(2) *Each member in service step 4, 5, 6, 7, 8, 9, 10, or 11 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the com-*

pletion of 104 calendar weeks of active service in the member's service step.

(3) Each member in service step 12 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 156 calendar weeks of active service in the member's service step.

§ 10206. Technician positions

(a) *IN GENERAL.*—(1) Each member whose position is determined under section 10202(a)(3) to be included as a technician position shall, on or after such date, receive, in addition to the member's scheduled rate of basic pay, an amount equal to 6 percent of the sum of such member's rate of basic pay and the applicable locality-based comparability payment.

(2) A member described in this subsection shall receive the additional compensation authorized by this subsection until such time as the member's position is determined under section 10202(a)(3) not to be a technician position, or until the member no longer occupies such position, whichever occurs first.

(3) The additional compensation authorized by this subsection shall be paid to a member in the same manner and at the same time as the member's basic pay is paid.

(b) *EXCEPTIONS.*—(1) Except as provided in paragraph (2), the additional compensation authorized by subsection (a)(1) shall be considered as basic pay for all purposes, including section 8401(4).

(2) The additional compensation authorized by subsection (a)(1) shall not be considered as basic pay for the purposes of—

(A) section 5304; or

(B) section 7511(a)(4).

(3) The loss of the additional compensation authorized by subsection (a)(1) shall not constitute an adverse action for the purposes of section 7512.

§ 10207. Promotions

(a) *IN GENERAL.*—Each member who is promoted to a higher rank shall receive basic pay at the same step at which such member was being compensated prior to the date of the promotion.

(b) *CREDIT FOR SERVICE.*—For the purposes of a service step adjustment under section 10205, periods of service at the lower rank shall be credited in the same manner as if it was service at the rank to which the employee is promoted.

§ 10208. Demotions

When a member is changed or demoted from any rank to a lower rank, the Secretary may fix the member's rate of basic pay at the rate of pay for any step in the lower rank which does not exceed the lowest step in the lower rank for which the rate of basic pay is equal to or greater than the member's existing rate of basic pay.

§ 10209. Clothing allowances

(a) *IN GENERAL.*—In addition to the benefits provided under section 5901, the Director of the United States Secret Service or the designee of the Director is authorized to provide a clothing allowance to a member assigned to perform duties in normal business or work attire purchased at the discretion of the employee. Such cloth-

ing allowance shall not be treated as part of the member's basic pay for any purpose (including retirement purposes) and shall not be used for the purpose of computing the member's overtime pay, pay during leave or other paid time off, lump-sum payments under section 5551 or section 5552, workers' compensation, or any other benefit. Such allowance for any member may be discontinued at any time upon written notification by the Director of the United States Secret Service or the designee of the Director.

(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing allowance authorized under this section shall not exceed \$500 per annum.

DISTRICT OF COLUMBIA CODE

TITLE 5—POLICE, FIREFIGHTERS, AND CHIEF MEDICAL EXAMINER

* * * * *

CHAPTER 5—SALARIES

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SUBCHAPTER II—HOLIDAY COMPENSATION

* * * * *

§ 5-521.01. Compensation for working on holidays

Under regulations promulgated by the Council of the District of Columbia, each officer and member of the Metropolitan Police force and of the Fire Department of the District of Columbia, when he may be required to work on any holiday, shall be compensated for such duty, excluding periods when he is in a leave status, in lieu of his regular rate of basic compensation for such work, at the rate of twice such regular rate of basic compensation; provided, that for the purpose of this subchapter, each such officer or member who works 8 hours or less on any holiday shall be compensated for such duty in addition to his regular rate of basic compensation for such work, at the rate of one eighth of his daily rate of basic compensation for each hour so worked, computed to the nearest hour, counting 30 minutes or more as a full hour; provided further, that, when an officer or member is authorized or directed to work on a holiday and such officer or member is required to work longer than his regular tour of duty, he shall be compensated for such overtime in accordance with the provisions of subsection (e) of § 5-1304. Appropriations for personal services for the Metropolitan Police force, the Fire Department of the District of Columbia, [the United States Secret Service Uniformed Division,] and the United States Park Police force shall be available for payment of the additional compensation authorized by this subchapter.

§ 5-521.02. "Holiday" defined

As used in § 5-521.01, the word "holiday" means the following: The 1st day of January, the 3rd Monday in February, the 4th day of July, the last Monday in May, the 1st Monday in September, the 2nd Monday in October, the 4th Monday in October, Thanksgiving

Day, the 25th day of December, and, with respect to officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, such other holidays as may be designated by the Council of the District of Columbia, and with respect to officers and members of [the United States Secret Service Uniformed Division and] the United States Park Police force, such other holidays as may be designated by executive order.

