

# HUMAN RESOURCES BRIEFING GUIDE



THE DEPARTMENT OF JUSTICE

TRANSITION  
2008-2009

JUSTICE MANAGEMENT DIVISION  
HUMAN RESOURCES

# TABLE OF CONTENTS

<b>Topic</b>	<b>Page Number</b>
Introduction	1
DOJ Organization Chart	2
Department Employment at a Glance	3
Overview of Major Employment Systems	4
Political Appointments	6
Career-Type Appointments	9
Departmental Ethics Office	12
Pay Systems	13
DOJ Presidential Appointments	20
Senior Executive Service Positions	23
Attorney Hiring	25
Competitive Service Hiring	28
OPM Transition Guide/2008 Plum Book	29
Table of Delegations	30
JMD HR Points of Contact	40



Washington, D.C. 20530

MEMORANDUM FOR DEPARTMENT OF JUSTICE POLITICAL APPOINTEES

FROM:

Mari Barr Santangelo  
Deputy Assistant Attorney General  
for Human Resources and Administration

SUBJECT:

Human Resources Briefing Guide—Transition 2008-2009

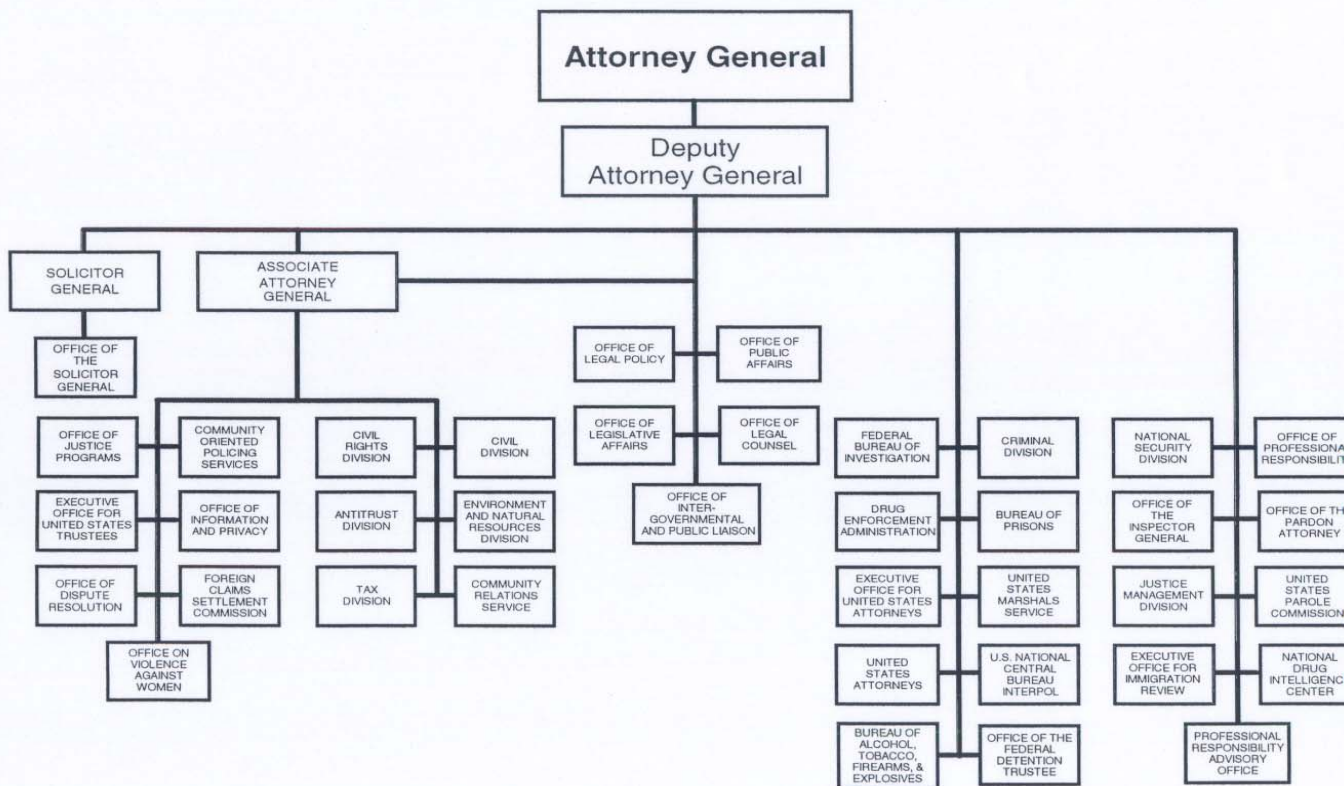
*Welcome to the Department of Justice (DOJ), the only large Cabinet agency rated in the top five Best Places to Work in Government in 2007!* Strategically managing the Department's human capital is one of our most important tasks. We developed this **Human Resources Transition Guide** to assist you in understanding the importance of the Department's human capital-related information, and in navigating DOJ's organizational structure, workforce statistics, employment systems, appointment authorities, and ethics policy. In addition, the Guide includes several appendices pertaining to pay, Presidential appointments, the Senior Executive Service, attorney and competitive service hiring, and delegations.

DOJ's primary mission to enforce the law and to defend the interests of the United States and its citizens in accordance with the law is carried out by over 106,000 talented and diverse men and women. Working in 40 separate Components and in Offices throughout the United States and overseas, these individuals are on the front lines of our Nation's efforts to: *fight the war on terrorism, protect our neighborhoods from illegal guns and drugs, ensure public safety, and to prosecute those guilty of unlawful behavior.* Their commitment and hard work ensure that DOJ can meet its important and ever-changing responsibilities.

With numerous mission-related challenges to address, the DOJ Attorney General, Departmentwide senior leaders and managers, and frontline employees rely heavily on the leadership of the DOJ Chief Human Capital Officer (CHCO) and DOJ Human Capital Community to provide policies and programs that strengthen skill sets, develop careers, and help balance employee work and family responsibilities.

Understanding the importance of their responsibilities, the DOJ Human Capital Community works diligently to create a transparent connection between human capital efforts and mission-related priorities and responsibilities. This is in part achieved through the 2007-2012 DOJ Human Capital Strategic Plan, which is located at <http://www.usdoj.gov/jmd/ps/missionfirst.pdf>. The collaborative efforts of the DOJ Human Capital Community continue to translate into greater awareness of DOJ HR, active support and involvement from DOJ senior leaders and employees, and a strong commitment to drive continuous improvement through effective strategic planning, and maintain our focus on "mission-first".

# U.S. DEPARTMENT OF JUSTICE



Approved by: *Alber F. Gonzales* Date: 3-13-04  
 ALBER F. GONZALES  
 Attorney General

TRANSITION  
2008-2009

# DEPARTMENT EMPLOYMENT AT A GLANCE

## TOTAL EMPLOYMENT

Bureau of Prisons	36,496
Bureau of Alcohol Tobacco Firearms and Explosives	5,002
Federal Bureau of Investigation	31,447
U.S. Attorneys	11,782
Drug Enforcement Administration	9,175
Offices, Boards and Divisions*	9,040
U.S. Marshals Service	4,802
U.S. Trustee Program	1,265
Office of Justice Programs	648
Inspector General	430
<b>Total</b>	<b>110,087</b>

---

\* JMD included in OBDs

# OVERVIEW: MAJOR EMPLOYMENT SYSTEMS

## A. Appointments

**F**ederal positions generally fall into three categories: the Competitive Service, entry into which requires competition through open examination; the excepted service, entry into which is controlled by agencies or governed by statute or Executive Order; and the Senior Executive Service (SES). This briefing guide discusses all of these appointment types.

**I**n the Department, the authority to make appointments to noncareer SES or Schedule C positions (“political”) is vested in the Attorney General. A senior political appointee in the Department serves as White House Liaison and coordinates political appointments with the White House Office of Presidential Personnel. The authority to make career SES appointments to “key executive” positions is vested in the Deputy Attorney General.

