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Procedural
Requirements

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COMPLIANCE IS MANDATORY

Pay Policy and Allowances

Responsible Office: Office of Human Capital Management

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Effective Date: July 22, 2003

Preface

P.1 Purpose

a. This NPR establishes the responsibilities, procedures, and requirements for the following:

- (1) Within-Grade Increases and Quality Step Increases.
- (2) The application of a highest previous rate and maximum payable rate.
- (3) Grade and pay retention.
- (4) Overtime.
- (5) Superior qualifications appointments.
- (6) Adjusting the pay of General Schedule (GS) supervisors.
- (7) Recruitment and relocation bonuses.
- (8) Retention allowances.
- (9) Waiver of pay reductions for civilian retirees to meet exceptional employment needs.
- (10) Moves to permanent duty stations.
- (11) Student loan repayment program.
- (12) Advances in pay.
- (13) Erroneous payment of pay.
- (14) Premium pay limitations.

b. This NPR provides Agency direction to be used in conjunction with the referenced statutory and regulatory requirements. Center Human Resources Offices should be consulted for further information and guidance.

P.2 Applicability

a. This NPR is applicable to NASA Headquarters and NASA Centers, including Component Facilities. The Office of Inspector General, which has personnel authority, may choose to be covered by this NPR. Unless otherwise indicated, use of the word Center(s) in the text of the NPR includes NASA Headquarters and any reference to Center Director(s) includes the Assistant Administrator for Institutional and Corporate Management.

b. The Administrator and Deputy Administrator retain the authority to approve actions covered by this guide for employees in the Office of the Administrator. The Associate Deputy Administrator for Institutions and Asset Management and the Associate Deputy Administrator for Technical Programs are delegated authority to approve actions covered by this guide for Senior Executive Service (SES),

Senior Level (SL), Scientific and Professional (ST), and NASA Excepted (NEX) employees. This authority may be further delegated to Executive Position Managers (EPM's), as defined in NPR 3100.1, chapter 2.

P.3 Authority

a. Title 5, United States Code (U.S.C.), Part III, Subpart D, Chapter 53, 55, and 57.

Chapter 53, Pay Rates and Systems

Chapter 55, Pay Administration

Chapter 57, Travel, Transportation, and Subsistence.

b. Title 29, U.S.C., 201, et seq. (Fair Labor Standards Act).

c. Federal Employees Pay Comparability Act (FEPCA) of 1990 (P.L. 101-509).

d. Title 5, Code of Federal Regulations (CFR) Part 530, 531, 532, 536, 550, 551, 553, and 575.

Part 530, Pay Rates and Systems (General)

Part 531, Pay under the General Schedule

Part 532, Prevailing Rate Systems

Part 536, Grade and Pay Retention

Part 550, Pay Administration (General)

Part 551, Pay Administration under the Fair Labor Standards Act

Part 553, Reemployment of Military and Civilian Retirees to Meet Exceptional Employment Needs

Part 575, Recruitment and Relocation Bonuses; Retention Allowances; Supervisory Differentials

e. Financial Management Manual, Chapter 9760.

f. Title 41, Code of Federal Regulations (CFR) Section 302-12.12, Relocation Allowances.

P.4 References

a. NPD 3000.1, Management of Human Resources.

b. NPR 3430.1, NASA Employee Performance Communication System (EPCS).

P.5 Cancellation

NPR 3530.1, Pay Policy and Allowances, dated May 7, 1999.

/s/ Vicki A. Novak
Assistant Administrator for Human Resources

Chapter 1. Special Pay and Allowances Provisions

1.1 References

1.1.1 5 U.S.C., Part III, Subpart D, Chapters 53, (Government Organization and Employees) and 55 (Pay and Allowances).

1.1.2 29 U.S.C., 201, et seq. (Fair Labor Standards Act).

1.1.3 5 CFR Parts 530 (Pay Rates and Systems (General)), 531 (Pay Under the General Schedule), 536 (Grade and Pay Retention), 550 (Pay Administration (General)), and 551 (Pay Administration Under the Fair Labor Standards Act).