§ 5-521.03. Applicability of subchapter to [the United States Secret Service Uniformed Division and] the United States Park Police force

The provisions of this subchapter shall be applicable to [the United States Secret Service Uniformed Division and] the United States Park Police force, under regulations promulgated by [the Secretary of the Treasury and] the Secretary of the Interior[, respectively].

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SUBCHAPTER III—SALARY CLASSIFICATIONS

* * * * *

PART B—METHOD OF ASSIGNMENT OF EMPLOYEES TO SALARY SCHEDULES

* * * * *

§ 5-542.02. Additional compensation for helicopter pilot, bomb disposal, or scuba diving duty

Each officer or member of the Metropolitan Police Force, including, notwithstanding any other law or regulation, each officer or member appointed pursuant to § 1-610.72, [United States Secret Service Uniformed Division,] and United States Park Police force assigned on or after the effective date of the District of Columbia Police and Firemen’s Salary Act Amendments of 1972: (1) to perform the duty of a helicopter pilot; or (2) to render explosive devices ineffective or to otherwise dispose of such devices shall receive, in addition to his scheduled rate of basic compensation, \$ 2,270 per annum, except in the case of an officer or member of the United States Park Police, who shall receive a per annum amount equal to 7 percent of the sum of such officer’s or member’s rate of basic compensation plus locality pay adjustments, so long as he remains in such assignment. Further, each officer or member of the metropolitan police force assigned on or after August 29, 1972, to the Harbor Patrol division within the Metropolitan Police Department as scuba divers shall receive in addition to his or her scheduled rate of basic compensation, \$2,710 per annum so long as he or she remains in such assignment. The additional compensation authorized by this section shall be paid to an officer or member in the same manner as he is paid basic compensation to which he is entitled, except that when such an officer or member ceases to be in such an assignment, the loss of such additional compensation shall not constitute an adverse action for the purposes of § 7511 et seq. of Title 5 of the United States Code. No officer or member who re-

ceives the additional compensation authorized by this section may receive additional compensation under § 5-543.02.

* * * * *

PART C—METHOD OF APPOINTMENT, ADVANCEMENT, PROMOTION, AND DEMOTION

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§ 5-543.01. Minimum rate for appointments; rates for re-appointments

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(b) Any officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, [the United States Secret Service Uniformed Division,] or the United States Park Police force who separates from that force, Department, or Division, and who is subsequently reappointed to such force, Department, or Division within 3 years after the date of such separation shall receive any scheduled rate of basic compensation provided in salary class 1 of the salary schedule in § 5-541.01(a) which does not exceed the scheduled rate of basic compensation being paid at the time of such reappointment for the class and service step he had attained at the time of his separation. For purposes of this subsection, no additional compensation authorized by this subchapter shall be used in determining service step placement.

* * * * *

§ 5-543.02. Technicians' positions

(a) The Mayor of the District of Columbia, in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, [the Secretary of the Treasury, in the case of the United States Secret Service Uniformed Division,] and the Secretary of the Interior, in the case of the United States Park Police force, are authorized to establish and determine, from time to time, the positions in salary classes 1, 2, and 4 to be included as technicians' positions.

(b) Each officer or member: (1) Who immediately prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972: (A) Was in a position assigned to subclass (b) of salary class 1 or 2 or subclass (c) of salary class 4; or (B) was in salary class 4 and was performing the duty of a dog handler; or (2) whose position is determined under subsection (a) of this section to be included in salary class 1, 2, or 4 on or after such date as a technician's position shall on or after such date receive, in addition to his scheduled rate of basic compensation, \$ 810 per annum, except in the case of an officer or member of [the United States Secret Service Uniformed Division or] the United States Park Police, who shall receive a per annum amount equal to 6 percent of the sum of such officer's or member's rate of basic compensation plus locality pay adjustments. An officer or member described in clause (1)(A) or (2) of this subsection shall receive the additional compensation authorized by this subsection until his position is determined under subsection (a) of this section not to be included in salary class 1, 2, or 4, as a technician's position or until

he no longer occupies such position, whichever occurs first. An officer or member described in clause (1)(B) of this subsection shall receive such compensation until the position of dog handler is determined under subsection (a) of this section not to be included in salary class 4 as a technician's position or until he no longer performs the duty of dog handler, whichever first occurs. If the position of dog handler is included under subsection (a) of this section as a technician's position, an officer or member performing the duty of a dog handler may not receive both the additional compensation authorized for an officer or member occupying a technician's position and the additional compensation authorized for officers and members performing the duty of a dog handler.

* * * * *

(e) Whenever any officer or member (other than an officer or member of [the United States Secret Service Uniformed Division or] the United States Park Police) receiving additional compensation authorized by subsection (b) or (c) of this section is no longer entitled to receive such additional compensation, without a change in salary class, he shall receive, irrespective of any subsequent salary schedule or service step adjustment authorized by this subchapter, basic compensation equal to the sum of his existing scheduled rate of basic compensation and the amount of such additional compensation until his scheduled rate of basic compensation equals or exceeds such sum.

