

National Aeronautics and Space Administration



**NASA Desk Guide on the  
NASA Flexibility Act of 2004  
Version 3**

**Office of Human Capital Management  
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# Document History Log

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Basic	July 7, 2004	Basic Release
Revision	February 21, 2006	<ol style="list-style-type: none"> <li>1. General Information                             <ul style="list-style-type: none"> <li>• References the NASA Workforce Plan, Revision 1, dated June 6, 2005, as the source of the most current list of critical need competencies</li> <li>• Provides the new list of competencies representing NASA’s critical needs (page 6)</li> </ul> </li> <li>2. Compensation for Certain Excepted Personnel                             <ul style="list-style-type: none"> <li>• Updates section on approval authority to reflect current policy.</li> </ul> </li> <li>3. Recruitment, Redesignation, and Relocation Bonuses                             <ul style="list-style-type: none"> <li>• Adds references to the similar authorities in the Federal Workforce Flexibility Act and notes that the Desk Guide information pertains only to the authorities in the NASA Flexibility Act</li> <li>• Deletes outdated discussion on processing actions under NASA’s legacy system (NPPS)</li> </ul> </li> <li>4. Retention Bonuses                             <ul style="list-style-type: none"> <li>• Adds references to the Federal Workforce Flexibility Act and notes that the Desk Guide information pertains only to the authorities in the NASA Flexibility Act</li> <li>• Deletes outdated information on processing actions under NASA’s legacy system (NPPS)</li> </ul> </li> <li>5. Term Appointments                             <ul style="list-style-type: none"> <li>• Deletes outdated information on interim instructions for creating announcements in NASA STARS</li> </ul> </li> <li>6. Pay Authority for Critical Positions – no change</li> <li>7. Assignments of Intergovernmental Personnel                             <ul style="list-style-type: none"> <li>• Adds note referencing recent OPM instructions on processing details under the IPA program.</li> </ul> </li> <li>8. Distinguished Scholar Appointment Authority                             <ul style="list-style-type: none"> <li>• Deletes outdated information on interim instructions for creating announcements in NASA STARS.</li> </ul> </li> <li>9. Travel/transportation Expenses of New Appointees – no change</li> <li>10. Annual Leave Enhancements                             <ul style="list-style-type: none"> <li>• Adds reference to the similar provision in the Federal Workforce Flexibility Act of 2004</li> <li>• Deletes references to processing actions prior to the conversion to FPPS</li> </ul> </li> <li>11. SES Limited Appointments and Bonuses                             <ul style="list-style-type: none"> <li>• Clarifies information in “Background” section</li> </ul> </li> </ol>

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		pertaining to actions covered by this authority 12. Qualifications Pay – No Change
Revision  (Version 3)	April 2009	<ul style="list-style-type: none"> <li>• Reformatted to conform to new OHCM desk guide standards.</li> <li>• Added Section 1, Introduction; Section 2, References; and Appendix A, Acronyms and Abbreviations.</li> <li>• Renumbered remaining sections and added numbered paragraphs within the sections for readability.</li> <li>• Removed the reporting requirements from several sections when data can be obtained from the Federal Personnel and Payroll System.</li> <li>• Section 3 - removed the list of critical competencies and direct the reader to the critical competency list in the Human Capital Information Environment portal.</li> <li>• Sections 5 and 6 - added the requirement that Centers must obtain approval from OHCM before offering recruitment, redesignation, relocation, and retention bonuses to supervisors and managers.</li> <li>• Section 10 – added information regarding grade point averages that are not based on the 4.0 scale.</li> <li>• Section 11 – updated to show that NSSC now provides report data to Headquarters.</li> <li>• Section 12 – revised to inform the reader that the NASA Flexibility Act provision on enhanced annual leave for senior level positions was superseded by the Federal Workforce Flexibility Act of 2004.</li> </ul>

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## SECTION 1 – INTRODUCTION

This section provides an overview of the document content, as well as how the information is arranged.

### 1.1 Purpose

This desk guide is intended to provide the National Aeronautics and Space Administration (NASA) Human Resources (HR) personnel with operational and procedural guidance for using and reporting on the human capital authorities in the NASA Flexibility Act of 2004. You must use this guide in conjunction with the appropriate NASA Procedural Requirement.

### 1.2 Background

The Office of Human Capital Management (OHCM) prepared this desk guide to provide guidance to NASA personnel charged with responsibilities relating to implementing the provisions of the NASA Flexibility Act of 2004.

### 1.3 Applicability

This desk guide is applicable to NASA Headquarters and NASA Centers, including Component Facilities, the NASA Shared Services Center (NSSC), and the Office of the Inspector General. Unless otherwise stated, the use of the word Center(s) in the text of this document includes NASA Headquarters and the NSSC, and any reference to Center Director(s) includes the Executive Director, Headquarters Operations and the Executive Director, NSSC.

### 1.4 About This Document

This document contains information on regulations and processes relating to the NASA Flexibility Act of 2004. The following appendices are included in this document:

- Appendix A, Acronyms and Abbreviations
- Appendix B, Applicability of the NASA Flexibility Act Provision
- Appendix C, Objectives of the NASA Flexibility Act Provisions

**Note:** For your convenience, this document identifies some Web links. These links are correct as of this publishing; however, since Web links can be moved or disconnected at any time, we have also provided source information as available to assist you in locating the information.

## SECTION 2 – REFERENCES

The following references were used in the preparation of this desk guide:

- a. Pay Rates and Systems, 5 United States Code (U.S.C.) Chapter 53.
- b. Leave, 5 U.S.C. Chapter 63.
- c. General Provisions, 5 U.S.C. § 3372.
- d. Pay Authority for Critical Positions, 5 U.S.C. § 5377.
- e. Allowable Travel Expenses, 5 U.S.C. § 5706.
- f. Travel and Transportation Expenses of New Appointees and Student Trainees, 5 U.S.C. § 5723.
- g. Travel and Transportation Expenses of Employees Transferred; Advancement of Funds; Reimbursement on Commuted Basis, 5 U.S.C. § 5724.
- h. Recruitment and Relocation Bonuses, 5 U.S.C. § 5753.
- i. Retention Bonuses, 5 U.S.C. § 5754.
- j. Recruitment, Resignation, and Relocation Bonuses, 5 U.S.C. § 9804.
- k. Retention Bonuses, 5 U.S.C. § 9805.
- l. Term Appointments, 5 U.S.C. § 9806.
- m. Pay Authority for Critical Positions, 5 U.S.C. § 9807.
- n. Assignments of Intergovernmental Personnel, 5 U.S.C. § 9808.
- o. Distinguished Scholar Appointment Authority, 5 U.S.C. § 9810.
- p. Travel and Transportation Expenses of Certain New Appointees, 5 U.S.C. § 9811.
- q. Annual Leave Enhancements, 5 U.S.C. § 9812.
- r. Limited Appointments to Senior Executive Services Positions, 5 U.S.C. § 9813.
- s. Qualifications Pay, 5 U.S.C. § 9814.
- t. Reporting Requirement, 5 U.S.C. § 9815.
- u. Functions of Administration, 42 U.S.C. § 2473.



- v. NASA Flexibility Act of 2004, Public Law (P.L.) No. 108-201 (2004).
- w. Federal Workforce Flexibility Act of 2004, P.L. No. 108-411, (2004).
- x. Recruitment, Relocation, and Retention Incentives; Supervisory Differentials; and Extended Assignment Incentives, 5 Code of Federal Regulations (C.F.R.) Part 575.
  - Subpart A, Recruitment Incentives
  - Subpart B, Relocation Incentives
  - Subpart C, Retention Incentives
- y. Absence and Leave, 5 C.F.R. Part 630.
- z. NASA Policy Directive (NPD) 3000.1, Management of Human Resources.
- aa. NASA Procedural Requirements (NPR) 3530, NASA Pay and Compensation Policy.
- bb. NPR 3100.1, Management of the Senior Executive Service (SES).
- cc. NPR 3600.1, Attendance and Leave.
- dd. NASA Desk Guide on NASA Excepted (NEX) Employment (Processing and Benefits). The Desk Guide is available at <http://nasapeople.nasa.gov/references/deskguides.htm>.
- ee. NASA Desk Guide on the Intergovernmental Personnel Act. The Desk Guide is available at <http://nasapeople.nasa.gov/references/deskguides.htm>.
- ff. NASA Form (NF) 1449, Information Covering Persons Transferred or Appointed to First Duty Station.
- gg. NF 1450, Authorization – Change of Station.
- hh. NF 1716, Employee Service Agreement Relocation Bonus.
- ii. NF 1717, Employee Service Agreement Redesignation Bonus.
- jj. NF 1718, Employee Service Agreement Recruitment Bonus.
- kk. NF 1719, Employee Service Agreement Retention Bonus.
- ll. NF 1720, Statement of Understanding Conditions of Term Employment Competitive Appointment.
- mm. NF 1721, Statement of Understanding Conditions of Term Employment Non-Competitive Appointment.
- nn. NASA Interim Implementing Policies and Procedures.

- oo. NASA STARS User Guide, September 2005. To access this document, visit the following NASA Jobs page: <https://ifmpmsfc10.ifmp.nasa.gov/nasa/info/hrref.html>. Click the **HR User's Guide** link.
- pp. Office of Personnel Management (OPM) Guide to Processing Personnel Actions.
- qq. Standard Form (SF) 50, Notification of Personnel Action.
- rr. Workforce Competency Dictionary. To access this document, go to <https://cmstool.nasa.gov/dictionary.htm>, then on the left side of the screen, click the **DOWNLOAD DICTIONARY** button.

## **SECTION 3 – GENERAL INFORMATION**

### **3.1 The NASA Flexibility Act of 2004**

The NASA Flexibility Act of 2004 consists of over a dozen provisions designed to address a range of human capital challenges and to strengthen all levels of the workforce: fresh-out, mid-level, and senior-level positions. The provisions include incentives that enable NASA to compete successfully with the private sector in attracting and retaining a world-class workforce, as well as authorities that enable NASA to reshape and redeploy its workforce more effectively to support the Agency's Mission. Charts summarizing the scope of the provisions are contained in this desk guide in Appendix B, Applicability of the NASA Flexibility Act Provisions, and Appendix C, Objectives of the NASA Flexibility Act Provisions.

