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NASA
Procedural
Requirements

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COMPLIANCE IS MANDATORY

Management of Scientific or Professional (ST) and other Senior Level (SL) Positions

Responsible Office: Office of Human Capital Management

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Preface

P.1 Purpose

This directive establishes the procedural requirements regarding the lines of authority, distribution of responsibilities, and principal statements of policy governing management of Scientific or Professional (ST) and Senior Level (SL) positions in NASA. This directive will be used in conjunction with the statutory and regulatory requirements herein.

P.2 Applicability

- a. This directive applies to all ST and SL employees covered by 5 U.S.C. 3104 and 5 CFR 319 employed by NASA Headquarters (HQ) and NASA Centers, including Component Facilities and Technical and Service Support Centers.
- b. Any reference to Center Director(s) includes the Executive Director for HQ Operations and the Executive Director of the NASA Shared Services Center.
- c. In this directive, all document citations are assumed to be the latest version, unless otherwise noted.
- d. In this directive, all mandatory actions (i.e., requirements) are denoted by statements containing the term "shall." The terms "may" or "can" denote discretionary privilege or permission, "should" denotes a good practice and is recommended, but not required, "will" denotes expected outcome, and "are/is" denotes descriptive material.
- e. Nothing herein shall be construed as limiting the Inspector General's authority regarding members of ST and SL positions within those organizations.

P.3 Authority

- a. Adjustments in Rates of Pay, 5 U.S.C. 5318.
- b. Limitation on Certain Payments, 5 U.S.C. § 5307(d).
- c. Annual Adjustments to Pay Schedules, 5 U.S.C. 5303.
- d. Classification of Position above GS-15, 5 U.S.C. 5108.
- e. Employment of Specially Qualified Scientific or Professional Personnel, 5 U.S.C. 3104.
- f. Adverse Actions, 5 CFR Part 752.
- g. Pay under Other Systems, 5 CFR Part 534.
- h. Awards, 5 CFR Part 451.
- i. Performance Management, 5 CFR Part 430.
- j. Employment in Senior-Level and Scientific and Professional Positions, 5 CFR Part 319.
- k. NPD 3000.1, Human Capital Management.

P.4 Applicable Documents and Forms

- a. Senior Professional Performance Act of 2008, Pub. L. 110-372, 122 Stat 4043.
- b. Office of Personnel Management (OPM) Research Grade Evaluation Guide.
- c. OPM Equipment Development Grade Evaluation Guide.
- d. NPR 3335.1, Internal Placement of NASA Employees.
- e. NASA ST or SL Evaluation Criteria.

P.5 Measurement/Verification

The Director, Workforce Culture Division, OHCM, will monitor the operation of the executive resources and make recommendations for improvements or corrective actions to the ERB, PRB, and the Administrator to ensure quality and consistent implementation.

P.6 Cancellation

NPR 3319.1A, Management of Senior Scientific and Professional (ST) and Senior Level (SL) Positions, dated April 23, 2007.

Chapter 1. Overview

1.1. Coverage

1.1.1 ST and SL positions provide a senior-level resource to be used by the Administrator in support of the Agency's mission. The ST and SL resources system and authority to effect personnel actions emanate from the Administrator.

1.2 Objectives

1.2.1 To attract and retain highly competent senior-level personnel and provide for their systematic development.

1.2.2 To hold them accountable for their performance and to reward high performers and remove poor performers.

1.3 Characteristics of an ST Position

1.3.1 A position classified above the General Schedule (GS) 15, pursuant to 5 U.S.C. 3104, to carry out research and development functions in the physical, biological, medical, or engineering sciences, or a closely related field, that requires the services of specially qualified personnel and is not covered by any other pay system.

1.4 Characteristics of an SL Position

1.4.1 A position classified above GS-15, pursuant to 5 U.S.C. 5108, that is not covered by another pay system (e.g., the SES, ST, and GS systems).

Chapter 2. Responsibilities

2.1 Administrator

2.1.1 The Administrator, or designee, shall be responsible for the overall management of the ST and SL resources at NASA. Authorities include but are not limited to the following:

- a. New appointments.
- b. Presidential Rank Award (PRA) nominations and Incentive Awards.
- c. Performance awards (bonuses).
- d. Establishment, modification, or abolishment of ST and SL positions.
- e. Allocation of ceilings for ST and SL positions.
- f. Set and adjust pay.
- g. Administrative decreases in pay.
- h. Establish management controls to ensure all actions conform to applicable laws, regulations, and Agency policies and procedures.
- i. Adverse actions.
- j. Reassignments.
- k. Recruitment, relocation, or retention incentives.
- l. Details, Intergovernmental Personnel Act (IPA) assignments, or developmental assignments exceeding 120 days.
- m. Recommendations to OPM for waivers of reduction in pay for civil service annuitants.
- n. Critical Position Pay.