1.2 Responsibility

1.2.1 Officials-in-Charge of Headquarters Offices and NASA Center Directors are responsible for whether performance of employees under their jurisdiction is or is not of an acceptable level of competence to warrant granting within-grade increases and/or that the performance of the employees warrants the granting of quality step increases [(see NPR 3430, NASA Employee Performance Communication System (EPCS), for specific provisions pertaining to assessing employee performance).] This authority may be redelegated, in writing, in accordance with the following provisions:

1.2.2 Within-Grade Increases (WIG)

1.2.2.1 Determination of an acceptable or unacceptable rating of record - the first-level supervisor.

1.2.2.2 Reconsideration of an unacceptable rating of record - one level above those with authority to make the determination.

1.2.3 Quality Step Increases (QSI)

1.2.3.1 Recommendation - the second-level supervisor.

1.2.3.2 Approval - one level above those with authority to recommend.

1.3 Highest Previous Rate - Maximum Payable Rate

1.3.1 The application of the highest previous rate pertains to the reemployment, transfer, reassignment, demotion, promotion, or change in appointment of an employee having either current or prior Federal service who is serving in or going to a General Schedule (GS) or Federal Wage System (FWS) position.

1.3.2 A former or present Federal employee affected by a covered personnel action may be given the full benefit of the highest previous rate of basic pay to the extent permitted by law and Office of Personnel Management (OPM) regulations. This is generally referred to as the maximum payable rate. In determining the rate at which pay will be set, the following factors should be considered:

- a. Availability of funds. When it is determined that less than the maximum payable rate will be given due to lack of funds, that pay-setting practice should be applied uniformly to all employees.
- b. Tenure of the appointment (e.g., temporary, term, or permanent).
- c. Relevance of the employee's prior experience, on which the highest previous rate is based, to the present position.
- d. Change to lower grade with known promotion potential. Unless the employee is eligible for pay retention under 5 CFR 536.104(a)(6), pay may be set in the lower grade so that upon repromotion pay will be set at the rate the employee would have attained had he/she not been changed to the lower grade.
- e. Change to lower grade for cause. Pay may be set below the employee's maximum payable rate. The actual rate at which pay is set should be determined and documented during the personnel action decision making process.
- f. Expiration of a temporary promotion. When an employee returns to his or her permanent position, pay should normally be set at the rate he/she would have earned in the absence of the temporary promotion. However, if the temporary promotion lasted 1 year or longer, the rate received during the temporary promotion may be used to determine the employee's maximum payable rate and used to set pay in the lower grade.
- g. Internal pay alignment considerations.

1.3.3 Centers may establish pay-setting policies that identify additional criteria to be considered when determining whether an employee should receive the maximum payable rate benefit. In cases where the maximum payable rate is not authorized, the reasons for that decision must be documented in writing and be consistent with Center pay-setting practices.

1.3.4 When the maximum payable rate is authorized and that rate of pay falls between two rates of the new grade, the employee will be paid the higher rate.

1.4 Grade and Pay Retention

1.4.1 Grade retention may be given to an employee not entitled to mandatory grade retention who will or might be reduced in grade as the result of a reorganization or reclassification decision announced in writing by management, when the granting of grade retention is judged to be appropriate and equitable. The move to a lower grade may occur before the employee has received a specific Reduction-In-Force (RIF) notice or a notice that the employee's position is being reduced. The move to a lower grade may be initiated as an informal process by the employee or by management. If the action suggested is not accepted, and formal reclassification or RIF procedures are applied, mandatory grade retention entitlements may exist.

1.4.2 Pay retention may be given to an employee who is not entitled to mandatory grade retention or mandatory pay retention, whose rate of basic pay would otherwise be reduced as a result of a management action, when granting of pay retention is judged to be appropriate and equitable.

1.5 Overtime Work

1.5.1 As a general rule, overtime work will be avoided to the maximum extent practicable.

1.5.2 Regular overtime work, that which is scheduled in advance of the administrative workweek,

may be scheduled when required.