### **3.2 NASA's Critical Needs and the Competency Management System**

There are extensive annual Congressional reporting requirements associated with NASA's use of the provisions of this Act. They are defined in the portion of the Act codified in 5 U.S.C. § 9815. Although the specific reporting requirements for each provision differ, there is an item of information NASA must report for almost all of them: the extent to which the provision was used to address a critical need, as defined in the NASA workforce plan. More specifically, for the workforce authorities listed below, NASA must distinguish between instances in which the authority was used to address a critical need and all other instances in which the authority was used:

- Recruitment, redesignation, relocation, retention bonuses
- Term appointments/conversions
- Distinguished scholar appointments
- Enhanced annual leave
- Limited appointments to Senior Executive Service (SES) positions
- Qualifications pay actions

Therefore, in every instance of using any of those provisions, you must document whether the position associated with the action is a "critical need" position.

### **3.3 List of Critical Competencies**

Critical needs are described and identified in the NASA workforce plan in terms of NASA's most significant competency requirements — the competencies on which the Agency must focus its recruitment, retention, and development efforts to meet its human capital challenges. A current list of the critical competencies is available on the Human Capital Information Environment portal. The definition of each competency is contained in the Workforce Competency Dictionary.

### **3.4 Determining if the Position Addresses a Critical Need**

To determine whether the proposed use of an authority addresses one of NASA's critical needs, you must review the official position description associated with the action and determine whether any of the competencies linked to that position are critical competencies. For example, if you are appointing an individual under the Distinguished Scholar Appointment authority, you must look at

the position description to which the new hire will be appointed, identify the competencies associated with that position description, and determine whether any of them are critical competencies.

Usually a position will have several competencies associated with it, including a primary competency. At least one of the competencies associated with the position must be a critical competency for the position to address one of NASA's critical needs. However, it is not necessary that all of the competencies associated with the position be critical competencies in order for the position to address a critical need. Also, it is not necessary that the position's primary competency be a critical competency. In determining whether a specific position truly addresses a critical need, your decision must be based on the relative importance of the critical competency (or competencies) to the duties and the degree to which the individual possesses that competency.

### **3.5 Identifying the Position's Competencies**

Identifying the competencies associated with the position will require data from the Competency Management System (CMS). Position competencies are represented by Data Set 2 in the CMS database. If you do not already have access to CMS data, work with your Center's CMS Administrator to gain access. Also, in order to verify the required competencies, you will need to work with the management official who is taking the personnel action.

There are several ways to identify the competencies associated with the position.

1. If there is a previous incumbent, the CMS can be queried using that individual's name to identify the competencies associated with the position. Management must confirm that the competencies are still appropriate for the job.
2. If there is a similar position occupied by an individual that reflects the required competencies, a query can be made under that employee's name to identify the competencies associated with that position.
3. If the position is newly-established and there is no comparable occupied position, management must identify the required competencies using the Workforce Competency Dictionary.

Since NASA must report to Congress annually on its use of the authorities relative to addressing critical needs, any determination as to whether a position is linked to a critical need must be consistent with the data in the CMS (i.e., Data Set 2). This is particularly important in cases in which you are using an authority in connection with a newly-established position for which management has not yet entered the position competencies into the CMS. Management may identify the required competencies verbally in working with you on the action, but you must follow up to ensure that the decisions are reflected in the CMS position data.

### 3.6 Key Points to Remember

There are several key points you must remember regarding critical competencies and NASA Flexibility Act authorities.

1. The pay authority for critical positions can be used only when addressing a critical need.
2. Paying any recruitment, relocation, redesignation, or retention bonus under the NASA authority in an amount greater than 25% of the employee's annual rate of basic pay (excluding comparability payments) is limited to situations addressing a critical need.
3. The other authorities in the Act can be used in any appropriate situation (consistent with the law and NASA policies) even if the use is not addressing a critical need. Remember, however, that in such cases you must document that the use was not linked to a critical need in order to comply with the Congressional reporting requirement.
4. Finally, the law defines "critical needs" in terms of important safety, management, engineering, research, science, or operations requirements for purposes of applying the provisions of the NASA Flexibility Act. For that reason, nonmanagement positions associated with the purely administrative competencies (e.g., Acquisition and Contract Management) are not to be considered "critical competencies" in applying the provisions of the Act.

## **SECTION 4 – COMPENSATION FOR CERTAIN EXCEPTED PERSONNEL**

### **4.1 Background**

Section 2 of the NASA Flexibility Act of 2004 amends the Space Act (42 U.S.C. § 2473(c)(2)(A)) to raise the maximum allowable rate of pay for NASA Excepted (NEX) positions to level III of the Executive Schedule. Prior to this amendment, the rate of pay was capped at level IV of the Executive Schedule.

Although the “cap” on the maximum salary level has been raised, this does not mean that a current NEX employee who is paid at level IV of the Executive Schedule is entitled to be paid at a higher level or that it is appropriate to raise the employee’s rate of pay above the current limit. In determining the appropriate level of compensation, consideration should be given to factors such as the employee’s qualifications and performance, criticality of the position to the organization’s mission, labor market factors affecting NASA’s ability to recruit and retain employees with comparable skills, and salaries of employees performing comparable duties within and outside the organization.

### **4.2 Processing Actions**

No special Legal Authority Codes (LACs) or authorities need to be cited if pay is set above level IV of the Executive Schedule when processing an appointment or a conversion under the NEX authority.

Additionally, no special LACs or authorities need to be cited if a pay adjustment is made to a current NEX employee to increase the rate of pay above level IV of the Executive Schedule.

Refer to the NASA Desk Guide on NASA Excepted (NEX) Employment (Processing and Benefits) for specific information on processing actions associated with the NEX authority.

### **4.3 Approval Authority**

This authority does not change any existing policies regarding authority to appoint and compensate employees under the NEX authority. That authority has been delegated to the Associate Deputy Administrator for Institutions and Management.

## SECTION 5 – RECRUITMENT, REDESIGNATION, AND RELOCATION BONUSES

### 5.1 Background

The NASA Flexibility Act of 2004 enhances the original Federal-wide recruitment and relocation bonuses (in 5 U.S.C. § 5753 and 5 C.F.R. Part 575, Subparts A and B) in several ways, including:

- More generous monetary amounts may be approved for individuals.
- Bonuses may be paid under various payment schedules.
- Recruitment bonuses may be offered to Federal employees from other agencies—these are called “redesignation bonuses.”

The enactment of the Federal Workforce Flexibility Act of 2004 (Public Law 108-411) on October 30, 2004 revised the Federal-wide recruitment and relocation bonus authority —now called recruitment and relocation incentives — to enhance their effectiveness and flexibility in a manner that is similar to the NASA authorities. However, it is important to remember that the criteria for approving recruitment and relocation bonuses under the NASA authority are very different from the criteria for approving the corresponding incentives under the Federal-wide authority. The information in this desk guide pertains only to the authorities under the NASA Flexibility Act.

Before offering a bonus under the NASA Flexibility Act, make sure that the situation meets the criteria specified in the law and NASA’s implementing policies in NPR 3530, NASA Pay and Compensation Policy. Some of the key “checkpoints” you must consider are:

- Is the person a political appointee? If so, a bonus is prohibited.
- Have you adequately documented that the situation meets the basic eligibility requirements, as defined in Chapter 14 of NPR 3530?
- Have you determined that the bonus amount to be paid is consistent with the criteria for determining the bonus level, as defined in Chapter 14 of NPR 3530?
- If the proposed bonus is for an amount that exceeds 25% of base pay, excluding locality pay, is the individual being placed in a position that addresses a critical need? If not, the individual is not eligible for that bonus amount.
- Has the person signed a service agreement for a period not less than 6 months and not more than 4 years?
- If the proposed bonus is for an individual in a supervisory or management position, have you obtained approval from the OHCM’s Workforce Management and Development Division (WMDD)? The WMDD must verify that payment of bonuses will allow the Center to remain within the statutory limit that stipulates that not more than 25% of bonus money paid in any fiscal year (FY) may be given to supervisors/managers. (Note: In computing the totals, recruitment, redesignation, and relocation bonuses are combined as a single bonus category. Retention bonuses are treated as a separate category. Also, recruitment or relocation incentives under 5 U.S.C. § 5753 are not counted.)

## 5.2 Processing Actions

The instructions in this section pertain to processing recruitment, redesignation, and relocation bonuses provided in the NASA Flexibility Act of 2004, as codified in 5 U.S.C. § 9804. Processing bonuses is completed in the Department of the Interior’s (DOI’s) Federal Personnel and Payroll System (FPPS).

In FPPS, the following two distinct but related actions must be taken when processing bonuses under 5 U.S.C. § 9804:

1. Completing the SF 50.
2. Completing the FREN screen.

The SF 50 will be used to enter information into the Agency personnel and payroll system so that data can be retrieved to comply with reporting requirements on the usage of the bonus authorities. However, the payment schedule will not be reflected on the SF 50. Instead, at the time the SF 50 is being created, the user will be prompted to go to the FPPS Command FREN to complete a screen that will indicate the manner in which the bonus is to be paid.

### 5.2.1 Step 1 — Completing the SF 50

When processing SF 50s for recruitment, redesignation, and relocation bonuses under the NASA Flexibility Act of 2004, use the appropriate Nature of Action Code (NOAC), Nature of Action (NOA), and LAC shown below:

<b>Bonuses Under 5 U.S.C. § 9804</b>			
<b>Bonus Type</b>	<b>NOAC</b>	<b>NOA</b>	<b>LAC</b>
Recruitment	815	Recruitment Bonus	Z4A/P.L. 108-201, sec. 9804 (critical)
			Z4B/P.L. 108-201, sec 9804
Redesignation	826	Redesignation Bonus	Z4C/P.L. 108-201, sec. 9804 (critical)
			Z4D/P.L. 108-201, sec 9804
Relocation	816	Relocation Bonus	Z4E/P.L. 108-201, sec. 9804 (critical)
			Z4F/P.L. 108-201, sec 9804

If the position to which the bonus recipient is appointed is associated with a critical need competency, you must use the LAC that includes the parenthetical “critical” in the code. These are codes beginning with Z4A, Z4C, or Z4E. Otherwise, use the LAC that does not have “critical” in it (i.e., the codes beginning with Z4B, Z4D or Z4F). Refer to the discussion in Section 3, General Information, of this desk guide for information on identifying critical needs positions.

