



**NASA
Interim
Directive**

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Subject: Salary History, Pay History and Competing Job Offers

Responsible Office: Office of the Chief Human Capital Officer

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Preface

P.1 Purpose

- a. This NID implements regulations issued by the Office of Personnel Management titled, Advancing Pay Equity in Governmentwide Pay Systems, effective April 1, 2024.
- b. This NID supersedes policy in NPR 3530.1, NASA Pay and Compensation Policy, Chapters 4 (Superior Qualifications Appointments), and Section 2.2 (Highest Previous Rate – Maximum Payable Rate). This directive is to be used in conjunction with otherwise applicable language in NPR 3530.1 and applicable regulatory and statutory requirements. Servicing Human Capital Offices (HCOs) should be consulted for information and guidance on discretionary pay and compensation matters.

P.2 Applicability

- a. This NID is applicable to NASA Headquarters and NASA Centers, including Component Facilities. Unless otherwise indicated, use of the word Center(s) in the text of the NID includes NASA Headquarters, and any reference to Center Director(s) includes the Executive Director, Headquarters Operations, and the Director, NASA Shared Services Center (NSSC).
- b. The Office of the Inspector General has statutory independence and may create a separate pay and compensation policy that more effectively meets its mission requirements.
- c. In this NID, all mandatory actions (i.e., requirements) are denoted by statements containing the term “shall”. The terms: “may” denotes a discretionary privilege or permission, “can” denotes statements of possibility or capability, “should” denotes a good practice and is recommended, but not required, “will” denotes expected outcome, and “are/is” denotes descriptive material.

P.3 Authority

- a. Government Organization and Employees, 5 U.S.C.
- b. Pay Rates and Systems, 5 U.S.C. Part III, Subpart D, Chapter 53.
- c. National Aeronautics and Space Administration (NASA Workforce Flexibility Act of 2004), 5 U.S.C. Part III, Subpart I, Chapter 98.
- d. Powers of the Administration in performance of functions, 51 U.S.C. § 20113.
- e. Pay under the General Schedule, 5 CFR Part 531.

P.4 Applicable Documents

- a. Merit System Principles, 5 U.S.C. Part III, Subpart A, Chapter 23.
- b. Minimum rate for new appointments, 5 U.S.C., Part III, Subpart D, § 5333.
- c. National Aeronautics and Space Administration, 5 U.S.C. Part III, Subpart I, Chapter 98.
- d. Diversity, Equity, Inclusion, and Accessibility (DEIA) in the Federal Workforce, E.O. 14035.
- e. Advancing Economy, Efficiency, and Effectiveness in Federal Contracting by Promoting Pay Equity and Transparency, E.O. 14069.
- f. Pay Under the General Schedule, 5 CFR Part 531.
- g. NPD 3000.1, Management of Human Resources.
- h. NASA Pay and Compensation Policy, NPR 3530.1.
- i. Office of the Administrator Memorandum, dated November 8, 2018, Subject: Delegation of Authorities.
- j. NASA Desk Guide on the NASA Flexibility Act of 2004, NASA Office of the Chief Human Capital Officer (OCHCO).

P.5 Measurement/Verification

- a. Compliance with this directive will be evaluated through the following means:
 - (1) Internal reviews conducted by the Office of the Chief Human Capital Officer (OCHCO) Accountability Program Office, other OCHCO management officials, or servicing HCOs;
 - (2) Internal controls reviews required by NASA policies or service delivery guides; or
 - (3) Any reviews conducted by external stakeholders (e.g., OPM).
- b. HCOs shall ensure sufficient documentation and recordkeeping, as required by applicable regulatory and policy guidance, is established, maintained, and safeguarded in accordance with the NASA policy and records retention schedule.

P.6 Cancellation

None.

Chapter 1. Responsibilities

1.1. Associate Administrator, Office of the Chief Human Capital Officer (AA, OCHCO)

The AA, OCHCO is responsible for ensuring that the policy and procedural requirements for pay and compensation comply with applicable regulations, and laws, including but not limited to the following merit system principles codified in 5 U.S.C. § 2301(b).

- a. All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights. 5 U.S.C. § 2301(b)(2).
- b. Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance. 5 U.S.C. § 2301(b)(3).

1.2. Officials-in-Charge

1.2.1 In accordance with NPR 3530.1, NASA Pay and Compensation policy, Officials-in-Charge of Headquarters Offices (OICs) and NASA Center Directors (CDs) are responsible for making several discretionary pay and compensation decisions within their area of responsibility in a fair and consistent manner. These authorities may be delegated in writing.