**W**ith these exceptions, full authority to make appointments in the Department has been delegated to the following component heads: Bureau of Prisons; Drug Enforcement Administration; Executive Office for U.S. Attorneys; Federal Bureau of Investigation; Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Marshals Service; Office of Justice Programs; Office of the Inspector General; Executive Office for U.S. Trustees; and Executive Office for Immigration Review. The following component heads have partially delegated personnel authority: Office of Attorney Recruitment and Management (OARM); Community Relations Service; Criminal, Civil, Environment and Natural Resources, Antitrust, Tax, and Civil Rights Divisions.

**T**he authority to appoint attorneys up to grade GS-15, Assistant U.S. Attorneys, and Immigration Judges is reserved to the Deputy Attorney General and to the Associate Attorney General respectively for the organizations which they oversee. However, the authority to appoint attorneys and Assistant U.S. Attorneys has been delegated to the OARM.

## B. Pay Plans

As in many large and complex private organizations, Federal pay administration is carried out under a number of different systems. Some, like the General Schedule, are based on *rank in the job*, while others, like the SES, are based on *rank in the person*. Pay scales of some are adjusted through legislation while the pay scales of others are set administratively. The coverage of some is broad and general; that of others is restricted along occupational lines, confined to certain organizational components, or otherwise limited.

Despite the differences, most of these systems are related in one or more ways, or are subject to common legislative policies, such as the precepts in the statutory pay systems, including the General Schedule, which provides for equal pay for substantially equal work; pay differences based on work and performance distinctions; and Federal salary rates comparable with non-Federal employment for the same levels of work.

In the Department, most employees are compensated under one of 11 pay systems listed below with their common acronyms:

- Executive Schedule (EX)
- Senior Executive Service (ES)
- General Schedule (GS)
- Demonstration Project (PD)
- Senior Level (SL)
- Administratively Determined (AD)
- Immigration Judge (IJ)
- Federal Wage Schedules (WG)
- Overseas Employment (OE)
- Administrative Law Judge (AL)
- Volunteer (ZZ)

Locality pay is authorized under some of these pay systems to reduce pay disparities with non-Federal workers within each of the 32 defined locality pay areas. Several of these pay systems are discussed below in connection with specific types of appointments; the others are described in Appendix A.

# POLITICAL APPOINTMENTS

**P**olitical appointments are for individuals who make or advocate Administration policy or support those positions. Individuals serving on political appointments serve at the pleasure of the appointing authority and do not have the job protections generally afforded those in career-type appointments. All political appointees require coordination and approval of the Attorney General. Once the White House Office of Presidential Personnel clears a candidate, Justice Management Division (JMD)/HR works to obtain Office of Personnel Management (OPM) approval and provides administrative support (security, drug testing, etc.) for their appointment.

There are four major types of political appointments.

## **A. Presidential Appointments**

**A**ll positions filled by Presidential appointment are in the excepted civil service and the basis of their appointment is statutory. The vast majority of Presidential appointments in the Department require confirmation by the Senate (commonly referred to as “PAS”).

**W**ith some exceptions, the pay for Presidentially appointed positions is set by law, at one of the five levels of the Executive Schedule. Locality pay does not apply to the Executive Schedule. The current Executive Schedule pay rates (effective January 2009) are as follows:

Level V	\$143,500
Level IV	\$153,200
Level III	\$162,900
Level II	\$177,000
Level I	\$196,700

**P**ay exceptions include that of U.S. Attorneys, whose pay is Administratively Determined by the Deputy Attorney General. Additionally, compensation for U.S. Marshals, as set by the Deputy Attorney General, will either be on the Senior Level scale or at the GS-15, of the General Schedule. (More information about these pay systems can be found in Appendix A.)

**T**he Presidential appointees in the Department and their pay rates and systems are shown in Appendix B.



## **B. Noncareer Senior Executive Service (SES)**

As discussed in greater detail below, the number of SES positions allocated to the Department is subject to OPM and Office of Management and Budget (OMB) approval. Senior leaders determine how many of the Department's executive resources will be devoted to noncareer appointees (SES), subject to a statutory limitation of 25 percent of the Department's total number of SES positions.

The SES pay range for noncertified performance systems is \$117,787 to \$162,900 (EX-III). The SES pay range for certified performance systems has a higher cap of \$177,000 (EX-II). These pay ranges adjust annually based on the increase to the Executive Schedule. By law, the base pay for SES may not exceed the pay for EX-III (currently \$162,900) of the Executive Schedule, unless the agency has full or provisional certification of its performance systems from the OPM and OMB (as of November 2008, the Department is provisionally certified and may pay at the higher cap).

Total SES compensation may not exceed the pay for EX-I (currently \$196,700) of the Executive Schedule for noncertified performance systems. Total SES compensation may not exceed the pay for the Vice President's salary (\$227,300) for certified performance systems. Based on this pay structure, senior career and noncareer appointees' pay and total compensation may exceed that of their Presidentially-appointed senior official.

An SES member's pay may be adjusted (increased or decreased) no more than once in a year, without waiver from the Deputy Attorney General. The distribution of SES positions in the Department as of November 2008 is shown in Appendix C.

## **C. Schedule C**

Positions which are policy-determining or which involve a close and confidential working relationship with a key official may be established in Schedule C of the excepted service. Such positions require advance approval from the White House Office of Presidential Personnel and OPM and are made without competition.<sup>1</sup> The authority for the establishment of each Schedule C position is revoked when the position is vacated. OPM does not review the qualifications of Schedule C appointees; the final authority on this matter rests with the appointing authority (the Attorney General). Schedule C appointees may be separated at any time that the confidential or policy-determining relationship between the incumbent and his/her supervisor ends. There is no regulatory or statutory limit on the number of Schedule C positions that may be established; however, each Administration establishes its own controls through the White House Office of Presidential Personnel.

---

<sup>1</sup>As with the noncareer SES, the Department's White House Liaison obtains the approval of the White House Office of Presidential Personnel for Schedule C appointments, after which JMD obtains OPM approval for establishment of the position.

## **D. Temporary Transitional Schedule C Positions**

**T**o help with the transition, OPM has delegated authority to agencies to establish a limited number of temporary transitional Schedule C positions. This delegated authority may be used during the first year of a new Presidential Administration and during a one year period immediately following the appointment of a new agency head, or the designation of an "acting" agency head. The number of temporary transitional Schedule C positions that may be established cannot exceed either 50 percent of the highest number of regular Schedule C appointees in the agency at any time over the previous five years, or three positions, whichever is higher. Appointments may be made for up to 120 days and may be extended once for up to 120 more days. OPM must be notified within five working days of any temporary transitional Schedule C appointments. OPM must also be notified within three working days when the position has been vacated.

**W**hen an agency intends to convert an employee in a temporary transitional Schedule C position to a nontemporary Schedule C appointment, the temporary appointment may be designated as a "provisional appointment" under 5 CFR 316.403. This permits the agency to treat the employee as a nontemporary appointee for benefits purposes, i.e., retirement, life insurance, and health benefits. Provisional appointments are made under an authority established by law, Executive Order, or regulation, or granted by OPM, e.g., Schedule C appointments.

# CAREER APPOINTMENTS

## A. Career Senior Executive Service

**W**ithin the Department, the career SES is managed by the Senior Executive Resources Board (SERB). The SERB is comprised of four executives including: the Attorney General (or designee), the Deputy Attorney General, Associate Attorney General, and Assistant Attorney General for Administration. Historically, the Deputy Attorney General has served as the SERB Chair and, as such, must approve SES personnel actions not delegated to component heads, including the allocation of SES positions among components. The Department receives its SES allocations from OPM, in consultation with OMB. No more than 25 percent of an agency's positions may be encumbered by noncareer appointees. The current allocation and distribution of SES positions are shown in Appendix C.

**E**mployees are appointed to the career SES in one of two ways: through an open competitive process, after which a selectee's executive qualifications must be certified by OPM; or by selection for an SES position after competing for and completion of an OPM-approved SES Candidate Development Program (CDP).

**I**n the first case, the qualifications of each candidate are evaluated by an Executive Resources Board (ERB) and the final selection from among the best qualified candidates is made by the head of the component.

**I**n the latter case, the CDP-qualifications are evaluated by the ERB and the selection for the program is made by the component head. When there is an SES vacancy, the component head normally selects a candidate. Upon completion of the CDP, candidates are approved by a Qualification Review Board administered by OPM, and are eligible for noncompetitive appointment to the SES.

