



U.S. Department of Justice

*Executive Office for United States Attorneys
Office of the Director*

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DATE: JAN 8 - 2009

**TO: ALL UNITED STATES ATTORNEYS
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS
ALL ADMINISTRATIVE OFFICERS
ALL HUMAN RESOURCES OFFICERS**

**FROM: Kenneth E. Meison
Director**

SUBJECT: 2009 Pay Structures and Salary Increases for United States Attorneys and Attorneys Paid Under the Administratively Determined (AD) Pay Plan

ACTION REQUIRED: None. Information Only.

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This memorandum transmits the 2009 pay structures for United States Attorneys (USAs), supervisory Assistant United States Attorneys (AUSAs), Senior Litigation Counsel (SLC) AUSAs, and line AUSAs paid under the provisions of the AD pay plan. The 2009 pay increases are effective January 4, 2009.

2009 BASIC PAY INCREASES

In 2009, United States Attorneys will be paid at the maximum rate permitted by 28 USC § 548, i.e., the new EX IV rate of \$153,200. This reflects a 2.8 percent increase to basic pay, rounded to the nearest \$100. Supervisory and SLC AUSAs will receive the same 2.8 percent increase in basic pay as United States Attorneys. Non-supervisory AUSAs will receive the same 2.9 percent increase in basic pay as the General Schedule.

We have posted the 2009 pay structure for the line AUSAs and the supervisory and SLC AUSAs at http://www.usa.doj.gov/staffs/ps/specialty/pay_compensation/payinde.html. These two pay structures replace the 2008 AD pay structures which took effect on January 6, 2008.

2009 LOCALITY PAY RATES

The Attorney General has approved locality pay for attorneys at the same rates as those paid to employees under the General Schedule using the percentages published by the U.S. Office of Personnel Management (OPM). Locality pay increases will be rounded to the nearest dollar, and truncated where necessary so total salary does not exceed \$153,100. Each AUSA whose official duty station is one of the 48 contiguous United States receives locality pay in 2009. The 2009 locality rates are posted on the OPM website at <http://www.opm.gov/oca/compmemo/2008/2008-22-Attach2.pdf>.

2009 SALARY LIMITS

Total salary (basic pay plus locality pay) is limited to a maximum of \$153,100 for any AUSA. In calculating total salary, basic pay is increased first, followed by locality pay up to the total salary limit. Note that basic pay may be transferred between districts, but locality pay may not. For the most highly paid supervisors in the largest districts, the 2009 pay increase will mean a small gain, or in some cases, no change at all in locality pay.

POST EMPLOYMENT RESTRICTIONS

United States Attorneys paid at the AD-39 and AD-40 rates may be subject to one-year post-employment restrictions established by 18 U.S.C. § 207(c) upon leaving the Department. These restrictions apply to any individual who is paid at a rate of basic pay equal to or greater than 86.5% of the rate for Level II of the Executive Schedule, which will be \$153,105 in 2009. The 2009 salary rates for United States Attorneys are set at \$153,200, and salaries for interim USAs paid at AD-39 may be set up to \$153,200.

PROCESSING PAY INCREASES

With the few exceptions noted below, pay increases for attorneys in grades AD-21 through AD-40 will be processed automatically by the National Finance Center (NFC). Districts do not have to take any action. NFC will automatically generate and distribute employee pay adjustment notifications.

RED- AND GREEN-CIRCLED RATE EMPLOYEES

Attorneys paid a red- or green-circled rate of basic pay on January 4, 2009, are not eligible for an automatic increase in basic pay. Changes in locality pay, however, will be processed for all attorneys including attorneys whose pay is circled.

Servicing Human Resources Specialists will compare each red-circled rate of basic pay to the 2009 maximum rates and manually process a pay increase if the red-circled rate is less than the 2009 maximum for the AD grade. In cases where the red-circled rate is greater than the 2009 AD grade maximum, the attorney will receive only the 2009 locality pay. The Personnel Staff published detailed pay adjustment processing guidance in USAP 3-4.990.001, 23-2, Processing Pay Adjustments for AUSAs at <http://10.200.254.4/usap/attachment/160t.wpd>.

Attorneys with green-circled rates of pay also are ineligible for an automatic increase in basic pay while the salary is green-circled. Further guidance on pay and removal of "green-circled" status is found in the AD Pay Handbook at http://usanet.usa.doj.gov/usap/attachment/534_1_line.html#2c.

ANNUAL PAY REVIEW (APR) and SALARY INCREASES

The performance rating period for all employees ends December 31, 2008, and we remind attorney rating officials that AUSAs who are rated outstanding must have pay set at least at the Q2 rate when the APRs are processed during Pay Period 07. APR salary adjustments will be effective March 29, 2009, and will appear in pay checks on April 23, 2009.

Servicing Personnel Office (SPO) United States Attorneys' Offices (USAOs) have until March 29, 2009, to process pay changes.

Non-SPO USAOs should submit pay increase requests to the EOUSA Personnel Staff by March 2, 2009. Line AUSAs at or below AD-28 are eligible for an annual review of professional experience for possible change in grade. Supervisory and Line AUSAs who remain in grade but are paid less than the maximum rate for the grade are eligible for pay increases in keeping with AD pay for performance policies and the attorney's 2008 summary performance rating. For more details, see the AD Pay Handbook at <http://usanet.usa.doj.gov/usap/usap.cfm?ID=512>.

If you have any questions concerning these guidelines, please contact Peter McSwain or Bi Nguyen, EOUSA Personnel Staff, at (202) 616-6800, or your servicing Human Resources Specialist.

cc: All USA Secretaries

CRS Report for Congress

Federal White-Collar Pay: FY2009 Salary Adjustments

Updated July 30, 2008

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Prepared for Members and
Committees of Congress