1.2.2 OICs and CDs (or designees) shall ensure that:

- a. Non-Federal salary and pay history shall not be considered when making discretionary pay and compensation decisions for individuals receiving their first appointment as a civilian of the Federal Government (or reappointment after a qualifying break in Federal service).
- b. Non-Federal salary and pay history shall not be requested from job candidates by hiring managers, interview panel members, or other management officials or NASA employees involved in external engagement, recruitment, or hiring processes.
- c. A competing job offer received by a candidate for NASA employment shall not be considered when making discretionary pay and compensation decisions.
- d. Criteria in section 2.5 of this NID shall be considered when making discretionary pay and compensation decisions regarding highest previous rate/maximum payable rate for individuals with previous civilian service in the Federal Government.

1.3. Center Human Resources Directors (HRDs)

a. Center HRDs have overall responsibility for ensuring compliance with the statutory and regulatory requirements governing discretionary pay and compensation decisions, including the Governmentwide prohibition against using a job candidate's non-Federal salary, non-Federal pay history, or competing job offer as a basis for determining the use or amount of discretionary pay flexibilities. As of October 1, 2024, consistent with collective bargaining obligations, required written justifications for the payment of discretionary pay flexibilities shall not include reference to these factors.

b. Center HRDs have overall responsibility for ensuring the provisions of this policy are appropriately communicated and followed; providing guidance to management officials regarding pay/compensation matters; establishing any Center wide written procedures for discretionary pay and compensation actions in accordance with this directive and applicable regulations; and ensuring pay/compensation determinations are documented as required and are consistent with overall program objectives.

Chapter 2. Criteria for Salary Determinations

2.1 Covered Positions

The following provisions cover salary determinations for General Schedule (GS) positions and NEX positions with administratively determined (AD) pay. This directive does not cover SES, SL, or ST positions.

2.2 Superior Qualifications and Special Needs

2.2.1 For individuals receiving their first appointment as a civilian of the Federal Government (or reappointment after a qualifying break in Federal service), pay is normally set at the minimum rate of the applicable grade (e.g., step 1 of the assigned GS grade-level in accordance with 5 CFR § 531.211, Setting Pay for a Newly Appointed Employee).

2.2.2 Agencies may use the superior qualifications and special needs pay-setting authority to set the rate of basic pay above the minimum rate in accordance with 5 CFR § 531.212, Superior Qualifications and Special Needs Pay-setting Authority. In all cases, approving officials shall consider the option of authorizing a recruitment incentive prior to authorizing a higher rate of pay based on superior qualifications or special needs.

2.2.3 Prior to considering use of this pay-setting authority, management officials shall consider the following.

- a. The rate of pay (i.e., step) set for newly appointed employees with similar qualifications in the same or similar positions considering the occupational series, grade level, organization, geographic location, or other relevant job factors; and
- b. The rate of pay (i.e., step) set for newly appointed employees in the organization with similar qualifications in the same or similar type of position considering the quality of the candidate's skills, competencies, or other capabilities and experiences.

2.2.4 The use of special needs pay-setting authority shall not be based upon a candidate's non-federal salary and pay history, or a competing job offer. Use of this pay-setting authority shall only be based on one or more of the following criteria.

- a. Level, type, or quality of the candidate's skills or competencies which are relevant to the position being filled, provided capabilities or experience are essential to the accomplishment of an important agency mission, goal, or program activity.
- b. Alignment with special workforce needs documented in NASA's Strategic Workforce Plan.

2.2.5 Determinations for the exercise of superior qualifications pay-setting authority shall be limited to consideration of one or more of the following criteria which are relevant to the position to be filled, provided the candidate demonstrates more specialized

capabilities as compared to other candidates and/or significantly higher-level capabilities as compared to the job requirements.

- a. Level, type, or quality of the candidate's skills or competencies demonstrated by or obtained through experience and/or education.
- b. Quality of the candidate's accomplishments as compared to others in the field.

2.2.6 Decisions to use this pay-setting authority shall be documented in writing, before the job candidate begins employment with NASA, and shall be approved by a management official at least one level higher than the employee's direct supervisor. Written justifications shall address why pay above the minimum rate was authorized instead of or in addition to a recruitment incentive. Written justifications shall also address how one or more of the following factors are directly related to the higher rate of pay (i.e., approved step).

- a. Level, type, or quality of the candidate's skills or competencies.
- b. Significant pay disparities between Federal and non-Federal salaries for the required skills and competencies of the position.
- c. Labor market conditions and employment trends for the same or similar positions.
- d. Priorities specified in NASA's Strategic Workforce Plan.
- e. Recent recruitment challenges for the same or similar positions.
- f. Recruitment challenges due to geographic location.
- g. Recent attrition for the same or similar positions.
- h. Significance/criticality of filling the position (e.g., negative impact to NASA if the position remains vacant or isn't filled expeditiously).

2.3 Highest Previous Rate (HPR) – Maximum Payable Rate (MPR)

2.3.1 OICs and CDs may use pay-setting authority in 5 CFR §§ 531.221-223, Using a Highest Previous Rate under the Maximum Payable Rate Rule, to set basic pay above the normal rate, based on a previous higher rate of pay in a qualifying Federal job. This authority may be delegated in writing.

