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NATIONAL SCIENCE FOUNDATION

4201 Wilson Boulevard
Arlington, Virginia 22230



OFFICE OF THE
GENERAL COUNSEL

September 20, 2017

Via email

Case #16-229F

This is the final response in regard to your June 19, 2016 emailed FOIA request for an electronic copy of the NSF Personnel Manual.

Enclosed is the document responsive to your request. Your right of administrative appeal is set forth in Section 612.9 of the NSF FOIA regulation (copy enclosed). Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request.

If you need any further assistance or would like to discuss any aspect of your request, please do not hesitate to contact our FOIA Public Liaison at 703-292-8060. Additionally, you may contact the Office of Government Information Services (OGIS) which was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

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Telephone (703) 292-8060

FAX (703) 292-9242

Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

There is no fee for FOIA services in this instance in accordance with 5 U.S.C. 552(a)(4)(A)(i) et seq.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sandra Evans", is positioned above the printed name.

Sandra Evans
FOIA/Privacy Act Officer

Enclosures



PER

PERSONNEL MANUAL



RESOURCES AT YOUR FINGERTIPS

IMPORTANT NOTICE: The Personnel (PER) Manual is currently under construction!

As part of our overarching initiatives to provide outstanding service to our customers, the Human Resource Management (HRM) Division is improving the usability and readability of the NSF Personnel Manual.

This update will include the addition of newly-approved policies, policy changes to current content based on approved changes made over the years, and a general reformatting of the way in which chapters are written to make it easier to navigate, understand, and cite the policies. HRM is partnering with various subject matter experts and stakeholders throughout the Foundation to develop and approve these updates (e.g., LRO, OGC, BFA).

The PER Manual Update will not happen all at once, but instead will occur gradually as individual chapters are updated, so we ask for your patience during this transition time. With each update, we will replace outdated chapter content (if applicable) with updated content, and we will provide a summary of updates.

Questions about the PER Manual update initiative? Contact Nancy Roddy (HRM) at nroddy@nsf.gov.

| UPDATE | DETAILS/STATUS | DATE |
|---|--|-----------|
| Overall | The PER Manual is now formatted as a website for easier navigation. | May 2016 |
| | <p>While employees may continue to access the PER Manual from the HRM Home Page via InsideNSF, the link itself has changed and previous bookmarks may no longer work.</p> <ul style="list-style-type: none"> Employees are encouraged to bookmark the new location for easier access: https://collaboration.inside.nsf.gov/oirm/hrm/pmc/PerNSF/SitePages/Home.aspx Employees are encouraged to add the PER Manual to their default links on InsideNSF (listed on the left-hand side), if not already selected. | May 2016 |
| New Content (new or updated subchapters) | <ul style="list-style-type: none"> Chapter 2.1200: Phased Retirement Chapter 3.300: Mandatory Learning and Development for Supervisors, Managers and Executives Chapter 8.400: Telework Program | May 2016 |
| | <ul style="list-style-type: none"> Chapter 9.400: Domestic Violence, Sexual Assault, and Stalking Prevention and Support for Victims Chapter 9.500: Preventing and Addressing Workplace Violence | June 2015 |
| Changes to Content & Structure | <ul style="list-style-type: none"> <i>Chapter 8: Attendance and Leave</i> has been renamed <i>Career Life Balance</i>; however, subchapters within this chapter will continue to carry the old title until their content is updated. <i>Chapter 9: Staff Safety, Security, and Protections</i> has replaced <i>Chapter 9: Related Programs</i>. Please note that the order of chapters, as well as chapter numbering, have been interrupted in the meantime. <i>Chapter 9.100: Upward Mobility Program – Avenues for Career Enhancement (ACE)</i> has been cancelled. Chapter 2.500 NSF Merit Promotion & Placement Plan has been reformatted. Significant content revision was made to Section IX (The Selection Process). This change removes the existing “interview one, interview all” requirement and replaces it with a more manageable process. The new process ensures that current NSF employees who are eligible for the position and among the best qualified are afforded the opportunity for an interview. Chapter 3.400 Independent Research/Development (IRD) Program has been reformatted. This subchapter been renumbered from 3.700 to 3.400. Links to InsideNSF, specifically the IR/D collaboration site, have been added to provide more cross-referencing for employees/supervisors, as well as up-to-date and easier-to-access information. | June 2015 |

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CHAPTER I

PERSONNEL MANAGEMENT POLICY

CHAPTER I - PERSONNEL MANAGEMENT POLICY

CHAPTER SUMMARY

Human resource policies at the National Science Foundation are established to attract personnel most qualified to accomplish the mission of the organization.

HRM CONTACT

Division of Human Resource Management (HRM)
703-292-8180

100 INTRODUCTION

Human Resource (HR) Management concerns the attraction, selection, motivation, leadership, understanding, utilization and evaluation of people as individuals and as members of work groups in accomplishing the mission of an organization. Human resource policies and programs of the National Science Foundation will be consistent with applicable laws, Executive Orders, rules and regulations. If a chapter of this Manual is in conflict with applicable law or regulation, the law or regulation will take precedence over the NSF issuance.

110 DELEGATION OF AUTHORITY

The Director of the NSF has delegated to the Director, Office of Information and Resource Management the authority to develop and administer the NSF Human Resource Management Program. Included under this delegation are recruitment, appointment, placement, position management and classification, salary and wage administration, performance appraisal and compensation, incentive awards, career development, employee training, employee relations and morale, employee services, labor relations, personnel management evaluation, and personnel records and reports. The Director, OIRM was also delegated the authority to sign Standard Form 50, "Notification of Personnel Action." These authorities have been redelegated to the Director, Division of Human Resource Management (HRM) and his/her staff as appropriate.

120 RESPONSIBILITIES

121 THE DIRECTOR OF THE OFFICE OF INFORMATION AND RESOURCE MANAGEMENT (OIRM) implements the Foundation's human resource evaluation program, communicates the HR goals of the Director, and ensures that the Director is informed regarding HR problems.

122 ASSISTANT, OFFICE, AND DIVISION DIRECTORS provide effective leadership to ensure human resources management that is consistent with established public policy and Foundation HR goals.

123 SUPERVISORS ensure that the NSF human resources policies and procedures are effected at the working level.

124 THE DIRECTOR OF HUMAN RESOURCE MANAGEMENT:

- is responsible for the day-to-day implementation of Foundation's human resource program;
- establishes program priorities and provides innovative strategies for meeting human resource management goals; and

- assists NSF managers in carrying out their human resource responsibilities.

130 HUMAN RESOURCE MANAGEMENT EVALUATION

HRM will periodically review the effectiveness of the NSF human resource management program and make recommendations for improvements. Such evaluation activities can be initiated by the Foundation itself or in response to inquiries from the U.S. Office of Personnel Management (OPM) or other sources.

140 GENERAL HUMAN RESOURCE POLICIES

NSF employees are responsible for helping to earn and maintain the confidence of the public in the integrity of the Government. This requires all NSF employees to maintain their personal integrity.

141 MERIT SYSTEM PRINCIPLES. The NSF Merit System Principles consist of 12 tenets covering how employees are recruited, hired, trained, advanced, compensated, awarded, and protected against certain arbitrary actions, political coercion, favoritism, and unlawful reprisals. The Merit Systems Principles of NSF are listed in the [Appendix](#). Many of the provisions of the prohibited personnel practices listed below are based on these principles.

142 PROHIBITED PERSONNEL PRACTICES. Employees who have the authority to take, recommend, or approve personnel actions or to direct others to do so are prohibited from taking certain actions. These include:

- Discriminating on the basis of race, color, national origin, religion, sex, age, disability, marital status, sexual orientation, union membership, or political affiliation.
- Requesting or considering any information concerning a candidate for any personnel action unless the information is based on documentation or personal knowledge of its source and is relevant to the particular personnel action.
- Coercing employees or applicants to participate in political activities (including contributing money or services) or penalizing them for refusing to participate in such activities.
- Deceiving or willfully obstructing open and full competition for employment opportunities.

- Influencing a person to withdraw from competing for a NSF position for the purpose of influencing the prospects of other candidates.
- Granting to any NSF employee or applicant preferences that are not allowed by law, rule, or regulation.
- Taking reprisal against an employee or applicant for disclosure of information that the individual reasonably believes should be disclosed, unless there is a legal prohibition against a specific disclosure for reasons of national defense or foreign affairs. Such information includes evidence of mismanagement, waste, abuse of authority, specific danger to public health, or violation of law, rule, or regulation.
- Discriminating on the basis of conduct not affecting the performance of the individual or others. However, this does not prohibit NSF from taking into account convictions for crimes under Federal, state, or District of Columbia laws when determining suitability or fitness for particular positions.
- Violating any law, rule, or regulation regarding NSF merit system principles.

143 NSF EMPLOYEE CONDUCT. NSF employees are expected to adhere to basic standards of integrity and decency. NSF employees must not engage in criminal, dishonest, immoral, or any other conduct prejudicial to the Government. NSF employees are responsible for knowing all statutes and any implementing regulations relating to their NSF and/or Federal positions. These include criminal statutes regarding bribe and graft, the Standards of Ethical Conduct for Employees of the Executive Branch and the NSF Manual 15, “NSF Conflict-of-Interests Rules and Standards of Conduct.”

NSF employees must report to the Office of Inspector General allegations of misconduct, fraud, waste, abuse, or corruption involving NSF, NSF employees, NSF-funded research or education, or proposals for NSF funding. NSF employees must also fully and promptly comply with all requests for documents, interviews, briefings, and other information from OIG.

NSF employees must observe all statutes relating to political activities. Any questions regarding standards of conduct, conflict of interest, or outside political or other activities should be referred to the NSF Office of the General Counsel.

All managers serving on Intergovernmental Personnel Act (IPA) assignments, with authority to make selections to fill va-

cancies, are required to seek advice from NSF’s Designated Agency Ethics Official in the Office of the General Counsel to ensure that selection activities are free of conflicts of interest, or the appearance of conflicts of interest.

144 EMPLOYMENT OF RELATIVES.

A. Coverage. NSF’s policy regarding the employment of relatives is based on the provisions of Title V, U.S.C., Section 3110 and apply to employment actions both in the competitive service and the excepted service. The code considers a relative to be an individual’s father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

B. Restrictions. The NSF restrictions on the employment of relatives apply to selection, appointment, promotion, and other actions to provide employment opportunities. NSF employees are prohibited from:

- providing employment opportunities to their own relatives;
- advocating that employment opportunities be given to their relatives; and
- providing employment opportunities to relatives of other NSF employees who have advocated or recommended that NSF employ their relatives.

When a person has been appointed, employed, promoted, or advanced in violation of these restrictions, he/she is not entitled to payment from the U.S. Treasury.

C. Exceptions. There are two exceptions to the NSF restriction on the employment of relatives:

- An NSF official may appoint a relative who has veterans preference and who is within reach on a certificate of eligibles if an alternative selection from the certificate would pass over the relative with veterans preference for a person without veterans preference.
- An NSF official may appoint a relative to meet urgent needs when an emergency poses immediate threat to life or property. Appointments under these conditions are temporary and cannot exceed one month. Such appointments can be extended another month when the emergencies continue to exist.

APPENDIX
THE NSF MERIT SYSTEMS PRINCIPLES

- Qualified individuals will be recruited from all appropriate sources.
- NSF will work closely with a variety of organizations to recruit as broadly as possible to ensure a diverse workforce that is representative of the U.S. population.
- All employees and applicants for employment at NSF will receive fair and equitable treatment. All aspect of human resource management will respect personal privacy and constitutional rights. No aspects of human resources management will be based on political affiliation, race, color, religion, national origin, sex, marital status, age, or disability.
- Employees will be selected and advanced solely on the basis of their abilities, knowledge, and skills. They will be selected after fair and open competition which ensures that all receive equal opportunity.
- Equal pay will be provided for substantially equal work.
- Employees will receive appropriate incentives and recognition for excellence in performance.
- All employees will maintain high standards of integrity, conduct and concern for the public interest.
- Human resources will be used effectively and efficiently.
- Employees will be retained on the basis of the adequacy of their performance. Employees will be given an opportunity to correct inadequate performance.
- NSF will provide training and development programs designed to enhance employees skills and abilities.
- Employees will be protected against arbitrary action, personal favoritism, or coercion for partisan political purposes.
- Employees will be protected against reprisal for the lawful disclosure of information which the employee reasonably believes constitutes a violation of laws, rules or regulation; mismanagement; abuse of authority; or a substantial and specific danger to public health or safety.



CHAPTER II EMPLOYMENT

CHAPTER II—EMPLOYMENT

SUBCHAPTER 100 EMPLOYMENT IN THE NSF EXCEPTED SERVICE

SUBCHAPTER SUMMARY

This Subchapter describes the employment process for excepted positions.

HRM CONTACT

Staffing and Classification Branch
Division of Human Resource Management (HRM)
703-306-1185

110 INTRODUCTION

111 PURPOSE. This Subchapter sets forth the policies, criteria, and procedures for establishing, recruiting for, making appointment or changes to, and setting the salaries of Excepted positions under the authority contained in the National Science Foundation Act of 1950 (42 U.S.C., Sec 1873).

112 SCOPE. The provisions of this Subchapter apply to all positions established under the authority of the NSF Act of 1950 with the following exceptions:

A. Rotators. Positions established for the Foundation's Rotator Program, which is described in [PER II-400](#), "NSF Rotator Program," are excluded. However, employees serving as Rotators will be eligible for a Performance Bonus as provided in [section 134](#) of this Subchapter.

B. Employees Outside the Bargaining Unit. For administrative convenience, the provisions of [PER-IV-100](#) (General Workforce Performance Management System) will be followed and applied for employees outside the bargaining unit except as they relate to Performance Awards, Within-Grade Increases, Quality Step Increases, or Acceptable Level of Competence.

C. Employees in the Bargaining Unit. For administrative convenience, the provisions of Article IX (General Workforce Performance Management System) of the Collective Bargaining Agreement will be followed and applied for employees in the bargaining unit except as they relate to Performance Awards, Within-Grade Increases, Quality Step Increases, or Acceptable Level of Competence (The provisions of Article X, Acceptable Level of Competence, do not apply either).

113 POLICY. The NSF policy governing the use of the Excepted Appointment Authority is in accordance with the

following policies established by the National Science Board (exclusive of the provisions applying to the Rotator Program):

a. Excepted positions shall be established and used to attract and retain the highly qualified scientific, engineering, legal or managerial personnel necessary to permit the National Science Foundation to carry out its legislatively mandated responsibilities.

b. Excepted positions may be utilized for the appointment of professional staff to the National Science Board (limited by law to a total of five).

c. Compensation for permanent (i.e., non-rotators) Excepted positions shall be set and adjusted at levels which are comparable with salaries the incumbents could expect to receive from progressive public and private employers.

d. Appointment to Excepted positions will be made without regard to the race, color, religion, national origin, sex, marital status, age, lawful political affiliation, or any non-disqualifying handicap of the individual.

114 OVERALL RESPONSIBILITIES.

a. The Director, Division of Personnel and Management (DPM), as the Director's designee, is responsible for approval of all proposed appointments, extensions, promotions, demotions, or reassignments that are to be effected under the NSF Excepted Authority. The one exception to this policy is that conversions of Rotators to permanent appointments must be approved by the Director or the Director's designee.

b. DPM is responsible for administering the candidate evaluation and selection process, including:

1. assisting in establishing and categorizing proposed Excepted position descriptions, determining the appropriate

designee. The Executive Resources Board will provide the Director with a recommendation in each case.

b. DPM is responsible for administering the candidate evaluation and selection process, including:

1. assisting in establishing and categorizing proposed Excepted position descriptions, determining the appropriate level of difficulty, and assuring that the duties are appropriate for use of the Excepted Authority;

2. providing recruitment assistance to locate applicants for positions; and

3. determining that applicants meet minimum qualifications for positions.

c. DPM is responsible for administering the pay-for-performance process, including:

1. developing criteria as may be appropriate;

2. providing guidance on the application of the provisions described in [section 133](#); and

3. processing salary adjustments consistent with these provisions and only to the extent of the available pool funds.

d. DPM is responsible for administering the performance bonus program described in [section 134](#), including:

1. developing criteria as may be necessary;

2. providing guidance on the application of the provisions; and

3. processing proposed bonuses only to the extent of the available pool funds.

120 CATEGORIES OF EXCEPTED POSITIONS

The designation "AD" (Administratively Determined) is used to identify Excepted positions within the scope of this Subchapter. Overlapping broad salary ranges are established for each of five distinctive levels of difficulty and responsibility:

121 LEVEL 1. This level is used to accommodate individuals appointed to special purpose positions that are below the full performance professional level. Excepted positions are normally not used below the Level 2 range except for temporary summer employment purposes. However, trainee and development positions below Level 2 may be established in cases where the circumstances of appointment or the unique qualifications of the individual involved warrant an Excepted appointment. In addition, positions may be established at this level on a temporary basis as the Director may deem necessary for the discharge of the responsibilities of the Foundation.

Individuals who have a baccalaureate degree in the sciences, engineering, or management, (or, for temporary appointments in the Office of the General Counsel, a baccalaureate in one of these fields and who have been accepted by an accredited law school) may be appointed. (The minimum salary for Level 1 is Step I of Grade 5 under the General Schedule (GS); the maximum is Step 10 of GS-11.)

122 LEVEL 2. This level is used for Assistant Program Directors and comparable positions. Positions in this category are considered to be at the journeyman professional level. Candidates must have either:

- a. Ph.D. in an appropriate field; or

- b. a masters degree in an appropriate field, plus two or more years of successful research, research administration, and/or managerial experience pertinent to the position; or

- c. equivalent experience.

(The minimum salary for Level 2 is Step 1 of GS-11; the maximum is Step 10 of GS-13.)

123 LEVEL 3. This level is used for Associate Program Directors and comparable positions. Candidates at this level must have a Ph.D. or equivalent experience in an appropriate field plus four or more years of successful research, research administration, and/or managerial experience pertinent to the position. (The minimum salary for Level 3 is Step 1 of GS-13; the maximum is Step 5 of GS-15.)

124 LEVEL 4. This level is used for Program Directors and comparable positions. Candidates for these positions will have demonstrated a high degree of attainment in their field of specialization. They must have a Ph.D. or equivalent experience in an appropriate field plus six or more years of successful research, research administration, and/or managerial experience pertinent to the position. Candidates, when appointed to the Foundation:

- a. will have responsibility for formulating, planning, and executing program activities that include the review and evaluation of proposals, recommendation of grant and/or contract awards, and maintaining liaison with universities, other government agencies, consultants, and grantees or contractors. Such work generally will concern one scientific or engineering discipline or recognized subdivision of a discipline, or one specific functional area of National Science Foundation responsibility; or

- b. will serve in a supervisory capacity over an activity that provides planning, analytical, or statistical services; or

- c. will serve as staff associate or staff advisor to higher level managerial positions; or

d. will manage major program support or science policy activities.

(The minimum salary for Level 4 is Step 1 of GS-14; the maximum is 5% below the rate authorized by the President for the ES-1 pay rate of the Senior Executive Service.)

125 LEVEL 5. This category is for limited use to provide for the appointment at a senior level of individuals whom the Director deems necessary for the discharge of the responsibilities of the Foundation. It is used to establish senior level positions that are not included in the Senior Executive Service as defined in 5 USC 3132(a)(2); i.e., incumbents may not supervise other employees or exercise important policy-making, policy-determining, or other executive functions. The Executive Resources Board (ERB) will make a recommendation to the Director regarding the proposed establishment of a position in this category, and recommends criteria to be used for establishing such positions. (The minimum salary for Level 5 is 120% of step 1 of GS-15; the maximum is the rate authorized by the President for the ES-2 pay rate of the Senior Executive Service.)

a. This category is not appropriate for Program Director positions (which generally concern one scientific or engineering discipline) or senior administrative positions (which generally are responsible for one NSF functional area). Such positions do not exceed Level 4.

b. Positions in this category should reflect one or more of the following characteristics:

1. require senior-level technical expertise and stature in the relevant community (e.g., Senior Science Associate for a Directorate);
2. entail consultation across a broad range of NSF activity (e.g., Senior Staff Associate for a Directorate);
3. have responsibility, on either a temporary or permanent basis, for an area of special interest to NSF management; or
4. have responsibility for a significantly expanded role in comparison with positions at grade GS-15 or Level AD-4.

130 SALARIES FOR EXCEPTED POSITIONS

The annual salary for an individual appointed under the Foundation's Excepted authority is determined through the application of three principles:

- a. pay-for-performance;
- b. equal pay for substantially equal work; and

c. comparability, to the extent practicable, with the compensation paid by progressive private and public employers for work of a similar nature.

131 DETERMINING INITIAL SALARY. Unless otherwise warranted, the initial salary of an individual appointed to an Excepted position will be the minimum of the salary range established for the level at which the position is designated. The determination of a rate above the minimum may be considered on the basis of the following:

- a. degree of professional attainment (or academic attainment at Level 1) and leadership;
- b. possession of special qualifications that uniquely equip the individual to fill the particular position; and
- c. candidate's present salary, other earned income sources, and other factors bearing on the individual's income.

132 GENERAL SALARY INCREASES. Excepted appointees whose performance is at the fully successful level or above receive approximately equivalent pay adjustments whenever general comparability salary increases are effected for Federal employees covered under the General Schedule. The salary ranges for each of the categories/levels described at 121-125 above are tied to the General Schedule, Senior Executive Service, and Executive Schedule and will be adjusted accordingly.

133 PAY-FOR-PERFORMANCE. Progression within the pay range established for each level is based on performance, with greater reward for better performance. A salary review will be conducted annually for this purpose when performance ratings are assigned. This is the only time that such an adjustment can be given during the year. Salary adjustments may be approved by Assistant Directors (and the Deputy Director for offices reporting to the Office of the Director) as deemed appropriate for the contributions made by Excepted appointees since they were last eligible. Factors that might be considered in determining an appropriate adjustment include the employee's current salary vis-à-vis the salary range established for the position, the quality of overall performance relative to peers, the length of service in positions with comparable levels of responsibility, and the value of the contributions made since the last adjustment. Appointees must have been assigned in their current level for at least ninety days at the time of the annual review to be eligible for a performance pay adjustment.

Assistant Directors (and the Deputy Director for offices reporting to the Office of the Director) are authorized to approve annual salary adjustments for employees formally assigned within their directorate or office. While the amount of each adjustment is at the discretion of the approving official, the total amount of adjustments in any directorate or office is limited to 3% of the total annual salaries of the eligible Excepted employees on the payroll in the directorate or office on the last

day of the month preceding the date of the annual adjustment determinations, unless the Director prescribes a different amount.

134 PERFORMANCE BONUS. Assistant Directors (and the Deputy Director for offices reporting to the Office of the Director) may authorize a performance bonus, based on performance of assigned duties and responsibilities, for employees formally assigned within their directorate or office. (Awards for suggestions, inventions, meritorious actions, and for one-time special acts or services not within an employee's job responsibilities or performance standards may be recommended at any time under the Foundation's Incentive Awards Program.) Such a bonus may be in addition to, or in lieu of, an annual salary adjustment and should be considered at the time of the annual performance review. The total amount of bonuses in any directorate or office is limited to 1.5% of the total annual salaries of the eligible Excepted employees on the payroll in the directorate or office on the last day of the month preceding the date of the annual adjustment determinations described above, unless the Director prescribes a different amount.

135 PROMOTION ADJUSTMENT. A substantial increase in duties and responsibilities (i.e., moving from a position in one level to a position in a higher level) will be accompanied by a promotion pay adjustment.

a. The promotion pay adjustment is 6% of current annual salary.

b. The adjusted salary (after promotion adjustment is credited) may not be less than the minimum salary established for the level to which the individual is promoted.

c. Movement between positions in the same level or accretion of additional duties and responsibilities not resulting in movement to a higher level do not usually qualify for a promotion adjustment and should be considered for recognition when the annual salary review is conducted. However, exceptions may be approved on a case-by-case basis by the Director, Division of Personnel and Management when warranted by special or extenuating circumstances. Such special adjustments can only be approved within the 3% annual salary adjustment limit; i.e., such an adjustment cannot be approved unless the annual spring review payout was less than the 3% limit.

140 POSITION DESCRIPTION PROCEDURES

The supervisor prepares the position description which must describe the functions and duties assigned; any scientific, engineering, managerial, or legal expertise required; and the nature and extent of the supervision received and/or provided. The position description is authenticated by the responsible manager (for accuracy and completeness) and evaluated and categorized by the Division of Personnel and Management. The Director, DPM, will resolve disagreements concerning the

categorization (i.e., assignment of positions to specific levels) of positions.

150 APPOINTMENT/APPROVAL PROCESS FOR EXCEPTED POSITION ACTIONS

151 INITIATION OF RECRUITMENT. A Standard Form 52, "Request for Personnel Action" is prepared by the initiating official, endorsed by the appropriate Assistant Director or Head of an Office reporting to the Director, and submitted to DPM with a current position description.

152 RECRUITMENT AND EVALUATION PROCESS. The Division of Personnel and Management:

a. determines the appropriate level at which any position is to be assigned;

b. advertises the vacancy and conducts appropriate recruitment activities;

c. determines which candidates are qualified for the vacancy;

d. conducts the candidate evaluation process; and

e. certifies the more highly qualified to the selecting official.

153 SELECTION

a. The initiating office prepares and submits the following to the Division of Personnel and Management:

1. a Selection Memorandum (which includes a salary recommendation) signed by the selecting official and the appropriate Assistant Director or Director of an Office reporting to the Director;

2. completed NSF Form 1255, "Incoming Employee Potential Conflicts-of-Interest," signed by appropriate conflicts official;

3. SF-171, Application for Federal Employment, signed by the candidate; and

4. completed promotion certificate, as applicable.

b. The Division of Personnel and Management:

1. assures that the proposed selection has been arrived at in accordance with policy guidelines and/or the Collective Bargaining Agreement as applicable;

2. determines and recommends an appropriate salary for a proposed new appointee; and

3. makes an offer of employment to a properly selected candidate.

160 OFFER OR COMMITMENT OF EMPLOYMENT

There should not be any position offer or commitment indicated to the candidate until the Director, DPM approves the recommended action. The Director of DPM or his/her designated representative is the only NSF official authorized by the Director to make an employment or salary commitment.

170 TRIAL PERIOD

An individual given a permanent appointment to an Excepted position is required to serve a trial period of one year. An exception is made if the individual:

- a. is currently employed by the Foundation under a permanent appointment and has been continuously employed in a pay status by the Foundation for at least 52 weeks; or
- b. has completed two years of current continuous service in similar positions in an Executive agency in other than a temporary appointment limited to two years or less.

CHAPTER II—EMPLOYMENT

SUBCHAPTER 200 EMPLOYMENT IN THE SENIOR EXECUTIVE SERVICE

SUBCHAPTER SUMMARY

This Subchapter describes the employment process for SES positions.

HRM CONTACT

Executive Personnel and Development Branch
Division of Human Resource Management (HRM)
703-306-1185

210 INTRODUCTION

The SES merit staffing procedures apply to the selection process leading to an SES career appointment and may be used for other SES appointments. It is the policy of the National Science Foundation to conduct a systematic search for highly qualified individuals from appropriate sources reflecting the applicant community and underrepresented groups, including minorities, women, and the handicapped, when filling SES positions.

220 DEFINITIONS

The following definitions apply:

- **Career Appointment** is an appointment of an individual who has received Office of Personnel Management (OPM) approval of executive qualifications or who received an SES career appointment during the initial conversion process. Permanent tenure is acquired after the individual successfully completes a 1-year probationary period as a career appointee.
- **Noncareer Appointment** is an appointment without time limitation in which the individual serves at the pleasure of the Director. This appointment is generally used to provide advisors to key Foundation officials.
- **Limited Term Appointment** is an appointment which may not exceed 3 years. This appointment is generally used to augment NSF permanent executive staff with temporary appointees from the academic/research communities.
- **Limited Emergency Appointment** is an appointment which may not exceed 18 months. This appointment, subject to OPM approval, is used to meet a bona fide, unanticipated, urgent agency need.

- **Career Reserved Position** is a position which is required to be filled by a career appointee.
- **General Position** is a position which may be filled by either a career, noncareer, limited term, or limited emergency appointee.
- **Essential Qualifications** are executive/managerial and professional/technical qualifications which are required for successful performance of the duties and responsibilities of the position.
- **Desirable Qualifications** are additional, specific job qualifications which contribute to successful performance in a position.
- **Executive Resources Board (ERB)** is a representative group of senior executives responsible for developing and administering, for the Director, the NSF's executive resources and ensuring the selection of the most capable individuals to fill executive positions within the agency.
- **Evaluation Panel** is an ad hoc panel convened to review applications for competitive vacancies. The panel, which is chaired by an ERB member, includes senior executives from inside NSF and often a representative from a relevant community outside the Foundation.

230 SES SYSTEM REQUIREMENTS

- Except in the case of temporary appointees from the academic/research communities, use of a limited term or limited emergency appointing authority must be approved on a case-by-case basis by OPM.
- A limited emergency or limited term appointee may not be appointed to, or continue to hold, a position under such an appointment if, within the preceding 48 months, the individual has served more than 36

months in the aggregate under any combination of such types of appointment.

- If an NSF employee receives a limited term or limited emergency appointment, the employee has reemployment rights to a position comparable to the one held immediately prior to the SES appointment.

240 COMPETITIVE APPOINTMENTS

The career SES appointment of a non-SES member must either follow a recruitment based upon the procedures explained below or meet the criteria for one of the following exceptions:

241 REASSIGNMENT. An SES member may be noncompetitively reassigned to fill a vacant position for which the individual meets the qualification standard. A limited emergency appointee may be reassigned to meet a bona fide, unanticipated, urgent need, except that the appointee may not serve in one or more positions in the NSF under such appointment in excess of 18 months. A limited term appointee may be reassigned but may not serve in one or more positions in the NSF under such appointment in excess of 3 years. The ERB reviews proposed reassignments and provides recommendations to appropriate management officials. A career SES member may be voluntarily or involuntarily reassigned if he or she meets the established qualification standard and receives at least 15 days' notice. However, a career SES member may not be involuntarily reassigned within 120 calendar days after an appointment of a new NSF Director or within 120 calendar days after the appointment in the NSF of the career SES member's most immediate supervisor who is a noncareer appointee.

242 TRANSFER. A career or noncareer member of the SES may be noncompetitively transferred from another agency to fill a vacant position for which the individual meets the qualification standard and which is appropriate to the type of appointment. The ERB reviews the proposed transfer before the action is taken and recommends approval or disapproval to the Director.

243 DETAIL.

a. A career SES member or a non-SES employee may be detailed to any SES position for which he or she meets the qualification standard. An SES member may be detailed in 120-day increments without competition. A non-SES employee may be detailed to an SES position for 120 days with one extension for an additional 120 days; however, if the detail of the non-SES employee is to be extended beyond the initial 120 days, NSF-wide competition is required, unless an exception is approved by the ERB. During major reorganizations, the detail of a non-SES employee to an SES position is permitted in 120-day increments for up to 1 year.

b. The ERB monitors the use of details to SES positions through periodic reports and advises DPM of concerns or recommendations.

244 REINSTATEMENT. An individual with reinstatement eligibility may be noncompetitively selected for any position in the SES for which the individual meets the qualification standard. Reinstatement eligibility is limited to career executives with SES tenure who have left the SES for reasons other than misconduct, neglect of duty, malfeasance, or less than fully successful performance. In addition, a career SES member who is appointed by the President to any civil service position outside the SES and who leaves the position for reasons other than misconduct, neglect of duty, or malfeasance must be reinstated to an SES position. To be eligible, the executive must apply to OPM for reinstatement within 90 days after separation from the Presidential appointment.

245 SES CANDIDATE DEVELOPMENT PROGRAM. An individual who successfully completes the NSF Candidate Development Program and obtains certification of his or her executive qualifications may be appointed to an SES position without further competition.

250 COMPETITIVE RECRUITMENT PROCEDURES

251 VACANCY ANNOUNCEMENTS. SES vacancy announcements must be open for a minimum of 15 days and must be published at least twice in the OPM SES Vacancy List which is distributed Government-wide (executive, legislative, and judicial branches). Most vacancy announcements are open for at least 2 months, however, in order to allow time for nationwide publication in professional journals. Information in the announcements includes position title, location, description of duties, information about the SES pay and benefits, criteria for evaluation of executive/managerial and professional/technical qualifications, evaluation methods, probationary period required, area of recruitment, application procedures, opening and closing dates, and an equal employment opportunity statement. DPM has established procedures to ensure, as far as practicable, that all groups of qualified individuals within the area of recruitment are notified of advertised SES vacancies.

252 DEVELOPMENT OF QUALIFICATION STANDARDS. A qualification standard includes both essential qualifications and desirable qualifications, as previously defined. Both essential and desirable qualifications are identified for executive/managerial requirements and professional/technical requirements. The standards must not include any criteria prohibited by law or regulation, e.g., age, sex, race, color, religion, national origin, or political affiliation.

a. The selecting official for a particular SES position develops a qualification standard in consultation with DPM. The standard is reviewed by DPM, modified as necessary to conform with criteria, approved by the ERB, and incorporated into the vacancy announcement and the Evaluation Panel's evaluation criteria.

b. The qualification standard for a position remains the same regardless of the type of appointment authority used to fill the position.

253 EVALUATION PANEL.

A. Evaluation of Applicants. DPM initially screens all applications for completeness and eligibility. An SF-171, "Application for Federal Employment," and a supplemental narrative addressing areas in which candidates must demonstrate executive/managerial competence are required documents. All complete applications which meet the essential qualifications for the position are referred to the ERB/Evaluation Panel for further consideration.

B. Review by Evaluation Panel.

1. DPM provides the following documents and information to the panel:

- a list of qualified applicants to be considered for the position;
- for each qualified applicant, a current SF-171 containing pertinent information relating to the applicant's experience, awards, training, publications, etc., and the supplemental narrative;
- the approved qualification standard; and
- a list containing a summary background of each of the applicants designated as ineligible as well as the reason for each of the determinations.

2. The Panel must review and concur in the ineligible list or may elect to include any complete application for Panel review. The Panel evaluates all qualified applicants and places them into the following categories: "highly recommended," "recommended," and "not recommended." If no candidates are rated as "highly recommended," the panel may refer the applications of the "recommended" candidates or recommend that the position be readvertised.

3. The ERB member chairing the panel certifies that these actions meet NSF requirements and that the candidates recommended are, in fact, the best qualified applicants. This certification and all supporting documents are forwarded to the selecting official. Veterans preference is not a factor in filling SES positions.

4. If fewer than three candidates are rated as "highly recommended," the panel either refers the list to the selecting official or, after consultation with the selecting official, remands the recruitment action to DPM for reopening.

254 SELECTION BY THE ORGANIZATION. After receiving the list of candidates, the selecting official may conduct any further action necessary to obtain information on which to base a selection decision, i.e., interview, reference

check, etc. The only requirement is that if one referral is interviewed, then all must be interviewed.

a. The selecting official makes the selection from candidates referred and obtains any approvals required within the Directorate or Office.

b. If no selection is made from the selection list, the selecting official must document the basis for this decision. The ERB may return the list to the selecting official for further consideration, forward the list of "recommended" candidates to the selecting official, or instruct DPM to review the evaluation criteria with the selecting official and readvertise the position.

255 APPROVAL BY DIRECTOR. The selecting official sends DPM NSF Form 920, "Recruitment/Selection for Excepted Position," and a justification outlining the reasons for selection. DPM prepares a package with this material, the recommended salary offer, and additional information as appropriate, and forwards this package to the Director or designee for review. The Director or designee either approves or disapproves the action and returns the package to DPM for further processing.

256 OPM APPROVAL OF QUALIFICATIONS. The executive/managerial qualifications of a proposed career SES appointee must be approved by an OPM Qualifications Review Board (QRB) before the Foundation may appoint the individual. Individuals must meet at least one of the following qualification criteria to receive QRB approval:

- demonstrated management experience;
- graduation from SES Candidate Development Program; or
- special or unique qualities indicative of successful performance in an executive position.

257 NONCOMPETITIVE APPOINTMENTS. Non-career, limited term, and limited emergency appointments are not subject to the competitive process, and do not require OPM approval of managerial qualifications. In these cases, qualifications are certified by the Director or designee.

260 APPLICANT INQUIRIES

Any applicant may request information concerning the procedures and operations of the merit staffing process. Upon request, the following information is made available to applicants:

- whether the applicant was found eligible on the basis of the minimum qualification requirements for the position;
- the relative standing in the rating and ranking process, when identifiable;
- whether the applicant was referred to the selecting official for consideration; and

- full information regarding the nature of the procedures used in recruiting and selecting candidates for the particular position.

270 REVIEW AND APPEALS PROCEDURES

271 ERB REVIEW OF COMPLAINTS OR APPEALS.

a. When an applicant believes that the procedures contained in this Subchapter were not properly applied, he or she first discusses the complaint with appropriate DPM staff. If an applicant wishes to file an appeal, he or she may submit a written request for review through DPM to the ERB. The request for review should state the reason(s) for the request and identify those procedures which he or she believes were not in accordance with the merit staffing process. Failure to be selected from among a group of properly certified candidates is not a basis for a formal appeal.

b. The ERB reviews the request and documentation of the recruitment action. The Executive Secretary of the ERB notifies the applicant of the result of the review.

272 OTHER APPELLATE AVENUES AFFORDED BY LAW OR REGULATION.

a. There is no appeal by applicants to OPM against actions taken by the ERB or by appointing officials.

b. Complaints or appeals based on alleged discrimination because of race, color, religion, sex, national origin, political affiliation, marital status, physical handicap, or age may be resolved under the Foundation's equal employment opportunity appeals procedures (NSF Circular 5, "Equal Employment Opportunity"). Also, complaints or appeals to the Office of the Special Counsel at the Merit Systems Protection Board may be appropriate in cases where prohibited personnel practices are alleged.

280 DOCUMENTATION

DPM is responsible for the maintenance of all records in connection with the merit staffing process.

281 DOCUMENTATION ON QUALIFICATION STANDARDS is retained for the life of the positions; if a standard is changed during the life of the position, both the old and the new information is retained. This requirement includes:

- documentation of the job analysis, including the essential (critical) and desirable elements of the job and the skills, knowledge, abilities, and other qualifications required to perform these elements; and
- the qualifications standards for the position.

282 DOCUMENTATION PERTAINING TO FILLING A COMPETITIVE VACANCY IN THE SES is retained for a period of 2 years from the date of appointment. This documentation includes:

- a copy of the vacancy announcement;
- a list of organizations and addresses to which the vacancy announcement was distributed and the distribution rationale;
- the selection procedures applied and the evaluation results; and

any complaints or appeals to the ERB and the ERB's findings.

CHAPTER II—EMPLOYMENT

SUBCHAPTER 300 EMPLOYMENT OF EXPERTS AND CONSULTANTS

SUBCHAPTER SUMMARY

This Subchapter describes procedures for the appropriate NSF use of expert and consultant services that are obtained through appointments by HRM where the individual involved becomes an NSF employee on temporary, generally intermittent, basis. Information on other types of expert or consultant series can be found in the appendix and appropriate sections of the Proposal and Award Manual (PAM).

HRM CONTACT

Staffing and Classification Branch
Division of Human Resource Management (HRM)
703-306-1185

310 INTRODUCTION

The National Science Foundation uses consultants and experts to supplement the skills of its staff with the specialized skills and knowledge of highly qualified persons, generally in the areas of research and education in science, engineering, and related fields. They perform studies, offer opinions, and in other ways assist the Foundation, in paid or unpaid capacities, to address special situations requiring short-term or occasional attention. They also contribute:

- specialized opinion not available in NSF;
- citizens' advice that is often called for by statute or by the nature of Federal programs; or
- services of persons with specialized knowledge whose skills are not needed full-time.

Experts and consultants must not be used to perform policy-making, managerial, or operational work that is full-time, continuous or to bypass or undermine personnel ceilings, pay limitations, or competitive appointment procedures.

320 NATURE OF EXPERTS AND CONSULTANTS

Both experts and consultants are persons with outstanding qualifications and high degrees of attainment in professional, scientific, technical, or other fields. Other characteristics of the two positions are described below.

321 CONSULTANT. A consultant serves as an *advisor* and is distinguished from an officer or employee who carries out an organization's duties and responsibilities. A consultant gives views and opinions on issues or problems presented by

an organization but does not perform nor supervise the performance of operating functions.

322 EXPERT. An expert is usually regarded as an authority or as a practitioner of unusual competence and skill by others in a particular field. An expert can perform operating work of a short-term duration for NSF when his/her expertise is not available at NSF.

330 APPOINTMENT OF EXPERTS AND CONSULTANTS

331 GENERAL. When an NSF office wishes to appoint an expert or consultant, it must forward through appropriate channels to HRM the following:

- An SF-52 "Request for Personnel Action."
- A brief statement of the duties to be performed.
- Part I of NSF Form 1255, "Potential Conflict of Interests Certification for Incoming Personnel."
- A resume, OF 612 "Optional Application for Federal Employment," SF-171 "Personal Qualifications Statement," or other documentation of the candidate's professional history showing that the criteria are met for this type of appointment. This documentation must also include the candidate's address, day and evening telephone numbers, social security number, country of citizenship, and relevant educational background.

A memorandum should accompany these documents requesting the appointment, describing specific characteristics that qualify the candidate for the assignment, indicating the approximate starting date and duration of the

assignment, and recommending the rate of pay for the assignment.

332 CITIZENSHIP REQUIREMENTS. Experts and consultants who receive compensation from NSF must be United States citizens or citizens of nations allied with the US. When considering a non-US citizen as an expert or consultant, an NSF organization must contact HRM for determining whether the individual is eligible for the appointment.

333 EFFECTIVE DATE OF APPOINTMENT is set by HRM after it receives and approves all required appointment documents. No appointment will begin until HRM receives a signed copy of Part II of the NSF Form 1255 signed by the Conflicts Officer of the Directorate hiring the expert or consultant and reviews the signed "Declaration for Federal Employment" Form (OF 306). When the Director, HRM has approved the appointment and its effective date is established, the requesting office and the candidate will be notified by HRM and will be sent an SF-50 "Notification of Personnel Action". An expert or consultant is not entitled to compensation before his/her appointment has been approved by HRM.

334 TERMS OF APPOINTMENTS. Consultants and experts are appointed for one year or less, normally on intermittent work schedules. Although they may be appointed for a full year, they may not work for more than 130 days in a service year (the 365-day period that begins on the effective date of the appointment).

335 SECURITY. When experts and consultants are appointed to non-sensitive positions with no access to secret or top secret information for less than six months, they do not require security investigations. Otherwise, investigations are usually required; see [PER IX-200](#), "Personnel Security/Suitability Program."

336 CONFLICT OF INTEREST. Consultants and experts appointed under the authority of this chapter are considered "Special Employees" and are subject to the provisions of Part 684 of NSF Manual 15 "NSF Conflict-of-Interests Rules and Standards of Conduct." HRM will provide this information to the appointees.

340 COMPENSATION

Experts and consultants will be compensated for all authorized activities for the Foundation during their appointments, except when an individual wishes to serve without compensation or is prohibited from receiving compensation. Such work may be conducted at NSF Headquarters offices or during meetings or site visits. A consultant or expert may be compensated for work done at home or at principal place of business if authorized in writing and in advance by the Division Director and coordinated with HRM. They will be compensated at the applicable daily rate for any day or part of a day for which they provide authorized

services to NSF. NSF offices must use their Salary and Expense funds to pay the travel and per diem for experts and consultants. These appointments count against the Directorate's FTE.

341 RATE OF PAY. Individuals appointed as NSF experts or consultants may be paid at a level commensurate with their duties and responsibilities and their qualifications, in accordance with Federal pay laws and regulations.

When scientists, engineers, or educators apply their expertise to work similar to that done by NSF program officers, the maximum paid is the daily rate equivalent to the top of the AD-4 salary range. These individuals also receive any applicable locality pay adjustments.

The maximum rate of pay that can be paid to experts and consultants hired to do administrative rather than scientific work is the daily rate equivalent to GS-15, step 10. Such NSF employees are eligible to receive applicable locality pay adjustments. However, their total pay including locality pay cannot exceed the basic rate of pay (excluding locality pay) for GS 15, step 10. The maximum rate that may be paid to other experts and consultants will be determined by HRM.

Consultants to the National Science Board are generally paid at the daily equivalent of the rate paid for Level IV of the Executive Schedule.

342 RE-EMPLOYED ANNUITANTS AND EMPLOYEES OF MORE THAN ONE FEDERAL AGENCY. When retired civilian or military personnel who are receiving Federal annuities are hired as experts or consultants by Federal agencies, they may be subject to laws and regulations regarding dual compensation. Pay laws and regulations may cause reductions in rates of pay for consultants or experts who are retired Federal personnel or in annuities of retired military personnel. Current employees of other Federal agencies or National Research Centers may also be subject to dual compensation laws. HRM should be consulted regarding such impact on daily rates and/or annuities.

350 COMPENSATION FOR TRAVEL

NSF experts and consultants may generally be entitled to travel and transportation expenses when they are on official NSF business and are away from their home or regular place of business. Such travel can be to the sites of their assignments or to attend meetings, participate in reviews, or otherwise conduct duties specified for their NSF assignments. Payment of travel and transportation expenses is contingent upon availability of funds, management discretion, and applicable laws and regulations.

Generally experts and consultants are not eligible to be compensated for time spent traveling between their homes and locations of their NSF business (portal to portal). However, consultants who are former or proposed members of

the National Science Board or other individuals authorized by the Director, NSF or the Deputy Director will be compensated for such travel. When a consultant claims compensation for portal-to-portal travel time, he/she must submit, SF-1012 "Travel Voucher," via the appointing office to the Division of Financial Management.

APPENDIX

SELECTING ADVISORY SERVICES

| ADVISORY SERVICE | DESCRIPTION | MAXIMUM LENGTH | WHO TO CONTACT | NSF REFERENCE |
|---|--|---------------------------------------|---|----------------------------|
| Contract | Consulting service from an <i>individual</i> with a specific deliverable end-product (includes purchase orders.) Service from an <i>organization</i> regardless of whether there is a specific deliverable end-product. | | Division of Contracts Policy and Oversight | PAM II-206 |
| HRM-appointed Consultant | Specialized outside advice or opinion from an individual with outstanding qualifications who serves as an advisor to NSF. | Not to exceed 130 days a year | Division of Human Resource Management | PER II-300 |
| HRM-appointed Expert | Operations performed on a temporary basis by an individual regarded as an authority in a field with outstanding skills or qualifications that are not available within NSF. | Not to exceed 130 days a year | Division of Human Resource Management | PER II-300 |
| Advisory Committee or Merit Review Panel Member | Advisory services from an individual for specialized opinion not available within NSF. Individual serves as a member of an NSF advisory committee or merit review panel. | Generally a 3-year term (no maximum). | Division of Human Resource Management | ADM IV-100 |

CHAPTER II—EMPLOYMENT

SUBCHAPTER 400 NSF VISITING SCIENTIST, ENGINEER, AND EDUCATOR PROGRAM

SUBCHAPTER SUMMARY

This Subchapter describes the Visiting Scientist, Engineer, and Educator Program, which provides short-term assignments to NSF for employees of academic and research institutions.

HRM CONTACT

Staffing and Classification Branch
Division of Human Resource Management (HRM)
703-306-1185

410 INTRODUCTION

The NSF Visiting Scientist, Engineer and Educator (VSEE) Program enables the Foundation to augment its permanent staff with individuals on leave of absence from research and/or educational institutions. The VSEE Program is designed to benefit both the Foundation and scientific, engineering, and educational organizations. It provides the Foundation with professionals who are active in scientific and engineering fields, and provides these individuals and their institutions with active exposure to the philosophy and mechanisms of Federal support for research. Program participants are not encouraged to remain as permanent employees of the NSF.

VSEE participants will be selected on the basis of their particular academic disciplines and specialized knowledges and skills. Both the number and type of VSEE positions will be determined by Foundation needs. Appointments are made without regard to the race, color, religion, national origin, sex, marital status, age, lawful political affiliation, or disability.

420 VSEE APPOINTMENTS

Visiting scientists are given temporary, excepted appointments under NSF's Statutory Excepted Appointment and Compensation Authority. Such appointments are made for one year, but can be extended for an additional year.

The Division of Human Resource Management (HRM) provides recruitment assistance to employing offices, determines eligibility and qualifications of applicants, and administers the evaluation and selection process. Applications received directly by Programs should be forwarded to HRM for review. HRM will also assist NSF offices in preparing position descriptions for visiting scientists as it does for other competitive or excepted positions.

430 COMPENSATION

431 SALARIES. It is NSF policy that VSEE participants should receive salaries that are generally comparable to those they would receive at their home institutions. Salaries of VSEE participants are administratively determined (AD) based on education and experience requirements and responsibilities of particular positions. NSF has established five distinct levels for visiting scientists. These salary ranges are described in detail in [Appendix A](#). A specific salary within a particular level is determined using the elements listed below:

- annual salary;
- additional institutional income or other related income received during the summer months;
- cost of living adjustment;
- income other than salary received during the last two years for consulting, lecturing, or related services if the VSEE appointment would preclude earning such income (reported to Internal Revenue Service on an IRS 1099 Form);
- locality adjustment; and
- approved salary increase.

(See [Appendix B](#) for a comparison of the benefits and compensation available to VSEE and IPA participants.)

Candidates for the VSEE Program must provide NSF with documentation regarding additional income from their home institutions, non-summer income for non-teaching activities, and approved salary increases. No consulting can be conducted by a VSEE participant who is receiving payment for lost consulting activities.

Because the salaries of VSEE participants include appropriate salary increases from their home institutions, they are not eligible for comparability pay increases periodically provided to

Federal employees covered by the General Schedule. However, VSEE participants are eligible for locality pay adjustments applicable to employees in the Washington Metropolitan area. When appropriate, visiting scientists will receive cost of living allowances in addition to their salaries to offset the increased living expenses in the Washington Metropolitan Area.

432 COMMITMENTS OF SALARY RATES. The Director of HRM has been delegated the authority to approve the salaries of VSEE participants. NSF offices must not engage in salary discussion or make an offer of employment to a candidate for a VSEE position. Once approved, HRM makes an offer of employment to the candidate.

433 PERFORMANCE BONUSES. Visiting scientists who have been formally assigned to NSF offices for at least 90 days are eligible for performance bonuses. In most instances, performance awards should be considered at the time of annual performance reviews. VSEE participants can also be considered for other recognition at any time under the Foundation's Incentive Awards Program.

434 PROMOTION ADJUSTMENT. Normally, visiting scientists remain in the same positions for the duration of their tours with the Foundation. However, when a change is made in a participant's initial assignment which results in his/her moving from one position to a position in a higher level, (such as from Associate Program Director to Program Director) and the pay of the visiting scientist is below the minimum salary for the new level, an adjustment will be made to bring the pay to the minimum of the level.

435 LEAVE. Visiting scientists earn annual and sick leave in accordance with Federal regulations.

436 SOCIAL SECURITY COVERAGE. Visiting scientists appointed for one year or less are covered by Social Security provisions but are excluded from the Federal Employees Retirement System (FERS) and the Government Employees Health Benefits and Life Insurance Programs.

437 INSTITUTIONAL CONTRIBUTIONS. Often VSEE participants are obligated to pay their home institution's contributions for fringe benefits (e.g., retirement, health benefits, life insurance) while they are on leave to NSF. Legislation authorizes NSF to make arrangements prior to an appointment to pay these retirement and benefit costs, either directly to the institution, to the carrier or to the visiting scientist, after proof of payment is presented. Fringe benefits costs must be verified by the home institution. Housing allowance provided by the institution but not included in the institutional salary may be reimbursed if authorized.

440 TEMPORARY LIVING ALLOWANCES OR MOVING EXPENSES

The Internal Revenue Service has ruled that a VSEE assignment of more than one year away from a participant's permanent residence is considered to be indefinite. Thus, VSEE participants cannot deduct living expenses associated with their assignments for longer than one year.

VSEE participants with assignments of at least one year have the option of having NSF pay their moving expenses to and from Washington, DC or receiving per diem allowances for up to two years (per diem is reported to IRS on an IRS 1099 Form). Each of these options has prescribed limitations. Detailed information on each option can be obtained from HRM.

When household moves are elected, NSF pays travel expenses for participants and members of their immediate families. However, only VSEE participants and not their family members are eligible for per diem allowances while they are traveling to or from NSF. The movement of household goods and personal effects will be in accordance with Federal Travel Regulations.

When a VSEE participant receives a per diem allowance rather than moving expenses, the amount of the allowance will be determined by HRM in accordance with Government Travel Regulations. Family members of VSEE participants are not eligible for travel expenses when per diem is elected.

APPENDIX A

COMPENSATION LEVELS FOR ADMINISTRATIVELY DETERMINED SALARIES

| AD LEVEL | MINIMUM ACADEMIC & EXPERIENCE | COMPARABLE NSF POSITION |
|----------|---|--|
| AD-1 | Below a doctorate (or equivalent); this is for special purpose positions. | Various, normally Science Assistants |
| AD-2 | Ph.D. in an appropriate field or Masters degree in an appropriate field and experience of two or more years of research, research administration, or equivalent experience. | Assistant Program Director |
| AD-3 | Ph.D. or equivalent in an appropriate field plus experience of four or more years of research or research administration. | Associate Program Director |
| AD-4 | Ph.D. or equivalent in an appropriate field plus experience of six or more years of research or research administration. | Program Director |
| AD-5 | | Senior Positions not appropriate for SES. Level 5 positions are established on the recommendation of the Executive Resources Board. ¹ |

¹This category is for limited use to establish senior level positions not included in the Senior Executive Service as defined in 5 U.S.C. 3132(a)(2), i.e., incumbents may not supervise other employees or exercise policy or executive functions.

Level 5 positions require the technical expertise of Senior Science Associate, entail the broad consultation role of Senior Staff Associates, have responsibility for an area of special interest to NSF management, or otherwise involve responsibilities that are significantly greater than those of GS-15 or AD-4 positions.

APPENDIX B

PAY AND BENEFITS

VSEE PARTICIPANTS AT NSF

This chart delineates the benefits and compensation available to participants in two NSF programs—the Visiting Scientist, Engineer, and Educator Program (VSEE) and the Intergovernmental Personnel Act Mobility (IPA) Program

| COMPENSATION | APPLICABILITY TO VSEE PARTICIPANTS | APPLICABILITY TO IPA PARTICIPANTS |
|--|------------------------------------|-----------------------------------|
| Salary Limitations | Yes | No |
| Cost-Sharing | Only if on sabbatical | Yes |
| Annualized Salary | Yes | Yes |
| Pay for Lost Consulting Income | Yes | Yes (Not to exceed \$10,000) |
| Cost of Living Adjustments | Yes | No |
| Comparability Increases | No | No |
| Locality Pay Adjustments | Yes | No |
| Annual Pay Adjustments | Same as permanent employer | Same as permanent employer |
| Performance Bonus | Yes | No |
| Social Security | Yes | Same as permanent employer |
| Fringe Benefits | Same as permanent employer | Same as permanent employer |
| Move to and from NSF or Per Diem for Two Years | Yes | Yes |
| Family Travel | Yes ¹ | Yes ¹ |
| Independent Research/Development Program | Yes | Yes |

¹Only when household move, and not per diem, is elected.

Subchapter 500 – Merit Promotion and Placement Plan

I. Introduction

Purpose: The purpose of this subchapter is to establish a Merit Promotion and Placement Plan that provides an effective method for selecting the best-qualified applicants for competitive service positions at grades GS-15 and below (or equivalent) that are outside the NSF Bargaining Unit.

II. Program Scope

- A. This plan will be one method used to fill covered positions. Such positions may also be filled from other appropriate sources, such as transfer, reinstatement, special appointing authorities, delegated examining, or the Office of Personnel Management (OPM) certificates of eligibles.
- B. Provisions affecting applicants for positions in the Bargaining Unit are contained in the NSF's [Collective Bargaining Agreement](#).

III. Program Overview

- A. **The Merit Promotion and Placement Plan is designed to do the following:**
 - 1. Bring the best-qualified applicants to the attention of NSF management on a timely basis;
 - 2. Afford employees fair and appropriate consideration for higher-level jobs;
 - 3. Provide an incentive for employees to improve their performance and develop their skills, knowledge, and abilities; and
 - 4. Provide attractive career opportunities for employees.
- B. **Basic Merit Promotion Principles:** Minimum qualifications standards used for promotion and placement shall be the standards prescribed by OPM. Appropriate selective placement factors identified in advance may also be used in determining eligibility.

Selection shall be made without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, labor organization affiliation or nonaffiliation, status as a parent, or any other non-merit-based factor, or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available—it shall be based solely on job-related criteria.
- C. **Merit Promotion Policy:** Promotions to covered positions will be made by selection from among the best-qualified applicants identified through merit competition.

IV. Actions Subject to Competitive Procedures

- Personnel actions that are subject to the competitive promotion procedures set forth in this subchapter include the following:
- A. Permanent promotion to positions that have a higher full performance level than previously held on a permanent basis in the competitive service;
 - B. Temporary promotions for more than 120 days or details for more than 120 days to a higher-graded position or to a position with greater promotion potential than previously held on a permanent basis in the competitive service;
 - C. Selection for training that is part of an authorized training agreement, part of a promotion program, or required before an employee may be considered for promotion;

Subchapter 500 – Merit Promotion and Placement Plan

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- D. Reassignment, transfer, or change to a lower-graded position with promotion potential greater than any position held on a permanent basis in the competitive service;
 - E. Reinstatement to a permanent or temporary position at a higher grade or with a higher full performance level than any position previously held on a permanent basis in the competitive service; and
 - F. Promotions due to the addition of substantive, new, and higher-graded duties when the new position is not a clear successor to the old position or there are other employees serving in similar or identical positions within the organizational unit to whom the new duties could have been assigned.
-

V. Actions Exempt from Competitive Procedures

Personnel actions not subject to the competitive promotion procedures set forth in this subchapter include the following:

- A. Upgrading of a position due to application of a new classification standard without a significant change in duties or resulting from the correction of an initial classification error;
- B. A promotion resulting from an employee's position being classified at a higher grade (with no further promotion potential) because of additional duties and responsibilities, commonly known as an accretion of duties. The noncompetitive upgrade requires the employee to continue to perform the same basic function in the new position that is a clear successor to and absorbs the duties of the old position. In addition, there may be no other employees within the organizational unit to whom the additional duties and responsibilities could have been assigned;
- C. Position change authorized by Reduction in Force (RIF) procedures;
- D. Promotions without current competition when the employee competed earlier for an assignment intended to prepare the employee for the position being filled while the intent was made a matter of record and made known to all potential candidates (career ladder promotions);
- E. Promotion (permanent or temporary) to a grade previously held on a permanent basis in the competitive service from which an employee was separated or demoted for reasons other than performance or conduct;
- F. Promotion, reassignment, transfer, change to lower grade, or reinstatement of an employee from a position with known promotion potential to another position having no higher promotion potential than any other position previously held on a permanent basis in the competitive service in cases in which the employee did not lose the position because of performance or conduct reasons;
- G. Details to the same or lower-graded positions that are one year or less in 120 day increments;
- H. Details to higher-graded positions (or positions with known higher promotion potential) one year or less in 120 day increments (*during a major reorganization*);
- I. Details or temporary promotions to a higher-graded position or one with known higher promotional potential not to exceed 120 days;

Note: Details to unclassified duties do not require competition; however, these details may not exceed 120 days. Details beyond the 120 days must be to a new set of unclassified duties.

Subchapter 500 – Merit Promotion and Placement Plan

- J. Time-limited promotions made permanent when such a possibility was publicized in the original competition notice and the time-limited promotion was received through competition;
- K. Promotion after failure to receive proper consideration in a promotion action. If the promotion is allowed to stand, the employee must be considered for the next appropriate vacancy and may be selected (or not selected) for promotion as an exception to competitive promotion procedures. An employee is entitled to only one consideration under this provision;
- L. Selection from an OPM certificate of eligibles;
- M. Promotions resulting from programs that allow the noncompetitive conversion of students, recent graduates, and Presidential Management Fellows (PMF) to a permanent or term position in the competitive service;
- N. Promotion of a detailed employee who was originally selected for a temporary promotion through a competitive process in which the potential for permanent promotion was part of the terms.