1.5.3 Irregular or occasional overtime work may be authorized when an unexpected situation arises requiring overtime work to meet program requirements or to reduce or eliminate temporary excessive workload or backlog.

1.5.4 Overtime work will not be ordered, approved, or performed in increments of less than 15 minutes.

1.5.5 Nonexempt employees will not be permitted to perform overtime work that has not been officially ordered or approved.

1.5.6 Exempt employees who voluntarily perform overtime work solely upon their own initiative, that is not officially ordered or approved, will not be entitled to overtime pay or compensatory time off.

1.5.7 Assigning work that cannot reasonably be accomplished during normal hours of duty because of the amount of work required or the timeframe allotted to do it, is tantamount to ordering overtime work. Therefore, such assignments will be made only when accompanied with an official order to work overtime.

1.6 Overtime Compensation

1.6.1 To the extent permitted by law and regulations, exempt employees whose rates of basic pay (including any applicable special rate of pay or locality-based comparability payment) exceed the maximum step for GS-10 will be required to accept compensatory time off in lieu of pay for irregular or occasional overtime. However, overtime pay may be paid when it is determined the work situation is such that compensatory time off is not practicable.

1.6.2 To the extent permitted by law and regulations, compensatory time off in lieu of overtime pay will be granted when requested by an exempt or nonexempt employee. Except for grants of compensatory time directed under paragraph 1.6.1 above, employees must specifically request that compensatory time off be granted in lieu of overtime pay. Centers may determine the process for reviewing and approving such requests. Requests may be denied, and overtime pay paid when it is determined the work situation is such that granting compensatory time off is not practicable.

1.6.3 Compensatory time off must be used no later than the end of the fourteenth full pay period following the pay period in which it is earned. An extension may be authorized under special circumstances. Centers may determine the guidelines on which extensions may be authorized. Exempt GS employees who fail to take authorized compensatory time off before the time limit or authorized extension expires will lose their right, both to compensatory time off and to overtime pay.

Chapter 2. Superior Qualifications Appointments

2.1 References

2.1.1 5 U.S.C. 5333, Minimum Rate for New Appointments.

2.1.2 5 CFR Part 531.203, Pay Under the General Schedule.

2.2 Determination of Existing Pay

In determining the individual's existing pay, consider the candidate's salary from his or her present position and any outside employment that forms a regular, continuing portion of the candidate's total income that the candidate will not be able to continue as a Federal employee; bonuses received on a regular basis; current firm offers of salary increase or other employment; and fringe benefits that are substantially superior to those offered by the Government. Actual earnings do not include earnings from a single contract or consulting assignment that are significantly higher than the candidate's previous pay or other current offers, or income which the Agency is barred from matching by law or Executive order. Earnings must be based on paid employment and should generally reflect compensation over a 12-month period (e.g., a 9-month teacher's salary may not be "projected" to derive a 12-month salary).

2.3 Reasonable Expectation of Employment

If a candidate has no current income or bona fide offer, the Center may consider whether he or she has a reasonable prospect of obtaining employment. Factors to consider would include average salaries and unemployment rates in the occupation at the location, length of time the candidate has been unemployed, and any trends, such as an industrywide reduction in specific occupations, that might affect employment prospects.

2.4 Recruitment Bonus

In determining whether an employee should receive a superior qualifications appointment and, if so, at what level the employee's pay should be set, the Center must consider the possibility of authorizing a recruitment bonus, as provided in 5 CFR Part 575.

2.5 Superior Qualifications Appointments

Superior qualifications appointments will not be approved to circumvent other restrictions, such as the pay offset for reemployed annuitants or appropriations act restrictions on use of appropriated funds.

Chapter 3. Adjusting the Pay of General Schedule (GS) Supervisors

3.1 References

3.1.1 Federal Employees Pay Comparability Act (FEPCA) of 1990 (P.L. 101-509)

3.1.2 5 U.S.C. 5755, Supervisory Differentials

3.1.3 5 CFR Part 575, Recruitment and Relocation Bonuses; Retention Allowances; Supervisory Differentials.