If the position is not associated with a critical need competency, the bonus recipient is limited to 25% of the annual rate of basic pay, excluding comparability payments.

In the award amount field (block 20 on the SF 50), indicate the amount of the bonus payments to be paid during the entire FY—not the amount to be paid over the life of the service agreement. For



example, if the effective date of the action is November 14, 2005, you will need to calculate the total bonus amount that will be paid between November 14, 2005, and September 30, 2006.

**Important:** The award field represents the total bonus amount paid in an FY. Total bonus amount paid in an FY is not the amount the employee actually receives in that FY. Instead, it is defined as the amount NASA authorizes to be paid in the paychecks corresponding to the pay periods that begin in that FY. For example, if a bonus is paid with the paycheck corresponding to the pay period that begins September 19, 2004, that bonus is included in the total amount of bonus payments for FY 2004, despite the fact that the employee will not receive the paycheck until October 12, 2004 (which falls in the next FY). This approach will simplify the calculations.

If a bonus will also be paid over a subsequent FY, you will need to process another SF 50 during that FY to capture the data for the annual report corresponding to that FY. For example, if a recruitment bonus is paid to an individual in biweekly installments beginning December 12, 2005 and ending December 26, 2006, two SF 50s must be processed. The first SF 50 must be processed with an effective date of December 12, 2005. The award amount must reflect the total amount that will be paid between December 12, 2005, and September 30, 2006. The second SF 50 must be processed with an effective date in the first pay period in October 2006. The award amount on the second SF 50 must reflect the total amount that will be paid between October 2006 and December 26, 2006.

## 5.2.2 Step 2 — Completing the FREN Screen

When entering the action into FPPS, the system will prompt the user to go to FPPS Command FREN to complete a screen that will indicate the manner in which the bonus is to be paid.

Three fields that must be completed on the screen are:

- Service Agreement End Date.
- Entitlement Amount — This reflects the total amount to be paid within the FY. This amount must match the amount on the SF 50 since that also reflects the total amount to be paid out in the FY.
- Frequency Indicator — You must select the indicator corresponding to the payment schedule. When the frequency indicator is selected, specific fields will be displayed in which you enter the payment information.

There are 10 distinct payment options, with corresponding indicator codes. The following chart defines the payment schedule options that are available in DOI's system:

Frequency Indicator Codes		
Code	Description	Payment Schedule
01	Pay period	Biweekly payments; first payment included with paycheck covering the bonus effective date. (If SF 50 effective date is 9/5/2004, first payment is included with paycheck for 9/5/2004 through 9/18/2004.)
02	Monthly	Paid monthly in equal installments, on the last pay period of the <b>next</b> full month. (If SF 50 effective date is 9/5/2004, first payment is paid on last pay period in October.)
03	Quarterly	Paid quarterly in equal installments, on the last pay period of the <b>next</b> full quarter. (If SF 50 effective date is 9/5/2004, first payment is paid on last pay period of quarter beginning 10/1/2004 (i.e., pay period beginning 12/26/2004).)
04	Lump sum	A single payment, paid with the paycheck covering the bonus effective date. (If SF 50 effective date is 9/5/2004, payment is included with paycheck for 9/5/2004 through 9/18/2004.)
05	Pay period + lump sum	Paid in equal installments on a biweekly basis, with the final payment being a lump sum amount that differs from the biweekly payment. (If SF 50 effective date is 9/5/2004, first payment is included with paycheck for 9/5/2004 through 9/18/2004. Lump sum payment follows the final "biweekly equal amount" payment and reflects the balance of the bonus.)
06	Monthly + lump sum	Paid in equal monthly installments with the first payment paid on the last pay period in the next full month and final payment being a lump sum amount that differs from the monthly payment. (If SF 50 effective date is 9/5/2004, first payment is paid on last pay period in October. The final lump sum payment is paid on pay period following the final monthly payment.)
07	Quarterly + lump sum	Paid in equal quarterly installments with first payment paid on the last pay period in the next full quarter and the final payment being a lump sum amount that differs from the quarterly payments. (If SF 50 effective date is 9/5/2004, first payment is paid on last pay period of quarter beginning 10/1/2004 (i.e., pay period beginning 12/26/2004). Next quarterly payments are paid in the same way. The final lump sum payment is paid on the next pay period following the last quarterly payment.)
08	Lump sum + biweekly	A lump sum payment is made, followed by biweekly payments in equal amounts. (If SF 50 effective date is 9/5/2004, the lump sum payment is included with paycheck for 9/5/2004 through 9/18/2004 and the biweekly payments commence with the next pay period.)
09	Lump sum + monthly	A lump sum payment is made, followed by monthly payments in equal amounts. (If SF 50 effective date is 9/5/2004, the lump sum payment is included with paycheck for 9/5/2004 through 9/18/2004. The first monthly payment is paid on the last pay period for the next full month (October).)

Frequency Indicator Codes		
Code	Description	Payment Schedule
10	Lump sum + quarterly	A lump sum payment is made, followed by quarterly payments in equal amounts. (If SF 50 effective date is 9/5/2004, the lump sum payment is included with paycheck for 9/5/2004 through 9/18/2004. The first quarterly payment is paid on last pay period of quarter beginning 10/1/2004 (i.e., pay period beginning 12/26/2004).)

### 5.3 Approval Authority

The approval levels for the NASA Flexibility Act bonuses are prescribed in NPR 3530.

### 5.4 Service Agreements

Refer to Chapter 14 of NPR 3530 for information on executing service agreements. Use the following agreements:

- NF 1716, Employee Service Agreement Relocation Bonus
- NF 1717, Employee Service Agreement Redesignation Bonus
- NF 1718, Employee Service Agreement Recruitment Bonus

## SECTION 6 – RETENTION BONUSES

### 6.1 Background

The NASA Flexibility Act of 2004 enhanced the original Federal-wide retention bonus authority (in 5 U.S.C. § 5754 and 5 C.F.R. Part 575, Subpart C) in several ways. More generous monetary amounts may be approved for individuals; the bonuses may be paid under various payment schedules; and retention bonuses may be paid to NASA employees who would otherwise leave to accept a position in another Federal agency.

The enactment of the Federal Workforce Flexibility Act of 2004 (Public Law 108-411) on October 30, 2004 revised the Federal-wide retention bonus authority—now called retention incentive—to enhance its effectiveness and flexibility in a manner that is similar to the NASA authority. However, it is important to remember that the criteria for approving the enhanced retention bonuses are very different from the criteria for approving retention incentives under the Federal-wide authority. The information in this desk guide pertains only to the authorities in the NASA Flexibility Act.

Before offering an enhanced retention bonus under the NASA Flexibility Act, make sure that the situation meets the conditions specified in the law and NPR 3530. Some of the key “checkpoints” you must consider are:

- Is the person a political appointee? If so, a bonus is prohibited.
- Have you adequately documented that the situation meets the basic eligibility requirements set forth in Chapter 15 of NPR 3530?
- Have you determined that the bonus amount to be paid is consistent with Chapter 15 of NPR 3530?
- If the proposed bonus is for an amount that exceeds 25% of base pay, excluding locality pay, is the individual in a position that addresses a critical need? If not, the individual is not eligible for that bonus.
- If the employee is being paid in other than biweekly payments, has he/she signed a service agreement for a period not less than 6 months and not more than 4 years?
- If the employee is being paid in biweekly installments, has he/she signed a statement of understanding?
- If the proposed bonus is for an individual in a supervisory or management position, have you obtained approval from OHCM’s WMDD? The WMDD must verify that payment of bonuses will allow the Center to remain within the statutory limit that stipulates that not more than 25% of bonus money paid in any FY may be given to supervisors/managers. (Note: In computing the totals, retention bonuses are not combined with any of the other NASA flexibility Act bonuses or retention incentives under 5 U.S.C. § 5754.)

### 6.2 Processing Actions

The instructions in this section pertain to processing retention bonuses under the NASA Flexibility Act of 2004, as codified in 5 U.S.C. § 9805. (If you are processing a retention incentive under the Federal-wide authority, you must follow the instructions in the OPM Guide to Processing Personnel Actions.) Processing retention bonuses is completed in DOI’s FPPS.

In FPPS, the following two distinct but related actions must be taken when processing a retention bonus under 5 U.S.C. § 9805:

1. Completing the SF 50.
2. Completing the FREN screen.

The SF 50 will be used to enter information into the Agency personnel and payroll system so that data can be retrieved to comply with reporting requirements on the usage of the authority. However, the payment schedule will not be reflected on the SF 50. Instead, at the time the SF 50 is being created, the user will be prompted to go to the FPPS Command FREN to complete a screen that will indicate the manner in which the bonus is to be paid.

### 6.2.1 Step 1 — Completing the SF 50

Use the following NOAC, NOA, and LAC when processing retention bonuses under NASA’s authority AND the bonus is being paid in biweekly payments. Select the appropriate LAC to indicate whether the bonus is paid to address a critical need.

<b>Retention Bonuses Under 5 U.S.C. § 9805 (BIWEEKLY Payments)</b>		
<b>NOAC</b>	<b>NOA</b>	<b>LAC</b>
810	Chg in Allow/Diff	Z4G/P.L. 108-201, sec. 9805 (critical) Z4H/P.L. 108-201, sec 9805

If the position to which the bonus recipient is appointed is associated with a critical need competency, you must use the LAC with the Z4G prefix. Otherwise, use Z4H. Refer to the discussion under Section 3, General Information, of this desk guide for information on identifying critical needs positions.

Use the retention allowance field (20D) to indicate the total amount of retention allowance to be paid in the FY. You must process a new 810 action if either of the following apply:

- Each FY if the underlying retention allowance percentage changes; or
- If the retention allowance is being paid on a biweekly basis as a percentage of the employee’s salary and the salary increases (e.g., due to a pay adjustment).