VI. Responsibilities

The table lists the roles and responsibilities relevant to this process.

| | |
|--|---|
| A. Supervisors/ Selecting Officials | Supervisors are responsible for the following: <ol style="list-style-type: none"> 1. Anticipating long-range personnel needs and communicating them on a timely basis to the Division of Human Resource Management (HRM); 2. Initiating requests for filling vacancies in sufficient time to allow for proper selection procedures; 3. Assisting HRM in identifying selective placement factors; 4. Providing subject matter content for applicant assessment tools; 5. Providing NSF employees under their supervision appropriate notification for vacant positions that occur under their immediate jurisdiction. This requirement applies to all such employees, even those on approved extended absences (e.g., detail, leave, training, military service, etc.) to ensure opportunities for all employees; 6. Making a selection from a certificate in the eRecruit system or from another appropriate source; and 7. Informing employees of the procedures of this subchapter in carrying out their supervisory responsibilities. |
| B. Employees | Employees are responsible for the following: <ol style="list-style-type: none"> 1. Furnishing current qualifications information to HRM; 2. Making themselves available for developmental assignments, training, placement interviews, and job selections; 3. Providing the supervisor with contact information in the event of an extended absence and to apply for a vacancy announcement; and 4. Familiarizing themselves with this subchapter when applicable. |

Subchapter 500 – Merit Promotion and Placement Plan

VII. Procedures

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| C. The Division of Human Resource Management (HRM) | HRM is responsible for administering the Merit Promotion and Placement Plan. |
| A. Area of Consideration | <ol style="list-style-type: none"> 1. Managers will determine and extend areas of consideration that are broad enough to attract an adequately diverse pool of highly qualified applicants in accordance with applicable initiatives intended to improve the diversity of NSF's employee population. The minimum area of consideration will be current NSF employees. Merit promotion announcements may be combined with announcements open to non-status applicants eligible for non-competitive appointment. 2. Veterans who apply under the Veterans Employment Opportunity Act (VEOA) of 1998 as amended will be eligible for consideration for merit promotion announcements open to candidates outside of the NSF. |
| B. Standing Registers (Applicant Pool Announcements) | Standing registers can be maintained for positions in which vacancies exist on a regular and recurring basis. The standing register may be cancelled and a new one established if the certificate of eligibles has been in place for 90 calendar days or longer. The use of standing registers will not preclude an organization from advertising and filling other positions under a separate merit promotion vacancy announcement. |
| C. Length of Time Open | All announcements for positions outside of the Bargaining Unit must be open at least seven calendar days to meet the requirements of the Career Transition Assistance Plan (CTAP)/Interagency Career Transition Assistance Plan (ICTAP), defined in 530 below. Typical opening periods are 15 calendar days. |
| D. Re-promotion | Special consideration for re-promotion will precede consideration of all other eligible candidates. An NSF employee entitled to special consideration may be promoted when a vacancy occurs in a position at the employee's former grade (or any intervening grade). |

Subchapter 500 – Merit Promotion and Placement Plan

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| E. Methods of Locating Candidates | <ol style="list-style-type: none"> 1. Vacancy announcements will be posted on OPM's USAJobs website and NSF's career opportunities webpage. Vacancy announcements will include the following information: <ol style="list-style-type: none"> i. Position title, series, and grade; ii. Statement of known promotion potential; iii. Organizational location of the position; iv. Opening/closing dates and announcement number; v. Area of consideration; vi. Summary of the principal duties and responsibilities of the position based on the approved position description; vii. Description of qualification requirements and selective factors; viii. Description of evaluation factors; ix. Instructions for submitting application forms (including which forms are required) and where to obtain additional information; x. Statement of equal employment opportunity; and xi. Number of vacancies that can be filled. 2. Supervisors may encourage persons not employed by the Foundation whom they consider qualified for consideration to submit an application for a vacant position. 3. Supervisors may encourage Foundation employees whom they believe to be well qualified for an announced position to submit an appropriate application. 4. Supervisors may not, however, pre-select candidates for promotion. Avoidance of pre-selection or any form of personal favoritism is essential to maintaining employee confidence in the fairness and objectivity of the Merit Promotion and Placement Plan. |
| F. Applications from Absent Employees | <p>Procedures for applying for vacancies will be specified in individual vacancy announcements. NSF employees absent for extended periods may submit an application through the methods outlined in the vacancy announcement.</p> |

Subchapter 500 – Merit Promotion and Placement Plan

VIII. Evaluation

The following considerations are factors in the evaluation of a candidate's basic qualifications and assist in determining the best-qualified candidates for a vacancy.

| | |
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| A. Basis for Evaluation | <p>Applicants may be evaluated on the following job-related criteria, which go beyond the standards for determining basic eligibility and will be used to determine the best-qualified candidates:</p> <ol style="list-style-type: none"> 1. Job-related experience; 2. Training and education; 3. Self-development; 4. Performance appraisal; and 5. Awards. |
| B. Incomplete Applications | <p>Applications not containing sufficient information to determine qualification requirements will not be considered.</p> |
| C. Late Applications | <p>Applications will not be accepted after the closing date of the vacancy announcement except in the case of 10-point preference eligibles.</p> |
| D. Qualification Determinations | <p>Candidates will be initially evaluated on meeting the basic qualifications of the position based on OPM qualification standards. Candidates must meet the qualification standards within 30 days from the closing date of the announcement. HRM is responsible for making determinations as to whether a candidate is basically qualified for a position. When positions are posted at multiple grade levels, the servicing human resources staff will evaluate qualifications based on the grade level(s) for which the applicant applied.</p> |
| E. Selective Placement Factors | <p>Selecting officials may choose to use mandatory selective placement factors as part of the assessment of candidates in meeting basic qualifications. The justification for the use of selective placement factors must be documented in the vacancy announcement and the case file. Candidates who do not possess the selective placement factor(s) identified will be deemed not basically qualified for the position. HRM may use subject matter experts (SMEs) to assist in determining whether or not candidates meet the selective placement factor. However, the final adjudication of a candidate's status is the responsibility of HRM staff.</p> |

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| <p>F. Assessment Tool</p> | <ol style="list-style-type: none"> 1. Basically qualified candidates will be evaluated against an assessment tool originating from a job analysis or other rating methodology. <ol style="list-style-type: none"> i. The job analysis provides a crosswalk of the duties in the position description of the position being filled and the competencies required for the position. The assessment tool, which is based on the job analysis, makes qualitative job-related distinctions in terms of an applicant's relative merit and ability. Criteria in the assessment tool must be valid and be clearly reflected and supported by the job analysis. The assessment tool must be completed before the vacancy announcement is issued. ii. An HR specialist will work with the selecting official or a panel of individuals with subject matter knowledge of the duties and requirements of the position to develop the job analysis and assessment tool. iii. During the application process, candidates will assess themselves against the applicable assessment tool in applying for the position through the eRecruit system. Candidates' self-assessments will be verified by HRM to validate that their assessments are consistent with information contained in their resumes/applications. Inconsistencies between candidates' self-assessments and resumes/applications may have an adverse impact on their eligibility for consideration for the position. iv. Except to distinguish among otherwise equally qualified applicants or to remain in compliance with OPM qualification standards, evaluation criteria should not rely on length of experience or level of formal education. v. The vacancy announcement case file, maintained by HRM, will contain the vacancy announcement, assessment tool(s), rating/ranking of each qualified applicant, and the list of candidates who applied and were referred on a certificate. |
| <p>G. Veterans Employment Opportunity Act (VEOA)</p> | <p>Qualified applicants under VEOA are rated and ranked along with other merit promotion candidates, referred on merit promotion certificates, and appointed in the competitive service if selected. The appropriate appointing authority for applicants selected under VEOA must be used.</p> |

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| H. Non-Competitive Appointing Authorities | Applicants eligible for various non-competitive appointing authorities who meet the qualifications standards, any selective placement factors, and other eligibility requirements identified for the position in the vacancy announcement are not subject to rating and ranking. This includes applicants who have held, on a permanent basis, the same or higher grade of the full performance level of the position being filled or held a permanent position with the same full performance level as the position being held. |
| I. Certifications | The best-qualified candidates will be placed on the competitive (promotion) certificate in alphabetical order at each grade level. Best-qualified will be defined by a cutoff score that is applied to the algorithm in the eRecruit system prior to the posting of the job announcement. A separate certificate will also be issued for non-competitive eligibles. Non-competitive eligibles will also be referred in alphabetical order. For both the competitive and non-competitive certificates, all qualified applications may be referred directly to the selecting official for consideration if there are five or fewer eligible applicants for a position. |

Subchapter 500 – Merit Promotion and Placement Plan

IX. The Selection Process

- A. The selecting official is responsible for making a selection from the list of candidates on the certificate in the eRecruit system or through other authorized appointing authorities, such as Delegated Examining (DE) announcements, noncompetitive authorities (reassignment, reinstatement, Veterans Recruitment Appointment, disabled veterans, Schedule A, etc.), and/or announcements under the Pathways programs. Selecting officials have the option to select or not select from among candidates referred.
- B. Candidates may be selected from the competitive (promotion), non-competitive best-qualified (NCBQ), or special appointing authority certificates (Schedule A, disabled veterans, etc.). The selecting official may conduct a supplemental assessment of candidates who are on the certificate(s). These assessments can include various methods (e.g., writing samples, work products, etc.); however, any assessments must be coordinated with HRM prior to dissemination to candidates and utilization by the selecting official.
- C. Where no supplemental assessments are conducted by the selecting official, the selecting officials may make a selection from the certificate(s) without performing interviews after the issuance of the certificate. Where supplemental assessments are conducted by the selecting official after issuance of the certificate, interviews of candidates on the certificates are required before a final selection can be made. However, hiring managers are only required to interview from the pool of candidates who submit a response to the assessment.
- D. The procedures for interviewing are as follows:
 1. **Competitive Certificate (promotion)** – A minimum of four (4) candidates must be interviewed, to include all current NSF employees on the certificate (unless the NSF employee does not respond to the follow on assessment).
 2. **NCBQ and Special Appointing Authority Certificates** - A minimum of all current NSF employees must be interviewed (unless the NSF employee does not respond to the follow on assessment). If there are not any current NSF employees on the certificate(s), the selecting official may at his/her discretion interview any number of candidates.
- E. The selecting official must indicate on the certificate in the eRecruit system which applicant was selected by annotating their status as “Selected.” The selecting official will annotate candidates who were interviewed and not selected by annotating their status as “Not Selected.” Once all annotations are made, the selecting official must submit the certificate to the HR Specialist. If no selection was made from the certificate or a selection was made through another authorized appointing authority, the selecting official should communicate this in writing to the HR specialist, who will document this information in the eRecruit case file.

X. Special Considerations

- A. CTAP (Career Transition Assistance Plan) and ICTAP (Interagency Career Transition Assistance Plan) are Federal programs that provide assistance in finding employment for individuals who have been or are likely to be separated by RIF. CTAP has an impact on staffing activities, including order of selection. Candidates eligible under CTAP or ICTAP must receive consideration for selection ahead of any other candidates.
- B. Well-qualified candidates will be candidates who self-rank themselves with a score of 85 or higher. The definition of well-qualified must be included in the vacancy announcement.

Subchapter 500 – Merit Promotion and Placement Plan

-
- C. The two following paragraphs explain CTAP and ICTAP. An explanation of CTAP/ICTAP, such as the one below, should be included in all vacancy announcements:
1. **CTAP/ICTAP Qualifications:** CTAP procedures apply in filling this vacancy. CTAP or ICTAP applicants must be determined to be well qualified for this position in order to receive special selection priority. To be well-qualified, a CTAP or ICTAP applicant must meet the following criteria:
 - i. OPM qualification requirements for the position;
 - ii. All selective factors, where applicable;
 - iii. Special OPM-approved qualifying conditions for the position;
 - iv. Is physically qualified and has reasonable accommodation, where appropriate, to satisfactorily perform the duties of the position upon entry; and
 - v. Receives a rating of at least 85 on the questionnaire.
 2. **CTAP/ICTAP Documentation:** Applicants applying under CTAP or ICTAP MUST submit proof of eligibility under 5 CFR 330.602(a) for CTAP and 5 CFR 330.704 for ICTAP. This includes a copy of the agency notice as well as copies of the applicant's most recent performance rating and most recent SF-50 (Notification of Personnel Action) showing position, grade level, and duty location. Applicants requesting CTAP and/or ICTAP consideration must annotate their application to reflect that they are applying as a CTAP or ICTAP eligible.
-

XI. Release of Employees

HRM will arrange for the release of employees for promotion or reassignment. An employee selected for promotion should be released at the beginning of the first pay period that falls two weeks after final selection. However, a maximum of 30 days after final selection may be permitted for employees who are selected for a reassignment.

XII. Employee Inquiries

Questions pertaining to the procedures and operations of the Merit Promotion and Placement Plan may be submitted orally or in writing to the Branch Chief, Staffing and Classification in HRM.

The following information will be made available to employees on request:

- A. Whether the employee was found eligible on the basis of the minimum qualification standards for the position;
 - B. Whether the employee was referred on a certificate; and
 - C. Who was selected.
-

XIII. Grievance Procedures

- A. An employee who believes that the Merit Promotion and Placement Plan procedures were not properly applied should discuss the complaint with the Staffing and Classification (SCB) Branch Chief.
 - B. The procedures regarding complaints is as follows:
 1. If the employee wishes to pursue a complaint, it should be presented orally or in writing to the Staffing Branch Chief within two weeks of notification of non-selection; and
 2. Unresolved complaints should be referred to the HRM Director.
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Subchapter 500 – Merit Promotion and Placement Plan

Note: Failure to be selected for promotion from among properly certified candidates is not a basis for a formal complaint or grievance.

- C. Promotion complaints or grievances based on alleged discrimination because of race, color, religion, sex, age, disability, or national origin shall be resolved under the Foundation's equal employment opportunity complaint procedures.

XIV. Resources

- A. [Appendix: Definitions](#)
- B. CTAP/ICTAP: [5 CFR 330](#)
- C. eRecruit System

XV. Contact

Staffing and Classification Branch (SCB)
Division of Human Resource Management (HRM)
703-292-8180

Subchapter 500 – Merit Promotion and Placement Plan

Appendix: Definitions

| | |
|----------------------------------|---|
| Accretion of Duties | Promotion of an employee whose position is reclassified at a higher grade because of the performance of additional duties and responsibilities. |
| Area of Consideration | The organizational and/or geographic boundaries within which a search is made for eligible candidates to be considered for a specific merit promotion and placement action. All areas of consideration must be set to promote fair and open competition and to maintain a diverse workforce. |
| Assessment Tool | Also referred to as Applicant Self-Report Questionnaire, the assessment tool is a list of multiple choice and/or narrative text questions on which applicants self-rate based on their qualifications or competencies. |
| Best-Qualified Candidates | Those applicants determined by the ranking process to possess the job-related competencies required or desired in applicants for a particular position to a greater degree than other qualified applicants being considered and who are subsequently referred to the selecting official. |
| Career Ladder | Grade range from the entry level through and including the established full performance level of a position. |
| Career Promotion | Promotions without current competition when the employee competed earlier for an assignment intended to prepare the employee for the position being filled and during which the intent was made a matter of record and made known to all potential candidates. Promotions through the career ladder are not an employee entitlement. |
| Certificate | A document referred to the selecting official containing the names of eligible candidates. |
| Change to Lower Grade | For the Merit Promotion and Placement Plan, this is a voluntary reduction in an employee's current grade level or representative rate. |
| Competency | An observable, measurable set of skills, knowledge, abilities, behaviors, and other characteristics an individual needs to successfully perform work roles or occupational functions. Competencies are typically required at different levels of proficiency depending on the specific work role or occupational function. |
| Competitive Service | All positions that are described as follows: (a) in the Executive branch of the Federal Government not specifically excepted from civil service laws by or pursuant to statute, by the President, or by the Office of Personnel Management (OPM) and not in the Senior Executive Service (SES); and (b) all positions in the legislative and judicial branches of the Federal Government and in the Government of the District of Columbia that are specifically made subject to the civil service laws by statute. |
| Delegated Examining | The authority granted by OPM to perform non-status competitive examination and certification to include the development of rating schedules, evaluation of applicants, and developing certificates of eligibles for career and career-conditional positions. |

Subchapter 500 – Merit Promotion and Placement Plan

| | |
|-----------------------------------|--|
| Detail | A temporary assignment of an employee to a different classified position or an unclassified position for a specified period with the employee returning to his or her regular duties at the end of the assignment. While on detail, the employee continues to hold his or her official position from which detailed and keeps the same status and pay. |
| Full Performance Level | The highest-grade level to which an employee may be promoted without further competition. |
| Job Analysis | The analysis of a position to identify the basic duties and responsibilities, the competencies required to perform the duties and responsibilities, and the factors that are important in evaluating candidates for the position. |
| NCQB | Non-competitive best-qualified. |
| Pathways | Program under which current students and recent graduates are appointed under an Excepted Service hiring authority. |
| Priority Consideration | The referral and consideration of candidates who are entitled (based on having something happen to them, such as being affected by a reduction-in-force) before the consideration of other candidates. Priority consideration does not guarantee selection. |
| Promotion | The movement of an employee to a position with a higher grade or to a position with a higher representative rate. |
| Qualified Candidates | Those applicants who meet both the criteria outlined in the OPM Qualification Standards Handbook as well as any selective placement factors and other eligibility requirements identified for the position. |
| Ranking | The determination of best-qualified candidates based on the degree to which each candidate meets the competencies required for the position. The candidate completes this process through applying for the position through the Application Manager function of the USA Staffing system. |
| Reassignment | The movement of an employee from one position to another in the same grade level. |
| Reinstatement | The reemployment of a former employee with competitive status. |
| Re-promotion | Noncompetitive promotion or placement, permanent or temporary, of an employee to a grade or full performance level previously held on a permanent basis in the competitive service. |
| RIF | Reduction in force. |
| Selecting Official | The individual who has been given the authority by management to make a selection to fill a position. |
| Selective Placement Factor | Mandatory competencies essential for successful performance in the position to be filled in addition to the basic qualifications outlined in OPM's Qualifications Standards Handbook. Applicants not meeting this factor are ineligible for further consideration. Selective placement factors must be job related and their validity documented through job analysis. They also must be identified in the vacancy announcement for the position to be filled. |

Subchapter 500 – Merit Promotion and Placement Plan

| | |
|---|--|
| Temporary Promotion | A promotion to a higher-graded position for a specified period of time to accomplish project work, fill positions temporarily pending reorganization or downsizing, or meet other temporary needs. Temporary promotions for more than 120 days are subject to competitive procedures. Service during the previous 12 months in higher-graded positions either by noncompetitive temporary promotion or detail counts toward the 120-day limit. Temporary promotions can be made in any increment up to a maximum period of five years. Temporary promotions may be made permanent when such a possibility was publicized in the original competition notice. |
| Transfer | A change of an employee, without a break in service of one full workday, from a position in one agency to a position in another agency. |
| Well Qualified | Eligible candidates who possess the competencies for the position that clearly exceed the minimum qualifications requirements for the position as determined by the candidate's self-ranking against the assessment tool for the vacancy announcement. To be well qualified, a Career Transition Assistance Plan (CTAP) or Interagency Career Transition Assistance Plan (ICTAP) applicant must meet the following requirements: meets OPM qualification requirements for the position and all selective factors, where applicable; meets special OPM-approved qualifying conditions for the position; is physically qualified with reasonable accommodation, where appropriate, to satisfactorily perform the duties of the position upon entry; and receives a rating of at least 85 on the questionnaire. |
| VEOA | Veterans Employment Opportunity Act. This flexibility gives eligible veterans access to jobs that otherwise only would have been available to status employees. In VEOA appointments, veterans are not accorded preference as a factor, but they are allowed to compete for job opportunities that are not offered to other external candidates. |
| Veterans Recruitment Appointment (VRA) | VRA allows appointment of eligible veterans up to the GS-11 or equivalent. Veterans are hired under excepted appointments to positions that are otherwise in the competitive service. After the individual satisfactorily completes two years of service, the veteran must be converted noncompetitively to a career or career-conditional appointment. |

CHAPTER II—EMPLOYMENT

SUBCHAPTER 600 INTERGOVERNMENTAL PERSONNEL ACT MOBILITY PROGRAM

SUBCHAPTER SUMMARY

This Subchapter discusses Intergovernmental Personnel Act (IPA) assignments. This Program provides for temporary assignment of employees between Federal organizations and certain public, private non-profit, and academic institutions.

HRM CONTACT

Staffing and Classification Branch
Division of Human Resource Management (HRM)
703-306-1185

610 INTRODUCTION

The Intergovernmental Personnel Act (IPA) is a Federal employment program that allows the temporary assignment of personnel between Federal agencies and other governmental, academic, tribal, and eligible non-profit organizations. IPA assignments can strengthen management, assist in the transfer and implementation of new technology, involve officials of other organizations in developing and implementing Federal policies and programs, and enhance the professional abilities of the participants. IPA assignments are management-initiated and are made for the benefit of Federal agencies and non-Federal organizations.

An IPA assignment is voluntary and must have the agreement of the participating employee. IPA participants assigned to NSF are subject to all laws and regulations applicable to Federal employees, to any state or local government regulations, and to any regulations of the home institution specified in their agreements.

620 RESPONSIBILITIES

621 DEPUTY DIRECTOR, NSF, approves the following:

- the number of incoming IPA's for each NSF directorate;
- all staff office IPA assignments;
- all senior level IPA assignments;
- specified exceptions to general policies regarding the IPA Program.

622 ASSISTANT DIRECTORS AND OFFICE DIRECTORS approve all IPA assignments to their organizations, within established ceilings.

623 DIRECTOR, OFFICE OF INFORMATION AND RESOURCE MANAGEMENT (IRM), provides general oversight of the IPA Program.

624 DIRECTOR, DIVISION OF HUMAN RESOURCE MANAGEMENT (HRM), is responsible for providing technical assistance on the Program and signing IPA assignment agreements for the Foundation. HRM also coordinates financial arrangements for all agreements.

625 DIRECTOR, DIVISION OF FINANCIAL MANAGEMENT (DFM), is responsible for arranging appropriate funding of IPA assignments and for making payments to non-Federal organizations when such reimbursements are specified in IPA agreements.

630 FINANCING IPA ASSIGNMENTS

The costs associated with an IPA assignment can be paid by either organization or they can be shared. Cost-sharing arrangements should be based on the anticipated benefits of assignments to the participating organizations. Listed below are common purposes of IPA assignments and their relative values to Federal and non-Federal organizations.

| REASON FOR IPA ASSIGNMENT | PRIMARY BENEFICIARY | |
|--|---------------------|--------------------------|
| | NSF | Non-Federal Organization |
| NSF EMPLOYEE TO NON-FEDERAL ORGANIZATION | | |
| Supporting NSF mission | X | |
| Providing developmental opportunities to enhance participants' job performance | X | |
| Supporting government-wide initiatives | X | |
| Strengthening intergovernmental relations | X | X |
| Sharing scarce expertise | | X |
| Assisting in transferring new ideas and technology | | X |
| NON-FEDERAL EMPLOYEE TO NSF | | |
| Meeting temporary need for skilled personnel | X | |
| Providing developmental opportunity which will enhance the participant's job performance | | X |

It is NSF's policy to request at least 15% cost sharing from participating institutions. The rationale for lack of cost-sharing must be documented when this occurs for incoming IPA assignees. For NSF employees going to another organization, at least 50% cost-share is requested. Whenever NSF agrees to pay more than 50% of salary for an NSF employee's IPA assignment to another organization, the rationale must be fully documented.

631 TYPES OF EXPENSES. Federal agencies are authorized to pay salaries, supplemental pay, lost consulting fees, fringe benefits, and travel and relocation expenses. [Appendix A](#) delineates pay and benefits for which IPA participants to NSF are eligible as well as Visiting Scientist, Engineer and Educator (VSEE) participants. NSF cannot reimburse state and local governments for any indirect or administrative costs associated with IPA assignments, as well as administrative costs of negotiating IPA agreements.

632 ADDITIONAL NON-SALARY INCOME. When a university employee discontinues consulting activities during an IPA assignment at NSF, the Foundation can pay up to \$10,000 a year for lost consulting income. However, if an IPA participant continues any consulting while on an NSF assignment, his/her pay will not include any additional compensation. In addition, consulting activities of IPA participants must be reviewed for conflict-of-interests issues. Pay for lost consulting income is based on the average of the last two years of a person's consulting income. Lost consulting income is reported to Internal Revenue Service on an IRS 1099 Form.

633 TEMPORARY LIVING ALLOWANCES OR MOVING EXPENSES. IPA participants may have the option of having NSF arrange and pay their household moving expenses to and from the Washington, DC area or

receiving per diem allowances. Each of these options has prescribed limitations. Details concerning these options can be obtained from HRM.

A. Household Move. The option of a household move is available only to IPA participants with assignments of one year or longer and who agree in writing to remain in the IPA assignment for at least one year. The participant and members of his/her immediate family are eligible for round-trip transportation associated with the move. However, only the participant, and not family members, are eligible for per diem while traveling to the assignment. The movement of household goods and personal effects will also be in accordance with Federal Travel Regulations.

B. Per Diem Allowance. This allowance is permissible for a maximum of two years. When an IPA participant receives a per diem allowance, the amount will be determined by HRM in accordance with Federal Travel Regulations. When an NSF employee elects per diem during an IPA assignment, the rate of per diem is based on the assignment's location. Members of an IPA participant's immediate family are not eligible for per diem. In addition, when an IPA participant receives per diem, NSF is not authorized to pay family travel expenses to the location of an assignment. Per diem is reported to Internal Revenue Service on an IRS 1099 Form.

IRS has ruled that a temporary work assignment of more than one year away from a participant's permanent residence is considered to be indefinite. Thus IPA participants cannot deduct living expenses when their assignment is for more than one year.

634 INCENTIVE AWARDS. Incoming participants in the IPA Program are eligible for honor awards but not cash awards.

635 LEAVE ACCRUAL AND USAGE. IPA participants earn and accrue sick, annual, and other kinds of leave according to the policies of their permanent employers. Leave usage must be approved by appropriate supervisory officials where participants have their IPA assignments. Individual IPA agreements should specify how leave usage will be reported. NSF employees, whether they are on detail or in LWOP status, must provide statements of leave usage that are certified by participating institutions to the NSF Payroll Section at the end of the leave year as well as at the end of their assignments.

640 IPA ASSIGNMENTS

641 ELIGIBLE ORGANIZATIONS. Employees of state and local governments, academic institutions, tribal governments, and instrumentalities or authorities including public school districts, housing authorities, and water or sewer districts are eligible to participate in the IPA Program.

In addition, employees of certain “other organizations,” including organizations that represent State and local governments or their officials, federally funded research and development centers, or are non-profit organizations that provide professional advisory, research, educational, developmental, or related services to governments or universities, can receive IPA assignments. “Other organizations” must be approved by HRM for eligibility in the Program. HRM maintains a list of approved organizations and can provide information on how organizations apply for certification.

642 LENGTH OF ASSIGNMENTS. Initial IPA assignments can be made for up to 2 years and may be extended to 3 years. Under unusual circumstances, assignments may be extended for up to 4 years with the approval of the Deputy Director of NSF and the explicit agreement of the hiring organization that the individual will not be employed by NSF in any capacity (permanent staff, visiting scientist, engineer or educator, temporary staff) for at least one year thereafter. An individual may not serve as an IPA for more than 6 years in any 10-year period.

643 IPA ASSIGNMENTS TO NSF. State or local government employees must be permanent employees of their organizations for at least 90 days prior to beginning IPA assignments. Typically, NSF details IPA participants from their home institutions to the Foundation. In a detail arrangement, an employee’s home institution continues to administer his/her pay and benefits. NSF reimburses non-Federal organizations for the Foundation’s share of the costs of IPA assignments.

The IPA salary is based on the salary received at the home institution (unless it is below the minimum salary for the position, in which case the IPA salary will be supplemented to the minimum rate of pay of the NSF assigned position). An academic salary is annualized to 12 months. When the annualized academic salary exceeds the salary for the NSF assigned position, the full academic salary is preserved and salary for the summer months is calculated based on the rate of pay for the assigned position. This formula is not applicable for an assignee on administrative (12 month) salary or for an assignee whose annualized academic salary does not exceed the NSF salary for the position. Directorates and Staff Offices must provide an explicit justification (addressing costs and benefits) for an individual whose salary will exceed the rate of pay of the NSF position assigned. NSF Deputy Director approval is required for an individual whose salary exceeds the level of ES-6.

An IPA agreement may be supplemented to accommodate an increase in salary and/or benefit rates authorized by the home institution. However, NSF’s contribution to salary increases may not exceed the annual Federal pay increases (i.e., cost of living and locality pay adjustments), plus 3%.

IPA participants from non-Federal organizations can supervise career Federal employees. In addition, IPA participants to NSF are eligible to apply to conduct research under NSF’s Independent Research/Development Program.

644 IPA ASSIGNMENTS OF NSF EMPLOYEES TO ELIGIBLE INSTITUTIONS.

A. Application. NSF employees with career or career conditional appointments or excepted service appointments of equivalent tenure are eligible for IPA assignments. Applications for NSF employees GS-15 and below and through AD-04 involve memoranda to HRM from Division Directors through appropriate Assistant Directors at least two months in advance. Such a memorandum should describe the assignment and its benefits, its proposed length and approximate dates, and other relevant information. Information concerning application procedures for SES or AD-05 employees can be obtained in “SES and AD-05 External Assignments: Policies and Procedures” maintained in the Executive Personnel and Development Branch, HRM.

B. Employment Status. When NSF employees have IPA assignments to non-Federal organizations, they are either detailed to their positions and remain on the NSF payroll or placed in leave without pay (LWOP) status. Their salaries include the locality pay for the Washington, DC Metropolitan Area, whether on detail or LWOP.

1. Detail. When an IPA participant is detailed to another organization, he/she counts against FTE only if NSF pays more than 50% of the assignment. The Foundation continues to withhold relevant retirement, benefit, and Thrift Savings Plan (TSP) contributions from the employee’s salary check.

2. Leave Without Pay (LWOP). When an NSF employee is placed in LWOP status, he/she does not count against the Foundation’s FTE. The IPA participant is placed on the payroll of the host institution and receives a check from that institution from which appropriate deductions are made. An employee on LWOP may receive benefits from the Federal government or the host organization but not both. If he/she chooses to maintain Federal benefits, he/she must send NSF payments for the employee contribution. TSP contributions cannot be made when an employee is on LWOP. However, make-up payments may be made when an employee returns to pay status.

650 IPA AGREEMENTS

Written agreements must be developed for all IPA assignments. [Appendix B](#) provides a sample of an IPA agreement. IPA participants from non-Federal organizations must agree to remain employees of their home institutions

after their IPA assignments and are ineligible for appointment to permanent NSF positions for one year after they have completed their assignments. Exceptions to this provision can only be made by the Director, NSF.

NSF employees who accept IPA assignments to other organizations must agree to return to NSF for a period of time equal to the length of their IPA assignments or reimburse NSF for its share of the non-salary costs of the assignments. The Director, NSF, may waive this reimbursement for good and sufficient reason.

APPENDIX A

PAY AND BENEFITS

IPA PARTICIPANTS TO NSF

This chart delineates the benefits and compensation available to participants in two NSF Programs—the Intergovernmental Personnel Act Mobility Program and the Visiting Scientist, Engineer, and Educator Program (VSEE).

| COMPENSATION | APPLICABILITY TO IPA PARTICIPANTS | APPLICABILITY TO VSEE PARTICIPANTS |
|--|---|------------------------------------|
| Salary Limitations | No ¹ | Yes |
| Cost-Sharing | Yes | Only if on sabbatical |
| Annualized Salary | Yes ² | Yes |
| Pay for Lost Consulting Income | Yes (Not to exceed \$10,000 pa) | Yes |
| Cost of Living Adjustments | No | Yes |
| Comparability Increases | No | No |
| Locality Pay Adjustments | No | Yes |
| Annual Pay Adjustments | Same as permanent employer ³ | Same as permanent employer |
| Performance Bonus | No | Yes |
| Social Security | Same as permanent employer | Yes |
| Fringe Benefits | Same as permanent employer | Same as permanent employer |
| Move to and from NSF or Per Diem for Two Years | Yes | Yes |
| Family Travel | Yes ⁴ | Yes ⁴ |
| Independent Research/Development Program | Yes | Yes |

¹ IPA salary levels beyond the level of ES-6 must be approved by the Deputy Director, NSF.

² Subject to special salary calculation when the annualized academic salary exceeds the rate of pay of the assigned position.

³ NSF's contribution to salary increases may not exceed the annual Federal pay increase, plus 3%.

⁴ Only when household move and not per diem is elected.

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APPENDIX B—ASSIGNMENT AGREEMENT

Title IV of the Intergovernmental Personnel Act of 1970 (5 U.S.C. 3371 - 3376)

INSTRUCTIONS

This agreement constitutes the written record of the obligations and responsibilities of the parties to a temporary assignment arranged under the provisions of the Intergovernmental Personnel Act of 1970.

The term "State or Local Government," when appearing on this form, also refers to an institution of higher education, an Indian tribal government, and any other eligible organization.

Copies of the completed and signed agreement should be retained by each signatory.

Within 30 days of the effective date of the assignment, two copies of this form must be sent to:

U.S. Office of Personnel Management
Personnel Mobility Program
Staffing Operations Division/CEG
1900 E Street, NW
Washington, DC 20415

Procedural questions on completing the assignment agreement form or on other aspects relating to the mobility program should be addressed to either mobility program coordinators in each Federal agency or to the staff of the Personnel Mobility Programs in the U.S. Office of Personnel Management.

PART 1 - NATURE OF THE ASSIGNMENT AGREEMENT

1. Check Appropriate Box

☐ New Agreement ☐ Modification ☐ Extension

PART 2 - INFORMATION ON PARTICIPATING EMPLOYEE

2. Name (*Last, First, Middle*)

3. Social Security Number

4. Home Address (*Street, City State, ZIP Code*)

5a. Have you ever been on a mobility assignment?

☐ YES ☐ NO

5b. If "YES", date of each assignment (*Month and Year*)
From To

PART 3 - PARTIES TO THE AGREEMENT

6. Federal Agency (*List office, bureau or organizational unit which is party to the agreement*)

7. State or Local Government (*Identify the governmental agency*)

8. Is assignment being made through a faculty fellows program?

☐ YES

☐ NO

If "YES" give name of the program

PART 4 - POSITION DATA

A - Position Currently Held

9. Employment Office Name and Address (*Street, City, State and ZIP Code*)

10. Employee's Position Title

11. Office Telephone Number
(*Include the Area Code*)

12. Immediate Supervisor (*Name and Title*)

B - Type of Current Appointment

13. Federal Employees (*Check appropriate box.*)

☐ Career Competitive Grade Level
☐ Other (*Specify*)

14. State and Local Employees

State and Local Annual Salary Original Date Employed by the
state or Local Government
(*Month, Day, Year*)

C - Position To Which Assignment Will Be Made

15. Employment Office Name and Address (*Street, City, State and ZIP Code*)

16. Assignee's Position Title

17. Office Telephone Number
(*Include the Area Code*)

18. Immediate Supervisor (*Name and Title*)

PART 5 - TYPE OF ASSIGNMENT

19. Check Appropriate Boxes

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> On detail from a Federal agency | <input type="checkbox"/> Full Time |
| <input type="checkbox"/> On leave without pay from a Federal agency | <input type="checkbox"/> Part Time |
| <input type="checkbox"/> On detail to a Federal agency | <input type="checkbox"/> Intermittent |
| <input type="checkbox"/> On appointment in a Federal agency | |

20. Period of Assignment (*Month, Day, Year*)

From

To

PART 6 - REASON FOR MOBILITY ASSIGNMENT

21. Indicate the reasons for this mobility assignment and discuss how the work will benefit the participating governments. In addition, indicate how the employee will be utilized at the completion of this assignment.

PART 7 - POSITION DESCRIPTION

22. List the major duties and responsibilities to be performed while on the mobility assignment.

PART 8 - EMPLOYEE BENEFITS

23. Rate of Basic Pay During Assignment

24. Special Pay Conditions (*Include any conditions that could increase the assigned employee's compensation during the assignment period*). Amendments to permit increases in institution salary and fringe benefits are allowed, subject to NSF policy limitations.

25. Leave Provisions (*Indicate the annual and sick leave benefits for which the assigned employee is eligible. Specify the procedures for reporting, requesting and recording such leave.*)

PART 9 - FISCAL OBLIGATIONS

Identify, where appropriate, the office to which invoices and time and attendance records should be sent.

26. Federal Agency Obligations *(If paying more than 50 percent of a Federal employee's salary beyond a 6-month period, specify rationale for cost-sharing decision.)*

27. State or Local Government Agency Obligations

PART 10 - CONFLICTS OF INTEREST AND EMPLOYEE CONDUCT

- ☐ 28. Applicable Federal, State, or Local conflict-of-interest laws have been reviewed with the employee to assure that conflict-of-interest situations do not inadvertently arise during this assignment.
- ☐ 29. The employee has been notified of laws, rules and regulations, and policies on employee conduct which apply to him/her while on this assignment.

PART 11 - OPTIONS

30. Indicate coverage "N/A", if not applicable
A. Federal Employees Group Life Insurance

☐ Covered

☐ N/A

B. Federal Civil Service Retirement System or Federal Employees Retirement System

☐ Covered

☐ N/A

C. Federal Employee Health Benefits

☐ Covered

☐ N/A

31. State or Local Agency Benefits *(Indicate all State employee benefits that will be retained by the State or Local Agency employee being assigned to a Federal Agency. Also include a statement certifying coverage in all State and Local employee benefit programs that are elected by the Federal employee on leave without pay from the Federal agency to a State or Local agency.)*

32. Other Benefits *(indicate any other employee benefits to be made part of this agreement)*

PART 12 - TRAVEL AND TRANSPORTATION EXPENSES AND ALLOWANCES

33. Indicate: (1) Whether the Federal agency or State or Local Agency will pay travel transportation expenses to, from, and during the assignment as specified in Chapter 334 of the Federal Personnel Manual, and (2) which travel and relocation expenses will be included.

PART 13 - APPLICABILITY OF RULES, REGULATIONS AND POLICIES

34. Check Appropriate Boxes

- ☐ A. The rules and policies governing the internal operation and management of the agency to which my assignment is made under this agreement will be observed by me.
- ☐ B. I have been informed that my assignment may be terminated at any time at the option of the Federal agency or the State or Local government.
- ☐ C. I have been informed that any travel and transportation expenses covered from Federal agency appropriations may be recoverable as a debt due the United States, if I do not serve until completion of my assignment (unless terminated earlier by either employer) or one year, whichever is shorter.
- ☐ D. I have been informed of applicable provisions should my position with my permanent employer become subject to reduction-in-force procedure.
- ☐ E. I agree to serve in the Civil Service upon the completion of my assignment for a period equal to that of my assignment. Should I fail to serve the required time, I have been informed that I will be liable to the United States for all expenses (except salary) of my assignment. (For Federal Employees only)

PART 14 - CERTIFICATION OF ASSIGNED EMPLOYEE

In signing this agreement, I certify that I understand the terms of this agreement and agree to the rules, regulations and policies as indicated in Part 13 above.

| | | |
|--|---|----|
| 35. Location of Assignment (<i>Name of Organization</i>) | 36. Date (<i>Month, Day, Year</i>) | |
| | From | To |
| 37. Signature of Assigned Employee | 38. Date of Signature (<i>Month, Day, Year</i>) | |

PART 15 - CERTIFICATION OF APPROVING OFFICIALS

In signing this agreement, we certify that:

- the description of duties and responsibilities is current and fully and accurately describes those of the assigned employee;
- this assignment is being entered into to serve a sound, mutual public purpose and not solely for the employee's benefit; and
- at the completion of the assignment, the participating employee will be returned to the position he or she occupied at the time this agreement was entered into or a position of like seniority, status and pay.

| | |
|---|---|
| State or Local Government Agency | Federal Agency |
| 39. Signature of Authorizing Officer | 40. Signature of Authorizing Officer |
| 41. Date of Signature (<i>Month, Day, Year</i>) | 42. Date of Signature (<i>Month, Day, Year</i>) |
| 43. Typed Name and Title | 44. Typed Name and Title |

PRIVACY ACT STATEMENT

Sections 3373 and 3374, Assignment of Employees To or From State or Local Governments, of Title 5, U.S. Code, authorizes collection of this information. The data will be used primarily to formally document and record your temporary assignment to or from a State or Local government, institution of higher education, Indian tribal government, or other eligible organization. This information may also be used as the legal basis for personnel and financial transactions, to identify you when requesting information about you, e.g., from prior employers, educational institutions, or law enforcement agencies, or by State, Local, or Federal income

taxing agencies. Solicitation of your Social Security Number (SSN) is authorized by Executive Order 9397 which permitted use of the SSN as an identifier of individual records maintained by Federal agencies. Furnishing your SSN or any other data requested is voluntary. However, failure to provide any of the requested information may result in your being ineligible for participation in the Intergovernmental Assignment Program

CHAPTER II—EMPLOYMENT

SUBCHAPTER 700 PART-TIME CAREER EMPLOYMENT PROGRAM

SUBCHAPTER SUMMARY

This Subchapter discusses part-time career employment at the National Science Foundation and addresses the most frequently asked questions about schedules, pay, and benefits.

HRM CONTACT

Staffing and Classification Branch
Division of Human Resource Management (HRM)
703-306-1185

710 INTRODUCTION

This Subchapter discusses part-time career employment at the National Science Foundation. Part-time employees normally work 16 to 32 hours per week under a prearranged schedule. The employee's type of appointment determines whether or not she or he is eligible for benefits. This Subchapter covers all permanent competitive and excepted positions in the National Science Foundation at the GS-1 through GS-15 levels and equivalent.

720 POLICY

Foundation policy is to provide part-time career employment opportunities to the extent that these opportunities are consistent with resources and mission requirements. As required by law, the Foundation maintains a continuing program to provide career part-time employment opportunities to employees and individuals who require or are benefited by a reduced workweek. Managers are encouraged to use part-time employment as an alternative to full-time employment where appropriate. Managers should carefully review the work requirements in their organizations with a view to introducing or significantly expanding the use of family-friendly work arrangements including part-time career employment.

730 GENERAL PROVISIONS

Part-time employees work less than full time each week under a regularly scheduled tour of duty. Work schedules are fixed by management to meet the agency's needs and can be changed as necessary to meet workload requirements.

Permanent part-time employees must have a pre-set work schedule of 16 to 32 hours per week, or 32 to 64 hours per pay period for those on flexible schedules. Agencies can increase

the hours worked above these limits for a limited time to meet workload or training needs but the employee's schedule must remain at 32 hours per week or less (64 or less per pay period in the case of flexible work schedules). For reasons related to mission accomplishment, an agency may permit part-time career employees to have a regular work schedule of less than 16 hours per week, or less than 32 hours per pay period for employees on flexible work schedules.

The agency will not abolish any position occupied by a full-time employee to create a part-time position, unless the employee has requested conversion to part-time. Nor will it require any person who is employed on a full-time basis to accept part-time employment as a condition of continued employment.

740 RESPONSIBILITIES

As delegated by the Director, NSF, the Division of Human Resource Management (HRM) is responsible for providing guidance to managers and supervisors who are interested in establishing or converting positions for part-time employment. HRM is also responsible for advising an employee desiring a change in employment from full-time to part-time of the effects the change will have on his or her rights and benefits.

Managers and supervisors are responsible for reviewing the work requirements of their organizations and to consider the benefits of establishing or expanding the use of part-time positions to meet agency goals, as well as employees' needs.

Employees will be afforded the opportunity to request and receive consideration to convert from full-time to part-time work schedules.

750 REQUEST PROCESS

Managers and supervisors interested in establishing or converting positions to part-time employment should contact HRM to discuss procedures and criteria for identifying such positions. HRM will also provide guidance on requirements and procedures for recruiting to fill such part-time positions.

An employee interested in a change of employment from full-time to part-time should consult with the immediate supervisor, who should evaluate the request in terms of mission requirements and agency needs. A request for a schedule change must be submitted via an SF-52, "Request for Personnel Action." The request for a change in work schedule must include the employee's new tour of duty (i.e., days and

hours the employee will work). The scheduled work must be between 16 and 32 hours per week to meet the requirements of part-time career employment (32 to 64 hours per pay period in the case of a flexible work schedule). Employees should be aware that any day that exceeds 5 hours of work must include a 30 minute uncompensated lunch period (e.g., 8:30 a.m. to 3:00 p.m. would be a 6 hour day).

HRM will be responsible for advising the employee of the effects the change will have on his/her rights and benefits. It is recommended that supervisors notify HRM in advance so that supervisor and employee can make an informed decision. An employee changing from full-time to part-time will sign a statement indicating he or she has voluntarily requested the change in work schedule.

CHAPTER II—EMPLOYMENT

SUBCHAPTER 800 REDUCTION IN FORCE IN THE COMPETITIVE AND EXCEPTED SERVICE

SUBCHAPTER SUMMARY

This Subchapter describes the reduction in force procedures for employees outside the NSF Bargaining Unit except SES and Presidential appointees.

HRM CONTACT

Staffing and Classification Branch
Division of Human Resource Management (HRM)
703-306-1185

810 INTRODUCTION

This Subchapter contains the procedures for effecting reduction in force (RIF) actions. The provisions of the Subchapter apply to employees outside the bargaining unit except for Presidential appointees and members of the Senior Executive Service. Procedures affecting employees in the bargaining unit are described in the Collective Bargaining Agreement.

811 POLICY. Before formal reduction in force procedures are initiated the Foundation will make serious efforts, in accordance with applicable laws and regulations, to place surplus personnel in suitable positions as provided in this Subchapter. To the extent appropriate, the NSF will use attrition to accomplish the reduction in force prior to initiating reduction in force procedures.

812 DEFINITIONS.

A. Reduction in Force. A reduction in force occurs, and the provisions of this Subchapter will be followed, when the Foundation releases a competing employee from his/her competitive level by separation, demotion, furlough for more than 30 days, or reassignment requiring displacement, when the release is required because of lack of work, shortage of funds, reorganization, the exercise of reemployment rights or restoration rights, insufficient personnel ceilings, or reclassification due to erosion of duties after the NSF has formally announced a RIF which will take effect within 180 days.

B. Competitive Area. A competitive area is the geographic area in which employees compete in reductions in force. The competitive area for employees of the Foundation is the Washington, D.C. Metropolitan Area, except for employees who are permanently located in areas other

than the Washington, D.C. Metropolitan Area, in which case their competitive area is the city to which they have been permanently assigned.

C. Competitive Level. A competitive level consists of all positions in a competitive area and in the same grade (or occupational level) and classification series and which are similar enough in duties, qualification requirements, pay schedules, and working conditions so that the incumbent of one position could successfully perform the critical elements of any other position upon entry into it, without any loss of productivity beyond that normally expected in the orientation of any new but fully qualified employee. Sex may not be the basis for assigning a position to a competitive level, except for a position which OPM has determined certification of eligibles by sex is justified. Each position is assigned to a competitive level at the time of its establishment. Competitive levels will be established consistent with regulatory requirements.

D. Tenure Groups. Employees competing in reductions in force are classed in groups and subgroups within the competitive level on the basis of tenure of employment and veterans preference. The order of retention standing by groups is Group I, Group II, and Group III. Within each group, the order is Subgroup AD, Subgroup A, and Subgroup B; within subgroups, the order begins with the earliest Service Computation Date as augmented by credit for performance.

1. Group I. In reduction in force for competitive service employees, Group I includes each career employee who is not serving a probationary period. (A supervisory or managerial employee serving a probationary period required by Section 3321, 5 U.S.C., is in Group I if the employee is otherwise eligible to be included in this group.) In reduc-

tion in force for excepted employees, Group I includes permanent employees whose appointments carry no restriction or condition, such as a specific time limitation, or trial period.

2. Group II. In reduction in force for competitive service employees, Group II includes each employee serving a probationary period and each career-conditional employee. In reduction in force for excepted employees, Group II includes each employee serving a trial period under permanent appointment.

3. Group III. In reduction in force for competitive service employees, Group III includes each indefinite employee, each employee serving under a temporary appointment pending establishment of register, each employee in status quo, each employee serving under term appointment, and each employee serving under other nonstatus nontemporary appointment. In reduction in force for excepted employees, Group III includes each employee whose tenure is indefinite (that is, without specific time limitation but not actually or potentially permanent) or whose appointment carries a specific time limitation of more than one year. Also in Group III is each excepted employee who, though currently under appointment limited to one year or less, completes one year of current continuous employment.

E. Subgroups. In each group, preference eligibles who have a compensable service-connected disability of 30 percent or more are in Subgroup AD, other preference eligibles are in Subgroup A, and employees without veterans preference are in Subgroup B.

F. Service Date. The service date of an employee is the date that indicates the employee's creditable service and will be one of the following:

1. the date of entrance on duty when there has been no previous creditable service;
2. the date obtained by subtracting the total creditable previous service from the date of the last entrance on duty; or
3. the date obtained by subtracting, from 1 or 2 above, the service equivalent allowed for performance ratings.

G. Credit for Performance. For reduction in force purposes an employee is entitled to additional service credit for performance based on the employee's last three annual performance ratings of record received during the 3-year period prior to the date of the issuance of a specific RIF notice.

1. This additional service credit is determined by computing the mathematical average (rounded to the next higher whole number) of the credit allowed for the em-

ployee's last three actual annual performance ratings of record.

2. Twenty years of service will be credited for each performance rating of Outstanding.

3. Sixteen years of service will be credited for each performance rating of exceeds Fully Successful.

4. Twelve years of service will be credited for each performance rating of Fully Successful.

5. An employee who has not received three actual ratings during the 3-year period will be credited with an assumed rating of Fully Successful for each missing rating.

6. The current annual performance rating of record shall be the last annual rating except that:

- a. an employee who has received an improved rating following an opportunity to demonstrate acceptable performance as provided in 5 CFR Part 432 shall have the improved rating considered the current annual performance rating of record; and

- b. an employee's current annual performance rating of record shall be presumed to be Fully Successful when the employee had been demoted or reassigned under 5 CFR Part 432 because of unacceptable performance and as of the date of issuance of specific reduction in force notices has not received a rating for performance in the position to which demoted or reassigned.

H. Retention Register. A retention register is a listing of employees for each competitive level, arranged according to tenure group and subgroup, with those within a group in order of their years of Government service as determined from their service dates. Employees with a written decision of removal based on unacceptable performance issued in accordance with the Performance Appraisal System are placed at the bottom of the listing. (A Sample Retention Register is illustrated in the Appendix.)

I. Competing Employees. Competing employees means employees in Tenure Group I, II, or III who must be listed on the retention register in the order of their retention standing. Employees in the competitive service serving under appointments not limited to one year or less are assigned to groups and subgroups and compete for retention in their competitive levels during the first round or for assignment of positions in other competitive levels in the second round of reductions in force. Employees in the excepted service who are serving under appointments not limited to one year or less are assigned to groups and subgroups but only compete for retention in their competitive levels. They are not entitled to compete for assignments to positions in other competitive levels.

J. Noncompeting Employees. Employees with appointments limited to one year or less are not assigned to groups and subgroups and do not compete for retention in the first round or for assignment to positions in other competitive levels in reduction in force. They must be moved out of the competitive level by appropriate means before any employee in Group I, II, or III is released from the competitive level by reductions in force. Employees serving in positions in a competitive level under definitely limited temporary promotions are not competing employees in that level. Their temporary promotions must be terminated before any competing employee is released from the competitive level by reduction in force. Employees who have received a written decision of reduction in grade based on unacceptable performance are not competing employees in the competitive level of their current positions (these employees will compete on the basis of the competitive level to which they will be demoted).

K. Preference Eligible. For purposes of reduction in force provisions, a retired member of a uniformed service is considered a preference eligible only if he/she meets at least one of the conditions in 1., 2., or 3. below.

1. The employee's military retirement is based on disability that either:

a. resulted from injury or disease received in the line of duty as a direct result of armed conflict: or

b. was caused by an instrumentality of war incurred in the line of duty during a period of war as defined by Sections 101 and 301 of Title 38, U.S.C.

2. The employee's military service does not include 20 or more years of full-time active service, regardless of when performed. However, this total does not include periods of active duty for training.

3. The employee has been employed continuously since November 30, 1964, in a position covered by reduction in force regulations without a break in service of more than 30 days.

4. An employee who would otherwise be considered a preference eligible under conditions in k. 2. or 3. above is not considered a preference eligible if the employee retired at or above the rank of major or its equivalent except in certain cases of disability as defined in the law.

820 RETENTION REGISTERS

The Foundation will establish a separate retention register from the current retention records of employees in, and employees temporarily promoted from, each competitive level affected when a competing employee is to be released from a competitive level. The Foundation shall maintain the current, correct records needed to determine the retention standing of its

competing employees. The Foundation shall preserve intact all registers and records relating to an employee for at least one year from the date the employee is issued a specific notice.

830 EXCEPTED POSITIONS

Employees in excepted positions will compete only with other excepted employees in the same competitive level. Employees in excepted positions will not have assignment rights to excepted positions held by employees in other competitive levels. However, before a final decision is made to abolish a position which would initiate the application of reduction in force procedures, NSF will make a serious effort to reassign the current incumbents of excepted positions which are to be abolished in an attempt to avoid the necessity of conducting a RIF. Such employees will be considered for reassignment to positions for which the Foundation is actually recruiting. This provision is applicable only before reduction in force provisions are applied. The Foundation is not required to fill a vacancy in reduction in force with either an excepted or a competitive employee once it has been determined that a position will be abolished and a reduction in force has been approved by the Assistant Director for Administration.

840 PROCEDURES

The procedures listed below are intended to afford employees an opportunity to compete for retention when their positions have been affected because of lack of work, shortage of funds, reorganization, insufficient personnel ceiling, the necessity to place a returning employee with reemployment or restoration rights, or reclassification due to erosion of duties after NSF has formally announced a RIF.

841 INITIATING ACTIONS. Since it is possible to affect more than one office or division by a reduction in force action, all proposed reductions in force must be approved by the Assistant Director for Administration. Memoranda requesting reduction in force actions will be forwarded to the Assistant Director for Administration through the appropriate Assistant Director or Staff Office Director.

842 COMMUNICATING WITH EMPLOYEES.

When it is known that a reduction in force is to be initiated, affected employees will be informed by their respective supervisors as soon as possible. The Division of Personnel and Management (DPM) will be responsible for preparing and delivering to each affected employee an official written notice at least 30 full calendar days and not more than 90 full calendar days before the effective date of the reduction in force action. This notice will indicate the specific action that the Foundation intends to take, the effective date of that action, and will include a copy of the retention register which identifies the employee's competitive area, competitive level, tenure group, subgroup, service date and annual performance ratings of record received during the last three years. The notice will also inform the employee what his/her assignment right is (or that there is no assignment right), where he/she may inspect the regula-

tions and records pertinent to his/her case, what the outplacement program is, and what appeal rights the employee is entitled to.

843 ASSIGNMENT RIGHTS OF EMPLOYEES IN THE COMPETITIVE SERVICE WHO ARE AFFECTED BY REDUCTIONS IN FORCE. On the basis of the official records and OPM regulations, DPM will determine the assignment rights, lateral or to a lower grade, of employees affected by reductions in force. When an operating official receiving an employee through reduction in force has reason to doubt the qualifications of that employee or has evidence that the employee will cause undue interruption (in accordance with OPM guidelines) to the work of his/her unit, he/she may request exception to the action. This request will be submitted to the Director, DPM, in writing, outlining the reasons the employee is not qualified or could not be reassigned without undue interruption to the work of the unit. Final decisions on such requests will be made by the Assistant Director for Administration.

844 REVIEW.

a. Within five workdays of receipt of a specific RIF notice, an affected employee who believes that an error exists in the retention register applicable to him/her or in the determination of entitlement to assignment rights may request a review concerning such alleged error. The request may be made by the employee or by a representative designated in writing by the employee. Such request shall be made in writing to the Assistant Director for Administration and shall identify and explain the error or errors perceived in the application of RIF procedures. The review will be conducted by an individual, selected by the Assistant Director for Administration, who was not involved in the initial determination. However, matters which are reserved management rights such as decisions on work assignments and organizational structure are not appropriate for such review. Also, the opportunity for such review shall not provide the means for an employee to add information such as additional qualifications to his/her official personnel records because it is the employee's responsibility to assure that the records have been updated prior to RIF (see [section 890](#) below). To permit subsequent additions would be unfair to other employees.

b. The affected employee will be given a response in writing by the selected reviewer to the request for review as soon as practicable. If a response cannot be provided within 20 calendar days from the date of the specific RIF notice, the effective date of the proposed action will be extended by the number of days in excess of 20 that it takes for a response.

c. The decision of this review is not grievable. However, an employee is entitled to appeal a reduction in force action as set forth in section 870 of this Subchapter.

d. Employees who cannot be assigned will be separated (or furloughed for more than 30 days as the case may be) not ear-

lier than 30 calendar days after receipt of the appropriate notice. The day following delivery of the notice will be counted as the first day in computing the 30 days' notice.

845 STATUS DURING ADVANCE NOTICE PERIOD. Employees who are to be separated by reductions in force should be encouraged to take excess annual leave (i.e., leave which would otherwise be lost) during the notice period. A liberal leave policy will be followed to give employees the opportunity to seek employment outside the Foundation. When an employee is officially notified that he/she is to be released or downgraded by more than three grades, the employee's supervisor will make serious efforts to accommodate, within the NSF flextime provisions, the employee's search for other employment. For purposes of this Subchapter flextime schedules may be changed more than once a month.

846 TRANSITION APPOINTMENT.

a. In order to prevent undue hardship on an employee who would not otherwise have pay, a temporary transition appointment will be offered if all the following conditions apply:

1. the individual is a competing employee who is being separated as a result of reduction in force provisions;
2. the individual is not eligible upon separation for at least 13 weeks of severance pay;
3. the individual receives and provides a copy to DPM on or before the day of separation from the Foundation a valid written offer of regular employment which is to begin within 90 days of the day of separation;
4. the Foundation has funds available;
5. the appointment can be made within the Foundation's authorized ceiling; and
6. there is no directive or regulation at the time which would preclude such action.

b. Conditions of such a temporary transition appointment are:

1. the individual will be offered a temporary appointment to become effective the day following a separation through RIF; and
2. the temporary appointment will be for the period until the new employment begins provided that the length of the temporary transition appointment will be reduced on a day-for-day basis by severance pay entitlement under existing regulations.

847 OPM REVIEW OF PHYSICAL REQUIREMENTS OF A POSITION. A preference eligible employee with a service-connected disability of 30 percent or

more has a right to respond to the Foundation's initial determination that the employee is not able to fulfill the physical requirements of a position to which the employee would otherwise have been assigned under the reduction in force regulations. The Foundation must submit an initial determination of this type to OPM for a final determination. Simultaneously, the Foundation must give the employee written notice of the reasons for its determination and of the employee's right to respond to OPM concerning these reasons within 15 days of the date of the notice.

850 REEMPLOYMENT PRIORITY LISTS (RPL)

The Division of Personnel and Management will prepare and maintain, on a current basis, reemployment priority lists of separated Group I or II employees who have competitive Civil Service status. It will be mandatory for these lists to be used for any subsequent recruitment activity. Separated Group I employees will remain on the RPL for up to two years; Group II employees for up to one year.

860 OUTPLACEMENT PROGRAM

DPM will establish an outplacement program, as described below, for all employees to be separated by reductions in force. DPM will have the outplacement program in place at least 30 days prior to the effective date of such separation. The provisions of the program will remain in effect a minimum of 90 days after the date of separation of an employee through RIF, unless all separated employees have been placed.

Participants in the outplacement program will have access to the use of typewriters and quick copy equipment for use in preparing documents necessary for seeking employment, i.e., SF-171, resumes, related correspondence.

DPM will have available:

- information on appeal rights and procedures;
- information on appropriate OPM registers, and outplacement assistance; and
- reference materials on job hunting.

DPM will provide counseling on effective job searching and will assist participating employees in evaluating their qualifications and setting reasonable employment goals. If five or more employees are to be separated, DPM will consider obtaining these services from outside NSF.

DPM will provide the following employment assistance:

- publications that list Federal, state and local government opportunities will be made available in an announced location;
- publications that list private sector employment opportunities will be made available in an announced location;

- SF-171's will be circulated to other personnel offices in appropriate other Federal agencies; and
- direct contacts will be made with other personnel offices to assist displaced employees in obtaining additional information regarding specific vacancies.

A list of names and the SF-171's of all separated excepted employees will be circulated to each directorate for consideration for reemployment as appropriate vacancies occur. Notwithstanding any earlier termination of the outplacement program, these lists will be maintained in the directorates for one year.

To the extent practicable, the Foundation will consider utilizing the provisions of 5 U.S.C. 4103 when it has been determined that NSF employees will otherwise be separated under reduction in force and because of this would be entitled to severance pay.

a. Before undertaking any training of an NSF employee to prepare the employee for placement in another Federal agency, NSF shall obtain verification from OPM that there exists a reasonable expectation of placement in another agency.

b. In selecting an employee for training under this provision, the Foundation shall consider:

- the extent to which the current skills, knowledge, and abilities of the employee may be utilized in the new position; and
- the employee's capability to learn skills and acquire knowledge and abilities needed in the new position.

As an aid in seeking further employment and as evidence of the Foundation's appreciation of a job well done, each employee to be separated should be furnished by the division or office undergoing reductions in force an individual letter indicating the employee's specific contributions to the organization. This letter is in addition to the required reduction in force notice.

870 APPEALS

A competing employee who has been affected by a reduction in force action and who believes the Foundation has incorrectly applied reduction in force regulations may appeal to the Merit Systems Protection Board (MSPB) any time during the period beginning with the day after the effective date of the action being appealed until not later than twenty calendar days after the effective date.

While no format is prescribed for a reduction in force appeal to the MSPB, it must be in writing. DPM will provide each affected employee with a copy of MSPB regulations and a copy of MSPB's optional appeal form which may be used. The following information must be included:

- the name of the appellant and the agency;
- the action taken by the agency and its effective date;

- a request for hearing, if desired;
- a statement of the reasons why the appellant believes the agency action to be wrong;
- a statement of the action the appellant would like the presiding officer to order;
- the name of the appellant's representative, if any;
- attachment of any relevant documents including the decision notice;
- a statement as to whether the appellant or anyone acting on his/her behalf has filed a grievance or complaint with any agency regarding this matter; and
- signature of the appellant and representative, if any.

880 PERSONNEL OFFICE ASSISTANCE

The Division of Personnel and Management (DPM) will render advice and assistance to both operating officials and employees in matters related to reductions in force. This assistance will include the following:

881 OPERATING OFFICIALS.

a. Participate with operating officials in the initial planning of reductions in force by making available official records and interpreting appropriate regulations for the purpose of determining the impact of reduction in force actions in the affected organizational unit.

b. Represent the Foundation in dealings with OPM by being the focal point for information requested on reduction in force actions.

882 EMPLOYEES.

a. Make available appropriate records and regulations concerning reductions in force to employees and explain the procedures that are followed in carrying out reduction in force actions.

b. Conduct an active outplacement program to assist affected employees in finding suitable employment with other Government agencies and outside of Government.

890 PERSONNEL RECORDS

It is important that an employee's Official Personnel Folder (OPF) is current and accurate; individual employees as well as management have a responsibility concerning personnel records.

Employees should review their OPF's periodically, update their qualifications and other appropriate matters of employment history when changes or inaccuracies come to their attention, and initiate appropriate corrective action when necessary. For example, if an employee believes that his/her current position description is inaccurate, an explanation may be sought from the employee's supervisor. If the employee is dissatisfied, a desk audit may be requested and/or a classification appeal may be appropriate. The DPM staff, through the supervisor, will be available for assistance.

Retention registers which may determine who is affected by a RIF are dependent upon official position descriptions in the records at the time of the RIF as well as other information on file. Assignment rights are based on qualifications shown in the employee's personnel folder at the time that DPM makes RIF determinations for issuing specific notices -- qualifications not set forth cannot be considered. The absence of any document in an Official Personnel File (OPF) which bears on the qualifications of the employee and which is the responsibility of DPM to maintain in OPF's consistent with OPM regulations prescribing the contents of OPF's, and which the employee can establish had been given to DPM, will be sufficient reason to make a new assessment of employee's assignment rights.

Supervisors and employees should assure that current position descriptions are accurate and that copies of awards, commendations, and training reports are forwarded to DPM for filing as appropriate in employees' OPF's. Consistent with OPM regulations prescribing the contents of OPF's, DPM is responsible for promptly inserting in the employee's OPF records of such commendations, awards, and training reports which are provided to DPM.

The Foundation shall preserve intact all registers and records described in section 820 of this Subchapter relating to an employee for at least one year from the date the employee is issued a specific reduction in force notice.

APPENDIX RETENTION REGISTER

(Date)

AGENCY: National Science Foundation

COMPETITIVE AREA: Washington, D.C.

COMPETITIVE LEVEL: Clerk-Typist, GS-322-3

| TENURE GROUP | OFFICE OR DIVISION | SERVICE DATE |
|--|--------------------|----------------------|
| Group IAD Jones, Frank A. | OBAC | 09-09-75 |
| Group IA Smith, John Doe, Mary E. | AST DMS | 12-05-65 06-14-70 |
| Group IB Brown, George Jones, Martha | DGC DFM | 07-15-75 08-11-75 |
| Group IIA White, Lois | BSR | 11-09-79 |

CHAPTER II—EMPLOYMENT

SUBCHAPTER 900 REDUCTION IN FORCE IN THE SENIOR EXECUTIVE SERVICE

SUBCHAPTER SUMMARY

This Subchapter describes the reduction in force procedures for employees in the SES.

HRM CONTACT

Executive Personnel and Development Branch
Division of Human Resource Management (HRM)
703-306-1185

910 INTRODUCTION

Before formal reduction in force (RIF) procedures are initiated, the Foundation will attempt to place career and probationary Senior Executive Service (SES) members who occupy surplus positions by reassignments into vacant SES positions for which they qualify. If a RIF becomes necessary, surplus SES members will be informed as soon as practicable. NSF will attempt to place affected executives internally to the greatest extent possible.

920 DEFINITIONS

921 REDUCTION IN FORCE—the elimination or modification of a position due to a reorganization, a lack of funds or curtailment of work, or any other factor.

922 SURPLUS POSITION—an SES position which is in excess of the needs of an organization and is to be abolished for any of the reasons listed above.

923 VACANCY, OR VACANT POSITION—for the purposes of this Subchapter, any SES position for which NSF is recruiting (i.e., has issued a Vacancy Announcement), or intends to recruit, for a career appointee.

924 CAREER SES MEMBER—for the purposes of this Subchapter, an executive who has been approved for career appointment to the SES and who has completed the one-year probationary period, or an executive who was not subject to the probationary period because he or she converted to the SES during the initial conversion in 1979.

925 PROBATIONARY SES MEMBER—an executive who has been approved for a career appointment to the SES but who has not yet completed the required one-year probationary period.

926 SURPLUS SES MEMBER—an SES member whose position has been identified by management as being in excess of agency needs and, with the approval of the Director, is then either reassigned to a vacant position or is subject to RIF procedures as outlined below.

927 DISPLACED SES MEMBER—an SES member who, as a result of a RIF competition, is displaced from his or her position by an SES member who has a higher retention standing.