**T**here are several items pertaining to career SES employment which are of particular note at the time of transition:

- A career appointee may not be involuntarily reassigned within 120 days after the appointment of a new agency head or a new noncareer supervisor (the 120-day moratorium begins with the official entry of the senior official who takes the reassignment action). However, a voluntary reassignment during the 120-day period is permitted, if the employee consents in writing.
- A career appointee must receive 15 days written notice in advance of reassignment to another SES position within the commuting area.
- A career appointee must receive 60 days written notice in advance of reassignment to another SES position outside the commuting area.

## B. Excepted Service

There are a wide variety of excepted service positions in the Department. The common factor among all is that the positions are filled by the employing organizations without reference to civil service registers. Positions may be excepted by statute, regulation, or by Executive Order. Over the last several years, the distinction between the competitive service has blurred with the enactment of statutes extending job protections to excepted employees.

The specific statutory exceptions in the Department are:

- **FBI.** The entire FBI is excepted from the competitive civil service by 28 U.S.C. 536. Selections for all FBI positions (with the exception of the Director and key SES jobs) are made within the FBI.
- **Assistant U.S. Attorneys (AUSA).** AUSAs are excepted from the competitive civil service by 28 U.S.C. 542. Normally, candidates are evaluated in individual U.S. Attorneys' offices and recommendations are made by the U.S. Attorney or a Principal Assistant. Since the authority to hire Attorneys in the Department is reserved to the Deputy Attorney General and the Associate Attorney General (who have delegated that authority to the OARM), those appointments must be approved by OARM.
- **U.S. Trustees.** U.S. Trustees and Assistant Trustees are in the excepted service as authorized under 28 U.S.C. 581 and 587(b).

OPM has been given the authority to except positions from the competitive civil service under specific circumstances. Those exceptions may apply Government-wide or may apply to only a specific class of positions within an agency. Some of the more common excepted service positions in the Department are:

- **Attorneys.** Government-wide, attorneys (other than Assistant U.S. Attorneys, who are excepted by statute) are excepted from the competitive service by 5CFR 213.3102(d). Entry level attorneys are hired through the Attorney General's Honors Program at the GS-11/12/13 level and experienced attorneys are hired at grades GS-11 through GS-15 (these processes, coordinated by OARM, are outlined briefly in Appendix D). Hiring recommendations are made within the Divisions and approved by OARM.
- **DEA.** DEA has the authority to appoint Special Agents at grades GS-5 through GS-11. After three years employment, these employees may be converted to the competitive service. DEA also has the authority to appoint up to 150 Intelligence Research Agents and/or Intelligence Operations Specialists at grades GS-9 through GS-15.

- **U.S. Trustees.** A Schedule B appointing authority may be used to appoint employees at grades GS-6 through GS-15, to positions (other than secretarial) which require knowledge of the bankruptcy process.
- **National Drug Intelligence Center.** A “Schedule A” appointing authority may be used to appoint employees to the Center.
- **ATF.** A “Schedule B” appointing authority may be used to appoint employees as GS-1811, Criminal Investigators (Special Agents) at the GS-5/7/9 grade levels and as GS-1801, Industry Operations Investigators at the GS-5/7/9 grade levels.
- **Other Positions.** As noted above, there are a number of excepted services authorities available to and used by Department components under general OPM regulation. Among the more common of these appointments are students and individuals with disabilities.

## C. Competitive Service

**P**ositions in the competitive service are filled through the appointment of individuals who have competed in examinations which are open to the public at large. These open examinations are administered by OPM or, in some cases, by agencies (including the Department) which have been delegated examining authority by OPM. Appointees are selected from among the best qualified as determined by the examination and applicable laws (such as veterans' preference) and regulations. A brief overview of the competitive appointment process can be found in Appendix E.

**A**mong the larger groups of competitive service employees in the Department are:

- Clerical, administrative, and paralegal support staff in the litigating divisions;
- Similar staffs in the U.S. Attorneys' offices and the EOUSA;
- The majority of the staff of the Office of Justice Programs;
- The majority of the staff of the Bureau of Prisons, including correctional officers;
- The majority of the staff of the Drug Enforcement Administration, including most special agents;
- The majority of the staff of the U.S. Marshals Service, including Deputy U. S. Marshals; and
- The majority of the staff of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

# DEPARTMENTAL ETHICS OFFICE

**T**he Departmental Ethics Office, located in the JMD, is responsible for administering the Department-wide ethics program and for implementing Department-wide policies on ethics issues. The office provides advice and training directly to employees and supervises the ethics programs in all Department components. Each component has a Deputy Designated Agency Ethics Official (“Deputy DAEO”) who is responsible for administering the ethics program within his or her component. The Departmental Ethics Office administers the public financial disclosure reporting system, including advising nominees for Senate-confirmed Presidential appointments (PAS), and working with the White House Counsel’s Office and the Office of Government Ethics to ensure accurate reporting and resolve conflicts of interest.

**T**he Departmental Ethics Website (<http://www.usdoj.gov/jmd/ethics>) contains guidance and practical information on a wide range of important topics, including conflicts of interest, outside employment, political activities, and financial disclosure, among others.

**Q**uestions on the Department’s ethics program may be referred to the Departmental Ethics Office on (202) 514-8196. Questions concerning issues relating to professional responsibility, e.g., codes of ethics, ethical standards and obligations, should be directed to the Department’s Professional Responsibility Advisory Office on (202) 514-0458.

# APPENDIX A

## PAY SYSTEMS

### 1. General Schedule (GS)

**T**he General Schedule (GS) is the 15-grade pay system which covers most administrative, professional, technical, and clerical positions. GS grade levels are based on the difficulty and responsibility of the work performed. Agencies are authorized to place (classify) individual positions in grade levels GS-1 through GS-15 in accordance with classification standards developed by OPM.

**E**ach grade of the General Schedule has 10 pay levels or "steps". Initial appointments are generally made at the first step of the grade, although agencies may appoint individuals with superior qualifications at rates above the first step. This flexibility is designed to aid in competing with non-Federal employers in recruiting and retaining highly qualified candidates. Employees earn periodic within-grade increases based on longevity and performance.

**L**ocality pay (i.e., locality-based comparability payments) is authorized under these pay systems to reduce pay disparities with non-Federal workers within each of the 32 defined locality pay areas.

**T**he pay rates in the Washington-Baltimore, DC-MD-VA-WV, including St. Mary's County, MD, as of January 2009, which include a 2.90 percent General Schedule increase and locality payment of 23.10 percent, are:

**SALARY TABLE 2009-DCB**  
**INCORPORATING THE 2.90% GENERAL SCHEDULE INCREASE AND A LOCALITY PAYMENT OF 23.10%**  
**FOR THE LOCALITY PAY AREA OF WASHINGTON-BALTIMORE-NORTHERN VIRGINIA, DC-MD-VA-WV-PA**  
(See <http://www.opm.gov/oca/09tables/locdef.asp> for definitions of locality pay areas.)  
**(TOTAL INCREASE: 4.78%)**

**EFFECTIVE JANUARY 2009**

*Annual Rates by Grade and Step*

x	Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
	1	\$ 21,592	\$ 22,313	\$ 23,031	\$ 23,746	\$ 24,464	\$ 24,886	\$ 25,595	\$ 26,310	\$ 26,338	\$ 27,013
	2	24,277	24,854	25,657	26,338	26,633	27,416	28,199	28,981	29,764	30,547
	3	26,487	27,370	28,253	29,135	30,018	30,901	31,783	32,666	33,548	34,431
	4	29,736	30,727	31,718	32,709	33,700	34,691	35,682	36,673	37,664	38,655
	5	33,269	34,378	35,487	36,596	37,706	38,815	39,924	41,033	42,142	43,251
	6	37,084	38,320	39,556	40,792	42,028	43,263	44,499	45,735	46,971	48,207
	7	41,210	42,584	43,958	45,332	46,705	48,079	49,453	50,827	52,201	53,574
	8	45,639	47,161	48,682	50,204	51,725	53,247	54,768	56,290	57,811	59,333
	9	50,408	52,089	53,769	55,449	57,129	58,810	60,490	62,170	63,851	65,531
	10	55,512	57,362	59,212	61,063	62,913	64,763	66,613	68,463	70,313	72,164
	11	60,989	63,021	65,053	67,086	69,118	71,151	73,183	75,215	77,248	79,280
	12	73,100	75,537	77,973	80,409	82,845	85,281	87,717	90,154	92,590	95,026
	13	86,927	89,825	92,723	95,620	98,518	101,416	104,314	107,211	110,109	113,007
	14	102,721	106,145	109,570	112,995	116,419	119,844	123,269	126,693	130,118	133,543
	15	120,830	124,858	128,886	132,914	136,941	140,969	144,997	149,025	153,053	153,200 *

\* Rate limited to the rate for level IV of the Executive Schedule (5 U.S.C. 5304 (g)(1)).



