



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Friday, December 28, 2018
CPM 2018-23

MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: MARGARET M. WEICHERT, ACTING DIRECTOR

Subject: Executive Order for 2019 Pay Schedules

The President has signed an Executive order containing the 2019 pay schedules for certain Federal civilian employees. (See Attachment.) The Executive order provides that the 2019 pay rates for civilian employee pay schedules covered by the order remain at 2018 levels. This is consistent with the President's alternative pay plan issued under 5 U.S.C. 5303(b) and 5304a on August 30, 2018. This memorandum reviews relevant portions of the Executive order and provides general information on the 2019 pay rates. While the pay schedules in the Executive order will not increase in 2019, employees may continue to receive individually-based pay increases such as performance-based pay increases and promotion increases to the extent authorized by applicable statute, regulation, and agency policy and subject to 2019 pay limitations.

2019 Salary Tables and Effective Date

We have posted the 2019 salary tables on the U.S. Office of Personnel Management's (OPM's) website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>. The 2019 pay schedules will become effective the first day of the first applicable pay period beginning on or after January 1, 2019 (January 6, 2019, based on the standard biweekly payroll cycle).

The General Schedule and Other Statutory Pay Systems

The Executive order contains the 2019 rates of basic pay for the statutory pay systems—the General Schedule (GS), the Foreign Service schedule, and certain schedules for the Veterans Health Administration of the U.S. Department of Veterans Affairs. The rates of basic pay for these systems will not be increased in 2019 and remain at 2018 levels. This includes the special base rates for GS law enforcement officers at GS grades 3 through 10. (These law enforcement officers are assigned the “GL” pay plan code.) The Executive order does not affect, and GS employees may continue to receive, any promotion increases under 5 U.S.C. 5334, within-grade increases under 5 U.S.C. 5335, or quality step increases under 5 U.S.C. 5336.

Executive Schedule

The 2019 Executive Schedule (EX) rates of pay remain at the 2018 levels. The EX salary table is available on OPM's website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/executive-senior-level/>. (See also the "Pay Freeze for Certain Senior Political Officials" section, below.)

Senior Executive Service

The minimum rate of basic pay for Senior Executive Service (SES) positions under 5 U.S.C. 5382 will remain at \$126,148 in 2019. The applicable maximum rate of basic pay will continue to be \$189,600 (EX-II) for SES members covered by a certified SES performance appraisal system and \$174,500 (EX-III) for SES members covered by an SES performance appraisal system that has not been certified. The President's Executive order does not freeze adjustments to individual SES member pay rates. Since the minimum and maximum rates of the SES rate range are not increasing in 2019, agencies may not provide an increase to maintain relative position in the SES rate range under 5 CFR 534.404(b)(4). However, other SES pay adjustments may be made and must be based on individual performance, contribution to the agency's performance, or both, as determined under a rigorous performance management system, pursuant to 5 U.S.C. 5382. OPM's regulations for setting and adjusting SES pay are available at 5 CFR part 534, subpart D. (See also the "Pay Freeze for Certain Senior Political Officials" section, below.)

Senior-Level and Scientific and Professional Positions

The minimum rate of basic pay for senior-level (SL) and scientific and professional (ST) positions under 5 U.S.C. 5376 will remain at \$126,148 in 2019. The applicable maximum rate of basic pay will continue to be \$189,600 (EX-II) for SL and ST employees covered by a certified SL/ST performance appraisal system and \$174,500 (EX-III) for SL and ST employees covered by an SL/ST performance appraisal system that has not been certified. Effective at the same time the General Schedule is adjusted (January 6, 2019), agencies must adjust each SL/ST employee's rate of basic pay by the amount the agency determines to be appropriate based on the employee's individual performance or contribution to agency performance. (See 5 CFR 534.507.) While the General Schedule is receiving a zero adjustment, the President's Executive order does not freeze adjustments to individual SL/ST employee pay rates. An agency's determination to adjust the rate of basic pay for an SL/ST employee that is approved by the end of the first pay period in January 2019 (January 19, 2019) may be made effective as of the first day of that first pay period (January 6, 2019). OPM's regulations regarding setting and adjusting SL/ST pay are available at 5 CFR part 534, subpart E.

Pay Freeze for Certain Senior Political Officials

Section 738 of division E of the Consolidated Appropriations Act, 2018 (Public Law 115-141), contained a provision that continued the freeze on the payable rates of pay for the Vice President and certain senior political appointees at 2013 levels through calendar year 2018. Unless extended by new legislation, the pay freeze will end on the last day of the last pay period that begins in calendar year 2018 (i.e., January 5, 2019, for those on the standard biweekly payroll cycle). For additional information on the pay freeze for certain senior political officials, see <https://chcoc.gov/content/continued-pay-freeze-certain-senior-political-officials-2>. We will issue separate guidance regarding whether this pay freeze will be continued or terminated.

Administrative Law Judges

The rates of basic pay for administrative law judges (ALJs) under 5 U.S.C. 5372 will not increase in 2019. The rate of basic pay for AL-1 will remain at \$164,200 (equivalent to the rate for EX-IV). The rate of basic pay for AL-2 will remain at \$160,100. The rates of basic pay for AL-3/A through 3/F will continue to range from \$109,600 to \$151,700. The ALJ salary table is available on OPM's website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/executive-senior-level/>. An ALJ in level AL-3 may advance to the next higher rate upon completion of the required waiting period as provided in 5 U.S.C. 5372 and 5 CFR part 930, subpart B.