* * * * *

§ 5-543.03. Service step adjustments

(a) * * *

(5) Each officer and member of [the United States Secret Service Uniformed Division and] the United States Park Police with a current performance rating of "satisfactory" or better, shall have a service step adjustment in the following manner:

* * * * *

§ 5-543.04. Promotion or transfer

* * * * *

(d)(1) Each officer and member of [the United States Secret Service Uniformed Division or] the United States Park Police who is promoted or transferred to a higher salary shall receive basic compensation in accordance with the officer's or member's total creditable service.

* * * * *

§ 5-543.05. Demotion

Whenever any officer or member of the Metropolitan Police force, including, notwithstanding any other law or regulation, any employee appointed pursuant to § 1-610.72, the Fire Department of the District of Columbia, [the United States Secret Service Uniformed Division,] or the United States Park Police force is changed or demoted from any class to a lower class, the Mayor of the District of Columbia, [or the Secretary of the Treasury,] or the Secretary of the Interior, as the case may be, may, in his discretion, in changing or demoting such officer or member, fix his rate of

compensation at any rate provided for the class to which he is changed or demoted which does not exceed his existing rate of compensation, except that if his existing rate falls between 2 step rates provided in such lower class, he may receive the higher of such rates.

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PART E—MISCELLANEOUS PROVISIONS

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§ 5-545.01. Basic compensation of officers and members of United States Park Police [and United States Secret Service Uniformed Division]

(a) Except as provided in subsections (b) and (c) of this section, the rates of basic compensation of officers and members of the United States Park Police [and the United States Secret Service Uniformed Division] shall be the same as the rates of compensation, including longevity increases, provided in this subchapter, for officers and members of the Metropolitan Police force in corresponding or similar classes.

* * * * *

(c)(1) The annual rates of basic compensation of officers and members of [the United States Secret Service Uniformed Division and] the United States Park Police, serving in classes corresponding or similar to those in the salary schedule in § 5-541.01 shall be fixed in accordance with the following schedule of rates:

SALARY SCHEDULE

* * *

11. Chief of the [United States Secret Service Uniformed Division,] United States Park Police

* * *

(2) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 of title 5, United States Code (or any subsequent similar provision of law), in the rates of pay under the General Schedule (or any pay system that may supersede such schedule), [the annual rates of basic compensation of officers and members of the United States Secret Service Uniformed Division shall be adjusted by the Secretary of the Treasury, and] the annual rates of basic compensation of officers and members of the United States Park Police shall be adjusted by the Secretary of the Interior, by an amount equal to the percentage of such annual rate of pay which corresponds to the overall percentage of the adjustment made in the rates of pay under the General Schedule, except that in no case may the annual rate of basic compensation for any such officer or member exceed the rate of basic pay payable for level IV of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code.

* * * * *

(5) Any reference in any law to the salary schedule in § 5-541.01 with respect to [officers and members of the United States Secret Service Uniformed Division or] officers and members of the United

States Park Police shall be considered to be a reference to the salary schedule in paragraph (1) of this subsection as adjusted in accordance with this subsection.

(6)(A) Except as otherwise permitted by or under law, no allowance, differential, bonus, award, or other similar cash payment under this part or under Title 5, United States Code, may be paid to an officer or member of **the United States Secret Service Uniformed Division or** the United States Park Police in a calendar year if, or to the extent that, when added to the total basic pay paid or payable to such officer or member for service performed in such calendar year as an officer or member, such payment would cause the total to exceed the annual rate of basic pay payable for level I of the Executive Schedule, as of the end of such calendar year.

* * * * *

(7)(A) Any amount which is not paid to an officer or member of **the United States Secret Service Uniformed Division or** the United States Park Police in a calendar year because of the limitation under paragraph (6) of this section shall be paid to such officer or member in a lump sum at the beginning of the following year.

* * * * *

§ 5-545.06. Delegation of powers and functions

The Mayor of the District of Columbia~~],~~ the Secretary of the Treasury,~~]~~ and the Secretary of the Interior are hereby authorized to delegate, from time to time, to their designated agent or agents, any power or function vested in them by §§ 5-541.01 to 5-545.06, except those powers and functions vested in them by §§ 5-543.05 and 5-545.04.

* * * * *

SUBCHAPTER IV—CONVERSION OF A NEW SALARY SCHEDULE

[§ 5-561.01. Conversion to a new salary schedule, 1997

(a)(1) Effective on the first day of the first pay period beginning after October 10, 1997, the Secretary of the Treasury shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division in accordance with this paragraph.