928 PERFORMANCE GROUP—A grouping of SES members based on a weighted average of the last three SES performance ratings, with a greater weight given to more recent ratings.

930 RESPONSIBILITIES

931 THE DIRECTOR OR DEPUTY DIRECTOR, NSF, is responsible for:

- a. approving the need for a RIF in the SES; and
- b. approving reassignments and separation actions for surplus and displaced SES members.

932 THE EXECUTIVE RESOURCES BOARD (ERB) is responsible for:

- a. advising the Director or Deputy Director on the need for a RIF in the SES;
- b. recommending to the Director or Deputy Director specific reassignment actions prior to a formal RIF;

c. during a formal RIF, identifying executives for release based on their retention standing; and

d. developing and recommending to the Director all policies and procedures relating to SES RIF's in the NSF.

933 ASSISTANT DIRECTORS AND OFFICE DIRECTORS is responsible for:

a. identifying SES positions which will become surplus because of program curtailments, reduction in monetary or personnel allocations, or any other causes resulting in a reduction in the size of the SES workforce; and

b. recommending reassignments within their organizations for surplus SES members.

934 THE DIRECTOR, DIVISION OF PERSONNEL AND MANAGEMENT (DPM) is responsible for:

a. reviewing an organization's proposal to conduct a RIF involving SES members to ensure compliance with laws and regulations;

b. providing technical support for implementation of a RIF, including establishing retention registers; and

c. maintaining liaison with OPM on RIF policy and placement offers from other agencies for affected executives.

940 PROCEDURES

941 PLANNING. The following actions shall be taken prior to any RIF in the SES:

A. Proposal. A Directorate or Office anticipating a surplus of SES positions must submit a written request to the ERB via the Director, DPM, as far in advance of the anticipated effective date as possible. The following specific information must be included in proposal requests:

- specific management reason(s) for the proposed RIF (e.g., reorganization, abolishment of functions); and
- specific positions affected, number of incumbents affected, and proposed reassignments, if applicable, for each affected SES member.

B. Review. The ERB will review the proposal and ensure that all appropriate reassignments within the directorate or office have been identified and implemented prior to initiating a formal RIF. The ERB will identify vacant SES positions outside of the directorate or office requesting the RIF action for which the incumbents of the surplus positions meet the qualifications requirements and will make recommendations for reassignment. The ERB will review the organizational responses to such recommendations and

will assess the appropriateness of a formal RIF in case proposed reassignments are unavailable.

C. Approval. If the ERB decides that a RIF is necessary, it makes a recommendation to the Director or Deputy Director. The Director or Deputy Director must approve all RIF's affecting SES members in the NSF.

942 IMPLEMENTATION OF A FORMAL RIF.

A. Retention Competition. Career and probationary SES members who occupy surplus positions and who cannot be reassigned into vacant SES positions will be subject to formal RIF, conducted on the basis of a retention competition.

B. Retention Registers. Upon the Director or Deputy Director's determination of the need for a RIF, DPM will prepare retention registers and provide staff support for the formal implementation process. A retention register will be compiled listing the names of the incumbents of all SES positions grouped according to performance. Performance groups will be based on a weighted average of SES performance ratings over the last 3 years, with greater weight given for more recent performance ratings. For RIF purposes, an executive who does not have an annual performance rating of record shall be given a constructed rating consisting of the mean of ratings assigned to other executives. (See [Appendix](#).)

C. Retention Standing. Within each performance group, executives are placed on the retention register on the basis of other performance factors and length of executive-level service as follows:

1. Other Performance Factors. Points will also be given for award of SES bonuses during the past 3 years or for award of Distinguished or Meritorious Rank during the past 5 years.

2. Service. One point will be given for each year or partial year with at least 6 months of service within the SES or in a position at the GS-16, 17, 18 or equivalent level, up to a total of 10 years.

3. Total Points. Points for performance and service are totaled for each executive, and names are listed on the register in order of the total number of points received. Executives are selected for release in the inverse order of their retention standing, beginning with the executive with the lowest number of total points on the retention register. In the case of ties, the executive with the most recent service computation date will be released first.

D. Displacement and Consequence of Competition. A surplus SES member may displace only an SES member in a lower performance group. If there are SES members in lower performance groups than the surplus

SES member, the surplus SES member will be assigned to the position of the SES member with the lowest retention standing for which he or she meets the qualifications requirements. If there are no SES members in such positions who have a lower retention standing than the surplus SES member, there is no displacement.

E. Assignment Rights.

1. An SES member who is displaced through the formal RIF process is entitled to be assigned to a vacant SES position within NSF for which the executive meets the qualifications requirements. (Since the displaced SES member may have different qualifications than the surplus SES member prior to the RIF, the displaced SES member may be qualified to fill vacancies which were not identified originally for the surplus SES member.) If more than one SES member is displaced through this process, the displaced SES member with the highest retention standing will be entitled to the first vacancy offer. The ERB will recommend, and the Director or Deputy Director must approve, the placement to be made for displaced SES members.

2. A displaced career SES member who has completed a probationary period, or a displaced probationary SES member who was appointed to the SES from a civil service position held under a career or career-conditional or equivalent tenure (e.g., excepted) appointment, is entitled to be placed in a continuing position at Grade 15 or above for which he or she meets the qualifications requirements. However, this placement must not cause the separation or reduction in grade of any other employee. An SES member so placed is entitled, within the guidelines of existing Federal pay policy, to receive pay at the highest of the following rates:

- a. the rate of pay for the General Schedule (or equivalent) position in which the executive is placed;
- b. the current rate of pay for the civil service position held by the executive immediately before being appointed to the SES; or
- c. the rate of pay the executive received immediately before being separated from the SES.

An SES member who is receiving basic pay under (b) or (c) above receives half of all annual comparability increases until his or her salary is equal to the salary for the position in which he or she is placed.

A probationary SES member who was appointed to the SES from other than a career, career-conditional or equivalent tenure position has no such guaranteed placement rights.

F. Agency Certification. If the NSF is unable to place a surplus or displaced career SES member in an SES position for which he or she is qualified, certification of this fact will be made in writing to OPM. The Director, NSF, will sign the certification, and a copy will be provided to the affected executive.

G. OPM Placement Efforts. OPM has 45 calendar days from the date of NSF certification to locate and offer an SES vacancy in another agency to a surplus or displaced career SES member. The surplus or displaced SES member remains on the NSF rolls during this process.

H. Separation.

1. A probationary SES member is considered involuntarily separated and entitled to severance pay or discontinued service annuity (provided he or she meets the eligibility requirements) when:

- a. the executive resigns upon receiving a specific notice that his or her position will be abolished and that the executive faces involuntary separation from such position; or
- b. the executive declines an offer of a continuing Grade 15 or above position in the NSF after receiving the notice specified above.

2. A career SES member is considered involuntarily separated and entitled to severance pay or discontinued service annuity (provided the executive meets the eligibility requirements) when:

- a. the executive resigns upon receiving a specific notice that his or her position will be abolished and that the executive faces involuntary separation from such position;
- b. the executive declines a reasonable offer of placement in an SES position at another agency by OPM;
- c. the executive is not placed by OPM in an SES position in another agency within 45 days after OPM received written certification that NSF could not place the individual in an SES position; or
- d. the executive declines an offer of a continuing Grade 15 or above position in the NSF after receiving the notice specified above.

3. A career or probationary SES member who fails to accept a reassignment to an SES position within NSF is considered voluntarily separated for retirement purposes and does not qualify for discontinued service retirement or severance pay.

943 NOTICE.

A. Removal of SES Members Serving in Non-career and Time-Limited Appointments. An SES member serving a noncareer or time-limited appointment has no placement rights in a RIF, but will receive written notice that the appointment is to be terminated as far as possible in advance of the effective date.

B. Removal of Probationary SES Members. A probationary SES member will receive written notification of his or her separation from the SES, offer of a Grade 15 or above position, or removal from the NSF, as appropriate, no less than 30 calendar days in advance of the effective date of the planned action.

C. Reassignment. A career or probationary SES member must receive written notice 15 calendar days in advance of a reassignment.

D. Removal for Failure to Accept a Reassignment. A career SES member who is removed for failure to accept a reassignment to another SES position within NSF is entitled to a written notice 30 calendar days in advance of the effective date of such removal. This applies also to probationary SES members who were appointed from civil service career, career-conditional or equivalent

tenure appointments. Other probationary SES members will receive written notice as early as practicable.

E. Removal of Career SES Members. A career SES member who is removed from his or her SES position during a RIF and who cannot be placed in another SES position in the NSF will be given a written notice of at least 30 calendar days.

950 APPEAL RIGHTS TO THE MERIT SYSTEMS PROTECTION BOARD (MSPB)

A career SES member is entitled to appeal whether the RIF complies with the competitive procedures described herein. A probationary SES member is entitled to appeal alleged procedural error by the NSF in implementing the RIF; and removal for declining a reassignment, if he or she had appeal rights prior to joining the SES. An SES member serving a noncareer or time-limited appointment may be removed at any time and therefore has no right of appeal for separation from the SES or the NSF prior to or during a RIF.

960 RECORDS RETENTION

All files and records concerning a RIF are retained in DPM for 2 years from the effective date of the RIF.

APPENDIX SYSTEM FOR SES RETENTION REGISTERS

Performance Ratings

Outstanding = 3 points
 Very Good = 2 points
 Fully Successful = 1 point
 Marginal or below = 0 points

Rating received last year = 3 points
 Rating received 2 years ago = 2 points
 Rating received 3 years ago = 1 point

Points for each year are multiplied by points for rating received that year.

| | Year 1 (most recent) 3 points | Year 2 2 points | Year 3 1 point |
|-----------------------------|----------------------------------|--------------------|-------------------|
| Outstanding 3 points | 9 | 6 | 3 |
| Very Good 2 points | 6 | 4 | 2 |
| Fully Successful 1 point | 3 | 2 | 1 |

Performance Groups

Group I = 15 - 18 points
 Group II = 10 - 14.9 points
 Group III = 6 - 9.9 points
 Group IV = 0 - 5.9 points

SES Bonuses

Each SES bonus received within the last 3 years = 3 points

Rank Awards

Distinguished Rank = 10 points
 Meritorious Rank = 5 points

Service

Each year (or partial year with at least 6 months of service) at SES, GS-16, 17, 18, or equivalent level = 1 point (up to a total of 10 years).

CHAPTER II—EMPLOYMENT

SUBCHAPTER 1100 RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES

SUBCHAPTER SUMMARY

This Subchapter describes how NSF can attract and retain highly qualified employees.

HRM CONTACT

Staffing and Classification Branch
Division of Human Resource Management (HRM)
703-306-1185

1110 INTRODUCTION

1111 PURPOSE. This Subchapter describes options available to managers and supervisors (authorized under 5 U.S.C. 1104(a)(2), 5753, and 5754; E.O. 12748; and 5 CFR Part 575) to attract high quality candidates for positions which are difficult to fill, and to retain needed employees who would otherwise be likely to leave the Federal service.

1112 SCOPE. Under the Recruitment Bonus Plan, NSF is authorized to pay a recruitment bonus of up to 25 percent of annual basic pay to a newly appointed employee or an individual to whom a written offer of employment has been made by the agency, provided that the appointment is not less than two years, and there is a determination that, in the absence of such a bonus, difficulty would be encountered in filling the position with a high quality candidate. Since NSF legislation requires that Visiting Scientist appointments be made initially for one year, recruitment bonuses are not available for such appointments.

Under the Relocation Bonus Plan, NSF is authorized to pay a relocation bonus of up to 25 percent of annual basic pay to a current Federal employee who must relocate to accept a position in a different commuting area, provided there is a determination that, in the absence of such a bonus, difficulty would be encountered in filling the position with a high quality candidate.

Under the Retention Allowance Plan, NSF is authorized to pay a retention allowance of up to 25 percent of basic pay to a current employee, appointed without time limitation, if the unusually high or unique qualifications of the employee or a special need of the agency for the employee's service makes it essential to retain the employee, **AND** the agency determines that the employee would be likely to leave Federal service in the absence of a retention allowance.

The [Appendix](#) contains a summary of these provisions.

1120 DEFINITIONS

The following definitions, taken from regulations, apply to provisions of this Subchapter.

A. *Commuting Area.* The geographic area that normally is considered an area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities where people live and reasonably can be expected to travel back and forth daily to work.

B. *Involuntarily Separated.* A separation initiated by the agency against the employee's will and without his or her consent for reasons other than cause on charges of misconduct or delinquency. An involuntary separation includes a separation resulting from the employee's actual inability to do the work following genuine efforts to do so, but does not include separation under 5 CFR Part 752 or an equivalent procedure for reasons that involve culpable wrongdoing on the part of the employee. In addition, when an employee is separated because he or she declines to accept reassignment outside the commuting area, the separation is involuntary if the employee's position description or other written agreement (e.g., mobility agreement) does not provide for a such a reassignment.

C. *Newly Appointed.* For purposes of paying a recruitment bonus, the first appointment, regardless of tenure, as an employee of the Federal Government, or an appointment following a break in service of at least 1 year. The appointment may be temporary, but must be made for at least two years.

D. Rate of Basic Pay. The rate of pay fixed by law or administrative action for the employee's position, before deductions and exclusive of additional pay of any kind, such as locality-based comparability payments under 5 U.S.C. 5304 or interim geographic adjustments under Section 302 of the Federal Employees Pay Comparability Act of 1990 (P.L. 101-509).

1130 RESPONSIBILITIES

1131 THE DIRECTOR, NSF, retains authority to review and approve payment of recruitment and relocation bonuses and retention allowances to employees appointed:

- a. to a position filled by Presidential appointment (with or without the advice and consent of the Senate): or
- b. to a Senior Executive Service position.

The Director, Office of Information and Resource Management, is delegated the authority to review and approve requests for all other situations in which the bonus or allowance request does not exceed 10 percent. The Deputy Director is delegated authority to review and approve requests for requests above 10 percent.

1132 THE EXECUTIVE RESOURCES BOARD is responsible for reviewing and making recommendations to the Director concerning requests for SES members.

1133 THE DEPUTY DIRECTOR, ASSISTANT DIRECTORS, THE INSPECTOR GENERAL, THE DIRECTOR OF BUDGET, FINANCE, AND AWARD MANAGEMENT, AND THE DIRECTOR OF INFORMATION AND RESOURCE MANAGEMENT are responsible for review and recommendation of requests for recruitment and relocation bonuses and retention allowances for employees within their organizations.

1134 STAFF OFFICE DIRECTORS AND DIVISION DIRECTORS are responsible for initiating requests for and justifying recruitment and relocation bonuses and retention allowances.

1135 THE DIRECTOR, DIVISION OF HUMAN RESOURCE MANAGEMENT, is responsible for setting policy and overall technical guidance and direction of and conducting required annual evaluations of the Recruitment Bonus, Relocation Bonus, and Retention Allowance Plans.

1140 RECRUITMENT AND RELOCATION BONUS PLANS

1141 CRITERIA FOR AUTHORIZING BONUSES AND AMOUNT. Approval for bonuses will be made on a case-by-case basis, and will be based on a written determination that, in the absence of such a bonus, the agency

would encounter difficulty in filling the position with a high quality candidate. Each such determination shall be made before the employee actually enters on duty in the position for which he or she was recruited or to which he or she is being relocated. The determination that a recruitment or relocation bonus may be paid may be made before or after the recruitment activity and selection takes place.

Determinations regarding payment and amount of a recruitment or relocation bonus will be based on the following factors, as applicable:

- a. The success of recent efforts to recruit high quality candidates for similar positions, including indicators such as offer acceptance rates, scope of search, and the length of time anticipated to fill the position if re-recruited.
- b. Recent turnover in similar positions.
- c. Labor market factors that may affect the ability of the agency to recruit high quality internal or external candidates for similar positions now or in the future (may include factors such as salary ranges of comparable positions, scarcity of skills, emerging technology, etc.).
- d. Special qualifications needed for the position.
- e. For recruitment bonuses, the practicality of using the superior qualifications appointment provided by 5 U.S.C. 5333 and 5 CFR 531.203(b) alone or in combination with a recruitment bonus.
- f. Funding availability.
- g. Other special or unique needs for the individual's service, or need to match a competing offer.

1142 PROCEDURES FOR SUBMISSION.

a. The recommending official will submit a written request, through the Deputy Director, Inspector General or appropriate Assistant Director, to the Division of Human Resource Management. This request should include a specific recommendation for a bonus percentage, as well as justification sufficient to support the recommendation. The justification should address all the above listed criteria; if not applicable, so state.

b. Recruitment and relocation bonuses are calculated as a percentage of the employee's rate of annual basic pay, not to exceed 25 percent, and paid in one lump sum from salary funds. Bonuses shall not be considered part of an employee's rate of basic pay for any purpose.

1143 SERVICE AGREEMENT.

a. Before a recruitment or relocation bonus may be paid, the employee must sign a written service agreement to complete a specified number of months of employment with NSF.

b. Except as provided in c. and d., below, the period of employment to be established under the service agreement for a recruitment or relocation bonus shall be 12 months for bonuses through 10 percent and 24 months for bonuses above 10 percent.

c. Service agreements for temporary relocation bonuses may be for periods of less than 12 months, but will not be less than the projected duration of the temporary reassignment if it is less than 12 months.

d. On a case-by-case basis, longer periods may be established for service agreements based upon consideration of the following: high bonus percentage of salary; training and/or orientation time for full productivity; work of a project nature; or other exceptional circumstances.

e. Service under one service agreement will run concurrently with service under any other simultaneous or subsequent service agreements in effect.

1144 REPAYMENT OF BONUSES.

a. An employee who fails to complete the period of employment established under a service agreement shall be indebted to the Federal Government and will be required to repay the recruitment or relocation bonus on a *pro rata* basis. The amount to be repaid will be determined by providing credit for each full month of employment completed by the employee under the service agreement.

b. Amounts owed by an employee will be recovered as prescribed by 5 U.S.C. 5514 and 5 CFR Part 550. However, repayment does not apply when the employee is involuntarily separated, as defined in [PER-II-1120](#).

c. A right of recovery of an employee's debt may be waived in whole or in part by the Director, NSF, based on a written determination that recovery would be against equity and good conscience or against the public interest.

1150 RETENTION ALLOWANCE PLAN

1151 CRITERIA FOR AUTHORIZING ALLOWANCE AND AMOUNT. NSF may pay a retention allowance to a current employee only if:

- the employee is appointed without time limitation;
- the employee has completed 1 year of continuous service with NSF immediately prior to such payment or, if applicable, a period of employment established under

the service agreement required for payment of a recruitment bonus or a relocation bonus, whichever occurs later, and

- there is evidence that the employee is likely to leave the Federal service for employment *outside* the executive, legislative, or judicial branch of the Federal government.

Each retention allowance paid under this plan will be based on a written determination that the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services for program delivery make 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 for employment outside the executive, legislative, or judicial branch of the Federal government.

The determination that an employee is likely to leave may be based on a written offer from an employer outside of the Federal government. It may also be based on a written statement by the higher level official that the employee is likely to leave based on such evidence as personal knowledge that the employee is actively seeking outside employment and that competitive labor market conditions make it likely that such efforts will yield positive results for the employee.

The decision on whether a retention allowance should be paid and the amount of any such payment will be based on the following factors, as applicable:

- a. The success of recent efforts to recruit candidates and retain employees with qualifications similar to those possessed by the employee for positions similar to the position held by the employee.
- b. The availability in the labor market of candidates for employment who, with minimal training or disruption of services to the public, could perform the full range of duties and responsibilities assigned to the position held by the employee.
- c. Funding availability.
- d. Other special or unique needs for the individual's services.

1152 PROCEDURES FOR SUBMISSION.

a. The recommending official will submit a written request, through the Deputy Director, Inspector General, or appropriate Assistant Director, to the Division of Human Resource Management. This request should include a specific Recommendation for a allowance percentage, as well as justification sufficient to support the recommendation. The justification should address all the above listed criteria; if not applicable, so state.

b. A retention allowance will be calculated as a percentage of the employee's rate of basic pay (not to exceed 25 percent) and paid in the same manner and at the same time as basic pay. That is, the allowance will be paid at an hourly rate for each hour during which the employee receives basic pay. The allowance will not be considered part of an employee's rate of basic pay for any purpose. The allowance plus basic pay and any other continuing payments (as defined in 5 CFR 530.202) may not exceed the rate payable for Level I of the Executive Schedule.

c. Payment of a retention allowance may be continued as long as the conditions giving rise to the original determination to pay the allowance still exist. However, at the end of each fiscal year, each retention allowance will be reviewed by the recommending official to determine whether the payment is still warranted. The results of this review will be certified in writing and be reviewed through the approval chain. Authorizations will go into effect on the first full pay period of a calendar year. The calculation of the percentage of salary will include any other general increases put into effect in the same pay period.

d. Except as provided in [PER-II-1153](#), the retention allowance will be a constant percent throughout the period of time covered by the initial authorization or the reauthorization. Allowances will be automatically recalculated during the year whenever there is a change in basic pay and the position for which the authorization or reauthorization was established remains the same.

1153 REDUCTION OR TERMINATION OF ALLOWANCE. At the time of an increase in one or more non-discretionary continuing payments to an employee, the amount of a retention Allowance shall be reduced to the extent necessary to ensure that the annual rate of all continuing payments (as defined in 5 CFR 530.202) to which the employee is then entitled does not exceed the rate then payable for Level I of the Executive Schedule.

Payment of a retention allowance shall be reduced or terminated when it is determined that:

- a. a lesser amount (or none at all) would be sufficient to retain the employee;
- b. labor market factors make it more likely (or reasonably likely) to recruit a candidate with qualifications similar to those possessed by the employee;
- c. the agency's need for the services of the employee has been reduced to a level that makes it unnecessary to continue payment at the level originally approved (or at all);
- d. budgetary considerations make it difficult to continue payment at the level originally approved (or at all);

e. the employee leaves the position for which the allowance was authorized; or

f. the employee's summary performance rating is below Fully Successful

Whenever possible, advance notice of early termination or reduction of a retention allowance will be provided to the employee.

The reduction or termination of a retention allowance may not be appealed. However, this does not extinguish or lessen any right or remedy under Chapter 12, Subchapter II, of Title 5, U.S.C., or any of the laws referred to in 5 U.S.C. 2302(d).

1160 EVALUATION

By January 1 of each year, the Division of Human Resource Management will prepare a written report on use of recruitment and relocation bonuses and retention allowances during the previous fiscal year. Reports will include the following:

a. For recruitment bonuses, the report will include the numbers of employees to whom a recruitment bonus was offered during the fiscal year, the percentage of salary offered; the number of employees who accepted the offer of a recruitment bonus during the fiscal year, and an evaluation of the overall effect of the payment of recruitment bonuses on the ability of the agency to fill key positions with high quality candidates.

b. For relocation bonuses, the report will include the number of employees who received a relocation bonus during the fiscal year, the percentage of salary received by each employee; and an evaluation of the overall effect of the payment of relocation bonuses on the ability of the agency to fill key positions with high quality candidates and foster geographic mobility among high quality candidates within the agency.

c. For retention allowances, the report will include the number of employees who received a retention allowance during the fiscal year, the percentage of salary received by each employee, and an evaluation of the overall effect of the payment of retention allowances on the ability of the agency to retain high quality employees in key positions

These reports are available for review upon request by OPM.

1170 RECORDS

a. Each recruitment or relocation bonus decision will be documented in writing and supported by a service agreement. A copy of the service agreement will be filed on the left hand side of the Official Personnel Folder for the duration of the agreement.

b. Each retention allowance decision will be documented in writing.

APPENDIX

SUMMARY OF RECRUITMENT/RELOCATION/RETENTION AUTHORITIES

| Type of Authority | Purpose | Approval Authority | Coverage |
|---|---|---|---|
| Recruitment Bonuses (up to 25% of basic pay) | to enable NSF to fill a position with a high quality candidate from outside Federal employment | Director, NSF: executive positions Deputy Director. Other requests over 10 % | newly appointed employees or individuals with written offers appointment must be for at least 2 years—VSEEs are not eligible service agreement required |
| Relocation bonuses (up to 25% of basic pay) | to enable NSF to fill a position with a high quality current Federal employee who must relocate to accept the position | Director, Office of Information and Resource Management: other requests through 10% | current Federal employees service agreement required |
| Retention Allowances (up to 25% of basic pay) | to enable retention of high quality employees or those for whom NSF has a special need and who probable would otherwise leave Federal service | | current permanent NSF employees with at least 1 year at NSF |

NOTES:

A relocation bonus and a recruitment bonus cannot be paid to the same employee concurrently.

12 month service agreement required for bonus through 10%; 24 month service agreement required for bonus above 10%.

Subchapter 1200 – Phased Retirement

I. Introduction

Phased retirement allows NSF to temporarily retain certain employees who are eligible for full retirement, but who are willing to continue working half-time to share their knowledge and continue accomplishing the NSF mission. Phased retirement allows participating employees to transition into retirement, receiving a partial annuity while continuing their professional activities on a half-time basis.

II. Program Overview

A. Goals

The goal of the program is to retain employees with key knowledge and expertise to support institutional knowledge transfer and continuity of operations during their transition to full-time retirement.

B. Nature of the Program

Phased retirement is a human resource planning tool, not an employee entitlement such as sick leave or full retirement. Participation in phased retirement is voluntary and requires the mutual consent of the employee and management. An employee participating in phased retirement may opt to enter full-time retirement at any time during the phased retirement period.

C. Commitment to Retirement

An employee who is ready to commit to retirement may wish to consider a half-time arrangement prior to full-time retirement. Phased retirement offers the opportunity to make this transition in a combination of retirement and part-time work. To enter phased retirement, an employee and NSF enter into a written agreement that structures the phased retirement and identifies the date the employee will enter full-time retirement.

An employee who enters phased retirement generally does not have the option of returning to full-time employment, unless he/she applies and is selected for another Federal position, or he/she obtains agency approval prior to the end of the phased retirement period to return to full-time work, as discussed in [Section XI.C](#) below.

D. Work Requirement

Phased retirees must work 40 hours per bi-weekly pay period, normally remaining in the same position they occupied prior to entering phased retirement, but on a part-time basis. Phased retirees will receive salary based on the hours worked in addition to receiving partial retirement benefits, and they will earn additional credit for the time worked toward their full retirement.

E. Part-Time Status

Phased retirees are treated as part-time employees for most employment-related purposes, other than the areas specified in [Section IX](#) below.

F. Mentoring Requirement

During the phased retirement period, at least 20% of the hours worked by the phased retiree must consist of mentoring activities, as defined in [Section VIII](#) below.

III. Eligibility

A. Requirements: To be eligible for phased retirement, an employee must:

1. Have been employed full-time for not less than the three year period ending on the effective date of phased retirement status;

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2. Be eligible for full retirement under the employee's retirement system with these specific requirements:
 - i. Civil Service Retirement System (CSRS)
Age 55 with 30 years of service OR
Age 60 with 20 years of service
 - ii. Federal Employee Retirement System (FERS)
Minimum Retirement Age (between 55-57) with 30 years of service
OR
Age 60 with 20 years of service;
3. Have received a performance rating of Fully Successful or above for the prior three years;
4. If currently in a supervisory position, be willing to be reassigned to a non-supervisory position in the same grade.

B. **Exclusion:** Employees who have law enforcement officer retirement coverage, such as criminal investigators in the Office of the Inspector General, are not eligible for phased retirement.

IV. Criteria for Approval

- A. Supervisors will evaluate each request for phased retirement in light of the program's goal to retain employees with key knowledge and expertise to support the goals of knowledge management and continuity of operations. Each request from eligible employees will be evaluated against the same set of criteria, using Section B of the [NSF Phased Retirement Application and Evaluation Form](#) in Appendix B, to ensure fair and equitable participation. The form will document whether each criterion supports or does not support the employee's request to enter phased retirement, as well as the supervisor's recommendation regarding the request.
- B. All decisions will be made without regard to the requesting employee's race, color, religion, sex (including pregnancy and gender identity), national origin, age (except as related to eligibility), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, labor organization affiliation or nonaffiliation, status as a parent, or any other non-merit-based factor, or retaliation for exercising rights with respect to the categories enumerated above.
- C. Final agency decisions will be made by the Benefits Team of the Division of Human Resource Management (HRM) based on the preliminary organizational approval, consistency of the application with this policy and governing laws and regulations, and verification of the employee's eligibility to participate.

V. Application Procedures

- A. **Employee: Before applying**, an interested employee should:
 1. Request and receive a retirement estimate and counseling from the HRM Benefits Team, if he/she has not done so within the prior three years. **Ideally, requests for retirement estimates should be submitted to the HRM Benefits Team at a minimum 30 days before the employee wants to start the phased retirement application process;**
 2. Determine his/her readiness and intent for full-time retirement;
 3. Review and consider information regarding all aspects of phased retirement;
 4. Discuss with his/her supervisor whether there is:
 - i. Work available that is suitable for a part-time schedule and

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- ii. A need and a feasible approach for transfer of the employee's knowledge.
- B. **Employee: To apply for phased retirement**, the employee completes Section A of the [NSF Phased Retirement Application and Evaluation Form](#) in Appendix B, based on discussion with his/her supervisor, and submits it to the supervisor at least 90 days prior to the proposed phased retirement beginning date. If the employee submits the application less than 90 days in advance, his/her proposed phased retirement beginning date may be delayed.
- C. **Supervisor: To review the request and make a recommendation** to senior management, the employee's supervisor completes Section B of the [NSF Phased Retirement Application and Evaluation Form](#) generally within 30 days of receipt and forwards it via the organization's management chain to the appropriate Senior Management Official, as defined in [Section V.D.](#) below.
- D. **Senior Management Official: To make a preliminary organizational decision on the request**, the appropriate Senior Management Official evaluates the supervisor's recommendation, as well as the impact of the request on the organization's FTE levels and other resources. The following officials are designated as Senior Management Officials:
 - 1. For general workforce employees in the Directorates, the Office of Information and Resource Management and the Office of Budget, Finance, and Award Management: Assistant Director/Office Head
 - 2. For general workforce employees in the Staff Offices reporting to the Director: Deputy Director/Chief Operating Officer
 - 3. For employees in the Senior Executive Service (SES): Deputy Director/Chief Operating Officer

The authority to make the preliminary organizational decision on each request may be further delegated to a management official at least one level above the requesting employee's immediate supervisor.

VI. Approvals and Disapprovals

- A. **Senior Management Official:** The Senior Management Official completes Section C of the employee's [NSF Phased Retirement Application and Evaluation Form](#) generally within 30 days of receipt and forwards **preliminarily approved and disapproved applications** to the HRM Benefits Team.
- B. **HRM Benefits Team: To make the final agency decision on preliminarily approved applications**, the HRM Benefits Team will review each application for consistency with this policy and the governing laws and regulations and will confirm the employee's eligibility to participate.
 - 1. If the application meets the above criteria, the HRM Benefits Team will issue **final agency approval**, documented in Section D of the [NSF Phased Retirement Application and Evaluation Form](#). To effect the phased retirement:
 - a. The HRM Benefits Team will coordinate with the employee and the supervisor to finalize the effective date, complete the SF-3116 Phased Employment/Phased Retirement Status Elections form, and the [NSF Phased Retirement Agreement Template](#), and initiate the appropriate personnel action(s).
 - b. Employees shall file a retirement application, in accordance with instructions from the HRM Benefits Team. The HRM Benefits Team will

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validate eligibility and process the employee's phased retirement and forward the required documentation to OPM.

- c. The effective date of phased retirement is either the first day of the pay period after the [SF-3116 Phased Employment/Phased Retirement Status Elections form](#) is approved by the HRM Benefits Team or the first day of a later pay period specified in the written agreement between the employee and the supervisor.
 2. If the employee is found to be ineligible to participate in phased retirement, the application will receive final agency disapproval.
 3. If the application is inconsistent with other policy or regulatory requirements, or lacks sufficient detail, the HRM Benefits Team will work with the employee, supervisor and Senior Management Official, as appropriate, to make any possible adjustments to the application.
- C. **HRM Benefits Team: To close out preliminarily disapproved applications**, the HRM Benefits Team will provide the Senior Management Official's disapproval decision to the supervisor and the employee.

VII. Time Limit

Phased retirement agreements cover a period of three months to one year.

Extensions for up to one additional year at a time may be approved when there is a continuing need in the organization for the individual's skill set or knowledge transfer and is requested by the employee.

Employees participating in phased retirement may voluntarily retire at any time by filing an application for full retirement through the HRM Benefits Team.

VIII. Mentoring Requirement

A. Time Requirement

At least 20% of the hours worked by a phased retiree must consist of mentoring activities, as defined below. Time spent on mentoring activities will be recorded using the work time code "MNT – Mentor" in the [webTA](#) time and attendance system. This requirement must be met each bi-weekly pay period, with the phased retiree spending eight hours per pay period on mentoring activities, unless the phased retiree's approved mentoring plan provides for completion of the requirement on a different schedule. Such a variation is appropriate only for limited circumstances, such as limited availability of individual(s) who will be mentored or when knowledge sharing includes preparing and conducting formal training classes that are not conducted each pay period. For exceptions, the 20% requirement must be met every twelve weeks (a total of 48 hours over six pay periods).

Supervisors are responsible for closely monitoring that phased retirees are meeting the 20% requirement.

B. Types of Mentoring Activities

The best mix of mentoring activities will be determined by phased retiree's supervisor based on the organization's needs and phased retiree's knowledge and skills. Types of activities include:

| | |
|---------------------------|---|
| Knowledge Transfer | Mentor transfers knowledge and skills to the right person at the right time. The mentee will take over many, if not all, of the phased retiree's job duties over time and is receiving direct |
|---------------------------|---|

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| | |
|-----------------------------|--|
| | information and skills to be able to carry out the associated tasks. |
| Knowledge Management | <p>Mentor shares strategies, processes, and historical knowledge as a strategic asset to the organization. Examples of possible activities include:</p> <ul style="list-style-type: none"> • Developing policies and standard operating procedures; • Developing and/or conducting training for other employees in the immediate workgroup or across the organization/Foundation; • Building knowledge libraries and organizing electronic records/references for accessibility by other employees; • Engaging in knowledge and best practice sharing across organizations or with other Federal agencies. |
| Career Development | Mentor develops the future leadership potential of mentees and imparts career advice and counsel to build the mentee's organizational awareness, professional skills and ability to form and execute strategies. |

C. Waiver of Mentoring Requirement

The Senior Management Official, as defined in [Section V.D.](#) above, may waive the mentoring requirement for a phased retiree in his/her organization in the event of an emergency or other unusual circumstances (including active duty in the armed forces), when the Senior Management Official determines that the event or circumstance would make it impossible for a phased retiree to fulfill the mentoring requirement.

Approved waivers of the mentoring requirement, including the beginning and ending dates of the waiver, must be documented in writing with a copy provided to the HRM Benefits Team.

IX. Effects of Phased Retirement

A. Position and Job Duties

1. Generally, employees entering phased retirement will remain in their previous position with a change in their work schedule. Supervisors are responsible for ensuring that the organization's mission needs are met. Since phased retirement is a half-time work arrangement and requires a mandatory mentoring requirement, changes to the employee's work assignments will be necessary in order to accommodate the half-time schedule. Work assignments requiring official travel will be handled as they are for all other employees, subject to supervisory approval. The supervisor and the employee will discuss any needed revisions to determine if changes to the position description are necessary.
2. If the employee's current position is not suitable for part-time work, the employee and management may voluntarily agree, as part of the phased retirement application process, to reassign the employee to another appropriate position with the same grade and pay as the employee's previous position. All

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new positions must be appropriately classified and established by HRM prior to the employee's reassignment.

3. Supervisory positions are not suitable for part-time employment. Employees in supervisory positions will be reassigned to a properly classified non-supervisory position as a condition of participation in phased retirement. The reassignment may change the employee's bargaining unit status.
4. A position encumbered by a phased retiree may not be back-filled on a full-time basis. The position can be filled on a part-time basis, with another employee working up to 40 hours per pay period.

B. Performance Management

1. Phased retiree performance plans will be updated to reflect any changes in position or duties as a result of entering into phased retirement.
2. For phased retirees in the general workforce, a critical element addressing mentoring will be included in the performance plan. For phased retirees in the Senior Executive Service, performance plans will also address mentoring in one or more critical elements.

C. Hours of Work

1. The phased retiree's work schedule is 40 hours per bi-weekly pay period.
2. The phased retiree's work schedule may include a different number of hours on each day of the week (up to 8 hours per day), and different hours per week within the pay period, but the total must be 40 hours for the pay period. The work schedule must be approved in advance and documented in [webTA](#). Any changes to the work schedule must follow established procedures, but the total of 40 hours for the pay period cannot be modified.
3. The phased retiree may participate in the NSF Flexitime program, like any other part-time employee, in accordance with [Chapter VIII.100, NSF Flexitime Program](#). Phased retirees are limited to carrying over 10 credit hours from pay period to pay period per Federal regulations.
4. Phased retirees are treated as part-time employees for the purposes of holiday pay. A part-time employee is only entitled to a paid holiday when the holiday falls on a day when he/she would otherwise be required to work or take leave. If a holiday falls on a non-workday, the employee is not entitled to an "in lieu of holiday." The employee will be paid holiday pay for the number of hours he/she is scheduled to work that day, up to 8 hours.
5. In rare and exceptional situations, supervisors may order or approve a phased retiree to work in excess of the 40-hour work schedule when all of the following conditions are met:
 - a. The work is necessary to respond to an emergency posing a significant, immediate, and direct threat to life or property;
 - b. There are no other qualified employees available to perform the required work;
 - c. The phased retiree is relieved from performing excess work as soon as reasonably possible; AND
 - d. When an emergency situation can be anticipated in advance, management made advance plans to minimize any necessary excess work by the phased retiree.

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The supervisor will document the approval to work in excess of the 40-hour work schedule in writing and will submit a copy of the document to the HRM payroll team. HRM will retain the documentation, subject to audit by the United States Office of Personnel Management (OPM), for a minimum period of six years.

If OPM finds that a phased retiree has been working a significant amount of excess hours beyond the officially established half-time schedule to the degree that the intent of the phased retirement law is being undermined, OPM may require that NSF end the individual's phased retirement and return the employee to regular employment status.

Any basic pay received by the employee for hours outside of his/her officially established part-time work schedule is subject to retirement deductions and agency contributions, but is not used in computing retirement benefits.

D. Pay

1. The pay rate of phased retirees is determined by the same rules that apply to full-time employees, and is tied to the phased retiree's grade and step, as applicable. Gross pay is determined by multiplying the phased retiree's hourly rate of pay by the number of hours in paid status in the pay period, which will generally be 40 hours.
2. Normal within-grade increase rules apply to phased retirees. Days of full-time and part-time service are equally creditable towards within-grade increase waiting periods.
3. Generally, a phased retiree will not be eligible for overtime pay or compensatory time, as he/she is limited to working 40 hours per pay period. In the rare circumstance when the phased retiree is approved to work more than 40 hours per pay period, in accordance with [Section IX.C.5](#), then the normal overtime compensation rules will apply for any overtime work in excess of the 40-hour weekly or 8-hour daily overtime threshold. However, any premium pay received by the employee for overtime work or hours outside the full-time schedule will not be subject to retirement deductions or agency contributions and will not be included in computing retirement benefits.
4. Phased retirees may earn compensatory time for travel and compensatory time for religious observances under the normal rules.

E. Leave

1. When entering phased retirement status, an employee will maintain his/her annual and sick leave balance and will be able to use the leave according to NSF policies and applicable regulations. The phased retiree will not receive a lump sum payment for annual leave until he/she enters full retirement. The phased retiree's accrued sick leave will not be included in the phased retirement annuity calculation, but it will be taken into account when the phased retiree enters full retirement.
2. Prorated leave accrual rates apply to phased retirees, based on the number of hours they spend in pay status. Phased retirees who work or take paid leave for 40 hours per pay period will earn 4 hours of annual leave and 2 hours of sick leave per pay period. If the phased retiree works more than 40 hours in a particular pay period in accordance with [Section IX.C.5](#), he/she will accrue additional leave for that pay period on a prorated basis, consistent with the regulations governing part-time employees.
3. Annual leave ceilings are not affected by phased retirement status.

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4. Phased retirees are eligible to use all other leave programs the same way as other part-time employees, on a pro-rated basis based on the number of hours the person is regularly scheduled to work.

F. Benefits

1. For the purposes of Federal Employee Health Benefits (FEHB) and Federal Employees Group Life Insurance (FGLI), a phased retiree is considered to be a full-time employee, with NSF continuing to pay the full agency share of contributions. Additionally, the FEHB plan will remain the primary insurance for phased retirees who are enrolled in Medicare coverage.
2. For all other benefits programs, the phased retiree is considered to be a part-time employee.

G. Employee Development

Phased retirees are excluded from participation in the Long-Term Professional Development, Independent Research and Development (IR/D), SES Sabbatical and After Hours programs.

H. Workspace

Negotiated space agreements will apply to phased retiree workspace assignments.

I. Telework

Phased retirees may telework in accordance with [Chapter VIII.400, Telework Program](#). Phased retiree requests for regular telework arrangements that are for more than 20 hours/pay period will be treated like regular telework requests of four to five days per week for full-time employees and will be routed to the Deputy Director of NSF (or designee) for final approval in accordance with Section VI.B.1 of [Chapter VIII.400](#).

X. Written Agreement

- A. An employee and his/her supervisor will execute a Phased Retirement Agreement before the employee can enter into phased retirement.
- B. The Agreement shall contain all terms and conditions listed in the [NSF Phased Retirement Agreement Template](#) in Appendix C, as well as:
 1. The date the employee's period of phased employment will start and terminate; and
 2. Any work and mentoring requirements that differ from those approved in the employee's NSF Phased Retirement Application and Evaluation Form.
- C. Agreements may include additional terms or conditions voluntarily agreed to by the employee and the supervisor.

XI. End of the Phased Retirement Period

- A. **Phased retirees are generally expected to enter full retirement** at the end of the phased retirement period. Upon expiration of the phased retirement period approved in the written agreement, the employee will be considered to have voluntarily separated from NSF. If the employee is not employed by NSF or another Federal agency within three days after the end date of the agreement, the employee will be deemed to have elected full retirement.

In the event that an employee's wishes change, the following are the alternatives to full retirement:

B. Request an extension in phased retirement status

1. A phased retiree may request an extension, for up to one year at a time, by submitting a new [NSF Phased Retirement Application and Evaluation Form](#) to

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his/her supervisor at least 60 days prior to the end of the current phased retirement period.

2. Extension requests will follow the procedures outlined in [Sections V and VI](#).

C. **Return to regular employment** with management approval

1. Requests to end phased retirement status to return to regular (full-time or part-time) employment are expected to be rare. Approval will be granted only in cases where the return to regular employment supports the mission needs of the organization, except when the phased retiree is selected for a vacant position through a normal hiring process (i.e., through a vacancy announcement).
2. When a phased retiree, not selected through the normal hiring process, requests to return to regular employment, he/she will submit a written request to his/her immediate supervisor at least 60 days before the end date of the phased retirement period.
3. Supervisors, following receipt of approval from their Office/Directorate management chain, will issue a written decision to the employee, and provide the decision to HRM for processing.
4. The phased retiree must complete and submit Part 2 of the [SF-3116 Phased Employment/Phased Retirement Status Elections form](#) to the HRM Benefits Team in order to be approved for the return to regular employment.
5. Once an employee is returned to regular employment, he/she is not eligible to return to phased retirement.

D. **Transfer to another agency**

A phased retiree can transfer to another agency as a phased retiree or return to full-time employment upon transfer within three days after the phased retirement expiration date, subject to the gaining agency's approval.

XII. Appeals and Grievances

Management decisions on phased retirement applications cannot be appealed or grieved either within or outside of NSF. However, employees who believe that the procedures in this policy were not followed in making the phased retirement decision have the right to present a grievance to management for prompt consideration, in accordance with [Chapter V-300, Administrative Grievance System for Non-Bargaining Unit Employees](#), or the Collective Bargaining Agreement's Chapter XVI, Negotiated Grievance and Arbitration Procedure for bargaining unit employees. Employees who feel that they have experienced discriminatory treatment based on race, color, national origin, sex (including pregnancy), sexual orientation, religion, age, protected genetic information, disability, or retaliation for exercising their rights under anti-discrimination laws may file a discrimination complaint with the Office of Diversity and Inclusion.

XIII. Program Evaluation

Once ten participants have completed their initial period of time in phased retirement, NSF will compile a formative evaluation of the program based on the [NSF Phased Retirement Logic Model](#) in Appendix D. The findings of the evaluation will be reported to the agency and the union through the CHCO. The program and/or the materials supporting its implementation may be modified based on joint union-management discussions and/or negotiations based on the findings. Thereafter, the CHCO will establish a schedule for periodic evaluation in consultation with the union and consistent with OPM and NSF requirements.

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XIV. Responsibilities

| | |
|---|---|
| A. Employees | <p>Employees participating in phased retirement are responsible for:</p> <ol style="list-style-type: none"> 1. Fulfilling the conditions outlined in their Phased Retirement Agreement, including completing the 20% mentoring requirement; 2. Correctly recording their time in webTA; 3. Obtaining advance supervisory approval in accordance with Section IX.C.5 when necessary to work more than 40 hours per pay period. |
| B. Supervisors | <p>Supervisors are responsible for:</p> <ol style="list-style-type: none"> 1. Alerting their leadership when an employee expresses an interest in phased retirement; 2. Evaluating employee applications for phased retirement and making recommendations to senior management; 3. With the employee, executing the agreement(s) documenting the terms under which the employee will participate in phased retirement, including an extension agreement if the employee's original phased retirement period is extended; 4. Ensuring that the performance plans of phased retirees are updated to include mentoring activities, and, if applicable, adjusted to include changes to the employee's duties; 5. Ensuring that phased retirees do not work more than the 40-hour per pay period limit unless the rare circumstances in Section IX.C.5 have been approved and documented. |
| C. Deputy Director, Assistant Directors and Office Heads | <p>The Deputy Director, Assistant Directors, and Office Heads are responsible for:</p> <ol style="list-style-type: none"> 1. Issuing preliminary organizational decisions on applications for phased retirement as described in Section V.D. This authority may be further delegated to management officials at least one level above the applicant's immediate supervisor; 2. Approving waivers of the mentoring requirement for phased retirees as described in Section VIII.C. This authority may be further delegated to management officials at least one level above the applicant's immediate supervisor; 3. Monitoring the impact of phased retirement on Directorate/Office FTEs; 4. Integrating phased retirement into their existing suite of human resource flexibilities. |
| D. Division of Human Resource Management | <p>HRM is responsible for:</p> <ol style="list-style-type: none"> 1. Providing advice, guidance and training to employees, supervisors and managers about the phased retirement program; 2. Providing retirement counseling to interested employees; 3. Making the final agency decision on all phased retirement applications that receive preliminary organizational approval, in line with this policy and governing laws and regulations; |

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| | |
|--|--|
| | <ol style="list-style-type: none"> 4. Ensuring that phased retirement applications are processed and submitted to the Office of Personnel Management (OPM) according to established procedures and timelines; 5. Monitoring phased retiree work hours and mentoring time via webTA reports and addressing any failure to maintain these requirements with supervisor and phased retiree; 6. Receiving notifications regarding upcoming end dates of phased retirement periods and coordinating appropriate separation of phased retirees on or before end dates. 7. Processing phased retirement extensions or a phased retiree's return to full-time employment; 8. Maintaining records for all phased retirement actions, including applications, agreements, OPM forms, and requests for extension or return to full employment. |
| E. Chief Human Capital Officer (CHCO) | The CHCO is responsible for monitoring the phased retirement program to ensure compliance and program effectiveness, and evaluating the program. |

XV. Resources

- A. **Appendix A:** [Definitions](#)
- B. **Appendix B:** [NSF Phased Retirement Application and Evaluation Form](#)
- C. **Appendix C:** [NSF Phased Retirement Agreement Template](#)
- D. **Appendix D:** [Phased Retirement Logic Model](#)
- E. **Authorities and References:**
 1. "Moving Ahead for Progress in the 21st Century Act:" Public Law 112-141, Section 100121
 2. **Phased Retirement:** 5 U.S.C. 8336a
 3. **Phased Retirement:** 5 U.S.C. 8412a
 4. **Phased Retirement:** 5 CFR 831, Subpart Q
 5. **Phased Retirement:** 5 CFR 848

XVI. Contact

Division of Human Resource Management (HRM)
 Benefits Team
 (703) 292-8180

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Appendix A: Definitions

| | |
|-------------------------------------|---|
| Basic pay | The rate of pay for the position held by an employee, including locality pay, before any deductions and excluding any additional pay of any other kind |
| Composite retirement annuity | The total annuity when a phased retiree enters full retirement status. Is equal to the sum of the phased retirement annuity, updated by any cost-of-living adjustments, <i>plus</i> the final phased portion of the full retirement annuity. The final phased portion of the full retirement annuity is 50% of the full annuity the employee would have received had the employee not elected phased retirement and, instead, continued working full-time until separation for full retirement. The final phased portion includes credit for unused sick leave. |
| Full retirement | The status of an individual who has ceased employment in Federal service and is entitled, upon application, to a composite retirement annuity under the Civil Service Retirement System (CSRS) or the Federal Employee Retirement System (FERS) |
| Mentoring activities | Activities that convey the knowledge of the phased retiree to one or more other employees. This may include knowledge transfer, knowledge management or career development activities. |
| Phased retiree | A retirement-eligible employee who, with the concurrence of NSF, has entered phased retirement status, but has not entered full retirement status |
| Phased retirement period | The approved timeframe during which an employee participates in phased retirement as specified in his/her written phased retirement agreement |
| Voluntarily separated | Three calendar days after the end of an employee's approved phased retirement period, if the employee has not been approved by NSF to return to full-time employment or the employee has not transferred to another Federal agency, the employee will be separated from NSF. The separation will be deemed voluntary and will be processed as full retirement from Federal service. |
| Within-grade increase | Increase in a General Schedule (GS) employee's rate of basic pay from one step of the grade of his/her position to the next higher step of that grade |

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**Please search NSF Form 1705 in FormsFinder and use the fillable version of this form.*

Appendix B: NSF Phased Retirement Application and Evaluation Form

INSTRUCTIONS OVERVIEW

Please complete the appropriate section of the form as outlined below. Detailed instructions are included in each section. You can read NSF's Phased Retirement policy in [Chapter II.1200](#) of the NSF Personnel Manual. If you have any questions or need any assistance with this form, please contact the Benefits Team in the Division of Human Resource Management (HRM) at benefits@nsf.gov.

1. **Employee:** Complete SECTION A and submit the form via email (and hard copy, if you prefer) to your supervisor at least 90 days prior to the proposed phased retirement beginning date.
2. **Supervisor:** Complete SECTION B and send the form via hard copy to the appropriate Senior Management Official.
3. **Senior Management Official:** Complete SECTION C with the preliminary organizational decision and send the form to HRM.
4. **HRM:** Complete SECTION D with the final agency decision.

SECTION A (to be completed by employee)

Before applying, you should take the steps outlined in Section V of NSF Personnel Manual [Chapter II.1200](#). To apply, please complete this section and follow the instructions at the end of this section to submit the form to your supervisor at least 90 days prior to the proposed phased retirement beginning date.

NOTE: To save this document and continue working where you left off, select "File > Save As" in the top navigation bar.

BASIC INFORMATION

NAME (ON PAYROLL RECORDS): _____ POSITION TITLE/GRADE: _____

DIRECTORATE/DIVISION: _____ SUPERVISOR: _____

SENIOR MANAGEMENT OFFICIAL: _____

PROPOSED PHASED RETIREMENT BEGINNING DATE (MM/DD/YY): _____

PROPOSED PHASED RETIREMENT END DATE (MM/DD/YY): _____ (Up to 1 year from Beginning Date)

IF THIS IS A REQUEST FOR EXTENSION:

BEGINNING DATE OF ORIGINAL AGREEMENT (MM/DD/YY): _____

END DATE OF ORIGINAL AGREEMENT (MM/DD/YY): _____

IF APPLICABLE, POSITION TITLE/GRADE OF PROPOSED REASSIGNMENT: _____

PROPOSED WORK SCHEDULE

Indicate the number of work hours each day, not to exceed 8 hours/day. Total must be 40 hours for the pay period.

| | Monday | Tuesday | Wednesday | Thursday | Friday | Total Work Hours (Per Week) |
|---|--------|---------|-----------|----------|--------|--------------------------------|
| Week 1 | | | | | | |
| Week 2 | | | | | | |
| Total Work Hours (per bi-weekly pay period) | | | | | | 40 |

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WORK TO BE PERFORMED DURING PHASED RETIREMENT PERIOD

Provide a full description of projects/programs/deliverables, as previously discussed with your supervisor. Please attach additional pages if necessary. If work will be performed for another organization, a written explanation as to how this will be managed (i.e., detail or reassignment) must be attached to this request, signed by the authorizing management officials in both organizations.

MENTORING PLAN

Provide a full description of the knowledge to be transferred, to whom (may be individual(s), or groups), and the method(s) and schedule for conducting mentoring (may include direct mentoring to successor or other staff, developing or presenting training, developing policies or operating procedures, etc.), as previously discussed with your supervisor. Please attach additional pages if necessary.

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EMPLOYEE CERTIFICATIONS

- I will have worked full time for the three years preceding my proposed phased retirement effective date.
- I have confirmed that I meet the eligibility requirements for phased retirement as defined in Section III.A.2 of NSF Personnel Manual [Chapter II.1200](#).
- I understand the impact of phased retirement as specific to me (including my annuity and other benefits and the effects of working as a part-time employee).
- I understand that:
 - My period of phased retirement is limited to the time period agreed to by me and NSF. I understand that entering phased retirement includes a commitment to enter full retirement by the end of this period.
 - I may request an extension in writing by at least 60 days prior to the end of the initial phased retirement period.
 - Return to full employment is expected to be rare (unless I am selected for a new position through normal hiring procedures); my written request to do so must be approved by NSF.
 - My work schedule will be 40 hours per pay period. I may work in excess of 40 hours only under rare emergency circumstances which must be approved in advance in accordance with Section IX.C.5 of NSF Personnel Manual [Chapter II.1200](#).
 - Twenty percent of my work time during phased retirement must be spent in approved mentoring activities.
 - Before I enter phased retirement status, I must execute a written agreement that defines the conditions and commitments applicable to NSF and me in connection with my participation in phased retirement.

Please type your name and today's date below to signify that all information included in Section A is accurate and authorized by you and that you understand the employee certifications listed above.

[Type Your Name Here]

[Type Date Here]

Employee Signature

Date

SUBMITTING YOUR APPLICATION

1. After you have completed Section A and typed your name above, please save an editable copy of this form for your records by selecting "File > Save As" in the top navigation bar.
2. Then select the "Lock Section A" button below to lock the content (this cannot be undone) and save another copy.
3. Submit the locked electronic form to your supervisor as an email attachment, along with any additional pages as needed. If you prefer, you can also print a hard copy of the completed form to sign and submit that to your supervisor, in addition to the electronic copy.

Lock Section A

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SECTION B (to be completed by employee's supervisor)

Review Section A to ensure that it is a complete and accurate reflection of the work assignments and mentoring activities previously discussed with the employee. Please work with the employee to make any necessary adjustments before proceeding.

Complete the chart below to document the rationale for your recommendation. In order to ensure fair and equitable treatment of employees, consider only these criteria, and make your recommendation consistent with Section IV.B of NSF Personnel Manual [Chapter II.1200](#). Please be sure to provide adequate detail and justification in the chart to support your recommendation.

NOTE: To save this document and continue working where you left off, select “File > Save As” in the top navigation bar.

| Criterion | Detailed Response/Discussion | Supports Phased Retirement? (Yes/No/Neutral) |
|---|------------------------------|---|
| 1. What would be the impact of the employee's departure on the work of the organization? <i>Consider: Is the work important to the NSF mission? Is the work at a critical time period/juncture? Is the job difficult to fill?</i> | | |
| 2. Which/how much of the employee's current duties can be performed part-time? <i>Consider: Time-sensitivity/ turnaround required of most tasks; level of continuous customer/ stakeholder interaction required, etc.</i> | | |
| 3. If the employee's job does NOT support a part-time schedule (e.g. supervisory positions), can the employee be reassigned to a different, appropriate part-time position? If so, what duties will that position include? <i>Note: If a new position is necessary, please ensure that you work with HRM to get the job properly classified and established prior to the employee's reassignment.</i> | | |

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| Criterion | Detailed Response/Discussion | Supports Phased Retirement? (Yes/No/Neutral) |
|--|------------------------------|---|
| <p>4. What of the employee's current work will he/she NOT be performing during phased retirement and what will happen to that work?</p> <p><i>Consider: Can the rest of the work be reassigned, reprioritized/postponed, or eliminated? To whom will the work be reassigned? Do current staffing levels support a part-time schedule, or will it be necessary to hire a new full- or part-time resource? Is there currently a high rate of vacancies in the organization?</i></p> | | |
| <p>5. Is there a need and opportunity for meaningful transfer of the employee's knowledge as proposed in the mentoring plan? Does the employee have the ability/skills to carry out the proposed type(s) of mentoring?</p> | | |
| <p>6. Does the employee's conduct and performance over the past three years indicate that he/she will be successful as a phased retiree?</p> | | |
| <p>7. Are there any limiting resource factors to consider (e.g., space, equipment)?</p> | | |

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SUPERVISOR'S RECOMMENDATION

Provide a summary narrative of your evaluation and recommendation here.

Supervisor Signature _____

Date _____

SUBMITTING THE APPLICATION AND RECOMMENDATION TO THE SENIOR MANAGEMENT OFFICIAL:

After you have completed Section B:

1. *Print the full document and sign in the space above.*
2. *Send the form and any attachments in hard copy via your organization's management chain to the appropriate Senior Management Official, as defined in Section V.D of NSF Personnel Manual [Chapter II.1200](#) and outlined here:*
 - a. *For general workforce employees in the Directorates, the Office of Information and Resource Management and the Office of Budget, Finance, and Award Management: Assistant Director/Office Head*
 - b. *For general workforce employees in the Staff Offices reporting to the Director: Deputy Director/Chief Operating Officer*
 - c. *For employees in the Senior Executive Service (SES): Deputy Director/Chief Operating Officer*

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SECTION C (to be completed by Senior Management Official)

Complete this section to document your decision. In order to ensure fair and equitable treatment of employees, make your decision consistent with Section IV.B of NSF Personnel Manual [Chapter II.1200](#).

PRELIMINARY ORGANIZATIONAL DECISION

I have considered the above recommendation, as well as the organization's FTE and funding levels and have made the following decision regarding this request:

_____ Approve

_____ Disapprove

Senior Management Official Signature _____ Date _____

After you have completed Section C, please send the full form and any attachments to the Benefits Team in the Division of Human Resource Management (HRM).

SECTION D (to be completed by Benefits Specialist)

FINAL AGENCY DECISION

1. Employee meets eligibility criteria: YES NO

2. Application meets requirements of NSF Personnel Manual Chapter II.1200 and governing laws and regulations:

YES NO

3. Final agency decision:

_____ Approve

_____ Disapprove

Benefits Specialist Signature _____ Date _____

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***Please search NSF Form 1706 in FormsFinder and use the fillable version of this form.**

Appendix C: NSF Phased Retirement Agreement

INSTRUCTIONS

Employees whose [NSF Form 1705 Phased Retirement Application and Evaluation Form](#) has received final agency approval from the Division of Human Resource Management (HRM) must complete this agreement with their supervisor in order to be able to enter phased retirement.

1. **Employee:**
 - a. Complete the Basic Information section and print this form.
 - b. Initial next to each of the below statements to acknowledge that you understand and agree to each statement, and attach any relevant documents.
 - c. Sign and date this Agreement and provide it to your supervisor.
2. **Supervisor:** Review, sign and date this Agreement and submit it to the HRM Benefits Team.

BASIC INFORMATION

EMPLOYEE NAME (ON PAYROLL RECORDS): _____

POSITION TITLE/GRADE (while in phased retirement): _____

DIRECTORATE/DIVISION: _____ SUPERVISOR: _____

PHASED RETIREMENT BEGINNING DATE (OR START OF EXTENSION): _____

(Beginning/extension start date must be coordinated with supervisor and HRM Benefits Team in advance of filling out this form. It cannot be earlier than the start of the first pay period after which the employee's SF-3116 Phased Employment/Phased Retirement Status Elections Form has been approved by HRM.)

PHASED RETIREMENT END DATE: _____ (Up to 1 year from Beginning/Extension Start Date)

FULL RETIREMENT

- _____ 1. I understand that I may voluntarily retire at any time by filing an application for full retirement with the HRM Benefits Team.

EXTENSION OF PHASED RETIREMENT STATUS

- _____ 2. I understand that I may request to extend my time in phased retirement, for up to one (1) additional year at a time, by submitting a new [NSF Form 1705 Phased Retirement Application and Evaluation Form](#) to my supervisor at least 60 days prior to the end of my phased retirement period. Extension requests will follow the approval procedures outlined in NSF Personnel Manual [Chapter II.1200](#) – Phased Retirement, Sections V and VI.

RETURNING TO REGULAR EMPLOYMENT

- _____ 3. I understand that if I wish to end phased retirement status to return to regular employment at NSF, I must submit a written request to my immediate supervisor at least 60 days before the end of my phased retirement period (or the date I wish to return to regular employment, if earlier). I understand that requests to return to regular employment must be approved by management and will only be granted in cases where the return to regular employment supports the mission needs of the organization (or if I am selected for a vacant position through the normal hiring process).
- _____ 4. I understand that if I request and am approved to return to regular employment at NSF, at the time of my subsequent full retirement, my completed phased retirement period will be treated as if it had been a period of part-time employment with a 40-hour/bi-weekly pay period work schedule.

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TRANSFERRING TO ANOTHER FEDERAL AGENCY

- _____ 5. I understand that I can transfer to another federal agency as a phased retiree at any time during my phased retirement period or within three (3) days after my phased retirement end date, pursuant to the appointment I am offered by the gaining agency.
- _____ 6. I understand that I can return to regular employment upon transfer to another federal agency at any time during my phased retirement period or within three (3) days after my phased retirement end date, pursuant to the appointment I am offered by the gaining agency.

END OF PHASED RETIREMENT STATUS

- _____ 7. I understand that I will be voluntarily separated from NSF on the end date of my phased retirement period as indicated on this Agreement.
- _____ 8. I understand that if I am not employed by NSF or another Federal agency within three (3) days after the end date of my phased retirement period as indicated on this Agreement, I will be deemed to have elected full retirement.
- _____ 9. I understand that my retirement annuity will begin to accrue the day after my deemed voluntary separation, and will become payable once I have officially applied for full retirement with the HRM Benefits Team.

OPTIONAL CONDITIONS

- _____ 10. I agree to any work or mentoring requirements that differ from those approved on my NSF Form 1705 Phased Retirement Application and Evaluation Form, as detailed below (optional).
- _____ 11. I agree to any additional terms or conditions, as detailed below (optional).

This Agreement constitutes the entire Agreement between the employee and NSF, and may not be modified or amended without prior written consent of both parties. The signatures below, required prior to the effective date of this Agreement, signify receipt of this Agreement and a promise to abide by the terms and conditions herein.

Employee Signature _____

Date _____

Supervisor Signature _____

Date _____

OPTIONAL CONDITION #10

Work or mentoring assignments that differ from those approved on my NSF Form 1705 Phased Retirement Application and Evaluation Form. Please attach additional pages, if necessary.

OPTIONAL CONDITION #11

Additional terms or conditions. Please attach additional pages, if necessary.

If you have any questions or need any assistance with this form, please contact benefits@nsf.gov.

Subchapter 1200 – Phased Retirement

Appendix D: NSF Phased Retirement Logic Model

Program Goal Statement: The goal of NSF’s phased retirement (PR) program is to retain employees with key knowledge and expertise to support institutional knowledge transfer and continuity of operations during their transition to full-time retirement.