2.2 Executive Resources Board

2.2.1 According to 5 U.S.C. 3393, the ERB is required to conduct the merit staffing process for SES. The NASA ERB also functions as an advisory board to the Administrator for the planning, utilization, and executive development of all executive resources to include STs and SLs. The Administrator, or designee, shall appoint members and the chairperson.

2.3 Performance Review Board

2.3.1 According to 5 U.S.C. 4314(c), the PRB is required to make recommendations to the Administrator on the performance of NASA executives. The PRB also performs this function for ST and SL employees. The Administrator, or designee, shall appoint members and the chairperson.

2.4 Assistant Administrator for Human Capital Management

2.4.1 The AA, HCM shall assist the Administrator in the overall management of ST and SL resources, including:

- a. Chairing the ERB.
- b. Serving on the PRB.
- c. Directing activities that provide policy advice and management support to the Administrator.
- d. Overseeing and coordinating ST and SL processes dealing with recruitment, appointment, position allocation and management, and compensation.

2.5 Director, Workforce Culture Division, OHCM

2.5.1 The Director, Workforce Culture Division, OHCM, shall serve as the Executive Secretary and provide direct staff support to the ERB and PRB.

Chapter 3. Management Authorities

3.1 Delegated Authorities

3.1.1 Where not prohibited by law or regulation, any or all of the individual responsibilities may be delegated by the Administrator to an appropriate management level but not below the EPM. Such delegations are communicated by memoranda and are considered as incorporated into this directive.

Chapter 4. Policy Implementation

4.1 Recruitment and Selection

4.1.1 Initial appointments to ST positions may be made with or without formal competition. An evaluation of a candidate's qualifications, accomplishments, and credentials based on the criteria in the OPM Research Grade Evaluation Guide or Equipment Development Grade Evaluation Guide will be performed before submission of a candidate by the EPM for approval.

4.1.2 Initial appointments to SL positions require competition under merit promotion or delegated examining procedures. Procedures and guidelines in NPR 3335.1 will be applied for internal staffing of SL positions.

4.1.3 In very rare circumstances, positions may be filled through accretion of duties.

4.1.4 In following merit staffing procedures, apply standard qualification criteria to identify selectee(s). The candidate(s) must be evaluated by a panel of subject-matter experts against the NASA ST or SL Evaluation Criteria.

4.1.5 The ERB Chair shall conduct an Agency-level review to ensure that:

- a. Positions identified as ST and SL are appropriately established and necessary to support mission operations.
- b. The individuals who fill them meet the appropriate standards and continue to perform and maintain an appropriate level of expertise and contributions.

4.1.6 Because ST and SL positions often are based on the qualifications of the incumbents and may represent a specialized need that may or may not continue, these positions are generally filled on a time-limited basis to afford flexibility in staffing.

4.2 Performance Management

4.2.1 The Performance Management Plan for ST and SL employees is designed to enhance the achievement of the Agency's goals by encouraging excellence in individual and organizational performance.

4.2.1.1 The Performance Management Plan facilitates a systematic eligibility for performance awards and retention decisions.

4.2.1.2 The PRB shall review documentation relating to initial ratings, any recommended alterations, and comments prior to recommending final performance ratings and awards. The Administrator considers the recommendations of the PRB and SEC in determining final performance ratings and awards.

4.3 ST and SL Pay

4.3.1 The level of pay of an employee should be a reflection of the responsibilities of the position and the qualifications and also reflect meaningful distinction among ST and SL employees based on individual performance, contributions to the Agency's performance, or both.

4.3.2 Initial Pay Setting.

4.3.2.1 Initial appointments will be made at the lowest practicable pay level. Current GS employees promoted to ST and SL positions may receive an appropriate increase in pay, normally 6 percent. Proposed salaries exceeding 6 percent will be justified based on the scope and impact of the position, the special or unique qualifications of the selectee, or competing salary offers.

4.3.2.2 The salary of a selectee from the private sector will be set at the lowest practicable level, taking into account the responsibilities of the position to be filled, the experience and qualifications of the selectee and anticipated contributions, the relative difficulty in filling the position with a highly-qualified individual, and current salary.