## 2. ATF Demonstration Project (PD)

The Demonstration Project was implemented within ATF on January 16, 2000, with 255 employees (out of 288 eligible) electing to participate. The Demonstration Project is a pilot pay banding and performance management system for critical scientific and technical positions. In passing this legislation, Congress was responding to a long-standing concern of ATF to recruit and retain highly qualified scientific and technical employees needed to help ATF accomplish its mission. There are currently close to 300 ATF employees participating in the Demonstration Project.

The Demonstration Project is comprised of a number of pay strategies to include: pay increases for performance, financial rewards for job-related degrees, certificates and licenses, recruitment, relocation and retention bonuses, and greater career opportunities for high performers.

A pay banding classification system was established to replace the current General Schedule (GS) classification system. All positions within the Demonstration Project have an official pay plan designator of PD (e.g., PD-0511-02) to replace the GS designator. OPM classification standards and guides are used as the criteria for developing and classifying positions under the Demonstration Project.

Four pay bands have been established for positions covered by this authority and are structured to include the grade level equivalents. Each pay band represents a broad level of work with an associated range of pay. The minimum rate of pay under the Demonstration Project is equivalent to a GS-5/1 and the maximum rate of pay is level III of the Executive Schedule. Control points, terciles and zones - have been established to distinguish between levels of work, to regulate an employee's rate of progression, and used to calculate the percentages for annual payouts. Performance payouts are based upon an assigned performance rating with an affixed payout percentage and are applied to an employee's base salary or given as a lump sum, as appropriate.

<b>Pay Band I:</b>	\$27,026 - \$61,260 - (Entry/developmental)
<b>Pay Band II:</b>	\$49,544 - \$79,896 - (Full performance, Non IT) \$86,291 - (Full performance, IT)
<b>Pay Band III:</b>	\$70,615 - \$91,801 - (Zone 1) \$91,802 - \$111,195 - (Zone 2)
<b>Pay Band IV:</b>	\$98,156 - \$127,604 - (Zone 1) \$127,605 - \$162,900 - (Zone 2)

(Base Salaries, Locality Pay is added)

### 3. Executive Schedule (EX)

The Executive Schedule applies to certain key positions filled by Presidential appointees as defined in Chapter 53 of Title 5, United States Code. The Schedule contains five rates of pay. An annual adjustment is generally made to each pay level, although pay adjustments have occasionally been cancelled by statute. The current rates of the Executive Schedule, as of January 2009, are as follows:

Level V	\$143,500
Level IV	\$153,200
Level III	\$162,900
Level II	\$172,200
Level I	\$196,700

### 4. Senior Executive Service (ES)

The SES is a "gradeless" system based on the concept of *rank in the person*, rather than *rank in the job*. By law, the base pay for SES may not exceed the pay for EX-III (currently \$162,900) of the Executive Schedule, unless the agency has full or provisional certification of their performance systems from the Office of Personnel Management and the Office of Management and Budget. Then SES pay may reach EX-II (currently \$177,000) of the Executive Schedule. Total SES compensation may not exceed the pay for EX-I (currently \$196,700) of the Executive Schedule for noncertified performance systems. Total SES compensation may not exceed the pay for the Vice President's salary (\$227,300) for certified performance systems (full or provisional). The SES pay range for noncertified performance systems is \$117,787 to \$162,900. The SES pay range for certified performance systems has a higher cap of \$177,000. These pay ranges adjust annually based on the increase to the General Schedule and Executive Schedule. An SES member's pay may be adjusted (increased or decreased) no more than once in a year, without an Attorney General (or his designee) waiver.

### 5. Senior Level (SL)

The Senior Level (SL) pay system is a broad pay band system for positions that exceed the level of difficulty and responsibility found at the GS-15 level but which lack the administrative or managerial aspects or are filled with Presidential appointees that exclude them from inclusion in the SES. As in the case of SES positions, the number of SL positions in the Department is subject to OPM and OMB approval.

At present, there are 123 SL positions in the Department. The SL pay range is tied to the GS and Executive pay schedules and is capped at Executive Schedule III (\$162,900) as of January 2009. However, effective April 2009, the SL pay range will be adjusted to reflect a range up to Executive Schedule II (currently \$177,000 under a certified performance system).

## **6. Administratively Determined Pay**

**T**he pay of certain positions is administratively determined (AD), i.e., set by administrative action under specific statutory authority. In the Department, the pay of U.S. Attorneys, Assistant U.S. Attorneys, U.S. Trustees, Assistant U.S. Trustees, Special Attorneys, and Special Assistant to the Attorney General is set by the Attorney General under specific provisions of Title 28, United States Code. The pay for expert and consultant positions (pay plans ED, EE, EF) is also administratively determined. Discretion in setting administratively determined pay is limited by the specific authorizing statute and/or provisions of Title 5, United States Code.

**T**he AD pay plan in the United States Attorneys' office is a discretionary compensation system established by law which allows the Attorney General to set pay at a rate not to exceed Executive Level IV of the Executive Schedule. The AD pay plan is a rank-in-person compensation system with a heavy emphasis on performance which covers approximately 5,500 Assistant United States Attorneys (AUSAs) located throughout the United States, in Guam, Puerto Rico, and the U.S. Virgin Islands.

**B**asic pay is set at any point on a "recruitment range" of pay appropriate to the needs of the United States Attorney's office as recommended by the United States Attorney. Basic pay is increased by the same locality rate as applies to the General Schedule in the geographic area. Supervisory AUSAs, and Senior Litigation Counsel (SLC) AUSAs, are paid from a separate AD pay schedule.

**F**or the Executive Office of U.S. Trustees, salary is set in statute not to exceed EX-IV however, through delegated authority; the DAG sets Trustees salary at \$2,500 below EX-IV, currently \$150,700 per annum.

## **7. Law Enforcement Pay**

**F**ederal law provides special salary rates (in contrast to, and are significantly higher than the General Pay schedule) to certain Federal employees who serve in law enforcement. Eligible law enforcement officers receive law enforcement availability pay (LEAP)'s equal to 25 percent of the agent's grade and step, awarded because of the large amount of overtime that these agents are expected to work.

## **8. Federal Wage System**

**T**he Federal Wage System (pay plans Wage Grade (WG), Wage Leader (WL), and Wage Supervisor (WS)) covers employees in "blue collar" trades, crafts, and labor occupations. Employees are paid hourly rates of pay under local wage schedules which are developed based on industry wages for similar jobs in the same geographic area. Job classification is based on OPM established job grading standards which take into account such factors as skill and knowledge requirements and working conditions.

## 9. Administrative Law Judge (ALJ) System

The Department employs ALJs in the Drug Enforcement Administration and in the Executive Office for Immigration Review (EOIR) who are covered by this distinct longevity-based pay system (pay plan AL). This pay system has three levels; non-supervisory ALJs are paid at one of the steps of level AL-3. The current rates of pay for the Washington, DC metropolitan area (Arlington, Virginia and Baltimore, Maryland) are as follows:

AL-3	Step A	\$126,054
AL-3	Step B	\$135,533
AL-3	Step C	\$145,381
AL-3	Step D	\$154,983
AL-3	Step E	\$162,900
AL-3	Step F	\$162,900
AL-2		\$162,900
AL-1		\$162,900

## 10. Immigration Judge (IJ) Pay System

Immigration Judges in the Executive Office for Immigration Review are compensated under the IJ pay system which varies by locality. This system has four pay levels which are tied to the Level IV of the Executive Schedule. The current rates of pay for the Washington DC metropolitan area (Arlington, Virginia and Baltimore, Maryland) are as follows:

IJ-1	\$132,012 - new appointee
IJ-2	\$150,871 - 2 years of service at IJ-1
IJ-3	\$162,900 - 2 years of service at IJ-2
IJ-4	\$162,900 - 1 year of service at IJ-3

Locality pay is capped at Executive Level III (\$162,900).

