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NASA
Procedural
Requirements

NPR 3800.1A
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2010
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COMPLIANCE IS MANDATORY

Employee Benefits

Responsible Office: Office of Human Capital Management

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Preface

P.1 Purpose

This NASA Procedural Requirements (NPR) establishes the responsibilities and procedures for various employee benefits and work/life programs for which the Agency has been delegated discretionary authority by Federal laws and regulations. This NPR provides Agency direction for use in conjunction with statutory and regulatory requirements. Consults the NASA Shared Services Center for further information and guidance pertaining to all Federal benefits except those benefits that are permissible by regulations and provided at the discretion of the Centers, i.e., child care and transit subsidy.

P.2 Applicability

a. This NPR is applicable to NASA Headquarters and NASA Centers, including NASA Component Facilities, Technical and Service Support Centers, and the Office of the Inspector General. In consonance with the Inspector General Act of 1978, as amended (5 U.S.C. Appendix), nothing herein shall be construed as limiting the Inspector General's authority.

b. Any reference to Center Director(s) includes the Executive Director for Headquarters Operations and the Executive Director of the NASA Shared Services Center.

P.3 Authority

a. Assignments to and from States, 5 U.S.C. § 3371 et seq.

b. Reimbursements Relating to Professional Liability Insurance, 5 U.S.C. prec. 5941 note.

c. Programs to Encourage Commuting by Means Other Than Single-Occupancy Motor Vehicles, 5 U.S.C. § 7905.

d. Civil Service Retirement, 5 U.S.C. § 8331 et seq.

e. Participation in the Thrift Savings Plan, 5 U.S.C. § 8351 et seq.

f. Health Insurance, 5 U.S.C. Chapter 89.

g. Enhanced Dental Benefits, 5 U.S.C. Chapter 89.

h. Enhanced Vision Benefits, 5 U.S.C. Chapter. 89.

i. Long-Term Care Insurance, 5 U.S.C. Chapter 90.

j. Inspector General Act of 1978, 5 U.S.C. Appendix, § 6.

k. Health Care Program, 22 U.S.C. § 4084.

l. Cafeteria Plans, 26 U.S.C. § 125.

m. Certain Fringe Benefits, 26 U.S.C. § 132.

n. Health Plans, 38 U.S.C. § 4317.

- o. The National Aeronautics and Space Act of 1958, Section 204(c)(1), as amended, 42 U.S.C. § 2473(c)(1).
- p. Temporary Assignment of Employees between Federal Agencies and State, Local, and Indian Tribal Governments, Institutions of Higher Education, and Other Eligible Organizations, 5 C.F.R. Part 334.
- q. Federal Employees' Health and Counseling Programs, 5 C.F.R. Part 792.
- r. Retirement, 5 C.F.R. Part 831.
- s. Law Enforcement Officers and Firefighters, 5 C.F.R. Part 831, Subpart I.
- t. Federal Employees' Group Life Insurance Program, 5 C.F.R. Part 870.
- u. Federal Long-Term Care Insurance Program, 5 C.F.R. Part 875.
- v. Federal Employees Health Benefits Program, 5 C.F.R. Part 890.
- w. Federal Flexible Benefits Plan: Pre-Tax Payment of Health Benefits Premium, 5 C.F.R. Part 892.
- x. Federal Employees Dental and Vision Insurance Program, 5 C.F.R. Part 894.
- y. Claims for Correction of Employing Agency Errors; Time Limitations, 5 C.F.R. § 1605.16(d).
- z. Qualified Transportation Fringe Benefits, 26 C.F.R. Parts 1 and 602. aa. Facility Management Ridesharing, 41 C.F.R. Subtitle C, Chapter 102, Part 102-74, Subpart B.
- bb. Exec. Order No. 13150, 3 C.F.R. 260 (2001), Federal Workforce Transportation, dated April 21, 2000.
- cc. NPD 3000.1, Management of Human Resources.