4.3.2.3 In accordance with 5 CFR Part 534 and the Senior Professional Performance Act of 2008, pay cannot be less than 120 percent of the minimum rate payable for GS-15 and the maximum rate of pay will be the rate payable for Level II of the Executive Schedule (EX-II) for ST and SL employees covered by a performance appraisal system certified under 5 U.S.C. § 5307(d) by OPM, with the concurrence of the Office of Management and Budget, and EX-III for SL and ST employees covered by a performance appraisal system that has not been certified under 5 U.S.C. § 5307(d).

4.3.2.4 A limited number of ST and SL employees may be paid above the salary for EX-III with a certified performance appraisal system, not to exceed EX-II. These salaries are reserved for the very highest performers occupying key positions who are making the greatest contribution to the Agency's success and who have the highest level of national and international stature.

4.3.2.5 Pay may be set anywhere within the applicable pay range. The following specific rules apply to transfers and reappointments:

a. Pay setting upon transfer may be set anywhere within the applicable range, except pay may not be reduced for an ST and SL employee paid above EX-III who transfers from an agency with a certified performance appraisal system to an agency without a certified performance appraisal system.

b. Pay setting upon reinstatement within 30 days of departure, if reinstated to same or successor position, pay may not be set higher than pay at time of departure unless approved by the Administrator or designee. If reinstatement is more than 30 days after departure, pay may be set anywhere within the applicable range and approved by the Administrator or designee.

4.3.3 Pay Adjustments.

4.3.3.1 ST and SL employees may receive pay increases based on demonstrated performance, focusing on measurable results that contributed to mission or program success.

4.3.3.2 ST and SL employees' pay will be adjusted, at the same time statutory adjustments are provided for the GS, in accordance with the statute, at the beginning of the first applicable pay period commencing on or after the first day of the month in which an annual adjustment takes effect to the GS.

4.3.3.3 As part of the annual performance management process, the Administrator, or designee, may authorize performance-based pay increases for ST and SL employees.

4.3.3.4 Yearly performance-based increases are set by the Administrator, or his designee. Although the specific increases are subject to change, the range of performance-based increases is expected to appropriately distinguish between low and high performers. Appendix C shows a representative range of performance-based increases.

4.3.3.5 There is no entitlement or requirement to give performance-based increases. Increases less than the maximum rate authorized are appropriate if a larger increase would cause the employee's salary to exceed EX-III (for positions not approved for pay above EX-III). The Administrator, or designee, shall approve increases greater than these amounts based on an appropriate justification by the EPM regarding the level of performance and/or contribution of the employee.

4.3.3.6 Employees who have met the following criteria may receive a performance-based increase:

a. Completed at least 90 days under an approved ST or SL performance plan and received an ST or SL appointment before July 3 of the current performance cycle.

b. Received an official rating of record of at least Fully Successful approved by the Administrator.

4.3.3.7 Employees who received an ST or SL appointment on October 1 or later are ineligible for either of the above increases for the performance cycle that ended on September 30.

4.3.3.8 Unless otherwise authorized by the Administrator or designee, the pay of an employee returning to a GS position from a time-limited promotion to an ST or SL position will be set at the rate that would have been in effect had the employee remained in the GS position, including any within-grade increases to which the employee would have been entitled.

4.3.3.9 A senior professional rated Fully Successful or above and properly positioned within the pay range should receive a pay increase. If the GS pay rates are increased and the agency head makes a "zero pay adjustment determination," such decisions must be communicated in writing. Remarks will be included on the SF 50 explaining action processed is "zero pay adjustment."

a. An exception would occur when a senior professional is already compensated within the top 10 percent of the pay range. In such cases, written communication is required only when he or she receives the highest possible rating above Fully Successful and the maximum payable rate for senior professionals has also increased due to an increase in EX pay rates under 5 U.S.C. 5318.

b. A senior professional employee rated below Fully Successful may not receive a pay increase unless one is required to avoid paying the employee at a rate below the minimum rate of basic pay.

4.3.4 Reduction in Rate of Basic Pay.

4.3.4.1 A decrease based on poor performance will be processed under 5 CFR Part 430 and requires a 30-day written notice.

4.3.4.2 A decrease based on adverse actions will be processed under 5 CFR Part 752 and requires a 30-day written notice.

a. Pay for senior professionals resulting from a reduction in grade or a move to a GS position must be set at the minimum rate of basic pay for the grade. Pay may be at a higher rate under the rules for maximum payable rate,

superior qualifications and special needs pay setting, or pay retention.

4.3.4.3 Rules for pay reductions that are not subject to adverse actions.

- a. Voluntary reassignment, and the ST or SL employee accepts a reduction in pay.
- b. Temporary movement to a position having greater impact on Agency performance, when the senior professional understands his/her pay will be reduced upon movement out of the position.
- c. Voluntary transfer (except transfers from another agency with a certified appraisal system to an agency which the system is not certified).