## 11. Overseas Employees

The Overseas Employees (OE) pay system covers noncitizens hired by the Department of State to provide services to the Department of Justice components which have offices overseas. The Drug Enforcement Administration is the only component which currently has such employees.

## 12. Volunteers

Title 5 U.S.C. 3111 authorizes the acceptance of volunteer service. Notwithstanding section 1342 of Title 31, the head of an agency may accept, subject to regulations issued by OPM, voluntary service for the United States if the service: (1) is performed by a student, with the permission of the institution at which the student is enrolled, as part of an agency program established for the purpose of providing educational experiences for the student; (2) is to be uncompensated; and (3) will not be used to displace any employee. Volunteers are designated by pay plan ZZ and are Federal employees only for injury compensation and tort claims purposes.

## APPENDIX B

### DOJ PRESIDENTIAL APPOINTMENTS

POSITION	NO.	PAY SYSTEM & LEVEL	SALARY	STATUTORY AUTHORITY	REMARKS
<b>Attorney General</b>	1	EX-I	\$196,700	28 USC 503	
<b>Deputy Attorney General</b>	1	EX-II	177,000	28 USC 504	
<b>Associate Attorney General</b>	1	EX-III	162,900	28 USC 504A	
<b>Solicitor General</b>	1	EX-III	162,900	28 USC 505	
<b>Assistant Attorneys General</b>	10*	EX-IV	153,200	28 USC 506, including AAG for the National Security Division (28 USC 507A) and the AAG for the Office of Justice Programs (42 USC 3711)	*An additional position, the Assistant Attorney General for Administration is a career reserved position in the Senior Executive Service.
<b>U.S. Attorneys</b>	77**	AD (Pay of U.S. Attorneys is equivalent to EX-IV.)	153,200		**The Department has 93 U.S. Attorneys – 77 are presidentially appointed, 15 are court appointed, and one is appointed by the Attorney General.
<b>U.S. Marshals</b>	27 65****	SL or GS-15	Varied Varied		***The Department has 93 U.S. Marshals who cover 94 judicial districts. One U.S. Marshal covers both Guam and Northern Mariana Islands. Of the 93 Marshals, 92 are presidentially appointed, and the U.S. Marshal for the Virgin Islands is appointed by the Attorney General. That position is currently in the General Schedule. four year term

<b>POSITION</b>	<b>NO.</b>	<b>PAY SYSTEM &amp; LEVEL</b>	<b>SALARY</b>	<b>STATUTORY AUTHORITY</b>	<b>REMARKS</b>
<b>Chair, U.S. Parole Commission Members</b>	1 4	EX-IV EX-V	153,200 143,500	18 USC 4202	Six year term
<b>Chair, Foreign Claims Settlement Commission Members</b>	3	EX-V	143,500	5 USCA app.1, Reorg. Plan 1 of 1954, sec. 1	
<b>Director, Federal Bureau of Investigation</b>	1	EX-II	177,000	28 USC 532	10 year term
<b>Director, U.S. Marshals Service</b>	1	EX-IV	177,000	28 USC 561.a	
<b>Inspector General</b>	1	EX-IV	153,200	5 USC app.3, sec.3	
<b>Administrator, Drug Enforcement Administration</b>	1	EX-III	162,900	5 USCA app.2. Reorg. Plan No 2 of 1973 sec 5(A)	
<b>Deputy Administrator</b>	1	EX-IV	153,200	Id.sec 5(b)	
<b>Director, Bureau of Alcohol, Tobacco, Firearms and Explosives</b>	1	EX-III	162,900	28 USC 599A(a)(2)	
<b>Director, Community Relations Service</b>	1	EX-IV	153,200	42 USC 2000g (transfer of function to DOJ, id.note)	4 year term

<b>POSITION</b>	<b>NO.</b>	<b>PAY SYSTEM &amp; LEVEL</b>	<b>SALARY</b>	<b>STATUTORY AUTHORITY</b>	<b>REMARKS</b>
<b>Administrator, Office of Juvenile Justice and Delinquency Prevention</b>	1	EX-IV	153,200	42 USC 3741(b)	
<b>Director, National Institute of Justice</b>	1	EX-IV	153,200	42 USC 3722(b)	
<b>Director, Bureau of Justice Statistics</b>	1	EX-IV	153,200	42 USC 3732(b)	
<b>Director, Bureau of Justice Assistance</b>	1	EX-IV	153,200	42 USC 3741(b)	
<b>Director, Office for Victims of Crime</b>	1	EX-IV	153,200		
<b>Director, Office on Violence Against Women</b>	1	EX-IV	153,200	42 USC 379gg-)a(b)	
<b>Special Counsel for Immigration Related Unfair Employment Practices</b>	1	SL	Varied	8 USC 1324b(c)(1)	Four Year Term
<b>Total Presidential Appointees</b>	205				



# APPENDIX C

## SENIOR EXECUTIVE POSITIONS

Component	SES Established	SES On Board
Office of the Attorney General	4	1
Office of the Deputy Attorney General	12	4
Office of the Associate Attorney General	5	3
Office of the Solicitor General	4	4
Justice Management Division	30	25
Antitrust Division	30	24
Civil Division	38	36
*Civil Rights Division	18	16
*Criminal Division	40	32
Environment and Natural Resources Division	21	21
National Drug Intelligence Center	2	2
*National Security Division	17	9
Office of Community Oriented Policing Services	1	1
Office of Information And Privacy	2	1
Office of Intergovernmental And Public Liaison	1	1
Office of Legislative Affairs	5	4
Office of Legal Counsel	9	7
Office of Legal Policy	5	2
Office of Professional Responsibility	2	2
Office of Public Affairs	1	1
Office of Federal Detention Trustee	1	1
Office of The Pardon Attorney	1	1
Office on Violence Against Women	0	0
Professional Responsibility Advisory Office	1	1
Tax Division	20	17
Office of The Inspector General	8	5
*Bureau of Alcohol, Tobacco, Firearms and Explosives	51	48
Bureau of Prisons	84	83
Executive Office for Immigration Review	8	5
*Executive Office for the United States Attorneys	12	5
Executive Office for U.S. Trustees	4	3
Office of Justice Programs	21	18
U.S. Marshals Service	17	9

# APPENDIX C

## SENIOR EXECUTIVE POSITIONS

### *CONTINUED*

Component	SES Established	SES On Board
Community Relations Service	0	0
Foreign Claims Settlement Commission	0	0
Office of Dispute Resolution	1	0
*Regime Crimes Liaison Office	3	3
United States Parole Commission	0	0
<b>Total OPM SES Allocations</b>	<b>479</b>	<b>395</b>
Federal Bureau of Investigation	287	252
Drug Enforcement Administration	79	70
<b>Total FBI/DEA OMB SES Allocations</b>	<b>366</b>	<b>322</b>
<b>Total SES Vacancies:</b>	<b>128</b>	

*\*Floated (temporary) Positions as of October 10, 2008*

ATF 1      EOUSA 1  
 CRM 3      NSD 1  
 CRT 1      RCLO 3

# APPENDIX D

## ATTORNEY HIRING

All career attorney positions in the Department are excepted service, Schedule A appointments. There are approximately 10,000 career attorneys in the Department. More than 4,500 are Assistant United States Attorneys.

Entry-level attorneys are hired through the Attorney General's Honors Program unless OARM approves an exception to policy. All other attorney hires are considered lateral (experienced) hires. Lateral applicants must possess a Juris Prudence degree (J.D.), be an active member of the bar (any jurisdiction), and have at least one year of post J.D. degree experience.

