



28 U.S.C. § 548

- Subject to sections 5315 through 5317 of title 5, the Attorney General shall fix the annual salaries of ...assistant United States attorneys ...at rates of compensation not in excess of the rate of basic compensation provided for Executive Level IV of the Executive Schedule.

Pay Cap – \$100 less than Executive Schedule IV

Salary Table No. 2020-EX
Rates of Basic Pay for the Executive Schedule (EX)
Effective January 2020

Level	Rate
Level I	\$219,200
Level II	\$197,300
Level III	\$181,500
Level IV	\$170,800
Level V	\$160,100

Department of Justice **Executive Office for United States Attorneys**

Administratively Determined (AD) Pay Plan

2020 Base Pay Structure Effective: January 5, 2020

2.6% Structure Increase

AD Grade	Years Experience	Minimum	Q-2 25th Perc't	Midpoint	Q-4 75th Perc't	Maximum	
Recruiting Ranges							
Successful							
Outstanding							
GREEN CIRCLED RATES	AD-21	0-2	\$55,204	\$64,865	\$74,525	\$84,186	RED CIRCLED RATES
	AD-23	3-4	\$59,313	\$69,693	\$80,073	\$90,453	
	AD-25	5	\$63,730	\$74,883	\$86,035	\$97,188	
	AD-26	6	\$68,474	\$80,458	\$92,441	\$104,424	
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	AD-28	8	\$79,051	\$92,885	\$106,719	\$120,553	
	AD-29	9+	\$84,936	\$99,800	\$114,664	\$129,528	

Total pay with locality limited to \$170,700 in 2020. See [Schedule 9, Dec 26, 2019 Executive Order](#), for rates.

Locality Pay

- By law, locality pay and January across-the-board increases are not entitlements of AD employees
- Deputy Attorney General had to grant locality pay and cost of living raises every year
- After August 2009, DAG authorized “prospective” adjustments to the AD pay system to match the GS and EX systems
- See OPM.gov for locality rates and area definitions

UNITED STATES ATTORNEYS' PROCEDURES	USAP No. 3-4.534.001	
	Administratively Determined (AD) Pay Handbook	
	Effective Date:	Sep. 14, 2001
	Last Updated:	Mar. 25, 2019

1. PURPOSE

To provide policy and procedural guidance for the Administratively Determined pay plan under 28 U.S.C. 548.

2. SCOPE

All United States Attorneys' offices (USAOs) and the Executive Office for United States Attorneys (EOUSA).

3. REFERENCES

- [28 U.S.C. 548, Salaries](#)
- [United States Attorneys' Manual 3-4.534, Pay Under Other Systems](#)
- [Changes to the Supervisory AUSA and Senior Litigation Counsel Program, November 6, 2007, memorandum from the Director, EOUSA](#)
- [Amendment to OARM's Delegation of Authority to Approve Starting Salaries for Attorneys and Law Clerks, June 30, 2005, memorandum from the Director, OARM](#)
- [Changes to Delegation of Authority to Approve Attorney Reassignments, June 5, 2006, memorandum from the Director, OARM](#)

1961 Salaries

Recommended Salary Scale for United States Attorneys

Rank of Office for
Fiscal Year 1960
Based on Available
Statistics

	<u>Authorized</u>	<u>Recommended</u>
1. California, Southern	\$ 20,000	\$ 20,000
2. District of Columbia	20,000	20,000
3. New York, Southern	20,000	20,000
4. Illinois, Northern	20,000	20,000
5. New York, Eastern	18,000	18,500
6. Florida, Southern	17,500	18,500
7. California, Northern	18,000	18,500
8. New Jersey	18,000	18,500
9. Minnesota	17,500	18,500
10. Michigan, Eastern	18,000	18,500
12. Pennsylvania, Eastern	18,000	18,500
14. Massachusetts	18,000	18,500

“§ 508. Salaries

Ante, p. 421.

62 Stat. 909.

Ante, p. 400.

