1992—Subsec. (b)(7). Pub. L. 102–378, § 6(a)(1), amended par. (7) generally. Prior to amendment, par. (7) read as follows: ''whose position is with the Central Intelligence Agency, the General Accounting Office, or the Veterans Health Services and Research Administration;''.

Subsec. (b)(10). Pub. L. 102–378, § 6(a)(2)–(4), added par. (10).

1990—Pub. L. 101–376 amended section generally. Prior to amendment, section read as follows:

''(a) For the purpose of this subchapter—

''(1) 'employee' means—

''(A) an individual in the competitive service who is not serving a probationary or trial period under an initial appointment or who has completed 1 year of current continuous employment under other than a temporary appointment limited to 1 year or less; and

''(B) a preference eligible in an Executive agency in the excepted service, and a preference eligible in the United States Postal Service or the Postal Rate Commission, who has completed 1 year of current continuous service in the same or similar positions;

''(2) 'suspension' has the 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 Office of Personnel Management for a position that it has excepted from the competitive service; or

''(B) the President or the head of an agency for a position which is excepted from the competitive service by statute.

''(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.''

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–201 effective Oct. 1, 1996, see section 1635 of Pub. L. 104–201, set out as a note under section 1593 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 6(b) of Pub. L. 102–378 provided that:

''(1) The amendments made by subsection (a) [amending this section] shall apply with respect to any personnel action taking effect on or after the date of enactment of this Act [Oct. 2, 1992].

''(2) In the case of an employee or former employee of the Veterans Health Administration (or predecessor agency in name)—

''(A) against whom an adverse personnel action was taken before the date of enactment of this Act,

''(B) who, as a result of the enactment of the Civil Service Due Process Amendments (5 U.S.C. 7501 note) [Pub. L. 101–376], became ineligible to appeal such action to the Merit Systems Protection Board,

''(C) as to whom that appeal right is restored as a result of the enactment of subsection (a), or would have been restored but for the passage of time, and

''(D) who is not precluded, by section 7121(e)(1) of title 5, United States Code, from appealing to the Merit Systems Protection Board,

the deadline for bringing an appeal under section 7513(d) or section 4303(e) of such title with respect to such action shall be the latter of—

''(i) the 60th day after the date of enactment of this Act; or

''(ii) the deadline which would otherwise apply if this paragraph had not been enacted.''

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–376 applicable with respect to any personnel action taking effect on or after Aug. 17, 1990, see section 2(c) of Pub. L. 101–376, set out as a note under section 4303 of this title.

EFFECTIVE DATE

Subchapter effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95–454, set out as an Effective Date of 1978 Amendment note under section 1101 of this title.

§ 7512. Actions covered

This subchapter applies to—

(1) a removal;

(2) a suspension for more than 14 days;

(3) a reduction in grade;

(4) a reduction in pay; and

(5) a furlough of 30 days or less;

but does not apply to—

(A) a suspension or removal under section 7532 of this title,

(B) a reduction-in-force action under section 3502 of this title,

(C) the reduction in grade of a supervisor or manager who has not completed the probationary period under section 3321(a)(2) of this title if such reduction is to the grade held immediately before becoming such a supervisor or manager,

(D) a reduction in grade or removal under section 4303 of this title, or

(E) an action initiated under section 1215 or 7521 of this title.

(Added Pub. L. 95–454, title II, § 204(a), Oct. 13, 1978, 92 Stat. 1136; amended Pub. L. 101–12, § 9(a)(2), Apr. 10, 1989, 103 Stat. 35.)

PRIOR PROVISIONS

A prior section 7512, Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 528, related to adverse action against a preference eligible employee and procedures applicable to such adverse action, prior to repeal by Pub. L. 95–454, § 204(a).

AMENDMENTS

1989—Par. (E). Pub. L. 101–12 substituted ''1215'' for ''1206''.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101–12 effective 90 days following Apr. 10, 1989, see section 11 of Pub. L. 101–12, set out as a note under section 1201 of this title.

§ 7513. Cause and procedure

(a) Under regulations prescribed by the Office of Personnel Management, an agency may take an action covered by this subchapter against an employee only for such cause as will promote the efficiency of the service.

(b) An employee against whom an action is proposed is entitled to—

(1) at least 30 days' advance written notice, unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed, stating the specific reasons for the proposed action;