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NASA Procedural Requirements

COMPLIANCE IS MANDATORY

NPR 3300.1B

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Request Notification of Change (NASA Only)

Subject: Appointment of Personnel To/From NASA

Responsible Office: Office of Human Capital Management

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Chapter 4. Employment of Experts and Consultants

4.1 Responsibility

4.1.1 Center Directors are authorized to certify appointments and extensions of appointments of experts and consultants. This authority may be redelegated in accordance with NPD 3000.1, Management of Human Resources.

4.1.2 Center Human Resources Directors shall establish controls to ensure that notification is provided to the Center HR office whenever an expert or consultant employed on an intermittent basis approaches the 130-day limit in a service year.

4.2 Introduction

4.2.1 The policies in this chapter apply to the appointment of experts and consultants as Federal employees and do not apply to the procurement of services by contracts under Federal procurement laws.

4.2.2 This authority shall be used to obtain specialized opinions not available within NASA or another agency; outside points of view to avoid too limited judgment on critical issues; advice on developments in industry, academic, and foundation research; opinions of noted national and international authorities; advisory participation of members of the general public, especially scientists and engineers, in the development of NASA programs; and assistance in the evaluation of highly technical and complex contract proposals. The use of this authority shall be kept to an essential minimum.

4.3 Restrictions

4.3.1 Consulting services shall not:

- a. Be used under any circumstances to aid in influencing or enacting legislation.
- b. Be arranged in such a way that gives preferential treatment to former Federal employees.
- c. Be arranged using cooperative agreements as the legal instruments for the consulting service arrangement.

4.4 Employment Conditions

4.4.1 An expert or consultant serving under a temporary appointment may have a full-time work schedule, which means a regular requirement to work a 40-hour workweek (or 80 hours per pay period), or a part-time work schedule, which means working on a prearranged schedule requiring fewer hours or days of work than those of full-time employees. They may also serve in intermittent appointments, without a regularly scheduled tour of duty.

4.4.2 In determining rates of compensation for an expert or consultant, consideration shall be given to such factors as the importance, difficulty, or urgency of the subject matter, market research on salaries for similar work (for comparison purposes), and the organizational level at which he/she might be assumed to be operating within NASA.

4.4.3 Generally, the statutory prohibitions on conflicts of interest apply. However, a consultant or expert who is expected to work no more than 130 days in any period of 365 consecutive days may qualify for treatment as a Special Government Employee. Such employees are subject to most, but not all, of the prohibitions that apply to regular employees. Individuals should consult with the Designated Agency Ethics Official or his/her designee regarding whether the employee qualifies as a Special Government Employee.

4.4.4 If a security clearance is required, there is some flexibility in initiating investigations on prominent persons who have performed frequent services for the Government. However, NASA Center Security Officers should be consulted to determine if previously submitted security forms are adequate.

4.5 Documenting Employment

4.5.1 NASA Form 452, Request for Services of Consultant or Expert, shall be used to request the appointment of all experts and consultants to NASA. The original shall be retained in the official personnel folder.

4.5.1.1 Since the description of actual duties to be performed is critical in determining whether an expert/consultant employment situation exists, particular care must be taken to ensure that Item 5 of NASA Form 452 clearly indicates:

- a. The duties to be performed.
- b. Whether the employee's services are advisory (consultant) or operating (expert) in nature.
- c. The specific knowledge, skills, and expertise required.

4.5.1.2 To ensure adequate documentation of the expert/consultant status of the appointee, Item 6 of NASA Form 452 shall specifically cite the basis for determination that the special qualifications detailed in Item 5 of NASA Form 452 have been met.

4.5.2 An appropriate administrative record shall be made of actual days on which an expert or consultant performs duty, containing a brief description of actual service performed on each occasion of work. The record shall be maintained by an official in the office where the expert or consultant renders service. Records and reports maintained by advisory committees may be used to satisfy this requirement for advisory committee members.

4.5.3 Persons appointed as experts or consultants shall be required to complete a Statement of Financial Interest prior to employment as required by NPR 1900.3, Ethics Program Management.

4.6 Internal Review During Employment.

4.6.1 Center Human Resources Directors shall conduct quarterly reviews of all expert and

consultant appointments. Each review shall be appropriately documented, signed by the Human Resources Director, and submitted to the Center Director by October 1 of each year. In addition to the requirements established by OPM, the following data for each expert and consultant shall be included:

- a. Name.
- b. Company or institution by whom employed.
- c. NASA organization to which assigned.
- d. The name of the NASA official requesting consultant services.
- e. Dates worked.
- f. Salary paid.
- g. Travel expenses.
- h. A summary of expert or consultant services rendered.

4.6.2 The report shall be made available, as needed, for review by OPM and/or the Agency Office of Human Capital Management.

4.6.3 Experts and consultants who have worked for ten days or less during a fiscal year quarter are excluded from the review.

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