“Subject to subsection (f) of section 303 of the Federal Executive Salary Act of 1964, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 503 of this title at rates of compensation not in excess of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended.”

(2) Subject to section 303(f) of this Act, each incumbent United States attorney and assistant United States attorney shall be paid compensation at a rate equal to that of attorneys of comparable responsibility and professional qualifications, as determined by the Attorney General, whose compensation is prescribed in the General Schedule of the Classification Act of 1949, as amended.

Ante, p. 416.

(b) Section 411 of the Foreign Service Act of 1946, as amended (70 Stat. 704; 22 U.S.C. 866), relating to the per annum salaries of chiefs of mission, is amended by striking out the second sentence of that section and inserting in lieu thereof the following: “The per annum salaries of chiefs of mission within each class shall be at the rate provided by law for the levels of the Federal Executive Salary Schedule as follows: class 1, the rate for level II; class 2, the rate for level III; class 3, the rate for level IV; and class 4, the rate for level V.”

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

October 17, 1962

Memo No. 323

MEMORANDUM TO ALL EMPLOYEES (Except FBI, Immigration & Naturalization Service, and Bureau of Prisons)

SUBJECT: Salary Reform Act of 1962

Attached is a copy of the pay rates established by the Federal Salary Reform Act of 1962. The new rates, which become effective October 14, will be reflected in the check you receive on November 9 (November 2 for employees in U.S. Attorneys' and Marshals' offices). The next increase in pay becomes effective January 5, 1964.

The Act also establishes a system of insuring on a continuing basis, comparability with pay in private enterprise and internal alignment within the government to provide equal pay for substantially equal work. Pay differences are to be in keeping with distinctions in responsibility and performance. While there is no change in the way positions or persons

1989 Study on Retention

- Concluded that retention after year 10 is a problem
- Too long to summarize here
- But good reading, simply for the fact that it recognizes the value of AUSAs in terms not heard recently
- Available on USAnet site under "Selected History of U.S. Attorney AD Pay Policy"

April 28, 1997: AUSAs Make Too Much Money

"9 or more years" range being the two exceptions. Management benefits too. The rate ranges are better aligned with local labor market rates offered in the non-Federal sector for attorneys with comparable experience. While filling AUSA vacancies has never been a problem, AUSA salaries drew criticism because they were frequently higher than those paid to other attorneys in the Department or outside the Federal Government. Being more conservative in fixing starting salaries is also a benefit, since district managers can use savings gained from conservative salary setting to increase funds available for APRs and bonuses paid out each year.

May 21, 2009: Problem Solved!

DISCUSSION: Pursuant to 28 U.S.C. §§ 548 and 587, the Attorney General "shall fix" the annual salaries of United States Attorneys, Assistant United States Attorneys, United States Trustees, and Assistant United States Trustees at rates of compensation not in excess of EX Level IV (\$153,200 in 2009). Annually, these components submit a request to the Deputy Attorney General for approval to make pay adjustments in line with annual adjustments to the GS and EX pay scales. (Note: This memo does not address the issue of the disparity between the pay of AUSAs and attorneys paid at General Schedule rates. How to correct that disparity will be addressed separately in the future.)

2015 Whitepaper

- Produced by Office of Justice Programs and working group
- Concluded that no significant pay disparity existed
- Problems
 - *No apples-to-apples comparison because of lack of data*
 - *Compared AUSAs to Department's non-litigating attorneys*
 - *Looked at years of DOJ service rather than years of attorney experience*

2016 Reforms

- Good year for newer AUSAs
- Minimum AUSA pay set at GS-11 level
- Grades realigned: AD-24 eliminated
- Upward adjustments (~\$15k raises for some)
- EOUSA centrally funded realignment