3.2 Supervisory Differential

A supervisory differential may be paid to a GS employee who has supervisory responsibility for one or more civil service employees not under the GS whose pay, in the absence of such a differential, exceeds that of the supervisor by at least 2 percent (without rounding). Continuing rates of pay are calculated on an annual basis.

3.3 Eligibility for Payment of a Supervisory Differential

In determining a supervisor's eligibility for payment of a supervisory differential, the subordinate's basic pay may not exceed the maximum rate for GS-15 on the pay schedule applicable to the supervisor (including a special rate or locality-based schedule), regardless of the supervisor's grade level. Consideration will be given to all supervisors within the same organizational component to ensure fair and equitable treatment.

3.4 Adjustment of Supervisory Differential

One adjustment of the supervisory differential (not including those required by regulations) may be made within a 12-month period to maintain a comparable pay difference between the supervisor and the employee.

3.5 Payment

Once a supervisory differential has been approved, payment may continue until the supervisor's continuing pay exceeds that of the employee. It is not necessary to maintain the 2-percent pay gap in order to continue the differential. The differential must be terminated if the supervisor-employee relationship ceases.

3.6 Requests for Supervisory Differential

3.6.1 A written request to grant a supervisory differential must be submitted with Standard Form 52, Request for Personnel Action, which documents the basis for the request and the consideration given

to other supervisors in the same organizational unit as the supervisor.

3.6.2 The requester will propose a rate of pay between 102 percent of the supervisor's continuing pay and 103 percent of the subordinate's continuing pay.

3.6.3 Approval must be in writing and must be approved by an official at a higher level than the official who recommends the differential, except for the Administrator, who may be both the recommending and approving official.

Chapter 4. Recruitment and Relocation Bonuses

4.1 References

4.1.1 5 U.S.C. 5753, Recruitment and Relocation Bonuses.

4.1.2 Federal Employees Pay Comparability Act (FEPCA) of 1990 (P.L. 101-509).

4.1.3 5 CFR Part 575, Recruitment and Relocation Bonuses; Retention Allowances; Supervisory Differentials.

4.2 Temporary Duty Assignment

Relocation bonuses will not be paid for a temporary duty assignment of less than 120 days. The bonus amount will not be more than 25 percent of the basic pay earned during the temporary duty period.

4.3 Recruitment and Relocation Bonuses

Recruitment and relocation bonuses will not be used in any manner that could be perceived as an automatic entitlement.

4.4 Service Agreement

4.4.1 Before a bonus may be paid, the Center shall require that the employee sign a written service agreement to complete a specified period of employment with the Agency. The minimum period of employment under a service agreement shall be 6 months, except in the case of a relocation bonus paid for a temporary duty assignment of less than 6 months. In those instances, the service agreement must be for a period at least equal to the entire period of the temporary duty.

4.4.2 Service under more than one service agreement will run concurrently for the period of any overlap.

4.5 Approval

4.5.1 The determination to pay a bonus must be approved by an official at a higher level than the official who recommends the bonus, except for the Administrator who may be both the recommending and approving official.

4.5.2 Approval must be based on a written determination that, in the absence of a bonus, the Center will encounter difficulty in filling the position. In making that determination, the following factors, as applicable, shall be considered:

a. The success of recent efforts to recruit candidates for similar positions including indicators such as offer acceptance rates, the proportion of positions filled, and length of time required to fill similar

positions;

b. Recent turnover in similar positions;

c. Labor-market factors that may affect the ability of the Agency to recruit candidates for similar positions now or in the future;

d. Special qualifications needed for the position; and

e. In the case of recruitment bonuses, the practicality of using the superior qualifications appointment authority alone or in combination with a bonus.

4.6 Records

4.6.1 In order to evaluate the overall effect on filling key positions with high-quality candidates, Centers will maintain records on their use of recruitment and relocation bonuses.