Use the following NOAC, NOA, and LAC when processing retention bonuses under NASA’s authority AND the bonus is being paid in other than biweekly payments. If the bonus is paid to address a critical need, use the LAC that begins with the Z4G prefix.

<b>Retention Bonus Under 5 U.S.C. § 9805 (OTHER THAN BIWEEKLY Payments)</b>		
<b>NOAC</b>	<b>NOA</b>	<b>LAC</b>
827	Retention Bonus	Z4G/P.L. 108-201, sec. 9805 (critical) Z4H/P.L. 108-201, sec 9805

If the position is **not** associated with a critical need competency, the bonus recipient is limited to 25% of the annual rate of basic pay, excluding comparability payments.

In the award amount field (block 20), indicate the amount of all retention bonus payments to be paid during that entire FY. For example, if the effective date of the action is November 14, 2004, you will need to calculate the total bonus amount that will be paid between November 14, 2004 and September 30, 2005.

**Important:** The award field represents the total bonus amount paid in an FY. Total amount paid in an FY is not the amount the employee actually receives in that FY. Instead, it is defined as the amount NASA authorizes to be paid in the paychecks corresponding to the pay periods that begin that FY. For example, if a bonus is paid with the paycheck corresponding to the pay period that begins September 19, 2004, that bonus is included in the total amount of bonus payments for FY 2004, despite the fact that the employee will not receive the paycheck until October 12, 2004 (which falls in the next FY). This approach will simplify the calculations.

If a bonus will also be paid over more than 1 FY, you must process an SF 50 at the beginning of each subsequent FY to capture the data for the annual report. For example, if a retention bonus is processed with an effective date of November 14, 2005, and is paid in monthly installments beginning December 26, 2005, and ending December 26, 2006, two SF 50s must be processed. The first SF 50 has an effective date in FY 2006 (November 14, 2005), so the award amount must reflect the total amount that will be paid through September 30, 2006. The second SF 50 will have an effective date in FY 2007 (i.e., October 2, 2006). The award amount on the second SF 50 must reflect the total amount that will be paid between October 2, 2006, and December 26, 2006.

### 6.2.2 Step 2 — Completing the FREN Screen

When entering the action into FPPS, the system will prompt the user to go to FPPS Command FREN to complete a screen that will indicate the manner in which the bonus is to be paid.

The three fields that must be completed on the screen are:

- Service Agreement End Date.
- Entitlement Amount — This reflects the total amount to be paid within the FY. This amount must match the amount on the SF 50 since that also reflects the total amount paid out in the FY.
- Frequency Indicator — You must select the indicator corresponding to the payment schedule. When the frequency indicator is selected, specific fields will be displayed in which you enter the payment information.

There are 10 distinct payment options, with corresponding indicator codes. The following chart defines the payment schedule options that are available in DOI's system:

Frequency Indicator Codes		
Code	Description	Payment Schedule
01	Pay period	Biweekly payments; first payment included with paycheck covering the bonus effective date. (If SF 50 effective date is 9/5/2004, first payment is included with paycheck for 9/5/2004 through 9/18/2004.)
02	Monthly	Paid monthly in equal installments, on the last pay period of the <b>next</b> full month. (If SF 50 effective date is 9/5/2004, first payment is paid on last pay period in October.)
03	Quarterly	Paid quarterly in equal installments, on the last pay period of the <b>next</b> full quarter. (If SF 50 effective date is 9/5/2004, first payment is paid on last pay period of quarter beginning 10/1/2004 (i.e., pay period beginning 12/26/2004).)
04	Lump sum	A single payment, paid with the paycheck covering the bonus effective date. (If SF 50 effective date is 9/5/2004, payment is included with paycheck for 9/5/2004 through 9/18/2004.)
05	Pay period + lump sum	Paid in equal installments on a biweekly basis, with the final payment being a lump sum amount that differs from the biweekly payment. (If SF 50 effective date is 9/5/2004, first payment is included with paycheck for 9/5/2004 through 9/18/2004. Lump sum payment follows the final "biweekly equal amount" payment and reflects the balance of the bonus.)
06	Monthly + lump sum	Paid in equal monthly installments with the first payment paid on the last pay period in the next full month and final payment being a lump sum amount that differs from the monthly payment. (If SF 50 effective date is 9/5/2004, first payment is paid on last pay period in October. The final lump sum payment is paid on pay period following the final monthly payment.)
07	Quarterly + lump sum	Paid in equal quarterly installments with first payment paid on the last pay period in the next full quarter and the final payment being a lump sum amount that differs from the quarterly payments. (If SF 50 effective date is 9/5/2004, first payment is paid on last pay period of quarter beginning 10/1/2004 (i.e., pay period beginning 12/26/2004). Next quarterly payments are paid in the same way. The final lump sum payment is paid on the next pay period following the last quarterly payment.)
08	Lump sum + biweekly	A lump sum payment is made, followed by biweekly payments in equal amounts. (If SF 50 effective date is 9/5/2004, the lump sum payment is included with paycheck for 9/5/2004 through 9/18/2004 and the biweekly payments commence with the next pay period.)
09	Lump sum + monthly	A lump sum payment is made, followed by monthly payments in equal amounts. (If SF 50 effective date is 9/5/2004, the lump sum payment is included with paycheck for 9/5/2004 through 9/18/2004. The first monthly payment is paid on the last pay period for the next full month (October).)

Frequency Indicator Codes		
Code	Description	Payment Schedule
10	Lump sum + quarterly	A lump sum payment is made, followed by quarterly payments in equal amounts. (If SF 50 effective date is 9/5/2004, the lump sum payment is included with paycheck for 9/5/2004 through 9/18/2004. The first quarterly payment is paid on last pay period of quarter beginning 10/1/2004 (i.e., pay period beginning 12/26/2004).)

### 6.3 Approval Authority

The approval levels for the NASA Flexibility Act bonuses are prescribed in NPR 3530.

### 6.4 Service Agreements

Refer to Chapter 15 of NPR 3530 for information on executing service agreements. Use NF 1719, Employee Service Agreement Retention Bonus, for this purpose.

A service agreement is not required if the individual is being paid the full percentage of the bonus in biweekly installments. However, the employee must sign a statement of understanding explaining the conditions under which the bonus will be paid and the conditions under which it may be terminated. Use NASA Form 1715, Statement of Understanding Retention Bonus/Allowance, for this purpose.



## **SECTION 7 – TERM APPOINTMENTS**

### **7.1 Background**

The NASA Flexibility Act of 2004 provides several flexibilities pertaining to term appointments. First, term appointments may be made (or extended) up to 6 years. Term employees may also be converted to career or career-conditional appointments under specific conditions. Since these flexibilities derive specifically from the Act and are not Federal-wide, you must cite NASA-unique LACs when processing actions associated with the authorities. In some cases, you must also include special remarks on the SF 50.

### **7.2 Advertising Vacancies**

The NASA STARS vacancy announcement builder does not contain a special template for term positions. Use the template that is most appropriate for the type of recruitment you are conducting. The system includes an array of standard statements that may be appropriately edited for the specific circumstances.

In creating a term announcement, keep the following points in mind:

- Announcements for term positions shall, as a matter of standard practice, state that the position has the potential to be extended for up to a maximum of 6 years, even if the initial appointment period is shorter. This does not create an obligation to extend the appointment to the maximum period, but it provides the Agency with the flexibility of doing so.
- Term announcements should include a standard statement in the “Other Information” section offering conversion eligibility to the individual(s) selected from the announcement. A consistent and broad use of this authority provides NASA with greater flexibility in using its workforce effectively and provides term employees with greater opportunities to pursue their career goals. If a selecting official feels strongly that a specific term announcement should not offer conversion eligibility to the selectee, the HR specialist must document the reason(s) for the decision in the case file.
- The “Who May Apply” section in the NASA STARS vacancy announcement builder contains standard language for use when term employees eligible for conversion to permanent appointments are included in the area of consideration for competitive placement opportunities.

### **7.3 Evaluating Eligibility for Conversion from Term to Permanent Appointment**

When applicants complete the “Supplemental Questions” during the application process, they will be asked about their NASA employment status. The available options include “NASA term employee with conversion eligibility.” This information is the basis for determining if the individual is eligible for consideration. As with other claims in the resume, term conversion eligibility must be verified before the final employment offer is made.

### 7.3.1 Step 1 — Verifying that an Employee Competed Under an Announcement Offering Conversion

When an employee is selected from a term announcement that offers conversion eligibility, the term appointment/conversion SF 50 must include a remark stating that fact. Inclusion of the remark on the SF 50 provides sufficient evidence of the employee's eligibility.

If the employee claims that he/she has competed under an announcement offering conversion eligibility but there is no corresponding remark on the employee's term appointment/conversion SF 50, you may be able to verify eligibility by reviewing the announcement from which the employee was selected. If the conversion statement was included on the announcement but the appropriate remark was not included on the SF 50 action, the employee is considered eligible. (If the remark was erroneously omitted from the appointment action, the SF 50 must be corrected.)

**Note:** An employee may be promoted or reassigned to a different term position after being selected for the position offering conversion eligibility. If an employee on a term appointment with eligibility for conversion to a permanent appointment is reassigned to another term position (without competition by way of a vacancy announcement stating that selectee will get conversion eligibility), he/she loses eligibility for conversion to a permanent appointment. If an employee on a term appointment with eligibility for conversion to a permanent appointment competes for another term appointment by way of a vacancy announcement stating that selectee will get conversion eligibility, his/her eligibility for conversion to a permanent appointment is based on the later action.

### 7.3.2 Step 2 — Verifying Length of Service

When an employee is appointed/converted to a term position on the basis of an announcement that offers conversion eligibility, the appointment/conversion SF 50 must include a remark indicating the length of the employee's current continuous service. The remark serves as the basis for calculating when the 2-year requirement for conversion eligibility has been met.

