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NASA Procedural Requirements

COMPLIANCE IS MANDATORY

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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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9.1 Responsibility

9.1.1 The Human Resources Director at each NASA Center is responsible for implementing the term appointment and conversion authorities outlined in the NASA Flexibility Act of 2004 (enacted February 24, 2004), as prescribed in this chapter.

9.2 Introduction

9.2.1 The policies in this chapter apply to the term appointment and conversion flexibilities under the NASA Flexibility Act of 2004.

9.3 Definitions

9.3.1 Term Appointment - A nonpermanent appointment made for up to a maximum of six 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.

9.3.2 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 component facility serviced by the same HR office.

9.3.3 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 three or more days. The service need not have been performed solely at NASA and may have occurred in one or more Federal agencies.

9.3.4 Critical Need - Competency area in which the Agency is, or will be, at risk, as identified in the NASA workforce plan prescribed by the NASA Flexibility Act of 2004.

9.4 Exclusions

9.4.1 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 5 U.S.C. § 3132(a).

9.5 Making or Extending Term Appointments for up to Six Years

9.5.1 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 six years, even if the initial appointment period is for a shorter period.

9.5.2 Based on the preceding, a term appointment may then be extended for up to six years on a noncompetitive basis.

9.6 Advertising Vacant Positions

9.6.1 Term Positions

9.6.1.1 In the absence of compelling reasons not to do so, all vacancy announcements to fill term positions shall state that individuals selected under this announcement will be eligible for conversion to permanent appointment under the provisions of the NASA Flexibility Act of 2004.

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

9.6.2 Permanent Positions

9.6.2.1 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.

9.7 Basic Requirements for All Conversions of Term Employees

9.7.1 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.

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

9.7.3 The individual's performance is fully successful or better. Formal performance documentation for the entire two-year period is required to support this determination.

9.8 Requirements for Noncompetitive Conversion

9.8.1 An employee who meets all of the preceding criteria is eligible for noncompetitive conversion to a permanent appointment to a position that:

- a. Is in the same geographic location as the term position currently held.
- b. Is in the same occupational series as the term position currently held.
- c. Has no greater promotion potential than the term position currently held.

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

9.9 Requirements for Competitive Conversion

9.9.1 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.

9.9.2 When management does not wish to make a noncompetitive selection, employees eligible for noncompetitive action may apply and be considered under competitive procedures. The announcement shall state that it is open to term employees with conversion eligibility under the NASA Flexibility Act of 2004.

9.10 Referring Term Employees for Selection Consideration Under Competitive Placement Procedures

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

9.10.2 Qualified term employees shall be referred and considered equally with other candidates.

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

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

9.11 Advising Employees

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

9.12 Reporting Requirements

9.12.1 All conversions of term appointments under these provisions are to be in accordance with the format prescribed by the Agency 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.

9.12.2 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 made to address a critical need.

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

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