4.6.2 Specific information to be maintained will include the following:

a. Data on the number of employees to whom bonuses are offered, the percentage of salary offered, the number accepted, and funds expended.

b. Information such as occupations, disciplines, experience, education levels, grade point averages, and educational institutions attended, of those offered and receiving bonuses, and information on special qualifications needed for the position.

c. The approval including the written determination of need and criteria used to make that determination, as described in paragraph 4.5 above.

4.6.3 All pertinent documentation covering each bonus paid will be retained by the Center for 3 years in accordance with Center policy.

Chapter 5. Retention Allowances

5.1 References

5.1.1 5 U.S.C. 5754, Retention Allowances.

5.1.2 Federal Employees Pay Comparability Act (FEPCA) of 1990 (P.L. 101-509).

5.1.3 5 CFR Part 575, Recruitment and Relocation Bonuses; Retention Allowances; Supervisory Differentials.

5.2 Retention Allowances

5.2.1 Retention allowances will not be used in any manner that could be perceived as an automatic entitlement.

5.2.2 Payment of a retention allowance may not begin during a period of employment established under a service agreement required for payment of a recruitment or relocation bonus.

5.3 Approval

5.3.1 The determination to pay an allowance must be approved by an official at a higher level than the official who recommends the allowance, except for the Administrator who may be both the recommending and approving official.

5.3.2 Approval must be based on a written determination that the unusually high or unique qualifications of the employee or a special need of the Center for the employee's services makes it essential to retain the employee and that, in the absence of such an allowance, the employee would be likely to leave the Federal service. The determination shall be based on a written description of the extent to which the employee's departure would affect the Center's ability to carry out an activity or perform a function that is deemed essential to the Center's mission. In making that determination, the following factors, as applicable, shall be considered:

- a. The success of recent efforts to recruit candidates and retain employees for similar positions; and
- b. The availability in the labor market of candidates for employment who, with minimal training or disruption of service to the public, could perform the full range of duties and responsibilities assigned to the position held by the employee.

5.4 Records

5.4.1 In order to evaluate the overall effect of retention allowances on retaining high quality employees in key positions, Centers will maintain records on use of allowances. Specific information to be maintained will include the following:

- a. Data on the number of employees to whom retention allowances are offered, the percentage of salary offered, the number accepted, inclusive dates of payments, and funds expended.

- b. Information such as occupations, disciplines, experience, and special qualifications of those offered and receiving allowances.
 - c. Information regarding the mission- or program-related factors that necessitate retention of the individual and justify offering a retention allowance.
 - d. Documentation on the annual review and recertification or termination of the retention allowance.
 - e. The approval including the written determination of need and criteria used to make that determination, as described in paragraph 5.3 above.
- 5.4.2 All pertinent documentation covering each allowance paid will be retained by the Center for 3 years.

Chapter 6. Waiver of Pay Reductions for Civilian Retirees to Meet Exceptional Employment Needs

6.1 Reference

5 CFR Part 553, Reemployment of Military and Civilian Retirees to Meet Exceptional Employment Needs.

6.2 Responsibility

6.2.1 The Administrator (or designee) retains the authority to request approval from OPM to authorize a waiver of reduction in pay when appointing retired Federal civilian personnel.

6.2.2 The Administrator (or designee) retains the authority delegated by OPM to approve, on a case-by-case basis, those individual exceptions requiring a waiver of dual compensation in specific circumstances due to an emergency.

6.2.3 Enterprise Associate Administrators are responsible for reviewing requests for waivers of reduction in pay initiated by their respective Center Directors and forwarding the requests to the Administrator.

6.2.4 Officials-in-Charge of Headquarters Offices are responsible for initiating and forwarding requests for waivers of reduction in pay to the Administrator.

6.3 Civilian Retirees

Retired Federal civilian personnel may be employed without loss of pay when such employment is recommended by the Administrator and determined by OPM to be required to achieve an important NASA mission, and such employment is due to exceptional difficulty in recruiting or retaining qualified candidates for particular positions or under other unusual circumstances.