PER

PERSONNEL MANUAL



CHAPTER III EMPLOYEE DEVELOPMENT

CHAPTER III—EMPLOYEE DEVELOPMENT

SUBCHAPTER 100 TRAINING ADMINISTRATION

SUBCHAPTER SUMMARY

This Subchapter describes the procedures and responsibilities for administering NSF's training program.

HRM CONTACT

Executive Personnel and Development Branch
Division of Human Resource Management (HRM)
703-306-1185

110 INTRODUCTION

NSF offers a variety of training programs and services including in-house, interagency, and non-Government training. Questions regarding training or the contents of this Subchapter should be directed to the Division of Personnel and Management (DPM).

111 TRAINING GOALS. The basic goals of NSF training programs and services are to:

- a. provide training and development to employees to improve performance of current official duties or official duties that can reasonably be expected to be assigned in the near future;
- b. improve work performance and productivity by providing training and development for employees and encouraging self-development efforts;
- c. provide all NSF employees with opportunities for self-development through participation in training and development experiences; and
- d. obtain the most efficient and cost-effective training; and
- e. encourage the professional development of the NSF staff.

120 RESPONSIBILITIES

121 DIVISION OF PERSONNEL AND MANAGEMENT is responsible for the administrative functions associated with training programs and services. These functions include:

- a. administering training programs in compliance with statutory and regulatory requirements;
- b. conducting periodic surveys to determine the training needs of the Foundation;
- c. arranging for the training of employees by other Government and non-Government training facilities;
- d. providing in-house training programs;
- e. evaluating the quality and relevance of training;
- f. reporting to NSF management and the Office of Personnel Management (OPM) on training activities; and
- g. documenting completion of training in employee Official Personnel Folders (OPF's) upon receipt of confirmation of attendance.

122 THE OFFICE OF INFORMATION SYSTEMS is responsible for administering selected information processing classes. This responsibility includes performing the above administrative functions (except for reporting to NSF management and OPM, and documenting employee OPF's) for these classes.

123 SUPERVISORS are responsible for:

- a. assessing the individual developmental needs of their staffs and integrating these with the current and future needs and requirements of their organizations;
- b. periodically reviewing employee training needs linked to the performance appraisal cycle and providing for short-range and long-range goals;

- c. providing for training opportunities to improve employee job performance;
- d. approving or disapproving training based upon organizational training objectives;
- e. evaluating the effectiveness of training courses that their employees have attended;
- f. encouraging self-education and recognizing increased capabilities resulting from self-training; and
- g. ensuring that there is no discrimination because of race, color, religion, national origin, lawful political affiliation, physical handicap, marital status, sex, or age in the selection of employees for training.

124 EMPLOYEES are responsible for:

- a. attending classes as required;
- b. assisting NSF in recovering training expenses whenever possible;
- c. submitting evaluations of training and/or other evidence of completion of training to DPM for documentation purposes; and
- d. complying with length of service and reimbursement provisions applicable to training in non-Government facilities.

130 PROCEDURES FOR SUBMITTING AND APPROVING NOMINATIONS FOR TRAINING

Submissions of requests for both internal and external training should be made on-line using the Training Request Tracking System (TRTS) and following the procedures contained in the TRTS User Guide. Training requests should be submitted through the necessary supervisory channels and approved at the Division Director (or equivalent) level or higher. Training requests under the After Hours Program, addressed in [PER III-200](#), should be submitted on-line to the appropriate After Hours counselors rather than for supervisory or Division Director-level approval.

Requests must be received in DPM in sufficient time to allow for reasonable processing time as well as registration activities by mail. Supervisors are required to approve or disapprove employee training requests within 10 working days after submission. If this is not possible, supervisors should inform the employee requesting the training of the status of the request and the date by which a decision will be furnished in order to permit appropriate processing.

140 PAYMENT FOR TRAINING COSTS

Training costs may include the cost of tuition, required textbooks and related fees, and membership in the name of NSF, if such membership is required to attend a meeting, conference or course and is in the interest of NSF.

141 APPROVAL OF TRAINING COSTS. With the exception of requests for After Hours training (addressed in [PER III-200](#)), payment may be made for all or any part of authorized training expenses. The extent of payment depends upon the justification submitted and the availability of training funds. All training courses for which the Foundation pays all or part of the cost must be approved by the appropriate supervisors (including at least Division Directors or equivalent), and DPM before employees enroll. Employees may not be reimbursed for expenses incurred prior to the approval of training requests.

142 REIMBURSEMENT FOR BOOKS AND MATERIALS. Applicants for training should enter estimated costs for books and materials on the training requests in the Training Request Tracking System. After purchase of these items, they should submit to DPM an SF-1164, "Claim for Reimbursement for Expenditures on Official Business," which cites the TRTS request number, and a bona fide receipt. Employees requesting reimbursement are responsible for securing the necessary information to support the claim. Reimbursement of training expenditures to employees may be deferred until successful completion of the training.

143 FAILURE TO COMPLETE NSF-FUNDED TRAINING. When NSF pays training expenses directly to a non-Government training facility and employees of their own accord fail to complete the training, NSF may reclaim from employees the full amount paid.

144 TRAVEL AND PER DIEM. Allowances for travel and per diem are determined on an individual basis in compliance with standardized Government travel regulations. For assignments of more than 60 days, employees receive per diem at a reduced rate. DPM provides information on long-term per diem rates. Local travel costs, such as subway or bus fare may be approved for travel between the work site and the training site during normal duty hours and between the employees' homes and the training sites if employees do not come to the work site. (Cab fare or use of private vehicle are only authorized when public transportation is unavailable or impractical or when determined to be advantageous to the Government.) Parking expenses may be approved for training during normal duty hours only; however, reimbursement for parking fees will not be made when incurred at the place where the employee normally reports to work.

150 CONFIRMATION/EVALUATION OF TRAINING

Employees are required to provide confirmation of completion to DPM as soon as practicable after the training is completed. DPM will document the training in Official Personnel Folders.

160 MISCELLANEOUS LIMITATIONS AND PROVISIONS

NSF has established the following regulations and provisions regarding training:

161 PURPOSE OF TRAINING.

A. Training for Promotion. Merit promotion procedures must be followed in selecting career or career-conditional employees for training that is given primarily to prepare trainees for advancement and is required for promotion.

B. Training for an Academic Degree. NSF is prohibited from assigning employees to, or paying the costs of, non-Government training when the sole purpose of the training is to provide employees the opportunity to obtain one or more academic degrees. Training is not prohibited when it is provided for the purpose of developing skills, knowledge, and abilities which assist employees in the performance of official duties, even though employees may receive an academic degree in the process.

NSF is prohibited from assigning employees to, or paying the costs of, non-Government training when the purpose is to provide an opportunity for employees to qualify for a particular position for which the degree is a basic requirement. Costs may be paid to qualify employees for positions that have positive education requirements other than a degree or for positions that can be entered by means other than an academic degree.

C. Training for Employment in Other Agencies. NSF is prohibited from training employees for employment in other agencies except under the retraining provisions of the law.

162 LENGTH OF TRAINING.

A. Obligation for Continued Service in NSF. Employees selected for training in non-Government facilities for more than 80 hours within a training program must first sign and comply with an Employee's Agreement to

Continue in Service. The Agreement is provided in Section G of the reverse side of Copy 1 of the SF-182. A copy of this signed Agreement must be provided to DPM before the training is undertaken.

B. Service Requirement. Employees with less than one year of continuous civilian Government service are not eligible for training that exceeds 40 hours in a training program in non-Government facilities. Exception is made when such training is provided at no cost to the Foundation. DPM will consider requests to waive the above limitation when postponement of the training would be contrary to the public interest. Each determination will be made on the merits of the individual case.

C. Maximum Amount of Training. Employees may receive up to one year (2087 hours) of non-Government training their first 10 years of civilian service. This provision applies only to training that exceeds 40 hours within a training program. The Assistant Director for Administration may waive this restriction when the waiver is judged to be in the public interest and when the additional time allowed by the waiver would not exceed a total of 4174 hours.

163 TRAINING FOR NEW SUPERVISORS. NSF recommends that a maximum of 40 hours of supervisory training be provided to new supervisors during their probationary periods.

164 AWARDS OR PAYMENTS INCIDENTAL TO TRAINING OR MEETINGS. Under certain circumstances, employees may accept contributions and awards incidental to training in non-Government facilities. Employees may also be allowed to accept payment of travel, subsistence, and other expenses incidental to attendance at meetings. The specific written approval of the Assistant Director for Administration must be obtained in advance.

165 NSF-SPONSORED TRAINING PROGRAMS. NSF sponsors a variety of training programs such as NSF-specific courses given in-house, the Management Development Program, the Executive Development Program, the After Hours Upward Mobility Program, the Senior Executive Service Sabbatical Program, and opportunities for Long-Term Professional Development and Independent Research/Development. Specific guidance regarding program requirements, eligibility requirements, methods of payment, etc., are provided in the appropriate Subchapters of this Chapter.

CHAPTER III—EMPLOYEE DEVELOPMENT

SUBCHAPTER 200 AFTER HOURS PROGRAM

SUBCHAPTER SUMMARY

The NSF After Hours Program is a competitive program, which provides tuition assistance to selected employees who are in positions at GS-9 and below.

HRM CONTACT

Executive Personnel and Development Branch
Division of Human Resource Management (HRM)
703-306-1185

210 INTRODUCTION

The NSF After Hours (AH) Program is designed to assist employees in developing additional skills to advance their careers. NSF employees selected for the AH Program receive tuition assistance, counseling and other assistance for training in Government and non-Government facilities.

While the purpose of the AH Program is to assist employees in career advancement, it does not provide specific positions or non-competitive selection for positions. Application to the Program does not ensure acceptance by it; participants are chosen by a selection committee.

220 ELIGIBILITY FOR THE AFTER HOURS PROGRAM

Application to the AH Program is open to any employee who has worked for NSF for at least one year, has a tour of duty of at least 32 hours per week, and is at grade GS-9 (or equivalent) or below. Training sponsored by the AH Program must be completed during employees' own time. Employees are not eligible for AH training assistance if they are in Leave Without Pay status.

Applicants must have specific career goals that are achievable at NSF and cannot have completed the requirements for bachelor's degrees or the equivalent. They are also required to have career or career conditional appointments, Veterans Readjustment Act appointments, or excepted appointments based on disability.

230 AFTER HOURS PARTICIPATION

231 ANNOUNCEMENTS for the After Hours Program, including the application procedures, are made periodically as funding and Program slots become available. Information on application procedures is provided to division directors and

administrative officers, and is publicized via the NSF e-mail bulletin board, the NSF newsletter, or other appropriate communication channels.

232 APPLICATION PROCEDURES typically require interested employees to provide transcripts from academic institutions they have attended, information on awards they have received, brief explanations of their career goals, and forms for supervisory recommendations.

233 SELECTION of participants to the AH Program is made by the NSF After Hours Selection Committee. This committee is composed of two NSF employees appointed by the Director, Human Resource Management (HRM) and one representative appointed by NSF's Bargaining Unit. Committee members serve two-year terms; the Committee Chair is designated by the Director, HRM. Besides reviewing applications to the Program, this Committee provides other advice to HRM upon request.

240 IMPLEMENTING THE AFTER HOURS PROGRAM

The AH Program is administered by HRM. Participants in the Program must establish career goals targeted to NSF positions or types of positions available in the Foundation. Any training sponsored by the Program must relate to these career goals.

241 AFTER HOURS PROGRAM COUNSELORS provide ongoing career counseling and mentoring assistance to participants. They also assist participants in preparing their development plans and in selecting appropriate courses to meet their career goals. An After Hours Program Counselor must be an NSF employee and should have at least a bachelor's degree and professional and/or academic background related to a participant's fields of study.

242 RESPONSIBILITIES OF PARTICIPANTS IN THE AFTER HOURS PROGRAM. AH participants are responsible for:

- a. ensuring that courses they select are relevant to their established career goals;
- b. providing grade point averages and other relevant information to HRM or AH counselors upon request;
- c. obtaining approval from HRM before they change courses for which funds have been certified;
- d. making arrangements with training institutions for appropriate refunds to NSF if they withdraw from courses;
- e. securing approval from HRM before they change career goals; and
- f. notifying HRM of any changes that may affect their eligibility for the Program.

243 CRITERIA FOR CONTINUED PARTICIPATION. Employees are no longer eligible for the AH Program if they separate from NSF, receive bachelor's degrees, or no longer meet the criteria listed in Section 220. In addition, an employee may be removed from the AH Program for:

- a. withdrawing from courses without arranging for allowable course refunds;
- b. failing or withdrawing from courses for reasons not considered valid by HRM;
- c. failing to maintain at least a 2.0 grade point average on a 4.0 scale (or equivalent); or
- d. failing to enroll in classes for periods eight months or more.

244 PAYMENT OF EXPENSES. The AH Program may pay for all or part of authorized training expenses, including tuition, lab fees, and registration fees. The extent of payment depends upon the availability of funds. Expenses that are *not* covered under this Program include books, supplies, parking and transportation, student activity fees, application fees, graduation and matriculation fees, and miscellaneous fees not authorized above. In addition, the Program cannot pay for courses not directly related to a participant's career goals, regardless of whether these courses are requirements for other training.

Subchapter 300 – Mandatory Learning and Development for Supervisors, Managers and Executives

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| I. Introduction | <p>Purpose: This subchapter describes current NSF policy on learning and development for all executives, managers, and supervisors. The purpose of this policy is to define responsibilities and requirements related to the Foundation’s implementation of Office of Personnel Management (OPM) regulations regarding the systematic training and development of executives, managers, supervisors, and candidates for such positions as required per 5 CFR 412-202.</p> |
| II. Program Background | <p>A. Scope: The scope of this policy includes competency development for all NSF employees, Intergovernmental Personnel Act (IPA) assignees, and Visiting Scientists, Engineers, and Educators (VSEEs) serving in executive, managerial, or supervisory positions.</p> <p>B. The policy incorporates NSF’s emphasis on leading people by leveraging diversity, developing others, and building teams, while implementing current regulations from OPM.</p> |
| III. Learning and Development Hours Requirement | <p>A. All executives, managers and supervisors are held to mandatory minimum training requirements:</p> <ol style="list-style-type: none"> 1. New executives, managers, and supervisors, or those transitioning to new positions with higher-level responsibilities: <ol style="list-style-type: none"> a. 32 hours within the first year in the position; b. 16 of those hours should include NSF-offered learning that includes discussion of federal human capital management processes as implemented at NSF; and c. Four of those hours should include focused learning on managing for diversity and inclusion and Equal Employment Opportunity (EEO). 2. Continuing executives, managers, and supervisors: <ol style="list-style-type: none"> a. 16 hours every three years; and b. Four of those hours should include focused learning on managing for diversity and inclusion and EEO. <p>B. In addition to the minimum requirement, all executives, managers and supervisors are strongly encouraged to lead by example and take full advantage of leader education and development opportunities at NSF and to model an NSF core value of being a learning organization and supporting a learning culture.</p> |
| IV. Learning and Development Content Requirement | <p>A. Management education should enable executives, managers and supervisors to meet their responsibilities for effectively managing the performance of a diverse workforce within the Federal environment. Learning and development opportunities should address the use of appropriate actions, options, and strategies to:</p> <ol style="list-style-type: none"> 1. Recruit and select high potential job candidates; 2. Mentor and/or coach employees; 3. Improve employee performance and productivity; 4. Resolve conflicts; 5. Conduct employee performance appraisals in accordance with agency appraisal systems; and 6. Identify and assist employees with unacceptable performance. <p>B. Other topics, such as communications, employee engagement and Federal labor relations, are also appropriate for meeting the requirement.</p> |

Subchapter 300 – Mandatory Learning and Development for Supervisors, Managers and Executives

V. Development Plan

- A. **All NSF executives** (members of the Senior Executive Service [SES] and IPAs in executive positions) are required to maintain an Executive Development Plan (EDP) that is developed in consultation with their supervisor.
 1. The EDP, coupled with annual review and updating, will provide a mechanism for executives to keep track of their learning and development on a continuing basis.
 2. The plan should be tied to NSF's strategic plan and the executive's performance plan in order to emphasize development in the most important areas for accomplishing NSF's mission and goals.
- B. **Non-executive managers and supervisors** are encouraged to develop comparable plans using NSF's Individual Development Plan (IDP) capability.

VI. Responsibilities

The following table lists roles and responsibilities relevant to this chapter.

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| A. The Division of Human Resource Management (HRM) | HRM is responsible for ensuring that all NSF executives, managers, and supervisors are aware of the requirements of this policy. |
| B. The NSF Academy | <p>The NSF Academy is responsible for:</p> <ol style="list-style-type: none"> 1. Creating and offering a program of learning opportunities, including co-sponsoring events identified by the Office of Diversity and Inclusion (ODI) and the Labor Relations Officer (LRO), that meets or exceeds the core management requirements of this policy; 2. Working with ODI to develop an integrated and comprehensive approach for providing learning and development opportunities related to human capital, EEO, and managing for diversity and inclusion that includes ODI-offered courses, infusion of ODI concepts in NSF-offered management education, and an appropriate blend of internal and external offerings; 3. Working with the LRO to develop an integrated and comprehensive approach for providing learning and development opportunities related to effective management of labor relations; 4. Posting an ongoing schedule of all NSF-offered courses via the online NSF Learning and Development Catalog that employees may use in meeting the requirements; 5. Providing an online summary of selected external course offerings that satisfy the requirement via the Catalog as well as within the EDP form. This may include online courses where appropriate; 6. Authorizing learning opportunities not included in the above as satisfying the requirements where appropriate; |

Subchapter 300 – Mandatory Learning and Development for Supervisors, Managers and Executives

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| | <ol style="list-style-type: none"> 7. Receiving EDPs, verifying that there are planned activities to meet requirements, and forwarding them to the Executive Resources Board (ERB) where appropriate; 8. Maintaining the approved EDPs in an online repository for documentation purposes; and 9. Documenting and retaining the learning histories of current executives, managers and supervisors within the NSF online learning management system, and providing completion data to their supervisors or other management officials as requested. |
| C. The Executive Resources Board (ERB) | <ol style="list-style-type: none"> 1. The ERB is ultimately responsible for ensuring compliance with the EDP requirement for all NSF executives, including IPA assignees in executive positions. 2. The ERB will be notified by the Academy of any instances where an executive does not complete an EDP by the final deadline. |
| D. Executives, managers and supervisors | Executives, managers and supervisors are responsible for working with their supervisors to create and carry out a plan for meeting the requirements of this policy. |
| E. Supervisors of executives, managers and supervisors | <p>Supervisors of executives, managers and supervisors are responsible for:</p> <ol style="list-style-type: none"> 1. Working with their direct reports to develop a plan for meeting the requirements of the policy and for ensuring that they have the time and resources to accomplish the plan. 2. Ensuring their supervisory employees have met these requirements. |

VII. Resources

A. Authorities and References:

1. **Supervisory, Management, and Executive Development:** [5 CFR 412-202](#)
2. **Long-Term Professional Development (LTPD) Program:** [PER Manual Chapter III.600](#)

B. NSF Learning and Development Catalog:

[https://collaboration.inside.nsf.gov/oirm/hrm/academy/FoundationDocuments/NSF Learning and Development Catalog.pdf](https://collaboration.inside.nsf.gov/oirm/hrm/academy/FoundationDocuments/NSF%20Learning%20and%20Development%20Catalog.pdf)

VIII. Contact

The NSF Academy
Division of Human Resource Management (HRM)
 703-292-4564
NSF_Academy_Team@NSF.gov

Subchapter 400 – Independent Research/Development (IR/D) Program

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| I. Introduction | This subchapter contains a description of the NSF Independent Research/Development (IR/D) program, a program that enables NSF staff to study, pursue independent research, and engage in other professional development activities. |
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| II. Program Background | NSF encourages members of its staff to maintain proficiency and currency in their fields of specialty through a variety of research-related and developmental activities. The NSF Independent Research/ Development (IR/D) program permits employees and individuals performing temporary service with NSF, such as Intergovernmental Personnel Act (IPA) assignments, to maintain their professional competencies and to maintain their involvement with their professional research. |
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| III. Activities | <p>A. NSF-sponsored IR/D activities must relate to accomplishing the Foundation’s goals and may be performed with or without host institutions.</p> <p>B. When an employee or IPA participant takes part in approved IR/D activities, the activities are considered official duties. For this reason, a participant must not accept, directly or indirectly, any compensation other than his or her NSF pay or the pay specified in an IPA agreement. To do so could violate criminal statute 18 U.S.C. 209.</p> <p>C. IR/D activities may not interfere with other assigned duties; to this effect, IR/D activities may be curtailed at management’s or the participant’s discretion. Conflict of interest rules apply to all approved IR/D activities even when conducted on weekends or otherwise off-duty.</p> <p>D. IR/D activities lasting longer than 30 consecutive workdays are considered long-term professional development activities and are covered by PER III-300, “Long-Term Professional Development.”</p> |
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| IV. Application Procedures | <p>A. Participants in IR/D activities must use the online process at the Independent Research and Development (IR/D) Plan Creation & Approval Site.</p> <p>B. This site also provides links to the “Guide to the Independent Research/Development (IR/D) Program,” quick reference guides for IR/D applicants and approvers, and other related links.</p> |
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| V. Documentation Requirements | <p>A. IR/D Plans: IR/D program participants (employee or IPA) must document relevant IR/D activities in an IR/D plan. IR/D activities normally may not exceed 50 days per year, including any required travel time during NSF business hours.</p> <p>B. Assignment Reports: All participants are required to provide annual reports on their IR/D activities, as described in the “Guide to the Independent Research/Development (IR/D) Program.” Additional reports may be required by particular NSF organizations. Reports should include a participant’s summary of accomplishments that describes products resulting from the activities, such as publications and patents, and a brief statement regarding the importance of the IR/D program to the participant. Participants are encouraged to share their research findings and developmental experiences with other NSF staff.</p> <p>C. Performance Plans: Employees and IPA participants (IPAs) engaging in IR/D activities may have one or more elements in their performance plan that relate to these activities.</p> |
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Subchapter 400 – Independent Research/Development (IR/D) Program

VI. Time & Attendance

In order for NSF to provide appropriate accounting for the resources involved in the IR/D program, participants will also be asked to track the normal business hours during which they are involved in IR/D activities.

- A. Time spent on IR/D activities outside of normal business, such as on weekends, does not need to be tracked.
 - B. Time spent on IR/D activities during NSF business hours, including travel during NSF business hours, must be shown as IR/D work hours on time and attendance records.
 - C. On days when employees or IPAs participate in IR/D activities, they are allowed a maximum of eight regular work hours per day and are not eligible to earn credit hours, compensatory time, travel compensatory time, holiday pay, or overtime.
 - D. Time spent in IR/D by IPAs must be recorded in the IPA Time Tracking feature located in the [Independent Research and Development \(IR/D\) Plan Creation & Approval Site](#).
-

VII. Acknowledging NSF Support

- A. IR/D participants must acknowledge NSF support of any material based on or developed under the IR/D program.
 1. Written acknowledgement is required for publications (including electronic publications). The following language is recommended: “This material is based upon work supported by (while serving at) the National Science Foundation.” Support from other organizations may be acknowledged as well.
 2. Attempted oral acknowledgement is required during news media interviews, including popular media (radio, television, and news magazines) in which research and activities supported under the IR/D program are discussed.
 3. A disclaimer is required in every publication of material (including electronic publications) developed under or associated with the IR/D program. For example, “Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the National Science Foundation.” Exceptions are cases in which NSF reviewed the material before publication or presentation.
 - B. IR/D participants who desire to provide contact information on publications may use their home institutions, their IR/D host institutions, or their NSF address.
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VIII. Expenses

Participants’ organizations are responsible for all IR/D-related expenses in addition to determining reasonable expense amounts associated with activities, as outlined in the IR/D Plan. IR/D expenses are subject to availability of funds for each organization.

- A. There are three types of funding sources:
 1. **Agency Operations and Award Management (AOAM) Funds:** Offices must use AOAM funds when paying for general expenses, travel, and per diem for NSF employees (permanent, temporary, and visiting scientists).
 2. **Program Funds:** All IR/D-related expenses for IPAs are paid using program funds.
 3. **Non-Federal Sources:** NSF employees and IPA staff can also use non-Federal funding sources.
- B. IR/D activities must follow all Federal and NSF regulations and procedures for travel,

Subchapter 400 – Independent Research/Development (IR/D) Program

procurement, claims for reimbursements, and other expenditures of funds.

- C. Participants should not cover any approved costs out-of-pocket. Advanced planning is required.
- D. **Travel-Related Expenses**
 - 1. All travel-related IR/D expenses should be charged to program element code 919900 for IPAs and 020000 for non-IPAs.
 - 2. IR/D travel should be charged to the appropriate IR/D object class code 210600, 210700, 210800, or 210900.
 - 3. Travel funding may also be provided by other sources, such as institutions that are hosting IR/D activities, if there is no conflict of interest as reviewed by the Office of the General Counsel (OGC).
- E. **Non-Travel IR/D-Related Expenses**
 - 1. All non-travel IR/D-related expenses require approval in advance and must be included in the IR/D plan. After approval and prior to incurring any cost, the method of payment must be determined.
 - 2. For all non-travel IR/D-related costs under the single purchase amount of \$3,000, the office purchase card is the appropriate payment option. On the rare occasion when the amount exceeds the single purchase amount of \$3,000, a request for purchase order would be the appropriate payment option using program element code 803400.
 - 3. Questions related to the appropriateness of the non-travel IR/D-related activity and/or cost should be directed to the organization's IR/D expert.

IX. Travel Authorizations

- A. All travel authorizations must indicate that the trip involves IR/D activities by using appropriate IR/D funding codes, as referenced in the [“Guide to the Independent Research/Development Program.”](#) Each travel authorization connected with IR/D activities must receive appropriate supervisory approval on a case-by-case basis irrespective of whether a particular trip is funded by the NSF or by non-Federal funds.
- B. Acceptance of travel funds from non-Federal sources to attend a meeting or similar event must be authorized in advance by an Assistant Director or Office Head on [NSF Form 1311](#) (see [OD 91-17](#)).
 - 1. The NSF Deputy Director must authorize such contributions for Assistant Directors and Office Heads, and the NSF Director must authorize such contributions for himself/herself and the Deputy Director.
 - 2. Regardless of the reason for official travel, IR/D participants must not accept cash or checks from non-Federal sources. NSF must pay for the IR/D participant's travel and, in turn, be reimbursed by the non-Federal source; alternatively, the IR/D participant may accept “in-kind” assistance.

Subchapter 400 – Independent Research/Development (IR/D) Program

X. Responsibilities The table lists the roles and responsibilities relevant to IR/D activities.

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| A. The NSF Director and Deputy Director | <ol style="list-style-type: none"> 1. Review and approve IR/D requests from employees and IPAs for whom they are immediate supervisors. 2. The Deputy Director authorizes the acceptance of travel funds from non-Federal sources for Assistant Directors and Office Heads participating in IR/D activities. 3. If applicable, the Director gives such authorization for himself/herself and the Deputy Director. |
| B. Assistant Directors and Office Heads | <ol style="list-style-type: none"> 1. Review and approve IR/D requests from Division Directors and others in their organization reporting directly to them. 2. Authorize the acceptance of travel funds from non-Federal sources for all IR/D participants in their organizations. 3. Carry out the supervisory responsibilities in Section X.D of this subchapter, and appoint directorate IR/D experts who are responsible for reviewing all IR/D requests within their organizations (see Section X.F of this subchapter). |
| C. Division Directors | <ol style="list-style-type: none"> 1. Determine the extent to which their organizations' financial resources and human resources will permit IR/D activities. 2. Review and approve IR/D requests from staff in their organizations. 3. Ensure that supervisory responsibilities in Section X.D of this subchapter are followed. |
| D. Supervisors | <ol style="list-style-type: none"> 1. Review IR/D requests from their staff. 2. Ensure coordination of IR/D requests with their assigned organizational IR/D experts. 3. Ensure that IR/D plans are approved before IR/D activities are initiated by their subordinates. 4. Periodically review employees' and IPAs' performance to ensure that IR/D activities are not interfering with regularly assigned activities. |
| E. Directorate/Office IR/D Experts | <ol style="list-style-type: none"> 1. Review all IR/D requests from staff within their organization, and ensure that requests meet the criteria for the IR/D program as addressed in the "Guide to the Independent Research/Development (IR/D) Program." 2. Refer non-routine IR/D requests to the IR/D Council, typically through the IR/D Council's Executive Secretary, for a determination. |

Subchapter 400 – Independent Research/Development (IR/D) Program

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| F. IR/D Participants (Employees or IPAs) | <ol style="list-style-type: none"> 1. Ensure compliance with the guidance set forth in Federal regulations (including the Federal Travel and the Federal Research Regulations) and policies including this NSF Personnel Manual chapter, the NSF Financial Management Policy Manual, and the “Guide to the Independent Research/Development (IR/D) Program.” 2. Ensure that requests for extension and revisions to IR/D plans are submitted in a timely manner. |
| G. The IR/D Council | <ol style="list-style-type: none"> 1. Determines and documents which activities and costs are allowable under the IR/D Program. 2. Reviews a sample of all IR/D requests annually to ensure compliance with established guidelines. 3. Provides annual training for Directorate/Office IR/D experts. 4. Serves as consultants to the Office of Information and Resource Management (OIRM) to ensure recommendations are implemented as intended. 5. Membership includes several permanent members whose selection is based upon their assigned NSF positions as well as other NSF staff who serve on staggered, limited terms. These positions include: <ol style="list-style-type: none"> a. Council Chair (a permanent Deputy Assistant Director/Executive Officer) b. Executive Secretary (resourced by the Office of Information and Resource Management) c. Deputy Director, Division of Financial Management, Office of Budget, Finance and Award Management d. Designated Agency Ethics Official, Office of General Counsel e. Independent Research/Development program coordinator, Division of Human Resource Management f. Branch Chief, Systems and Services Branch, Division of Administrative Services, Office of Information and Resource Management g. Two representatives from the Directorates, at least one of which currently has an active Independent Research/Development Plan. 6. Membership and terms are announced by the Chief Human Capital Officer (CHCO) through the NSF issuance system. |

Subchapter 400 – Independent Research/Development (IR/D) Program

| | |
|---|--|
| H. The Office of Information and Resource Management (OIRM) – In Conjunction with the IR/D Council | <ol style="list-style-type: none"> 1. Appoints members to the IR/D Council, including the IR/D Council Chair. 2. Provides an Executive Secretary for the IR/D Council. 3. Ensures that the “Guide to the Independent Research/Development (IR/D) Program” is updated to reflect current rules, regulations, policies, laws, and guidelines. 4. Ensures that appropriate training is available for IR/D Council members, participants, experts, and supervisors. 5. Coordinates the production of annual IR/D program utilization reports. |
| I. Human Resource Management (HRM) Program Coordinator | Administers the program in accordance with parts 410 and 412 of Title 5, Code of Federal Regulation (5CFR). |
| J. Office of the General Counsel (OGC) | Provides guidance to employees and staff on issues of conflict of interest, copyrights, patents, etc. |

XI. Resources

- Guide to the Independent Research/Development Program.** A staff reference for the most recent guidance regarding the creation and processing of IR/D requests can be found here: <https://collaboration.inside.nsf.gov/IRDprogram/Shared%20Documents/IRD%20Guide.docx>
- Independent Research and Development (IR/D) Plan Creation & Approval Site:** <https://collaboration.inside.nsf.gov/sites/ird/SitePages/Home.aspx>
- IR/D SharePoint Site.** Additional information, guidance, and a list of IR/D experts can be found here: <https://collaboration.inside.nsf.gov/IRDprogram/default.aspx>

XII. Contact

For additional information, send an email to the NSF Independent Research/Development alias at ird@nsf.gov.

CHAPTER III—EMPLOYEE DEVELOPMENT

SUBCHAPTER 500 THE SENIOR EXECUTIVE SERVICE SABBATICAL PROGRAM

SUBCHAPTER SUMMARY

This Subchapter describes sabbatical opportunities for career SES members.

HRM CONTACT

Executive Personnel and Development Branch
Division of Human Resource Management (HRM)
703-306-1185

510 INTRODUCTION

The SES Sabbatical Program, which is governed by the provisions of Title 5, U.S. Code, Section 3396, provides sabbatical opportunities to career SES members as part of NSF's policy to encourage and support SES incumbent development.

520 SABBATICAL COVERAGE

Sabbatical activities include, but are not limited to:

- a. sabbaticals at academic institutions involving teaching, study, research, or a combination of these;
- b. non-institutional study or research;
- c. periods of relevant developmental work experience in the private sector, with non-profit organizations, with state or local governments or with international organizations; or
- d. activity of a managerial or professional nature not covered above, e.g., writing, bench research, invention, design, development, troubleshooting or problem-solving assignments.

530 PROGRAM ELIGIBILITY

To be eligible for participation in the SES Sabbatical Program, employees must:

- a. be career members of the SES;
- b. have completed 7 years of service in SES or other positions in the civil service at levels of duties and responsibilities equivalent to the levels of duties and responsibilities of SES positions, and have completed at least 2 years of such 7 years in the SES;

- c. not have been granted a Sabbatical in the last 10 years;
- d. not be eligible at the time the Sabbatical begins for voluntary retirement with rights to immediate annuity; and
- e. sign a "Sabbatical Continued Service Agreement."

540 SELECTION CRITERIA

541 PROPOSAL EVALUATION CRITERIA. A selection panel evaluates proposals from eligible SES members using these criteria:

- a. the quality, innovativeness, and appropriateness of the proposals;
- b. the Sabbatical's potential contribution to the applicant's professional or executive development; and
- c. the Sabbatical's potential contribution to the goals or mission of NSF or the Federal Government.

542 APPLICANT EVALUATION CRITERIA. The Executive Resources Board (ERB) evaluates Sabbatical applicants according to:

- a. their demonstrated competence and past performance;
- b. their ability to achieve the objectives of the Sabbatical; and
- c. their relative potential for future contributions to NSF and the Federal Government.

550 LENGTH

The length of SES Sabbaticals is a function of the projects and activities undertaken. Sabbaticals are granted for periods ranging from 3 to 11 months.

560 RESPONSIBILITIES

561 THE DIRECTOR, NSF, is responsible for making the final selection of the Sabbatical participants.

562 THE EXECUTIVE RESOURCES BOARD is responsible for:

- a. developing Program policies, monitoring their implementation, and overseeing selection process;
- b. determining the number of Sabbaticals based upon available resources; and
- c. evaluating participants' performance in meeting the objectives stated in the proposals.

563 ASSISTANT DIRECTORS AND OFFICE DIRECTORS are responsible for ensuring the placement of participants returning from the Sabbaticals.

564 THE OFFICE OF THE GENERAL COUNSEL (OGC) is responsible for reviewing Sabbatical proposals on legal grounds relating to conflicts of interest, copyrights, and patents.

565 SUPERVISORS are responsible for:

- a. preparing written statements concerning the skills and performance of applicants who report to them, the quality of the proposals, and the contributions of the proposed Sabbaticals to the applicants' development and to NSF; and
- b. ensuring that the NSF duties of the participants are adequately covered while they are on Sabbaticals.

566 SABBATICAL PARTICIPANTS are responsible for:

- a. making formal arrangements with the host institution, in conjunction with DPM;
- b. requesting in writing, through appropriate supervisory channels, ERB approval of any modifications made to Sabbatical assignments and proposals;
- c. complying with laws and regulations including those relating to conflicts of interest, copyrights, and patents;
- d. completing the Sabbaticals in accordance with the provisions of the SES Sabbatical Program and their respective Sabbatical proposals;

e. complying with requirements in the "Sabbatical Continued Service Agreement"; and

f. providing information concerning their SES Sabbatical Program activities as required.

567 THE DIVISION OF PERSONNEL AND MANAGEMENT (DPM) is responsible for developing and administering the SES Sabbatical Program. DPM announces the competitive process for Sabbatical activities with a program announcement distributed to all eligible SES members.

570 ADMINISTRATION OF THE SES SABBATICAL PROGRAM

571 AGREEMENT TO CONTINUE IN SERVICE. SES members on Sabbatical must sign the "Sabbatical Continued Service Agreement." The Agreement states that they will serve 2 consecutive years in the civil service upon completion of the Sabbatical. If an SES member does not fulfill the Agreement, the Government may recover all expenses for the Sabbatical, including salary. The Director, NSF, may waive the Agreement in whole or in part, for good and sufficient reasons.

572 EXPENSES. Participants in the SES Sabbatical Program receive salary from NSF. In addition, NSF may pay expenses for travel and either household moves or per diem, whichever is most cost-effective to the government. DPM may arrange for NSF to share the costs of the Sabbatical with the host institution when OGC determines that this does not constitute a conflict of interest.

573 PLACEMENT DURING AND AFTER SABBATICALS. In most cases, SES members retain their positions while on Sabbaticals and return to their positions after the Sabbaticals. If this is not possible, Assistant Directors or Office Directors may identify other SES positions for which individuals meet the qualification requirements and, subject to ERB approval, arrange for the returning SES members' reassignments. The pay level for the returning SES members will be no less than that held during the Sabbaticals.

574 MOBILITY POSITIONS. The Office of Personnel Management (OPM) may provide mobility spaces to allow temporary backup appointments to the positions vacated during the Sabbaticals. Organizations that require mobility spaces for this period submit requests to DPM through normal supervisory channels.

575 SABBATICAL EVALUATION. The ERB evaluates the participants' performance in meeting the objectives stated in the proposals. To aid in the evaluation, the ERB may require interim reports from participants describing the activities and accomplishments of the projects. The ERB requires participants to submit final reports that should include:

- a. a summary of the activities;
- b. a description of the accomplishments in relation to the stated objectives; and
- c. a copy or summary of the product(s) resulting from the project, such as publications, patents, or reports.

576 PERFORMANCE APPRAISAL. Participants do not prepare performance plans for their performance while on Sabbatical or have their Sabbatical performance appraised under the SES Performance Appraisal System. Participants who serve in their SES positions for 120 days or more of the performance appraisal cycle (September 1 - August 31) will be subject to the provisions of [PER IV-300](#), "Performance Appraisal for Employees in the Senior Executive Service." Participants who serve in their SES positions for less than 120

days of the performance appraisal cycle are not subject to the Performance Appraisal System and will receive performance ratings equivalent to that received the previous year.

577 BONUSES. Sabbatical participants are not eligible for bonuses for performance on Sabbaticals. However, they are eligible to receive bonuses for performance that occurred before the Sabbatical began or after the Sabbatical ended.

578 SABBATICAL TERMINATION. The ERB may curtail or terminate Sabbaticals for failure of the participants to make satisfactory progress during assignments, for organizational needs, or for other circumstances as warranted. Participants who want to curtail or terminate Sabbaticals must submit written requests through their supervisory chain to the ERB for approval.

CHAPTER III—EMPLOYEE DEVELOPMENT

SUBCHAPTER 600 LONG-TERM PROFESSIONAL DEVELOPMENT

SUBCHAPTER SUMMARY

NSF's Long-Term Professional Development (LTPD) Program provides long-term training and developmental opportunities to enhance the professional skills and abilities of participating employees.

HRM CONTACT

Executive Personnel and Development Branch
Division of Human Resource Management (HRM)
703-306-1185

610 INTRODUCTION

The Long-Term Professional Development (LTPD) Program of the National Science Foundation enables its participants to enhance their professional abilities in their fields of specialty. Long-Term Professional Development is considered to be training lasting 30 work days or longer and involving planned and coordinated courses, curriculum, or systems of instruction that are directly related to participants' official duties.

There are also other programs that enable NSF employees to improve their skills and gain new experiences. These include training activities of less than 30 work days, Independent Research/Development activities, Intergovernmental Personnel Act Assignments, and details to other Federal organizations. These programs or activities and their content and requirements are described in other PER Chapters.

The Long-Term Professional Development Program operates under the provisions of Title 5, U.S. Code, Chapter 41. LTPD assignments are initially approved for no more than one year although requests for extensions will be considered on their individual merits. NSF may not sponsor LTPD activities solely to assist employees in obtaining academic degrees. In addition, NSF may not sponsor training in facilities that discriminate on the basis of race, color, religion, national origin, or gender.

620 PROGRAM ACTIVITIES

621 ELIGIBILITY. To be eligible for participation in LTPD activities an employee must have at least one year of continuous Federal service, must be assigned to an established and valid position, and must not be serving in a time-limited appointment. An employee in the Senior Executive Service or at the AD-5 level will not normally be considered for one-year

external assignments more than once every 8 years of NSF executive level service.

622 ANNOUNCEMENTS. The Deputy Director, Assistant Directors, and Office Directors determine the number of LTPD opportunities their organizations will provide and announce this information appropriately. In determining what LTPD opportunities they can provide, NSF organizations should consider their personnel ceilings, financial resources, and related issues.

623 PROPOSALS. An employee who wants to participate in an LTPD assignment must submit a written proposal through appropriate supervisory channels containing the following information:

- a. a brief description of the proposed activity, its relevance to his/her official duties, its developmental benefits, and its benefits to NSF;
- b. anticipated beginning and ending dates;
- c. the name of the host institution;
- d. appropriate documentation from the host institution confirming the terms of the assignment; and
- e. itemized costs to be paid by NSF, identifying their purposes, type of funds and the funding organization.

Proposals from SES and AD-5 employees must specify how their absence will impact their offices, how their responsibilities will be handled, and what their NSF assignments will be after they return from their LTPD activity.

624 APPROVAL PROCEDURES. Assistant Directors and Office Directors for Information and Resource Management (IRM) and Budget, Finance, and Award Management (BFA) approve all requests for LTPD assignments and any modifications, extensions, and terminations associated with them. The Deputy Director approves all requests involving LTPD activities for employees for whom he/she is the immediate supervisor and for employees in the Office of the Director Staff Offices. LTPD requests from NSF SES and AD-5 level employees must be approved by the Director, NSF. OGC provides guidance on conflicts of interests, copyrights, patents and related matters.

After proposals are reviewed, recommendations are forwarded to the Executive Personnel and Development Branch in HRM. HRM reviews LTPD proposals for basic eligibility and regulatory compliance and requests OGC clearance on legal matters. After OGC approves a proposal, HRM notifies the employee's office of the approval.

625 EXTENSIONS, CURTAILMENTS, AND TERMINATIONS. LTPD assignments may be extended, curtailed, or terminated by Assistant or Office Directors or by the NSF Deputy Director. A participant's assignment can be extended only if he/she continues to meet the Program's eligibility criteria.

626 MODIFICATION OF LTPD ASSIGNMENTS must be approved by appropriate supervisory officials and, if appropriate, by OGC and/or HRM.

630 AGREEMENT TO CONTINUE IN SERVICE

LTPD participants must agree to return to the Foundation for at least three times the length of their LTPD activities or reimburse NSF for non-salary training expenses. [NSF Form 1355](#), "Employee's Agreement to Continue in Service," that addresses this and other provisions, is located in the [Appendix](#). Each LTPD participant must sign this Agreement regardless of whether non-salary expenses are anticipated. When employees are required to reimburse the Foundation for LTPD activities, HRM determines the amount to be repaid based on a pro rata basis and requests BFA to collect the funds due. HRM provides guidance regarding the circumstances in which the Director or an appropriate designee may waive the recovery of such expenses.

640 EXPENSES

Individual Directorates or Staff Offices are responsible for LTPD expenses for their employees. NSF pays for salary, travel, per diem and administrative expenses from Salaries and Expenses appropriations. All LTPD activities must follow Federal and NSF regulations and procedures regarding the expenditure of funds (e.g., for travel or procurement). Program funds may be used for activities that comply with NSF Manual #17, Financial Management Policy Manual (FIN).

641 LIVING EXPENSES. LTPD participants are eligible for either moving expense to and from the locations of their training or per diem during their LTPD assignments. Per diem rates for long-term activities are lower than those for normal short-term travel. NSF can pay moving expenses of LTPD participants and their families to and from training sites if those costs are determined to be less than the per diem expenses. HRM will determine the cost and provide payment for relocation expenses. Per diem rates are determined by HRM although they are paid by individual Directorates or Offices. Participants' host institutions and/or other sources may provide additional funds to offset salary, living, or travel expenses, provided that OGC determines there is no conflict of interest.

642 TRAVEL. Travel in connection with LTPD activities must comply with NSF travel regulations including those prohibiting employees from accepting cash or checks from non-Federal sources for official travel. If a non-Federal source sponsors work-related travel for an NSF employee, NSF must pay the travel expenses and, in turn, be reimbursed by the non-Federal sponsor. An employee may accept "in-kind" assistance. In addition, when a LTPD participant receives travel funds from a non-Federal source, the contributions must be authorized *in advance* on NSF Form 1311 by the appropriate Assistant Director or Staff Office Director. The Deputy Director must authorize such contributions for Assistant Directors and Staff Office Directors.

650 ADMINISTRATION

651 TIME AND ATTENDANCE AND LEAVE. Individual LTPD participants and their supervisors will determine how time and attendance will be reported during developmental assignments. NSF employees are not eligible to earn credit hours, compensatory time or overtime during LTPD assignments. A maximum of eight regular work hours is allowed per day. Employees continue to earn sick and annual leave at their regular rates, and are expected to claim such leave when appropriate. LTPD participants should observe the holiday schedules of their host institutions. Employees will not be charged annual leave during academic recesses of host institutions if they continue their studies and/or research.

652 EMPLOYEE BENEFITS. Participation in LTPD does not affect health insurance, life insurance, Thrift Savings Plan activity, or retirement benefits.

653 PLACEMENT. Upon returning from LTPD assignments, participants will be assigned to their former positions or positions of equivalent grade and pay.

654 ASSIGNMENT EVALUATION. LTPD participants may be required to make interim and/or final reports on their developmental activities. The reports should include descriptions of accomplishments and/or products resulting from the activities, such as publications, patents, and reports.

655 REDUCTION-IN-FORCE. Reduction-in-force provisions continue to apply to employees on LTPD assignments.

656 PERFORMANCE PLANS. It may be necessary for the performance plan of an LTPD participant to include at least one element that relates to the LTPD assignment.

**APPENDIX
NATIONAL SCIENCE FOUNDATION
EMPLOYEE'S AGREEMENT TO CONTINUE IN SERVICE**

1. I, _____ have requested to participate in Long-Term Professional Development (LTPD) activities while an employee of the National Science Foundation (NSF). If I receive salary while I participate in LTPD activities, I agree to continue in the service of NSF for a period of time at least equal to three times the length of the training period. If I receive no salary while participating in LTPD activities, I agree to remain at NSF for a period at least equal to the length of training or one month, whichever is longer. I understand that if I am a part-time employee, the period of time I am required to remain employed at the Foundation will be prorated based on my tour-of-duty.
2. If I voluntarily leave the Foundation before completing the period of service agreed to in item #1 above, I AGREE to reimburse NSF for the tuition and related fees, travel, per diem and all other non-salary expenses paid in connection with my LTPD.
3. I understand that any amounts that may be due the Foundation as a result of any failure on my part to meet the terms of this Agreement may be withheld from any monies owed me by the Government, or may be recovered by other legal methods.
4. I agree to obtain approval from appropriate management officials of any change to my approved LTPD plan.
5. I acknowledge that this Agreement does not in any way commit the Government to continue my employment.

Employee's Signature

Date Signed

Start Date of Training: _____ End Date of Training: _____



PER

PERSONNEL MANUAL



CHAPTER IV EMPLOYEE PERFORMANCE & UTILIZATION

CHAPTER IV—EMPLOYEE PERFORMANCE AND UTILIZATION

SUBCHAPTER 100 PERFORMANCE MANAGEMENT FOR EMPLOYEES IN THE GENERAL WORKFORCE

SUBCHAPTER SUMMARY

This Subchapter describes the policy and procedures for the performance management system for general workforce employees.

CONTACT

Employee Relations Branch
Division of Human Resource Management (HRM)
703-306-1191

110 INTRODUCTION

111 PURPOSE. This Subchapter establishes a Performance Appraisal System for the National Science Foundation and guidelines for the establishment of separate Performance Appraisal Programs within that system.

112 AUTHORITIES.

- **Performance Appraisal** - 5 U.S.C. Chapter 430, and 5 CFR, Part 430.
- **Reduction in Force** - 5 U.S.C. 3502, and 5 CFR, Part 351.504.
- **Within-Grade Increases** - 5 U.S.C. 5355, and 5 CFR, Part 531, subpart D.
- **Records of Employee** - 5 U.S.C. 552a, and 5 CFR, Part 293.40 and 293.405.
- **Performance-Based Reduction in Grade & Removal Actions** - 5 U.S.C. 4303, 4305, and 5 CFR, Part 432.
- **Adverse Actions** - 5 U.S.C. 7504, 7514 and 7543, and 5 CFR, Part 752.
- **Quality Step Increases** - 5 U.S.C. 5336, and 5 CFR, Part 531, subpart E.

113 COVERAGE. The General Workforce Performance Management System covers all employees in NSF except for the following:

- A. Employees included in the Senior Executive Service (5 U.S.C. 4301)(2)(E);
- B. Presidential appointees (5 U.S.C. 4301) (2) (F);

C. Employees occupying "Schedule C" positions (there are no "Schedule C" positions at the Foundation);

D. Consultants (5 U.S.C. 4301)(2)(H); and

E. Experts (5 U.S.C. 4301)(2)(H).

114 DEFINITIONS.

A. Acceptable Level of Competence is a level of performance by an employee which is fully successful and warrants advancement of the employee's rate of basic pay to the next higher step of the grade. An employee whose current performance is less than fully successful on any critical element is not performing at an acceptable level of competence and cannot receive a within-grade increase.

B. Additional Element is not a component of a position, but contributes toward accomplishment of organizational goals and objectives. Performance on an additional element cannot be the basis of a rating below Fully Successful.

C. Appraisal (or Performance Appraisal) is the periodic (at least annual) evaluation of job performance compared with previously established performance standards.

D. Appraisal Period (or Rating Period) is the period of time for which an employee's performance is reviewed and evaluated; normally 12 months unless there is a job related change that requires an appraisal. The minimum period for which an employee may have his or her performance appraised is 90 days.

E. Critical Element is a component of a position which contributes toward accomplishment of organizational goals and objectives and which is of such importance that unacceptable performance on the element would result in

unacceptable performance in the position.

F. Employee Performance File (EPF) is the official file containing performance appraisals and other performance related information on an employee.

G. General Workforce (GWF) includes all NSF employees except those listed under [Section 113](#) Coverage.

H. Generic Performance Standards (GPS) are uniform performance standards that define criteria for evaluation or results expected. The GPS are available from HRM. They are written so that they may apply universally to large groups of positions; however, they may be modified to fit unique situations or be supplemented with additional standards if required.

I. Multi-source appraisals, also known as 360-degree appraisals, use input from a variety of sources to determine ratings. Raters may be selected from supervisors, subordinates, peers, clients, team members, or any other person who has worked with the employee. Multi-source appraisals are usually based on behaviors rather than actual work objectives.

J. Non-Critical Element is a component of a position which contributes toward accomplishment of organizational goals and objectives, but is not of such importance that unacceptable performance on the element would result in unacceptable performance in the position. Performance on a non-critical element cannot be the basis of a rating below Fully Successful.

K. Performance Objectives are specific statements of key responsibilities and/or results the employee can reasonably be expected to accomplish during the rating period.

L. Performance Plan is the document that specifies the critical elements, objectives and performance standards for an employee for a specified appraisal period.

M. Performance Standard is a statement of the expectations or requirements established for a critical and/or non-critical element at a particular rating level. A performance standard may include, but is not limited to, factors such as timeliness, quality, quantity, and manner of performance.

N. Pool is a portion of NSF identified by NSF management as having an optimum structure and size to facilitate the internal management of its rating process. A Pool is also the organizational unit that can determine the specifics of their performance program within the guidelines in this Subchapter.

O. Pool Manager is the individual (normally the Assistant Director, Deputy Director, or his/her designee) who has responsibility for the functioning of the General Workforce Performance Management System for his/her organizational component. Pool managers must approve all ratings of record within pool.

P. Progress Review is a mandatory review of an employee's progress toward meeting the performance standards established in his/her performance plan. A progress review is not in itself an appraisal or rating. At least one progress review is required during the appraisal cycle. Progress reviews need not be in writing but must be certified on the performance plan.

Q. Rating Official (or Rater) is the individual who is responsible for establishing critical elements, objectives and standards, appraising performance and assigning performance ratings for employees. Normally, this is the employee's immediate supervisor.

R. Rating of Record is the approved written summary rating of a General Workforce employee's performance annually.

S. Reviewing Official is the individual, usually the supervisor next in line of authority above the rating official, who is responsible for reviewing and approving performance plans and ratings.

T. Summary Rating is the rating level assigned to an employee's overall performance based on the appraisal of performance on all of the elements in the employee's performance plan.

U. Unacceptable Performance is performance of an employee which fails to meet established performance standards in one or more critical elements of the employee's performance plan. Unacceptable performance in any critical element requires a rating of Unacceptable on that element and a summary rating of Unacceptable.

120 PERFORMANCE PLANNING AND APPRAISAL PROCESS

121 AGENCY PERFORMANCE MANAGEMENT SYSTEM REQUIREMENTS. The NSF Performance Management System requires that:

- A. Each employee have an individual performance plan and an annual appraisal.
- B. Each performance plan have at least one critical element to rate individual performance. Other elements may deal with team performance.
- C. At a minimum, three levels of approval be used in assigning the ratings. The supervisor, the reviewer (usually the second line supervisor) and the pool manager. A possible exception to this would be when multiple source ratings are used.
- D. Ratings completed by Assistant Directors or Staff Office Directors need no higher-level review.
- E. All elements (critical, non-critical and additional) and standards be communicated to the employee within 30 days of

the beginning of the appraisal period.

F. Employees receive at least one progress review on their performance during the appraisal period. This review must be documented on the appraisal form in some way.

G. If an employee disagrees with the final performance rating, he or she may append written comments or request reconsideration from the reviewing official. Such comments must be submitted to the rating official within 14 workdays following the final performance appraisal discussion. The reviewing official considers the comments and discusses the final rating decision with the rater. If after consideration, the reviewing official decides that the rating should be changed, pool manager approval must be obtained. The employee must be notified of the official rating decision within 14 workdays after receipt of the comments by the rating official.

H. Each Performance Management Program establish a way to recognize and reward employees whose performance warrants it.

I. Instances of less than Fully Successful performance be brought to the attention of the Division of Human Resource Management (HRM). HRM will advise on procedures to assist the employee to raise their performance to the Fully Successful level.

J. Employees in the following situations receive appraisals:

1. *Position Changes.* When an employee changes positions during an appraisal period if he/she has served in the former position the minimum appraisal period or more, a summary rating must be prepared and must be considered in deriving the employee's rating of record.

2. *Leaves NSF.* Employees who leave the Foundation must receive a close-out rating if they have completed at least the minimum appraisal period under a valid performance plan.

3. *Details and Temporary Promotions within NSF.* When an employee is detailed or temporarily promoted within NSF for 120 days or more, information must be obtained from the detail supervisor and must be considered in the final rating of record.

4. *Details Outside NSF.* When an employee is detailed outside NSF for 120 days or more, the rating official must make a reasonable effort to contact the employee's temporary supervisor in order to obtain information about the employee's performance. If the employee has:

- been at NSF for the minimum appraisal period (90 days), the regular NSF rater must give consideration to the appraisal information obtained from the borrowing organization.
- not been at NSF for the minimum appraisal period, but has been detailed outside NSF for the minimum appraisal period, the rater should make a reasonable

effort to prepare a rating based on information from the borrowing agency.

5. *Appraising Disabled Veterans.* The performance appraisal and rating of a disabled veteran may not be lowered because the veteran has been absent from work to seek medical treatment.

K. Two, three or five levels be used to rate performance on the elements (critical, non-critical and/or additional) and for the summary rating. The possible combinations of rating levels are included in [Appendix A](#).

L. If any critical element is rated below Fully Successful, the summary rating must be below Fully Successful.

M. Ratings of below Fully Successful on non-critical elements cannot bring the summary rating below Fully Successful if all of the critical elements have been rated at Fully Successful or higher.

N. Each performance appraisal use the Generic Performance Standards available from HRM. Additional standards may be developed if necessary.

O. A copy of each performance plan and the original of each performance appraisal be forwarded to HRM for retention in the Employee's Performance File.

122 AGENCY PERFORMANCE PROGRAMS. Each pool within NSF may design a Performance Appraisal Program. These Programs must:

A. Conform to statute, regulation and NSF's Performance System.

B. Be submitted to HRM for approval, if they are different from [Appendix B](#), the NSF Performance Appraisal Program.

C. Establish planning procedures such as:

1. how many summary rating levels will be used;
2. employee participation in plan development;
3. team performance and objectives;
4. critical elements, non-critical elements and/or additional elements; and
5. how each critical and non-critical element will contribute to the final summary rating.

D. Establish monitoring procedures to provide for at least one progress review within the appraisal cycle - the review must be documented.

E. Establish rating procedures, such as:

1. establish the number of rating levels used for each element (critical, non-critical and/or additional).

2. establish the number of rating levels used for the summary ratings;

3. establish how a summary rating will be derived from the element ratings;

4. establish how non-critical elements will affect performance ratings.

5. ensure that when a rating of record cannot be prepared at the time specified, the appraisal period will be extended. Once the minimum appraisal period has been met, prepare a rating of record as soon as possible; and

6. specify the approval process within the pool.

F. Select possible rating mechanisms such as:

1. Traditional: individual performance rated by first line supervisor and concurred with by others in the supervisory chain. This type of appraisal is usually based on actual work objectives and how well they were met.

2. Multi-source: also known as 360-degree appraisals, use input from a variety of sources to determine ratings. Raters may be selected from supervisors, subordinates, peers, clients, team members, or any other person who has worked with the employee. Multi-source appraisals are usually based on behaviors rather than actual work objectives.

- Under this type of appraisal system the input of several people is averaged. The average numerical rating is used to determine the final summary rating. The employee sees only the average, the raters individual input is never seen by the employee. The final report given to the employee is usually in the form of a bar chart. This type of report can be very useful as a developmental tool separate from the appraisal cycle.
- Progress reviews would be conducted by the supervisor.
- There would be no reconsideration of an appraisal under this type of system.

G. Examples of possible rating schemes are included in [Appendix A](#).

H. Those pools that choose not to customize their appraisal program will adhere to the requirements in [Appendix B](#).

130 USES OF PERFORMANCE APPRAISALS AND RATINGS

131 LESS THAN FULLY SUCCESSFUL PERFORMANCE. When a supervisor rates an employee's summary performance less than Fully Successful, action must be taken promptly to assist the employee in bringing performance up to the Fully Successful level. The supervisor should discuss the problem in depth with the employee and HRM in order to determine appropriate and specific remedial action. Such action may include formal or informal training, additional counseling, and/or closer supervision. Performance should be monitored closely.

132 UNACCEPTABLE PERFORMANCE.

A. At any time during an appraisal period when an employee's performance is determined to be at an unacceptable level in one or more critical elements of the job, and the employee has been given an opportunity to improve and does not, the Foundation will reassign, reduce in grade, or remove that employee from his/her position.

B. The rating official must notify the employee in writing if he/she believes the employee's performance has reached an unacceptable level. This notice must inform the employee of how his/her performance fails to meet the critical performance standards, the performance standards that must be reached, the actions required to bring the performance up to an acceptable level and the assistance the rater will provide to help the employee improve. The employee will be given 60 days in which to demonstrate improved performance before the rater makes a final decision of performance level. This period may be extended at the rater's discretion for up to an additional 30 days because of the complexity of a position and or extenuating circumstances. The period may be extended longer, at the pool manager's discretion.

C. During the opportunity period, the rating official must actively assist the employee, through counseling and discussion sessions, to improve his/her performance. After each counseling session, the rating official provides the employee a brief written summary of the session which the employee acknowledges by initialing. The rating official should also consider other forms of assistance such as on-the-job training, special assignments, closer supervision, and the like.

D. At the conclusion of the opportunity period, the rater will provide the employee with a written determination stating whether or not the employee's performance has risen to an acceptable level. If an employee's annual performance appraisal is due at this time, a formal performance rating will be assigned. Should an employee's annual performance appraisal period end during or immediately prior to an opportunity period, the appraisal period will be extended to the end of the opportunity period.

E. If, at the conclusion of the opportunity period, an employee has not brought his/her performance to an acceptable level, a determination (or rating if required) of Unacceptable Performance will be given. This determination requires the reassignment, reduction in grade, or removal of the employee.

F. An employee whose removal or reduction in grade is proposed is entitled to:

1. 30 calendar days advance written notice of the proposed action which identifies the specific instances of unacceptable performance on which the action is based, the critical elements of the employee's position involved in each instance of unacceptable performance, and, if an annual performance appraisal rating is assigned, a copy of the performance appraisal form;

2. be represented by an attorney, the union or other representative of the employee's choice;

3. 15 calendar days to respond orally and/or in writing to the proposed action;

4. a written decision which specifies the instances of unacceptable performance on which the action is based and which has been concurred by an official who is in a higher position than the employee who proposed the action (unless the action was proposed by the Director).

G. The decision to retain, remove, or reduce in grade must take into account the employee's performance during the opportunity period and the notice period. The decision must be made no later than 30 calendar days after the expiration of the notice period.

H. An extension of the advance notice period and the period for replying to a notice of proposed action will be considered by the person issuing the notice, where permitted by law, if requested in a timely manner in writing by an employee or the employee's representative for valid reason beyond the control of the employee.

I. If, because of performance improvement by the employee during the notice period, an employee is not removed or reduced in grade and the employee's performance continues to be acceptable for a period of one year from the date of the advance written notice, all reference to the unacceptable performance must be removed from any record relating to the employee.

J. Procedures for possible appeal by an employee who is reduced in grade or removed because of unacceptable performance are set forth in the written decision described in [Section 132f.4.](#), above.

K. The procedures for unacceptable performance described above do not apply to the following actions:

1. the reduction to the grade previously held of supervisor or manager who has not satisfactorily completed the probationary period required by [PER V-100](#);

2. the reduction in grade or removal of an employee in the competitive service who is serving a probationary or trial period under an initial appointment or who has not completed one year of current continuous employment under other than a temporary appointment limited to one year or less; or

3. the reduction in grade or removal of an employee in the excepted service who has not completed one year of current continuous employment in the same or similar position.

133 WITHIN-GRADE INCREASES FOR GENERAL SCHEDULE/GENERAL MANAGEMENT (GS/GM) EMPLOYEES.

All GS/GM employees below the equivalent of step 10 of their grade are eligible for within-grade increases. To receive this increase, a positive finding must be made that the employee is performing at an acceptable level of competence (unless this requirement is waived in accordance with 5 CFR 531.409 (d)). For Bargaining Unit employees, acceptable level of competence determination procedures are contained in Article X of the Collective Bargaining Agreement. A summary performance rating of Fully Successful or higher is considered to be performance at an acceptable level of competence. In addition, the employee must have completed the required waiting period for advancement to the next higher step of the grade of his or her position, and must not have earned an equivalent increase during the waiting period. For this purpose, a Quality Step Increase is not considered an equivalent increase. The waiting periods are as follows:

- 52 calendar weeks in pay rates 1, 2, and 3
- 104 calendar weeks in pay rates 4, 5, and 6
- 156 calendar weeks in pay rates 7, 8, and 9

A. Basis for Determination. An acceptable level of competence determination shall be based on the employee's performance of the duties and responsibilities of his/her assigned position or positions except when:

1. an employee has not been informed of the specific requirements for performance at an acceptable level of competence in his or her current position, and has not been given a performance rating in any position, at least 90 days before the end of a waiting period; or

2. an employee has been reduced in grade because of unacceptable performance to a position in which he/she will, within 60 days, become eligible for consideration for a within-grade increase.