OARM administers the Attorney General's Honors Program, develops policy related to the Department's lateral attorney hiring, and supports Department-wide recruitment efforts. OARM also manages the Summer Law Intern Program and the Volunteer Legal Intern Program. Finally, OARM implemented and currently manages the Department's Diversity Initiative for attorneys.

All attorney hires are subject to a full field FBI background investigation and final adjudication of their suitability, as well as national security adjudication by SEPS.

### LEGAL RECRUITMENT

#### 1. Attorney General's Honors Program, Summer Law Intern Program and Volunteer Legal Intern Program

The Attorney General's Honors Program is the most prestigious and largest entry-level recruitment program of its kind nationwide. Since 1953, it has served as the Department's recruitment program for third-year law students, graduate law students, legal fellows, and Judicial Law Clerks. The Department hires approximately 150 attorneys a year through this Program. The Summer Law Intern Program provides compensated positions to approximately 100 law students a year. The Volunteer Legal Intern Program provides approximately 800 uncompensated positions to law students during the academic year and approximately 1,000 during the summer.

In addition to the litigating divisions, the Executive Office for Immigration Review, the Federal Bureau of Prisons, the U.S. Trustee's Offices, Administrative Law Judges of the Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco, Firearms and Explosives participate in the Honors Program. The aforementioned offices, the Office of the Solicitor General, and the Office of Legal Counsel participate in the Summer Law Intern Program. In the past several years, various U.S. Attorneys' Offices and the Executive Office for U.S. Attorneys have participated in Honors Program as well.

In 2002, the Honors Program and Summer Law Intern Program application process was converted to an online process. The application deadline for both Programs is in early September and new attorneys generally enter on duty the following fall.

## **2. Lateral Attorney Recruitment**

The Department hires approximately 800 lateral attorneys each year. While OARM offers promotional and recruitment support for lateral attorney recruitment, the actual selection of lateral attorneys is decentralized in the organizations. All attorney vacancies are advertised on the Department's website at: <http://www.usdoj.gov/oarm/attvacancies.html>, and the OARM website serves as the central source of public information about legal employment eligibility for lateral attorneys. The Department is exploring an online application process for the lateral attorneys, similar to the one currently in use for the Attorney General's Honors Program.

To generate interest in the Department among excellent and diverse attorney candidates, OARM annually attends national bar association conferences and job fairs.

## **DIVERSITY INITIATIVES**

The President's Management Agenda enumerates many goals, including the strategic management of human capital. Consistent with this goal, on February 5, 2003, the Attorney General and Deputy Attorney General announced a series of initiatives to strengthen the Department's attorney workforce by intensifying outreach to individuals from a broad range of racial, ethnic, economic, and geographic backgrounds, and to create incentives to enter and remain in public service.

**O**ARM was directed among other things to:

- Conduct outreach to educate law students and lawyers about the benefits of a career at the Department of Justice to broaden the Department's pool of well-qualified applicants;
- To make information about attorney and supervisory vacancies more transparent and accessible to both attorneys outside the Department and to current Department personnel by public and internal postings;
- Utilize existing legal authority to assist with the repayment of student loans for qualifying new attorneys entering the Department under the Honors Program or laterally, and as a mechanism to retain experienced attorneys;
- Institute a mentor program for all incoming attorneys; and,
- Conduct exit interviews with all voluntarily departing attorneys to assist retention efforts.

# APPENDIX E

## COMPETITIVE SERVICE HIRING

The principle underlying the competitive civil service is that initial appointment must result from competition in examinations open to the public at large. Whether through a written test or a paper review of qualifications, candidates are rated and ranked based on certain objective criteria related to the type of position to be filled.

The result of the examination process is a civil service "register" – a listing of the qualified applicants. From the register, a short list of names (a Certificate of Eligibles) is issued to fill a vacancy. The certificate lists the candidates in order of their scores on the examination, adjusted for the veterans preference to which they may be entitled. There are strict rules governing the order of selection from certificates.

Open competitive examinations are administered by OPM and by agencies to which OPM has delegated examining authority. Where agencies have been delegated authority by OPM, they are bound by OPM's regulations and practices concerning examinations.

After competitive appointment, an employee must serve a one-year probationary period to determine fitness for Federal service. During that time, the probationer may be dismissed without significant procedural protections. After three years, an appointee acquires "career tenure" and may, after leaving Federal service, reenter the Federal workforce without further examination or competition, a process called "reinstatement". Veterans acquire lifetime eligibility for reinstatement upon initial appointment.

Vacant positions can be filled by requesting a certificate of eligibles from OPM, through agency case examining, reinstatement, or other special appointing authorities such as the Veterans Readjustment Authority. Another alternative is the "merit promotion" process, which extends the concept of open competition to certain competitive service promotions. Through an adaptation of the examination process, agencies solicit and review the applications of interested candidates and create certificates of eligibles that may be selected to fill vacant positions.

The selection of one means of filling a vacancy over another is driven by a number of factors, including the type and grade level of the position to be filled and past experience with recruitment for the occupation. It is not unusual for several avenues to be pursued simultaneously.

On April 12, 1996, the Career Transition Assistance Plan (CTAP) became effective. CTAP ensures that eligible surplus and displaced employees, who apply for positions in the competitive service, for which they are determined well-qualified are placed in such positions. CTAP does not apply to positions or vacancies in the excepted service. Selecting officials may not have the flexibility to fill positions in the competitive service, due to CTAP provisions.

# APPENDIX F

## OPM TRANSITION GUIDE AND 2008 “PLUM BOOK”

### OPM Transition Guide:

OPM issued a guide for Federal agencies in June 2008 to facilitate the transition to a new Presidential Administration. This guide provides general information and addresses issues that relate to departing employees, newly-appointed employees, and the career civil service. It also contains information on pay flexibilities such as advance payments, above the minimum rates, preemployment interviews, recruitment and relocation bonuses, and retention allowances; leave administration (annual and sick leave, family and medical leave, voluntary leave transfer, leave bank, military leave); retirement, health, and life insurance coverage. You may access the guide at the following URL: <http://www.chcoc.gov/transmittals/Index.aspx>.

### 2008 “Plum Book:”

Published by the Senate Committee on Governmental Affairs and the House Committee on Government Reform alternately after each Presidential election, the Plum Book lists over 7,000 Federal civil service leadership and support positions in the legislative and executive branches of the Federal Government that may be subject to noncompetitive appointment, nationwide. The duties of many such positions may involve advocacy of Administration policies and programs and the incumbents usually have a close and confidential working relationship with the agency or other key officials. As transition nears, the data for the Plum Book is ever changing. Agencies (to include the Department of Justice) report data up to September 30, 2008, for the Plum Book. The estimated OPM final data collection and subsequent publish date is late November.

The major categories of positions listed in United States Government Policy and Supporting Positions include:

- Executive Schedule and salary-equivalent positions paid at the rates established for levels I through V of the Executive Schedule; mainly, our AAGs, U.S. Attorneys, etc.
- Senior Executive Service "General" positions. Many of DOJ's DAAG positions as well as Principal DAAG positions are designated as General, normally incumbered by noncareer executives. "Career Reserved" SES positions are NOT published in the Plum Book.
- Schedule C positions excepted from the competitive service by the President, or by the Director, Office of Personnel Management. They are GS-15 and below or Senior Level positions with duties of a confidential or policy determine nature.

