

The Burger Court Opinion Writing Database

United States v. Clark

454 U.S. 555 (1982)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

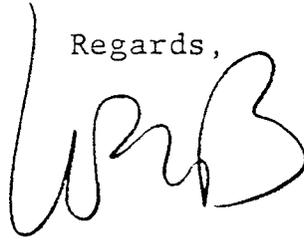
December 19, 1981

Re: No. 80-1121 - U.S. v. Clark

Dear Sandra:

I join.

Regards,

A handwritten signature in cursive script, appearing to read "W. E. B.", is written over the typed word "Regards,".

Justice O'Connor

Copies to the Conference

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

January 6, 1982

RE: No. 80-1121 United States v. Clark

Dear Sandra:

I agree.

Sincerely,



Justice O'Connor

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

December 14, 1981

RE: 80-1121 - U.S. v. CLARK

Dear Sandra:

I agree.

Sincerely yours,



Justice O'Connor

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bkh

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

January 7, 1982

Re: No. 80-1121 - United States v. Clark

Dear Sandra:

Please join me.

Sincerely,

T.M.
T.M.

Justice O'Connor

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

December 15, 1981

Re: No. 80-1121 - United States v. Clark

Dear Sandra:

Please join me.

Sincerely,



Justice O'Connor

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

December 12, 1981

80-1121 United States v. Clark

Dear Sandra:

Please join me.

Sincerely,

Lewis

Justice O'Connor

lfp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

December 15, 1981

Re: No. 80-1121 United States v. Clark

Dear Sandra:

Please join me.

Sincerely,



Justice O'Connor

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

December 14, 1981

Re: 80-1121 - United States v. Clark

Dear Sandra:

Please join me.

Respectfully,



Justice O'Connor

Copies to the Conference

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall ✓
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1121

UNITED STATES, PETITIONER *v.*
JOSEPH J. CLARK, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF CLAIMS

[December —, 1981]

JUSTICE O'CONNOR delivered the opinion of the Court.

The issue in this case is whether 5 U. S. C. § 5334 (b), which requires a two-step pay increase for federal employees "promoted . . . to a position in a higher grade," applies to prevailing wage rate employees promoted to General Schedule positions. We hold that it does not apply, and reverse the judgment of the Court of Claims.

I

This case involves the relationship between the two principal pay systems for federal employees and the pay treatment to which an employee moving from one system to another is entitled. Both systems are governed by title 5, United States Code.

One of the pay systems, the General Schedule (GS), 5 U. S. C. § 5331 *et seq.*, applies to federal "white collar" employees. See R. Vaughn, Principles of Civil Service Law 6.2(a), at 6-4 (hereinafter Vaughn). The GS is divided into 18 numbered grades; as the number of the grade increases, so do pay and responsibilities. 5 U. S. C. §§ 5104 and 5332. The grades are subdivided into rates of pay or "steps." 5 U. S. C. § 5332. The salary for each step of each grade in the GS is uniform nationwide.¹

¹The Federal Pay Comparability Act of 1970, 5 U. S. C. § 5301 *et seq.*,

STYLISTIC CHANGES ONLY

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall ✓
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

Circulated: _____

2nd
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SUPREME COURT OF THE UNITED STATES

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