B. Extension of Waiting Period. Under the circumstances described above, the employee shall be informed that his/her

determination is postponed and of the specific requirements for performance at an acceptable level of competence. The determination shall be based on a period of at least 90 days during which the employee has had a reasonable opportunity to demonstrate performance at an acceptable level of competence.

C. Documentation. The decision to grant or withhold a within-grade increase must be supported by the employee's most recent rating of record. If the most recent rating of record does not support the decision or was assigned earlier than the most recently completed appraisal period, a more current rating of record must be prepared.

D. Notice of Determination

1. A level of competence determination shall be communicated to an employee in writing as soon as possible after completion of the waiting period.

2. If the rating official determines that an employee's performance is not at an acceptable level of competence, he/she shall:

a) set forth the reasons for the negative determination and the respects in which the employee must improve his/her performance in order to be granted a within-grade increase; and

b) inform the employee of his/her right to request that the appropriately designated official reconsider the determination.

E. Reconsideration of a Negative Determination

1. An employee or an employee's personal representative may request reconsideration of a negative determination by filing, not more than 15 calendar days after receiving notice of determination, a written response to the negative determination setting forth the reasons the Foundation shall reconsider the determination.

2. When an employee files a request for reconsideration, the Foundation shall establish an employee reconsideration file which shall contain all pertinent documents relating to the negative determination and the request for reconsideration. The file shall not contain any document that has not been made available to the employee or his/her personal representative with an opportunity to submit a written exception to any summary of the employee's personal presentation. The file will include copies of the following:

a) the written negative determination and the basis for the determination;

b) the employee's written request for reconsideration;

c) the report of investigation when an investigation

is made;

d) the written summary or transcript of any personal presentation made; and

e) NSF's decision of the request for reconsideration.

3. An employee in a duty status may request (and shall be granted) up to a maximum of 8 hours of official time to review the material relied upon to support the negative determination and to prepare a response to the determination.

4. The Foundation shall provide the employee with a prompt written final decision; normally within 15 days of receipt of the request for reconsideration.

5. The time limit to request a reconsideration may be extended when the employee shows that he/she was not notified of the time limit and was not otherwise aware of it, or that the employee was prevented by circumstances beyond his/her control from requesting reconsideration within the time limit.

5. When a negative determination is sustained after reconsideration, an employee shall be informed in writing of the reasons for the decision and of his/her applicable rights for appeal.

F. Continuing Evaluation Following Withholding. After a within-grade increase has been withheld, the rating official may grant the within-grade increase at any time after he/she determines that the employee has demonstrated sustained performance at an acceptable level of competence. However, the rating official is only required to determine whether the employee's performance is at an acceptable level of competence after each 52 calendar weeks following the original due date for the within-grade increase.

G. Effective Date of Within-Grade Increase. Normally, a within-grade increase shall be effective on the first day of the first pay period following completion of the required waiting period and in compliance with the conditions of eligibility. When an acceptable level of competence is achieved at some time after a negative determination, the effective date of the within-grade increase is the first day of the first pay period after the acceptable determination has been made. When, due to administrative error, oversight, or postponement, a positive determination is made after the waiting period is completed, the effective date of the within-grade increase shall be retroactive to the original due date.

134 QUALITY-STEP INCREASES (QSI's). A QSI is an increase in an employee's rate of basic pay from one step of the grade of his or her position to the next higher step of that grade. QSI's may be granted only to permanent GS/GM employees who are at the ninth step or below in their grade and who receive ratings of record at the highest possible level. If the level 5 (outstanding) rating is not used, additional

justification showing the employee's performance is significantly above that expected of a fully successful employee must accompany the recommendation. This may be in the form of a brief description of performance that warrants the QSI on the incentive awards form (NSF Form 910). Only one QSI may be granted to an employee in any 52-week period. A recommendation for a QSI should be initiated by the employee's rating official and requires the approval of the reviewing official and the pool manager who will then forward it to HRM. A QSI is effective on the first day of the first pay period following final approval by HRM. Receipt of a QSI does not affect the timing of an employee's next regular within-grade increase, unless the increase is to step 4 or to step 7. In these cases the waiting period increases from 1 to 2, and 2 to 3 years, respectively.

135 INITIAL PROBATIONARY PERIOD. Performance strengths and weaknesses noted through the performance appraisal process are used in deciding to retain or terminate an employee during the initial probationary period.

136 TRAINING AND DEVELOPMENT.

A. Training to Improve Performance. At any time that an employee's performance falls below the Fully Successful level, training should be considered as a method of improving performance. The type and length of the training must be tailored to the needs of the individual employee on a case-by-case basis as funds permit.

B. Selection for Training Opportunities. Performance appraisals may be used, in part, for identifying and selecting employees for training opportunities. Performance appraisals are a valuable tool for assessing and planning for developmental needs and should be considered along with other relevant factors.

140 APPRAISAL RECORDS

Employee performance records are filed in the Employee Performance Files (EPF's) maintained in the Division of Human Resource Management (HRM). EPF's are kept separately from Official Personnel Folders (OPF's). The determination as to what is to be filed in the EPF is made by HRM. The following records directly related to performance are maintained in the EPF:

A. NSF Form 1155 or other document which describes the critical elements, non-critical elements and performance standards of the employee's position and records the rating of record.

B. Any form or document submitted by supervisors in support of a recommendation for personnel action based on performance.

C. Employee performance records are retained as follows:

1. NSF Form 1155 or other document which records a

rating of record is retained for three years, except as noted in 2., below.

2. Appraisals of unacceptable performance, where a notice of proposed removal or reduction in grade is issued but not effected, are destroyed along with the notice and all related documents after the employee completes one year of acceptable performance from the date of the notice.

3. When an employee transfers out of the Foundation, all performance records three years old or less in the employee's EPF are transferred to the gaining agency along with the OPF. All performance ratings and performance plans more than three years old, and other performance-related records, are purged from the EPF before transfer.

4. When any performance document is required in connection with an ongoing administrative, quasi judicial, or judicial proceeding, it is retained as long as necessary beyond the stated retention schedules.

D. Rating officials may retain copies of performance appraisal forms, unofficial copies of performance documents, and other documents used to support the appraisal but which are not forwarded to HRM with the appraisal.

E. HRM and rating officials may provide access to these performance records only to the subject employee, the employee's designated representative, or an official of the Foundation having a need to review the documents.

150 SYSTEM TRAINING

General Workforce employees and their supervisors will receive training on the performance management system on an as needed basis.

160 PROGRAM EVALUATION

Statistical charts and/or other data concerning ratings will be developed and issued to organizations and the union annually by HRM.

This data will be used to evaluate the impact and effectiveness of the various programs developed by the pools.

APPENDIX A

POSSIBLE COMBINATIONS OF RATING LEVELS

Possible number of
Summary Rating Levels

Summary Rating Levels

| | level 1 Unacceptable | level 2 Minimally Successful | level 3 Fully Successful | level 4 Very Good | level 5 Outstanding |
|--------|-------------------------|------------------------------------|--------------------------------|-------------------------|------------------------|
| Two: | X | | X | | |
| | | | | | |
| Three: | X | | X | | X |
| | | | | | |
| Five: | X | X | X | X | X |

APPENDIX B**NSF PERFORMANCE APPRAISAL PROGRAM**

If a pool chooses not to customize their performance appraisal program, the program outlined below will be followed:

- Planning Procedures:
 - Employees should participate in plan development.
 - Plans and standards must be communicated to the employee within 30 days of the beginning of the appraisal cycle or, for new employees, within 30 days of entrance on duty.
 - Performance plans should have no more than 5 critical elements.
 - Performance plans should have no more than 3 non-critical elements.
 - At least 1 critical element will specify objectives for individual performance.
- Monitoring Procedures:
 - Provide at least one progress review within the appraisal cycle.
- Rating Procedures
 - Critical elements and non-critical elements will be rated Outstanding, Very Good, Fully Successful, Minimally Successful or Unacceptable.
 - Non-Critical elements cannot bring the summary rating level below the Fully Successful level if all of the critical elements are rated at Fully Successful or above.
 - Possible summary performance ratings are Outstanding, Very Good, Fully Successful, Minimally Successful and Unacceptable.
 - Summary ratings will be derived as follows:
 - If any of the critical elements are rated Minimally Successful the summary performance rating must be Minimally Successful.
 - If any of the critical elements are rated Unacceptable the summary performance rating must be unacceptable.
 - If 50% or more critical elements are rated Outstanding, with no critical elements rated below Very Good, the summary performance rating will be Outstanding.
 - If 50% or more critical elements are rated Very Good, with no critical elements rated below Fully Successful, the summary performance rating will be Very Good.
 - If there are an even number of critical elements, and there is a question of which direction the rating should go, the non-critical elements will be used to determine the summary rating level.
 - If circumstances warrant, and the rating official chooses to give a lower rating than required by the summary rating criteria, a justification must be provided.
 - Any ratings issued within the last 90 days of the appraisal cycle will be considered the rating of record for that period.
 - If an employee has not received a rating within 90 days of the end of the cycle and/or has not served 90 days under a performance plan, the appraisal period will be extended to meet the 90 day minimum period.
 - A rating of record will be prepared within 30 days of the end of the extension.
 - All performance appraisal ratings will be recommended by the rater, approved, disapproved or changed by the reviewer and approved by the pool manager.
 - Pool managers may indicate approval of ratings by signing a master list for their pools.
 - Office Directors, Division Directors or an HRM official may initial the actual appraisals to indicate approval of the pool manager.

CHAPTER IV—EMPLOYEE PERFORMANCE AND UTILIZATION

SUBCHAPTER 300 PERFORMANCE MANAGEMENT SYSTEM FOR EMPLOYEES IN THE SENIOR EXECUTIVE SERVICE

SUBCHAPTER SUMMARY

This Subchapter describes the policy and procedures for the performance management system for SES employees.

HRM CONTACT

Executive and Visiting Personnel Branch
Division of Human Resource Management (HRM)
703-292-8180

310 INTRODUCTION

311 General The performance management system for the Senior Executive Service (SES) is established in accordance with 5 U.S.C. 4311-4315 and 5 CFR 430.301 through 310. Performance management is the systematic process used by an agency to integrate performance, pay, and awards with its basic management functions to improve individual and organizational effectiveness. The provisions of this Subchapter establish policies and procedures for administering the National Science Foundation (NSF) Performance Management System for Senior Executive Service (SES) employees.

312 Coverage This subchapter applies to all SES members except for the provisions relating to bonuses, which apply to career SES members only.

The Office of Inspector General (OIG) and the National Science Board (NSB) Office each have their own budget and strategic plan objectives that serve as the basis for SES Performance Plans for senior executives in those organizations.

313 Purpose The Foundation's SES Performance Management System seeks to hold senior executives accountable for their individual and organizational performance in order to improve overall effectiveness in the accomplishment of the agency's mission and goals by:

- Expecting excellence in senior executive performance;
- Linking performance measures with the results-oriented goals of the agency Strategic Plan, and other Federal and Administration initiatives.
- Setting and communicating individual and organizational goals and expectations;

- Systematically appraising senior executive performance using measures that balance organizational results with customer, employee and other perspectives;
- Maintaining NSF's high standards as an agency that supports scientific, engineering, and science and engineering education results;
- Achieving results that meet the Administration's priorities; and
- Using performance results as a basis for recognizing the quality performance of executives, and for pay, awards, development, retention, reassignment, removal and other human capital decisions.

320 DEFINITIONS

Annual Summary Rating means the overall rating approved by the NSF Director or NSB Chair at the end of the appraisal period. This is the permanent and official rating that becomes part of the executive's record for a period of 5 years.

Appointing Authority is the individual responsible for making the final decision on all SES performance ratings. With the exception of the Office of the Inspector General and the National Science Board Office, this individual is the Director. For the OIG and NSB Office, this individual is the NSB Chair.

Appraisal Period is the period of time covered by a performance plan for use in evaluating an executive's performance. The period is normally one year from September 1 to August 31. The minimum period for which a senior executive may have his or her performance appraised and rated is 90 days.

Appraisal System means a performance management system established by an agency under subchapter II of chapter 43 of title 5 U.S.C. and 5 CFR 430 subpart C. The appraisal system provides for the identification of critical elements, establishment of performance standards, collaboration of elements and standards with the senior executives, establishment of methods and procedures to appraise performance against established standards, and appropriate use of appraisal information in making personnel decisions.

Appraisal is the act or process of reviewing, evaluating and communicating the performance of executives in relation to described performance objectives and standards.

Balanced Measures are an approach to performance measurement that balances organizational results with the perspectives of distinct groups including customers, partners, stakeholders and employees.

Bonus is a performance award paid to a career senior executive via lump sum payment, with no increase in base pay. A bonus recognizes and rewards excellence over a one-year performance appraisal cycle.

Critical Element is a key component of an executive's work consisting of one or more duties and responsibilities that contributes toward accomplishing organizational goals and objectives and which is of such importance that unsatisfactory

performance on the element would result in unsatisfactory performance in the position. Critical elements for NSF executives are aligned with their respective Strategic Plan, Administration initiatives and the annual budget and performance plans.

Critical Element Rating is the written record of the appraisal of each element in the executive's performance plan, and the assignment of one of five element rating levels to each element appraised for that period.

Employee Performance File (EPF) is the official file containing performance appraisals and other performance-related information on each executive. The Division of Human Resources Management (HRM) maintains the EPF separate from the executive's Official Personnel Folder (OPF). Appraisal information on executives is retained in the EPF for at least five years and then destroyed, or transferred with executives in conjunction with their moves to other Federal agencies.

Executive Resources Board (ERB) provides executive level leadership in the form of policy decisions and oversight in the development and administration of a systematic program for managing the Foundation's executive resources. (See Section 350)

Pay Adjustment is a change from one salary rate to another salary rate while employed in the SES. Pay may be adjusted once in any 12-month period unless the Deputy Director, NSF makes an exception.

Performance is the executive's accomplishment of assigned work as specified in the critical elements and performance objectives of the executive's position.

Performance Appraisal is the act or process of reviewing, evaluating and communicating the performance of executives in relation to described performance objectives and standards.

Performance Expectations means the critical elements and performance requirements that constitute the senior executive's performance plan established for communicating what he/she is expected to do and the manner in which he/she is expected to do it.

Performance Objectives are specific statements of the executive's key responsibilities and the results that the executive can reasonably be expected to accomplish during the rating period. Individual performance objectives must be tied to their respective Strategic Plan, the Administration initiatives and/or the agency budget and performance plan and written in a manner where the results may be measured.

Performance Plan is the document that specifies the critical elements, performance objectives, and performance standards for an executive for a specified appraisal period.

Performance Requirement is a statement of performance expected to meet the "Meets Expectations" level for a critical element.

Performance Review Board is a board that makes recommendations to the appointing authority on SES performance ratings and recognition. (See Section 340).

Priorities and Metrics are statements of measurable, quantifiable, demonstrable or observable expectations or requirements established by management for a particular performance objective at a particular rating level. A performance standard may include, but is not limited to, factors such as quality, quantity, cost-effectiveness, timeliness, and manner of performance. The generic performance standards are developed for all executives and forwarded for use with NSF Form 1088, "Senior Executive Service Performance Appraisal Form." Specific individual performance standards for each executive must be tied to their respective Strategic Plan goals and objectives. Additional standards may be developed for particular objectives if desired. Additional standards need only be developed at the "Meets Expectations" level.

Progress Review is a review, generally by the Supervising Executive, of the executive's progress toward achieving the performance standards in his/her performance plan. A progress review is not in itself a rating.

Ratings:

- **Rating of Record** is the final performance rating for a specific appraisal period assigned by the Appointing Authority or his/her designee, after considering recommendations of the Performance Review Board.
- **Summary Rating** is the written rating given at the end of the appraisal period to an executive's overall performance based on the appraisal of performance on each critical element of the executive's position. NSF has five summary ratings: Superior, Exceptional, Meets Expectations, Less Than Satisfactory, and Unsatisfactory. (See Section 363)
- **Initial Rating** is the summary rating made by the executive's supervising executive, discussed with the executive, concurred on by the appropriate Assistant Director, Office Director, the NSF Deputy Director (for Staff Offices), or the designated NSB member, and provided to the Performance Review Board.
- **Interim Rating** is a rating to appraise a senior executive's performance during details, or temporary assignments of 120 days or longer.

Relative Performance is the performance of a senior executive in comparison to the performance of other senior executives, including their contribution to agency performance, where appropriate, as determined by the application of a certified appraisal system.

Senior Executive means a member of the Senior Executive Service (SES) paid under 5 U.S.C. 5383.

Supervising Executive (Rating Official) is the person, usually the executive's immediate supervisor, who conducts the executive's performance appraisal and assigns the initial rating.

330 OBJECTIVES OF SYSTEM

331 General. Pay and other performance recognition determinations for individual senior executives will be based upon the executive's contribution to the Foundation's success in meeting its organizational goals. Organizational performance will be assessed by established customer based assessment and input to the Appointing Authority or his/her designee. The NSF Director and the NSB Chair will utilize this information to determine executive and organizational performance based on meeting the established strategic goals, including compliance with Administration initiatives and other appropriate measures.

In general, individual employee ratings will be based on and aligned with the performance of the organization for which the executive is responsible. Individual appraisal results and the extent of the executive's contributions to meeting or failing to meet organizational goals constitute the primary factors considered when making pay, recognition and other personnel decisions. Performance expectations are written to reflect organizational and individual results and are observable, measurable, and/or demonstrable. The highest performing executives will receive the highest performance ratings, pay increases and recognition. Performance information will also be a factor in assessing an executive's continuing development needs.

332 Senior Executive Performance Management System Principles. Title 5 CFR Part 430.404 outlines the nine criteria that constitute broad principles for the design and operation of a senior executive appraisal system to support the development of a strong performance culture and the attainment of the agency's mission, goals, and objectives. These regulatory criteria are described below with references to the section of this subchapter where they are incorporated as shown in parentheses.

- **Alignment**--Performance expectations are linked to or derived from the organization's mission, strategic goals, program/policy objectives, and/or annual performance plan and budgetary priorities; and/or the President's Management Agenda or other Administration initiatives. (Section 333)
- **Consultation**--Performance expectations are based on senior employee involvement and input that are communicated at the beginning of the appraisal period and appropriate times thereafter, consistent with 5 CFR part 430, subparts B and C. (Sections 361, 362)
- **Results**--Performance expectations for individual executives are consistent with their respective areas of responsibility. They reflect expected agency and/or organizational outcomes and outputs, performance targets or metrics, policy/program objectives, and/or milestones. They identify specific programmatic crosscutting, external, and partnership-oriented

goals or objectives, as applicable, and are stated in terms of observable, measurable, and/or demonstrable performance. (Sections 333, 360)

- **Balance**--Performance expectations for senior employees include appropriate measures or indicators of results and customer/stakeholder/employee feedback on issues of quality, quantity, timeliness, and cost effectiveness, as applicable. (Sections 333, 362, 363)
- **Assessments and guidelines**--The Appointing Authority, or his/her designee, ensures that overall assessments of performance of the agency, as well as each of its major program and functional areas, are made on a regular and continuing basis. Committees of Visitors are actively involved in evaluation of the specific mission related activities of agency components on a three-year rotational basis. These customer driven evaluations are invaluable measures of organizational practices and success.

Annual and recurring reports are readily available for use in determining organization performance measures. Through these measures, the Foundation is provided with a steady flow of valuable performance information that is incorporated in setting and appraising organizational and personal performances, as appropriate. (Sections 340, 363). Such reports include:

- Government Performance and Results Act (GPRA)
 - National Science Foundation Performance and Accountability Report
 - Strategic plan
 - Budget plan
 - Program Assessment Rating Tool (PART)
 - Committee of Visitors evaluations, and
 - Numerous other program performance measures and indicators.
- **Oversight**--Rigorous oversight of the appraisal process is provided by the Appointing Authority or designee (usually the Deputy Director in his/her role as Chair of the NSF Performance Review Board), who certifies that:
 - The senior employee appraisal process makes meaningful distinctions based on relative performance; and
 - The results of that process take into account, as appropriate, the agency's assessment of its performance against program performance measures, and
 - Recommendations to the Appointing Authority concerning pay adjustments, and levels of pay accurately reflect and recognize both individual and organizational performance. (Sections 331, 333, 340)
 - **Accountability**—Final Appointing Authority decisions and any PRB recommendations regarding senior executive ratings, individually and overall must:

- Be consistent with applicable regulations and agency policy, and
- Appropriately reflect the executive's performance measures, the executive's performance expectations, and such other relevant factors as the PRB may find appropriate.

In the case of supervisory executives, ratings must reflect the degree to which performance standards, requirements, or expectations for their individual subordinate employees clearly link to organizational mission, strategic goals, or other program or policy objectives and take into account the degree of rigor in the appraisal of their subordinate employees. (Section 333)

- **Performance Differentiation**—The agency appraisal system has five summary levels of performance. Annual administration of the system must result in meaningful distinctions based on relative performance that take into account the assessment of the agency's performance against relevant program performance measures, employee performance expectations, and such other relevant factors as may be appropriate. (Section 363)
- **Pay Differentiation**--Individual pay rates and pay adjustments, as well as their overall distribution, reflect meaningful distinctions among executives based on their relative contribution to agency performance. An agency's highest performing senior employees should receive the largest pay adjustments and/or highest pay levels (including both basic pay and performance awards), particularly above the rate for level III of the Executive Schedule. (Section 360)

333 Critical Elements Aligned with Strategic Plan Objectives. The NSF Director's expectations for SES members are summarized in four agency established critical elements, and are predicated on the development of a performance plan for each executive that aligns with the NSF Strategic Plan, the Presidents Management Agenda, annual NSF budget and performance plan and/or other Administration initiatives and priorities. The critical elements are applicable to all NSF executives and achievements under each element relate to the individual's projected performance plan for the ensuing year.

By their nature, critical elements are so important that unsatisfactory performance of any one of the elements would make the executive's overall job performance unsatisfactory. These critical elements become the foundation for alignment of performance expectations for employees under the executive's supervision. Additional organizational goals and objectives may be included in SES performance plans.

SES performance plans must reflect measurable outcomes for each area of the executive's responsibilities related to the following critical elements:

- **People** – Innovative, effective leadership of human resources, including a proactive commitment to leveraging diversity;

- **Ideas** – Innovative, effective leadership of strategic planning initiatives;
- **Tools** – Innovative, effective leadership of organizational initiatives and activities including financial, technological and logistical resources; and
- **Organizational Excellence** – An agile innovative organization that fulfills its mission through leadership in state-of-the-art business practices.

Critical Elements for Senior Executives in the OIG and NSB Office are aligned with appropriate strategic and budget initiatives and Administration initiatives and priorities for those offices.

334. Subordinate Performance Plans. Supervisory executives must ensure that performance standards, requirements, or expectations for their individual subordinate employees clearly link to organizational mission, GPRA strategic goals, or other program or policy objectives. In this manner, employees' performance plans will reflect the priorities of the executive and can be held accountable for their contribution, as appropriate, in achieving the goals and priorities of the organization as assignments are tiered down through the organization.

340 PERFORMANCE REVIEW BOARDS (PRBs)

341. Purpose. The Performance Review Board is an agency board that makes recommendations to the appointing authority on SES performance ratings and recognition.

342. Composition. The NSF PRB is chaired by the NSF Deputy Director and consists of three or more executives appointed by the Director or his/her designee. The majority of the PRB must be career executives. Individual PRB members may not participate in review or discussions concerning their own appraisals and ratings. The CHCO is a permanent member of the NSF PRB. The PRB for the OIG and NSB Office is chaired by the Chair, Audit and Oversight Committee, National Science Board, and consists of two or more career executives. All PRB appointments are published in the Federal Register.

343. Responsibilities. The PRB is responsible for:

- Reviewing and approving any generic standards developed for the SES, as well as any individual standards that differ substantially from the generic standards, to ensure they fully support their respective Strategic Plan objectives.
- Reviewing SES performance appraisals and ratings and making recommendations to the Appointing Authority concerning these ratings;
- Reviewing documentation including any written response by the executive being rated and any comments provided by a higher-level reviewer;
- Conducting whatever additional review it deems necessary;

- Ensuring that no distribution of ratings is prescribed and that only those executives whose performance exceeds normal expectations are rated at levels above “Meets Expectations”;
- Providing the Appointing Authority with recommended pay adjustments for SES members based on SES performance ratings for the appraisal period; and
- Providing oversight for the agency SES Performance Management System.

350 EXECUTIVE RESOURCES BOARD (ERB)

351 Purpose. The NSF Executive Resources Board is a representative group of senior executives established by the Director for the development and administration of a systematic program for managing the Foundation’s executive resources.

352 Responsibilities. The Performance Management System responsibilities for which the ERB is responsible include developing and recommending policy and formulas regarding SES performance management, pay, bonuses and awards for NSF executives.

360 APPRAISAL PROCESS

361 Performance Planning. Performance plans for each executive are normally established within 30 days of the beginning of the appraisal period. New SES members should have a plan within 30 days after appointment. Plans should also be established for assignments to special projects, details to another position, or placement in a training program, when the assignment is expected to last 120 days or more.

In consultation with the executive, the supervising executive establishes critical elements, performance objectives, and performance standards based on the requirements of the executive’s position. These objectives must be observable, measurable, and/or demonstrable in order to ascertain the degree that they are accomplished during and upon completion of the rating period. Performance elements in the plan are written with active consideration of organizational goals and objectives in the agency Strategic Plan, and Administration initiatives such as the President’s Management Agenda, and/or the annual NSF budget and performance plan.

During performance planning, the supervising executive and the executive consider the executive’s Individual Development Plan for the appraisal cycle. Areas for development and methods for addressing them should be identified. There is a component of the performance appraisal form for documenting these concerns.

Once they have mutually agreed upon the plan contents, the results of this discussion are documented on NSF Form I088, “Senior Executive Service Per-

formance Appraisal Form.” Detailed instructions for preparation of performance plans are contained on the form. Each person signs and dates the plan after concurrence by the Assistant Director, Office Director, NSF Deputy Director, or NSB Chair, as appropriate. The supervising executive retains the original and copies are provided to HRM and to the executive.

If there are disagreements between the supervising executive and the executive on any part of the performance plan, the supervising executive’s supervisor makes the final decision.

362 PROGRESS REVIEWS

General Policy. Ideally, communication and feedback on performance should take place on a continual basis. A formal progress review shall be held for each executive at least once during the appraisal period, normally between December and March. Either the executive or his/her supervising executive may initiate progress reviews. Executives should have had a valid performance plan in effect for at least 90 days for a formal progress review. The timing of the formal progress review should be adjusted when an executive has not served in a position for at least 90 days during the appraisal cycle.

Progress reviews are opportunities to discuss progress toward objectives and to modify objectives or standards in the performance plans to reflect any changes in requirements or priorities. An executive whose work changes because of being placed in a new position should be given a new or revised performance plan. Progress reviews include consideration of information from partnership groups and other organizations the executive interacts with during the course of his/her regular duties. Any problem, experienced or anticipated, should be discussed. Progress reviews are documented on NSF Form 1088, “Senior Executive Service Performance Appraisal Form.”

A supervising executive of an executive whose performance during the period has been “Minimally Satisfactory” or “Unsatisfactory” must assist the executive in improving his/her performance. Such assistance may include but is not limited to formal training, on-the-job training, counseling, and/or closer supervision.

Review of Performance Plans. In addition to the progress reviews described above, reviews of performance plans by executives and supervising executives should also be performed under the following special conditions:

- Within 30 days after the effective date of a reorganization or any other significant change in the mission, structure, or resources of the executive’s organization;
- Within 30 days after the appointment or assignment of a new supervising executive for an executive; or
- Within 30 days after the beginning of an assignment to a special project, detail to another position, or placement in a training program, when the assignment is for 120 days or more, if the assignment was not reflected in the original performance plan.

Any changes made to performance plans as a result of these reviews are documented on NSF Form I088 and reviewed by appropriate officials; copies of the revised plan are provided to the executive and HRM.

363 Performance Appraisals And Rating.

General. The annual performance appraisal is normally conducted during September for each executive. The Foundation must ensure that all executives receive an annual performance rating. Executives who are unable to obtain an initial rating from their supervising executives may request that their supervising executive's supervisor complete the rating. Any other ratings assigned to the executive by other supervisors during the period (such as ratings on details or prior SES positions) should be considered when establishing ratings of record. Information gained on the executive's performance with outside advisory, customer and/or focus groups is to be included in the performance appraisal, as appropriate. Supervising executives must discuss proposed ratings of subordinate executives with their supervisors before informing executives of their initial ratings.

Initial Rating. The supervising executive documents actual achievements on NSF Form I088, "Senior Executive Service Performance Appraisal Form," compares actual performance against the standards and assigns one of five ratings ("Exceptional," "Superior," "Meets Expectations," "Minimally Satisfactory," or "Unsatisfactory") to each critical element.

Summary Rating. In view of the initial ratings assigned to each element in the performance plan, the supervisory executive assigns one of the five summary ratings defined below to overall performance and provides a written General Narrative Summary addressing the criteria shown for each rating:

- **Exceptional:** This level exemplifies rare, high performance in fostering an organizational climate that sustains excellence and results. It should be thought of as the "exception." The Senior Executive's performance has made a positive and significant impact on organizational results in alignment with the mission of NSF. All critical element activities are not only achieved, but also completed in an exemplary manner. The Senior Executive has exerted a major, and clearly recognizable, positive influence on the organization through innovative and effective management practices, procedures and program implementation, building partnerships and coalitions, being responsive to internal and external customers, and leveraging scarce resources, all of which have contributed substantially to mission accomplishment.
 - **Criteria:** At least three of four critical elements (or at least two if there are only three critical elements, as may be the case with OIG plans) must be rated exceptional, and no critical element may be rated below Superior.
- **Superior:** The Senior Executive demonstrates consistently high performance. Performance has exceeded expectations at the "Meets Expectations" level in accomplishing critical element activities and sustained results that support the mission.

- **Criteria:** Three or more of the four critical elements (or two or more if there are only three critical elements) must be rated Superior or Exceptional, no critical element may be rated below Meets Expectations.
- **Meets Expectations:** The Senior Executive's performance meets expectations. The Senior Executive demonstrates sound performance. All critical element activities have at least been satisfactorily completed. The Senior Executive has contributed positively to organizational goals and achieved meaningful results.
 - **Criteria:** Does not meet either of the above two definitions, yet all critical elements are at least rated Meets Expectations.
- **Minimally Satisfactory:** The Senior Executive does not consistently meet performance expectations. This level of performance, while demonstrating some positive contributions to the organization, shows notable deficiencies. It is below the level expected for the position and requires corrective action. The quality, quantity, or timeliness of the Senior Executive's work is less than the expectations typical of the next highest level, thus jeopardizing attainment of the element's objective.
 - **Criteria:** One or more critical elements are rated Minimally Satisfactory. Any combination with at least one critical element rated Minimally Satisfactory and none rated lower.
- **Unsatisfactory:** The Senior Executive does not meet performance expectations on a critical element. Job performance produces unacceptable work products. Minimum requirements of the critical element are not met. Performance deficiencies detract from mission goals and objectives.
 - **Criteria:** One or more critical elements are rated Unsatisfactory.

Organizational Review. The proposed rating must be reviewed and initialed by the Assistant Director, Office Director or the Deputy Director, NSF and provided to HRM for review by the Performance Review Board (PRB). During this review process, the reviewing official can ensure balance in the proposed assignment of summary ratings to executives as well as forestall any array that seems arbitrary or not reflective of individual performances in the organization.

Appraisal Discussion. Following approval of the rating by the rater's supervisors, the rater meets and discusses with the executive his or her past performance on each objective described in the performance plan and the results of any management review. The executive must sign the form to acknowledge receipt of the appraisal, although his/her signature does not necessarily imply concurrence with the rating. The executive may respond in writing to the initial rating, if desired.

Right to Higher-Level Review. An executive who disagrees with an initial rating may request review of the appraisal by an official at a higher level than the supervising executive prior to PRB review. This official will be designated by the PRB Chair and cannot be a member of the same Directorate or Staff Office as the executive requesting review. If an Assistant Director changes any of the rat-

ings, critical element or summary, assigned by the supervising executive, the Assistant Director would then be considered to have assigned the initial rating. The executive would then have the option of requesting that the Deputy Director, NSF conduct the higher-level review.

A request for a higher-level review is initiated by checking the space provided on the performance appraisal form. An executive requesting a review of his/her appraisal by a higher-level official has an opportunity to respond to both the official making the higher-level review and to the PRB. Copies of all documentation pertaining to the higher-level review are provided to the executive, the supervising executive, and the PRB.

PRB Review and Final Rating. Following organizational review and appraisal discussion, the appraisal is forwarded to the PRB, together with all performance-related documentation. The PRB reviews and evaluates the initial rating, the senior executive's written response (if any), and any written comments on the initial rating by a higher-level executive, and may request and obtain any additional relevant information deemed necessary for its review. When the PRB completes its review of all appraisals and ratings, its written recommendations are forwarded to the Appointing Authority.

The Appointing Authority makes the final decisions on all SES performance ratings. Following his/her decisions, all final appraisal documents are sent to HRM. HRM initiates any appropriate personnel action, and files all original appraisal documents in the executive's EPF where they are retained for five years from the date the final rating is issued or transferred with the executive to another Federal agency.

Performance appraisals and ratings themselves are neither grievable nor appealable, formally or informally. If, however, the executive believes the appraisal or rating is the result of a prohibited personnel practice, he/she may file an appeal with the Office of the Special Counsel, Merit Systems Protection Board (MSPB). An executive who believes an appraisal or rating is the result of discrimination on the basis of race, religion, color, national origin, political affiliation, marital status, physical handicap or sex may contact the NSF Office of Equal Opportunity Programs.

364 SPECIAL CONDITIONS FOR APPRAISALS. In addition to the annual appraisal in September of each year, performance appraisals and summary ratings may be provided under the following conditions:

- When an executive is reassigned to another SES position or to a new supervising executive, if the executive has served in the original position, or under the original supervising executive, for at least 90 calendar days;
- When an executive transfers to another agency;
- Following a detail or temporary reassignment of 90 days or more to a position within NSF; or

- Before the beginning of an extended period of absence such as an external detail, special assignment, training, leave, or any other situation not resulting from disciplinary action or as a reflection of unacceptable job performance, when an executive has performed in the SES position for 90 calendar days or more in the rating period.

Career SES members may not receive performance appraisals within 120 calendar days after the beginning of a new Presidential administration. Appraisals due during this 120-day period are deferred until the 120 calendar days have been completed.

A valid performance plan reflecting an executive's current duties and signed by both the executive and the supervising executive must be in effect for 90 calendar days at the time the appraisal is completed. A supervising executive who has supervised an executive for fewer than 90 calendar days may not give an appraisal. If a supervisor will not have supervised an executive for 90 days at the end of the cycle, options for appraising the executive include: (1) the performance appraisal period may be terminated and the close out rating of the previous supervisor may be used as the initial rating; (2) the appraisal period may be extended to cover 90 days, or (3) the next higher level supervisor may provide the appraisal.

Executives who are on detail to organizations outside NSF for 120 calendar days or more should submit appraisal input from the outside organization to their supervising executives at the time SES appraisals are due. The supervising executive in preparing the appraisal will use information obtained from the outside organization. If an executive on detail to an outside organization has not served in his or her NSF position for 90 days during the rating period, the supervising executive must make a reasonable effort to prepare a rating using appraisal information obtained from the outside organization. If no information is received from the outside organization, it is the supervising executive's responsibility to ensure that the executive receives a performance appraisal.

When a rating cannot be prepared for an executive by the deadline set for receipt of appraisals, the rating period will be extended for the amount of time necessary to meet the 90-day minimum appraisal period.

370 PAY AND AWARDS DETERMINATIONS

371 General. The federal SES pay level consists of a pay band with the minimum and maximum rates of basic pay set by law. All pay adjustments are based on individual and organization performance and contribution to the organization's mission and goals. Annual pay adjustments and bonus recommendations are reviewed and recommended by the PRB for final approval by the Appointing Authority or designee.

All career, non-career and limited executives, who have served in the SES for at least 90 calendar days during the appraisal period and whose performance is determined to have a rating of at least "Meets Expectations", are eligible to be

considered for pay adjustments, bonuses (career executives only) and/or incentive awards.

SES bonuses are lump sum payments (in addition to basic pay or incentive awards) of between 5% and 20% of the executive's rate of basic pay (see 5CFR534.405). Except for those executives rated as "Exceptional," the organization has the option, but is not obligated, to increase pay and/or award performance bonuses and other recognition to SES members.

372 Procedures For Pay Adjustments. The PRB will consider pay adjustments and bonuses for those senior executives recommended by their Assistant Directors, Office Directors or the Deputy Director. It reviews all documentation submitted for review and bases its assessment upon the executive's overall contributions to the accomplishment of mission goals and Strategic Plan objectives as reflected in the final summary performance ratings. The PRB will make the final recommendations to the Appointing Authority or designee for all SES pay adjustments and performance recognition.

Senior executives may not receive more than one pay adjustment in any 12-month period, except as noted in 5 CFR 534.404(c). The following actions are considered pay adjustments:

- The setting of an individual's rate of basic pay upon initial appointment or reappointment to the SES; and
- Any pay adjustment (increase or reduction).

In linking the achievement of specific ratings to eligibility for recognition, the organization determines pay increases for SES members using a pay distribution schedule based on the relative summary performance ratings of senior executives. Those with ratings of "Exceptional", "Superior", or "Meets Expectations" will be considered for awards reflective of their overall individual and organizational accomplishments. No pay adjustment will be made for executives receiving a final summary rating of "Minimally Satisfactory" or "Unsatisfactory." Executives rated as "Unsatisfactory" may receive a downward pay rate adjustment of no greater than 10%.

373 Procedures For Performance Awards (Bonuses). The organization will distribute bonuses in accordance with 5 CFR Part 534.405(b). The total amount of bonuses distributed in a given fiscal year may not exceed the greater of:

- 10% of the aggregate payroll for SES career employees as of the end of the previous fiscal year in which the award payments are made, or
- 20% of the average annual rates of basic pay for career SES appointees of the agency as of the end of the fiscal year prior to the fiscal year in which the award payments are made.

Career senior executives rated "Meets Expectations" or above may be considered for appropriate recognition based on their relative contributions to the Foundation's program and mission accomplishment. Individual bonuses range from a minimum of 5% to a maximum of 20% of base pay as of the end of the senior executive's performance appraisal period.

As provided for in 5 CFR part 530, subpart B, bonuses must be paid in a lump sum except in those instances when it is not possible to pay the full amount because of the applicable aggregate limitation on pay during a calendar year. In that case, any amount in excess of the applicable aggregate limitation must be paid the following calendar year. The full performance award, however, is charged against the agency bonus pool for the fiscal year in which the initial payment was made.

380 PERSONNEL ACTIONS BASED ON MINIMALLY SUCCESSFUL AND UNSATISFACTORY PERFORMANCE

381 General. Career SES members who have completed the one-year probationary period or who were not required to serve a probationary period may be subject to pay reduction, reassigned within the SES or removed from the SES for less than "Meets Expectations" ("Minimally Satisfactory" or "Unsatisfactory") performance.

382 Requirements. The following are requirements for reassignment or removal of an SES member based on performance:

- One "Unsatisfactory" performance rating requires pay reduction and/or reassignment or transfer within the SES or removal from the SES.
- Two "Unsatisfactory" performance ratings within five consecutive years or two less than "Meets Expectations" ratings within three consecutive years require removal from the SES.
- Supervising executives must notify executives in writing of their intent to give a less than "Meets Expectations" performance rating at least 30 days in advance of the end of the appraisal period. In these situations, appraisal periods may be extended for not less than 90 days time to allow for further guidance and assistance to foster improvement of performance. All personnel actions involving removal from SES for less than "Meets Expectations" performance must be coordinated with HRM before the executive is notified of the intent to give him/her a less than "Meets Expectations" rating.
- Career SES members may also be removed from the SES during the probationary period for unacceptable performance. For executives who have not completed the probationary period, supervisors must consider well in advance whether to certify satisfactory completion of the probationary period. If satisfactory completion is not certified, the proposed removal action must be considered and approved by the Appointing Authority or designee.

383 Reassignment Within SES. Reassignment actions are neither grievable nor appealable, formally or informally. (For additional information on reassign-

ment and transfer in the SES, see PER II-200, "Employment in the Senior Executive Service.")

384 Removals From SES. A career or probationary executive may not be removed for "Unsatisfactory" or "Minimally satisfactory" performance within a 120 day moratorium after the appointment of a new Appointing Authority or the appointment of the executive's most immediate noncareer supervisor. This restriction would not apply if the career appointee had already received an "Unsatisfactory" performance rating prior to the appointment that initiated the moratorium.

385 Guaranteed Placement.

- **During the Probationary Period.** A career SES member who is removed from the SES for unacceptable performance during the probationary period is entitled to be placed in a GS-I5 or equivalent position with tenure equivalent to the previously held civil service position (career or excepted). This entitlement applies only to an executive who was appointed to the SES from a career, career-conditional, or equivalent tenure (e.g., excepted) position. A career SES member who was appointed to the SES from other than a career, career-conditional, or equivalent tenure position has no guaranteed placement rights during the probationary period.
- **Following the Probationary Period.** An executive who has completed the probationary period and who is removed from the SES for less than "Meets Expectations" performance is entitled to be placed in a GS-I5 or equivalent position. The Appointing Authority or designee in consultation with HRM determines the executive's salary; however, such an action cannot result in a loss of salary to the executive.

386 Appeal. Removal from the SES for "Unsatisfactory" or less than "Meets Expectations" performance is not appealable to the Merit Systems Protection Board (MSPB) unless the executive alleges that a prohibited personnel practice has taken place. However, a career executive who has completed the probationary period and has been notified of a pending removal may request an informal hearing before an official designated by the MSPB. This hearing does not entitle the executive to initiate a formal action with the MSPB, and the removal action is not delayed as a result of the hearing.

387 Discontinued Service Retirement. An executive who is removed from the SES for less than "Meets Expectations" performance rating may apply for discontinued service retirement if his/her Federal service totals at least 25 years (20 years if the executive is at least 50 years of age).

390 TRAINING

Executives and supervising executives will be provided with periodic training and/or information on the SES performance appraisal system. Training may cover all phases of the performance planning and appraisal process as well as use of appraisal as a management tool and in personnel decisions. Training may also cover coaching and counseling and other motivational and communi-

cation skills required for performance appraisal. Refresher training, and training for new SES members, may be provided on an as-needed basis.

Training associated with identified competencies and behaviors necessary for successful accomplishment of tasks on the performance plan will be addressed in an Individual Development Plan that is a component of the performance planning and appraisal system.

CHAPTER IV—EMPLOYEE PERFORMANCE AND UTILIZATION

SUBCHAPTER 400 INCENTIVE AWARDS PROGRAM

SUBCHAPTER SUMMARY

The NSF Incentive Awards Program recognizes unusual actions and endeavors that enhance the Foundation's mission. This Subchapter describes these awards and their requirements.

CONTACT

Employee Relations Branch
Division of Human Resource Management (HRM)
703-306-1191

410 INTRODUCTION

411 AUTHORITY. Chapters 43, 45 and 54 of Title 5, United States Code provide the legal basis for the Federal Incentive Awards Program.

412 POLICY. The National Science Foundation awards program is designed to motivate employees and to increase productivity and creativity through recognition of special acts or services, cost-saving ideas, or suggestions that are substantially above normal job requirements and provide benefit to the Government. Awards will be given without regard to race, national origin, color, age, religion, sex, disability, political affiliation, union membership or other non-merit factors. See [Appendix A](#) for eligibility.

420 RESPONSIBILITIES

All of the officials listed below share responsibility for ensuring the effective use of awards to recognize outstanding activities, programs, services, and products and for ensuring that awards are granted solely on merit. Their distinct responsibilities are described below.

A. Director, NSF provides top management support for the Incentive Awards Program and for making final determinations for NSF Director's awards. The Director also gives final approval for SES incentive awards except for those awards that require approval by the Office of Personnel Management (OPM) and/or the Office of the President.

B. Assistant Directors and Office Directors are responsible for:

1. approving or disapproving nominations for incentive awards when appropriate;

2. making recommendations to the NSF Director regarding External Awards, Distinguished and Meritorious Public Service Awards, and Director's Awards; and

3. formulating directorate or office awards policies. These policies should reflect component goals and objectives.

C. The Director, Office of Information and Resource Management (OIRM), in addition to responsibilities outlined above, is also responsible for providing overall direction for the Incentive Awards Program.

D. Supervisors and Managers are responsible for encouraging employees to improve the productivity and effectiveness of government operations, assisting them in developing their ideas, and promptly recommending employees for recognition when appropriate.

E. The Division of Human Resource Management is responsible for:

1. administering the Incentive Awards Program for NSF as a whole;
2. conducting evaluations of the Program;
3. maintaining appropriate records for the Program; and
4. ensuring that individual incentive awards are appropriately documented in employees Official Personnel Folders.

F. The Chairperson, Performance Review Board is responsible for reviewing all incentive awards for SES

employees to ensure their appropriateness and for making recommendations to the Director on these awards.

G. Pool Managers are responsible for ensuring the availability of funds in incentive award accounts. Pool managers are usually Assistant Directors, Office Directors, the NSF Deputy Director, or their designees.

430 TYPES OF AWARDS AND THEIR NOMINATING PROCEDURES

Incentive awards recognize employees for specific accomplishments that benefit the Government. Incentive awards are most effective in motivating employees when they are given as soon as possible after contributions are made. Most incentive awards do not specify provisions for group awards; however, a supervisor can recognize the contribution of a team by nominating each member for an award.

While incentive awards recognize specific accomplishments, performance awards, which are discussed in other parts of this Manual, recognize employees' performance throughout the year. Performance awards are discussed in [PER IV-100](#) for employees covered by the General Workforce Performance Management System (GWF) and in [PER IV-300](#) for SES employees.

431 QUALITY STEP INCREASES (QSI) recognize outstanding performance by granting faster than normal step increases. A QSI is an increase in an employee's rate of basic pay to the next higher step of the grade of his/her position, and can be given only to employees who receive ratings of record of outstanding. This award may be granted only to permanent GS employees who are at the ninth step or lower in their grades or GM employees below the maximum pay rates for their grades. Receipt of a QSI does not affect the timing of an employee's next regular within-grade increase unless the QSI places the employee in step 4 or step 7. In these cases, waiting periods are extended for one year. Only one QSI may be granted to an employee in any 52-week period.

432 MONETARY AWARDS.

A. Special Act or Service Award may be granted to any NSF employee or group of NSF employees for a non-recurring accomplishment within or outside of official job responsibilities. Award amounts are determined by using the tangible and intangible benefits tables in Appendixes [B](#) and [C](#). Awards should be commensurate with the value of the contribution to the Government.

Generally, the monetary value of a group award should not be larger than the actual value of the contribution for which it is being made. Exceptions must be approved by the Director, HRM. A group award may be presented in equal shares, or in shares proportionate to each employee's contribution.

B. Commendable Service Awards are given for superior work performance on short-term assignments involving more difficult than usual work, tight time frames, or other adverse conditions. The maximum award is \$400.

C. Equal Opportunity Awards.

1. Equal Opportunity Achievement Award recognizes NSF employees who make significant contributions to the equal opportunity or affirmative action goals of the Foundation. These goals include enhancing employment, training, and advancement opportunities within NSF for women, minorities, and persons with disabilities and providing appropriate EEO counseling and/or successfully resolving complaints of discrimination. This award is also appropriate for efforts that increase the proportion of underrepresented groups in scientific and engineering careers, as participants in NSF peer review activities, and as recipients of NSF grants. The maximum award is \$500.

2. Director's Equal Opportunity Achievement Award is an award of up to \$2,500 given for outstanding contributions that are similar to those described above but which have greater scope.

D. Director's Superior Accomplishment Award is NSF's highest monetary award. It recognizes superior accomplishments substantially above expectations that carry with them further expectations of continued performance at the same high level.

This award entails financial recognition in increments of \$1,000 to a maximum of \$5,000 and a certificate signed by the Director. This award is normally not given within six months of a promotion based on an employee's superior job performance. The Director's Superior Accomplishment Award can be given for resolving complex problems, improving management of programs, developing procedures that increase management expectations for programs, and significantly improving the use of resources.

E. The Director's Award of Excellence is an honorary and monetary award of \$1,000 given for demonstrating outstanding accomplishment in one of four areas:

1. Program Management Excellence—Employees who perform program officer or program management work.
2. Support Staff Excellence—Clerical or technical employees.
3. Administrative Excellence—Employees whose work entails applying administrative principles and regulations in such fields as grants and contracts, computer administration, legal affairs, budget and finance, human resources, and compliance.

4. Management Excellence—Individuals who have management or supervisory responsibilities.

F. Director's Award for Collaborative Integration is an honorary and monetary award for \$1,000 and is given to NSF employees for promoting integration across fields of knowledge. The award recognizes an individual or a team for outstanding accomplishments in collaborative efforts that involve more than one discipline or directorate, or for an interagency effort that crosses the spectrum of fundamental science, mathematics and engineering. Nominations for this award should be co-signed by at least two different disciplines in a Directorate or by at least two different Directorates.

G. Director's Esther F. Gist Award recognizes an employee or group of employees for a significant contribution to improved labor-management relations as epitomized by the spirit and dedication of Esther Gist, long-time President of Local 3403, American Federation of Government Employees. The award amount will be commensurate with the contribution, but not less than \$1,000.

433 NON-MONETARY AWARDS.

A. Distinguished Service Award is the Foundation's highest honorary award and recognizes singularly outstanding service. Employees selected for this award receive a gold medal, gold lapel emblem, and a certificate of citation signed by the Director. This award is given for exceptional leadership, program development or improvement, service in the public interest, or similar contributions that substantially benefit science or engineering, science or engineering education, NSF, or the general public.

B. Meritorious Service Award is the second highest honorary award granted to Foundation employees. Employees selected for this award receive a silver medal, a silver lapel emblem, and a certificate of citation signed by the Director. This award is appropriate for contributions that are similar to those receiving the Distinguished Service Award but have smaller scope.

C. Special Recognition Award recognizes special work performance of a short term nature where the contribution is similar to but not as significant as those warranting a Commendable Service Award. The Special Recognition Award is designed to be awarded quickly with minimal administrative processing, and consists of an item of nominal value that can be worn, displayed, or used in the office. Special Recognition Awards are often appropriate when employees promote team work, take initiative in assisting colleagues, meet unusual deadlines, or otherwise contribute to the office productivity.

D. Time-off Incentive Awards are granted, without loss of pay or charge to leave, in recognition of superior accomplishment or other personal effort that improves government operations. A full-time employee may be granted

Time-off Awards of up to 80 hours in any leave year and up to 40 hours for a single contribution. This award can be prorated for part-time employees and employees with unusual tours of duty. A Time-off Award must be used within one year after being granted and its scheduling must be approved by the employee's immediate supervisor. A Time-off Award cannot be converted to cash.

434 NOMINATING PROCEDURES are generally the same for monetary and non-monetary awards. Immediate supervisors nominate employees for incentive awards using NSF Form 910, Incentive Award Nomination and Record. Second-level supervisors review and concur with the nominations. Pool managers or their designees certify that funds are available for cash awards. Nominations for Special Recognition Awards do not require the signatures of nominating or reviewing officials when made by Division Directors or higher.

Written justification, separate from the rating of record, is required for all incentive awards except QSI's.

Nominations for Special Act Awards or Service Awards should include justifications of recommended amounts based on the tangible or intangible benefit tables in Appendix B and C.

Nominations for the Director's Awards are requested, or called for, prior to the Annual Employee Awards Ceremony. Nominations can be made for the Director's Award of Excellence only after requests for nominations have been publicized. At that time Directorates can make one nomination for each category of this award.

All Director's Awards are approved by the NSF Director. After approval, HRM will notify offices to let them know which Director's awards requests are approved and will coordinate the appropriate ceremony.

435 BENEFICIAL SUGGESTION AWARDS are granted for ideas submitted in writing by employees to improve government operations. These awards are given for recommendations and ideas to save money, to give customers better service, or to otherwise improve work processes. A beneficial suggestion must clearly describe a need and specify a plan of action.

A. Submission Procedure. Suggestions are submitted to HRM on NSF Form 759, "Employee Suggestion Form" Suggestions should include an estimate of first-year cost savings. When two or more suggestions are made for the same improvement, management will consider the first one submitted and review others only if they contain substantive differences. Similarly, an idea will not be reviewed as an employee suggestion if it was already under consideration by management. The decision to adopt a suggestion and to grant an award is a management prerogative.

B. Ineligible Suggestions. Ideas that employees can initiate themselves or relate to official duties are not eligible for suggestion awards. Suggestion awards are not given for ideas and recommendations dealing with employee services, benefits, working conditions, housekeeping, routine safety practices, or maintenance of buildings and grounds.

C. Evaluation of Suggestions. HRM determines if suggestions meet prescribed criteria and are cost effective. When appropriate, subject matter experts in NSF and other organizations will be asked to evaluate suggestions.

1. **Suggestion Adopted.** When beneficial suggestions are adopted, employees who made them will receive cash awards and certificates of citation. The cash awards are based on the estimated savings to the Federal government during the first year after their implementation. The tangible and intangible benefits tables in Appendixes B and C should be used to determine such awards. Acceptance of a monetary award for a beneficial suggestion constitutes an agreement that the employee has no further claim against the Government.

2. **Suggestions Not Adopted.** When suggestions are not adopted, HRM informs the employees who made them. An originator retains the right to be considered for an award if the suggestion is adopted within two years after the date of the written notification of the decision not to adopt it.

3. **Reconsideration.** An employee may resubmit a suggestion that has been turned down and provide new information to support its benefits. If the resubmitted suggestion is not reevaluated, the employee must be advised of the reasons.

436 INVENTION AWARDS recognize employees for development of inventions that benefit the public. The initial award after favorable evaluation is \$100. An additional award of up to \$35,000, based on an estimate of its benefits to the Federal government, may be provided after a patent has been issued. Employees should submit a memorandum to HRM describing the invention, how and when it was developed, and how it will benefit government operations or the public interest. HRM arranges for evaluation of the invention by experts in the field to which it applies.

437 AWARDS TO PERSONS OTHER THAN NSF EMPLOYEES.

A. Distinguished and Meritorious Public Service Awards are non-cash awards that recognize exceptional service or contributions made by private citizens or organizations to Federal activities. Types of activities for which these awards are appropriate include exemplary service while in an advisory capacity; actions or ideas that enhanced Federal programs; initiatives in the collaborative use of facilities, equipment, or human resources; or contributions as a volunteer or consultant.

When a nominee for a Public Service award has a commercial or other financial relationship with NSF, the contribution must be substantially beyond what is specified in any contract or agreement and must be clearly in the public interest. Individuals or organizations selected for these awards receive citations signed by the Director and gold (for Distinguished service) or silver (for Meritorious service) medals and lapel emblems. Nominations are submitted through an Assistant Director or Office Director and HRM to the Director for approval. Nominations for these awards should be made by memoranda describing the contributions and specifying any commercial or other financial relationships with NSF.

B. Recognition Awards are non-cash awards such as certificates, plaques, or mementos that recognize special achievements or contributions to the NSF mission. These awards are usually given to advisory committee members, panel members, contractors, or official guests. The value of a recognition award should be kept at the nominal level (\$100 or less per award).

APPENDIX A

ELIGIBILITY FOR INCENTIVE AWARDS

| TYPE OF APPOINTMENT | | | | | | | | | | |
|---|------------|------------------------------------|-------------------------------------|--------------------|--------------------|--------------------|------------------|---------------------------------|-----------------------|-----------------------------------|
| Award | SES Career | SES Limited Term or SES Non-Career | Perm (GS/GM Pay Plans) ¹ | Temp (GS Pay Plan) | Perm (AD Pay Plan) | Temp (AD Pay Plan) | IPA ² | Appointed Consultants & Experts | Reemployed Annuitants | Stay-in School & Summer Employees |
| Quality Step Increases | No | No | Yes | No | No | No | No | No | No | No |
| Special Act or Service or Invention (cash) | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes |
| Commendable Service (cash) | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes |
| Beneficial Suggestion (cash) | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes |
| Equal Opportunity Achievement Award (cash) | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes |
| Director's Award of Excellence (cash) | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Director's Equal Opportunity Achievement Award (cash) | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes |
| Director's Superior Accomplishment Award (cash) | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes |
| Director's Distinguished Service Award | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Director's Meritorious Service Award | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Career Service Award | Yes | No | Yes | Yes | Yes | No | No | No | No | No |
| Time-off Award | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes |
| Special Recognition Award | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |

¹Includes Presidential Management Interns and employees with appointments under the Veterans Readjustment Act and the Selective Placement programs.

²IPA's are limited to honorary awards.

APPENDIX B
SUGGESTED AWARD AMOUNTS FOR TANGIBLE BENEFITS

| ESTIMATED BENEFITS TO THE GOVERNMENT (for the first year) | AWARD AMOUNT |
|---|--|
| Up to \$10,000 | 10% of benefit |
| \$10,000 to \$100,000 | \$1,000 plus 3% to 10% of benefits |
| Over \$100,000 | \$3,700 to \$10,000 for the first \$100,000 in benefits, plus 0.5% to 1.0% of benefits above \$100,000, up to \$25,000. ¹ |

¹An award of over \$10,000 may be granted with the approval of OPM. Awards above \$25,000 require the approval of the President. Such awards should not normally exceed \$50,000.

APPENDIX C

SUGGESTED AWARD AMOUNTS FOR INTANGIBLE BENEFITS

| VALUE OF BENEFIT | EXTENT OF APPLICATION | | | |
|---|--|---|---|--|
| | LIMITED | EXTENDED | BROAD | GENERAL |
| | Affects the function or mission of a program; impacts a small area of science or technology. | Affects the function or mission of a directorate; impacts an important area of science or technology. | Affects the function or mission of NSF in its entirety; impacts an extensive area of science or technology. | Affects several government or private organizations; impacts science or technology on a national or international scope. |
| MODERATE VALUE Improvement of an operating principle or procedure with limited impact or use. | \$25 - \$125 | \$125 - \$325 | \$325 - \$650 | \$650 - \$1,300 |
| SUBSTANTIAL VALUE Substantial improvement of an operating principle or procedure or an important improvement in a product, program, or service to the public. | \$125 - \$325 | \$325 - \$650 | \$650 - \$1,300 | \$1,300 - \$3,150 |
| HIGH VALUE Complete revision of a basic principle or procedure or a highly significant improvement in the value of a product, program, or service. | \$325 - \$650 | \$650 - \$1,300 | \$1,300 - \$3,150 | \$3,150 - \$6,300 |
| EXCEPTIONAL VALUE Initiation of a new principle or major procedure or a superior improvement to a critical product, program, or service. | \$650 - \$1,300 | \$1,300 - \$3,150 | \$3,150 - \$6,300 | \$6,300 - \$10,000 |



PER

PERSONNEL MANUAL



CHAPTER V EMPLOYEE MANAGEMENT RELATIONS

CHAPTER V—EMPLOYEE MANAGEMENT RELATIONS

SUBCHAPTER 100 PROBATIONARY PERIOD FOR NEWLY APPOINTED MANAGERS AND SUPERVISORS

SUBCHAPTER SUMMARY

This Subchapter describes the policy and procedures governing the probationary period required before an employee can become a supervisor or manager.

HRM CONTACT

Employee Relations Branch
Division of Human Resource Management (HRM)
703-306-1191

110 INTRODUCTION

The success or failure of NSF programs can depend to a large extent on the caliber of NSF's supervisors and managers. This Subchapter establishes policy and procedures governing the probationary period required before an employee's initial assignment to a supervisory or managerial position becomes final. These policies and procedures are established under the provisions of Title 5, U.S. Code 3321 effective August 11, 1979. The purpose of the probationary period is to provide management with an opportunity to assess a new appointee's supervisory and/or managerial performance and development on the job. The probationary period also gives new supervisors and managers a chance to develop the unique skills and abilities which cannot readily be taught or developed in other kinds of positions. Should circumstances warrant, an employee may be returned to a non-supervisory or non-managerial position without undue formality.

111 COVERAGE.

- a. The provisions of this Subchapter apply to all permanent employees in the competitive and excepted service who are assigned to a supervisory or managerial position and have not previously successfully completed the required probationary period.
- b. The provisions of this Subchapter do not apply to positions in the Senior Executive Service or to individuals who:
 - are serving on temporary supervisory or managerial assignments of less than 120 days; or
 - as of August 11, 1979, were serving or had already served in supervisory or managerial positions. For purposes of this paragraph, temporary service as a su-

pervisor or manager prior to August 11, 1979, counts in the same way as service under a permanent appointment provided the individual was officially assigned to the position (e.g., a temporary appointment, reassignment or promotion) for a period in excess of 120 days.

112 DEFINITIONS.

- **Managerial positions** means those positions in which the employee directs the work of an organization, is held accountable for the success of specific line or staff programs, monitors the progress of the organization toward goals, and typically performs the full range of management responsibilities including determining program goals and plans for the organization, determining resource needs, allocating resources, determining organizational changes, setting policy, dealing with personnel management policy affecting the organization and delegating authority to subordinate supervisors.
- **Supervisory positions** means those positions in which the employee has supervisory duties and responsibilities with respect to three or more employees (exclusive of "support" employees).

(NOTE: Managerial and supervisory positions are more fully defined in the Supervisory Grade Evaluation Guide of the Position Classification Standards issued by OPM.)

120 NOTICE TO EMPLOYEES

All NSF vacancy announcements for supervisory or managerial positions will state that a probationary period may be required. Following appointment to such positions, employees and their supervisors will be notified by the Division of Per-

sonnel and Management (DPM) if a probationary period is required. Any employee who does not agree with the determination that he/she must serve a probationary period should discuss the situation with DPM and may contest the determination through the NSF Administrative Grievance System (see [PER V-300](#)).

130 BASIC REQUIREMENTS AND LENGTH OF PROBATIONARY PERIOD

- Upon initial appointment to a supervisory position, an employee is required to serve a one-year probationary period. Exception: an employee who has previously completed a probationary period in a managerial position is exempt from this requirement.
- Upon initial appointment to a managerial position, an employee is required to serve a one-year probationary period.
- Satisfactory completion of a probationary period fulfills Government-wide requirements for supervisory/managerial probationary periods, and an employee may not be required to serve another such probationary period regardless of the number of agencies, occupations, or positions in which he/she serves.

140 CREDITING SERVICE TOWARD COMPLETION OF THE PROBATIONARY PERIOD

Service in a supervisory or managerial position which is interrupted during the probationary period, is creditable toward completion of a probationary period as follows:

141 AN EMPLOYEE WHO IS TRANSFERRED, REASSIGNED, OR PROMOTED to another supervisory or managerial position while serving a probationary period is subject to the probationary period prescribed for the new position. Service in the former position counts toward completion of the probationary period prescribed for the new position, unless the former position was supervisory and the new position managerial, in which case the employee must begin a new one-year probationary period.

142 WHEN AN EMPLOYEE SERVING PROBATION is temporarily placed in another supervisory or managerial position (under detail, temporary promotion or reassignment) the temporary service is creditable.

143 TIME SPENT DURING A PROBATIONARY PERIOD in a temporary placement (detail, temporary promotion or reassignment) in a nonsupervisory or nonmanagerial position is not creditable toward completion of probation.

144 WHEN AN EMPLOYEE IS PERMANENTLY PLACED IN A NONSUPERVISORY OR NON-MANAGERIAL POSITION during the probationary period, the portion of the probationary period served does not

count toward completion of a probationary period required under a subsequent appointment.

145 ABSENCE IN A NONPAY STATUS while on the rolls (other than absence because of compensable injury or military duty) is creditable up to a total of 22 workdays. Any nonpay time in excess of the total 22 workdays extends the probationary period by an equal amount of time.