6.4 Information Requirements

6.4.1 The following information is required about the individual:

- a. Name and social security number.
- b. Type of retirement and date of retirement.
- c. Amount of current annuity.
- d. Application or resume.

- e. Analysis of the individual's qualifications that shows he or she meets the Agency's emergency need or critical skills shortage.
- f. Certification by the individual that he or she will not accept the job if pay is reduced.
- g. Documentation of bona fide offers of non-Federal employment, if any.

6.4.2 The following information is required about the position:

- a. Title, series, grade, type of appointment, salary, and duty location.
- b. Position description and description of the qualifications required.
- c. Information required based on the following circumstances:

(1) Based on an emergency:

- (i) The emergency must pose a direct threat to life or property or other unusual circumstances. Describe the nature of the emergency (e.g., military threat, natural disaster, or other unforeseen occurrence), the date it occurred, and the expected duration of the emergency response effort.
- (ii) Describe how the proposed appointee is uniquely qualified for the emergency response work to be done.
- (iii) Describe other applicable factors such as the number of positions to be filled and/or how the urgency of response justifies making the particular appointment without further delay.

(2) Based on retaining an employee for critical work:

- (i) Describe why the project is unusually critical. Include its importance to the NASA mission, potential costs of project failure or delay, any legislative or Presidential deadlines, and any other relevant factors.
- (ii) Describe why retaining the individual is critical to the project. Include the knowledge, skills, and abilities possessed by the individual that are essential for successful completion of the project and that could not be acquired by another appointee within a reasonable time. Also explain why the work cannot be assigned to other employees involved with the same project.
- (iii) Provide documentation that the individual will retire/resign if the exception is not granted. Such documentation might include a bona fide offer of non-Federal employment or information about circumstances such as family responsibilities or changes in or expiration of benefits to support the claim that the employee cannot or will not delay retirement.
- (iv) If appropriate, discuss consideration given to the possibility of using a retention allowance to retain the employee through the completion of the critical project.

- (v) State the length of time needed to complete the project.
- (3) Based on exceptional recruiting difficulties:
- (i) Number of vacancies in the series, grade, and location.
 - (ii) Length of time the particular position has been vacant, and average length of vacancies in such positions.
 - (iii) Average annual turnover in the series, grade, and location.
 - (iv) Description of recruiting efforts (type of publicity, sources contacted, geographic scope).
 - (v) Number and quality of applicants responding to those efforts.
 - (vi) Number of declinations based on pay/retirement issues (indicate how many specifically cited pay offset concern, how many cited non-Federal job offers which would not require any reduction, and how many cited dissatisfaction with the combined compensation they would receive).
 - (vii) Consideration of alternative staffing; e.g., reengineering or redistribution of work, contracting, or use of a recruitment bonus.

Chapter 7. Moves to Permanent Duty Stations

7.1 References

7.1.1 5 U.S.C. 5701, et. seq., Definitions.

7.1.2 Federal Travel Regulation (FTR) 41 CFR Section 302-12.12, Relocation Allowances

7.1.3 NASA Financial Management Manual, Chapter 9760, Relocation Allowances.

7.2 Responsibility

7.2.1 The Assistant Administrator for Human Resources is responsible for the approval of requests for allowable expenses in transfers or reinstatements of present or former NASA employees due to RIF or transfer of function.

7.2.2 Center Directors are responsible for establishing procedures and approving waiver requests for coverage of the contractor's guaranteed home-sale marketing fees. Waiver requests are required for coverage of contractor home marketing fees for home sale values exceeding \$500,000.

7.3 Moves to Permanent Duty Stations

All authorizations for moves to permanent duty stations and approvals of items within travel orders affecting reimbursements that require administrative determinations, prior to claim disbursement, will be made in accordance with chapter 9760 of the NASA Financial Management Manual.

7.4 Temporary Quarters

7.4.1 Extensions for temporary quarters for a period beyond 60 days, but not to exceed a total of 120 days, will be authorized in increments as necessary and may be authorized only when it is determined that there are compelling reasons to do so.