If the remark has been omitted, or there is a question regarding the accuracy of the information, it may be necessary to reconstruct the length of service from the employee's Official Personnel Folder (OPF). Qualifying service must be based on appointment in the competitive service — excepted service time is not creditable. Also, creditable service need not have been performed at NASA. For example, if an employee served under a competitive service term appointment at the National Science Foundation for 18 months before being converted, without a break in service, to a term position at NASA, he/she will meet the 2-year service requirement after 6 months of service at NASA.

### 7.3.3 Step 3 — Verifying Quality of Service

All NASA service must be verified by a final or interim performance appraisal documenting performance of at least “fully successful” or equivalent.

For non-NASA service, the employee is responsible for providing copies of performance appraisal(s) covering the relevant period(s) of service. For any period for which the employee has no appraisal, a signed statement by the supervisor or by an HR official may be substituted.

## 7.4 Processing Actions

### 7.4.1 Initial Term Appointment/Conversion to Term Appointment

When making an initial term appointment under the authority in 5 U.S.C. § 9806 or converting an employee to a term appointment under this authority, you must use the NOAC, NOA, and LAC from the table below. If the appointment, extension, or conversion is to a term appointment for a period of more than 4 years and/or the announcement associated with the action stated that there was potential for conversion to a career/career-conditional appointment, then you must use the codes listed in the following chart:

<b>Initial Term Appointment/Conversion to Term Appointment Under 5 U.S.C. § 9806</b>		
<b>NOAC/NOA</b>	<b>1st LAC</b>	<b>2nd LAC</b>
108- Term Appt NTE <b>or</b> 508- Conv to Term Appt NTE	Select appropriate LAC from Table 10-E in the Guide to Processing Personnel Actions	Z4J/P.L. 108-201, sec. 9806 (critical)
		Z4K/P.L. 108-201, sec 9806

### 7.4.2 Extension of Term Appointment Originally Made Under 5 U.S.C. § 9806

If you are extending a term appointment that was made initially under the provisions of 5 U.S.C. § 9806, use the NOAC, NOA, and LAC listed in the following chart:

<b>Extension of Term Appointment (That was Originally Made Under 5 U.S.C. § 9806)</b>	
<b>NOAC/NOA</b>	<b>LAC</b>
765- Ext of Term Appt NTE	Enter the same LAC as for the initial appointment. (This will be Z4J/PL 108-201, sec 9806 (critical) OR Z4K/PL 108-201, sec. 9806.

### 7.4.3 Extension of Term Appointment Originally Made Under Federal-wide Authority

If you are processing an extension of a term employee whose original appointment was not made under the NASA Flexibility Act, and you wish to extend the employee beyond 4 years, you must cite the LAC associated with the Act. There are three points to remember about such extensions:

- a. the total length of time of the initial appointment combined with the extension cannot exceed 6 years;
- b. the extension does not confer conversion eligibility; and
- c. there must not be any qualified and eligible Interagency Career Transition Assistance Program (ICTAP) candidates available.

<b>Extension of Term Appointment (If the Original Appointment was Made Under the Federal-wide Authority and the Extension is Under 5 U.S.C. § 9806 (i.e., beyond 4 years))</b>		
<b>NOAC/NOA</b>	<b>1st LAC</b>	<b>2nd LAC</b>
765 - Ext of Term Appt NTE	Enter same LAC as for the initial appointment	Z4J/P.L. 108-201, sec. 9806 (critical)
		Z4K/P.L. 108-201, sec 9806

### 7.4.4 Conversion from Term Appointment to Career/Career-Conditional Appointment Without Further Competition

If you are noncompetitively converting a term employee to a career/career-conditional appointment based on the employee having competed for his/her term position through open competitive examination that meets the requirements of 5 U.S.C. § 9806, use the NOAC, NOA, and LAC listed in the following chart:

<b>Conversion from Term Appointment to Career/Career-Conditional Appointment Without Further Competition</b>	
<b>NOAC/NOA</b>	<b>LAC</b>
500 – Conv to Career Appt	Z4L/P.L. 108-201, Sec. 9806 (critical)
<b>or</b>	
501 – Conv to Career-Cond Appt	Z4M/P.L. 108-201, Sec. 9806

### 7.4.5 Conversion from Term Appointment to Career/Career-Conditional Appointment Under Merit Competition

If you are converting a term employee to a career/career-conditional appointment under merit promotion procedures based on the employee having competed for his/her current term position through open competitive examination that meets the requirements of 5 U.S.C. § 9806, use the NOAC, NOA, and LAC listed in the following chart:

Conversion from Term Appointment to Career/Career-Conditional Appointment Under Merit Competition	
NOAC/NOA	LAC
500 – Conv to Career Appt or 501 – Conv to Career-Cond Appt	Z4S/P.L. 108-201, Sec. 9806 (critical)
	Z4T/P.L. 108-201, Sec. 9806

### 7.5 Remarks Associated with the Term Authority Under P.L. 108-201, as Codified in 5 U.S.C. § 9806

Specific remarks and remark codes are required when appointing, extending, or converting term employees under the Act.

Remarks Associated with the Term Authority Under P.L. 108-201, as Codified in 5 U.S.C. § 9806		
Situation	Remark	Code
If extending an appointment under P.L. 108-201, as codified in 5 U.S.C. 9806, but original appointment was made under a different authority.	Appointment is extended under P.L. 108-201, as codified in 5 U.S.C. 9806(a).	224
If appointment is made under P.L. 108-201, as codified in 5 U.S.C. 9806, for a period less than 6 years and announcement stated possibility of extension for up to 6 years.	Appointment may be noncompetitively extended for a maximum of 6 years under P.L. 108-201, as codified in 5 U.S.C. 9806(a).	225
If appointment is made under P.L. 108-201, as codified in 5 U.S.C. 9806, for a period of 6 years.	Appointment limited to 6 years under P.L. 108-201, as codified in 5 U.S.C. 9806(a).	226
Any appointment made under P.L. 108-201, as codified in 5 U.S.C. 9806.	Employee has competed under an announcement offering the potential for conversion to permanent appointment under P.L. 108-201, as codified in 5 U.S.C. 9806.	227
	Employee has current continuous term service under an appointment in the competitive service beginning on (date).	228

<b>Remarks Associated with the Term Authority Under P.L. 108-201, as Codified in 5 U.S.C. § 9806</b>		
<b>Situation</b>	<b>Remark</b>	<b>Code</b>
If employee appointed under P.L. 108-201 is converted noncompetitively to a career/career-conditional appointment.	Employee meets requirements under P.L. 108-201, as codified in 5 U.S.C. 9806(b) for noncompetitive conversion to career/career-conditional appointment.	229
If employee appointed under P.L. 108-201 is converted to a career/career-conditional appointment under internal competitive procedures.	Employee meets requirements under P.L. 108-201, as codified in 5 U.S.C. 9806(c) for conversion to career/career-conditional appointment under competitive placement procedures.	230

## 7.6 Approval Authority

There are no additional approval requirements associated with the term appointment authorities under the NASA Flexibility Act of 2004 beyond those requirements associated with appointing, converting, or extending a term employee under the Federal-wide authority.

## 7.7 Statements of Understanding

When appointing a term employee, you must have the employee sign the appropriate statement of understanding to ensure that he/she fully understands the nature of the term appointment. There are two different statements of understanding available for use:

- a. When the individual is placed into a term position under competitive procedures that provide eligibility for conversion to a permanent position, use NF 1720, Statement of Understanding, Conditions of Term Employment, Competitive Appointment.
- b. When the individual is placed into a term position under noncompetitive procedures that do not provide eligibility for conversion to a permanent position, use NF 1721, Statement of Understanding, Conditions of Term Employment, Non-Competitive Appointment.

## **SECTION 8 – PAY AUTHORITY FOR CRITICAL POSITIONS**

### **8.1 Background**

Section 9807 of the NASA Flexibility Act of 2004 modifies the pay authority for critical positions in 5 U.S.C. § 5377 in two ways. It delegates the critical pay authority to the Administrator and it permits the salary to be set up to the rate of the Vice President.

The criteria for approving critical pay under the NASA Flexibility Act are the same as the criteria under 5 U.S.C. § 5377. Specifically, the authority may be exercised only with respect to a position which:

1. requires expertise of an extremely high level in a scientific, technical, professional, or administrative field;
2. is critical to the agency's successful accomplish of an important mission; and
3. is necessary to recruit or retain an individual exceptionally well qualified for the position.

In addition, this pay authority is limited to positions that address a critical need as identified in the NASA workforce plan. Refer to the discussion in the section “General Information” of the desk guide for information on identifying critical need positions.

### **8.2 Processing Actions**

Use the same NOA/NOAC and LACs that you would use in processing an action using the critical pay authority provided in 5 U.S.C. § 5377. However, you must add “ZLM” and “P.L. 108-201, section 9807” immediately after the other authorities you use (as directed by the OPM Guide to Processing Personnel Actions).

### **8.3 Approval Authority**

The Administrator must approve the use of this authority. The authority may not be delegated.

### **8.4 Reporting Requirements**

Section 9815 of Title 5 U.S.C. requires NASA to report to Congress on an annual basis the number of positions for which the rate of basic pay was fixed under this authority in the FY and the number of positions for which such pay was terminated.

The Center Human Resources Office must maintain a record of each request for approval of the critical pay authority.

## SECTION 9 – INTERGOVERNMENTAL PERSONNEL ACT (IPA) ASSIGNMENTS

### 9.1 Background

Section 9808 of the NASA Flexibility Act of 2004 modifies the authority for IPA assignments in 5 U.S.C. § 3372(a) to allow NASA to extend an IPA assignment for up to 4 additional years beyond the initial 2-year period, not to exceed a total of 6 years.

This section only covers processing actions and reporting requirements. Refer to the NASA Desk Guide on the Intergovernmental Personnel Act for guidance on all other policies and procedures related to IPA assignments.

### 9.2 Processing Actions

NASA generally executes IPA agreements through details, rather than appointments, which do not require an SF 50.

If an IPA assignee is appointed, and you are extending the appointment for a period of time that would result in the total length of the assignment exceeding 4 years, process the extension action as follows:

NOAC	760
NOA	Ext of Appt NTE (date)
1st Auth Code	VPE
1st Authority	U.S.C. 3374
2nd Auth Code	ZLM
2nd Authority	5 U.S.C. 9808

(Refer to the OPM Guide to Processing Personnel Actions, Chapter 11, Excepted Service Appointments, for the NOAC, NOA, and the first authority code.)