146 ABSENCE (WHETHER ON OR OFF THE ROLLS) due to compensable injury or military duty from which the employee is entitled to restoration rights or priority consideration is creditable in full.

147 WHEN THERE IS A BREAK IN SERVICE during a probationary period other than those described in 145 and 146 above, the prior probationary service is not creditable toward completion of a probationary period required under a subsequent appointment.

150 PERFORMANCE APPRAISAL ACTIVITIES

Evaluating subordinates' performance is one of the most important duties of a supervisor or manager. Probationary supervisors and managers must take an active role in establishing standards for and evaluating the performance of their employees. They must perform these duties on a timely basis and at a fully satisfactory level in order to successfully complete the probationary period.

160 EVALUATION DURING PROBATIONARY PERIOD

To assure a full and fair evaluation, written performance elements and standards will be developed by the supervisor, with participation by the employee, within 30 days of initial assignment. The supervisor is responsible for conducting periodic performance reviews with the probationer to assess his or her progress and for assuring that probationers receive appropriate training in order to prepare and equip them, insofar as possible, for the requirements of their position.

170 FINAL EVALUATION

Sixty days before the end of the probationary period, DPM will notify the probationer's supervisor of the date when the probationary period will end and the date when a written evaluation is due.

171 SUCCESSFUL COMPLETION OF PROBATIONARY PERIOD. If the supervisor is satisfied that the probationer has met the supervisory/managerial requirements of the position, he or she will certify this in writing to DPM before the end of the probationary period. This certification will become a permanent part of the individual's Official Personnel Folder.

172 FAILURE TO SUCCESSFULLY COMPLETE PROBATIONARY PERIOD. If, after a reasonable opportunity the supervisor determines that the probationer has not met the supervisory/managerial requirements of the position, the supervisor will consult with DPM and then provide the probationer with advance written notice of placement in a nonsupervisory or nonmanagerial position. The notice will specify how the employee failed to meet supervisory and/or managerial requirements and will indicate the nonsupervisory/nonmanagerial position to which the individual will be assigned. This notice will be signed by the immediate supervisor and receive the concurrence of the next highest official in the organizational structure.

a. An employee who is removed from a supervisory or managerial position is entitled to be assigned, except as provided in paragraph b. of this section, to a position in the Foundation of no lower grade and pay than the one the employee left to accept the supervisory or managerial position. With respect to specific situations, this means that:

1. A transferee has a right to an equivalent Foundation position—not back to the agency from which transferred. However, the employee shall be returned to the grade he or she held prior to transfer.

2. An employee who is appointed to a supervisory or managerial position from a register or based on reinstatement eligibility and who is not serving a probationary period under an initial career conditional competitive appointment, is entitled to be placed in a vacant position equal in grade to that currently held. There is no authority for demoting such an employee.

b. A nonsupervisory or nonmanagerial employee who is voluntarily downgraded into a position in which probation is required and who, for reasons of supervisory or managerial performance, does not satisfactorily complete the probationary period is entitled to be assigned to a position at the same grade and pay as the position in which he/she was serving probation. There is no obligation to repromote the employee to his/her former pay or grade level.

c. An employee who is promoted to a supervisory or managerial position and is subsequently returned to his or her former level will not be considered as having received an equivalent increase. As a result, he/she will be returned to a

position at the same grade and step held before such placement and the time spent in the supervisory/managerial position will be creditable toward the time-in-grade requirement for determining eligibility for the next within-grade increase.

d. The return of an employee to a nonsupervisory or nonmanagerial position should not be grounds, in and of itself, for denying the employee consideration for subsequent assignment or promotion to a supervisory or managerial position. Position requirements along with individual abilities vary substantially. An employee who may not be suited to a particular position might be able to satisfactorily perform in another supervisory or managerial job.

e. An employee who is returned to a nonsupervisory or nonmanagerial position is not entitled to grade or pay retention.

f. Any action taken or proposed under provisions of this section must be taken with the assistance of and coordination with DPM. Supervisors who are faced with this situation should consult with DPM at the earliest possible time after the need for such action becomes apparent.

180 APPEALS AND GRIEVANCES

181 AN ACTION TO RETURN AN EMPLOYEE TO A NONSUPERVISORY OR NONMANAGERIAL POSITION, based on unsatisfactory supervisory/managerial performance, is neither appealable nor grievable.

182 AN ALLEGATION OF DISCRIMINATION due to race, color, religion, sex, national origin, physical and/or mental handicap, or age (provided the complainant is at least 40 years old as of the date of the alleged discriminatory action) in connection with an action returning an employee to a nonsupervisory or nonmanagerial position is to be processed as a discrimination complaint under the provisions of NSF Circular No. 5, Equal Employment Opportunity. Final action on such complaints is appealable to the Equal Employment Opportunity Commission.

183 AN ALLEGATION OF DISCRIMINATION due to marital status or partisan political affiliation is appealable to the Merit Systems Protection Board.

CHAPTER V—EMPLOYEE MANAGEMENT RELATIONS

SUBCHAPTER 200 DISCIPLINARY ACTIONS

SUBCHAPTER SUMMARY

This Subchapter describes the standards of conduct for NSF employees.

HRM CONTACT

Employee Relations Branch
Division of Human Resource Management (HRM)
703-306-1191

210 INTRODUCTION

The creation of a constructive and disciplined work environment, in which employees perform their duties conscientiously and conduct themselves appropriately, should be a high priority goal for all NSF supervisors and managers. In order to attain and sustain this kind of environment, both managers and employees must fulfill certain responsibilities. It is essential that managers communicate the standards of conduct and administrative procedures which they expect their employees to follow. If these rules are violated, constructive discipline must be applied equitably and reasonably in proportion to the history and severity of the employee's misconduct. Employees have a responsibility to respect the authority of their supervisors and to comply with the standards and procedures established by management. Employees are also responsible for assuring that their off-duty conduct discredits neither NSF nor the Federal service. All NSF employees must keep in mind that their positions involve a degree of public trust and, as a consequence, require appropriate and lawful conduct. Disciplinary action, therefore, may be taken in response to misconduct which occurs both on or off the job. It may also be based on actions, occurring prior to appointment, which reflect upon the employee's suitability for Federal employment.

When standards of conduct are communicated clearly, most employees will act responsively and in accordance with a manager's expectations. However, if misconduct does occur, it usually disrupts the work of an office and can create additional problems if it is not dealt with properly. It is important that discipline be administered in a timely and consistent manner to provide a positive effect upon the work force.

The manner in which disciplinary problems are handled can have a long-lasting effect on a manager's working relationship with all of his/her employees—not just those involved in the misconduct. An efficient and disciplined work environment

requires active and knowledgeable supervision and personnel management.

211 COUNSELING. In many instances it may not be necessary to formally discipline an employee. The most appropriate course of action may be to point out applicable requirements and explain what should be done in the future.

220 EMPLOYEES AND ACTIONS COVERED BY THIS SUBCHAPTER AND SPECIFIC EXCLUSIONS

221 EMPLOYEES COVERED. This Subchapter applies to permanent NSF employees serving in the competitive or excepted service but does not include Senior Executive Service employees, Schedule C appointees, reemployed annuitants, or employees whose appointment requires the advice and consent of the Senate.

222 ACTIONS COVERED. This Subchapter applies when management undertakes disciplinary or adverse actions that affect covered employees.

223 ACTIONS EXCLUDED.

- actions resulting from national security considerations;
- reduction in force actions (see [PER II-800](#) or Article XI of the Collective Bargaining Agreement);
- reduction in grade of a supervisor or manager who has not satisfactorily completed the probationary period under 5 U.S.C. 3321(a)(2), if such reduction is to a grade and pay no lower than that held immediately before becoming such a supervisor or manager (see [PER V-100](#));
- reduction in grade or removal based solely on unacceptable performance (see [PER IV-100 & 200](#));

- action which entitles an employee to grade retention under 5 C.F.R., Part 536, and an action to terminate the entitlement;
- voluntary action initiated by the employee (see [section 290](#));
- involuntary retirement because of disability;
- termination of appointment on the expiration date specified at the time the appointment was made;
- action which terminates a temporary promotion within a maximum period of 2 years, and returns the employee to the position from which temporarily promoted, or reassigns or demotes the employee to a different position not at a lower grade or level than the position from which temporarily promoted;
- action which terminates a term promotion at the completion of the project or specified period, and returns the employee to the position from which promoted or to a position of equivalent grade and pay;
- reduction of an employee's rate of pay from a rate which is contrary to law or regulation to a rate which is required or permitted by law or regulation; and
- any other action taken under provisions of statute or regulation which excepts the action from 5 U.S.C., Chapter 75, Subchapters I and II.

230 EMPLOYEES IN PROBATIONARY OR TRIAL PERIOD, OR IN FIRST YEAR OF CURRENT CONTINUOUS SERVICE IN THE SAME OR SIMILAR POSITIONS

Employees in the competitive service who have not completed their probationary periods and employees in the excepted service who have not completed their trial periods (or are currently serving under a permanent appointment and have not been continuously employed in a pay status by the Foundation for at least 52 weeks) may be separated for misconduct and/or unsatisfactory performance at any time during the probationary or trial period.

In such cases, the supervisor, in consultation with the Division of Personnel and Management (DPM), prepares a written notification to the employee stating why his/her appointment is being terminated and indicates the effective date of the action. The notice should state the supervisor's judgment as to the inadequacies of conduct and/or performance. If the termination is the result of preappointment factors (such as the falsification of an employment application) specific procedures are required. DPM will provide guidance in these cases.

Employees in the excepted service who have not completed a 1-year trial period have no appeal rights. Probationary employees serving in the competitive service have limited appeal rights to the Merit Systems Protection Board (MSPB). The MSPB will accept cases of terminations involving allegations

of discrimination based on marital status or for partisan political reasons.

Employees cannot grieve their termination during the probationary or trial period.

240 RESPONSIBILITIES FOR DISCIPLINE AND DISCIPLINARY ACTIONS

241 MANAGERS AND SUPERVISORS.

- keep employees informed of rules, regulations, and standards of conduct, and maintain conduct and discipline according to policy and established procedure;
- maintain a work environment which promotes good employee-management relations;
- gather, analyze, and carefully consider available facts and circumstances before recommending or taking disciplinary action, and ensure that efforts are made to minimize the impact of nondisciplinary adverse actions; and
- make recommendations on actions, sign and issue notices of proposed and final action, receive and consider answers to proposed actions, and assure that all approvals and coordination are obtained before issuance of notices.

242 DIVISION OF PERSONNEL AND MANAGEMENT.

- administers for the Director of the National Science Foundation fair, impartial, consistent, and regulatorily correct disciplinary action programs within NSF;
- assists supervisors and managers to ensure that all requirements are met for disciplinary actions;
- ensures that disciplinary actions are consistent with law, regulation, negotiated agreements, and policy; and
- takes actions directed by the OPM, the MSPB, or other appropriate authorities, or which are outside a supervisor's usual personnel management responsibilities.

243 EMPLOYEES.

- carry out their assigned duties conscientiously;
- respect the administrative authority of those directing their work; and
- observe laws, regulations, and policies governing their conduct.

250 DELEGATION OF AUTHORITY, REVIEW AND COORDINATION OF DISCIPLINARY ACTIONS

Supervisors are delegated the authority to take disciplinary actions. DPM staff is available to provide authoritative infor-

mation and interpretation of policy and procedures concerning disciplinary actions, and shares in management's responsibility to ensure that such actions comply with governing requirements, including negotiated agreements where applicable. Accordingly, supervisors who are considering taking a disciplinary action must consult with the appropriate staff of DPM. DPM will provide advice as to both the merit and procedures. In addition, written notices of proposed action and notices of final decision will be coordinated with DPM before delivery to employees.

260 DISCIPLINARY ACTIONS AND THEIR REQUIREMENTS

Disciplinary actions are governed by provisions which permit essential management decisions while preserving employee rights established by law, regulation, policy, or collective bargaining agreement. Disciplinary actions are accomplished through written documents which must meet specified criteria.

- Management may take a disciplinary or adverse action only for such cause as will promote the efficiency of the Federal service.
- Management must explain the reason(s) for the action taken (for example, absence without approved leave, AWOL) and that the disciplinary action can be expected to promote the efficiency of the service.
- Management may not take an action which would result in a prohibited personnel practice.

261 INFORMAL ACTION. Oral admonishments and letters of warning are normally the first step in constructive discipline. Such actions are taken by the supervisor on his/her own initiative in situations of a minor nature involving violations of a rule, regulation, standard of conduct, or authoritative instruction. To be most effective, these should be administered in private and in an informal manner to avoid embarrassing the employee in front of his/her co-workers. The employee should be advised of the specific infraction or breach of conduct, exactly when it occurred (date of incident), and should be permitted to explain his or her conduct. Counseling plays an important role in the corrective process. A counseling session not only places the employee on notice about his/her misconduct, but also may have the desired effect of improving unacceptable behavior. No record of the admonishment or warning is placed in the Official Personnel Folder; however, references to admonishments and warnings may be made in disciplinary and adverse actions if they later become necessary.

262 WRITTEN REPRIMAND. A Reprimand is a formal disciplinary letter issued to an employee in response to his/her specific misconduct or delinquency. A copy of the official Reprimand is temporarily filed in the employee's Official Personnel Folder (OPF) for a period not to exceed three years.

An official Reprimand should describe the specific offense(s) in sufficient detail to enable the employee to understand fully the

reason he or she is being disciplined and what remedial action he/she needs to take. The letter may contain references to previous offenses, indication of the seriousness of management's concern with the continued misconduct or delinquency, and a warning that any future occurrence of a like offense may result in more severe disciplinary measures. The letter will inform the employee that a supervisor may remove the Reprimand from the OPF after one year depending upon the employee's conduct during that time.

The official Reprimand must contain a statement giving the employee an opportunity to reply personally, and/or in writing, within 10 calendar days of receipt of the reprimand. The name of the official to whom such reply should be directed should be stated in the letter. If this official determines that the reprimand should not be permitted to remain as a matter of record, he/she will initiate action to have the official Reprimand withdrawn from the employee's OPF. Once withdrawn, the reprimand will be regarded as never having been issued.

An employee who has received an official Reprimand may submit a grievance in accordance with appropriate procedures.

263 SUSPENSION. A suspension is a disciplinary action which places the employee in a non-duty and non-pay status for a specific period of time.

A. Suspension for 14 Days or Less. An employee against whom a suspension for 14 calendar days or less is proposed is entitled to:

1. An advance written notice stating the specific reason(s) for the proposed action.
2. An opportunity to answer orally or in writing or both and to furnish affidavits and other documentary evidence in support of the answer. The employee has the right to review the material which is relied upon to support the reasons for the action given in the notice. The employee will be given 14 calendar days to answer. If at all practicable, the employee will be kept on active duty during the notice period. The employee may consent to be carried on appropriate leave during the notice period.
3. Be represented by an attorney or other representative. An employee may not be represented by an individual whose activities as representative would cause a conflict of interest. The employee will be provided up to a ten-day extension to the usual 14-day reply period in order to obtain a new representative when the selected representative is an NSF employee and cannot be made available because of these circumstances.
4. A reasonable amount of official time, usually not to exceed 8 hours, to review the material relied upon to support the proposed action, to prepare an answer and to secure affidavits. This time may be extended for a reasonable period depending on the complexity of the issues.

5. Copies of the notice of proposed action, the answer of the employee if written or a summary thereof if made orally, the notice of the decision and reasons therefore and any order affecting the suspension, together with any supporting material, should be maintained by DPM and shall be furnished to the employee and the employee's representative upon request.

6. A written decision and the specific reason(s) for the decision at the earliest practicable date.

7. Grieve the suspension if a decision is made to effect it.

A suspension for 14 calendar days or less is not appealable to the Merit Systems Protection Board.

B. Suspension for More Than 14 Days, Reduction in Grade, and Reduction in Pay. The procedures for effecting these actions are the same as those described for a removal (see section 264 below).

264 REMOVAL. A disciplinary removal is the most severe disciplinary action. Before removal is initiated, the facts and circumstances in the situation must be carefully reviewed to insure they support the conclusion that removal is warranted as a result of the employee's action(s). Under certain circumstances an employee may have to be removed for nondisciplinary reasons such as for failure to accompany a position in a transfer of function from one agency to another. An employee against whom a removal is proposed is entitled to:

a. At least 30 calendar days' advance written notice, not counting date of delivery, except as provided by the crime provision in section 265 below. The notice must state specific reasons for the proposed action.

b. A reasonable time, but not less than 14 calendar days, not counting date of delivery, to answer orally or in writing or both and to furnish affidavits and other documentary evidence in support of the answer. If the employee answers, the answer must be considered prior to the rendering of a decision.

c. Be represented by an attorney or other representative. An employee may not be represented by an individual whose activities as representative would cause a conflict of interest. The employee will be provided up to a ten-day extension to the usual 14-day reply period in order to obtain a new representative when the selected representative is an NSF employee and cannot be made available because of these circumstances.

d. A reasonable amount of official time, usually not to exceed 8 hours, to review the material relied upon to support the proposed action, to prepare an answer, and to secure affidavits.

e. A written decision and the specific reason(s) for the decision at the earliest practicable date.

f. Appeal the decision to the MSPB if the decision is made to effect the proposed action. Employees in the bargaining unit may elect either to appeal to the MSPB or to use the Negotiated Grievance and Arbitration Procedure, but not both.

265 EMPLOYEE STATUS DURING NOTICE PERIOD. Usually, an employee receiving a notice of proposed adverse action will remain on active duty during the notice period, and the employee may be carried in some appropriate leave status for part or all of the period only with the employee's consent. However, there are certain circumstances under which it is not practicable for the Foundation to retain an employee on active duty.

A. Change or Withdrawal of Position Duties. In those unusual circumstances where the Foundation determines that the employee's continued presence in the work place during the notice period may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests, the Foundation may curtail the notice period when it can invoke the crime provision described below, or place the employee in a paid nonduty status during all or part of the advance notice period.

B. Crime Provision. The 30 calendar days' advance written notice prior to effecting an adverse action is not required when there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed. The Foundation may require the employee to furnish any answer to the proposed action that the employee wishes to make and affidavits and other documentary evidence in support of the answer within such time as under the circumstances would be reasonable, but not less than 7 calendar days. When the circumstances require immediate action, the Foundation may place the employee in a non-duty status with pay until a decision notice is issued. In such cases, DPM must document the reasons for its determination, and the employee retains the same rights of appeal as other employees.

270 FURLOUGH FOR 30 DAYS OR LESS

A furlough for 30 calendar days or less is a nondisciplinary adverse action. The procedures for effecting it are similar to those described for a removal (see [section 264](#)). However, the advance written notice period and opportunity to answer are not required when effecting a furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or sudden emergencies requiring immediate curtailment of activities. A proposed furlough for more than 30 calendar days must be processed as a reduction-in-force action (see [PER II-800](#) or Article XI of the Collective Bargaining Agreement).

280 NONDISCIPLINARY REDUCTION IN GRADE OR PAY

A reduction in grade or pay may be disciplinary in nature (i.e., demotion for personal cause) or nondisciplinary in nature (i.e., change in the classification of a position).

When there is a change to a lower grade in the classification of a position (due to correction of a classification error, issuance of new job grading standard, or job erosion except during a RIF), the employee occupying such position is covered by the grade and pay retention provisions of the Civil Service Reform Act if the position has been classified to the higher grade for a continuous period of at least 1 year. This is not an adverse action because the employee retains his/her grade for a 2-year period and is entitled to pay retention provisions thereafter (i.e., there is no reduction in grade or pay at the time the action is effected). The employee may, however, appeal the classification of the position to OPM.

When there is a change to a lower grade in the classification of a position, the employee occupying the position is not covered by grade and pay retention provisions if the position has been classified at the higher grade for less than a year. This is an

adverse action and the procedures for effecting it are similar to those described for a removal (see [section 264](#)).

When there is a change to a lower grade in the classification of a position due to job erosion after NSF has formally announced a RIF, the action is covered by applicable reduction-in-force provisions (see [PER II-800](#) or Article XI of the Collective Bargaining Agreement).

290 VOLUNTARY REDUCTION IN GRADE OR PAY

An employee may voluntarily request a demotion whenever he/she deems it advantageous to do so. A request for demotion cannot be demanded from an employee as an alternative to some other personnel action being taken or withheld. An employee may, however, voluntarily request demotion rather than submit to an involuntary demotion. The employee must submit such request in writing through his/her supervisor to DPM for action and retention in the Official Personnel Folder. If the request is approved, DPM must promptly document a request for demotion on SF-50, "Notification of Personnel Action". The employee should be informed that there is no grade retention entitlement associated with a voluntary demotion.

CHAPTER V—EMPLOYEE MANAGEMENT RELATIONS

SUBCHAPTER 300 ADMINISTRATIVE GRIEVANCE SYSTEM FOR NON-BARGAINING UNIT EMPLOYEES

SUBCHAPTER SUMMARY

This Subchapter describes the policies and procedures for the operation of the NSF administrative grievance system for non-bargaining unit employees.

HRM CONTACT

Employee Relations Branch
Division of Human Resource Management (HRM)
703-306-1191

310 INTRODUCTION

This Subchapter provides the policies and procedures for the operation of the NSF administrative grievance system for non-bargaining unit employees.

311 POLICY. NSF policy is to provide safeguards protecting employees against arbitrary or unjust actions. Employees who feel they have not been treated fairly and equitably have the right to present a grievance to management for prompt consideration.

312 DEFINITIONS.

A. Grievance—a request for personal relief by an employee, or by a group of employees acting as individuals, in a matter of concern or dissatisfaction relating to the employment of the employee(s) which is subject to the control of agency management.

B. Personal Relief—a specific remedy directly benefiting the grievant(s) which does not include a request for disciplinary or other action affecting another employee.

C. Days—calendar days.

313 MATTERS EXCLUDED FROM COVERAGE. The NSF administrative grievance system excludes grievances on:

- the content of published NSF regulations and policy;
- decisions which employees may appeal to the Merit Systems Protection Board or which are subject to final administrative review by the Office of Personnel Management (OPM) or the Equal Employment Opportunity Commission; and matters administered by the

General Accounting Office or the Office of Workers' Compensation Programs;

- nonselection for competitive promotion from among a group of properly ranked and certified candidates or failure to receive a non-competitive promotion;
- a preliminary warning or notice of an action which, if effected, would be covered under this Subchapter or would be appealable or reviewable outside the Foundation, e.g., notices of proposed adverse action, and oral warnings;
- the removal of a Senior Executive Service (SES) career appointee during probation for Unacceptable performance;
- the reassignment or removal of an SES career appointee for less than Fully Successful performance;
- the placement of an SES career appointee to a GS-15 or equivalent position during the one-year period of probation or for less than Fully Successful executive performance following probation;
- an action taken in accordance with the terms of a formal agreement voluntarily entered into by an employee which: (1) assigns the employee from one geographical location to another or (2) returns an employee from an overseas assignment;
- an action terminating a temporary promotion within a maximum period of 2 years and returning the employee to the position from which temporarily promoted, or to a different position that is not at a lower grade or pay than the position from which temporarily promoted;
- an action terminating a term promotion at the completion of the project or specified period, or at the end of a

rotational assignment in excess of 2 years but not more than 5 years, and returning the employee to the position from which promoted or to a different position of equivalent grade and pay;

- the substance of critical elements and performance standards of an employee's position which were developed in accordance with Title 5, U.S.C.;
- decisions to grant or not to grant a Quality Step Increase or an honorary or cash employee performance award;
- adoption or nonadoption of employee suggestions and inventions;
- a PMRS determination (other than initial coverage decision) or a merit increase or the lack of a merit increase;
- termination of probationers or of employees serving a trial period;
- a performance appraisal given to an employee in the SES;
- separation or termination of an employee serving in a temporary appointment or upon expiration of a term appointment;
- a return of an employee from an initial appointment as a supervisor or manager to a nonsupervisory or non-managerial position for failure to satisfactorily complete the probationary period; and
- a written reprimand to which an employee does not submit a timely reply.

320 DECIDING OFFICIALS

Assistant Directors and Staff Office Directors are designated as deciding officials and will issue the Foundation's reply on formal grievances of matters under their jurisdiction.

If the appropriate deciding official was part of the decision-making process leading to the grievance, the case will be referred to the Deputy Director, NSF. (If the Deputy Director was involved in the decision process, the case will be referred to the Director, NSF.)

The Deputy Director or Director may designate a management official to act as a deciding official on his/her behalf. No other delegation is permissible.

330 GENERAL STANDARDS AND REQUIREMENTS

Any manager receiving a grievance should immediately notify DPM.

An employee, in preparing a grievance, is entitled to communicate with and seek advice from any appropriate Foundation official.

An employee has the right to be accompanied, represented and advised by only one representative of his/her own choosing, except that the Foundation may disallow the choice of another NSF employee as a representative if it conflicts with priority needs of NSF, would result in unreasonable cost to the Government, or creates a conflict of interests or conflict-of-position situation. If an employee's representative is a Foundation employee, the representative must notify his/her immediate supervisor that he/she has been requested, and agrees, to represent the employee.

A grievant or a grievant's representative is entitled to up to 4 hours of official time for preparation of a formal grievance provided he/she is in an active duty status. This is in addition to the actual time required for an employee (and/or a representative) to present or discuss a grievance with the appropriate management official. Supervisory approval for the use of official time must be obtained in advance.

340 INFORMAL GRIEVANCE PROCEDURE

341 PRESENTING THE GRIEVANCE.

a. An employee will present a grievance orally or in writing to:

- the lowest level of supervision within the employee's immediate organization that has the authority to grant the personal relief sought by the employee, generally the employee's immediate supervisor; or
- an official at the lowest level of administration in NSF who has authority to take corrective action on matters outside the jurisdiction of the employee's organization.

b. The employee must state specifically that he/she is presenting a grievance; the personal relief sought; and the name, organizational unit and location of his/her chosen representative, if any.

c. When an oral grievance is presented, the official receiving it should initiate a memorandum recording the matter at issue and the remedy sought and provide a copy to DPM and the employee.

342 TIME LIMITS. An employee may present a grievance concerning a continuing practice or condition at any time. An employee shall present a grievance concerning a specific act or occurrence within 15 days of the date of the act or occurrence or the date he/she should have reasonably become aware of it. The official receiving the grievance may extend this time limit for good cause shown by the employee.

343 DISALLOWANCE OF REPRESENTATIVE.

a. The official to whom the grievance is initially presented, the deciding official or the representative's immediate supervisor may recommend disallowing the employee's choice of representative for one of the reasons in section 330 above. Such a recommendation must provide the basis for the disallowance and be made in writing to the Director, DPM, within 5 days of notification of the representative's identity. Copies of the recommendation will be provided to the employee and to the representative.

b. Within 5 days of receipt of the initial disallowance recommendation, the employee may submit a written rebuttal and transmit it to the Director, DPM.

c. The Director, DPM, will issue a written decision to the employee with a copy to the representative and the official who made the original disallowance recommendation within 10 days of receipt of the disallowance recommendation. The grievance procedure will resume at the point where it was previously stopped.

d. The decision of the Director, DPM, is final with no further right of appeal.

344 DISPOSITION OF INFORMAL GRIEVANCE. Within 15 days of initially receiving the informal grievance (written or oral), the immediate supervisor or other official must:

- achieve a mutually satisfactory resolution of the matter, or
- inform the employee in writing that the relief requested will not be effected and that the employee may pursue the matter in accordance with the formal grievance procedure in section 350 below.

345 EXCEPTIONS TO INFORMAL GRIEVANCE REQUIREMENT. Generally an employee must seek informal resolution of a grievance following the above procedure before relief can be sought through the formal grievance process. There are, however, situations where formal considerations have already been given to the matter and expectation for informal resolution is remote. These situations include requests to withdraw letters of reprimand for which employees have already presented an oral and/or written reply, and requests to cancel suspension or removal actions. In these situations, a grievance may be presented formally without first going through the informal stage.

350 FORMAL GRIEVANCE PROCEDURE**351 PRESENTING THE GRIEVANCE.**

a. The employee must present the grievance in writing to the appropriate deciding official within 15 days of notification that the relief requested during the informal grievance proceed-

ing will not be granted, or within 30 days of presenting the informal grievance if no response has been received from the appropriate management official.

b. The employee must state in the grievance his/her name, organizational unit, position title and grade, the specific details and facts of the grievance, the personal relief sought, the dates the grievance was presented informally and the results of that attempt to resolve the grievance, and a statement that discrimination based on race, color, religion, age, sex, national origin or physical or mental handicap is not an issue in the grievance. (See [section 360](#) below for information when discrimination is an issue.) The employee shall also include the name, organizational unit and location of his/her choice of representative (if any). Representation challenges at this point in the proceeding will be resolved according to the procedure in section 343.

352 ACTION BY DECIDING OFFICIAL.

a. The official receiving a formal written grievance must determine whether he/she is the appropriate deciding official. If not, he/she must immediately forward the grievance to the appropriate official and inform the grievant and representative in writing of such action.

b. The deciding official shall determine if the grievance falls within the coverage and time limits of this Subchapter and, after consultation with DPM, reject those that do not.

c. The deciding official shall request that the employee supply additional information if the grievance does not meet the requirements of section 351 above. If the employee fails to provide the required information within 5 days, the deciding official may reject the grievance.

d. The deciding official shall establish an official grievance file for every grievance received. The file shall contain all documents related to the grievance. The deciding official will forward the completed grievance file to the Director, DPM, for retention.

e. When the deciding official finds that the facts of the case are clear and are not disputed by either party involved, he/she will issue the final written decision on the case to the employee no later than 15 days after receipt of the written grievance. The deciding official will also send a copy of the decision to the management official(s) involved.

f. If the deciding official finds that the facts of the case are not clear or the parties involved do not agree on the facts, he/she will initiate a fact-finding process within 15 days. Deciding officials may conduct the fact-finding themselves or designate a fact-finding official who has not been involved in any aspect of the grievance. The deciding official may also determine that it is inappropriate to use an NSF fact-finder and request that DPM obtain the services of a fact-finder from outside NSF.

353 REPORT OF FINDINGS. After all parties involved have been given an opportunity to review and comment on the grievance file, the fact-finding official shall prepare a report of findings. If someone other than the deciding official conducted the fact-finding, he/she shall submit a report of findings to the deciding official within 30 days after the onset of fact-finding.

354 WRITTEN DECISION. The deciding official will issue a written decision to the employee as soon as practicable, but generally not later than 90 days after initiation of the informal grievance procedure. If fact-finding has occurred, the deciding official will base the decision on the report of findings and other evidence or documents contained in the grievance file. The written decision must include the reasons for the deciding official's determination. Any necessary remedial actions that are permissible by law and regulations will be taken promptly and completely. The deciding official will send copies of the decision letter and report of findings to the employee and to the management official(s) involved.

355 FINALITY OF DECISION. The agency decision is the final administrative action by the Foundation on a grievance. OPM does not review agency grievance decisions.

360 OTHER ISSUES RELATING TO THE GRIEVANCE PROCESS

361 ALLEGATIONS OF DISCRIMINATION.

a. If an allegation of discrimination based on race, color, religion, sex, age, national origin, or physical or mental handicap is made in connection with a grievance, the allegation shall be processed under the procedures set forth in NSF Circular 5, "Equal Employment Opportunity Program."

b. If during the grievance process, the employee alleges discrimination for any of the reasons cited above as a basis for the grievance, action on the grievance will be terminated and

the matter referred to the Foundation's Office of Equal Opportunity for action. The employee and his/her representative are to be notified in writing of this referral. The referral will inform the employee that a discrimination complaint must be presented to an EEO Counselor within 5 days. The grievance may be reopened and consideration resumed in accordance with this Subchapter only if the employee declares in writing that the allegation of discrimination will no longer be pursued, and requests further processing of the grievance. This written request must be made to the appropriate deciding official within 15 days after the final interview with the EEO Counselor.

362 GRIEVANCE FILE. The Director, DPM, is responsible for final custody of the grievance file in accordance with governing rules and regulations and will respond to Freedom of Information Act requests concerning grievance records in accordance with "Compliance with Requirements of the Freedom of Information Act (FOIA)" (ADM III-200).

370 TIME STANDARDS

The following time standards will be observed insofar as practicable:

- **Presentation of informal grievance**—15 calendar days.
- **Decision at informal stage**—15 calendar days.
- **Filing formal grievance**—15 calendar days after completion of informal procedure.
- **Adjustment or initiation of the fact-finding process**—15 calendar days.
- **Completion of fact-finding process**—30 calendar days (including report).
- **Issuance of decision**—15 calendar days.
- **Total time from initiating informal grievance to issuance of decision**—90 calendar days.

CHAPTER V—EMPLOYEE MANAGEMENT RELATIONS

SUBCHAPTER 400 EMPLOYEE ASSISTANCE PROGRAM

SUBCHAPTER SUMMARY

This Subchapter describes the policies and procedures regarding counseling services for NSF employees.

HRM CONTACT

Employee Relations Branch
Division of Human Resource Management (HRM)
703-306-1191

410 INTRODUCTION

As an employer, NSF is concerned with the accomplishment of the agency mission and the need to maintain employee productivity, as well as with the health and well-being of its employees. The purpose of this Subchapter is to advise employees of the availability of NSF's Employee Assistance Program (EAP) and to describe the policies and procedures regarding counseling services for employees. The guidelines for this Program are established in accordance with Public Laws 91-616 and 92-255 which deal with alcohol and drug abuse, respectively. The provisions of this Program apply to all Foundation employees.

420 POLICY

When an employee's use of drugs and/or alcohol interferes with the efficient and safe performance of his or her assigned duties, reduces his or her dependability or reflects discredit on NSF, Foundation managers will: (1) initiate nondisciplinary procedures under which an employee is offered counseling and/or rehabilitative assistance, and (2) failing a response that results in acceptable conduct or work performance, take the appropriate disciplinary or other remedial action to correct the problem. In this regard, it is the policy of the Foundation that:

- Alcoholism and drug abuse are recognized as treatable health problems.
- No employee will have his or her job security or promotional opportunities jeopardized by his/her request for counseling or referral assistance, except as limited by security regulations related to sensitive positions.
- The confidentiality of any information obtained in connection with participation in the Employee Assistance Program will be preserved.

- Employee drug activity which is contrary to law will not be condoned. When management has good reason to believe criminal conduct is directed towards or potentially harmful to the person or property of others, management's first obligation is to those persons or properties, and then to the employee involved.

430 RESPONSIBILITIES

431 PROGRAM ADMINISTRATOR. The Head, Employee Relations Section, Division of Personnel and Management, is designated as the Program Administrator of the Employee Assistance Program. The Program Administrator will:

- make recommendations for agency policy and procedures to ensure that the Employee Assistance Program is administered in accordance with current Federal regulations;
- consult with and advise supervisors who are dealing with problem employees;
- provide counseling and assistance to employees by referring them to the Health Services Unit or to community resources for professional help;
- evaluate the program and provide statistical data of a non-confidential nature, as required; and
- serve as liaison with medical personnel in the Health Services Unit and with various sources of rehabilitative assistance in the community.

432 HEALTH SERVICES UNIT. The NSF Health Services Unit will be responsible for:

- providing confidential counseling to employees with alcohol or drug-related problems; and

- assisting supervisors in dealing with problem employees.

433 SUPERVISORS. Supervisors and managers who have reason to believe that an employee's use of alcohol and/or drugs interferes with the efficient and safe performance of his/her assigned duties, reduces his/her dependability or reflects discredit on the Foundation, should contact an Employee Relations Specialist in the Division of Personnel and Management to discuss methods of assisting the employee.

434 EMPLOYEES. Employees have a continuing responsibility for their own performance and conduct. Those employees who suspect that they have an alcoholism or drug

abuse problem, even in the early stages, are strongly urged to voluntarily seek counseling on an entirely confidential basis by contacting the Health Services Unit or the Employee Assistance Program Administrator.

440 RELATIONSHIP TO ADVERSE ACTIONS

While the Employee Assistance Program is available to help employees, it must be understood that appropriate disciplinary procedures will be invoked if an employee fails to correct performance or behavior problems after receiving assistance, or after refusing to participate in the program.



CHAPTER VI

LABOR MANAGEMENT RELATIONS

CHAPTER VI—LABOR-MANAGEMENT RELATIONS

SUBCHAPTER 100 BARGAINING UNIT STATUS

SUBCHAPTER SUMMARY

This Subchapter outlines the definitions and procedures for identification of the bargaining unit status of NSF positions.

HRM CONTACT

Labor/Management Relations Officer
Division of Human Resource Management (HRM)
703-306-1181

110 PURPOSE

This Subchapter outlines the definitions and procedures for identification of the bargaining unit status of NSF positions, the system for communicating this information to employees, and the mechanism for initiating and processing challenges to such determinations. This Subchapter is issued pursuant to Chapter 71 of Title 5, United States Code, the Certification of Representative, dated October 9, 1975, issued by the Department of Labor, and the Collective Bargaining Agreement entered into by NSF and Local 3403, American Federation of Government Employees, AFL-CIO on August 11, 1982.

120 POLICY

Each position established by the Foundation will be reviewed for a determination as to whether it falls within or outside the NSF Bargaining Unit as defined by the Department of Labor. Each employee will be advised of the bargaining unit status of his or her position. A mechanism for reconsideration and challenge of the determination of the bargaining unit status of any position will be established in accordance with regulations of the Federal Labor Relations Authority (FLRA) and the NSF-Local 3403 Collective Bargaining Agreement.

130 COMPOSITION OF NSF BARGAINING UNIT

The Department of Labor, on October 9, 1975, pursuant to Executive Order 11491, certified AFGE Local 3403 as the exclusive representative for the following NSF Bargaining Unit:

“All professional and nonprofessional General Schedule, Wage Grade, and excepted service employees, employed by the National Science Foundation in the Washington, D.C. metropolitan area; excluding confidential employees, temporary employees of less than 90 days, employees engaged in Federal personnel work in other than

a purely clerical capacity, management officials, and supervisors and guards as defined in the Order.”

140 DEFINITIONS

Following are the statutory definitions of the terms “supervisor,” “management official,” and “confidential employee” for purposes of labor-management relations:

A. Supervisor—“an individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment.”

B. Management Official—“an individual employed by an agency in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency.”

C. Confidential Employee—“an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.”

150 FURTHER GUIDANCE REGARDING THE DEFINITION OF “MANAGEMENT OFFICIALS”

In his decision dated February 28, 1975, and affirmed by the Federal Labor Relations Council, the Assistant Secretary of Labor for Labor-Management Relations held that for Bargaining Unit determination purposes, NSF “Program Directors” or “Program Managers” (GS and Excepted: permanent and rotator) are not “management officials” and are therefore included in the NSF Bargaining Unit, unless they are supervisors or fall under one of the other exclusions.

160 GUIDANCE ON THE DESIGNATION OF CONFIDENTIAL EMPLOYEES

Within NSF, the designation "Confidential Employee" applies to the following:

- Secretaries to the Director and Deputy Director of NSF.
- Secretaries to the Assistant Directors and Deputy Assistant Directors of NSF.
- Secretaries to the Staff Office Directors reporting to the Director of NSF.
- Secretary to the Director, Division of Personnel and Management (DPM).
- Secretaries to the Branch Chiefs in DPM.
- Secretary to the NSF Labor-Management Relations Officer, DPM.
- Special Assistants or Staff Assistants reporting directly to the Director, or Deputy Director, Assistant Directors, or Heads of Offices reporting to the Director.

Other positions considered to fall within the definition of "confidential" may be so designated only with the approval of the cognizant Assistant Director and the concurrence of the Labor-Management Relations Officer.

170 OTHER STATUTORY EXCLUSIONS FROM THE BARGAINING UNIT

The statute also excludes the following types of positions from the Bargaining Unit:

- "An employee engaged in personnel work in other than a purely clerical capacity;"
- "An employee engaged in administering the provisions of this statute;" and
- "Any employee primarily engaged in investigation or audit functions relating to the work of individuals employed by an agency whose duties directly affect the internal security of the agency, but only if the functions are undertaken to ensure that the duties are discharged honestly and with integrity."

180 IDENTIFICATION OF BARGAINING UNIT STATUS OF POSITIONS

The determination of bargaining unit status affects the rights and obligations of employees and must therefore be accomplished and communicated in an accurate and timely manner. Bargaining unit status for any NSF position is determined by the duties and responsibilities of each position on the basis of Federal Service Labor-Management Relations Program laws, authorities, rulings, and regulations. Once the bargaining unit status of a position is determined, that status remains in place

unless duties and responsibilities assigned to a position are altered sufficiently to require a new determination to be made. Duties and responsibilities may be communicated in a variety of ways, such as position descriptions, organization and functional statements, policy, directives, regulatory issuances, standard operating procedures, and other means such as oral and written instructions.

When a new position is established or an existing position is changed, the cognizant office will include the preliminary identification of bargaining unit status in Block F of the "Request for Personnel Action, "SF-52," with an explanation when the status identified is not in the bargaining unit.

For changes to positions involving the assignment of authority for supervision, each employee who may become a supervisor as a result of the assignment of authority for supervision shall be informed in advance of such assignment that the change will result in the position being outside the bargaining unit and that this change will result in his/her loss of eligibility to participate in the management of and to be represented by NSF Local 3403, AFGE. Receipt by the employee of this notification will be acknowledged by his/her signature on a copy of the informational notice temporarily inserted in the employee's official personnel folder for six (6) months. This notification shall be withdrawn from the employee's official personnel folder if prior to six (6) months a subsequent change occurs placing the position under bargaining unit coverage.

DPM will verify the preliminary designation of bargaining unit status submitted by the cognizant office.

The initial results of the determination process will be furnished to Local 3403 for review and response within a reasonable time of receipt of the information (normally five work-days, except where the number of actions reasonably requires a longer time), before any employee is notified of the bargaining unit status of his/her position. Where response is received from the Local, the bargaining unit status will be determined by mutual agreement.

If no response is received from the Local within such time, the DPM will issue a notice of determination to the employee as to the bargaining unit status of the position, and place on record the bargaining unit status of the position.

For cases where there is a difference between the parties on a particular determination, they will jointly petition the Federal Labor Relations Authority (FLRA) for a ruling.

While the petition is pending, the bargaining unit status determined by DPM will be effective to establish an employee's rights and entitlements, such as eligibility for the Performance Management and Recognition System.

190 REVIEW OF BARGAINING UNIT STATUS DETERMINATION

An employee may request a review by the NSF Labor-Relations Officer (LRO) of the determination of his or her bargaining unit status. If the employee disagrees with the determination he or she may submit information or documentation to the LRO and request a redetermination. A copy of the request and the supporting material will be furnished to Local 3403 for comment. The LRO will discuss the matter with the employee, the management officials involved, and Local 3403 and will render a decision.

Local 3403 may request the same review as described in the above paragraph with or without the concurrence of the employee involved.

Disagreements between NSF and Local 3403 regarding the bargaining unit status of an employee will be resolved, if possible, in accordance with Article 111, Section J of the Collective Bargaining Agreement which states:

“In the interest of promoting relations between the parties, Local 3403 agrees to bring to the attention of the Foundation’s Labor-Management Relations Officer (LRO), and the Foundation agrees to bring to the attention of the President of Local 3403, any misunderstanding, issue or concern which arises under this Agreement other than individual employee grievances, individual appeals, or individual merit promotion matters, with a reasonable opportunity for response or resolution, before any further action within or outside the Agency is attempted. In the event a question arises with respect to jurisdiction affecting employees in the Bargaining Unit, Local 3403 and the LRO shall attempt to resolve the matter. Local 3403 and Management shall consider each other’s views and reasoning, and shall respond as soon as practicable; where requested this response will be in writing.”

Any remaining dispute as to the bargaining unit status of an employee may be referred for decision to the FLRA by NSF or by Local 3403. Such petitions must be filed in accordance with regulations of the FLRA.



PER

PERSONNEL MANUAL



CHAPTER VII

POSITION CLASSIFICATION & COMPENSATION

CHAPTER VII—POSITION CLASSIFICATION AND COMPENSATION

SUBCHAPTER 100 POSITION CLASSIFICATION AND ORGANIZATIONAL CHANGES

SUBCHAPTER SUMMARY

Sound position classification is the basis for effective organizations. This Subchapter provides the policies and procedures for the classification of positions and outlines the steps involved in organizational changes in the National Science Foundation.

HRM CONTACT

Staffing and Classification Branch
Division of Human Resource Management (HRM)
703-306-1185

110 INTRODUCTION

Federal positions are classified on the basis of the qualifications required and the duties and responsibilities that management has assigned.

The classification system contained in Federal law is also based on the principle of equal pay for substantially equal work. It includes a range of grade levels designed to compensate different levels of difficulty and responsibility. Although the Federal classification system is not a pay plan, it is critical to the structure and administration of employee compensation. Other factors affecting employee pay are quality of performance, length of service, and recruitment and retention considerations.

National Science Foundation's positions are classified based upon the position classification standards and classification guidance published by the Office of Personnel (OPM). Before NSF hires or reassigns an employee, there must be a position description that is current and accurate, that has been prepared and signed by the supervisors, and that has been classified by the Division of Human Resource Management (HRM).

The provisions of this Subchapter apply to NSF employees who occupy positions under the General Schedule, including those in pay plan "GM." They do not apply to positions established under the NSF Excepted Authority, Senior Executive Service positions, or to Presidential appointees.

120 DEFINITIONS

121 CLASSIFICATION is the analysis and evaluation of a position in accordance with OPM standards. Classification determines the position's pay schedule (e.g., GS), occupational

series (e.g., 318), grade (e.g., 6), and title (e.g., Secretary). Title 5 U.S.C. provides that classification authority be vested in the head of the agency. The Director, NSF, has delegated this authority to the Director, HRM, and designated HRM staff members.

122 POSITION includes the duties and responsibilities that are assigned by management to make up the work performed by an employee. A position may be occupied or vacant, filled on a full-time or part-time basis, and established on a permanent or temporary basis.

123 POSITION DESCRIPTION (PD) is an official document that delineates the duties, responsibilities, and supervisory relationships that management has assigned to a position. A PD includes information that is significant to the classification of a job. Persons performing identical duties can have the same position description.

124 POSITION TITLES are of two types. The organizational title, often called the "NSF title" (e.g., "Program Director") is suggested by management. The official classification title (e.g., "Chemist") is determined by HRM, in accordance with OPM classification rules.

125 OCCUPATIONAL SERIES are groups of positions that are similar in their types of work and qualification requirements. A numerical code designates the occupational series (e.g., GS-1320 for Chemistry).

126 GRADE is a numerical designation that identifies a range of difficulty and responsibility and level of qualification requirement, regardless of differences in the kind of work being done. Most NSF positions are General Schedule positions with grades ranging from GS-1 through GS-15. Positions with

the same grade (e.g., GS-5) should contain the same levels of difficulty and responsibility, whether they are Secretaries, Computer Specialists, or other occupations.

127 POSITION REVIEW involves gathering information about the work assigned to a position, so that the position can be accurately classified and assigned to the appropriate pay plan, occupational series, grade, and title. A position review may involve examining a position description and/or samples or descriptions of work products. It may also involve interviews with the position's incumbent and/or supervisory staff.

130 RESPONSIBILITIES

131 MANAGERS AND SUPERVISORS:

- establish positions to carry out the functions of their organizations, revise or cancel positions to meet changing needs, and assure that duties and responsibilities of positions do not conflict or overlap;
- assign duties to employees in accordance with the needs of their organizations and the employees' abilities;
- assign work in a way that makes optimum use of available resources;
- ensure that position descriptions are accurately prepared, periodically reviewed for accuracy, and remain consistent with employees' performance plans;
- certify the accuracy of position descriptions and certify that positions are necessary to carry out Foundation functions; and
- ensure that employees are informed about the classification process, especially as it relates to their positions.

132 DIVISION OF HUMAN RESOURCE MANAGEMENT:

- reviews positions and ensures that they have appropriate titles, series, and grade levels consistent with position classification standards;
- conducts occupational reviews of organizations or groups of like positions;
- provides advice and assistance to supervisors regarding the classification program;
- makes position classification standards available to employees upon request; and
- reviews the classification program on a continuing basis and recommends improvements.

140 PROCEDURES

Position classification can involve establishing or reviewing an individual position or analyzing groups of positions for the accuracy of their classification and to ensure the effective use of human resources.

141 CLASSIFICATION OF INDIVIDUAL POSITIONS.

Whenever a new position is needed or the duties and responsibilities of an existing position change, a supervisor submits a "Request for Personnel Action" (SF-52), via the office's administrative officer to HRM requesting that a position be established, filled, or reclassified.

A. New Positions. If a new position is being established, a copy of the proposed position description should accompany the SF-52.

B. Existing Positions. A new position description is not needed to establish a position identical to an existing one or to fill a position that has not changed since it was last classified. The SF-52 should include a position description number if the action involves an existing position.

C. Certification. First- and second-level supervisors sign a position description to certify that it is accurate and needed to carry out NSF functions. It is then forwarded, along with an SF-52, through appropriate organizational channels, to HRM.

D. Review. HRM staff review the position description to assure that all requirements are met and, when necessary, contacts the originator for additional information and/or to resolve discrepancies.

142 OCCUPATIONAL REVIEWS are conducted to gather up-to-date information about positions to ensure the accuracy of their classification and their PDs and to review position management practices. They are scheduled and conducted by HRM in conjunction with appropriate supervisors and employees. Occupational reviews can be initiated by HRM, NSF management officials, or OPM.

143 ORGANIZATIONAL CHANGES. NSF is a dynamic organization. Reorganizations are often necessary to keep abreast of changes taking place in the scientific and engineering communities. Appendices A through G outline the steps involved in accomplishing a reorganization, describe other organizational changes and the documentation required to process them, and provide some planning tools for moving and realigning personnel. Managers are encouraged to discuss their intentions with HRM before making formal written requests regarding reorganizations or other organizational changes.

150 FORMAT FOR WRITING POSITION DESCRIPTIONS

Series for which position classification standards have been issued in the 9-factor Factor Evaluation System (FES) format must be prepared in the format outlined in [Appendix H](#). [Appendix I](#) outlines the general format to be used for preparing those few position descriptions when the FES format is not used. While PD's must include the information specified in the appendices, they may be short and concise. Whenever possible, supervisors are encouraged to use generic PD's which can be supplemented by a one-page sheet documenting any differences or changes in particular positions. A library of sample PD's for jobs common across NSF is available in HRM.

160 CLASSIFICATION REVIEWS AND APPEALS

161 HRM REVIEW AND APPEALS. An employee who believes that his/her position is not properly classified may request a classification review by HRM. The matter should first be discussed informally with the appropriate supervisory and HRM officials. If this does not resolve the matter, the employee may submit a written request for a review and decision to HRM.

162 OPM APPEAL. An employee who occupies a position under the General Schedule (GS/GM/GW pay plans) may appeal the occupational series, grade, and/or title of his/her position or its coverage under the GS pay system to OPM at any time. The results of an OPM classification appeal decision must be implemented by NSF whether or not they are in the employee's favor.

163 NEGOTIATED GRIEVANCE. Generally, the negotiated grievance procedures are not applicable to classification actions. Such procedures do apply in the rare case where a classification action results in a reduction in grade for bargaining unit employees who do not qualify for grade and pay savings provisions.

APPENDIX A

DIFFERENT TYPES OF ORGANIZATIONAL CHANGES

FORMAL REORGANIZATIONS

| <i>IF</i> | <i>AND</i> | <i>AND</i> | <i>THEN</i> | <i>ACTION</i> | <i>COORDINATION</i> | <i>APPROVAL</i> | <i>ANNOUNCEMENT</i> |
|--|--|--|---|---|---|--|---|
| 1. Proposed change affects two or more directorates or one or more offices reporting to the Director, NSF. | May or may not involve budget reprogramming or change to Congressional budget structure. | Any kind of personnel impact. | This is a formal reorganization. Follow instructions in these Appendices. | Directorate submits initial request to HRM. HRM prepares a memo informing management of the proposal and expected impact. Transmits through appropriate channels. | HRM sends memo to OLPA and BFA for coordination with OMB and Congress, if necessary. IRM signs to concur. AFGE provided 10 days for review and comment. | BFA clears and routes to next office. Director signs to approve. | Announced by Director through NSF internal issuance system. |
| 2. Proposed change occurs within a directorate. | May or may not involve budget reprogramming or change to Congressional budget structure. | Has significant personnel impact which may result in any or all of the following: different staff assignments; additional FTE; changes to supervisory ratio; significantly different supervisory structure; and/or potentially has adverse impact. | This is a formal reorganization. Follow instructions in these Appendices. | Directorate submits initial request to HRM. HRM prepares a memo informing management of the proposal and expected impact. Transmits through appropriate channels. | HRM sends memo to OLPA and BFA for coordination with OMB and Congress, if necessary. IRM signs to concur. AFGE provided 10 days for review and comment. | Cognizant AD or AD equivalent signs to approve. IRM approves any adverse action. | Announced by AD through directorate internal issuance system. |

APPENDIX A—continued

OTHER ORGANIZATIONAL CHANGES

| <i>IF</i> | <i>AND</i> | <i>AND</i> | <i>THEN</i> | <i>ACTION</i> | <i>COORDINATION</i> | <i>APPROVAL</i> | <i>ANNOUNCEMENT</i> |
|--|--|--|--|---|---|-----------------|---|
| 1. Proposed change occurs within a directorate. | Involves budget reprogramming and/or change to Congressional budget structure. | No impact on staffing plans other than realignments or minor shifts in supervision. | This is primarily a budget issue with some minor personnel implications. | Directorate submits a SF-517 to BFA and realignment PATS 52s to HRM. | Directorate coordinates directly with BFA and OLPA to obtain proper clearance, as needed. | CFO approves. | Announced according to directorate policy. |
| 2. A new position is created to accomplish a new initiative. | May or may not involve budget reprogramming and/or change to Congressional budget structure. | Involves a staff reassignment or recruitment with no adverse impact on existing staff. No impact on FTE. | This is an individual personnel request. | Directorate submits a new PD and recruitment or reassignment PATS 52 to HRM. | HRM coordinates. | HRM approves. | New initiative and staff assignment announced by AD through directorate internal issuance system. |
| 3. Proposed change involves minor shifts in supervision (e.g., supervision of support staff changes from Center Manager to Admin Officer or Program Director). | Involves no budget reprogramming. | No changes in position or grade. No adverse impact. | This is a change in reporting relationships. | Directorate submits a memo to HRM specifying the reason for the change, and names and PDs of affected employees. | HRM sends copy of memo to BFA and OLPA for information. | HRM approves. | Changes announced according to directorate policy. |
| 4. New organizational code is requested when new entity clarifies but does not change structure. | Involves no budget reprogramming. | No changes in position, grade, or supervisory structure. No adverse impact. | This is primarily a codes issue. | Directorate submits a memo to DFM requesting codes change. Copy sent to HRM for realigning employees to new code. | Directorate coordinates directly with DFM, DIS, and HRM. | DFM approves. | No announcement necessary. |

APPENDIX A—continued**OTHER ORGANIZATIONAL CHANGES**

| <i>IF</i> | <i>AND</i> | <i>AND</i> | <i>THEN</i> | <i>ACTION</i> | <i>COORDINATION</i> | <i>APPROVAL</i> | <i>ANNOUNCEMENT</i> |
|--|--|--|--|---|--|--|---|
| 5. New organizational entity is proposed that involves the realignment of four or fewer employees, (e.g., staff group moves from front office to a new section). | May or may not involve budget reprogramming. | No changes in position or grade. No adverse impact or significant change in reporting relationships. | This is a minor organizational change. | Directorate submits a memo to HRM specifying the reason for the change, name of new organization, names and PDs of affected employees, new code and realignment PATS 52s. Copy to DFM and DIS for setting up new codes. | HRM sends copy of memo to OLPA and BFA for comment or needed clearances. | HRM approves. If budget reprogramming is required, BFA approves. | Announced by AD through directorate internal issuance system. |

KEY:

NSF 517 = Advice of Annual Operating Plan
 SF 52 = Request for Personnel Action
 PATS = Personnel Action Tracking System (automated SF-52 system)
 PD = Position Description

APPENDIX B

STEPS AND DOCUMENTATION FOR REORGANIZATIONS

Action Items for Originating Office and Cognizant Assistant Director

1. The initiating organization conceptualizes and defines what needs to be reorganized, defining impact on programs, budget, positions and current personnel. Advises HRM specialist of reorganization plan.
3. The initiating organization prepares a recommendation package containing the rationale for the reorganization and anticipated staffing implications. Attachments include:
 - a) budget crosswalk (if applicable);
 - b) proposed organization chart;
 - c) proposed mission statement (at least to division level);
 - d) staff crosswalk; and
 - e) new position descriptions or current position descriptions with changes marked in pen.
4. The cognizant Assistant director or Office Director submits the recommendation package to HRM for review and coordination.
10. The reorganization package is routed to the cognizant AD after O/D approval or BFA clearance. AD informs originating office of approval; returns original documents to HRM; coordinates effective date with HRM (per union comment period and personnel actions); and prepares announcement.
11. Initiating office requests new organizational codes from DFM.
14. Initiating office submits a personnel action for each employee assigned to a new position along with finalized PDs (new or "pen and ink") previously submitted in draft form.
16. Director, NSF, or cognizant Assistant Director issues announcement of reorganization.

Action Items for HRM, OLPA, BFA, DFM, DIS

2. **HRM** specialist meets with representative of initiating organization to discuss tentative personnel crosswalk; provide checklist; answer questions; and facilitate process.
5. **HRM** conducts an impact analysis (e.g., issues related to staffing, classification, labor relations, reduction-in-force, supervisory ratios, layers of management, and/or management analysis). HRM ensures completeness and disseminates copies to BFA, OLPA, and AFGE for review. If SES positions are involved, HRM coordinates to obtain ERB approval.
6. **OLPA** determines if Congressional clearance is required. Assists originating office in preparing letter to appropriate Congressional Committee. Advises HRM of expected approval period or no approval required. (packages submitted to NSF budget committees usually either in January or September. Notification period is normally 30 days.)
7. **BFA** determines budget implications. Advises originating office of any difficulties. Notifies HRM of changes or no approval required.
8. **HRM** completes impact analysis and tentative classification of position descriptions. Recommends to Director, IRM, concurrence or non-concurrence with the reorganization.
9. **IRM** routes reorganization package through OLPA and BFA for official clearance. Reorganizations involving staff offices or more than one directorate are further routed to the Director, NSF, for approval.
12. **DFM** creates codes and coordinates with DIS. DFM notifies initiating office and HRM when the codes are in place.
13. **DIS** makes system changes.
15. **HRM** classifies finalized PDs and processes personnel actions. A reorganization is usually effective at the beginning of the first full pay period after final approval and actions are received in HRM and organization codes are in the system.

APPENDIX C

REORGANIZATION CHECKLIST

| Directorate(Office)/Division | Reorganization Contact | |
|---|------------------------|--------------|
| ACTION ITEM | COMPLETION DATE | NOTES |
| 1. Meet with HRM regarding staff crosswalk and required crosswalk | _____ | |
| 2. Prepare reorganization package | _____ | |
| budget crosswalk | _____ | |
| organizational chart | _____ | |
| mission statement | _____ | |
| staff crosswalk | _____ | |
| # of new PDs required (_____) | _____ | |
| # of pen & ink PDs (_____) | _____ | |
| 3. Send package to AD | _____ | |
| 4. Send package to HRM | _____ | |
| Comments from HRM | _____ | |
| Additional/revised information to HRM | _____ | |
| 5. Comments from OLPA | _____ | |
| Congressional letter to OLPA | _____ | |
| Reorganization sent to Congress | _____ | |
| 6. Comments from BFA | _____ | |
| Additional/revised information to BFA | _____ | |
| 7. Approved by (circle one) AD/CFO/Director | _____ | |
| 8. Effective date of reorg. (coordinated with HRM) | _____ | |
| 9. Request codes from DFM | _____ | |
| Codes in place | _____ | |
| 10. Finalized PDs to HRM | _____ | |
| 11. PATS 52s input | _____ | |
| Approved | _____ | |
| 12. Announcement prepared | _____ | |
| Issued | _____ | |
| 13. Original package and concurrence pages to HRM | _____ | |

APPENDIX D

STAFF CROSSWALK

CURRENT POSITION

Statistical information generated from PERSY

- employee name
- position title, series, grade
- position description #
- organization code

PROPOSED CHANGES

This is a planning tool for the reorganizing office and HRM. The requested information may be handwritten by the originating office or in consultation with the servicing personnel specialist.

New Organization

**Reporting Position
(supervisor)**

**New PD/Pen & Ink
Changes (check one
& write title of
new job if appro-
priate)**

APPENDIX E

HUMAN RESOURCE ISSUES TO CONSIDER

The following questionnaire is a planning tool for considering the impact of various personnel moves and realignments.

1. Position Descriptions

Is the current PD accurate?

If not, cross out inaccuracies, retain what is good, and on a separate piece of paper, write **only** the new duties that are not listed. There is no need to rewrite the entire PD for only minor changes. If there is a job like yours elsewhere, call and get a copy or let HRM know and they will provide a copy.

2. Performance Evaluations

Is an early performance appraisal due for employees being reassigned?

3. Higher Graded Duties

Will the new duties be classified at a higher level?

If so, the position may need to be competed. Check with HRM on noncompetitive actions and on employee qualifications.

4. Supervisory Positions

How will the reorganization affect supervisors?

Changing the grades of positions supervised or eliminating positions could have an impact on the supervisor's classification.

Avoid surprises. Know up front what might happen and work towards avoiding negative impact where possible.

APPENDIX F

SAMPLE REORGANIZATION MEMORANDUM

MEMORANDUM

DATE:

TO: Director, HRM

FROM:

SUBJECT: Reorganization of

Attached for review and approval is a proposed change of the division of [division], Directorate for [directorate].

- I. PURPOSE OF ORGANIZATIONAL CHANGES [Describe expected gains in efficiency, adjustments to absorb new missions, etc.]
- II. BUDGET IMPLICATIONS [Include changes to program budget, and effect on FTE, or indicate no impact.]
- III. STAFFING IMPLICATIONS [Describe the changes in the organization's staffing and/or changes in work assignments.]

[signed]
Assistant Director

Attachments

1. Budget crosswalk table, (if needed) (BFA)
2. Staff crosswalk (HRM)
3. Mission statement (divisions/offices and above) (HRM)
4. Revised and new position descriptions (HRM)
5. Chart for proposed organization (HRM)
6. Draft Congressional committee notification letter (if needed) (OLPA)

Notes and instructions for drafter

1. For assistance with attachments, contact organization listed next to attachment number above.
2. A staff crosswalk shows the movement of staff (including IPAs) from the current organization to the proposed one. It is a planning tool for the initiating office and HRM and may be handwritten.
3. Revised position descriptions may follow the proposal memorandum, but must be submitted before management completes the review of the reorganization.

APPENDIX G
ARTICLE XIX, COLLECTIVE BARGAINING AGREEMENT
WITH LOCAL 3403, AFGE

REORGANIZATION, REALIGNMENT, AND TRANSFER OF FUNCTIONS

Where there is a proposed reorganization, realignment, or transfer of functions, other than a minor change not believed to have a significant adverse impact, NSF management will consult with Local 3403 as soon as possible after the Assistant Director for the affected directorate, or higher management where the change is initiated at such higher level, determines that a change should be made so that the plan for such action can be developed with the benefit of consultation. Local 3403 will cooperate to provide its consultation as soon as possible taking into consideration the time constraints under which the planning must be completed.

