

United States Code Annotated

Title 5. Government Organization and Employees (Refs & Annos)

Part III. Employees (Refs & Annos)

Subpart F. Labor-Management and Employee Relations

Chapter 75. Adverse Actions (Refs & Annos)

Subchapter II. Removal, Suspension for More than 14 Days, Reduction in Grade or Pay, or Furlough for 30 Days or Less (Refs & Annos)

5 U.S.C.A. § 7511

§ 7511. Definitions; application

Currentness

**(a)** For the purpose of this subchapter--

**(1)** “employee” means--

**(A)** an individual in the competitive service--

**(i)** who is not serving a probationary or trial period under an initial appointment; or

**(ii)** who has completed 1 year of current continuous service under other than a temporary appointment limited to 1 year or less;

**(B)** a preference eligible in the excepted service who has completed 1 year of current continuous service in the same or similar positions--

**(i)** in an Executive agency; or

**(ii)** in the United States Postal Service or Postal Regulatory Commission; and

**(C)** an individual in the excepted service (other than a preference eligible)--

**(i)** who is not serving a probationary or trial period under an initial appointment pending conversion to the competitive service; or

**(ii)** who has completed 2 years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to 2 years or less;

- (2) “suspension” has the same meaning as set forth in [section 7501\(2\)](#) of this title;
- (3) “grade” means a level of classification under a position classification system;
- (4) “pay” means the rate of basic pay fixed by law or administrative action for the position held by an employee; and
- (5) “furlough” means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

**(b)** This subchapter does not apply to an employee--

- (1) whose appointment is made by and with the advice and consent of the Senate;
- (2) whose position has been determined to be of a confidential, policy-determining, policy-making or policy-advocating character by--

**(A)** the President for a position that the President has excepted from the competitive service;

**(B)** the Office of Personnel Management for a position that the Office has excepted from the competitive service; or

**(C)** the President or the head of an agency for a position excepted from the competitive service by statute;

- (3) whose appointment is made by the President;

- (4) who is receiving an annuity from the Civil Service Retirement and Disability Fund, or the Foreign Service Retirement and Disability Fund, based on the service of such employee;

**[(5)** Repealed. [Pub.L. 114-328](#), Div. A, Title V, § 512(c), Dec. 23, 2016, 130 Stat. 2112]

- (6) who is a member of the Foreign Service, as described in section 103 of the Foreign Service Act of 1980;

- (7) whose position is within the Central Intelligence Agency or the Government Accountability Office;

- (8) whose position is within the United States Postal Service, the Postal Regulatory Commission, the Panama Canal Commission, the Tennessee Valley Authority, the Federal Bureau of Investigation, an intelligence component of the Department of Defense (as defined in [section 1614 of title 10](#)), or an intelligence activity of a military department covered under subchapter I of chapter 83 of title 10, unless subsection (a)(1)(B) of this section or [section 1005\(a\) of title 39](#) is the basis for this subchapter's applicability;

(9) who is described in [section 5102\(c\)\(11\)](#) of this title; or

(10) who holds a position within the Veterans Health Administration which has been excluded from the competitive service by or under a provision of title 38, unless such employee was appointed to such position under section 7401(3) of such title.

(c) The Office may provide for the application of this subchapter to any position or group of positions excepted from the competitive service by regulation of the Office which is not otherwise covered by this subchapter.

#### CREDIT(S)

(Added [Pub.L. 95-454, Title II, § 204\(a\)](#), Oct. 13, 1978, 92 Stat. 1135; amended [Pub.L. 101-376, § 2\(a\)](#), Aug. 17, 1990, 104 Stat. 461; [Pub.L. 102-378, § 6\(a\)](#), Oct. 2, 1992, 106 Stat. 1358; [Pub.L. 103-359, Title V, § 501\(I\)](#), Oct. 14, 1994, 108 Stat. 3430; [Pub.L. 104-201, Div. A, Title XVI, § 1634\(b\)](#), Sept. 23, 1996, 110 Stat. 2752; [Pub.L. 108-271, § 8\(b\)](#), July 7, 2004, 118 Stat. 814; [Pub.L. 109-435, Title VI, § 604\(b\), \(f\)](#), Dec. 20, 2006, 120 Stat. 3241, 3242; [Pub.L. 114-92, Div. A, Title XI, § 1105\(c\) \(4\)](#), Nov. 25, 2015, 129 Stat. 1024; [Pub.L. 114-328, Div. A, Title V, § 512\(c\)](#), Dec. 23, 2016, 130 Stat. 2112; [Pub.L. 117-81, Div. A, Title XI, § 1106\(b\)\(2\)\(D\)](#), Dec. 27, 2021, 135 Stat. 1950.)

5 U.S.C.A. § 7511, 5 USCA § 7511

Current through P.L. 119-1. Some statute sections may be more current, see credits for details.