**Note:** OPM requires that agency details (i.e., outgoing details) under the IPA program be documented on an SF 50. See Table 14-A in the Guide to Processing Personnel Actions. If processing an extension of a detail that would result in the total length of the assignment exceeding four years, you must add “ZLM” as the 2<sup>nd</sup> Authority Code and “5 U.S.C. 9808” as the 2<sup>nd</sup> Authority.

The total length of the assignment (including all extensions) cannot exceed 6 years.

### 9.3 Executing Agreements

No additional documentation is required on the IPA agreement form.



## **9.4 Approval Authority**

The approval levels for IPA assignments are prescribed in NPR 3300.1.

## **9.5 Reporting Requirements**

There are no additional reporting requirements beyond any reports that Centers must provide to the OHCM, for submission to OPM. However, Center submissions must annotate any extension of an IPA assignment that was made under the authority of 5 U.S.C. § 9808. Since the format for reporting data to OPM may change over time, specific instructions on how to annotate such extensions will be provided when OHCM sends the data call to the Centers.

## **SECTION 10 – DISTINGUISHED SCHOLAR APPOINTMENT AUTHORITY**

### **10.1 Deciding When to Use the Distinguished Scholar Authority**

The Distinguished Scholar (DS) appointing authority supplements, but does not replace, existing external hiring authorities. It can be used only in filling positions that meet the following criteria:

- The position must be classified in a professional or scientific occupational series covered by the Group Coverage Qualification Standard for Professional and Scientific Positions.
- The position must be filled at the GS-07 through GS-12. If the position has a higher full performance level than GS-12, you may still use DS to fill the job, provided that the position is not advertised at a grade higher than GS-12.
- Appointments made under the DS authority are career or career-conditional appointments in the competitive service. The DS authority cannot be used for a time-limited appointment (e.g., term appointment).

Once you have determined that a position meets the minimum requirements summarized above, you will want to work closely with the selecting official to determine whether the DS appointment authority is an appropriate recruitment method for the position being filled. Remember that you can recruit for a position using the DS authority while simultaneously using other hiring authorities, such as delegated examining.

This appointment authority is most beneficial when your recruitment strategy is focused on academic accomplishments, since candidates must have degrees appropriate for the grade levels for which they're applying and meet specific grade point criteria. For example, applicants for a GS-09 position must have at least a master's or equivalent degree. Unlike the delegated examining authority, they cannot qualify based on a bachelor's degree plus a year of experience equivalent to the GS-07 level.

The DS appointment authority is particularly appropriate for targeting recruitment toward “fresh-outs” who typically have little, if any, professional work experience. Individuals with excellent academic credentials, but who have little work experience, are often at a disadvantage in the delegated examining process, so using the DS authority helps to “level the playing field.”

### **10.2 Recruitment Processes Under the Distinguished Scholar Authority**

#### **10.2.1 Step 1 — Determining How Applicants will be Evaluated**

You must decide whether applicants will be screened only for basic qualifications and eligibility, or whether they will be further rated and separated into quality groups (or categories). In making this decision, you should consider the type of job being filled, the grade level(s), size of the likely candidate pool, and similar matters. It may be helpful to “visualize” the end result.

- If you screen only for basic eligibility and qualifications, you must refer all qualified and eligible candidates. Since all referred candidates will be considered to be equally well qualified, Career Transition Assistance Program (CTAP)/ICTAP candidates and veteran preference eligibles who meet the basic requirements have absolute priority over other

candidates. In the absence of CTAP/ICTAP candidates or veteran preference eligibles, the selecting official may select from among any of the referred candidates.

- If you evaluate candidates further based on job-related criteria, candidates must be grouped based on the possession of specific job-related skills. CTAP/ICTAP candidates must be evaluated as “well qualified” in order to be referred as priority candidates. Veteran preference will apply as appropriate for the grade level of the position being filled.
- You also must decide whether you wish to use the traditional quality group approach or whether you wish to apply the category rating process. The NASA STARS User Guide provides more details on the advantages and disadvantages of each approach.

Once you have decided on the method of evaluating applicants, the announcement must tell job seekers which method will be used.

### 10.2.2 Step 2 — Creating the Vacancy Announcement

Use the Distinguished Scholar announcement template within the NASA STARS vacancy announcement builder to create your announcement. Use the statements as they appear in the template, making appropriate additions and modifications. In using the template, keep these points in mind:

- **Qualification Requirements (General)** — The template automatically will include a statement about basic DS eligibility. You must select and include information about the requirements that match the grade level(s) of the position being filled.
- **Qualification Requirements (Education)** — The announcement must include information about the specific course work or fields of study applicable to the position (e.g., for AST positions).
- **Basis of Rating** — The template will auto-fill with the statement applicable to the quality grouping process. You will need to edit the template to select a different statement if you are only screening for basic qualifications and eligibility, or if you are using category rating.
- **Other Information** — The template will auto-fill with the ICTAP statement appropriate for quality grouping and category rating processes (i.e., further rating and ranking). If you are screening only for basic qualifications and eligibility, you will need to edit the block to select the statement called “Distinguished Scholar – Basic Eligibility CTAP/ICTAP Statement.”

### 10.2.3 Step 3 — Evaluating Candidates – Basic Qualifications and Eligibility

Because this appointment authority has very specific education-based eligibility requirements, all applicants must be screened to ensure they meet the minimum eligibility and qualifications requirements. You can use the system to do the screening for grade point average (GPA), date of graduation, and type of degree. In addition, you may include any required skills that will serve as screen out factors.

a. Grade point average

- In the “Grade Point Average” block, insert the lowest acceptable GPA. With the exception of GS-07 positions, this will be 3.5 (on a 4.0 scale). The system will read this as a minimum and include all candidates having GPAs of 3.5 or higher.

- If you are filling a position at the GS-07 level, there are two GPA requirements for individuals qualifying on the basis of a bachelor's degree: (1) the overall GPA and (2) the GPA for the field of study being used to qualify for the position. Applicants will be instructed to put the overall GPA in the GPA field, and to include their field of study GPA in the "Relevant Course Work" field. The system will screen for the overall GPA, which is 3.0, but you will need to manually review the information in the "Relevant Course Work" field to confirm that the applicant has at least a 3.5 GPA for the field of study. Applicants who fail to provide this information may be disqualified.
- To qualify for a DS appointment, a candidate must meet the specific GPA requirements associated with the grade level for which he/she is being considered. Unlike the "Superior Academic Achievement" criteria for qualifying at the GS-7 level, there are no alternative ways of qualifying for a DS appointment based on class standing or election to a national scholastic honor society.
- The relevant GPA requirements are those associated with the degree used to qualify for the position. For example, if an applicant is qualifying for a GS-09 position based on his/her master's degree, you only need to look for an overall GPA of 3.5 in graduate coursework in the field of study required for the position.

b. Candidates with GPAs not based on the 4.0 scale

If a candidate's grade point average is not based on a 4.0 scale, ask the candidate to provide information or a statement from the college or university regarding the equivalency of his/her GPA to the 4.0 scale.

c. Examples of evaluating GPA requirements

You are recruiting for several Chemist positions and considering candidates at the GS-07 and GS-09 levels. You are assessing the resumes of the applicants described below. (Assume that all degrees have been obtained within the required time frame.)

- 1.) Candidate A has a B.S. in Chemistry, with an overall GPA of 3.2 and a GPA of 3.8 in his Chemistry courses. He also has a year of work experience at a level equivalent to GS-07. Candidate A is eligible at the GS-07 level because he meets both the overall grade level requirements and the GPA for the relevant field of study. Since this is a DS announcement, the work experience cannot be used to qualify him at the GS-09 level.
- 2.) Candidate B has an M.A. in English with a GPA of 3.75. She also has a B.S. in Physical Science with an emphasis in Chemistry. Her overall GPA is 3.0 and her Chemistry GPA is 3.25. Candidate B is not qualified at either grade level. Although the GPA for her master's degree exceeds the minimum requirements, the degree is in English. Her B.S. is in a qualifying field, and her overall GPA meets the minimum, but her GPA of 3.25 for her Chemistry coursework does not meet the minimum criteria.
- 3.) Candidate C has an M.S. in Chemistry with a GPA of 3.4. He also has a B.S. in Chemistry with an overall GPA of 3.3 and a GPA of 3.6 in his Chemistry courses. Candidate C is qualified and eligible at GS-07 only, since those GPA parameters are the only ones meeting the DS criteria.
- 4.) Candidate D has an M.S. in Chemistry with a GPA of 3.6. She also has a B.S. in Chemistry with an overall GPA of 3.0 and a GPA of 3.3 in her Chemistry courses.

Candidate D is qualified at the GS-7 level. Although her B.S. degree does not meet the required GPA parameters, her M.S. degree does and it can be used to qualify her at the GS-07 level.

d. Date degree is received

To be eligible for a DS appointment, an applicant must have received the qualifying degree within 2 years of the date of appointment.

- The “graduation date” field will accept a range. Note that the “to date” does not include the designated month. For example, if you anticipate an Entrance on Duty (EOD) date of September 15, 2004, you will need to identify candidates with graduation dates between September 15, 2002 and September 15, 2004. The system parameters would be “9/2002 – 10/2004.” This will pick up anyone with a graduation date through September 30, 2004. When a tentative selection is made and an EOD date is established, you must confirm that the selectee’s graduation date falls within the 2-year window.
- You also may use projected graduation dates in the system. This is useful if you are conducting college recruitment and wish to consider candidates who are still in school.

e. Field of study and type of degree

Under the DS authority, candidates must meet specific degree requirements to qualify, regardless of work experience they might have.

