

| [NODIS Library](#) | [Human Resources and Personnel\(3000s\)](#) | [Search](#) |



NASA Procedural Requirements

COMPLIANCE IS MANDATORY

NPR 3300.1A
Effective Date: April 08, 2005
Expiration Date: April 08,
2010

[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

Subject: Appointment of Personnel To/From NASA w/Change 2 (05/22/2007)

Responsible Office: Office of Human Capital Management

| [TOC](#) | [Preface](#) | [Change History](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) |
[Chapter6](#) | [Chapter7](#) | [Chapter8](#) | [Chapter9](#) | [Chapter10](#) | [ALL](#) |

Chapter 9. Term Appointment Authority

9.1. References

9.1.1. Section 9806 of the NASA Flexibility Act of 2004 (PL 108-201), as codified in title 5 U.S.C. (Hereafter referred to as "the Act.")

9.1.1. 5 Code of Federal Regulations, Part 316, Subpart C.

9.2. Responsibility

The Human Resources Director at each NASA Center is responsible for implementing the term authorities outlined in the Act as prescribed in this chapter.

9.3. Introduction

This material provides guidance on implementing and applying the new human resources flexibilities with respect to term appointments and conversions in the NASA Flexibility Act of 2004.

9.4. Definitions

9.4.1. Term Appointment - A nonpermanent appointment made for up to a maximum of 6 years. Reasons for making a term appointment include, but are not limited to, project work, extraordinary workload, scheduled abolishment, reorganization, contracting out of the function, uncertainty of future funding, or the need to maintain permanent positions for placement of employees who would otherwise be displaced from other parts of the organization.

9.4.2. Same Geographic Location - For purposes of this provision, this term is defined to mean the same Center (as that in which the employee is currently working), or any satellite unit serviced by the human resources office for that Center.

9.4.3. Current Continuous Service - A period of time, beginning at the present and extending back through all periods of term employment in the competitive service not separated by a break of 3 or more days. The service need not have been performed solely at NASA and may have occurred in one or more Federal agencies.

9.4.4. Critical Need - Competency area in which the Agency is, or will be, at risk, as identified in the NASA Workforce Plan prescribed by the Act.

9.5 Exception

This authority may not be used in connection with a political appointee who holds a position that has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating

character ("Schedule C position"); or a position in the Senior Executive Service as a noncareer appointee as such term is defined in S 3132(a) of title 5, United States Code.

9.6. Making or Extending Term Appointments for up to 6 Years

9.6.1. Appointments Made Prior to the Implementation of the Act

9.6.1.1. Any term employee whose current appointment offered the potential to serve the full 4-year maximum period may be noncompetitively extended up to 6 years, PROVIDED THAT:

a. There are no qualified and available Interagency Career Assistance Transition Program (ICTAP) eligibles; AND b. The extension covers the same position in the same organization as that in which the employee is currently working.

9.6.1.2. Term employees whose current appointment does not provide for a full 4-year period of service must be extended beyond the period originally stipulated through competitive procedures.

9.6.2. Extension of Appointments Made After the Implementation of the Act

9.6.2.1. Announcements for term positions will, 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 for a shorter period.

9.6.2.2. Based on the preceding, all term appointments may then be extended for up to 6 years on a noncompetitive basis.

9.7. Advertising Vacant Positions

9.7.1. Term Positions

9.7.1.1. In the absence of compelling reasons not to do so, all vacancy announcements to fill term positions will state that individuals selected under this announcement will be eligible for conversion to permanent appointment under the provisions of the Act.

9.7.1.2. If management determines that it is not appropriate for the vacancy announcement to offer a conversion opportunity, the responsible human resources specialist will document the case file as to the reasons for that decision.

9.7.2. Permanent Positions

Announcements for permanent positions may include a statement that term employees who meet the requisite eligibility criteria may compete under competitive placement procedures and, if selected, be converted to permanent appointment.

9.8. Basic Requirements For All Conversions of Term Employees

9.8.1. The employee was selected for the term position under Title 5 competitive procedures, and the announcement stated that the individual(s) selected may be eligible for conversion to permanent appointment.

9.8.2. The individual has at least 2 years of continuous service under a term appointment in the competitive service.

9.8.3. The individual's performance is fully successful or better.

9.8.3.1. Formal performance documentation is required to support this determination.

9.8.3.2. Documentation is required for the entire 2-year period upon which eligibility is based.

9.9. Requirements for Noncompetitive Conversion

9.9.1. Any employee who meets all of the preceding criteria, and who meets all of the following requirements is eligible for noncompetitive conversion to a permanent appointment.

- a. It must be in the same geographic location;
- b. In the same occupational series; and
- c. Have no greater promotion potential than the term position currently held.

9.9.2. No term employee has an entitlement to a noncompetitive conversion. Even if an eligible employee is available and interested, management still may elect to require competition, selecting the candidate best qualified for the position.

9.10. Requirements for Competitive Conversion

9.10.1. Term employees who meet the basic eligibility requirements, but who do not meet all of the requirements for noncompetitive conversion, may be considered under competitive placement procedures.

9.10.2. When management does not wish to make a noncompetitive selection, employees eligible for noncompetitive action may apply and be considered under competitive procedures.

9.11. Referring Term Employees for Selection Consideration Under Competitive Placement Procedures (CPP)

9.11.1 Term employees may apply to any CPP announcement open to term employees with conversion eligibility under the NASA Flexibility Act of 2004.

9.11.2 Qualified term employees will be referred and considered equally with other candidates.

9.11.3 Term employees who apply based on their eligibility for conversion will be presumed to be correctly identified. No further validation of eligibility, e.g., level of performance, will be required prior to referral.

9.11.4 Term employees who are eligible for noncompetitive conversion will be referred on the list of candidates eligible for noncompetitive selection.

9.12. Advising Employees

All new term employees should be informed regarding NASA's term authorities when they are appointed.

9.13. Reporting Requirements

9.13.1. All conversions of term appointments under these provisions are to be in accordance with the format prescribed by Headquarters, Office of Human Capital Management. Information is to be provided to Headquarters as requested, but not less than annually at such dates specified, to ensure compliance with annual congressional reporting requirements.

9.13.2. Each Center shall, at a minimum, maintain data on the total number of term appointments converted to permanent, and of those, the number of appointments that were made to address a critical need.

9.13.3. Centers may maintain additional information as they deem useful and appropriate.

| [TOC](#) | [Preface](#) | [Change History](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) |
[Chapter5](#) | [Chapter6](#) | [Chapter7](#) | [Chapter8](#) | [Chapter9](#) | [Chapter10](#) | [ALL](#) |

| [NODIS Library](#) | [Human Resources and Personnel\(3000s\)](#) | [Search](#) |

DISTRIBUTION: **NODIS**

This Document Is Uncontrolled When Printed.
Check the NASA Online Directives Information System (NODIS) Library
to Verify that this is the correct version before use: <http://nodis3.gsfc.nasa.gov>