FY2016 Pay Disparity - Based on Table 39, DOJ Employment Fact Book

Years	ATR	DIFF FROM USA	CIV	DIFF FROM USA	CRT	DIFF FROM USA	CRM	DIFF FROM USA	ENRD	DIFF FROM USA	TAX	DIFF FROM USA	EOIR	DIFF FROM USA	UST	DIFF FROM USA	Other OBDs	DIFF FROM USA	USA
3	111,561	26,424	106,882	21,745	106,581	21,444	108,771	23,634	112,988	27,851	109,711	24,574	96,291	11,154	106,924	21,787	111,718	26,581	85,137
4	125,958	34,145	118,566	26,753	115,870	24,057	115,906	24,093	124,739	32,926	124,636	32,823	107,340	15,527	107,784	15,971	123,801	31,988	91,813
5	134,790	41,161	130,509	36,880	126,533	32,904	132,364	38,735	131,177	37,548	134,963	41,334	121,837	28,208	110,144	16,515	134,156	40,527	93,629
6	146,968	49,249	131,887	34,168	134,246	36,527	139,343	41,624	142,117	44,398	137,848	39,529	128,846	31,127	121,280	23,591	140,383	42,664	97,719
7	152,300	47,787	139,389	34,876	145,000	40,487	139,012	34,499	146,539	42,026	139,881	35,368	136,310	31,797	133,409	28,896	136,582	32,069	104,513
8	156,413	47,506	146,668	37,761	145,430	36,523	146,178	37,271	147,226	38,319	144,095	35,188	140,803	31,896	120,121	11,214	144,619	35,712	108,907
9	157,477	41,000	153,803	37,326	147,566	31,089	146,280	29,803	149,141	32,664	151,028	34,551	136,478	20,001	120,900	4,423	150,043	33,566	116,477
10	160,702	36,082	155,564	30,944	147,427	22,807	146,935	22,315	151,907	27,287	150,083	25,463	149,460	24,840	133,685	9,065	152,058	27,438	124,620
11	159,979	31,676	157,205	29,902	155,402	27,099	150,431	22,126	156,170	27,867	153,081	24,778	151,857	23,554	138,992	10,689	156,722	28,419	128,303
12	157,755	23,265	159,122	24,632	154,919	20,429	151,093	16,603	154,641	20,151	153,641	19,151	149,155	14,665	142,695	8,205	158,848	24,358	134,490
13	162,258	22,431	161,039	21,212	160,270	20,443	153,614	13,787	156,603	16,776	156,855	17,028	150,254	10,427	150,793	10,966	160,891	21,064	139,827
14	163,148	18,987	158,750	14,589	160,930	16,769	152,434	8,273	156,914	12,753	158,340	14,179	154,456	10,295	150,464	6,303	157,036	12,875	144,161
15	161,999	15,157	162,209	15,367	160,802	13,960	154,350	7,508	164,237	17,395	161,137	14,295	155,404	8,562	145,247	-1,595	157,494	10,652	146,842
16	166,693	18,065	161,086	12,458	155,494	6,866	148,130	-498	161,582	12,964	162,215	13,587	165,916	17,288	149,147	519	163,303	14,675	148,628
17	163,162	14,402	159,597	10,837	164,432	15,672	159,286	10,536	160,720	11,960	160,960	10,290	158,933	10,173	147,308	-1,451	159,085	10,325	148,750
18	163,782	10,702	162,424	9,344	158,573	5,493	157,792	4,712	164,681	11,601	164,200	11,120	162,519	9,430	150,982	-2,098	162,338	9,258	153,080
19	166,509	12,117	164,872	10,480	168,403	14,011	164,200	9,808	163,712	9,320	165,584	11,192	164,454	10,062	145,692	-8,700	160,450	6,058	154,392
20	171,291	17,163	166,414	12,286	157,867	3,739	156,262	2,134	163,893	9,765	171,308	17,180	167,149	13,021	153,056	-1,072	166,607	12,479	154,128
21+	165,926	5,834	165,881	5,789	164,739	4,647	164,292	4,200	166,352	6,260	168,146	8,054	168,764	8,672	159,491	-601	168,171	8,079	160,092