7.4.2 The authorization of temporary quarters of any duration will not be considered automatic, and the necessity and duration will be determined on a case-by-case basis.

Chapter 8. Student Loan Repayment Program

8.1 References

8.1.1 5 U.S.C. 5379, Student Loan Repayments.

8.1.2 5 CFR Part 537, Repayment of Student Loans.

8.2 Responsibility

8.2.1 Center Directors will establish a plan, in accordance with governing regulations, for implementing the Student Loan Repayment Program.

8.2.2 Center Directors are authorized to approve the Student Loan Repayment Program plan. This authority may be redelegated.

8.2.3 Center Personnel Directors will ensure that the Plan addresses regulatory requirements.

8.3 Service Agreement

8.3.1 Any employee receiving a student loan repayment must sign a minimum 3-year service agreement. The service agreement will commence on the date that NASA makes the first student loan repayment. Any loan repayments beyond 3 years will serve to extend the service agreement an additional year after the last loan repayment is made.

8.3.2 The service agreement obligates the employee to remain in the employment of NASA, including any reassignments to other NASA Centers, for the duration of the service agreement. If the employee transfers to work in another Federal agency before completing the service agreement the employee will reimburse NASA for all loan payments made in the employee's behalf.

8.3.3 NASA Form 1698, Student Loan Repayment Service Agreement, has been established for this purpose.

8.4 Approval

Center Directors have the authority to approve student loan repayments and waive, in whole or in part, a right of recovery of an employee's debt to the Center. These authorities may be redelegated.

8.5 Amount of Student Loan Repayments

Centers may make student loan repayments up to the maximum amount permitted by regulation.

8.6 Records

8.6.1 Centers will establish and maintain records on student loan repayment use.

8.6.2 Centers will submit an annual report each fiscal year to the Office of Human Resources that

includes the number of employees selected to receive the benefit, employee job classifications and grades, and the total amount paid for student loans.

Chapter 9. Advances in Pay

9.1 References

9.1.1 5 U.S.C. 5524a, Review of Accounts.

9.1.2 5 CFR Part 550, Subpart B, Pay Administration (General).

9.2 Responsibility

Center Directors are authorized to approve advances in pay. This authority may be re-delegated.

9.3 Scope

This policy applies to all eligible individuals newly appointed to a position within NASA. The definition of "newly appointed" is established in 5 CFR 550.202.

9.4 Policy

9.4.1 An advance payment of basic pay may be made when, without the payment, the prospective employee might not accept the position because of immediate financial obligations associated with accepting the position. The definition "rate of basic pay" is established in 5 CFR 550.202.

9.4.2 Advance payments of not more than two pay periods of basic pay may be made in one or more installments to newly appointed employees. The amount advanced will be based on the employee's rate of pay at the time of appointment, reduced by the amount of any deductions and allotments that normally would be subtracted from the employee's first regular paycheck.

9.4.3 An advance payment may be made no earlier than the effective date of appointment and no later than 60 calendar days after appointment.

9.4.4 A written statement of understanding covering requirements for the payment, repayment, recovery and waiver will be signed by the approving official and the employee prior to payment.

9.5 Criteria

An advance payment of basic pay may be made when there is evidence that, without the payment, a new employee might either be deterred from accepting the position or experience financial burden following acceptance of the position. In determining whether an advance should be approved, factors such as the following should be considered:

- a. The presence of significant travel and/or household relocations costs and whether NASA is helping to pay those expenses.
- b. The ability of the new employee to bear the expenses related to acceptance.
- c. Personal financial obligations of the new appointee that indicate an advance in pay will ease the transition to new employment.

d. Other factors related to the acceptance of new employment that indicate a need and, in the judgment of the approving official, justify an advance.

9.6 Requests for an Advance of Pay

Requests for an advance in pay must be made in writing, signed by the employee, and include the following:

- a. Employee's name, employing organization, Center and duty station.
- b. Title, series, and grade of the position to which appointed.
- c. An explanation of the need for the advance.
- d. A signed Statement of Understanding.
- e. Signature and date of the approving official (if/when approved, see paragraph 9.8).