- From the “Degree” section of the grammar base, select the category(ies) of degrees that are qualifying for the position you are filling. Each category type includes an array of specific degrees. For example, the category “Master’s” includes M.S., M.A., M.B.A., M.P.A. and numerous others. If only one kind of master’s degree is acceptable, identify that degree rather than the broader category. If many, but not all, of the degrees in the category are qualifying, select the entire category, but manually screen and remove those with non-qualifying degree types. (These scenarios would be unusual.)
- Candidates who have degrees at levels higher than the minimum qualifying level also must be considered. Therefore you must identify all potentially qualifying degree levels. The following chart explains the way this works:

Grade Level	Minimum Degree Requirement	Category Selections
GS-07	Bachelor’s	Bachelor’s, Master’s, Ph.D.
GS-09	Master’s	Master’s, Ph.D.
GS-11	Ph.D.	Ph.D.
GS-11 (Research)	Master’s	Master’s, Ph.D.
GS-12 (Research)	Ph.D.	Ph.D.

- When selecting the appropriate degree categories, do not mark them as “required.” If you do, only candidates who have listed all of the degrees will pass through the screening.

Don't forget that the degree used to qualify for the position must have been received within the last 2 years. For example, in response to an announcement for a GS-07 Electrical Engineer, you receive a resume from an individual who received an M.A. in Philosophy in December 2003, and a B.S. in Electrical Engineering in June 1999. It is now July 2004. This individual is NOT eligible. Although he/she received a degree within the last 2 years, that degree (in Philosophy) is not qualifying for the engineering position. The engineering degree is qualifying, but it was not received within the 2-year time frame.

f. Required skills

If appropriate for the job being filled, you may include **required** skills. (Do not use desired skills unless you are doing further rating and ranking. Desired skills are not appropriate for use in a “basic eligibility only” process.)

g. Evaluating candidates – Quality groups/categories:

If your announcement tells candidates that they will be placed in quality groups or categories (depending on the process you are using), you must identify additional desired skills from the Resumix grammar base (in addition to the basic qualifications and eligibility criteria described above). Follow the processes you normally would use for evaluating and grouping candidates.

#### 10.2.4 Step 4 — Referring Candidates

1. When Using Only Basic Qualifications and Eligibility: NASA STARS will return a list of candidates who meet the basic criteria. As usual, you will need to review those resumes to confirm the information. All candidates who meet basic qualifications and eligibility must be referred to the selecting official in alphabetical order, unless there are CTAP/ICTAP eligibles or veteran preference eligibles who take precedence in accordance with established requirements. In such cases, CTAP/ICTAP and preference eligibles must be selected before other candidates may be considered.
2. When Using Quality Groups or Categories: Follow the process you would normally use for referring candidates. Remember that CTAP/ICTAP candidates must be in the well-qualified group in order to be referred, and that veteran preference eligibles must be referred appropriately for the grade level of the position.

### 10.3 Processing Actions

Once a candidate has been selected and you have verified the individual's qualifications and eligibility, use the appropriate authority to process the action.

<b>Distinguished Scholar Appointment Under 5 U.S.C. § 9810</b>	
<b>NOAC/NOA</b>	<b>LAC</b>
101 – Career-Cond Appt	Z4N/P.L. 108-201, sec. 9810 (critical)
<b>or</b>	Z4P/P.L. 108-201, sec 9810
501 – Conv to Career-Cond Appt	

The proper LAC will depend upon whether the position is associated with a critical need as identified in the NASA workforce plan. Refer to the discussion under Section 3, General Information, of this desk guide for information on identifying critical need positions.

### 10.4 Approval Authority

There are no special approval requirements associated with the use of this authority.

## **SECTION 11 – TRAVEL/TRANSPORTATION EXPENSES OF NEW APPOINTEES**

### **11.1 Background**

Section 9811 of the NASA Flexibility Act of 2004 allows the Agency to pay the travel, transportation, and relocation expenses of a new appointee to the same extent, in the same manner, and subject to the same conditions as payments of such expenses under 5 U.S.C. § 5724, 5724a, 5724b, and 5724c. Those sections address payments to current Federal employees who are transferred to new duty locations in the interest of the United States (U.S.) Government.

This means that a new appointee, as defined in the NASA Flexibility Act of 2004 and NPR 3530, may be approved to receive the same travel benefits that a current Federal employee may receive in connection with a transfer to a new duty location.

This flexibility is not an entitlement. Travel authorizing officials must determine if the travel of a new appointee is in the interest of the U.S. Government, and then determine whether the individual will receive the standard travel benefits available to new hires under 5 U.S.C. § 5706b and 5723, or the more comprehensive benefits permitted in the NASA Flexibility Act of 2004.

The decision to authorize travel for new appointees must be communicated to all potential applicants by including an appropriate statement in the vacancy announcement.

### **11.2 Travel Authorization**

If an individual is approved for travel benefits allowed under 5 U.S.C. § 9811, you must ensure that the travel authorization documents are annotated accordingly. These documents are:

- NASA Form 1449, Information Covering Persons Transferred or Appointed to First Duty Location
- NASA Form 1450, Authorization – Change of Station

Annotate “FDS 5 USC 9811” for a first duty station move that provides for the enhanced travel benefits authorized by 5 U.S.C. § 9811. (The option of “FDS” refers to first duty station moves under the current Federal-wide law.)

### **11.3 Approval Authority**

This authority does not change any existing policies regarding travel authorization authority. Refer to NPR 9700.1, Travel, for more details.

### **11.4 Reporting Requirements**

The annual report to Congress must include the following information pertaining to NASA’s use of this authority in an FY:

- The average amount paid per appointee during the preceding FY.
- The largest amount paid to any appointee during the preceding FY.



The NASA Shared Services Center (NSSC) will be able to supply this information to Headquarters provided all Centers properly annotate the NF 1449, Information Covering Persons Transferred or Appointed to First Duty Station and the NF 1450, Authorization – Change of Station.

**Important:** As stated above, it is critical that the HR specialist ensure that in each instance in which the travel benefits under 5 U.S.C. § 9811 is authorized for a new appointee, the NF 1449 and/or NF 1450 is annotated under “Type of Move” to reflect “FDS – 5 USC 9811.”

## SECTION 12 – ANNUAL LEAVE ENHANCEMENT

**Note:** The information in this section pertains to the enhanced annual leave authority under the NASA Flexibility Act. A provision very similar to this authority became available to all Federal agencies—including NASA—with the enactment of the Federal Workforce Flexibility Act of 2004 (Public Law 108-411) on October 30, 2004. OPM issued implementing regulations for this authority on April 29, 2005. Although the new Federal-wide authority is similar to NASA’s authority, it has two features that the NASA authority lacks:

1. Qualifying experience can include work experience during a period of active duty in a uniformed service, so retired military personnel can receive credit for periods of active military service if the duties performed were related to the position for which being hired.
2. An employee whose leave accrual rate reflects credit for non-Federal service or active duty uniformed service is entitled to retain that service credit upon separating from the Federal service or transferring to another agency, provided the employee has completed 1 full year of continuous service with the appointing agency.

Consequently, the Federal-wide authority may be more advantageous than the NASA authority.

### 12.1 Background

The NASA Flexibility Act of 2004 contains two authorities pertaining to annual leave accrual rates for NASA employees.

1. Annual leave accrual for senior-level employees

Senior-level employees are entitled to accrue annual leave at the rate of 1 day for each full biweekly pay period. “Senior level employees” comprise employees in the SES, Senior Level (SL) system, Scientific and Professional (ST) system, and employees in an equivalent category whose rate of basic pay is greater than the rate payable at GS-15, step 10. (In determining whether an employee’s rate of basic pay is greater than GS-15/10, use the salary on the appropriate locality pay table.)

**Note:** This provision was superseded by a Federal-wide provision in the Federal Workforce Flexibility Act of 2004, which entitle employees who occupy senior-level positions (i.e., SES, ST, and SL) to earn 8 hours of annual leave per pay period. Therefore, the Federal-wide regulations in 5 C.F.R. 630.301 must be followed.

## 2. Annual leave accrual for non-senior level employees

A non-senior-level employee who is being considered for a new appointment is eligible to have appropriate non-Federal work experience be creditable towards his or her annual leave accrual rate. This is not an entitlement. Individual employees must be approved for this benefit. Also, only new appointees, as defined in the Act and the NASA Interim Implementing Policies and Procedures, issued May 5, 2004 (to be incorporated into NPR 3600.1, Attendance and Leave) may receive this benefit. Individuals already employed with NASA or employees transferring from other Federal agencies are not eligible.

The enhanced leave accrual rate benefit is available to them only while employed with NASA. If an employee who is receiving the enhanced leave accrual rate separates from NASA to transfer to another Agency, the employee's new leave accrual rate will be based on his/her qualifying Federal service only. However, the employee will be able to retain all accumulated leave.

## 12.2 Processing Actions

The following three fields must be completed in FPPS. If you enter data in one field you must enter data in all three.

### 12.2.1 Step 1 — Complete ENHANCED LEAVE INDICATOR Field

1. Non-senior level, critical need
2. Non-senior level, noncritical need

Select the indicator that corresponds to the competencies associated with the position in which the employee is placed (i.e., critical need competency or otherwise). Refer to the discussion under the "General Information" section of this desk guide for information on identifying critical needs positions.

### 12.2.2 Step 2 — Complete SCD ENHANCED LEAVE Field

Non-senior-level hire. If the employee is otherwise eligible for the enhanced leave benefit based upon the criteria in the NASA Interim Implementing Policies and Procedures (to be incorporated into NPR 3600.1, Attendance and Leave), and the conditions of the Act, *and* management has approved granting the benefit, you must document the period of qualifying non-Federal service that

is being credited to the appointee's leave accrual rate. Management is not required to credit *all* such experience.

To document the decision, you may wish to create a worksheet to document the dates and place of employment corresponding to the creditable experience. This approach may be helpful in recording such data in a uniform manner, but you also must address the criteria for approval as specified in the NASA Interim Implementing Policies and Procedures (to be incorporated into NPR 3600.1, Attendance and Leave).

Use your worksheet to calculate the employee's adjusted SCD after crediting him/her with any creditable service based on the Federal-wide rules in combination with the qualifying non-Federal service. Then enter the computed date in the SCD Enhanced Leave field.

### **12.2.3 Step 3 — Complete EFF DTE SCD ENHANCED LV Field**

Enter the date on which the employee is placed in the enhanced leave status.