Years	FBI	DIFF FROM USA	DEA	DIFF FROM USA	BOP	DIFF FROM USA	USMS	DIFF FROM USA	OJP	DIFF FROM USA	OIG	DIFF FROM USA
3	0	0	0	0	0	0	0	0	0	0	0	0
4	0	0	164,200	79,063	110,368	25,231	0	0	0	114,590	29,453	0
5	0	0	143,215	51,402	111,890	20,077	0	0	0	0	0	0
6	0	0	130,419	36,790	123,657	30,028	0	134,789	41,160	126,049	32,420	0
7	134,789	37,076	126,049	28,330	118,290	20,571	0	133,689	35,970	0	0	0
8	145,106	40,593	152,760	48,247	132,522	28,009	0	130,756	26,243	0	0	0
9	131,179	22,272	134,789	25,882	128,495	19,588	0	126,049	17,142	0	0	0
10	136,550	20,073	159,500	43,023	143,531	27,054	0	139,282	22,805	0	0	0
11	148,267	23,647	156,234	31,614	128,455	3,835	0	0	157,253	32,633	0	0
12	161,746	33,443	146,314	18,011	133,280	4,977	140,691	12,388	137,158	8,855	172,563	44,290
13	142,447	7,957	164,200	29,710	122,396	-12,164	0	142,029	7,539	164,200	29,710	0
14	139,675	-152	159,603	19,776	136,315	-3,512	0	162,564	22,737	148,268	8,441	0
15	153,279	9,118	164,200	20,039	142,373	-1,788	157,253	13,092	157,253	13,092	161,746	17,585
16	149,115	2,273	137,517	-9,325	130,149	-16,693	0	152,760	5,918	164,200	17,358	0
17	161,746	13,118	0	0	140,855	-7,773	0	155,007	6,378	155,007	6,378	0
18	159,990	10,290	145,749	-3,011	156,109	7,349	0	164,200	15,440	0	0	0
19	148,389	-4,691	156,935	3,855	137,244	-15,838	155,007	1,927	164,200	11,120	170,001	16,921
20	161,884	7,492	159,603	5,211	156,628	2,236	0	158,623	4,231	161,884	7,492	0
21+	153,967	-141	164,200	10,072	150,361	-3,767	0	164,200	10,072	164,200	10,072	0
21+	162,283	2,191	162,756	2,664	157,318	-2,774	164,930	4,838	165,413	5,321	169,016	8,924

Pay Setting at Hire

- Can be set at anything between minimum and maximum for grade (EOUSA recommends Q4 as highest)
- Grade determined by **full** years of professional experience at entry on duty date
 - *Work before law school: not creditable*
 - *Work after law school but before bar passage: creditable at USA discretion*
 - *Non-attorney work after law school: creditable at USA discretion*
 - *Attorney work: creditable by policy*
- Rate **can** be set above maximum if coming from the GS system (highest previous rate policy)
 - *But beware: pay rate becomes "red circled" until you reach grade with a maximum above your current pay*
- Depending on EOD date, you may not be promotion eligible at next APR

Annual Pay Review (APR)

- Usually announced in March or April of each year
- AUSAs promoted based on additional year of experience (until 9 years' experience)
- Roughly \$5,000 - \$7,000 increase if moving from Q2 of one grade to Q2 of next
- United States Attorneys authorized to increase pay by up to 10% of base (anything higher requires EOUSA Director approval)
- Size of raise pool is based on a fixed percentage of an office's non-capped AUSA salaries
 - 2020: 2.5%
 - 2019: 2.5%
 - 2018: 1.75%
 - 2017: 1.25%
 - 2016: 3.0% (*structure change*)

Mandatory vs. Discretionary Raises

- All raises above the Q2 of AD-29 are discretionary
- Between AD-21 and AD-28, salary must be above the minimum for "successful" performance rating, and must be above Q2 for "outstanding."
- Pay can be frozen below your grade if on a PIP ("green circled")
- If pay is above the maximum rate, it's "red circled" and you get no raise until your experience increases
- Mandatory raises must be fully funded before *anyone* gets a discretionary raise

Mandatory vs. Discretionary Raises (continued)