9.7 Statement of Understanding

The statement will include the following:

- a. Employee name, position title, series, grade, organization, and duty station.
- b. Employee's per annum basic rate of pay.
- c. The amount of basic pay the employee is entitled to receive for two pay periods at the time of appointment, less any allotments or deductions normally subtracted from pay.
- d. The total amount of pay to be advanced, which cannot be more than the net amount described in c. above.
- e. Whether the advance is to be recovered by payroll deductions or salary offset.
- f. The schedule of allotments for repayment of the advance that must be completed over not more than 14 pay periods from the date of first payment, unless recovery is accomplished in accordance with 5 CFR Part 550, subpart K.
- g. The amount that will be deducted from the employees pay by payroll deductions or salary offset for each pay period.
- h. A statement that the employee may prepay all or part of the outstanding balance at any time before the final payment is due and how and where these prepayments may be made.
- i. A statement that the employee understands the unpaid balance is due and must be repaid to NASA, unless waived by the approving official, upon transfer to another Federal agency or termination of NASA employment for any reason.
- j. A statement that, upon transfer or termination of the employee for any reason, any unpaid balance must be recovered by salary offset or other method provided by law.
- k. Signature and date of employee.
- l. Signature and date of the Human Resources Office representative.

9.8 Approving Advances in Pay

9.8.1 Each advance in pay must be approved in writing, either on the request or by separate memorandum. Advances are effective only after properly approved.

9.8.2 A copy of the approval will be retained with the request and a copy will be forwarded to the payroll office to authorize the advance payment.

9.9 Payment and Repayment

9.9.1 The advance will be calculated based on the employee's basic pay for not more than two pay periods.

9.9.2 Unless salary offset procedures are invoked, a period of not more than 14 pay periods will be established for repayment through payroll deductions. An employee may prepay all or part of the outstanding balance at any time and will be informed about how to do that.

9.10 Waivers of Repayment

Center Directors may waive, in whole or in part, the right of recovery of the advance payment, if it is determined that recovery would be against equity and good conscience or against the public interest.

9.11 Records

Records sufficient to reconstruct actions will be retained for two years. Actions involving waivers or repayment will include a clear explanation of the circumstances and facts that justified the waiver. Records will include the request, the statement of understanding and waiver, if applicable, with supporting documentation.

Chapter 10. Erroneous Payment of Pay

10.1 Reference

NPD 9645.2, Delegation of Authority - To Waive Claims for Erroneous Payment of Pay and Allowances, Travel, Transportation, and Relocation Expenses and Allowances.

10.2 Responsibility

Authority to waive claims for erroneous payments of pay and allowances, travel, transportation and relocations expenses and allowances is described in NPD 9645.2C.

Chapter 11. Premium Pay Limitations

11.1 References

11.1.1 5 CFR Part 550, Subpart A, Pay Administration (General).

11.1.2 Federal Register, April 19, 2002 (Volume 67, Number 76) Premium Pay Limitations, Pages 19319-19321

11.2 Responsibility

11.2.1 Center Directors (or designees) have the authority to determine when an emergency exists and to determine work that is critical to the mission of the Agency.

11.2.2 Centers are responsible for notifying the NASA Consolidated Payroll Office (CPO) when employees are subject to the annual limitation on premium pay and the beginning and ending dates of such coverage.

11.3 Determination of an Emergency

Emergency means a temporary condition posing a direct threat to human life or property, including a forest wildfire emergency (5 CFR 550.103). Determinations that an emergency exists will be made and documented in writing, as soon as practicable, after the work in connection with the emergency or its aftermath begins. The duration of the emergency, to include its aftermath, will be included in the documentation. For any pay period where such a determination is made, covered employees will be paid under the annual maximum earnings limitation.

11.4 Critical Work

Center Directors (or designees) have sole discretion in determining that an employee is needed to perform work that is critical to the mission of the Agency. For any pay period where such a determination is made, covered employees will be paid under the annual maximum earnings limitation.