# APPENDIX G

## TABLE OF DELEGATIONS EMPLOYMENT

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
<b>Intergovernmental Personnel Act assignments</b>	Retained by the DAG	Human Resources Order 1200.1 (HRO) Part 1, Chapter 1, Intergovernmental Personnel Act Assignments	May be redelegated
<b>Reemployment of retirees without loss of pay or annuity to meet exceptional employment needs</b>	Retained by OPM	5 CFR Part 553; HRO Part 1, Chapter 2, Reemployment of Retirees Without Penalty to Meet Exceptional Employment Needs	May not be redelegated
<b>Reemployment of retirees without loss of pay or annuity to meet exceptional employment needs under the 9/11 terrorist attack authority</b>	Component Head	OPM granted the delegation to the Heads of Departments and Agencies on September 13, 2001. The AG redelegated the authority to the Heads of the following Components: EOUSA, FBI, DEA, USMS, BOP, ATF and JMD and OBDs (August 29, 2003)	May not be redelegated
<b>Determination of length of probationary period for managers who served in positions with supervisory and managerial responsibilities</b>	Bureau Personnel Officers	HRO Part 1, Chapter 5, Probationary Period for Supervisors and Managers in the Competitive Service	May be redelegated
<b>Exceptions to the maximum entry age for LEOs</b>	Component Head	HRO Part 1, Chapter 6, Maximum Entry Age and Mandatory Retirement of LEOs; delegation from the Attorney General (Jun. 4, 1991); delegation to Heads of Components with LEOs from the AAG/A (March 5, 2003)	May not be redelegated



# APPENDIX G

## TABLE OF DELEGATIONS

### EMPLOYMENT (CONTINUED)

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
<b>Approval of waivers to the maximum entry age of LEOs for BOP psychologists up to age 40; BOP physician's assistants, nurses, nurse practitioners, medical and dental officers, Catholic Chaplains, Islamic Chaplains, and Jewish Rabbis; USMS LEOs up to age 40 .</b>	For BOP, Director, BOP; for USMS LEOs, Director, USMS	HRO, Part 1, Chapter 6, Maximum Entry Age and Mandatory Retirement of LEOs; delegation to the Director, BOP, from the AAG/A for: Catholic Chaplains (Aug. 13, 1976), Islamic Chaplains (Sep. 27, 1988); physicians assistant (Mar. 21, 1989); nurses and psychologists (Jan. 10, 1994); Jewish Rabbis (Aug. 1, 1994); medical and dental officers (March 16, 1998); nurses and nurse practitioners (March 28, 2000) delegation to the Director, USMS, from the AAG/A for USMS LEOs (Dec. 22, 1997)	May not be redelegated
<b>Exceptions to the mandatory retirement of LEOs</b>	Component Head	HRO, Part 1, Chapter 6, Maximum Entry Age and Mandatory Retirement of LEOs; delegation from the Attorney General (Jun. 4, 1991); delegation to Heads of Components with LEOs from the AAG/A (March 17, 2003)	May not be redelegated
<b>Exceptions to the mandatory retirement of LEOs for DEA Special Agents; up to 20 FBI LEO SES members; FBI non-SES Special Agents</b>	For DEA Special Agents, the Administrator, DEA; for FBI LEO SES Members and Non-SES Special Agents, the Director, FBI	HRO, Part 1, Chapter 6, Maximum Entry Age and Mandatory Retirement of LEOs; delegation to the Administrator, DEA, from the Attorney General (Nov. 17, 1997); delegation to the Director, FBI, from the Attorney General (Jun. 4, 1991 (SES) and Aug. 29, 1995)	May not be redelegated
<b>Employment of experts and consultants</b>	Component Head	HRO, Part 1, Chapter 7, Employment of Experts and Consultants	May be redelegated

# APPENDIX G

## TABLE OF DELEGATION COMPENSATION

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
<b>Classification of GS positions and wage jobs, except for attorney and law student positions</b>	Bureau Head	28 CFR 0.15(b)(1); 0.76(o); 0.137; 0.138; 0.159	May be redelegated
<b>Classification of GS attorney and law student positions</b>	Component Head	28 CFR 0.15(c) and (e); 0.19(a)(1); delegation from DAG to OARM (Mar. 28,1994) delegation from Assoc. AG (Mar. 23, 1998) delegation from OARM to Component Head (Feb. 23, 2000)	May be redelegated
<b>Compensatory time</b>	Bureau Head	HRO Part 2, Chapter 3, Hourly Compensation for Overtime Work	May be redelegated
<b>Non-special salary rate as highest previous rate (non- attorneys)</b>	Appointing Officers	HRO Part 2, Chapter 2, Highest Previous Rate	May not be redelegated
<b>Special salary rate as highest previous rate (non-attorneys)</b>	Bureau Head	HRO Part 2, Chapter 2, Highest Previous Rate	May be redelegated.
<b>Highest previous rate (attorneys)</b>	Bureau General Counsels or OBD Heads	Attorney Personnel Memorandum 97-10 (June 30, 1997)	May be redelegated
<b>Recruitment and relocation incentives</b>	Bureau Head, except for the following: DAG for Executive Schedule, and Administratively Determined pay systems; Immigration Judges; and Presidential appointees. Bureau General Counsels or OBD Heads for attorneys and law clerks.	5 CFR part 575; HRO Part 2 – Compensation, Chapters 5a and 5b	May be redelegated

# APPENDIX G

## TABLE OF DELEGATION COMPENSATION (CONTINUED)

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
<b>Retention incentives</b>  <b>Note: Retention incentives may NOT be paid on a group or category basis to Executive Schedule, SES, or senior level employees; Presidential appointees; U.S. Trustees; and Immigration Judges. OPM must approve payment of retention incentives of more than 10 percent to a group or category of employees.</b>	Bureau Head, except for the following: DAG for Executive Schedule, SES, Administratively Determined, and Sr. Level pay systems; Immigration Judges; and Presidential appointees. Bureau General Counsels or OBD Heads for attorneys and law clerks.	5 CFR part 575; Human Resources Order 1200.1, Part 2 – Compensation, Chapter 6	May be redelegated
<b>Foreign language awards</b>	Bureau Head	5 U.S.C. 4523; HRO Part 2, Chapter 8, Foreign Language Awards	May be redelegated to a level no lower than the Bureau Personnel Officer
<b>Supervisory Differentials</b>	Bureau Head	HRO Part 2, Chapter 9, Supervisory Differentials	May be redelegated to a level no lower than the Bureau Personnel Officer
<b>SL pay-setting up to and including the maximum rate, except for noncareer-type and FBI and DEA employees</b>	Component Head	28 CFR 0.15; delegations from the DAG (Dec. 29, 1999) effective March 1, 2000; HRO Part 2, Chapter 10, Pay for Senior Level Positions	May not be redelegated
<b>SL pay-setting for FBI and DEA employees up to the maximum SL rate, except for noncareer-type employees and employees who report directly to the Director, FBI or the Administrator or Deputy Director, DEA</b>	The Director, FBI; the Administrator, DEA	Same as above	May not be redelegated

# APPENDIX G

## TABLE OF DELEGATION COMPENSATION (CONTINUED)

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
<b>SL pay-setting not covered by one of the delegations of SL pay-setting authority above</b>	Retained by DAG	Same as above	May not be redelegated
<b>Student Loan Repayment</b>	Bureau Head for GS and prevailing rate (wage), except Bureau General Counsels or OBD Heads for attorneys and law clerks. DAG for other eligible categories.	28 CFR 0.76(o), 0.77, 0.79, 0.138, and 0.159; 5 CFR part 537; HRO Part 2, Chapter 12, Student Loan Repayment; delegation from the DAG to the Director, OARM (August 16, 2001); OARM Memorandum #01-16 (November 29, 2001)	May be redelegated
<b>Advance payments to new appointees</b>	Component Head, except: DAG for SES, Executive Schedule (except AG for Director and Deputy Director, FBI), Senior Level, Immigration Judges, Presidential appointees; and Bureau General Counsel or OBD heads for attorneys and law clerks	28 CFR 0.15, 0.76(o), 0.77, 0.79, 0.138, 0.157(c) and 0.159; 5 CFR Part 550, Subpart B; HRO Part 2, Chapter 13, Advance Payments to New Appointees; OARM Memorandum #02-01 (February 22, 2002)	Except for SES, Executive Schedule, Senior Level, Immigration Judges, Presidential appointees, and Director/Deputy Director, FBI, may be redelegated
<b>Hostile fire pay</b>	Bureau Head, except AAG/A for non-career SES, non-career type SL, component heads, and key executive positions.	AG Order No. 2670-2003 (April 30, 2003); HRO Part 2, Chapter 14, Hostile Fire Pay	May not be redelegated
<b>Premium Pay Limitations (Emergency determinations under 5 U.S.C. 5547(b)(1))</b>	AAG/A	28 CFR 0.76(f), AG Order No. 2635-2002, November 29, 2002; HRO Part 2, Chapter 14, Premium Pay Limitations	May not be redelegated

