U.S. DEPARTMENT OF EDUCATION	PMI 338-1* DATE 9-9-96
PERSONNEL MANUAL INSTRUCTION	APPROVED: *Veronica D. Trietsch* DIRECTOR, HUMAN RESOURCES GROUP

*Supersedes PMI 338-1, dated April 24, 1981, and PMB 338-2, dated March 18, 1991.

SUBJECT: Appointment Above Minimum Pay Rates Based on Superior and/or Unique Qualifications

I. AUTHORITY

   A. Section 5333, United States Code, and 5 Code of Federal Regulations (CFR), Part 531, Section 531.203, authorize appointments to positions at rates above the minimum rate for the grade when candidates possess superior and/or unique qualifications.

   B. The Office of Personnel Management (OPM) has delegated this authority to departments and agencies.

   C. The Director, Human Resources Group (HRG), is authorized to approve appointments above the minimum rate.

II. APPLICABILITY

   Appointments above the minimum rate may be authorized for positions subject to the General Schedule at grades GS-1 through GS-15. Such appointments may be made when the candidate possesses superior qualifications and/or unique qualifications or the agency has a special need for the candidate's services.

III. GENERAL REQUIREMENTS

   A. Appointments at above the minimum rate may be made only upon a new appointment or by reemployment after a break in service of at least 90 days.

      The 90 day break in service is not applicable to some types of temporary employment. For exceptions to the 90 day break in service requirement, see 5 CFR, 531.203 (b) (2) or contact your servicing personnel specialist, or the Personnel Policy Staff, in headquarters for a copy of the exceptions.

   B. Approval must be obtained in advance for appointments above minimum rates. Retroactive approvals will not be granted.

   C. A candidate's superior and/or unique qualifications for the position to be filled along with his/her forfeiture of existing pay should be considered jointly when deciding whether to ask for an above the minimum rate.

   D. When the conditions in III. C. are not met but there is a special need for the candidate's services, these services must be critical to the mission of the organization.

E.   If the candidate is being selected for appointment from an OPM certificate of eligibles, or a certificate issued under delegated examining authority, the candidate's score should be within the range of the scores of the other top candidates.

F.   Requests above 20 percent of the candidate's existing pay will not be granted. Existing pay is defined as the candidate's income from his/her present position and from any outside employment which forms a regular continuing portion of the candidate's total income and which the candidate will not be able to continue as a federal employee. Current bona fide offers of employment at a higher rate than the candidate's existing salary may also be considered and fringe benefits which are <u>substantially</u> superior to those offered by the government.

IV.   <u>PROCEDURES FOR OBTAINING AUTHORIZATION</u>

Selecting officials should submit documentation supporting their requests to their servicing personnel specialists. The documentation should address: (a) the superiority or uniqueness of the individual's qualifications and/or special need of the organization for the individual being selected; (b) why an advanced rate is being recommended instead of or in addition to a recruitment bonus; and (c) the loss of compensation that would occur if the individual was appointed at the minimum rate.

The servicing Team Leaders in headquarters, or Regional Personnel Officer, will review the documentation and make a recommendation to the Director, HRG. The information forwarded will include: (a) 2 copies of the SF-59 "Request for Approval of Noncompetitive Action"; (b) candidate's application and OF-306 "Declaration for Federal Employment"; (c) SF-39, and certificate of eligibles (if applicable); (d) position description; and (e) documentation supporting the request. After the Director makes a decision, a copy of the SF-59 and supporting information will be returned to the originating office which will establish appropriate files to retain the information.