P.4 Applicable Documents and Forms

- a. Health Insurance, 38 U.S.C. § 4317.
- b. Retirement, 5 C.F.R. Part 831.
- c. Chapter 46, Part 46A3, CSRS and FERS Handbook for Personnel and Payroll Offices.
- d. NASA Employees Benefit Association, NEBA Policies and Procedures Manual.
- e. Foreign Affairs Manual, Chapter 16, Section 531.

P.5 Measurement/Verification

NASA Headquarters and each Center will periodically provide data to and participate in other evaluation activities conducted by the Office of Human Capital Management (OHCM) as required.

P.6 Cancellation

NPR 3800.1, Employee Benefits, dated May 16, 2005.

/S/
Woodrow Whitlow, Jr.

Associate Administrator
Mission Support Directorate

Chapter 1. Responsibility

1.1 The Administrator shall:

- a. Appoint for a five-year term, which may be renewed, the Chairperson, Vice Chairperson, and Secretary/Treasurer to the NASA Employee Benefits Association (NEBA) Board of Directors.
- b. In appropriate circumstances, approve the establishment of a firefighter or law enforcement officer (LEO) position for the purpose of special retirement coverage or approve a waiver to the maximum age requirement for such coverage.

1.2 The Director, Workforce Management and Development Division, OHCM, shall:

- a. Ensure that the specific employee benefits and work/life programs covered by these procedural requirements comply with applicable laws and regulations.
- b. If applicable, notify OPM upon approval of a newly established firefighter or LEO position for the purpose of special retirement coverage, approval of the waiver to the maximum age requirement for such coverage, or if any significant change results in a determination that such a position no longer qualifies as a firefighter or LEO position and if such position has been abolished.
- c. If applicable, notify OPM; the House Subcommittee on Treasury, Postal Service, and General Government Appropriations; and the Senate Subcommittee on Treasury and General Government Appropriations and its appropriations subcommittees of the Agency's intent to initiate a child care subsidy program initially, and annually for each year thereafter, prior to the obligation of any appropriated funds.

1.3 The Chief Financial Officer shall serve as the Chair of the Board of the NASA Family Assistance Fund (NFAF).

1.4 Center Directors and the Office of the Inspector General shall:

- a. Participate in the provision of all employee benefits and work/life programs in accordance with applicable laws and regulations and this NPR, unless otherwise specified.
- b. Establish a reconsideration process to address an employee's request for reconsideration of the Agency's initial decision denying coverage or change of enrollment relative to the Federal Employees' Group Life Insurance (FEGLI) and the Federal Employees Health Benefits Program (FEHBP) and any claim for correction relative to the Thrift Savings Plan (TSP).
- c. Establish a policy and procedures to provide for reimbursement of professional liability insurance to include the following:
 - (1) The amount of monies that an employee may be reimbursed, but no more than \$150 per year.
 - (2) The provision of adequate funding from the amount appropriated for salaries and expenses annually to support such reimbursement.
 - (3) The notification of qualified employees of the opportunity and the process to receive reimbursement.
 - (4) The method to be used to verify proof of such insurance information provided by the employee.
- d. May use appropriated funds available for salaries and expenses to provide transportation fringe benefits to subsidize employees' cost of commuting to and from work.

e. These responsibilities may be delegated as appropriate.

1.5 Center Directors shall:

a. Appoint for a five-year term, which may be renewed, at least two officers (President, Vice President, and/or Secretary-Treasurer) to the Center's NEBA Chapter. At least one officer should be selected from the Financial Management Office or from the Human Resources Office.

b. Request approval by the Administrator, through the OHCM, for the establishment of a firefighter or LEO position for the purpose of special retirement coverage or approval of a waiver to the maximum age requirement for such coverage. In addition, the OHCM shall be notified of any significant change that results in a determination that such a position no longer qualifies as a firefighter or LEO position or is abolished.

c. Notify the OHCM initially, and annually each year thereafter, of the Center's plans to provide child care subsidies to lower income employees from appropriated funds for salaries and expenses. Such funds may not be obligated until the OHCM has, in turn, notified the appropriate Congressional committees and the Office of Personnel Management (OPM).