# Appendix G

## TABLE OF DELEGATION COMPENSATION (CONTINUED)

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
<b>Premium Pay Limitations (Mission-critical determinations under 5 U.S.C. 5547(b)(3))</b>	Bureau Heads	28 CFR 0.76(f), AG Order No. 2635-2002, November 29, 2002; HRO Part 2, Chapter 14, Premium Pay Limitations	May not be redelegated
<b>Authority to Waive 5 U.S.C. 5547 Premium Pay Limitation for Certain Work Performed Overseas for Calendar Year 2008</b>	Component Head. (Approval of delegated authority is subject to approval by the Attorney General (AG) each year.)	Attorney General (AG) Order No. 2981-2008  28 U.S.C. sections 509 and 510, and P.L. 109-163, section 1105 (2006), <i>as amended by</i> P.L. 109-364, section 1105 (2006), <i>and by</i> P.L. 110-181, section 1101 (2008)	May no be redelegated
<b>Department classification appeal decisions</b>	Director, Human Resources, JMD	28 CFR 0.76(o) and 0.138; HRO Part 2, Chapter 15; and delegation from the Director, OARM to the Director, Human Resources, JMD (5-14-03)	May not be redelegated
<b>Awards--Approval of cash awards up to \$7,500 (non-attorneys) except SES</b>	Component Head	28 CFR 0.143	May be redelegated
<b>Awards--Approval of cash awards up to \$7,500 for attorneys, law clerks, and law students, GS-15 and below, or equivalent</b>	Component Head	Delegation from the DAG to the Director, OARM (August 16, 2001); OARM Memorandum 95-18 (November 30, 1995)	May be redelegated
<b>Awards--Approval of cash awards above \$7,500 up to \$10,000</b>	Retained by Attorney General	28 CFR 0.11(a)	May be redelegated
<b>Awards--Approval of cash awards above \$10,000 up to \$25,000</b>	Retained by OPM	5 U.S.C. 4502	May not be redelegated

# APPENDIX G

## TABLE OF DELEGATION COMPENSATION (CONTINUED)

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
<b>Awards-Approval of all Superior Accomplishment Awards (Special Act or Service) up to \$5,000 for SL</b>	Retained by the Deputy Attorney General	Delegations from the DAG (Dec. 29, 1999) effective March 1, 2000, Performance Management for the SES and SL	May not be redelegated
<b>Approval of time-off as an incentive award (except SES)</b>	Component Head	28 CFR 0.138	May be redelegated
<b>Administrative Leave</b>	Component Head	DOJ Order 1630.1B, Leave Administration, Chapter 14 (Jul. 22, 1991)	May not be redelegated
<b>Administrative Leave of more than 10 work days</b>	AAG/A or designee	DOJ Order 1630.1B, Leave Administration, Chapter 14 (Jul. 22, 1991) AAG/A memorandum (Sep. 27, 2002)	May not be redelegated

# APPENDIX G

## TABLE OF DELEGATION

### LABOR/EMPLOYEE RELATIONS

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
Discipline and adverse actions	Bureau Head	HRO Part 3, Chapter 1, Discipline and Adverse Actions	May be redelegated

## WORKFORCE DEVELOPMENT

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
Authority to select, assign, and pay for training for employees, except Presidential appointees	Bureau Head	28 CFR 0.153	May be redelegated
Authority to designate Presidential appointees for training	Retained by the AG	5 CFR 410.302 and E.O.11895	May not be redelegated
Payment of expenses for credentials, accreditation, licenses, certification, and examinations Note: Expenses may NOT be paid on behalf of any employee occupying or seeking to qualify for appointment to any position that is excepted from the competitive service because of the confidential, policy-determining, policy making, or policy-advocating character of the position, or any attorney position	Component Head for GS and Prevailing Rate employees; DAG for SES and equivalent employees	28 CFR 0.75, 0.76(o), 0.77, 0.79, and 0.138; HRO Part 5, Chapter 2, Payment of Expenses for Credentials, Accreditation, Licenses, Certification, and Examinations	May be redelegated

# APPENDIX G

## TABLE OF DELEGATION

### SENIOR EXECUTIVE SERVICE

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
<b>Approval of SES performance appraisals, except for OIG SES employees and key career executives</b>	Component Head	28 CFR 0.15; delegations from the DAG (Dec. 29, 1999) effective March 1, 2000	May not be redelegated
<b>Approval of SES performance appraisals for key career executives</b>	Retained by DAG	Same as above	May not be redelegated
<b>Approval of SES performance appraisals for OIG SES employees</b>	Inspector General	P.L. 95-452, Oct. 12, 1978, and delegation from the Attorney General (Apr. 24, 1990)	May not be redelegated
<b>Awards—Approval of all performance awards, i.e., bonuses for SES</b>	Retained by the Deputy Attorney General	Delegations from the DAG (Dec. 29, 1999) effective March 1, 2000, Performance Management for the SES and SL	May not be redelegated
<b>Awards—Approval of all Superior Accomplishment Awards (Special Act or Service) up to \$7,500 for SES</b>	Retained by the Deputy Attorney General	Delegations from the DAG (Dec. 29, 1999) effective March 1, 2000, Performance Management for the SES and SL	May not be redelegated
<b>Grant most formal determinations</b>	Agency Designee (See HRO Part 11, Chapter 1, paragraph C.2.)	HRO Part 11, Chapter 1, Procedures for Complying with Ethics Requirements	May be redelegated in writing



# APPENDIX G

## TABLE OF DELEGATION

### ETHICS

AUTHORITY	DELEGATION	SOURCE	REDELEGATION
<b>Waive prohibitions on certain outside employment</b>	Deputy Attorney General	HRO Part 11, Chapter 1, Procedures for Complying with Ethics Requirements	May be redelegated in writing
<b>Approve outside employment related to duties</b>	Agency Designee (See HRO Part 11, Chapter 1, paragraph C.2.)	HRO Part 11, Chapter 1, Procedures for Complying with Ethics Requirements	May be redelegated in writing
<b>Certify public financial disclosure reports</b>	Agency Designee (See HRO Part 11, Chapter 1, paragraph C.2.)	HRO Part 11, Chapter 1, Procedures for Complying with Ethics Requirements	May be redelegated in writing
<b>Grant first 45-day extension to file public financial disclosure reports</b>	Agency Designee (See HRO Part 11, Chapter 1, paragraph C.2.)	HRO Part 11, Chapter 1, Procedures for Complying with Ethics Requirements	May be redelegated in writing
<b>Certify confidential financial disclosure reports</b>	Reviewing Official with knowledge of employee's assignments	HRO Part 11, Chapter 1, Procedures for Complying with Ethics Requirements	May be redelegated in writing
<b>Grant extension to file confidential financial disclosure reports</b>	Component Head	HRO Part 11, Chapter 1, Procedures for Complying with Ethics Requirements	May be redelegated in writing
<b>Authorization of final salary and leave payments</b>	Clearance Officials	28 CFR 0.75 and 0.76; HRO Part 12, Chapter 2, Clearance Procedures for Employees and Contract Employees Separating from or Reassigned within the Department of Justice	May not be redelegated

# APPENDIX H

## JMD HR POINTS OF CONTACT

NAME	TITLE	PHONE NUMBER
MARI BARR SANTANGELO	DEPUTY ASSISTANT ATTORNEY GENERAL FOR HUMAN RESOURCES AND ADMINISTRATION	202-514-5501
ROD MARKHAM	DIRECTOR, HUMAN RESOURCES	202-514-4350

**For more extensive information, please refer to the following website:**

***JMD Human Resources:*** <http://www.usdoj.gov/jmd/ps/>

- ✓ Personnel Policies - [http://www.usdoj.gov/jmd/ps/hro\\_table.htm](http://www.usdoj.gov/jmd/ps/hro_table.htm)
- ✓ Personnel Guidance - <http://www.usdoj.gov/jmd/ps/newguidance.htm>

***JMD Office of Attorney Recruitment and Management:***

<http://www.usdoj.gov/jmd/ps/newguidance.htm>

***Departmental Ethics Office:*** <http://www.usdoj.gov/jmd/ethics/index.html>