4.3.5 Pay Preservation.

4.3.5.1 When an ST or SL employee's pay is preserved and specifies that the senior professional will continue to receive his/her current rate of basic pay, the senior professional's pay will be preserved and will not suffer a reduction in pay if:

- a. Transferred from another agency with a certified performance appraisal system to an agency without a certified system.
- b. The Agency's appraisal system certification expires or is suspended.
- c. Covered by a certified performance appraisal system or pay rate is less than EX-III.

4.3.5.2 Preservation pay does not apply to change in appointment types (e.g., SES to ST or SL, or ST to an SL or vice versa).

4.3.6 Off-Cycle Pay Increases.

4.3.6.1 Off-cycle pay increase to a senior professional under 5 CFR 534.510 based upon individual performance, contribution to agency performance, or both can be granted by the Administrator, or designee. An off-cycle pay increase must be supported by factors that distinguish the senior professional's performance from that of peers and from that previously recognized by the annual pay adjustment. Granting such an increase should be based on one of the following factors:

- a. Exceptionally meritorious accomplishments contributing significantly to the Agency's performance.
- b. Reassignment to a position that has a substantially greater impact on Agency performance.
- c. The need to retain an individual whose contributions are critical to the Agency and who is likely to leave the Agency.

4.3.6.2 Off-cycle pay increases are documented in accordance with 5 CFR 534.507 to include use of a performance rating to distinguish the basis for the off-cycle increase from the basis for the annual pay adjustment. Information must be included to explain how and which of the additional factors supports the pay increase.

4.4 Awards and Bonuses

4.4.1 ST and SL employees will be considered for all awards and bonuses for which they are eligible under Federal law and OPM guidelines, and consideration will be based on performance rather than position.

4.4.2 ST and SL employees on time-limited appointments are ineligible to receive a PRA.

4.5 Employee Development

4.5.1 NASA will provide an effective program framework and the required resources for the systematic development and continuous professional growth of its ST and SL employees.

4.5.2 NASA and each employee share the responsibility for identifying individual development needs and obtaining the training, education, and development experiences to meet them.

4.5.3 NASA provides in-house education, financial, and logistics support for academic education programs and arrangements for developmental work assignments.

4.6 Ethical Standards

4.6.1 ST and SL employees shall maintain the highest level of ethics. Each is entrusted with major responsibilities in support of programs established by our national leadership.

4.6.2 ST and SL employees shall receive annual ethics briefings, supplemented with any additional required training, and complete a public financial disclosure report annually as well as when entering and leaving their ST or SL position.

Appendix A. Definitions

Intergovernmental Personnel Act Assignment. A temporary assignment (2-4 years) of employees between Federal agencies and state, local, and Indian tribal governments, institutions of higher education, and other eligible organizations for the purpose of exchanging skilled personnel and facilitating Federal-state-local cooperation. Also known as "intergovernmental mobility assignments," or "IPA mobility assignments."

Performance Review Board (PRB). A board required by law to make recommendations to the Administrator or designee on the performance of senior executives.

Presidential Rank Award. An award granted by the President to career members of the SES or SL/ST, following nomination by their agency and recommendation by the Director of OPM. Meritorious Executive rank is for sustained accomplishment and carries a lump-sum payment of 20 percent of the executive's annual basic pay. Distinguished Executive rank is for sustained extraordinary accomplishment and carries a lump-sum payment of 35 percent of the executive's annual basic pay.

Appendix B. Acronyms

| | |
|---------|---|
| AA, HCM | Assistant Administrator, Human Capital Management |
| CFR | Code of Federal Regulations |
| ERB | Executive Review Board |
| EX | Executive Schedule |
| GS | General Schedule |
| HQ | Headquarters |
| IPA | Intergovernmental Personnel Act |
| NPD | NASA Policy Directive |
| NPR | NASA Procedural Requirements |
| OHCM | Office of Human Capital Management |
| OIC | Official-in-Charge |
| OPM | Office of Personnel Management |
| PRA | Presidential Rank Award |
| PRB | Performance Review Board |
| SES | Senior Executive Service |
| SL | Senior Level |
| ST | Scientific or Professional |
| U.S.C. | United States Code |

Appendix C. Representative Range of Performance-Based Increases

| Rating | Performance-Based Increase (added to base pay) |
|-------------------|---|
| Outstanding | 4 % (capped at EX-III) |
| Highly Successful | 2 % (capped at EX-III) |
| Fully Successful | 1 % (capped at EX-III) |
| Below Successful | 0 % |