1.6 The NSSC shall:

a. Provide general administrative and transactional support to the Agency for the various employees' benefits programs such as, but not limited to, health and life insurance, retirement, and survivor benefits.

b. Provide information, counseling, and assistance to employees regarding all aspects of their benefits, including notification of any changes in laws or regulations.

c. Ensure that while an employee is in an active duty military status for more than 30 days, but no more than 24 months and on Leave Without Pay (LWOP) that the employee's payment of FEHBP premiums and associated administrative charges are waived and paid by the Agency in accordance with 38 U.S.C. § 4317.

d. Ensure that an employee who is approved to participate under the Intergovernmental Personnel Act (IPA) Program is informed of the rules and regulations governing the continuation of their health benefits. When applicable, ensure that non-Federal health benefits programs meet all Federal requirements prior to an employee starting an IPA assignment with a non-Federal entity.

e. Ensure that the provisions of a court order, which mandates employees to provide health coverage for a child or children are carried out in accordance with 5 U.S.C. § 8905.

f. Provide information, counseling, and assistance to any survivor of a deceased employee prior to the submission of the death benefits case to OPM.

g. Provide NEBA enrollment information to new employees and refer NEBA members' requests for assistance on enrollments and claims to the carrier.

Chapter 2. Coverage under the International Cooperative Administrative Support Services (ICASS)

2.1 A NASA employee assigned to an overseas post is covered under the ICASS, which provides additional medical benefits to employees and their eligible family member(s), while stationed to an overseas post.

2.2 Under the provisions as provided by Section 531 of Chapter 16 of the Foreign Affairs Manual (FAM), a NASA Center may act as a secondary payer for employees and their eligible family member(s) who are experiencing, or has experienced, a medical emergency when covered under ICASS.

2.2.1 As a secondary payer, a NASA Center is authorized to provide its employees or their eligible family members with financial assistance for medical expenses not covered by their primary insurance plan.

2.2.2 In order for employees to receive this financial assistance, they must follow the provisions, as specified in Section 531 of Chapter 16 of the FAM, in coordination with their home Center.

Chapter 3. The NASA Employees Benefit Association (NEBA)

3.1 NEBA is:

- a. A non-appropriated fund instrumentality of the Federal Government authorized by the National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2451 et seq.
- b. An employee-operated association, established in 1952, that exists for the sole purpose of providing low-cost, high-quality life insurance and voluntary benefits for NASA civil service employees, military detailees, and their dependents.
- c. Governed by a Board of Directors (the Board) composed of a Chairperson, Vice Chairperson, and Secretary/Treasurer appointed by the NASA Administrator and the Centers' Chapter Officers who are appointed by their respective Center Directors. The Board:
 - (1) Provides overall direction and oversight.
 - (2) Selects a carrier to underwrite and administer insurance coverage in accordance with the NEBA Policies and Procedures Manual.
 - (3) Sets policy for the coverage within the scope of the agreement with the carrier.
 - (4) Implements policies and procedures to maintain adequate reserves to mitigate risks and to ensure discounted rates for members.

3.2 Each Center's NEBA Chapter is responsible for marketing NEBA's insurance to the Center's employees and assisting with the resolution of issues involving the Chapter's members.

3.3 The following individuals are eligible to elect NEBA insurance coverage provided they have not waived the opportunity to enroll in the previous 12 months:

- a. Any NASA civil service employee occupying a full or part-time permanent position or a term appointment, Cooperative Education students, and certain military reimbursable detailees.
- b. The lawful spouse, including a domestic partner, of an eligible NASA employee.
- c. The natural child, adopted child (including a child from the date of placement with the adopting parents until the legal adoption), foster child, stepchild (including the child of a domestic partner), or any child under an employee's custody and care who is:
 - (1) At least 15 days old, under age 19, unmarried, and supported by the employee.
 - (2) Under age 25 and who is:
 - (a) A full-time student at an accredited school, college, or university that is licensed in the jurisdiction where it is located.
 - (b) Unmarried.
 - (c) Supported by the employee.
 - (d) Not employed on a full-time basis.