Non-senior level new hire. This field must reflect the date of the appointment because the enhanced annual leave benefit cannot be given to a non-senior-level employee after he or she has been appointed.

## **12.3 Approval Authority**

Approval of the enhanced annual leave benefit for *non-senior-level employees* is delegated to Center Directors and may be redelegated in accordance with NPD 3000.1.

## **12.4 Termination of the Benefit**

The enhanced accrual rate applies to an employee only while employed with NASA. Upon transfer to another Federal agency, the employee's creditable service for annual leave accrual will be determined by the gaining agency in accordance with 5 U.S.C. Chapter 63. (Any leave accumulated by the employee at the time of transfer is retained.)

It is important that employees receiving this benefit understand that the enhanced annual leave accrual rate will terminate upon transferring to another agency, unless the gaining activity has authority under separate legislation to authorize it. You may wish to advise employees of this through a memorandum of understanding. In addition, the following remark must be placed on SF 50s for appointment actions in which the new hire will receive the benefit:

The employee's annual leave accrual rate was set pursuant to P.L. 108-201, as codified in 5 U.S.C. 9812. In the event the employee leaves NASA and is employed subsequently in another position subject to the provisions of 5 U.S.C. Chapter 63, the employee's service credit for annual leave and annual leave accrual rate will be determined by the gaining agency in accordance with 5 U.S.C. Chapter 63.

**Note:** The DOI's system allows free-form remarks to be added to SF 50s.

## SECTION 13 – SES LIMITED APPOINTMENTS AND BONUSES

### 13.1 Background

The NASA Flexibility Act of 2004 provides for two distinct, but related, authorities pertaining to limited appointments to SES positions. The authorities are codified in 5 U.S.C. § 9813. First, it permits filling either a Career Reserved SES position or an SES General position on a temporary basis (not limited to project-based needs or emergencies) to meet short-term needs. Second, it authorizes paying performance awards (i.e., SES bonuses) to individuals appointed under this authority.

### 13.2 Processing Actions

#### 13.2.1 Processing Appointment Actions Under 5 U.S.C. § 9813

Use the NOAC, NOA, and LACs in the table below to process the action, referring also to the OPM Guide to Processing Personnel Actions. Note that the NOA could be a conversion to SES Ltd Term Appt NTE or an SES Ltd Term Appt NTE.

<b>Limited Appointments to SES Career Reserved Positions Under 5 U.S.C. § 9813</b>	
<b>NOAC/NOA</b>	<b>1st LAC</b>
Select appropriate NOA/NOAC from Table 13-A in Guide to Processing Personnel Actions	Z4V/P.L. 108-201, sec. 9813 (critical)
	Z4W/P.L. 108-201, sec. 9813

If a limited appointment made under the authority in 5 U.S.C. § 9813 is extended, use:

<b>Extensions of Limited Appointments to SES Career Reserved Positions (That were Originally Made Under 5 U.S.C. § 9813)</b>	
<b>NOAC/NOA</b>	<b>1st LAC</b>
762 Ext of SES Limited Appt NTE (date)	Z4V/P.L. 108-201, sec. 9813 (critical)
	Z4W/P.L. 108-201, sec. 9813

For appointments (and conversions and extensions), the proper LAC will depend upon whether or not the position is associated with a critical need as identified in the NASA workforce plan. Refer to the discussion under Section 3, General Information, of this desk guide for information on identifying critical need positions. If the appointment, conversion or extension is to a critical need position, you must use the LAC that begins with Z4V. It is crucial that you verify the critical need status of the position in order to ensure proper reporting of NASA's use of this flexibility.

### 13.2.2 Processing Performance Awards Under 5 U.S.C. § 9813

Use the following NOAC, NOA, and LAC when processing a performance award for an individual who was appointed under 5 U.S.C 9813.

<b>SES Performance Award under 5 U.S.C. § 9813 (For Individuals Appointed under 5 U.S.C. § 9813)</b>		
<b>NOAC</b>	<b>NOA</b>	<b>LAC</b>
879	SES Performance Award	ZLM 5 U.S.C. 9813

### 13.3 Approval Authority

The approval levels for limited appointments to SES Career Reserved positions under the NASA Flexibility Act are the same as existing approval levels for SES limited term appointments under the Federal-wide authority (see NPR 3100.1, Management of the Senior Executive Service).

## SECTION 14 – QUALIFICATIONS PAY

### 14.1 Background

The qualifications pay authority of the NASA Flexibility Act of 2004, codified in 5 U.S.C. § 9814, authorizes NASA to set the pay of General Schedule employees at any step within the pay range for the grade of the position when the employee is assigned new duties OR assigned to a new position; AND the employee possesses unusually high or unique qualifications related to the new duties.

The authority may not be used when setting pay for newly hired employees (i.e., employees who at the time of appointment are not currently employed in a Federal position).

### 14.2 Processing Actions

To process an action that establishes an employee's step and rate of pay based on the qualifications pay authority in 5 U.S.C. § 9814, use the following codes:

<b>Qualifications Pay Under 5 U.S.C. § 9814 (Internal and External Actions)</b>			
	<b>NOAC/NOA</b>	<b>1st LAC</b>	<b>2nd LAC</b>
<b>Setting pay: Internal candidates</b>	Select appropriate NOAC/NOA from Chapter 14 of Guide to Processing Personnel Actions	Select appropriate LAC from Chapter 14 of GPPA	Z4X/P.L. 108-201, sec. 9814 (critical)
			Z4Y/P.L. 108-201, sec 9814
<b>Setting pay: External candidates (transfers, conversions)</b>	Select appropriate NOAC/NOA from appropriate chapter on appointments in Guide to Processing Personnel Actions	Select appropriate LAC from appropriate chapter on appointments in GPPA	Z4X/P.L. 108-201, sec. 9814 (critical)
			Z4Y/P.L. 108-201, sec 9814

The following remark must be used on all actions effecting qualifications pay:

<b>Remarks Required with the Qualifications Pay for Internal and External Actions Under P.L. 108-201, as Codified in 5 U.S.C. § 9814</b>	
<b>Remark</b>	<b>Code</b>
The employee's pay for this position was set pursuant to P.L. 108-201, as codified in 5 U.S.C. 9814. If the employee remains in this position (or a successor position) for 1 year commencing with the date of this action, pay earned under this position may be used in succeeding actions to set pay under 5 U.S.C. Chapter 53. If the employee leaves the position before completing 1 year in the position, pay will be set under NASA's (or the gaining Agency's) pay setting policy, but pay earned pursuant to 5 U.S.C. 9814 cannot be used to set pay in the new position.	231



### **14.3 Approval Authority**

NASA Center Directors and the Assistant Administrator for Human Capital Management are authorized to set pay under this provision. This authority may be re-delegated in accordance with NPD 3000.1.

## APPENDIX A – ACRONYMS AND ABBREVIATIONS

Acronyms that are used in this guide are identified upon first use in this document. Thereafter, the acronym is used. In cases where the first or only instance of the use of an acronym is in a table or graphic, it may not be spelled out on first reference. Since many acronyms and abbreviations have multiple meanings, the following list includes those used in this guide and the applicable meaning:

ACRONYM/ ABBREVIATION	MEANING
C.F.R.	Code of Federal Regulations
CMS	Competency Management System
CTAP	Career Transition Assistance Program
DOI	Department of the Interior
DS	Distinguished Scholar
EOD	Entrance on Duty
FPPS	Federal Personnel and Payroll System
FY	fiscal year
GPA	grade point average
HR	Human Resources
ICTAP	Interagency Career Transition Assistance Program
LAC	Legal Authority Code
NASA	National Aeronautics and Space Administration
NEX	NASA Excepted
NF	NASA Form
NOA	Nature of Action
NOAC	Nature of Action Code
NPD	NASA Policy Directive
NPR	NASA Procedural Requirements
NSSC	NASA Shared Services Center
OHCM	Office of Human Capital Management
OPM	Office of Personnel Management
P.L.	Public Law
SCD	Service Computation Date
SES	Senior Executive Service
SL	Senior Level
ST	Scientific and Professional
U.S.	United States
U.S.C.	United States Code
WMDD	Workforce Management and Development Division

**APPENDIX B – APPLICABILITY OF THE NASA FLEXIBILITY ACT PROVISIONS**

Provision	Applies to New Appointees	Applies to Current Employees
Recruitment Bonuses	X	
Relocation Bonuses	Transfers	X
Retention Bonuses		X
Redesignation Bonuses	Transfers	
Expanded Use of Term Appointments	X	X
Pay Authority for Critical Positions	X	X
Extension of IPA Assignment Period	X	X
Distinguished Scholar Appointment Authority	X	X
Enhanced Travel Benefits for New Hires	X	
Enhanced Annual Leave for New Hires	X	
Expanded SES Limited Appointment Authority	X	X
Qualifications Pay	Transfers	X
Increase in the Maximum Rate of Pay for NEX employees	X	X
Science and Technology Scholarship Program	X	

**APPENDIX C – OBJECTIVES OF THE NASA FLEXIBILITY ACT PROVISIONS**

<p><b>Incentives to Attract New Talent</b></p> <p>Recruitment, redesignation &amp; relocation bonuses</p> <p>Greater travel benefits for new hires</p> <p>Enhanced annual leave for new hires</p> <p>Enhanced critical pay authority</p> <p>Higher cap on NEX rate of pay</p>	<p><b>Streamlined &amp; Flexible Hiring Authorities</b></p> <p>Distinguished Scholar hiring authority</p> <p>More flexible term appointments</p> <p>More flexible SES limited term authority</p> <p>Streamlined critical pay authority</p>
<p><b>Tools to Retain &amp; Leverage Existing Talent</b></p> <p>Relocation and retention bonuses</p> <p>Qualifications pay</p> <p>Streamlined process for converting terms</p> <p>Flexibility in filling Limited Term SES positions</p> <p>Enhanced critical pay authority</p> <p>Higher cap on NEX rate of pay</p>	<p><b>Building the Pipeline and Strengthening Mission Capability</b></p> <p>Science and Technology Scholarship Program</p> <p>Longer IPA assignments</p>

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