APPENDIX H

FES FACTOR FORMAT FOR POSITION DESCRIPTION

- A. Introduction: Provide a brief statement of the purpose of the position, the function of the organization in which located, and a description of the program(s) with which associated.
- B. Major Duties: Briefly describe the major duties assigned. The purpose of this section of the PD is to answer the question, "What does the employee do in this position?" When supervisory duties are part of the position, identify the kind and level of work supervised and the approximate size of the staff supervised. Indicate the scope and degree of supervision.
- C. Factors: Describe each of the following factors:
1. Knowledge Required by the Position
 - Kind or nature of knowledges and skills needed
 - How these knowledges and skills are used in doing the work
 2. Supervisory Controls
 - How the work is assigned
 - The employee's responsibility for carrying out the work
 - How the work is reviewed
 3. Guidelines
 - The nature of guidelines for performing the work
 - Judgment needed to apply the guidelines or develop new guides
 4. Complexity
 - Nature of the assignment
 - Difficulty in identifying what needs to be done
 - Difficulty and originality involved in performing the work
 5. Scope and Effect
 - Purpose of the work
 - Impact of the work product or services
 6. Personal Contacts
 - People and conditions under which contacts are made (except supervisor)
 7. Purpose of Contacts
 - Reasons for contacts in Factor 6; skill needed to accomplish work through person-to-person activities
 8. Physical Demands
 - The nature, frequency, and intensity of physical activity
 9. Work Environment
 - The risks and discomforts imposed by physical surroundings and the safety precautions necessary to avoid accidents or discomfort

APPENDIX I

NARRATIVE FORMAT FOR POSITION DESCRIPTION

A. Introduction

Provide a brief description of the purpose of the position, the function of the organization in which it is located, and the programs with which it is associated.

B. Major Duties and Responsibilities

Provide a description of the major duties and responsibilities of the position in plain and clear language that is both brief and specific. When the position includes supervisory duties, identify the kind and level of work supervised and the approximate size of the staff supervised. Indicate the scope and degree of supervisory responsibility.

C. Supervisory Controls

Identify the employee's supervisor and show the controls, instructions, and written guides under which the employee operates; the problems and other matters the employee refers to the supervisor; and the extent of the review of the work performed.

D. Other Significant Facts

Describe or explain substantive features of the position which are not included in the other sections of the PD. Describe any special qualifications essential to the position.

CHAPTER VII—POSITION CLASSIFICATION AND COMPENSATION

SUBCHAPTER 300 OVERTIME AND PREMIUM PAY

SUBCHAPTER SUMMARY

This Subchapter describes policies and procedures for authorizing overtime and holiday pay.

HRM CONTACT

Staffing and Classification Branch
Division of Human Resource Management (HRM)
703-306-1185

310 PURPOSE

This Subchapter describes policies and procedures for authorizing overtime and holiday pay; payment of night and Sunday differential; and specifies legal holidays.

320 SCOPE

The policies on overtime, holiday, night differential and Sunday differential pay as outlined herein apply to all Foundation employees.

330 AUTHORITY TO APPROVE OVERTIME AND HOLIDAY PAY

The authority to approve overtime and holiday pay for employees under their supervision is delegated to Division Directors/Office Heads. These authorities may not be redelegated. No employee may authorize or approve overtime or holiday pay for himself/herself.

340 OVERTIME

341 GENERAL. Overtime is an expedient used for emergency operating situations to perform work which cannot be accomplished during normal working hours. Compensable overtime consists of hours of work, which have been officially authorized and approved, in excess of 8 hours in a day or 40 hours in a week. However, hours of work in excess of 8 hours in a day are not calculable in computing hours which are in excess of 40 hours in an administrative workweek. Wage Grade (hourly rate), when-actually-employed (WAE), part-time or intermittent employees are eligible for overtime compensation in accordance with the above provisions.

342 AUTHORIZATION CRITERIA. If an employee is absent on authorized leave with pay during the regularly scheduled workweek (i.e., annual or sick leave), such time

absent is considered to be employment for pay purposes and technically such employee could be authorized to earn overtime compensation. The same applies to absences because of a legal holiday or when taking compensatory time. However, supervisors are expected to schedule activities under their supervision so that employees will not be required to work overtime in the same week in which they have taken either sick or annual leave, except when absolutely essential. When an employee is required to perform overtime work during a week in which the employee has been absent on leave-without-pay, pay for the overtime period will be at the regular rate of pay, up to the number of hours absent on leave-without-pay. Additional hours of overtime will be compensated at the applicable overtime rate.

343 OVERTIME PAY. Employees whose salaries do not exceed Step 1 of Grade GS-10 will be paid an overtime rate that is one and one-half times the regular hourly rate. Those employees whose salaries are above Step 1 of Grade GS-10 will be paid overtime at the rate of one and one-half times the hourly rate for the base pay (Step 1) of Grade GS-10. Wage Grade employees will be paid overtime at the rate of one and one-half times their hourly rate.

344 MINIMUM TIME PERIODS. Compensation for overtime may not be authorized for work of less than one-half hour duration. However, if an employee is called back to work after departing at the end of normal tour of duty the employee must be paid overtime or granted compensatory time for at least two hours of work.

345 LUNCH BREAKS. Overtime that begins at the conclusion of the normal workday may be interrupted between 5:00 and 6:30 p.m. by a lunch or rest period of at least 30 minutes, whenever the overtime work is expected to last for more than two hours. On weekends and holidays, overtime should be interrupted sooner. When circumstances preclude a lunch or rest period, the employee will be paid for the entire

period of overtime (such an eventuality must be expressly recorded when reporting the overtime).

350 COMPENSATORY TIME

General Schedule employees whose rate of basic compensation is in excess of the maximum rate for Grade GS-10 will be required to take compensatory time in lieu of overtime pay. However, whenever circumstances warrant, overtime or holiday pay may be authorized for such employees.

There is no authority to give Federal Wage System (Wage Grade) employees compensatory time off in lieu of paid overtime.

a. The following applies to employees whose rate of basic compensation is less than the maximum rate for Grade GS-10.

- When shortage of funds is evident, supervisors may request but not require employees to receive compensatory time in lieu of paid overtime.
- Employees may request compensatory time in lieu of paid overtime.

b. Compensatory time off, generally, should be used by the employee as soon after it is earned as is administratively practicable, but it must be taken within seven pay periods following the one in which it was earned. In unusual circumstances, the forfeiture period may be extended an additional seven pay periods by written notification from Division Directors/Office Heads to the Division of Financial Management, Payroll Section. If the compensatory time is not used by the employee within the time period prescribed, rights are lost to both compensatory time off and to overtime pay unless the failure to use the compensatory time earned is due to an exigency of the service beyond the employee's control.

360 HOLIDAY PAY

When a legal holiday falls within the administrative workweek, employees who are excused from work are paid at their regular rate. Any employee who is required to work on a legal holiday that falls within the administrative workweek will be paid at the regular rate plus premium pay at a rate equal to the regular rate. Work in excess of eight hours on a legal holiday falling within an administrative workweek will be compensated at the applicable overtime rate. When an employee is required to work on a legal holiday that falls on a Saturday or Sunday, the employee will be compensated at the applicable overtime rate rather than at the holiday rate. If an employee is required to perform holiday duty, the employee receives premium pay for two hours, whether or not a full two hours are worked.

370 LEGAL HOLIDAYS

When a holiday falls on a Sunday, the following Monday is a non-workday, and when a holiday falls on a Saturday, the pre-

ceding Friday is a non-workday, for employees whose basic workweek is Monday through Friday.

The Payroll Section, DFM, will provide guidance and assistance on the interpretation and applicability of these provisions:

The following are the legal holidays:

| | |
|--------------------------|---|
| January 1 | New Year's Day |
| 3rd Monday in January | Martin Luther King's Birthday |
| 3rd Monday in February | Washington's Birthday |
| Last Monday in May | Memorial Day |
| July 4 | Independence Day |
| 1st Monday in September | Labor Day |
| 2nd Monday in October | Columbus Day |
| November 11 | Veteran's Day |
| 4th Thursday in November | Thanksgiving Day |
| December 25 | Christmas |
| January 20 | Inauguration Day (every 4 years for employees in the Washington Metropolitan area only) |

380 LIMITATIONS ON PAYMENT OF OVERTIME AND HOLIDAY PAY

Overtime or holiday pay may not be authorized for an employee whose annual salary equals or exceeds the maximum scheduled rate provided for Grade GS-15. Nor may overtime or holiday pay be authorized for an employee if it would result in his/her receiving compensation for a pay period that would exceed the maximum biweekly salary authorized for Grade GS-15. This limitation also applies to granting of compensatory time for overtime worked.

390 REPORTING OVERTIME, HOLIDAY WORK, NIGHT WORK, SUNDAY WORK AND COMPENSATORY TIME

All overtime, holiday, night and Sunday work performed as well as compensatory time earned and taken must be reported to the Payroll Section, DFM, on NSF Form 534, "Time and Attendance Record." The dates on which overtime has been performed, the number of hours worked each day and the total hours of overtime worked during the pay period will be shown. The choice of whether payment shall consist of overtime pay or compensatory time will also be indicated on the form. This shall be done by having the employee initial the total overtime hours worked or compensatory time earned. Once the form has been submitted to the Payroll Section, the initial decision may not be changed. In those instances when it is necessary for an employee to work overtime in the same week that leave is taken, the reason for the exceptional circumstances should also be noted on the form or an attachment thereto. Responsible officials (Division Directors/Office Heads) must sign in the "Remarks" block of NSF Form 534 on the line entitled "Overtime Approval and Authorization," to indicate that the entries reported are authorized and approved for payment.

CHAPTER VII—POSITION CLASSIFICATION AND COMPENSATION

SUBCHAPTER 400 PAY IN THE SENIOR EXECUTIVE SERVICE (SES)

SUBCHAPTER SUMMARY

This Subchapter describes the pay rates for SES members.

HRM CONTACT

Executive Personnel and Development Branch
Division of Human Resource Management (HRM)
703-306-1185

410 INTRODUCTION

The Foundation pays senior executives at the most equitable rate permitted by law or regulation according to each executive's skills, experience and level of responsibility within the organization.

420 PAY ADMINISTRATION

421 GENERAL. The President annually establishes rates for the SES pay schedule within the requirements that the lowest rate is not less than the minimum rate of basic pay for Grade 16 of the General Schedule and the highest rate does not exceed the rate for Level IV of the Executive Schedule. The amount payable may be further limited by congressional action.

422 DETERMINATION OF SALARY.

A. Approval. Final approval authority of pay rates for any NSF SES member is the Director, NSF; approval authority is delegated to the Deputy Director and the Chairperson of the Executive Resources Board (ERB). Requests for exemption to SES pay policy must be justified by an individual's achievement and professional stature, and by salary comparisons where relevant. The ERB recommends action on exemption requests to the Director. The Director, Division of Personnel and Management, provides advice for review of SES cases.

B. Initial Appointments.

1. Individuals without prior Federal civilian service who are appointed to SES positions shall normally have their salaries set at the lowest ES rate that represents an increase from their previous level of basic compensation, as

determined from pertinent, verifiable salary data. Initial pay rates may not normally exceed ES-4.

2. Individuals in other Federal pay systems who are appointed to SES positions shall normally have their salaries set in accordance with competitive service pay setting guidelines, with a maximum initial pay rate of ES-4.

C. Transfers and Reassignments. Individuals who currently hold SES appointments may be reassigned or transferred at their present pay rates.

423 LIMITATION ON AGGREGATE COMPENSATION. In any fiscal year aggregate compensation (salary, bonus, award for Presidential Rank) may not exceed the annual compensation payable for positions at Level I of the Executive Schedule, unless otherwise restricted by legislative action. The excess compensation may, however, be carried over and paid during the next fiscal year.

424 PAY ADJUSTMENTS.

A. General. An SES member's pay rate may be adjusted upward or downward on the basis of performance. Pay adjustments may be made only once within a 12-month period and are made in addition to any government-wide comparability adjustments. An SES member's salary will normally be adjusted upward only one pay rate at a time.

B. Reduction in Pay Rate. An SES career appointee's pay may be reduced by not more than one pay rate within a 12-month period, and only if the appointee receives a written notice of the reduction at least 15 days in advance of the reduction.

C. Initiation of Pay Adjustments.

1. To request a pay increase for an SES member, the submitting office must forward to DPM an SF-52, "Request for Personnel Action," with a brief supporting memorandum. Justification should be on the basis of performance and may reference the most recent performance appraisal. The ERB will review the request and approve or disapprove the action.

2. When a Marginal or Unsatisfactory rating has been issued, the completed SES performance appraisal form is sufficient documentation for a request to decrease pay. The ERB will review the documentation, including any Performance Review Board (PRB) recommendation, and approve or disapprove the action.

425 PAY RATES. SES pay rates above ES-4 are normally limited to executives with broad organizational assignments (e.g., Assistant Director, Deputy Assistant Director, Staff Office Director). The ES-6 level is normally reserved for Assistant Directors.



PER

PERSONNEL MANUAL



CHAPTER VIII CAREER/LIFE BALANCE

CHAPTER VIII—ATTENDANCE AND LEAVE

SUBCHAPTER 100 NSF FLEXTIME PROGRAM

SUBCHAPTER SUMMARY

This Subchapter describes the NSF Flexitime Program, which enables its participants to have a degree of flexibility in their work schedules.

HRM CONTACT

Labor/Management Relations Officer
Division of Human Resource Management (HRM)
703-306-1181

110 INTRODUCTION

Flexitime is the popular name for any flexible work schedule which replaces the traditional fixed-hours workday with a workday composed of core time when all employees are present and flexible time during which employees have varying degrees of control over their times of starting and stopping work. The Foundation encourages all units to participate in the Flexitime Program because it enables employees to have some choices regarding their work schedules. All employees with a biweekly work requirement of at least 32 hours may participate in the Flexitime Program.

120 RESPONSIBILITIES

121 THE DIRECTOR OF THE OFFICE OF INFORMATION AND RESOURCE MANAGEMENT (IRM) is responsible for:

- overall implementation of the Program NSF-wide
- informing the Union through the Labor Relations Officer of any units that have opted to be excluded from the Flexitime Program

122 THE DIVISION OF HUMAN RESOURCE MANAGEMENT (HRM) is responsible for:

- providing information to managers, supervisors, and employees about the Flexitime Program;
- communicating with the Office of Personnel Management (OPM) on matters pertaining to Flexitime; and
- reviewing and resolving all problems associated with the operation of the Flexitime Program or referring them to the Director, IRM, for resolution.

130 APPROVALS

All NSF work units are eligible to participate in the Flexitime Program unless a unit has specifically asked to be excluded on the basis that flexitime scheduling would interfere with its ability to function effectively. A work unit is headed by a manager or supervisor with authority to certify timecards, approve leave, and order overtime. In general, a work unit is a division within a directorate or an office reporting to the Director. However, smaller organizational elements within a division/office which have substantially different needs may be designated as separate work units. Exclusions made under this authority must not be for frivolous, arbitrary or capricious reasons.

131 WORK UNIT EXCLUSIONS. The head of a work unit can recommend to his/her Assistant Director/Office Director that specific positions or the entire work unit be excluded from the Program. Work unit heads who elect not to participate must give reasons in writing describing why their program objectives could not be effectively accomplished under flexitime scheduling. Assistant Directors/Office Directors have the authority to approve or reject exclusion requests and must inform the Director, HRM, of any exclusions.

132 EMPLOYEE FLEXTIME APPROVALS. Employees, when requested by the head of the work unit, will prepare a written work schedule of start and stop times for each day of the pay period. Supervisors may need to adjust their employees' schedules to ensure adequate coverage to meet the customer service and workload needs of the office.

Employees, who have been required by their supervisor to submit a schedule, may occasionally elect to begin their work day within 15 minutes before or after their scheduled start work time without supervisory approval. Employees who choose

an early or late start of up to 15 minutes must adjust their stop work time that same day to allow them to complete the hours of work called for in their work schedule. Other changes in individual schedules require the concurrence of the employee's supervisor.

133 SCHEDULE CHANGES. Employees must submit new requests in writing to the supervisors to change their work schedules. Changes should be made before the beginning of the pay period in which they are effective.

134 PART-TIME EMPLOYEES may work a flexible schedule with approval of the immediate supervisor and the head of the participating work unit. Part-time employees will have individual schedules which identify the days of the week on which they choose to work and the core time requirements of their tours of duty.

135 NON-PARTICIPATION. Full-time employees in work units participating in flexitime can elect to work a regular tour of duty instead of the flexitime option available to them. An employee's decision not to participate in flexitime is binding for a period of 90 days. A full-time employee may select a flexitime option at the beginning of any pay period following the 90-day waiting period.

136 TEMPORARY ASSIGNMENTS. If an employee in the Flexitime Program is temporarily assigned to another work unit, organization, or agency, the employee can continue to use the flexible schedule in effect at his/her permanent work unit if approved by the organization to which the employee is temporarily assigned.

137 REMOVAL FROM FLEXITIME. Supervisors have the authority to remove an individual employee from the Flexitime Program if the employee fails to observe the requirements of the Program. Exclusions made under this authority must not be for frivolous, arbitrary or capricious reasons.

140 THE FLEXITIME PROGRAM

consists of six principal elements:

- The Basic Work Requirement
- Core Time
- Flexible Time
- Customer Service Hours
- Credit Hours
- Time Accounting System

141 THE BASIC WORK REQUIREMENT is the number of hours, excluding overtime hours, which an employee is required to work or account for an absence. Flexitime employees must meet their basic daily work requirement between the hours of 7:00 a.m. and 6:00 p.m., Monday through

Friday. Full-time employees must work 8 hours during this period on each of these days or account for their absence by use of leave, earned credit hours, compensatory time, or official business. Neither work performed on a Saturday or Sunday nor work performed before 7:00 a.m. or after 6:00 p.m. may be counted toward meeting the basic work requirement. All employees are required to take a 30-minute uncompensated lunch break or rest period on any day when they work for 5 hours or more.

142 CORE TIME is the designated hours and days during which employees are required to be at work. NSF core hours are from 9:30 a.m. to 11:30 a.m. and from 1:30 p.m. to 3:30 p.m. Monday through Friday. Employees can not report to work after 9:30 a.m. or leave work before 3:30 p.m. unless they are on approved leave, earned credit hours, or official business. Unauthorized absence may be charged as Absence Without Leave (AWOL) and is subject to disciplinary action.

143 FLEXIBLE TIME is the time during which employees, with supervisory approval, may vary start and stop work times. NSF has established three flexible bands:

- between 7:00 a.m. and 9:30 a.m. during which employees are expected to arrive for work;
- between 11:30 a.m. and 1:30 p.m. during which employees are expected to take a work break; and
- between 3:30 p.m. and 6:00 p.m. during which employees are expected to complete their work requirement, or between 3:30 p.m. and 8:00 p.m. for the purpose of earning credit hours.

144 CUSTOMER SERVICE HOURS are the hours during which the work unit participating in Flexitime must be able to respond to the needs of their customers and the public. The NSF customer service hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. During these hours, each work unit must be able to provide service even if it means that employees must alter their preferred work schedules. If possible, coverage should be worked out among employees on a voluntary basis. When this is not possible, supervisors should assign coverage responsibilities on a rotating basis.

145 CREDIT HOURS are hours in excess of 8 hours a day or 40 hours a week which an employee elects to work with supervisory approval. Credit hours may be used to vary the length of a succeeding workday or workweek. For example, an employee might choose to work 10 hours on Monday and Tuesday (earning 4 credit hours) in order to work only 4 hours on Friday. Or, they could emulate a compressed work week by working 9 hours for 8 work days during a pay period in order to have one day off. Credit hours may also be used as a substitute for annual and sick leave.

A. Earning Credit Hours. Credit hours may be earned with supervisory approval from 7:00 a.m. to 8:00 p.m.

Sunday through Saturday. Saturdays, Sundays and holidays are included for the purpose of earning credit hours. There are no core time or customer service hour requirements on these days. Credit hours can be earned and used in quarter-hour increments and can be carried from one pay period to the next. Credit hours cannot be earned:

- For work performed before 7:00 a.m. or after 8:00 p.m.
- If the employee is in a nonpay status (LWOP, AWOL, suspension) for any part of the day.
- For work performed off-site (see [section 160](#), below).

B. Accumulation of Credit Hours. Credit hours must be earned before they can be used. While full-time employees (except members of the Senior Executive Service) can accumulate an unrestricted amount of credit hours during a pay period, only 24 hours can be carried over from one pay period to the next. SES employees can not carry over credit hours from one pay period to the next, and can not use credit hours for an absence of more than 8 hours at a time or 8 hours in total when combined with other leave in a pay period. A part-time employee can only accumulate 1/4 of the hours in his or her biweekly work requirement.

146 TIME-ACCOUNTING SYSTEM. Regulations require that an agency that authorizes a flexible work schedule must establish a time-accounting method that provides evidence that each flexitime employee has worked the proper number of hours in a biweekly pay period. For this purpose, NSF uses the Integrated Time and Attendance System (ITAS), an electronic seriatim sign-in/sign-out system for employees who have elected to participate in the Foundation's Flexitime Program.

A. ITAS. The ITAS is designed to provide affirmative evidence that each employee subject to flexitime has properly accounted for their work hours. Therefore, employees are not expected to alter the ITAS clock time, and supervisors are not expected to certify such changes. Authorized absences for official business should be accounted for by selecting "O.B." on the ITAS menu or by time card amendment the following day.

B. Timekeeping. The head of the work unit may require that at least one supervisory employee be present during the flexible work hours between 7:00 a.m. to 6:00 p.m. Supervisors, or other designated approving officials, will review the Daily Flexitime Record before certifying employee timecards. Both the Daily Flexitime Record and the electronic timecard are official records subject to audit and must be retained for a period of six years.

150 LEAVE AND SPECIAL PAY BENEFITS

151 LEAVE AND EXCUSED ABSENCE. Flexitime does not change the way in which sick or annual leave is earned or used. The maximum amount of sick leave, annual leave, accrued compensatory time, or accrued credit hours which a participating employee may use for any given day is 8 hours. When administrative leave is authorized under special circumstances (e.g., hazardous weather, to allow an employee to vote, building shut-down, etc.) such leave applies only for the portion of the excused absence that an employee was actually at work in their scheduled duty status.

152 OVERTIME PAY. If overtime is ordered by management, overtime pay (or compensatory time off if requested and is appropriate) must be provided. This is limited to all FLSA non-exempt employees.

153 PREMIUM PAY. If ordered by management, premium pay (or compensatory time, if appropriate) must be provided for work performed on a Sunday or holiday, unless otherwise prohibited by statute.

154 HOLIDAY PAY. Flexitime employees are entitled to 8 hours pay for any day the agency is closed because of a legal holiday or by Executive Order. Part-time employees are entitled to basic pay for the number of hours that they were scheduled to work on the particular day, not to exceed 8 hours.

An employee may not count more than 8 hours of work performed on a holiday towards meeting his/her basic work requirement even though he/she might ordinarily have worked more hours on the particular day.

155 NIGHT DIFFERENTIAL PAY. Flexitime participants who are required to work between the hours of 6:00 p.m. and 6:00 a.m. are entitled to night differential pay.

If the tour of duty includes 8 hours of work during daytime hours, an employee who chooses to work between 6:00 p.m. and 6:00 a.m. is not entitled to night differential pay.

160 WORK PERFORMED OFF-SITE

All full-time employees participating in Flexitime will have fixed work hours of 8:30 a.m. to 5:00 p.m. on all days wholly spent in travel status, attending a meeting, conference, or training event conducted off-site, or working at home or other alternate worksite. Credit hours cannot be earned on these days. On days partially spent in such activities and partially spent at the NSF worksite, the employee will be considered to be on a flexitime schedule for the day.

161 AUTHORIZATION TO CONDUCT WORK OFF-SITE ON AN OCCASIONAL BASIS. (See [PER VIII-400](#), Flexible Workplace Program, for work to be performed off-site on a regular long- or short-term basis.) So that the Foundation may properly observe and comply with the Federal Employees' Compensation Act, work performed away from an official duty station must always be authorized in writing in advance of each specific occasion. The authorization

must describe the work to be performed, the hours during which the work is to be performed and the location of the worksite. The authorization must be signed by the appropriate Division Director/Office Head who attests to the fact that advance authorization in writing was issued to the Foundation employee by certifying the electronic timecard.

162 TIME SPENT IN INDEPENDENT RESEARCH/DEVELOPMENT. Time spent in Independent Research/Development should be shown as regular work hours on time and attendance records. Participants have fixed work hours of 8:30 a.m. to 5:00 p.m. on all days spent in IRD activities, and credit hours, paid overtime or compensatory time cannot be authorized or earned on such days.

170 WORKLOAD PEAKS

Divisions, offices, or other organizations at NSF occasionally face heavy workloads that they are unable to meet with normal resources. Before considering overtime pay or compensatory time off for their employees, such work units should offer employees outside the work unit an opportunity to earn credit hours in return for performing the extra work. This is an eco-

nomical way for NSF to cope with especially heavy workloads. Employees must have their supervisors' approval to earn credit hours in this manner. Also, the use of credit hours earned in other organizations is subject to supervisory approval. Because of the possible savings to NSF as a whole, supervisors are encouraged to concur in requests by employees to earn credit hours working in other organizations.

180 TERMINATION OF FLEXTIME PROGRAMS

The Director or Deputy Director, NSF, has the authority to terminate Flexitime Programs in any work unit if either determines that Flexitime has proved substantially disruptive to the effective accomplishment of the unit. No program involving members of the bargaining unit can be terminated before a committee of union and management representatives has been given 5 workdays to review the facts and make recommendations to the Director or Deputy Director, NSF. This committee will consist of two union and two management representatives. The termination of the NSF Flexitime Program as a whole is subject to collective bargaining between management and the union as called for in Public Law 97-221.

CHAPTER VIII—ATTENDANCE AND LEAVE

SUBCHAPTER 200 WORK SCHEDULES FOR EMPLOYEES NOT ON FLEXTIME

SUBCHAPTER SUMMARY

This Subchapter prescribes the hours of work for employees not participating in the NSF Flexitime Program.

HRM CONTACT

Labor/Management Relations Officer
Division of Human Resource Management (HRM)
703-306-1181

210 POLICY

Foundation policy is to encourage participation of all work units at NSF in the Flexitime Program. However, full-time employees in work units participating in Flexitime may elect to work a regular tour of duty and need not take advantage of the Flexitime option available to them. Each employee's election to participate in Flexitime shall be binding for a period of 90 days. Any full-time employee may change from either status to the other at the beginning of the first pay period thereafter. Part-time employees are assigned a regular tour of duty but may participate in the Flexitime Program with the approval of the immediate supervisor and the head of the participating work unit.

220 REGULAR TOUR OF DUTY

221 FULL-TIME EMPLOYEES. Full-time employees who elect not to participate or who are excluded from participation in the Flexitime Program will work a regular tour of duty schedule of Monday through Friday from 8:30 a.m. to 5:00 p.m., with a 30 minute uncompensated lunch/rest break. Establishment of a work schedule different from these hours may only be authorized when such a tour will promote the efficiency of agency operations. Employee who desire more flexibility should participate in the Flexitime Program ([PER VIII-100](#)). Such nonstandard tour of duty requires the approval of an Assistant Director or Staff Office Director and the Division of Human Resource Management. Approving officials will notify HRM. Such nonstandard tours of duty will normally include the core period band of 9:30 a.m. to 3:30 p.m. and can not include work on a Saturday or Sunday.

222 PART-TIME EMPLOYEES. Part-time employees work on an assigned regular schedule which prescribes the hours of the day and the days of the week which comprise the

tour of duty. Scheduled hours usually occur during the core period time band.

230 DEFINITIONS

231 THE BASIC WORK REQUIREMENT is defined as the number of hours within a specific period of time which an employee must work or otherwise account for by use of sick or annual leave, leave without pay, compensatory time off or excused absence. The basic work requirement must be met during the period Monday through Friday. Full-time employees must account for 8 hours on each of these days, and work performed on a Saturday or Sunday may not be counted towards meeting this basic work requirement.

232 FLEXTIME is the popular name for any flexible work schedule which replaces the traditional fixed-hours workday with a workday composed of core time when all employees are present and flexible time during which employees have varying degrees of control over their times of starting and stopping work.

233 TOUR OF DUTY is the time band during which employees are required to meet their basic work requirement.

- The regular tour of duty for full-time employees not participating in Flexitime is 8:30 a.m. to 5:00 p.m., Monday through Friday.
- The tour of duty for part-time employees is prescribed on an individual basis and documented by issuance of an SF-50, "Notice of Personnel Action".

240 MEETING THE BASIC WORK REQUIREMENT

Employees not participating in Flexitime must meet their basic daily work requirement of 8:30 a.m. to 5:00 p.m., Monday through Friday unless another schedule (tour of duty) has been established for them. A tour of duty may not be varied, i.e., work performed outside the scheduled hours may not be counted towards meeting the basic work requirement.

241 ACCOUNTING FOR ABSENCES. All absences, other than for official business, during the scheduled work day (including part-time schedules) must be accounted for by leave or compensatory time. Unauthorized absence any time during the scheduled work day may be charged as Absence Without Leave (AWOL) and is subject to appropriate disciplinary action.

242 MANDATORY WORK BREAK. All employees are required to take a 30-minute uncompensated break or rest period on any day when they work for 5 or more hours.

250 WORK AT HOME OR ALTERNATE WORKSITES

So that the Foundation may properly comply with the Federal Employees' Compensation Act (FECA), work performed away from the official station must always be authorized in writing in advance of each specific occasion. The authorization must describe the work to be performed, the hours during which the work is to be performed, and the location of the worksite. The authorization must be signed by the appropriate Division Director/Office Head.

The Division Director/Office Head attests to the fact that advance authorization in writing was issued to the NSF employee by certifying the electronic timecard.

251 TIME SPENT IN INDEPENDENT RE-SEARCH/DEVELOPMENT. Time spent in Independent Research/Development should be shown as regular work hours on time and attendance records. Participants have fixed hours and paid overtime or compensatory time cannot be authorized or earned on such days.

CHAPTER VIII—ATTENDANCE AND LEAVE

SUBCHAPTER 300 ABSENCE AND LEAVE

SUBCHAPTER SUMMARY

This Subchapter describes types of leave available to NSF employees.

CONTACT

Employee Relations Branch
Division of Human Resource Management (HRM)
703-306-1191

310 INTRODUCTION

NSF and other Federal employees are entitled to leave for recreation, medical, family, and other reasons. It is the Foundation's policy to be responsive to employees' needs and requests in the scheduling of absences. However, NSF organizations must always weigh work priorities with employees' needs in considering requests for leave.

320 RESPONSIBILITIES

321 DEPUTY DIRECTOR, NSF, is responsible for requesting the restoration of forfeited annual leave for employees in the immediate office of an Assistant Director or Office Director or the Office of the Director if urgent public business requires the forfeiture of leave.

322 ASSISTANT DIRECTORS AND OFFICE DIRECTORS are responsible for requesting the restoration of forfeited annual leave of employees in their organizations except for employees for whom they are first level supervisors.

323 DIVISION OF HUMAN RESOURCE MANAGEMENT has the authority to restore forfeited annual leave and approves requests for LWOP of over 30 days, advanced sick leave, and participation of employees in the leave transfer program.

324 SUPERVISORS AND MANAGERS are responsible for approving and disapproving leave for their employees and taking appropriate actions when their employees abuse leave. Supervisors approve and disapprove requests for advanced annual leave and make recommendations to HRM regarding the approval of advanced sick leave, leave transfer, and leave without pay of more than 30 days.

330 ANNUAL LEAVE

Annual leave is leave with pay that enables employees to have vacations and time off for personal and emergency purposes.

331 ELIGIBILITY. Employees with appointments of 90 days or more earn annual leave from the start of their appointments and are entitled to use it as soon as it is earned, although supervisory approval is necessary for scheduling leave. An employee with an appointment of less than 90 days is not entitled to annual leave. However, if his/her appointment is extended beyond 90 days or he/she is employed for 90 days under successive appointments without a break in service, then he/she is eligible to earn leave retroactively to the beginning of the original appointment. Full-time employees and part-time employees with regularly assigned tours of duty earn annual leave based upon length of service and tour of duty. [Appendix A](#) describes earning rates of annual leave. The minimum charge for annual leave is 15 minutes.

332 REQUESTING ANNUAL LEAVE. Except in emergencies, appropriate officials must approve annual leave before employees use it. An employee must submit an SF-71, "Application for Leave" for requests of more than three days of annual leave. In an emergency an employee must notify his/her supervisor before he/she is scheduled to be at work or as soon as possible thereafter (normally not more than 1 hour). Employees are not automatically entitled to annual leave solely because of unforeseen circumstances that they believe require absence from duty. When an employee has an unacceptable frequency of unscheduled leave, his/her supervisor may require additional documentation.

333 MAXIMUM ACCUMULATION OF ANNUAL LEAVE. Non-SES employees may carry a maximum of 240 hours (30 days) of annual leave into each succeeding leave year and are entitled to payment for all unused annual leave to their credit when they separate from the Federal service.

SES members can accumulate up to 720 hours (90 days) of annual leave, although previously they could accumulate unlimited annual leave. Current SES members can retain all the annual leave they had accumulated as of October, 1994 in

personal leave ceilings but they must forfeit any annual leave greater than 720 hours or what is in their leave ceilings, whichever is more at the end of the leave year. When a SES member uses more annual leave than he/she earns, his/her personal leave ceiling will be reduced accordingly, unless it contains fewer than 720 hours.

334 FORFEITURE AND RESTORATION OF FORFEITED ANNUAL LEAVE. Employees who have accrued more annual leave than can be carried over to the next leave year must use or forfeit the leave. If the forfeiture resulted from an administrative error, urgent public business, or a medical reason, the forfeited leave may be restored if the requirements below are met.

335 PROCEDURES/AUTHORITY FOR RESTORATION OF ANNUAL LEAVE. The appropriate Assistant/Office Director must submit a memorandum requesting restoration of forfeited leave to the Director, HRM by February 15 following the close of the leave year. If the forfeiture affects an employee of the Assistant/Office Director or an employee in the Office of the Director, the memorandum should be from the Deputy Director, NSF. Additional requirements for each type of restoration are described below:

A. Administrative Error. If an employee lost annual leave because of an administrative error, it should be discussed with HRM on an individual basis.

B. Exigency of the Public Business. If a request is made to restore annual leave that was forfeited because of exigency of the public business, the exigency must be substantiated. The exigency must clearly be of such importance to prevent the use of scheduled annual leave and be distinguished from a traditionally heavy workload period. The request also must include:

1. the work requirements, the nature of the exigency and its beginning and ending dates;
2. evidence that all reasonable alternatives to the cancellation of the leave were reviewed;
3. evidence that the written request for the leave (e.g., SF-71 or other appropriate document) had been approved prior to the third biweekly pay period before the end of the year; and
4. a statement explaining what efforts were made to reschedule the leave.

C. Illness. When annual leave is forfeited because of illness, injury or other medical condition for which sick leave is appropriate, the request should include evidence that the annual leave could not be rescheduled and that it was scheduled in writing prior to the third biweekly pay period before the end of the year (e.g., SF-71 or other appropriate document).

Restored annual leave will be kept in a separate account and must be used within two years of the termination of the

exigency or illness or the restoration because of administrative error.

336 ADVANCING ANNUAL LEAVE. Supervisors have the discretion to advance employees annual leave when they are reasonably certain that the employees will return to duty long enough to earn the leave granted. Employees cannot be advanced more annual leave than what they would receive in the remainder of the year. Annual leave will not be advanced to employees during their first year of Federal service except in unusual circumstances. Employees may not be granted advanced annual leave at the beginning of the leave year if they have been in non-pay status immediately before the start of the leave year and have not returned to duty.

337 ANNUAL LEAVE RECREDITED. When Federal employees resign, they receive lump sum payments for unused annual leave. Occasionally a person resigns from Federal employment, but returns before the end of a period for which he/she received a lump sum payment. In this case, the employee must reimburse the government for time after his/her return that was included in the lump sum payment. For example, an employee who received payment of six weeks of unused annual leave returns to Federal employment four weeks after he/she resigns. This employee must reimburse the government for two weeks pay. The leave will be restored and will be available for use regardless of whether or not his/her new appointment is permanent. Restored annual leave included in a lump sum payment is not subject to refund and may not be recredited to the employee.

340 SICK LEAVE

Sick leave may be used for the following reasons:

- if an employee has a medical, dental, or optical examination or treatment;
- if an employee is medically unable to work because of illness, injury, pregnancy or childbirth; or
- if a health authority or health care provider determines that an employee would jeopardize the health of others by his/her presence on the job because of exposure to a communicable disease.

In addition, under the Family Friendly Leave Act, an employee is allowed to use up to 40 hours of sick leave to:

- provide care for a family member during illness, injury, or pregnancy or after the birth of a child;
- accompany a family member to a medical, dental or optical examination or treatment; or
- make arrangements necessitated by the death of a family member or attend the funeral of a family member.

Employees may use up to a total of 104 hours in a year for family and bereavement purposes if they retain a balance of at least 80 hours of sick leave after the requested leave is used.

Sick leave may not be used to supplement annual leave. The minimum charge to sick leave is 15 minutes.

341 ELIGIBILITY. Eligible employees earn sick leave from the first day of employment. Full-time employees earn 4 hours of sick leave each biweekly pay period. Part-time employees earn sick leave on a prorated basis; intermittent employees do not earn sick leave. Sick leave can be accumulated without limit.

342 APPROVAL. An employee who is unable to work because of illness or injury or the illness, injury, or death of a family member must notify his/her supervisor before or as soon as possible after the time he/she is scheduled to report for duty (normally not more than 1 hour), or before leaving work if becoming ill during normal duty hours. The employee should indicate how long he/she expects to be absent. Additional sick leave must be requested if the employee will be away from the office longer than anticipated. Sick leave for routine medical, dental, or optical examination must be approved in advance.

Absences longer than three days require an SF-71 or medical statement signed by a registered physician or other medical practitioner that certifies the medical condition, incapacitation, or treatment furnished. The statement is due within three working days of return to duty. In cases of extended illness, periodic medical certificates concerning the employee's medical condition will be required.

An employee who becomes incapacitated for duty because of illness or injury while on official travel should notify his/her supervisor of the illness as soon as practical.

343 ADVANCING SICK LEAVE. Sick leave may be advanced to employees with the approval of their supervisors and HRM if they meet the criteria below. There must be a reasonable expectation based on the employee's past leave usage and the nature of the illness or disability that he/she will be able return to duty and to repay the advanced sick leave. An employee whose application for disability retirement is pending is not eligible for advanced sick leave.

A. Conditions. An employee must have exhausted all accumulated sick leave and annual leave that might otherwise be forfeited (use or lose leave) and have a medical situation that will require at least 40 hours absence from work. Leave may be advanced to cover an entire absence or only part of it, but may not exceed the amount required for the particular medical condition. Advanced sick leave may also be granted and used on days when an employee works for part of a day if his/her entire absence totals at least 40 hours.

B. Maximum Amounts of Advanced Leave.

1. Employees with at least one year of Federal service who are full-time employees may be granted up to 30 days of advanced sick leave. If an employee requires more sick leave before liquidating his/her original advance, an additional advance may be authorized. In no instance can an employee have a total deficit of more than 30 workdays of advanced

sick leave. Part-time employees with regular tours of duty may be advanced sick leave on a prorated basis.

2. Employees with less than one year of Federal service can be granted advanced sick leave equivalent to the amount they will earn during the remainder of the year.

3. Employees serving under limited appointments may be granted advanced sick leave equivalent to the amount they will earn during the remainder of their appointments.

C. Requests. An employee should use NSF Form 1015, "Request for Leave for Medical or Family Purposes" to request advanced sick leave and should attach appropriate documentation indicating the medical condition and how long he/she will be unable to work. The supervisor will review the request and, if he/she recommends approval, transmit it and the attachments to HRM for final approval.

D. Repayment. When an employee has been given advanced sick leave, the total amount of advanced sick leave must be paid back before additional sick leave is available to the employee, unless more advanced leave is approved.

344 REQUIRING ADDITIONAL EVIDENCE OF ILLNESS. Supervisors may place additional restrictions on employees when records show unacceptably frequent use of sick leave or abuse of sick leave. In these cases, a supervisor must give an employee advance notice of what certification or reporting is required. The requirements will remain in effect for six months. If an employee fails to meet these requirements the absence may be charged as absence without leave (AWOL). Supervisors should consult with HRM before they place such requirements on employees.

345 SICKNESS DURING ANNUAL LEAVE. When an employee who is on annual leave becomes ill, the period of illness may be charged as sick leave and the use of annual leave reduced accordingly. A doctor's certificate or personal statement may be required.

350 LEAVE WITHOUT PAY (LWOP)

Leave without pay (LWOP) is an absence that an employee has requested and an appropriate official has approved. Approval of LWOP is a matter of management discretion. There are many valid reasons such as medical or educational purposes that warrant consideration of LWOP requests. Employees are not automatically entitled to LWOP, unless they are disabled veterans needing medical treatment or reservists or National Guard personnel requesting LWOP for military training duties.

351 GRANTING LEAVE WITHOUT PAY. When reviewing a request for LWOP, a supervisor should consider the office workload, the effect of the absence on the organization, and similar issues. Except when action is pending on an employee's claim for disability retirement or disability compensation, LWOP may be granted only when there is a reasonable expectation that the employee will return to the Federal service upon expiration of the leave.

352 APPROVAL OF LWOP. Assistant/Office/Division Directors are authorized to approve LWOP for 30 calendar days or less. A request for LWOP in excess of 30 calendar days or a request for extension of LWOP for over 30 days must be submitted for approval to HRM on Standard Form 52, "Request for Personnel Action." In this case, the employee should give the supervisor or HRM reasons for the request and its expected duration, and if the request is made for medical reasons, a medical certificate.

353 AFFECT OF LWOP ON EMPLOYEE BENEFITS. Depending upon its duration and an employee's career status, LWOP may affect retirement coverage, insurance benefits, leave accrual, probationary periods, career tenure periods, and scheduled step increases. [Appendixes B and C](#) describe the affects of LWOP on each of these.

360 ABSENCE WITHOUT LEAVE (AWOL)

Absence without leave (AWOL) is a non-pay status in which the absence has not been authorized or approved or for which a leave request has been denied. It can also include leave that is not approved until required documentation has been submitted. Employees may be charged AWOL when they fail to report to duty without prior leave approval, do not give proper notification of absence or do not have acceptable excuses for such absences. AWOL is charged in multiples of quarter hours. When the charge for AWOL exceeds the period of absence, an employee may not be required to work during any part of the charge for AWOL. AWOL may be the basis for disciplinary action.

370 LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT

The Family and Medical Leave Act (FMLA) provides an employee up to 12 weeks of unpaid leave during any twelve-month period for the following purposes:

- a serious health condition;
- the birth and care of a child;
- the adoption of a child or the care of a foster child; or
- the care of a spouse, child, or parent who has a serious health condition.

Permanent full-time or part-time employees who have worked for the Federal government for at least 12 months are covered. Under certain conditions, FMLA leave may be taken intermittently or in combination with a reduced work schedule. Employees may elect to substitute other paid time off, as appropriate, for any unpaid leave under this Act. This leave is in addition to other paid time off available. When employees have been on leave under the FMLA, they return to their same positions or to positions with equivalent benefits, pay status, and other terms and conditions of employment.

In addition, under FMLA, employees may schedule and be granted up to 24 hours of leave without pay for three purposes:

- to participate in school activities directly related to the educational advancement of a child;
- to accompany their children to routine medical or dental appointments such as annual checkups and vaccinations; and
- to accompany their elderly relatives to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meals, telephones, banking services, and other similar activities.

The procedures for applying for leave under the FMLA are the same as applying for leave without pay, except that the application must specify that it is for leave under the FMLA. The application must be made at least 30 days in advance, or if that is not possible, as soon as is practicable. Medical certification will be required for leave taken for a serious health condition. This certification must indicate the diagnosis, an explanation of why the employee is unable to work, and an estimate of the duration of the condition. If an employee is using leave under the FMLA to care for a family member, the medical certification must indicate the diagnosis and an estimate of the nature and duration of the required care. Documentation will also be required for a birth or adoption or the placement of a foster child. Additional medical certification may be required every 30 days. Employees requesting leave under the FMLA should follow the procedures for the type of leave they are requesting. All approved requests must be forwarded to HRM.

Employees are entitled to maintain health benefits coverage when they are on unpaid leave under FMLA under the same conditions as when they are on leave without pay for any other reason.

380 MATERNITY/PATERNITY/ ADOPTION LEAVE

Sick leave, annual leave, or LWOP may be used for maternity leave, just as with any other medically certified temporary disability. Sick leave may be used only for physical examinations and the period of incapacitation. Other approved absences (i.e., those involving child care or making child care arrangements) require annual leave or LWOP. An employee who plans to return to work after childbirth should normally do so within 90 calendar days.

A male employee can use annual leave, LWOP, or sick leave as paternity leave to care for his minor children or the mother of his newborn child after the birth. There are limits on the amount of sick leave that can be used for these purposes. (See [Section 340.](#))

An employee can use annual leave, sick leave, or LWOP for purposes relating to the adoption of a child. This includes appointments with adoption agencies, social workers, and attorneys as well as court proceedings, travel, and related activities.

Employees requesting leave for maternity, paternity, or adoption should follow the procedures for the type of leave they are requesting. Absence for maternity or paternity reasons will not delay required or ongoing personnel actions such as separation at the expiration of an appointment, reduction-in-force or adverse action.

390 OTHER LEAVE

391 MILITARY LEAVE. Employees with permanent, term, or temporary appointments of at least one year are entitled to military leave of absence with pay of up to 15 calendar days in any fiscal year for active duty or active duty for training. An employee with a temporary appointment pending establishment of registry (TAPER) is also eligible for such military leave. Compensation may be accepted for both military and civilian service during this period. Up to 15 days of unused military leave may be carried forward for use in the succeeding year in addition to the military leave credited for that fiscal year. Thus, a full-time employee has the potential for 30 days military leave during a particular fiscal year. Military leave is prorated for part-time employees. This leave may be taken intermittently or as otherwise directed under orders issued by an appropriate military authority.

In addition, unlimited military leave is authorized for members of the National Guard of the District of Columbia for all days of parade or encampment under certain provisions of law. Reservists or National Guard personnel who perform active duty for law enforcement purposes are allowed up to 22 workdays of military leave in a calendar year. Civilian pay for these periods of military leave shall be offset to the extent of the military pay received.

Employees must request military leave in advance by submitting SF-71s indicating their Armed Forces reserve organizations. They should also provide management with copies of their orders as soon as they are received or certificates from their commanding officers showing the days to be served on active duty. When employees return from military leave, they must submit official verification that they were on active duty.

392 COURT LEAVE is granted to employees to perform jury duty or to serve as witnesses for any judicial proceeding to which the United States government or a state or local government is a party. A military court is considered as a Federal court for the purpose of court leave.

When employees are called for jury duty, their offices should not ask that the employee be excused except in cases of urgent necessity. In such a case, the office should prepare a letter for the signature of the Director of the Office of Information and Resource Management (IRM) addressed to the court, stating why the employee should be excused from jury duty.

A. Coverage. Permanent or temporary employees with regularly scheduled tours of duty (part-time or full-time) are eligible for court leave. Employees serving on intermittent assignments are not eligible for court leave. Court leave is granted only for absence during an employee's regularly scheduled tour of duty including regularly scheduled overtime and cannot be granted for other times. When an absence is properly chargeable to court leave, an employee cannot elect to have the absence charged to annual leave. When an employee has been granted court leave, he/she is expected to return to duty unless transportation, time, or other considerations would make it impractical to do so.

B. Compensation. An employee granted court leave while on official duty status may not keep fees received as compensation for such service to the court and must sign any such payments over to the Payroll Section, Division of Financial Management (DFM.) Employees may retain money paid to them for expenses (travel, meals, lodging) associated with court activities. Compensation can be kept for service performed on holidays, non-workdays or during non-work hours.

C. Certification of Attendance. Employees must submit to their supervisors documentation of court orders, subpoena, summons, or other official notices to appear in court or for jury duty as soon as possible after receiving them. They must also submit written evidence of their attendance in court, showing the dates and time, if possible.

393 ADMINISTRATIVE LEAVE is provided for an excused absence from duty administratively authorized without loss of pay and charge to earned leave. The Director of the Foundation has the authority to excuse employees from duty without charge to earned leave in certain situations. While excused absence is ordinarily authorized on an individual basis, groups of employees may be excused under certain conditions. Examples of situations for which excused absences would be appropriate include:

A. Administrative Hearings. Employees may be granted administrative leave to participate in hearings on performance ratings or grievance appeals.

B. Blood Donations. Employees may use administrative leave to donate blood in an NSF or Red Cross Blood Drive.

C. Hazardous Weather Conditions (or other types of emergency situation). OPM makes leave decisions and IRM and/or the local news media announce these decisions, depending upon the time of day they are made. In the rare event that an early work dismissal or late work arrival is required due to inclement weather or some other type of emergency situation, employees will be guided by simple adjustment to their normal departure hours from home or work. For example, if a three-hour early dismissal were announced, workers who normally leave the office at 4 p.m. would be authorized to depart at 1 p.m. The same principle would hold when federal workers are instructed by OPM to report late to the office.

Note: This policy does not apply to “essential employees” (employees whose presence at work is required regardless of any general dismissal are designated as essential employees and will be informed in writing each October of their status. Under special circumstances, i.e., a one-time event requiring the presence on the job of employees who have not been designated as essential, oral notification may be used.

D. Medical Examinations. Employees are allowed time off for physical examinations required by the Foundation.

E. On-the-Job Injuries. Employees who are injured on the job and cannot work for the remainder of the day will be granted administrative leave.

F. Resettlement Arrangements. Excused absence of up to 32 hours may be granted to employees who are changing duty stations or are moving to new communities to work for the Foundation. Supervisors should grant only time that they consider reasonable and necessary.

G. Tardiness or Brief Absence. Supervisors have the authority to excuse occasional lateness or unavoidable absence of less than one hour. However, when a supervisor does not excuse the absence, he/she must charge the employee absence without leave (AWOL), annual leave, or leave without pay (LWOP).

H. Tests. Employees may be granted up to 4 hours of administrative leave to take Office of Personnel Management (OPM) or other examinations required for career purposes or required in connection with a personnel action proposed by the Foundation.

I. Voting. Generally, an employee is granted administrative leave from duty so as to permit him/her to report for work three hours after the polls open or to leave three hours before the polls close, whichever results in the lesser amount of time off.

394 RELIGIOUS OBSERVANCES. An employee desiring time off for a religious observance may elect to work compensatory overtime for the number of hours needed for the religious observances. The compensatory time may be worked either before or after the religious observance but must be approved in advance by the employee’s supervisor and earned within six pay periods from when it was used. If the employee does not earn back the compensatory time within six pay-periods, the charge to compensatory time will be converted to annual leave.

395 LEAVE GRANTED WHEN A RELATIVE DIES. An employee may use annual leave, LWOP, or a certain amount of sick leave to handle necessary arrangements and attend services when relatives die. The provisions relating to the use of sick leave in family emergencies are discussed in [Section 340](#) of this Subchapter.

396 LEAVE FOR BONE-MARROW OR ORGAN DONATIONS. Employees are entitled to up to seven days of paid leave (in addition to sick or annual leave) when they serve as bone-marrow or organ donors.

397 HOME LEAVE. Home leave may be granted to employees who have completed at least 24 months of continuous service at overseas posts and who have agreed to serve a minimum of one additional year of overseas duty.

APPENDIX A ANNUAL LEAVE EARNING RATES

FULL-TIME EMPLOYEES

| LENGTH OF SERVICE | HOURS EARNED PER PAY PERIOD RATE | TOTAL DAYS PER YEAR |
|---|---|---------------------|
| Less than 3 years (Leave Category 4) | 4 hours | 13 |
| 3 years but less than 15 years (Leave Category 6) | 6 hours (except for the last full period of the calendar year when 10 hours of annual leave are earned) | 20 |
| 15 years or more (Leave Category 8) | 8 hours | 26 |

PART-TIME EMPLOYEES

| LENGTH OF SERVICE | EARNING RATE |
|--------------------------------|--|
| Less than 3 years | 1 hour for each 20 hours in pay status |
| 3 years but less than 15 years | 1 hour for each 13 hours of pay status |
| 15 years or more | 1 hour for each 10 hours of pay status |

For both full-time and part-time employees, changes in earning rates are effective at the beginning of the pay period following the pay period in which employees complete their third and fifteenth year of service.

APPENDIX B

EFFECT OF LWOP

Listed below are some aspects of employment and how they are affected by LWOP:

| EMPLOYMENT ASPECT | HOW AFFECTED BY LWOP |
|--|---|
| Retirement coverage and Service Computation Date (SCD) | More than 6 months of LWOP in one calendar year extends the SCD by that amount. |
| Health Benefits | Can continue for one year with NSF paying the employer's share. When an employee is in a non-pay status or his/her salary is insufficient to cover the required withholding, the employee must pay his/her share of the premiums. Employees should contact HRM regarding procedures for such payment. |
| Life Insurance | Regular and optional coverage continues without cost for up to 12 consecutive months. The 12 months non-pay status may be continuous or broken by periods of less than 4 months in pay status. If an employee returns to pay status and receives some salary in each pay period for 4 consecutive months or longer, he/she becomes eligible for life insurance coverage in another 12-month period of LWOP. |
| Leave | When an employee uses a total number of hours of LWOP in a pay period that equals the number of hours in his/her tour of duty, he/she does not earn leave for that period. An employee who is in a non-pay status for an entire leave year does not earn leave for that year. |
| Career Tenure | Any LWOP in excess of 30 <i>calendar</i> days extends the service date for career tenure by an equal number of days. |
| Probationary Period | Any LWOP in excess of 22 <i>workdays</i> extends the probationary period by an equal number of days. |

APPENDIX C

LEAVE WITHOUT PAY AND WITHIN GRADE INCREASES

LWOP in excess of certain amounts can extend the waiting periods required for within grade increases for both General Schedule and Wage Grade employees as is shown in the table below:

| PAY PLAN | STEP PROGRESSION | PERMITTED LWOP |
|------------------|------------------|-----------------|
| General Schedule | 1-2, 2-3, 3-4 | 10 working days |
| General Schedule | 4-5, 5-6, 6-7 | 20 working days |
| General Schedule | 7-8, 8-9, 9-10 | 30 working days |
| Wage Grade | 1-2 | 5 working days |
| Wage Grade | 2-3 | 15 working days |
| Wage Grade | 3-4, 4-5 | 20 working days |

Subchapter 400 – Telework Program

I. Introduction

“Work is what we do, not where we are.” In adopting this core belief from the General Services Administration (GSA), NSF strives to be an example of how telework can enhance employee satisfaction and productivity and facilitate the agency’s mission.

This subchapter provides telework policy and guidance specific to all NSF employees. It is based on public law and Office of Personnel Management (OPM) and other relevant key guidance on telework in the Federal Government, listed in [Appendix A, Key Guidance and Authority](#).

II. Program Background

NSF entered into an [agreement](#) with the American Federation of Government Employees (AFGE) Local 3403 in 2004 that laid a foundation for telework at the agency. While the agreement was negotiated for bargaining unit employees, NSF adopted the same policy for all staff. Intergovernmental Personnel Act (IPA) assignees operate under different guidance and are not covered under this policy.

This new policy advances NSF’s telework program and ensures full compliance with the Telework Enhancement Act of 2010 (TEA). NSF continues to recognize the many benefits of a robust telework program to:

- Enhance NSF’s mission,
 - Support career-life balance,
 - Promote recruitment and retention efforts,
 - Provide cost savings for NSF and employees, and
 - Advance environmental quality.
-

III. Eligibility

NSF has determined that all positions are eligible for telework. Work suitable for telework depends on job duties rather than job series or title, type of appointment, or work schedule. Entering into a telework agreement is voluntary. Telework requires prior agency approval and is not an entitlement.

A. Eligibility Criteria

The following eligibility criteria have been established to ensure that agency operations and employee performance are not diminished by telework:

1. An employee suitable for telework is one who demonstrates initiative, is reliable, works independently without close supervision, and performs assigned duties in a competent and timely manner. Generally, it is expected that eligible employees are performing at the fully successful level or above.
2. There may be times when employees who do not meet the eligibility criteria listed in (1) above may be authorized to perform periodic telework when extenuating circumstances are present (e.g., temporary medical condition, weather). The circumstances under which these employees may telework should be described in the individual telework agreements.

B. Permanent Ineligibility

As stated in the TEA, an employee who has been disciplined after December 9, 2010 for the following reasons may not telework:

1. The employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year, or
2. The employee has been officially disciplined...for viewing, downloading, or exchanging pornography, including child pornography, on a Federal

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Government computer or while performing official Federal Government duties.

IV. Alternate Worksite and Resources

Employees are responsible for providing a safe and appropriate alternate worksite, practicing safe work habits, and ensuring they have the necessary resources to telework. The worksite may be the employee's residence or other work location that supports productive work and provides an environment and security appropriate to the work effort. As described below, resources are a shared responsibility between the employee and the agency. All NSF-provided resources are for the sole use of the NSF employee and should be used in accordance with NSF IT security policies.

| | |
|---------------------------------|---|
| A. Hardware and Software | <ol style="list-style-type: none"> 1. NSF will make a good-faith effort to provide adequate hardware suitable for teleworking as resources permit. NSF is not required to duplicate equipment available to employees at NSF for their alternate worksite. Unless security policies dictate otherwise, teleworkers may use their own hardware and devices with NSF provided software. 2. Government-owned equipment will be serviced and maintained by the Government at its cost. Employees will be required to transport equipment to the official Government office if necessary for servicing. 3. Employees using their own equipment are responsible for its service and maintenance and for the cost of such service and maintenance. 4. For Government-owned equipment, NSF will provide standard software necessary for teleworking, as it would for working in an NSF office. For personally owned equipment, NSF will provide software required to remotely access NSF systems and services. |
| B. Security and Privacy | <ol style="list-style-type: none"> 1. Teleworkers are responsible and accountable for reading, understanding, and complying with NSF's IT security and privacy policies. 2. Annual IT security awareness training is required of all NSF employees. |
| C. Remote Access | <ol style="list-style-type: none"> 1. Teleworkers must be as available when working off-site as when working on-site. Therefore, teleworkers usually need access to NSF computer systems as well as being accessible to NSF staff and customers. The amount of accessibility needed varies but is usually met through phone and Internet service at the alternate worksite. 2. Teleworkers must have appropriate technology or means sufficient to support telework activities. 3. NSF does not pay for or provide landlines or Internet service at the alternate worksite. Employees with NSF-issued mobile devices may use them while teleworking. Offices and Directorates that have shared "air cards" or other wireless technologies for other purposes may make |

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| | |
|---------------------------------|--|
| | <p>them available for remote access while teleworking, if no additional cost to the agency is incurred.</p> <p>4. NSF may issue calling cards to teleworkers for use in making long-distance official business calls while teleworking.</p> |
| D. Supplies | The Foundation will provide routine office supplies (e.g., paper, toner, pens) for teleworkers. Such supplies would normally be picked up by the teleworker when at NSF. |
| E. Safety | <p>To be covered under the Federal Employee Compensation Act (FECA), the teleworker must be working at an approved alternate worksite. Employees must certify the safety of all alternate worksite(s).</p> <ol style="list-style-type: none"> For all alternate worksites that are used on a recurring basis, the teleworker certifies the safety of each alternate worksite through completion of a safety checklist as part of the telework application process. For one-time or short-term temporary alternate worksites, the teleworker must certify the safety of the temporary alternate worksite and obtain supervisor approval in writing, which may include email. A new telework agreement is not required for a temporary or one-time use of an alternate worksite. |
| F. Work-Related Injuries | Teleworkers are covered under FECA if injured in the course of performing official duties while teleworking at an approved alternate worksite. If so injured, the teleworker must notify the supervisor as soon as possible in accordance with FECA. |

V. Telework Training

Telework training is required by the TEA and must be completed before entering into a telework agreement. NSF staff with existing telework agreements have already satisfied the training requirements of the TEA.

Management is responsible for informing staff of substantive changes and for determining when refresher courses will be required. Employees and supervisors are expected to keep abreast of updated telework policies and guidelines.

VI. Telework Agreement

All employees are required to have an approved telework agreement in place before teleworking.

A. Requests to Telework

- Eligible employees may apply for telework at any time. Employees and supervisors are encouraged to discuss formulating plans for telework in advance of entering into an agreement. Employees initiate the telework request using the Division of Human Resource Management (HRM)-hosted [Telework Application System](#) SharePoint site.
- Only one agreement per teleworker is needed. Potential teleworkers may apply for either periodic or a combination of regular and periodic telework

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in their requests. Telework may be used to meet temporary needs, normally up to six months, for health-related reasons and treatment, either by replacing an existing agreement or initiating a new agreement. Telework agreements may also be used to provide reasonable accommodations in consultation with the Office of Diversity and Inclusion (ODI).

Approval of an amendment to a telework agreement for short-term medical needs is not considered evidence of the agency perceiving or regarding an employee as disabled under the Americans with Disabilities Amendments Act (ADAA) and should not to be confused with a reasonable accommodation granted through ODI for employees with a disability.

3. Supervisors have the responsibility for determining the type and extent of telework arrangement appropriate for each individual based on their direct knowledge of the actual responsibilities of the position, portability of the work, potential impact on the work unit, NSF's commitment to telework, and customer service needs. They then consider and approve, approve with modification, or deny the application in the Telework Application System.
4. A telework agreement is not valid until all required approvals are received.
5. HRM is the final approver for applications and is the official record keeper, maintaining agreements in accordance with Federal policy.

B. Approvals and Denials

1. Approvals

- a. **Periodic Telework, Regular Telework of One to Three Days per week, and Temporary Telework for Medical Conditions:** Requires approval by the immediate supervisor, and the Division Director (or designee). Approvals for Staff Offices under the Office of the Director are done by the immediate supervisor and Office Head (or designee). Generally, an employee will receive notification of approval, approval with modification, or denial within 10 business days. Four- to five-day telework agreements for temporary medical conditions will follow the above process.
- b. **Regular Telework of Four to Five days per week:** Requires immediate supervisor, Division Director (or designee), and Assistant Director (or designee) level approvals and will also be routed by HRM to the Deputy Director (or designee) of NSF in the Office of the Director for final approval. Generally, an employee will receive notification of approval, approval with modification, or denial within 20 business days. Teleworking five days per week may impact duty station and locality pay (see below).

2. Denials

Supervisors must fully document reasons for all denials in the Telework Application System. The decision to deny telework requires a concurrence process similar to approvals, i.e., by the Division Director (or designee), Assistant Director (or designee), and, if applicable, Deputy Director. For Staff Offices under the Office of the Director, the Office Head (or designee), and, if applicable, the Deputy Director review and concur with the supervisor's decision to deny.

3. Timeliness

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If the employee has not had a timely response, he/she may contact the Telework Managing Officer for assistance in obtaining a decision.

VII. Annual Certification of the Telework Agreement

A. Teleworker Responsibility

Teleworkers must review their telework agreements annually to certify that no changes are needed. If substantive changes are needed, a teleworker must submit a new request for approval (see Section VIII below).

B. Supervisor Responsibility

Supervisors must ensure that employees review and certify agreements annually.

VIII. Changes to the Telework Agreement

A. Flexibility

Telework arrangements should be flexible. Minor and temporary adjustments to a telework schedule may be initiated by the teleworker or supervisor and do not require a formal change in the telework agreement, such as when the telework schedule conflicts with:

1. Official travel
2. Training (when face-to-face training is required)
3. Call-backs to the office for unexpected duties that cannot be accomplished off-site. Employees should make every effort to report as soon as possible and will be given a reasonable amount of time to report. Supervisors are encouraged to give as much notice as possible to the employee in these situations.

B. Updating Telework Agreements

Teleworkers are responsible for keeping their telework agreements up to date and may request a new telework agreement at any time.