(2) Subject to paragraph (3) of this subsection, each officer and member receiving basic compensation, immediately prior to the effective date of this section, at one of the scheduled rates in the salary schedule in § 5-541.01, as adjusted by law and as in effect prior to the effective date of this section, shall be placed in and receive basic compensation at the corresponding scheduled service step of the salary schedule under § 5-545.01(c).

(3)(A) The Assistant Chief and the Chief of the United States Secret Service Uniformed Division shall be placed in and receive basic compensation in salary class 10 and salary class 11, respectively, in the appropriate service step in the new salary class in accordance with § 5-543.04.

(B) Each member whose position is to be converted to the salary schedule under § 5-545.01(c) as amended by this section, in accordance with § 118(a) of Pub. L. 105-61, and who, prior to October 10,

1997 has earned, but has not been credited with, an increase in his or her rate of pay shall be afforded that increase before such member is placed in the corresponding service step in the salary schedule under § 5-545.01(c).

(b) Except in the cases of the Assistant Chief and the Chief of the United States Secret Service Uniformed Division, the conversion of positions and individuals to appropriate classes of the salary schedule under § 5-545.01(c), and the initial adjustments of rates of basic pay of those positions and individuals, in accordance with subsection (a) of this section, shall not be considered to be transfers or promotions within the meaning of § 5-543.04.

(c) Each member whose position is converted to the salary schedule under § 5-545.01(c), in accordance with § 118(a) of Pub. L. 105-61, shall be granted credit for purposes of such member's first service step adjustment under the salary schedule in such § 5-545.01(c) for all satisfactory service performed by the member since the member's last increase in basic pay prior to the adjustment under that section.】

§ 5-561.02. Conversion to a new salary schedule, 2000

(a)(1) Effective on the first day of the 1st pay period beginning 6 months after December 21, 2000, [the Secretary of the Treasury shall fix the rates of basic pay for officers and members of the United States Secret Service Uniformed Division, and] the Secretary of the Interior shall fix the rates of basic pay for officers and members of the United States Park Police, in accordance with this subsection.

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CHAPTER 7—POLICE AND FIREFIGHTERS RETIREMENT AND DISABILITY

SUBCHAPTER I—RETIREMENT AND DISABILITY, 1916

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§ 5-716. Survivor benefits and annuities

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(b) * * *

(2) Forty per centum of the corresponding salary for step 6 of salary class 1 of the District of Columbia Police and Firemen's Salary Act salary schedule currently in effect at the time of such member or former member's death, *or, for a member who was an officer or member of the United States Secret Service Uniformed Division, or the United States Secret Service Division, 40 percent of the corresponding salary for step 5 of the Officer rank in section 10203 of title 5, United States Code*; provided, that such annuity shall not exceed the current rate of compensation of the position occupied by such member at the time of death, or by such former member immediately prior to retirement.

* * * * *

CHAPTER 13—MISCELLANEOUS PROVISIONS

SUBCHAPTER I—GENERAL PROVISIONS

* * * * *

§ 5-1304. Basic worksheet established; overtime; special assignments; court duty

(a) * * *

(1) "Authorizing official" means the Mayor of the District of Columbia in the cases of the Metropolitan Police force and the Fire Department of the District of Columbia, and the Secretary of the Interior in the case of the United States Park Police force, and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division.

* * * * *

(9) "Officer or member" means any employee in the Metropolitan Police force or the Fire Department of the District of Columbia, or the United States Park Police force, or the United States Secret Service Uniformed Division whose compensation is fixed and adjusted in accordance with subchapter III of Chapter 5 of this title.

* * * * *

(b) The Mayor of the District of Columbia, or the Secretary of the Interior, [or the Secretary of the Treasury,] as the case may be, is authorized and directed to establish a basic workweek of 40 hours to be scheduled on 5 days for the respective police forces referred to in this section; provided, that roll-call time shall be without compensation or credit to the time of the basic workweek.

* * * * *

(h) * * *

(3)(A) No premium pay provided by this section shall be paid to, and no compensatory time is authorized for, any officer or member [of the United States Secret Service Uniformed Division or] of the United States Park Police whose rate of basic pay, combined with any applicable locality-based comparability payment, equals or exceeds the lesser of:

(i) * * *

(B) In the case of any officer or member [of the United States Secret Service Uniformed Division or] of the United States Park Police whose rate of basic pay, combined with any applicable locality-based comparability payment, is less than the lesser of—

* * * * *

§ 5-1305. Payment of certain tuition expenses

If an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, [the United States Secret Service Uniformed Division,] or the United States Park Police force engages in educational course work in police or fire science or administration, and, if he is eligible for payments or reimbursements under § 4109(a)(2)(C) of Title 5 of the United States Code for tuition expenses for such course work, the Mayor of the District of Columbia, [the Secretary of the Treasury,] and the Secretary of the

Interior shall, in accordance with such § 4109(a)(2)(C), pay or reimburse each such officer and member under their jurisdiction for all his tuition expenses for such course work.

