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NASA Procedural Requirements

COMPLIANCE IS MANDATORY

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Request Notification of Change (NASA Only)

Subject: NASA Pay and Compensation Policy

Responsible Office: Office of Human Capital Management

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Chapter 9. Hiring Reemployed Annuitants in Acquisition-related Positions

9.1 References

P.L. 109-313, GSA Modernization Act of 2007

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

9.2 Purpose

9.2.1 NASA has consulted with both the OPM and the Office of Federal Procurement Policy (OFPP) on this policy for hiring reemployed annuitants in acquisition related positions.

9.2.2 This policy provides requirements and procedures for requesting approval from the AA, OHCM to reemploy in an acquisition-related position an individual receiving an annuity from the Civil Service Retirement and Disability Fund without discontinuing or reducing the individual's annuity or salary.

9.2.3 With this policy, NASA expands its capability to attract and retain individuals (i.e., annuitants) in critical acquisition-related positions on a temporary or occasional basis. Its use should be considered along with existing recruitment/retention flexibilities.

9.3 Authority

9.3.1 This policy is issued pursuant to PL 109-313, General Services Administration (GSA) Modernization Act of 2007, signed October 6, 2006.

9.3.2 For the purposes of this policy, covered acquisition-related positions and functions are defined in the OFPP Letter 05-01, Developing and Managing Acquisition Workforce, April 15, 2005.

9.4 Responsibility

The AA, OHCM has delegated authority to approve requests for waivers to hire reemployed annuitants in acquisition related positions. This authority shall not be delegated below the Deputy Assistant Administrator, OHCM.

9.5 Applicability

9.5.1 This approval authority applies to reemployment appointments for acquisition related positions in NASA made on or after January 15, 2008, and remains in effect until its expiration on December 31, 2011, unless extended.

9.5.2 Use of this authority does not alter or affect the reemployment restrictions for employees separated under authority of the Voluntary Separation Incentive Pay (VSIP) program.

9.5.3 An individual reemployed under this authority serves at the will of the appointing authority.

9.6 Coverage

This authority covers acquisition-related positions as described below:

- a. Positions in the OPM GS-1102, Contracting Series and the OPM GS 1105, Purchasing Series and,
- b. Positions in other OPM GS series identified by the NASA Chief Acquisition Officer or designee as performing significant acquisition related functions.

9.7 Provisions

On a case-by-case basis, the AA, OHCM, may approve the continuation of an annuity with no reduction to salary for an individual who is reemployed in a NASA acquisition related position when:

- a. The individual receiving an annuity from the Civil Service Retirement and Disability Fund has unusually high or unique qualifications on the basis of such individual's service.
- b. A NASA organization is experiencing exceptional difficulty recruiting or retaining a qualified employee.
- c. A NASA organization has a temporary emergency hiring need or an unusual circumstance that makes the reemployment of an individual essential.

9.8 Required Procedures

9.8.1 Prior to requesting approval to reemploy a Federal annuitant under this authority, there must be evidence to support the following:

- a. That the requesting NASA organization is experiencing difficulty filling the position or retaining a qualified candidate in the position.
- b. That there is a temporary emergency hiring need.

9.8.2 All requests for approval, along with supporting documentation, will be forwarded through the NASA Center Director to the AA, OHCM. Requests from NASA Headquarters organizations will be forwarded through the AA, Office of Infrastructure and Administration to the AA, OHCM.

9.9 Documentation and Recordkeeping Requirements

9.9.1 To allow reconstruction of the action, Center Human Resources Offices are responsible for maintaining records that include the required documentation indicated below for each reemployed annuitant:

- a. The name of the individual.
- b. A statement confirming that the individual is not currently a Federal employee (i.e., already a Federal annuitant).
- c. A statement that the annuitant whom the Agency wishes to reemploy will not accept the offer without a waiver.
- d. The appointing authority used to reemploy the annuitant.
- e. A copy of the position description.
- f. Criteria used to reemploy the individual (see below).

9.9.2 Waivers based on unique or unusually high qualifications of an individual:

- a. A description of the knowledge, skills, and abilities possessed by the candidate that are essential for the work to be performed.
- b. A justification that the knowledge, skills, and abilities could not be acquired by another appointee within a reasonable amount of time.

9.9.3 Waivers based on exceptional difficulty in recruiting a qualified employee:

- a. A description of the length, breadth, and results of the Agency's recruiting efforts.
- b. Any other factors (e.g., unusual qualification requirements or working conditions) which demonstrate that a legitimate recruiting need cannot be met without the requested waiver.

9.9.4 Waivers based on exceptional difficulty in retaining a qualified employee:

- a. A statement from the requestor that the individual is still on the Agency's rolls.
- b. A statement from the requestor that the individual will be working on a specific project, rather than continuing to perform the broader duties of the position the individual occupied prior to retirement.
- c. a summary of the critical nature of the project:
 - 1) The importance of the project to the Agency's mission.
 - 2) Potential costs of project failure or delay.
 - 3) Any legislative or Presidential deadlines.
 - 4) Any other factors demonstrating that the project is unusually critical.
- d. a summary of the candidate's unique qualifications:
 - 1) The knowledge, skills, and abilities possessed by the candidate that are essential for successful completion of the project.
 - 2) Justification that the knowledge, skills, and abilities could not be acquired by another appointee within a reasonable amount of time.
- e. Reason(s) why the work could not be assigned to other employees involved with the same project.

9.9.5 Waivers based on a temporary hiring need based on an emergency or other unusual circumstances:

- a. A description of the emergency and the date it occurred or the unusual circumstance(s).
- b. The expected duration of the temporary hiring need; and
- c. A description of how the individual is uniquely qualified to meet the hiring need.

Note: The length of an individual's appointment must be in accordance with the appointing authority used to rehire the individual (e.g., temporary appointments as contained in 5 CFR Part 316, Temporary and Term Employment).

9.10 General Benefit Information

9.10.1 Center HR Offices will report reemployed annuitants hired under this authority to the OPM under the normal notification process.

9.10.2 Annuitants are eligible for accrual of sick and annual leave if the appointment is 90 days or longer. Leave accrual rate is the same rate as when the employee retired.

9.10.3 Annuitants are not eligible to contribute to the Federal Retirement System or the Thrift Savings Plan (TSP). Service as a reemployed annuitant under this provision is not creditable for a supplemental or redetermined annuity.

9.10.4 Generally, reemployed annuitants may enroll in the Federal Employee Health Benefits (FEHB) program during reemployment. However, if they do not have coverage as an annuitant, they do not earn eligibility toward continuing coverage as an annuitant. Specific information on benefits will be provided on an individual basis.

9.11 Reporting Requirements

9.11.1 Center Human Resources Directors will provide a Fiscal Year (FY) report on the use of this provision to OHCM by October 15 of each year beginning October 15, 2008. The report will contain:

- a. Number of individuals employed under these provisions.
- b. Name, position title, occupation series, grade level, and location of each employee.
- c. Work schedule — part time or full time.
- d. Length and terms of employment and options to renew.

9.11.2 OHCM will provide an annual report on the use of this authority to the OPM and the OFPP by November 1, each fiscal year.

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