3.4 The carrier is responsible for processing NEBA members' initial and/or open-season

enrollments, changes in enrollment or beneficiary, and death claims.

3.5 Employees are responsible for their initial and/or open-season enrollment, changes in enrollment or beneficiary, and any death claim in accordance with the carrier's established process. Members' fees are collected through payroll deduction.

Chapter 4. Professional Liability Insurance

4.1 Professional liability insurance provides coverage for:

- a. Legal liability for damages (including the expenses for litigation and settlement) awarded to another for injuries resulting from or arising out of any tortious act, error, or omission (whether common law, statutory, or constitutional) by a qualified employee while in the performance of their official duties. Such insurance does not cover injury or death resulting from medical malpractice.
- b. The cost of legal representation (including other legal costs and fees related to the proceedings) for qualified employees in connection with any administrative, judicial, or disciplinary proceeding (including any investigation) relating to any act, error, or omission by the employees while in the performance of their official duties.

4.2 A qualified employee (as defined in Appendix A) may be reimbursed for one half the cost incurred for professional liability insurance, not to exceed \$150 per year.

4.3 All qualified employees are eligible to participate if they choose to do so.

4.4 Once an employee's eligibility and proof of insurance have been verified, the employee must complete Standard Form 1164, Claim for Reimbursement for Expenditures on Official Business, and submit it to the NSSC Accounts Payable in order to receive reimbursement.

Chapter 5. Special Retirement Coverage for Firefighters and Law Enforcement Officers (LEOs)

5.1 With the exception of LEO positions in the Office of the Inspector General, the establishment of any firefighter or LEO position, for the purpose of special retirement coverage or approval of a waiver to the maximum age requirement for such coverage, must be submitted to the Administrator for approval through the OHCM in accordance with 5 C.F.R., Part 831, Subpart I and Chapter 46, Part 46A3, of the OPM's CSRS and FERS Retirement System Handbook for Personnel and Payroll Offices.

5.2 OHCM must, also, be notified of any significant change to such a position including the determination that the position no longer qualifies as a firefighter or LEO position or that it is abolished.

Chapter 6. Child Care Subsidy Program

6.1 The establishment and operation of a child care subsidy program to improve the affordability of child care for lower-income employees is at the discretion of each NASA Center.

6.2 If a Center elects to establish a child care subsidy program, it shall:

a. Use appropriated funds available for salaries and expenses.

b. Notify OHCM of its intent to do so initially, and annually for each year thereafter, in order for OHCM to provide notice of intent to OPM; the House Subcommittee on Treasury, Postal Service, and General Government Appropriations; to the Senate Subcommittee on Treasury and General Government Appropriations, and to its appropriations subcommittees prior to the obligation of funds.

c. Report annually to OHCM the cost of the program and other appropriate specifics, such as the number of participants, average amount of subsidy per participant, and restrictions. In accordance with the NASA Records Retention Schedule, such reports shall be retained for two years then destroyed.

d. In establishing the program:

(1) Determine who qualifies as a lower-income employee, and identify the income and/or subsidy program criteria to be used to determine eligibility.

(2) Determine any restrictions on the use of the funds (such as, restricted to full-time permanent employees, on-site child care center.).

(3) Determine the amount of the subsidy.

(4) Pay the child care provider directly unless the program is administered by another organization under contract to the Center.

(5) Ensure that a participating child care provider, whether Center-based or family child care, is licensed and/or regulated by the State and, where applicable, by local authorities.

(6) Make no more than one month's payment in advance of the employee receiving the services of a child care provider when the provider requires payment in advance for such services.

Chapter 7. Subsidies for Commuting to and from Work

7.1 The determination to use appropriated funds available for salaries and expenses and the establishment of the policy and procedures, in accordance with applicable laws and regulations, to provide transportation fringe benefits to subsidize employees' cost of commuting to and from work is at the discretion of each Center.

7.2 Such subsidies are under the purview of the Office of Strategic Infrastructure.

Chapter 8. NASA Family Assistance Fund (NFAF)

8.1 The NFAF was established in 2003 to enable NASA employees to contribute financial assistance to their fellow employees and/or their families during their time of need following a personal tragedy or natural disaster such as a hurricane.

