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5 U.S. Code § 5402 - Definitions

U.S. Code Notes

For the purpose of this chapter—

(1) “agency” means an Executive agency under section 105, but does not include the Government Accountability Office;

(2) “employee” includes—

(A) an individual paid under a statutory pay system defined in section 5302(1);

(B) a prevailing rate employee, as defined in section 5342(a)(2); and

(C) a category of employees included by the Office of Personnel Management following the review of an agency plan under section 5403(b)(1);

but does not include—

- (i)** an individual paid at an annual rate of basic pay for a level of the Executive Schedule, under subchapter II of chapter 53, or at a rate provided for one of those levels under another provision of law;
- (ii)** a member of the Senior Executive Service paid under subchapter VIII of chapter 53, or an equivalent system;
- (iii)** an administrative law judge paid under section 5372;
- (iv)** a contract appeals board member paid under section 5372a;
- (v)** an administrative appeals judge paid under section 5372b; and
- (vi)** an individual in a position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; and

(3) "Office" means the Office of Personnel Management.

(Added Pub. L. 108-136, div. A, title XI, § 1129(a), Nov. 24, 2003, 117 Stat. 1642; amended Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)