- Offices with high rates of “outstanding” performance evaluations have less discretion with raises
- These offices probably tend to move people up in lockstep to rates just above the Q2 number in each grade

Miscellaneous Pay Issues

- Supervisory Pay
 - *14% of FTE rule*
 - *“Supervise six” (with many exceptions)*
 - *“Aging” salary upon demotion*
- Switching Offices
 - *Raises must be approved by Director*
 - *Voluntary decrease requires OARM consult*

Department of Justice		Executive Office for United States Attorneys					
Administratively Determined (AD) Pay Plan							
2020 Base Pay Structure			Effective: January 5, 2020				
2.6% Structure Increase							
AD Grade	Years Experience	Minimum	Q-2 25th Perc't	Midpoint	Q-4 75th Perc't	Maximum	
Recruiting Ranges							
Successful							
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GREEN CIRCLED RATES	AD-21	0-2	\$55,204	\$64,865	\$74,525	\$84,186	\$93,846
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	AD-29	9+	\$84,936	\$99,800	\$114,664	\$129,528	\$144,392
Total pay with locality limited to \$170,700 in 2020. See Schedule 9, Dec 26, 2019 Executive Order , for rates.							

Pay Self-Assessment

- Log in to your Official Personnel File
 - <https://eopf.opm.gov/doj/>
- Find your most recent SF-50
- See Box 18 for grade
- See Box 20A for basic pay
- Compare to AD pay chart
 - If you have an "outstanding" rating, Q2 is the minimum
 - If you have a "successful" rating, minimum is the minimum
 - On a PIP? Pay can be frozen
 - If you're above the midpoint, pat yourself on the back

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)		2. Social Security Number	3. Date of Birth	4. Effective Date
FIRST ACTION		SECOND ACTION		
5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action	
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority	
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority	
7. FROM: Position Title and Number		15. TO: Position Title and Number		
8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary
12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	
14. Name and Location of Position's Organization		22. Name and Location of Position's Organization		

Department of Justice **Executive Office for United States Attorneys**

Administratively Determined (AD) Pay Plan

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RED CIRCLED RATES						

Total pay with locality limited to \$170,700 in 2020. See [Schedule 9, Dec 26, 2019 Executive Order](#), for rates.

Increasing your Pay

- Know the office culture
- Let your supervisor know that you understand the pay system
- Compare your pay history against the midpoint
 - *Are you moving closer to the midpoint?*
 - *Falling behind the midpoint?*
- Compliment others
- Politely ask for a raise

Additional Resources

The screenshot shows the USA.net website interface. At the top, there is a navigation bar with the USA.net logo and several menu items: Quick Links, Legal Resources, Legal Programs, Personnel, Admin, Policies, Training, and District Information. Below the navigation bar, the main content area is titled "Pay and Compensation Corner". On the left side, there is a "Personnel" sidebar with links for "Search HR Site", "Contact List", and "Delegations of HR Authorities". The main content area features a prominent blue button for "2020 Annual Pay Review (APR) and" and a URL for "2020 APR Awards and APR Guidance PowerPoint". On the right side, there is a dark blue navigation menu with several categories: EMPLOYEE ASSISTANCE PROGRAM, EMPLOYEE RESOURCES, and HR STAFF RESOURCES. The "EMPLOYEE RESOURCES" category is expanded, showing links for Confidentiality, Personal Sustainability, Compensation, eOPF, Employee Personal Page, Employment Opportunities, and Leave. The "HR STAFF RESOURCES" category is also expanded, showing links for Benefits, Compensation (circled in orange), Forms, Leave, Recruitment, and Trends.

Additional Resources (continued)

- Locality Pay Definitions and Percentages:
 - <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2020/general-schedule/>

- AD Pay Handbook
 - *USAP 3-4.534.001*

- Director's Memos
 - *Check in late March*

Conclusion

- Please join today
 - <https://www.naausa.org>
 - *Payroll Deduction Available*

- Additional Questions
 - Adam.Hanna@gmail.com
 - 618-443-8576