8.2 NFAF is governed by an advisory board and administered by the Federal Employee Education and Assistance (FEEA) Fund.

8.3 The NFAF Advisory Board provides oversight of administration of the NFAF.

8.4 FEEA administers the NFAF on behalf of the Board in accordance with the terms and conditions as set forth in a joint memorandum of understanding.

Appendix A. Definitions

Carrier. Company underwriting the NEBA group life insurance.

Child. For the purpose of a child care subsidy program, the qualifying age of a child is from birth through age 13 or through age 18 for a disabled child. The child may be a biological child who lives with the Federal employee; an adopted child; a stepchild; a foster child; a child for whom a judicial determination of support has been obtained; or a child that is supported by regular and substantial contributions by the Federal employee who is a parent or legal guardian.

Domestic Partner (as defined by the NEBA carrier). Each of two people of the same or opposite sex, one of whom is an employee of the policyholder, who represent themselves publicly as each other's domestic partner, and have: a. Registered as domestic partners or members of a civil union with a Government agency or office where such registration is available.

b. Submitted a domestic partner affidavit to the carrier.

Federal Employees' Group Life Insurance (FEGLI). A group life insurance program that covers non-excluded Federal employees, retirees, and eligible family members.

Federal Employees Health Benefits Program (FEHBP). A federally sponsored health insurance program providing medical coverage to Federal employees, retirees, former employees, family members, and former spouses.

Firefighter. An employee whose duties are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment. Also included in this definition is an employee engaged in this activity who is transferred to a supervisory or administrative position. It does not include an employee whose primary duties are the performance of routine fire prevention inspection.

Law Enforcement Officer (LEO). An employee whose duties are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including an employee engaged in this activity who is transferred to a supervisory or administrative position. It does not include an employee whose primary duties involve maintaining law and order, protecting life and property, guarding against or inspecting for violations of laws, or investigating those other than persons who are suspected or convicted of offenses against the criminal laws of the United States.

Qualified employee. For the purpose of professional liability insurance is: a. A supervisor or management official as defined by 5 U.S.C. § 7103(a).

b. An LEO, the duties of whose position are primarily the investigation, apprehension, prosecution, detention, or supervision of individuals suspected or convicted of offenses against the criminal laws of the United States, including any LEO, under 5 U.S.C. § 8331(20) or 8401(17) or 22 U.S.C. § 4823.

Reconsideration. A review of an initial decision or determination for enrollment or coverage to determine if the employing office correctly applied the laws and regulations.

Thrift Savings Plan (TSP). A retirement savings and investment plan for Federal employees to provide retirement income, the amount of which is dependent on how much the employee (and the agency if the employee is a Federal Employees Retirement System (FERS) employee) has contributed during the employee's career and the earnings on those contributions.

Transportation Fringe Benefit. A Federal tax benefit authorized under the Internal Revenue Code Section 132(a), Qualified Transportation Fringes, provided by an employer, that allows employees to reduce their monthly commuting expenses. Such a benefit may cover:

- a. Transportation in a commuter highway vehicle.
- b. A transit pass.
- c. Qualified parking.
- d. Qualified bicycle commuting reimbursement.

Appendix B. Acronyms

CSRS	Civil Service Retirement System
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
FAM	Foreign Affairs Manual
FEEA	Federal Employees Education and Assistance
FEGLI	Federal Employees' Group Life Insurance
FEHBP	Federal Employees Health Benefits Program
FERS	Federal Employees Retirement System
ICASS	International Cooperative Administrative Support Services
IPA	Intergovernmental Personnel Act
LEO	Law Enforcement Officer
LWOP	Leave Without Pay
OPM	Office of Personnel Management
NEBA	NASA Employees Benefit Association
NFAF	NASA Family Assistance Fund
NPD	NASA Policy Directive
NPR	NASA Procedural Requirements
NSSC	NASA Shared Services Center
OHCM	Office of Human Capital Management
TSP	Thrift Savings Plan
USC	United States Code