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In Reply Refer To:  
B-199090 (HID)

August 18, 1980

The Honorable Timothy E. Wirth  
House of Representatives

Dear Mr. Wirth:

We refer to your letter dated May 1, 1980, on behalf of your constituent, Mr. Jimmie H. Webb, an employee of the Department of Energy in the Grand Junction Office, Grand Junction, Colorado. He raises a question regarding the pay of geologists in relation to that of mining engineers in the Grand Junction Office. Specifically he does not feel he has received equal treatment with regard to his pay as a GS-11 geologist because mining engineers holding the same position receive an additional 15 percent pay differential.

Section 5303 of title 5, United States Code, authorizes the President to establish special salary rates when he determines that private enterprise salary rates for an occupation are substantially above Federal rates so as to handicap significantly the Government's recruitment or retention of qualified personnel. By Executive Order 11721, dated May 23, 1973, the President delegated his authority under 5 U.S.C. § 5303 to the Civil Service Commission (now Office of Personnel Management).

Thus, Office of Personnel Management has been vested with exclusive authority to determine the necessity for and to establish higher rates of compensation for certain occupational classes, subject to the conditions set forth in the statute and the Executive Order. The Office of Personnel Management has determined that mining engineers are within this category. Therefore, the salary rates and ranges for mining engineers are allowed to exceed those of similar occupations at the various grade levels. Unless Mr. Webb is a mining engineer, as well as a geologist, he is not entitled to the special rate established by OPM for mining engineers.

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We asked the Department of Energy to respond to Mr. Webb's complaint. A copy of the Department's reply of July 21, 1980, is enclosed. The Department of Energy advises that Mr. Webb should discuss the proper classification of his position with his personnel office. We would add that if Mr. Webb remains dissatisfied with the classification of his position, he may appeal the classification to OPM under 5 U.S.C. § 5112.

We hope that this information is responsive to your request.

Sincerely yours,

Milton J. Socolar  
For The Comptroller General  
of the United States

Enclosure