2.3.2 The maximum payable rate (MPR) rule may be used in conjunction with several personnel actions, such as reemployment, transfer, reassignment, promotion, demotion, change in type of appointment, termination of critical position pay, movement from a non-GS pay system, or termination of grade or pay retention, in accordance with applicable laws and regulations. Use of the MPR rule must take effect on the effective date of the related personnel action.

2.3.3 Use of an employee's (or former employee's) highest previous rate (HPR) is limited to:

- a. Prior Federal employment on appointments with a regular tour of duty not limited to 90 days or less; or
- b. Continuous periods of Federal employment of at least 90 days without a break in service.

2.3.4 NASA's policy is to set pay for individuals with previous civilian Federal service at the HPR. Policy exceptions may be made for the following reasons:

- a. Nonavailability of funds.
- b. Relevance of the employee's prior experience, on which the HPR is based, to the present position.
- c. Voluntary change to lower grade to a position with known promotion potential. Pay may be set in the lower grade so that upon re-promotion, pay will be set at the rate the employee would have attained had he or she not been changed to the lower grade.
- d. Change to lower grade for cause. Centers will establish procedures for setting pay for change to lower grade actions for cause. Pay may be set below the employee's current rate.
- e. Expiration of a temporary promotion. When an employee returns to his or her permanent position, pay must be set at the rate he or she would have earned in the absence of the temporary promotion. However, if the temporary promotion lasted one year or longer, the rate received during the temporary promotion may be used to determine the employee's HPR or MPR to set pay in the lower grade.
- f. Internal pay alignment within the organization for employees performing similar work considering the occupational series, grade level, type of duties, or other relevant job factors.

2.3.5 In all instances, management officials shall consider the rate of pay (i.e., step) set for employees performing similar work in the organization considering the occupational series, grade level, or type of duties.

2.3.6 When the MPR is authorized and that rate of pay falls between two rates of the new grade, the employee will be paid the higher rate. Determinations on the applicable HPR amount for an employee must be made on a case-by-case basis in conjunction with 5 CFR §§ 531.221-223, Using a Highest Previous Rate under the Maximum Payable Rate Rule, (e.g., consideration of locality, special, and non-GS pay rates; critical position pay; market pay for physicians; and rates received during a temporary promotion).

2.3.7 Decisions to use this pay-setting authority shall be documented in writing, prior to the effective date of the accompanying personnel action, and should be approved by a

management official at least one level higher than the employee's direct supervisor. Documentation and recordkeeping sufficient to allow reconstruction of the action must be maintained in accordance with NASA records retention schedule.

2.4 Use of Non-Federal Salary and Pay History

- a. Non-Federal salary and pay history shall not be considered when making discretionary pay and compensation decisions for individuals receiving their first appointment as a civilian of the Federal Government (or reappointment after a qualifying break in Federal service).
- b. The terms non-Federal salary history and non-Federal pay history are used interchangeably and refer to either the salary or pay a job candidate is currently receiving for a non-Federal job or the salary or pay the candidate has been paid in a previous non-Federal job.
- c. Non-Federal salary and pay history shall not be requested from job candidates by hiring managers, interview panel members, or other management officials or NASA employees involved in external engagement, recruitment, or hiring processes.
- d. The prohibition against considering a job candidate's non-Federal salary and pay in discretionary decisions, including salary determinations and the amount of any authorized recruitment, relocation, retention, or redesignation incentives, still applies if a job candidate voluntarily provides such information.
- e. An employee or job candidate's highest previous Federal rate of pay may be used to set pay in accordance with section 2.5 of this directive.

2.5 Competing Job Offers

2.5.1 A competing job offer received by a candidate for NASA employment shall not be considered when making discretionary pay and compensation decisions, including salary determinations and the amount of any authorized recruitment, relocation, retention, or redesignation incentives.

2.5.2 The prohibition against considering a job candidate's competing job offer in discretionary decisions, including salary determinations and the amount of any authorized recruitment, retention, or redesignation incentives, still applies if a job candidate voluntarily provides such information. If the candidate provides this information, please inform them of NASA's policy and disregard the provided data.

Appendix A. Acronyms

AA	Associate Administrator
AD	Administratively Determined
CD	Center Director
CFR	Code of Federal Regulations
DEIA	Diversity, Equity, Inclusion, and Accessibility
EO	Executive Order
GS	General Schedule
HCO	Human Capital Office
HPR	Highest Previous Rate
HR	Human Resources
HRD	Human Resources Director
MPR	Maximum Payable Rate
NEX	NASA Excepted
NID	NASA Interim Directive
NPD	NASA Policy Directive
NPR	NASA Procedural Requirements
NSSC	NASA Shared Services Center
OCHCO	Office of the Chief Human Capital Officer
OIC	Official-in-Charge of Headquarters Office
OPM	Office of Personnel Management
SES	Senior Executive Service
SL	Senior Leader
ST	Senior Technical
U.S.C.	United States Code