Administrative Appeals Judges

The rates of basic pay for administrative appeals judges (AAJs) under 5 U.S.C. 5372b will not increase in 2019. The rates of basic pay for AAJ positions must be set at a rate not less than the minimum rate of basic pay for level AL-3 and not more than the maximum rate of basic pay for level AL-3 of the ALJ pay system. The AAJ pay system includes six rates of basic pay—AA-1, 2, 3, 4, 5, and 6. These rates correspond to the rates of basic pay for AL-3/A, B, C, D, E, and F of the ALJ pay system. The AAJ salary table is available on OPM's website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/executive-senior-level/>. An AAJ may advance to the next higher rate upon completion of the required waiting period as provided in 5 U.S.C. 5372b and 5 CFR part 534, subpart F.

Locality Pay Areas

On December 7, 2018, OPM published a final rule in the Federal Register on behalf of the President's Pay Agent establishing six new locality pay areas, making certain changes to the definitions of existing locality pay areas, and making minor clarifying changes to the names of two locality pay areas. The changes are applicable the first day of the first applicable pay period beginning on or after January 1, 2019 (January 6, 2019, based on the standard biweekly payroll cycle). The final rule can be found at <https://www.federalregister.gov/documents/2018/12/07/2018-26519/general-schedule-locality-pay-areas>. Locality pay area definitions are available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/locality-pay-area-definitions/>.

Locality Payments

The Executive order reflects the amounts of the 2019 locality payments for GS employees implemented by the President under his alternative pay plan authority. The applicable locality payments are unchanged from 2018 levels for 2019. The “Rest of U.S.” locality pay percentage, which will remain the same in 2019 as in 2018, will apply in 2019 for the new locality pay areas. The 2019 locality pay tables for the General Schedule are available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/general-schedule/>.

Locality Pay Extensions

On November 9, 2018, OPM issued a memorandum on behalf of the President’s Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and OPM) that continues GS locality payments for ALJs and certain other non-GS employee categories in 2019. The memo is available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2018/continuation-of-locality-payments-for-non-general-schedule-employees-november-9-2018.pdf>. By law, EX officials, SES members, employees in SL/ST positions, and employees in certain other equivalent pay systems are not authorized to receive locality payments. (Note: An exception applies to certain grandfathered SES, SL, and ST employees stationed in a nonforeign area on January 2, 2010. See CPM 2009-27 at <https://www.chcoc.gov/content/nonforeign-area-retirement-equity-assurance-act.>)

Cost-of-Living Allowance Rates for Nonforeign Areas

The cost-of-living allowances (COLAs) rates in each COLA area are available at <https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/nonforeign-areas/>. The applicable COLA rates are unchanged from 2018 levels for 2019.

Special Rates

We are issuing a separate memorandum announcing the results of OPM’s annual review of special rates and the 2019 special rate schedules.

Prevailing Rate Pay Adjustments

We are issuing a separate memorandum on pay schedules for certain prevailing rate (wage) employees.

Aggregate Limitation on Pay

The aggregate limitation on pay for calendar year 2019 will continue to be \$210,700 (equivalent to the rate for EX-I). SES members and employees in SL/ST positions who are covered by a certified performance appraisal system are subject to a higher aggregate limitation on pay of the Vice President’s salary (\$243,500 in 2019, the same level as in 2018). (See 5 U.S.C. 5307 and 5 CFR part 530, subpart B.)

2019 Premium Pay Caps

Under 5 U.S.C. 5547(a) and 5 CFR 550.105, GS and other covered employees may receive certain types of premium pay in a biweekly pay period only to the extent that the sum of basic pay and such premium pay for the pay period does not exceed the greater of the biweekly rate payable for (1) GS-15, step 10 (including any applicable locality payment or special rate supplement), or (2) the rate payable for EX-V (\$153,800 in 2019, the same as in 2018). In certain emergency or mission-critical situations, an agency may apply an annual premium pay cap instead of a biweekly premium pay cap, subject to the conditions prescribed in law and regulation. (See 5 U.S.C. 5547(b) and 5 CFR 550.106–550.107.) The biweekly premium pay caps are posted on OPM’s website at <https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/#url=Biweekly-Pay-Caps>.

Under section 1104 of the National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232, August 13, 2018), the head of an agency may waive, during calendar year 2019, the premium pay cap under 5 U.S.C. 5547 for civilian employees working in certain overseas locations. We will issue a separate memorandum with additional information on this authority and other recent legislative changes.

Post-Employment Restrictions

Agencies are required to notify SES members, SL and ST employees, and other individuals who are paid at a rate of basic pay equal to or greater than 86.5 percent of the rate for EX-II (\$189,600 x 86.5 percent = \$164,004 in 2019) that they are subject to certain post-employment restrictions in 18 U.S.C. 207(c)(2)(A)(ii). OPM’s regulations requiring notification of post-employment restrictions are available at 5 CFR part 730. Agencies may continue to use the sample notice OPM provided in its memorandum of January 6, 2004 (CPM 2004-01), to notify an SES member, an SL or ST employee, or other individual that he or she is subject to the post-employment restrictions in 18 U.S.C. 207(c). (Agencies will need to update the pay system, salary threshold, and effective date, as appropriate.) The sample notice is available at http://archive.opm.gov/oca/compmemo/2004/2004-01_attach1.asp.

Questions

Agency headquarters-level human resources offices may contact OPM at pay-leave-policy@opm.gov. Employees should contact their agency human resources offices for assistance.

Attachment: [Executive Order Adjustments of Certain Rates of Pay](#)

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, and Human Resources Directors