1. Some changes to work arrangements will trigger the need for a new telework agreement. While not all-inclusive, some examples are when an employee takes a new position, gets a new supervisor, changes or adds an alternate worksite, or wants to make changes to the type of telework (periodic vs. regular).
2. When an employee is detailed (or under a temporary promotion), the telework arrangement may need to be changed as determined by the day-to-day supervisor.
3. Not all changes require a new telework agreement (for example, a name change).
4. Management may require modification to a telework arrangement as operational needs change, which will then necessitate a new agreement.

IX. Suspension of a Telework Agreement

A. By the Teleworker

Since telework is voluntary, teleworkers may suspend their agreements at any time.

B. By Management

Management may suspend telework arrangements due to agency exigencies. Supervisors are encouraged to give as much notice as possible to the employee.

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Restoration of the original agreement should be considered once the exigency has been addressed.

C. By Supervisors

Supervisors may suspend telework agreements if:

1. The employee fails to abide by the terms and conditions of the telework agreement or this policy; or
2. The teleworker displays diminished performance. There may be circumstances where suspending telework is appropriate and would improve performance. There may be other circumstances where use of telework would support improving employee performance. Therefore supervisors should consider the probable impact of teleworking on employee achievement prior to adjusting telework agreements based on diminished performance issues.

D. Documentation

The suspension must be documented in the [Telework Application System](#).

E. Reinstatement

Once the issues have been resolved, the employee may request reinstatement or the supervisor may lift the suspension. At a minimum, the suspension will be reevaluated after six months.

X. Cancellation of a Telework Agreement

A. By the Teleworker

Teleworkers may cancel their own agreements at any time. After cancellation, an employee may request a new agreement at any time.

B. By Management

The telework agreement for a teleworker who becomes permanently ineligible as per the TEA (see [Section III.B](#)) will be cancelled by management.

C. By the Supervisor

The supervisor may cancel a telework agreement if there has been a major violation not covered by the TEA (e.g., AWOL while teleworking, misrepresentation of hours, or other similar significant violations of NSF policies). Such cancellations do not make the employee permanently ineligible for telework. These employees may reapply for a new agreement when the issues leading to the cancellation have been satisfactorily addressed.

XI. Time and Attendance

A. Time and Attendance Policy and Procedures

NSF time and attendance policies and procedures are the same for teleworkers and on-site employees. This includes but is not limited to leave, credit hours, overtime, compensatory time, work schedule (including flexible work schedule), and core hour policies. Telework may be combined with leave, comp time, and/or credit hours used to account for a full workday and can be reported in increments.

B. Tour of Duty While Teleworking

The tour of duty while teleworking can be different from the on-site hours of work and should be addressed in the telework agreement.

C. Recording Telework Time

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Employees are responsible for entering all telework time appropriately in NSF's time and attendance system.

D. Holidays

Teleworkers will be granted the same holidays as on-site employees. In cases when employees are excused early and granted administrative leave by NSF the day prior to a holiday, teleworkers will also be excused early and granted administrative leave.

XII. Continuity of Operations Plan (COOP), Weather Advisories, and Other Emergencies

Telework is a tool to be used to ensure continuity of operations during inclement weather or other emergency situations.

A. Continuity of Operations Plan (COOP)

Telework agreements for personnel in designated COOP positions should reflect any special requirements associated with those responsibilities. Whereas telework is normally voluntary, in the event that NSF's COOP is implemented due to a national emergency or some catastrophe, employees may be required to telework.

B. Weather Advisories and Other Emergencies

In the case of weather advisories and other emergencies declared by OPM, employees will follow OPM guidance, including teleworking as appropriate.

1. When Federal Offices Are Closed

When the building is closed and employees are granted administrative leave, all employees on an approved telework agreement who are scheduled to telework that day should begin working at their scheduled start time and work their entire regularly scheduled work day, unless their physical telework site is impacted by the emergency. In such extenuating circumstances where the employee cannot telework, he/she may be granted administrative leave for up to the duration of the closure as needed. For example, if the employee cannot telework because the power is out or if the employee has dependent children home because day care or school is closed as a result of the emergency, the employee will be granted administrative leave for up to the duration of the closure as needed.

See [NSF Bulletin No. 13-01 Dismissal and Closure Procedures](#) for detailed information on closures, delayed arrivals, and early dismissal. In addition, [the OPM Washington, DC, Area Dismissal and Closure Procedures](#) provides helpful information for individuals whose alternate worksite is in the Washington, DC area.

2. Emergency Closures and Early Dismissals Affecting NSF Only

If work is disrupted at the NSF worksite (e.g., by power outages, fire, flood, equipment failure, etc.) and employees are excused, teleworkers will complete the workday unless the disruption extends to the telework site.

3. Disruptions at the Telework Site

If work is disrupted at the telework site, the teleworker must contact the supervisor to discuss the nature of the disruption and the appropriate course of action, e.g., the possibility of completing other work, taking leave, or reporting to NSF, depending on the expected duration of the disruption and the urgency of the day's work.

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XIII. Duty Station (and Locality Pay)

The location and extent of telework may affect duty station designation. As defined by OPM:

- A. The official worksite for an employee covered by a telework agreement is the location of the regular worksite for the employee's position (i.e., the place where the employee would normally work absent a telework agreement), as long as the employee is scheduled to report physically at least twice each biweekly pay period on a regular and recurring basis to that regular worksite. Therefore, if the teleworker physically reports to NSF Headquarters twice a pay period, the duty station will be the DC metro area and the employee is entitled to appropriate locality pay.
- B. The official worksite for an employee covered by a telework agreement who is not scheduled to report at least twice each biweekly pay period on a regular and recurring basis to the regular worksite is the location of the telework site (i.e., home, telework center, or other alternative worksite), except in certain temporary situations. If the alternate worksite is outside of the DC metro area, the duty station will be changed to the location of the alternate worksite. For employees whose duty station is changed, the NSF organizational unit is responsible for paying travel expenses when they are required by management to report to NSF Headquarters.

XIV. Evaluation of Telework Program

On a recurring basis (approximately every three years), a management/union committee consisting of an equal number of members from management and the union, but not greater than a total of three per side, will evaluate data on the use of the telework program. Based on these analyses, the committee will recommend needed changes, if any.

XV. Responsibilities

A. Teleworkers

Teleworkers are responsible for:

1. Completing all required training, and being knowledgeable about relevant policies (i.e., telework, IT security, privacy and confidentiality, and personal use);
2. Completing and obtaining all required approvals on the telework agreement prior to initiating work from an alternate site;
3. Annually certifying the agreement and updating as necessary;
4. Accurately reporting their time;
5. Ensuring that the telework arrangement does not have a negative impact on the work of other members of the work group (coworkers and supervisors);
6. Not providing dependent care during the tour of duty;
7. Maintaining effective communications with on-site workers, other teleworkers, and customers as when on-site;
8. Complying with terms of the approved telework agreement;
9. Maintaining reasonable care of NSF-issued equipment;
10. Honoring requests for call-back to the office when required, and being flexible about adjusting telework schedules as business requirements dictate;
11. Participating virtually in staff and other meetings and when that's not possible, rearranging the telework

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| | |
|---|--|
| | <p>schedule to be physically present for the meeting or activity;</p> <ol style="list-style-type: none"> Obtaining advance supervisory approval for periodic telework; Notifying the supervisor when taking Unscheduled Telework (as defined by OPM); and Obtaining advance supervisory approval for earning credit hours, compensatory time, and overtime. |
| B. Supervisors | <p>Supervisors are responsible for:</p> <ol style="list-style-type: none"> Treating teleworkers and on-site workers the same for purposes of performance management, work assignments, and other issues involving managerial discretion, including training, reassignment, promotions, reductions in grade, and retention and removal of employees (as per the TEA); Managing both on- and off-site performance in a way that produces results and provides a high level of customer service; Providing adequate oversight to ensure that employees are meeting their responsibilities; Ensuring that a telework agreement and safety checklist are completed and signed, and that the telework agreement outlines the terms and conditions of the telework arrangement; Evaluating employee requests for telework participation in a reasonable, fair, consistent, and timely way, ensuring that modifications or denials are based on sound business and mission-related criteria and are documented in the Telework Application System; Participating in supervisory telework training; Providing appropriate guidance and feedback to both teleworkers and on-site workers; Ensuring that telework does not diminish employee performance or agency operations; Ensuring that the telework arrangement does not have a negative impact on the work of other members of the work group (coworkers and supervisors); and Employing telework in a way that promotes career-life balance while accomplishing the work of the agency. |
| C. Telework Managing Officer (TMO) | <p>The TMO is responsible for:</p> <ol style="list-style-type: none"> Telework advocacy and policy development and implementation related to the agency telework program; Providing final approval of telework agreements; Providing expertise and guidance to staff, managers, and agency leadership; Serving as a primary senior-level agency point of contact for OPM on telework matters; and Reporting on telework activities. |

Subchapter 400 – Telework Program

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| D. The HRM Division Director and the Chief Human Capital Officer (CHCO) | The HRM Division Director and CHCO are responsible for oversight of the Telework Program. |
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XVI. Resources

- A. **Appendix A:** [Key Guidance and Authority](#)
- B. **Appendix B:** [Definitions](#)
- C. [Telework Agreement and Safety Checklist](#)
- D. [NSF Bulletin No. 13-01 Dismissal and Closure Procedures](#)

XVII. Contact

Division of Human Resource Management (HRM)
Employee Relations Branch (ERB)
(703) 292-8180

Subchapter 400 – Telework Program

Appendix A: Key Guidance and Authority

1. **Public Law No. 111-292** of December 9, 2010 (**the Telework Enhancement Act of 2010**) requires the head of each executive agency to establish and implement a policy under which employees may be authorized to telework. This law does not establish telework as a right, nor does it make it mandatory.
2. **Public Law 106-346** requires that all executive agencies establish a telework policy.
3. **OPM Guide to Telework in the Federal Government**, April 2011.
4. **OPM Washington, DC, Area Closure and Dismissal Procedures**, November 2012.
5. The **Fair Labor Standards Act (FLSA)** is a Federal law that establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. In addition, the FLSA exempts specified employees or groups of employees from the application of certain of its provisions. As such, every employee is categorized, based on his or her job, as either exempt or nonexempt. The FLSA is published in sections 201-219 of 29 United States Code (U.S.C.). OPM has more information at: <http://www.opm.gov/flsa>.
6. The **Federal Employees' Compensation Act (FECA)** provides Federal employees injured in the performance of duty with workers' compensation benefits, which include wage-loss benefits for total or partial disability, monetary benefits for permanent loss of use of a scheduled member, medical benefits, and vocational rehabilitation. This act also provides survivor benefits to eligible dependents if the injury causes the employee's death. The FECA is administered by the Office of Workers' Compensation Programs (OWCP).
7. **Section 552a of 5 U.S.C. (the Privacy Act of 1974)** expressly requires that Personally Identifiable Information (PII) be secured to protect the confidentiality, integrity, and availability of sensitive privacy data.

Subchapter 400 – Telework Program

Appendix B: Definitions

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| Alternate Worksite | Worksite approved for teleworking, other than the agency worksite, including an employee's residence or other work location that supports productive work and provides an environment, connectivity, and security appropriate to the work effort. |
| Duty Station | <p>Pursuant to the OPM definition and as set forth in 5 CFR 531.605, the duty station is the location where the employee regularly performs his/her official work duties. Changes in an employee's official worksite may affect employee pay, locality pay, and travel funding responsibilities and must be processed by the Division of Human Resource Management (HRM). Designation of the official worksite must be determined on a case-by-case basis using the following considerations:</p> <ol style="list-style-type: none"> 1. If an employee teleworks but reports to an agency-provided worksite (e.g., NSF Headquarters) at least twice a pay period, the location of the agency-provided worksite becomes the duty station. 2. If an employee teleworks but does not report to an agency-provided worksite (e.g., NSF Headquarters) at least twice a pay period, the location of the telework site becomes the duty station (e.g., city and state of the employee's home or other approved telework site). |
| Mobile Work | Work that is characterized by regular travel to and work in customer or target (designated) worksites as opposed to the agency worksite. Mobile work may include work that is primarily concerned with site audits, inspections, and investigations that require frequently occurring travel. Typically, NSF does not have mobile work. |
| On-Site | The regular worksite for the employee provided by the agency; the physical address or place where the employee would work if not teleworking. |
| Periodic (Situational) Telework | Approved telework performed on an occasional, one-time, or irregular basis. Employees participating in periodic telework must have a signed telework agreement in place and must get prior supervisory approval for each occurrence of telework. |
| Regular (Core) Telework | Approved telework that occurs as part of an ongoing, regular schedule. The schedule is agreed upon and outlined in the telework agreement and therefore does not require approval for each occurrence. |
| Telework | <p>A work flexibility arrangement under which an employee performs the duties and responsibilities of his/her position and other authorized activities from an appropriate alternative worksite other than the location of the agency worksite where the employee would otherwise work. This definition of telework includes what is generally referred to as "remote work."</p> <p>Telework does not include:</p> <ol style="list-style-type: none"> 1. Any part of work performed while on official travel (travel regulations and policy takes precedence over telework); 2. Time spent on Independent Research and/or Development Activities (IR/D) (although one can telework before or after IR/D activities with supervisory approval); 3. Work performed while commuting to and from work; or 4. Mobile work. |

Subchapter 400 – Telework Program

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| Telework Agreement | A formal agreement signed by the employee and management outlining the telework arrangement. For regular (core) telework, this includes the telework schedule, including days and hours. |
| Telework Managing Officer (TMO) | An established position within HRM responsible for telework advocacy; providing final approval of telework agreements; policy development and implementation related to the agency telework program; providing expertise and guidance to staff, managers, and agency leadership; and serving as the primary senior-level agency point of contact for OPM on telework matters. |
| Telework-Ready Employee | An employee with an approved telework agreement. |
| Tour of Duty | The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that are scheduled in advance and during which an employee is required to perform on a regularly recurring basis. |
| Unscheduled Telework | A form of telework that allows employees on approved telework agreements (i.e., telework-ready employees) to telework without prior supervisory approval in response to specific announcements by OPM or other local government deciding/authorizing officials regarding emergency situations. It is a means for agency employees to continue work operations and maintain productivity during emergency situations. |

CHAPTER VIII—ATTENDANCE AND LEAVE

SUBCHAPTER 500 VOLUNTARY LEAVE TRANSFER PROGRAM

SUBCHAPTER SUMMARY

The NSF Voluntary Leave Transfer Program allows annual leave to be donated to NSF employees who are temporarily unable to work because of medical emergencies or because of the need to care for family members during medical emergencies.

HRM CONTACT

Employee Relations Branch
Division of Human Resource Management (HRM)
703-306-1191

510 INTRODUCTION

This Subchapter provides the policies and procedures for the Voluntary Leave Transfer Program of the National Science Foundation. This Program enables NSF employees to donate annual leave to other NSF employees who are either facing medical emergencies or must assist family members affected by medical emergencies. A medical emergency is considered to be a medical condition requiring absence from work of at least 24 hours for a full-time employee (or an equivalent, prorated amount for a part-time employee) and loss of substantial income for an employee without an adequate leave balance.

Family members are defined as spouses, parents, siblings, and children including adopted and foster children. Spouses of parents, siblings, and children are considered to be family members. A family member can also be another individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

520 RESPONSIBILITIES

521 DIVISION OF HUMAN RESOURCE MANAGEMENT (HRM) administers the Leave Transfer Program including approving applications for the Program and notifying NSF staff when there is a need for leave donations.

522 DIRECTOR, HRM, or a designee reviews and gives final approval or disapproval of all applications for leave donations.

523 SUPERVISORS AND MANAGERS are responsible for recommending to HRM the approval or disapproval of employees' requests for donated leave and informing other employees when staff members are accepted into the Leave Transfer Program.

530 PARTICIPATION

531 APPLICATION PROCESS. An employee must apply to the Employee Relations Branch, HRM to be eligible to receive donated annual leave. The form used to apply for donated leave, "NSF Form 1015-Request for Leave for Medical or Family Purposes," must be accompanied by certification from a physician explaining the reason and the period of time the employee will be medically unable to work or required to care for a relative.

532 ELIGIBILITY FOR DONATED LEAVE. To be eligible to receive donated leave, a full-time employee must anticipate an absence from work of 24 hours or more because of a personal medical emergency or a medical emergency of a family member. This absence requirement is prorated for part-time employees. In addition, the employee must be without sufficient sick or annual leave, credit hours, or compensatory time and not have the ability to earn sufficient leave in time to cover the absence. If an employee requests donated leave because of a relative's medical emergency, he/she will be required to use the maximum amount of sick leave allowed for family medical emergencies before receiving donated leave. The employee cannot have a history of leave abuse or currently have specific leave restrictions.

533 DONATED LEAVE APPROVAL/DISAPPROVAL. HRM must approve or disapprove applications for donated leave within 10 days of receiving them and notify the applicants and their supervisors. If an application is approved, HRM will notify the recipient that other employees may request that leave be transferred to his/her account. An employee will be told the reasons if his/her application is disapproved.

534 LEAVE DONATIONS. Leave donors can transfer leave only to employees who have been approved to participate

in the Program. NSF employees may donate leave by submitting an e-mail or written application to the Employee Relations Branch, HRM, indicating to whom and the specific amount of leave they wish to donate.

535 LIMITATIONS ON LEAVE DONATIONS.

An employee can only donate a maximum of one-half of the annual leave to which he/she is entitled during one leave year. An employee can donate at any one time no more than he/she has accumulated. Employees are not permitted to transfer annual leave to their official supervisors.

There is an additional restriction when employees are projected to have annual leave that must be forfeited at the end of the year. In this case, an employee can donate one-half of the leave to which he/she is entitled for the year or the number of hours remaining in the leave year at the date of the transfer, whichever is less.

The Director, HRM, has the authority to waive limitations on donated leave. Requests for such waivers should be submitted in writing along with applications to donate leave and will be considered on a case-by-case basis.

540 ADMINISTRATION

541 USE OF TRANSFERRED ANNUAL LEAVE. Donated leave may be substituted retroactively for Leave Without Pay (LWOP) or used to liquidate indebtedness for annual or sick leave that was advanced for the medical emergency.

An employee may accumulate transferred annual leave without regard to the normal limitations placed on the accumulation of leave. However, transferred annual leave may not be included in a lump-sum payment when an employee resigns from Federal employment or be made available for recredit when a person is reemployed by a Federal agency.

542 INTERAGENCY LEAVE TRANSFER. The NSF will transfer annual leave from donors or to employees of other Federal agencies recipients if:

- a relative of a leave recipient is employed by another agency and requests to donate to that recipient;
- an agency determines that the amount of leave transferred to a recipient is not sufficient; or
- the recipient's agency determines that acceptance of the leave from another agency would further the purpose of the Program.

543 DOCUMENTATION FOR MEDICAL EMERGENCIES. When a NSF employee has been approved to receive donated leave, HRM is responsible for monitoring the status of the medical emergency to determine if he/she should continue to receive donated leave.

When an employee is using donated annual leave, a physician's statement must be submitted every 30 days documenting the nature and expected duration of the medical condition. When an employee is using donated leave to care for a relative, the physician's statement must indicate the need for continuing care. If medical documentation is not provided to HRM in a timely manner, management will assume that an employee is no longer affected by a medical emergency and no additional transferred leave will be granted.

544 ENDING PARTICIPATION IN THE VOLUNTARY LEAVE TRANSFER PROGRAM. An employee's participation in the Voluntary Leave Transfer Program terminates when he/she leaves NSF employment for any reason or notifies the Foundation that he/she no longer needs donated leave. The participation also ends when NSF determines that the leave recipient is no longer affected by a medical emergency or when OPM notifies NSF that a participant's disability retirement has been approved.

545 ACCRUAL OF ANNUAL AND SICK LEAVE. Employees who are using donated leave earn annual and sick leave at the same rate as if they were on paid leave but are limited in the amounts of sick and annual leave they can accrue. Full time employees who are using donated leave are allowed to accrue a maximum of 40 hours of annual leave and 40 hours of sick leave. This amount is prorated for part-time employees and employees with unusual tours of duty.

When an employee is using donated leave, the annual or sick leave he/she accrues must be maintained in separate leave accounts and will not be available for use unless he/she exhausts all transferred leave. The leave maintained in these separate accounts will become available to the employee the first pay period after he/she is no longer using donated leave. However, if the employee separates from Federal service, he/she will not receive credit for this accrued leave.

550 RESTORATION OF TRANSFERRED ANNUAL LEAVE

When an employee's participation in the Program ends, HRM will notify the Division of Financial Management (DFM) to transfer the remaining leave to the accounts of the original donors who are currently employed by the Federal government.

If more than one employee has donated leave for an employee, the Foundation will restore unused transferred leave to donors in proportion to their original donations. However, if the number of leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored. In no case will a leave donor be restored more leave than the amount originally donated.

When unused transferred annual leave is restored to a leave donor, he/she can have the leave credited to the annual leave account for the current or the next year and/or donate it to another recipient. Leave that is restored to a donor's account shall be subject to the use or lose limitations for that year.



PER

PERSONNEL MANUAL



CHAPTER IX

STAFF SAFETY, SECURITY & PROTECTIONS

CHAPTER IX—RELATED PROGRAMS

SUBCHAPTER 200 PERSONNEL SECURITY/SUITABILITY PROGRAM

SUBCHAPTER SUMMARY

This Subchapter outlines the NSF Personnel Security/Suitability Program and applies to all the Foundation's positions, except for certain positions in the Office of Inspector General.

CONTACT

Employee Relations Branch
Division of Human Resource Management (HRM)
703-306-1185, x3084

210 INTRODUCTION

The NSF Security/Suitability Program deals with issues that are likely to indicate how an individual will perform the duties of a particular Federal position and can include examining of past conduct as well as identifiable character traits, such as trustworthiness and honesty. The Program also deals with ensuring that employees who have access to classified information have the proper clearances to do so.

211 ADMINISTRATION. All employees, IPA's, and contractors whose appointments exceed six months are subject to the satisfactory completion of security requirements. The cost of an investigation of an employee or IPA is centrally funded by HRM. The cost of an investigation of a contract employee must be reimbursed to the Division of Human Resource Management (HRM) by the division where the contractor is assigned. The appropriate forms for an investigation depend upon the risk level of the position. The forms will be given to the employee, IPA or contractor on the day they enter on duty or are placed in another position requiring a higher level of security. Completed forms are returned to the Security Officer, or designee, in HRM who will submit the forms to the Office of Personnel Management, where the investigation is completed.

220 DEFINITIONS

221 PUBLIC TRUST POSITIONS are positions where incumbents can affect the integrity, efficiency, or effectiveness of government activities by their action or inaction. These positions are categorized as Moderate Risk or High Risk.

222 SENSITIVE POSITIONS are positions where incumbents have high potential for damage to the national security. These positions are categorized as Noncritical-Sensitive, Critical-Sensitive, and Special-Sensitive.

230 RESPONSIBILITIES

231 DIVISION DIRECTORS, OFFICE DIRECTORS OR HIGHER LEVEL MANAGEMENT OFFICIALS, in consultation with HRM, determine position risk/sensitivity when positions are established or changed.

232 THE NSF SECURITY OFFICER is the Chief of the Employee Relations Branch and is responsible for all aspects of the Foundation's Personnel Security/Suitability Program.

240 RISK LEVEL DETERMINATIONS

A position's risk level depends on the ability of its incumbent to influence the integrity, efficiency, or effectiveness of government activities. OPM has developed a system to determine the risk level of positions. These steps are included in [Appendix A, B, and C](#) of this subchapter. Ratings are assigned to both the risk level and the sensitivity level of positions. In addition, positions with computer or ADP responsibilities must be designated with the letter "C" after their numeric ratings. The levels and their numeric ratings are described below:

A. High Risk (Level 6 or 6c) Positions have the potential for *exceptionally serious* impact involving duties especially critical to the agency or to a major program with broad policy or administrative ramifications. Positions with major responsibilities for planning, designing, maintaining, and/or managing major computer hardware or software systems that are critical to the agency mission or disperse significant amounts of money are also considered as high risk.

B. Moderate Risk (Level 5 or 5c) Positions have the potential for *moderate to serious* impact involving duties of considerable importance to the agency as a whole or to one of its major programs. A position with responsibilities for major computer systems that are critical to the agency mission or computer systems that disperse significant amounts of money, but where the work is technically reviewed by a higher authority would be considered to be a moderate risk position.

C. Low Risk (Level 1 or 1c) Positions have potential for *limited* damage to the agency's mission, programs, or services and include computer/ADP positions without the scope of responsibilities described above.

250 NATIONAL SECURITY

National security positions involve government activities relating to protecting the nation from foreign aggression or espionage. Whenever a position requires access to classified information, national security considerations are present.

251 GRANTING ACCESS to any classification level must be made on a need-to-know basis, and when that basis no longer exists, access must be cancelled.

252 SENSITIVITY LEVEL is determined by assessing the amount of damage that an incumbent could do to the national security.

A. Special-Sensitive (Level 4) Positions includes all positions higher than Critical-Sensitive. Incumbents of these positions have access to *Sensitive Compartmented Information* (SCI).

B. Critical-Sensitive (Level 3) Positions have potential for *exceptionally grave* damage to the national security. These positions have access to *Top Secret* (TS) information.

C. Noncritical-Sensitive (Level 2) Positions have potential for *moderate to serious* damage to the national security. These positions have access to *Secret* (S) or *Confidential* (C) information.

260 RELATIONSHIP BETWEEN RISK AND SENSITIVITY LEVEL

Every NSF position is assessed for suitability issues, whereas sensitivity is an issue only for positions relating to national security or having access to classified information.

Position risk or sensitivity can be adjusted to take into consideration unusual factors specific to positions or to meet a need for uniformity. The type of background check required for an individual is determined by the risk/sensitivity level of the position. It is vital for managers to work with HRM staff whenever a position is established or modified to ensure that its risk/sensitivity level is accurately and completely delineated.

270 INVESTIGATIVE REQUIREMENTS

OPM conducts a range of background investigations appropriate to specific positions. The Foundation will ask OPM to complete the required investigation when an employee, IPA appointee or contractor is hired or placed in a position with a higher risk level. Such an investigation will also be requested when the risk or sensitivity level of a position has been modified. A request for an investigation *must* be made to OPM within 14 days after a person is hired or

within 14 days of the event necessitating the investigation. Employees will not be permitted access to classified information until required investigations have been satisfactorily completed unless they are granted waivers. (See [Section 276.](#))

271 TYPES OF BACKGROUND INVESTIGATIONS used most often for NSF positions are National Agency Check and Inquiries, National Agency Check with Local Agency Checks and Credit Check, Single Scope Background Investigation, and Background Investigation. Information on what is involved in each of these investigations can be obtained from HRM.

272 INVESTIGATIONS FOR TRANSFERS AND RETURNING EMPLOYEES are not necessary if the breaks in service are less than two years and previous investigations meet the requirements of the new jobs.

273 CONTRACTORS AND SUBCONTRACTORS need security investigations if they perform on-going work integral to NSF's mission, work on-site, or have access to any NSF databases. The Security Officer should be notified as soon as possible after a contract is developed so that necessary background investigations can be initiated.

274 EXEMPTIONS from investigative requirements are allowed for intermittent, seasonal, per-diem, or temporary employees in Low Risk (or Non-Sensitive) positions that do not exceed a total of 180 work days in either a single appointment or a series of appointments. Appropriate pre-appointment checks will be made.

275 REINVESTIGATIONS must be conducted for employees in Special-Sensitive, Critical-Sensitive, or High Risk positions every five years; Noncritical-Sensitive every 10 years; and for employees with confidential access, every 15 years.

276 WAIVERS can be granted in some cases while background investigations are being conducted to allow individuals access to classified or other information on a "need to know" basis. Before a waiver is granted, an initial review must be made of the individual's security form. This initial review can also include a personal interview, National Agency and/or Credit Check, reference checks, and contact with Security Offices of former employers. The pre-appointment investigative requirement cannot be waived for Special-Sensitive positions. Waivers can be granted for Critical-Sensitive positions by the NSF Director, Deputy Director, or Director, IRM in emergency situations when it is in the national interest. Waivers can be granted for Noncritical-Sensitive positions by the Security Officer if it is in the interest of the Foundation and the Federal government.

277 TEMPORARY CLEARANCES can be granted when such clearances will be required only for short periods of time. However, appropriate investigations must be made.

280 ADJUDICATION AND DEROGATORY INFORMATION

If an investigative report contains derogatory information about an employee or applicant, the Security Officer or designee will provide that person with an opportunity to explain or refute the information. The Security Officer will take appropriate action and advise the individual of any appeal rights to which he/she is entitled.

290 CONTACTS WITH FOREIGN NATIONALS

Employees must report to the Security Officer any contact with a foreign national where illegal or unauthorized access is sought to classified or otherwise sensitive information, or the employee is concerned that he/she may be the target of attempted exploitation by a foreign entity.

Appendix A

STEP 1

DESIGNATING PROGRAM PLACEMENT

Instructions:

- 1) From the left-hand column, determine the degree of impact (Major, Substantial, Moderate, or Limited).
- 2) From the top row, determine the scope of operations (Worldwide, Government-wide, Multi-Agency, or Agency).
- 3) The letters indicate how various combinations of impact and scope determine Program Placement. Go to Appendix B.

| IMPACT Key A = Limited B = Moderate C = Substantial D = Major | SCOPE OF OPERATIONS | | | |
|---|--|---|--|---|
| | WORLDWIDE: World-wide activity with primary focus either on the public or the private sector. | GOVERNMENT-WIDE: Government-wide activity with primary focus on the public sector. | MULTI-AGENCY: National or regional activity involving more than one agency, private sector organization, or other entity. | AGENCY-WIDE: An activity of a single agency, geographic region, or program; primary focus can include private sector entities with relevant interests or concerns. |
| MAJOR: Has direct influence on the effectiveness of a major government operation, goal, or interest. | D | D | C | C |
| SUBSTANTIAL: Has direct impact on the effectiveness of the Federal workforce or a large number of individuals in the private sector. | D | C | C | B |
| MODERATE: Has direct influence on an agency's operations or fiscal interests or those of the private sector. | C | B | B | B |
| LIMITED: Has limited influence on the effectiveness of one or a few programs of an agency or a small segment of the private sector. | B | B | A | A |
| PROGRAM PLACEMENT | | | | |

Example: If a Budget Analyst position had a Moderate (B) degree of impact, but required continued involvement in a Multi-Agency project, this would cause the Program Placement to move to a higher level, Substantial (C), so that both the degree of impact and scope of operations are considered in Program Placement.

APPENDIX B
STEP 2
DETERMINING POSITION RISK POINTS

Instructions:

- A) The top row describes risk factors, or areas in which risk can occur, (Degree of Public Trust, Fiduciary Responsibility, Importance to the Program, Program Authority, and Supervision Received).
- B) From the left-hand column, determine the degree of risk (Major, Substantial, Moderate, or Limited) for each risk factor from the top row.
- C) Assign a numerical rating (between 1 and 7) for the impact (Major, Substantial, Moderate, or Limited) of each risk factor (Degree of Public Trust, Importance of Program, etc.)
- D) Total the ratings of the risk factors and go to Appendix C.

| DEGREE | RISK FACTOR DESCRIPTION | | | | | |
|--|--|---|---|--|--|--|
| | DEGREE OF PUBLIC TRUST: The expectation of honesty, integrity, reliability, and responsibility for the position. | FIDUCIARY OR FINANCIAL RESPONSIBILITY: Authority to obligate, control, or expend public monetary resources. | IMPORTANCE OF PROGRAM: Impact of the position on the program. | PROGRAM AUTHORITY: Authority to control the outcome or results of a program or policy. | SUPERVISION RECEIVED: Nature and frequency of review of the work of the position | |
| MAJOR: Potential, either independently or in conjunction with others, of compromising the integrity or otherwise damaging a major program element. | 7 | 7 | 7 | 7 | | DEGREE |
| | | | | | 7 | Limited: Occasional review by a superior only with respect to major policy issues and not concerning technical aspects. |
| SUBSTANTIAL: Potential, either independently or with others, of reducing the efficiency of overall operations of a major program element. | 5 | 5 | 5 | 5 | 5 | Periodic: Spot review by a superior of policy and major operational issues and minimal technical review. |
| MODERATE: Potential, either independently or with others, of reducing the efficiency of the day-to-day operations of a major program element. | 3 | 3 | 3 | 3 | 3 | Moderate Technical: Spot review of major operational issues including some technical review. |
| LIMITED: Potential for damage not meeting the above criteria. | 1 | 1 | 1 | 1 | 1 | Close Technical: Continuing review of all phases of work including technical phases. |
| POSITION RISK POINTS | | | | | | |

Example: A Budget Analyst position has been assigned the following degrees of Risk: Degree of Public Trust - Substantial (5); Fiduciary or Financial Responsibility – Major (7); Important to the Program – Moderate (3); Program Authority – Moderate (3); Supervision Received – Moderate (3); for a total of 21 Position Risk Points.

APPENDIX C

STEP 3

DETERMINING RISK LEVEL

Instructions:

Determine the Risk Level by combining the Program Placement from Appendix A and the total risk points from Appendix B.

| I. PROGRAM PLACEMENT | II. POSITION RISK POINTS | | | | | |
|----------------------|--------------------------|-------------------------|---------|---------------------|---------|---------|
| | 5-10 | 11-17 | 18-23 | 24-29 | 30-33 | 34-35 |
| D | Low Risk (LR) 1 | Moderate Risk (MR) 5 | MR 5 | High Risk (HR) 6 | HR 6 | HR 6 |
| C | LR 1 | MR 5 | MR 5 | MR 5 | HR 6 | HR 6 |
| B | LR 1 | LR 1 | MR 5 | MR 5 | MR 5 | HR 6 |
| A | LR 1 | LR 1 | LR 1 | LR 1 | MR 5 | HR 6 |
| POSITION RISK LEVELS | | | | | | |

Example: From the examples in steps 1 and 2, the Budget Analyst position had a Program Placement of Substantial (C) and was assigned 21 Position Risk Points. So, this position would be a Moderate Risk Level (5) position.

Subchapter 400 – Domestic Violence, Sexual Assault, and Stalking Prevention and Support for Victims

I. Introduction

Purpose: The National Science Foundation (NSF) policy on domestic violence, sexual assault, and stalking prevention and support for victims reinforces NSF's commitment to the wellbeing of its employees and safety and security of its workforce, visitors, and facilities.

II. Program Background

- A. Domestic violence, sexual assault, and stalking have the potential to affect any Federal workplace across the United States.
- B. It is NSF policy to promote the health and safety of its staff by acting to prevent domestic violence, sexual assault, and stalking within the workplace and by providing confidential support and assistance to those whose working lives are affected by such violence.

III. Responsibilities

The table lists roles and responsibilities relevant to this chapter.

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|---|---|
| A. The Chief Human Capital Officer (CHCO) | <p>The CHCO is responsible for:</p> <ol style="list-style-type: none"> 1. Monitoring, evaluating, and ensuring accountability of this policy; and 2. Reporting cumulative data to the Office of Personnel Management (OPM), as required. |
| B. The Chief, Employee Relations Branch (ERB), Division of Human Resource Management (HRM) | <p>The Chief, ERB (HRM) is responsible for:</p> <ol style="list-style-type: none"> 1. Educating the workforce and administering this policy; 2. Directing victims to appropriate state and local law enforcement and other appropriate resources when requested; 3. Assisting employees and supervisors with understanding workplace flexibilities available to those suffering from domestic violence, sexual assault, or stalking; 4. Ensuring that the Employee Assistance Program (EAP) provides confidential, timely counseling support and assistance to employees suffering from domestic violence, sexual assault, or stalking; and 5. When needed, convening any domestic violence, sexual assault, and stalking Safety and Security Response Teams created by NSF to develop workplace safety plans in response to specific threats against individuals or NSF facilities. |

Subchapter 400 – Domestic Violence, Sexual Assault, and Stalking Prevention and Support for Victims

| | |
|---|---|
| C. The Head, Security and Emergency Management Section (SEMS), Division of Administrative Services (DAS) | <p>The Head, SEMS (DAS) is responsible for:</p> <ol style="list-style-type: none"> 1. Serving as the designated “NSF liaison to first responders” (e.g., local law enforcement, federal protective service, fire fighters) regarding reports of imminent danger to persons or facilities raised in connection with this policy; 2. Coordinating reports of domestic violence, stalking, or sexual assault with the Chief, ERB (HRM); 3. Ensuring building safety and security in accordance with this policy; 4. Enforcing protection and restraining orders in accordance with this policy; and 5. When needed, convening any domestic violence, sexual assault, and stalking Safety and Security Response Teams created by NSF to develop workplace safety plans in response to specific threats against individuals or NSF facilities. |
| D. The Head, The Office of Diversity and Inclusion (ODI) | <p>The Head, ODI is responsible for considering the needs of employees with disabilities by:</p> <ol style="list-style-type: none"> 1. Timely reporting of any concerns raised by employees regarding domestic violence, stalking, or sexual assault to the Head, SEMS (DAS); 2. Ensuring effective communication with persons with disabilities, (e.g., hearing or speech impairments) by providing appropriate auxiliary aids during training, outreach, and awareness activities, reporting procedures, administration of safety precautions, and employees’ usage of assistance services; and 3. Ensuring that reasonable accommodations are provided to persons with disabilities where such accommodations are necessary to ensure that these individuals receive the same benefits and flexibilities under NSF policies as persons without disabilities in accordance with the law. |

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| <p>E. Supervisors</p> | <p>Supervisors are responsible for:</p> <ol style="list-style-type: none"> 1. Immediately reporting any known or perceived threats of physical harm to NSF employees, visitors, guests, or contractors in NSF facilities by calling the NSF Security Desk, or if danger is imminent, call law enforcement by dialing 9-911; 2. Timely reporting of any concerns raised by employees regarding domestic violence, stalking, or sexual assault to the Head, SEMS (DAS); 3. Safeguarding employee privacy in accordance with this policy by maintaining the confidentiality of information about NSF employees who are suffering from domestic violence, stalking, or sexual assault, and sharing such information only with those management officials with a “need to know” (e.g., Chief, ERB [HRM], or Head, SEMS [DAS]); 4. Approving leave for medical appointments, legal proceedings, or other activities related to domestic violence, sexual assault or stalking and, if leave is exhausted for these purposes but still required, advising employee of option of applying for Family and Medical Leave Act (FMLA) approval; and 5. Providing a safe work environment by making every effort to approve requests from employees experiencing incidences of domestic violence, sexual assault or stalking for transfers to other worksites, telework arrangements, and/or changes in work schedules, in consultation with the Safety and Security Response Teams. |
| <p>F. Employees</p> | <p>Employees are responsible for:</p> <ol style="list-style-type: none"> 1. Immediately reporting any known or perceived threats of imminent physical harm to NSF employees, visitors, guests, or contractors in NSF facilities by calling the NSF Security Desk, and, if necessary, by calling law enforcement at 9-911; 2. Timely reporting of any concerns raised by employees regarding domestic violence, stalking, or sexual assault to the Head, SEMS (DAS); and 3. Safeguarding privacy in accordance with this policy by maintaining the confidentiality of information about individuals who are suffering from domestic violence, stalking, or sexual assault and sharing such information only with those management officials with a “need to know” (e.g., Chief, ERB [HRM], or the Head, SEMS [DAS]). |

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IV. Procedures for Reporting

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| A. Threats of Physical Harm | <ol style="list-style-type: none"> Any concerns of known or perceived threats of physical harm to NSF employees, visitors, guests, or contractors in NSF facilities must be immediately reported to the NSF Security Desk, or if danger is imminent, call law enforcement by dialing 9-911. The NSF Security Desk may be reached as follows: <ol style="list-style-type: none"> Location: Stafford I North, Second floor (adjacent to the NSF Library). Telephone: (703) 292-5070 or dial x5555 from any in-house NSF phone. Staff may also contact the designated “NSF liaison to first responders.” The designated “NSF liaison to first responders” (e.g., local law enforcement or fire department or the Federal Protective Service) contact information is as follows: <ol style="list-style-type: none"> Title: Section Head, Security and Emergency Management Section (SEMS) Department: Division of Administrative Services (DAS) Telephone: (703) 292-8085 |
| B. Other Concerns | <ol style="list-style-type: none"> Concerns regarding domestic violence, stalking, or sexual assault—other than that of imminent physical harm to NSF employees, visitors, guests, or contractors in NSF facilities—should be reported to the “NSF liaison to first responders” as soon as possible. Employees may also elect to raise these concerns to any management official with a need to know. |
| C. Information to Submit with Reports of Concern | <ol style="list-style-type: none"> To assist NSF in addressing concerns as expediently as possible, employees and contractors are asked to provide sufficient and timely information when reporting threats of physical harm to NSF employees, visitors, guests, or contractors in NSF facilities. Such information might include who is believed to be involved, when the incident happened or is expected to happen, and what led the reporter to be concerned or have information. Employees are encouraged to provide copies of email or voicemail messages demonstrating a threat and copies of protection or restraining orders (which ideally should include the employee’s workplace or alternative worksites), where available. These items are not, however, required to report threats of imminent physical harm. |

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| D. Confidentiality | <ol style="list-style-type: none"> 1. NSF will make every effort to safeguard privacy, and protect employees and contractors who disclose information on experiences of domestic violence, sexual assault, or stalking, by maintaining the confidentiality of information about such individuals. 2. Information regarding experiences of domestic violence, sexual assault, or stalking may only be disclosed to authorized NSF management officials with a need to know (e.g., Head, SEMS [DAS] or the Chief, ERB [HRM]) or to law enforcement where there is a reasonable belief that physical danger is imminent. 3. NSF must also cooperate with criminal investigations where required by law. <ol style="list-style-type: none"> i. When information provided by a victim must be disclosed within and/or external to NSF (such as due to security reasons), NSF will limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and to comply with the law. ii. NSF will make reasonable effort to provide advance notice to the employee who disclosed information about the fact that the information will be disclosed, with whom it will be disclosed, and why. iii. NSF will provide the individual with the names and titles of the people with whom NSF intends to share the individual's statements and should explain the necessity and purpose of that disclosure. iv. Confidentiality of individual information and records related to domestic violence, sexual assault, and stalking is critical. Any information to this effect will be protected and kept separate from other records maintained on the employee. |
| E. Non-discrimination and Non-retaliation | <ol style="list-style-type: none"> 1. NSF will not discriminate in hiring, staffing, or other terms and conditions of employment against any employee for disclosing his or her status as a victim of domestic violence, sexual assault, or stalking, or for submitting a complaint or disclosing concerns about such. 2. NSF will not retaliate or take adverse employment actions against any employee for submitting a complaint pursuant to this policy, for disclosing his or her status as a victim, or for actions of violence perpetrated by another against an employee that occur in or have an impact on the workplace. |

Subchapter 400 – Domestic Violence, Sexual Assault, and Stalking Prevention and Support for Victims

V. Personnel and Building Safety and Security

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| A. Imminent Danger | The safety and security of employees and facilities are of paramount importance to NSF. Therefore, in the rare event that imminent danger is present, emergency services (9-911) should be called. |
| B. Safety and Security Response Team | <ol style="list-style-type: none"> 1. Led by the Security and Emergency Management Section (SEMS) Head, this multi-disciplinary Safety and Security Response Team may be called upon to assess and determine appropriate steps for ensuring NSF employees, visitors, guests, and/or contractors or facility safety and security if threats are raised related to domestic violence, sexual assault, and/or stalking impacting the workplace. 2. If needed, this team will be tasked with developing a safety plan for the specific threat reported to the team and work with the victim and management to implement the safety plan. 3. While the composition of the response team may vary depending on the type of incident reported, the following offices will have pre-designated and trained staff available: <ol style="list-style-type: none"> i. Security and Emergency Management Section ii. Employee Relations Branch iii. Employee Assistance Program iv. Office of the General Counsel v. Office of Diversity and Inclusion vi. Local 3403, American Federation of Government Employees 4. Employees from these offices who may be called on to join a response team will receive training on addressing the needs of victims of domestic violence, sexual assault, and stalking. |
| C. Situations Involving Employees in the Same Workplace | <ol style="list-style-type: none"> 1. In the event that both the victim and the perpetrator are NSF employees or contractors, the individuals may need to be separated while at work. 2. To this end, a directive to avoid contact in the form of a Memorandum of Instruction may be given to one or both the victim and alleged perpetrator by their respective supervisors. 3. In addition, the designated “NSF liaison to first responders” has information about protection orders and information about local resources available for any employee seeking information related to incidences of domestic violence, sexual assault, or stalking. |

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| D. Weapons and Workplace Safety | <ol style="list-style-type: none"> 1. Federal law prohibits the knowing possession of, or the causing to be present of, firearms or other dangerous weapons in Federal facilities by all persons not specifically authorized to do so. 2. In addition, under provisions of the Federal Gun Control Act (sometimes referred to as the Lautenberg Act), persons subject to a qualifying protection order [18 U.S.C. Sec. 922(g) (8)] or convicted of a qualifying misdemeanor crime of domestic violence [18 U.S.C. Sec. 922(g) (9)] are prohibited from possessing firearms or ammunition. |
| E. Enforcement of Protection and Restraining Orders | <ol style="list-style-type: none"> 1. If a victim seeks an order of protection or receives a restraining order against his/her perpetrator, the workplace may be included on an order as a location a perpetrator may not visit. 2. If an employee chooses to disclose the existence of a protection or restraining order to NSF, the Emergency Management Section Head will, wherever possible, assist the employee in enforcing the order; shall archive said order in a confidential and separate file from employee's personnel file; and, if applicable, may assist the employee in gathering documentation from the workplace, such as emails or voice messages, that could support the employee's efforts in the justice system or otherwise to obtain or maintain safety from a perpetrator. |

VI. Workplace Awareness and Outreach

- A. NSF is committed to raising awareness of issues related to domestic violence, sexual assault, and stalking among all NSF employees through outreach campaigns and training opportunities.
- B. For additional information regarding resources that individuals can use when they need more information on domestic violence, sexual assault or stalking, please contact the ERB/HRM, or visit the [Domestic Violence, Sexual Assault, & Stalking Prevention & Support](#) page. All inquiries are kept confidential.

VII. Workplace Flexibilities for Victims

Supervisors and the ERB/HRM will assist employees in determining the specific workplace flexibilities available based on the individual's circumstances.

Employees will not be required to file a police report to benefit from workplace flexibilities. ERB/HRM will consult with individual employees to identify what documentation may be required. Care will be given to safeguard individuals' privacy when additional information is deemed necessary.

Flexibilities that may be available to victims and family of victims include, but are not limited to, the following:

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| A. Annual Leave | <ol style="list-style-type: none"> 1. This type of leave may be used for, but is not limited to, time off for court proceedings and to meet with lawyers, victims' advocates, law enforcement officers, or to attend support group meetings. 2. Annual leave can also be used in lieu of sick leave for illnesses or injuries as a result of domestic violence, sexual assault, or stalking or for the employee to go to a safe place. 3. An employee has a right to take annual leave, the timing of which is normally subject to supervisory approval but may be allowed without prior approval, owing to the circumstances. 4. Victims and supervisors may contact the ERB/HRM for guidance in determining annual leave approval related to incidences of domestic violence, sexual assault, and stalking. 5. An employee may also be advanced annual leave in an amount not to exceed the amount the employee would accrue in the remainder of the leave year if he/she has exhausted his or her accrued annual leave. |
| B. Sick Leave | <ol style="list-style-type: none"> 1. An employee may use sick leave, consistent with current law and regulations for granting and using sick leave. Sick leave may be used for: <ol style="list-style-type: none"> i. injuries resulting from domestic violence, sexual assault, or stalking; ii. to meet with medical providers; iii. for counseling by a health care provider; iv. to care for a family member with injuries or a "serious health condition" resulting from domestic violence, sexual assault, or stalking; or v. to accompany a family member when he or she meets with medical providers for injuries or illnesses resulting from domestic violence, sexual assault, or stalking. 2. An employee may use advanced sick leave if he/she has exhausted his or her accrued sick leave. 3. Medical documentation may be required to support the use of sick leave. |

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| C. Leave Without Pay (LWOP) | <ol style="list-style-type: none"> 1. An employee may be granted LWOP if other forms of paid leave are unavailable. As with annual leave and advanced leave, agencies are encouraged, whenever practicable, to approve requests by employees for LWOP for reasons related to domestic violence, sexual assault, or stalking. 2. Employees are entitled to <u>up to 12 weeks of leave without pay</u> under the Family and Medical Leave Act (FMLA) described in Section VII.D. |
| D. Family and Medical Leave Act (FMLA) | <ol style="list-style-type: none"> 1. An employee is entitled to <u>up to 12 weeks of unpaid leave</u> under FMLA if domestic violence, sexual assault, or stalking results in a serious health condition for the employee that makes the employee unable to perform the essential functions of his or her position. 2. FMLA leave can also be used to care for a spouse, son or daughter (under 18 or over 18 but incapable of self-care because of a serious health condition or mental or physical disability), or parent of the employee with a serious health condition as a result of domestic violence, sexual assault, or stalking. 3. Annual leave, sick leave, and annual leave donated under the Voluntary Leave Transfer Program may be substituted for unpaid leave under FMLA. |
| E. Voluntary Leave Transfer Program | <p>An employee is eligible to apply for donated annual leave if domestic violence, sexual assault, or stalking results in a medical emergency for either the employee or the employee's family member that is likely to require the employee to be absent from duty for at least 24 hours (this absence requirement is pro-rated for part-time employees) and the employee has exhausted all accrued sick and annual leave.</p> |
| F. Excused Absence (Administrative Leave) | <ol style="list-style-type: none"> 1. Excused absence should be used in very limited circumstances. <ol style="list-style-type: none"> i. Typically, annual and/or sick leave or LWOP will be the most appropriate tools. ii. However, NSF may grant excused absence for purposes related to domestic violence, sexual assault, or stalking issues in which the employee's perpetrator poses a threat to the employee and/or his or her co-workers in the workplace. 2. It is essential for NSF to consider the safety of the employee and his or her co-workers in addition to avoiding disruption to the workplace. |

Subchapter 400 – Domestic Violence, Sexual Assault, and Stalking Prevention and Support for Victims

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| G. Telework | <ol style="list-style-type: none"> 1. Telework-ready employees may be approved to work from an alternative worksite if the employee (or a family member for whom the employee is caring) is experiencing problems associated with domestic violence, sexual assault, or stalking. 2. Telework promotes continuity of operations without risking the safety of the employee or the employee's co-workers. 3. An employee must follow NSF's telework policy for requesting leave and work scheduling changes when teleworking. |
| H. Flexible Work Schedules | An employee on an approved flexible work schedule may adjust his or her work schedule with supervisory approval (such as reporting times and work hours) to accommodate events driven by domestic violence, sexual assault, or stalking in accordance with NSF policy. |
| I. Credit Hours (Flexible Work Schedules) | <ol style="list-style-type: none"> 1. Employees on flexible work schedules may use credit hours to fulfill their basic work requirement, thereby gaining time off from work to deal with issues related to domestic violence, sexual assault, or stalking. 2. Employees may carry over a maximum of 24 credit hours from one pay period to another. |
| J. Compensatory Time Off | <ol style="list-style-type: none"> 1. Employees may earn compensatory time off in lieu of overtime pay in exchange for performing an equal amount of time in irregular or occasional overtime work or, when approved to do so for regularly scheduled overtime work. 2. An employee may use earned compensatory time off for issues related to domestic violence, sexual assault, or stalking. |

See Chapter VIII.300, Absence and Leave for more specific information regarding leave requesting procedures and the [telework policy](#) for more specific information regarding requesting telework, or contact the ERB/HRM.

VIII. Employee Assistance Program (EAP)

- A. The NSF Employee Assistance Program (EAP) provides free, confidential in-person and telephone assessment, counseling, referral and follow-up for all types of personal problems that can interfere with job performance and overall well-being.
 1. Supervisors, employees and their family members have access to the services provided by EAP. Referrals to the EAP program can encourage victims of domestic violence, sexual assault, or stalking to seek out help from licensed counselors.
 2. EAP provides an on-site counselor on a weekly basis, but employees may also access EAP 24 hours a day, seven days a week. For more information on EAP services visit the [EAP website](#) on InsideNSF.

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| | B. While counseling through EAP is confidential, if information provided indicates that there is an imminent threat of physical harm, EAP counselors must share that information with appropriate authorities. |
| IX. Use of Agency Resources | Employees are prohibited from utilizing any workplace resources, such as work time, phones, email, computers, fax machines or other means to threaten, harass, intimidate, or otherwise harm another person. |
| X. Disciplinary Actions | Employees who commit domestic violence, stalking, or sexual assault on or off duty may be subject to disciplinary action and/or criminal charges in accordance with applicable law. For more information, please contact ERB (HRM), or see Chapter V.200, Disciplinary Actions. |
| XI. Resources | <p>A. Appendix A: Definitions</p> <p>B. Safety at Work site: https://inside.nsf.gov/aboutyou/yourworklife/safetyatwork/Pages/default.aspx</p> <p>C. Domestic Violence, Sexual Assault, & Stalking Prevention & Support site: https://inside.nsf.gov/aboutyou/yourworklife/safetyatwork/assaultstalking/Pages/default.aspx</p> <p>D. Workplace Violence Prevention & Support site: https://inside.nsf.gov/aboutyou/yourworklife/safetyatwork/workplaceviolence/Pages/default.aspx</p> |
| XII. Contact | <p>Employee Relations Branch Division of Human Resource Management (HRM) 703-292-8180</p> <p>Security and Emergency Management Section (SEMS) Division of Administrative Services (DAS) 703-292-8190</p> <p>Any concerns of imminent physical danger should be reported immediately to local law enforcement by calling 9-911 and then the NSF Security Desk by calling x5555.</p> |

Subchapter 400 – Domestic Violence, Sexual Assault, and Stalking Prevention and Support for Victims

Appendix A: Definitions

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| A. Domestic Violence | <ol style="list-style-type: none"> Domestic violence is a pattern of coercive behavior, including acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, current or former intimate partner, current or former dating partner, or person with whom the perpetrator shares a child in common. This behavior includes, but is not limited to: <ol style="list-style-type: none"> Physical or sexual violence Emotional and/or psychological intimidation Verbal abuse Stalking Economic control Harassment Threats Physical intimidation Injury Domestic violence can occur in any relationship, regardless of socio-economic status, education level, cultural background, age, gender, race, ethnicity, sexual orientation, gender identity, or religion. Domestic violence can occur in heterosexual and same-sex intimate relationships, including marital, cohabiting, or dating relationships that are not dependent on the existence of a sexual relationship. |
| B. Perpetrator | <p>An individual who commits or threatens to commit an act of domestic violence, sexual assault, and/or stalking.</p> |
| C. Protection or Restraining Order | <ol style="list-style-type: none"> Victims may obtain a protection order, sometimes called a restraining order, a stay-away order, or a peace order from a court to protect them from a perpetrator. Such an order also may establish custody and visitation guidelines and provide for forms of economic security, like child support, rent or mortgage payments, which last for the duration of the order. Protection orders may also be issued in criminal cases as a condition of probation or condition of release, particularly in a domestic violence, sexual assault, or stalking related crime. |

Subchapter 400 – Domestic Violence, Sexual Assault, and Stalking Prevention and Support for Victims

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| D. Sexual Assault | <ol style="list-style-type: none"> Sexual assault refers to a range of behaviors, including but not limited to: <ol style="list-style-type: none"> A completed nonconsensual sex act (e.g., rape, sodomy, and child molestation), An attempted nonconsensual sex act, and/or Abusive sexual contact. Sexual assault includes any sexual act or behavior that is perpetrated when the victim does not or cannot consent. A victim of sexual assault may know the perpetrator, such as a co-worker or a supervisor, and/or may be involved in a dating or marital relationship with the perpetrator, or the perpetrator may be unknown to the victim. Lack of consent should be inferred when a perpetrator uses force, harassment, threat of force, threat of adverse personnel or disciplinary action, or other coercion, or when the victim is asleep, incapacitated, unconscious, or physically or legally incapable of consent. |
| E. Stalking | <ol style="list-style-type: none"> Stalking refers to harassing, unwanted, or threatening conduct that causes the victim to fear for his or her safety or the safety of a family member. Stalking conduct may include, but is not limited to: <ol style="list-style-type: none"> Spying on, or waiting for the victim in places such as home, school, work, or recreation place; Leaving unwanted items, presents, or flowers for the victim; Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, pets, or property; Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth; and Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, or contacting victim's friends, family, co-workers, or neighbors. Stalking may occur through use of technology, including but not limited to, email, telephone, voicemail, text messaging, and use of GPS and social networking sites. |
| F. Victim | <p>An individual who is currently subject to, or has in the past been subjected to, domestic violence, sexual assault, and/or stalking.</p> |
| G. Workplace Safety Plan | <ol style="list-style-type: none"> A workplace safety plan is a strategy developed in collaboration with a victim to implement workplace safety options, including but not limited to: <ol style="list-style-type: none"> Handling of court protection orders, Procedures for alerting security personnel, Temporary or permanent adjustments to work schedules and locations, Changes in parking spots, and Requests for escorts to and from workplace facilities. |

Subchapter 500 – Preventing and Addressing Workplace Violence

I. Introduction

Purpose: This subchapter outlines National Science Foundation’s (NSF) policy on workplace violence, which reinforces NSF’s commitment to the well-being of its employees and the safety and security of its workforce, visitors, and facilities.

II. Program Scope

It is NSF’s policy to promote the health and safety of its staff by acting to prevent and address workplace violence—which includes acts of violence, threats of physical violence, harassment, and bullying as defined in [Appendix A: Definitions](#).

III. Responsibilities

The table lists the roles and responsibilities relevant to this process.

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| A. The Chief Human Capital Officer (CHCO) | <p>The CHCO is responsible for:</p> <ol style="list-style-type: none"> 1. Monitoring, evaluating, and ensuring accountability of this policy; and, 2. Reporting cumulative data to the Office of Personnel Management (OPM), as required. |
| B. The Chief, Employee Relations Branch (ERB), Division of Human Resource Management (HRM) | <p>The Chief, ERB (HRM) is responsible for:</p> <ol style="list-style-type: none"> 1. Educating the workforce and administering this policy; 2. Assisting employees and supervisors to understand workplace protections available to victims of workplace violence; 3. Ensuring that the Employee Assistance Program (EAP) provides confidential, timely counseling support and assistance to victims of workplace violence; 4. Convening Workplace Violence Safety and Security Response Teams, as needed, when imminent physical danger is not of concern. Such efforts will be coordinated with the Head, Security and Emergency Management Section (SEMS), Division of Administrative Services (DAS) if building safety and security plans are needed for specific individuals (e.g., to support protective or restraining orders) or if there are ongoing threats of physical danger. The Office of the General Counsel (OGC) will be consulted for coordination when legal issues are present; 5. Conducting or assisting with administrative investigations regarding allegations of workplace violence, as needed; and 6. Providing advice and guidance to management officials regarding appropriate corrective, disciplinary action from resulting findings of misconduct, if any. |

Subchapter 500 – Preventing and Addressing Workplace Violence

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| <p>C. The Head, Security and Emergency Management Section (SEMS), Division of Administrative Services (DAS)</p> | <p>The Head, SEMS (DAS) is responsible for:</p> <ol style="list-style-type: none"> 1. Serving as the designated “NSF liaison to first responders” (e.g., local law enforcement, Federal Protective Service, firefighters) regarding reports of imminent physical danger raised in connection with this policy; 2. Convening Workplace Violence Safety and Security Response Teams, as needed, when specific threats of imminent physical danger are present. Because actions taken against (or required of) staff may have legal and other human resources implications, as soon as practicable such efforts will be coordinated with the Chief, ERB (HRM) who will lead efforts after the imminent physical danger has been alleviated; 3. Coordinating all allegations of reports of workplace violence with the Chief, ERB (HRM); 4. Ensuring building safety and security in accordance with the Occupant Emergency Plan (OEP); 5. Following protection and restraining orders in accordance with this policy; and 6. Providing security-specific training (including agency exercises) concerning how to handle instances of imminent physical danger to the workforce, to include coordinating training with law enforcement agencies. |
| <p>D. The Head, The Office of Diversity and Inclusion (ODI)</p> | <p>The Head, ODI is responsible for considering the needs of employees by:</p> <ol style="list-style-type: none"> 1. Ensuring effective communication with persons with disabilities (e.g., hearing or speech impairments) by providing appropriate auxiliary aids during training, outreach, and awareness activities, reporting procedures, administration of safety precautions, and employees’ usage of assistance services; 2. Ensuring that reasonable accommodations are provided to persons with disabilities where such accommodations are necessary to ensure that these individuals receive the same benefits, flexibilities, and protections under NSF policies as persons without disabilities in accordance with the law; and 3. Initiating Equal Employment Opportunity (EEO) investigations involving allegations of workplace harassment based on membership in a protected class, as needed. |

Subchapter 500 – Preventing and Addressing Workplace Violence

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| E. Supervisors | <p>Supervisors are responsible for:</p> <ol style="list-style-type: none"> 1. Reporting immediately any known, alleged, or perceived threats of imminent physical danger to NSF employees, visitors, guests, or contractors by calling 9–911 (then, notifying the NSF Security Desk by calling x5555); 2. Reporting of all concerns raised by employees regarding workplace violence to the Employee Relations Branch (HRM) as soon as possible; 3. Safeguarding employee privacy in accordance with this policy by maintaining the confidentiality of information about NSF employees who are alleged victims or perpetrators of workplace violence—sharing such information only with those officials with a need to know. Failure to appropriately maintain the confidentiality of information about employees allegedly involved in workplace violence (as victims or perpetrators) may result in disciplinary action; and 4. Completing “Preventing and Addressing Workplace Violence” training. |
| F. Employees | <p>Employees are encouraged to:</p> <ol style="list-style-type: none"> 1. Report immediately any known, alleged, or perceived threats of imminent physical danger to any individual in the NSF workspace by calling 9–911 (then, notifying the NSF Security Desk by calling x5555); 2. Report timely any concerns regarding workplace violence (including threats of workplace violence, harassment, or bullying) to their supervisor, any other management official, or the Employee Relations Branch (HRM); 3. Safeguard privacy in accordance with this policy by maintaining the confidentiality of information about NSF employees who are alleged victims or perpetrators of workplace violence—sharing such information only with those officials with a need to know (e.g., Chief, ERB [HRM] or the Head, SEMS [DAS]). |

IV. Procedures for Reporting

- A. **Threats of Imminent Physical Danger:** Any concerns of Imminent Physical Danger should be reported immediately to local law enforcement by calling 9-911 and then the NSF Security Desk by calling x5555. Non-emergency concerns can be brought to the attention of the NSF Security Desk (without also calling local law enforcement):
- Location: Stafford I North, Second floor (adjacent to the NSF Library).
 - Telephone: Dial x5555 from any NSF phone onsite at NSF headquarters.
- B. **Non-Emergency Instances:** Where Imminent Physical Danger is not of concern, but workplace violence (including threats of workplace violence, harassment, or bullying) may be present—concerns should be reported to ERB (HRM); as soon as possible. Employees may also elect to raise these concerns to any management official with a need to know.

Subchapter 500 – Preventing and Addressing Workplace Violence

- C. **Management/Supervisor Duty to Act:** Supervisors and management officials are expected to address allegations of workplace violence (including threats of workplace violence, harassment, and bullying) in a timely manner, normally within *10 workdays* of being notified of the concern.
1. This is the case even when an employee requests not to be involved or to pursue the matter formally. Failure to do so may result in disciplinary action.
 2. Supervisors and management officials are strongly encouraged to seek guidance from ERB (HRM) should they need any assistance in this matter.
- D. **Information to Submit with Reports of Concern:** To assist NSF in addressing concerns as expediently as possible, employees and contractors are asked to provide all available information when reporting the possibility of workplace violence (including threats of workplace violence, harassment, and bullying) toward NSF employees, visitors, guests, or contractors in NSF facilities.
1. Such information may include:
 - i. Name, office, organization;
 - ii. When the incident happened or is expected to happen; and
 - iii. What led the reporter to be concerned or have information.
 2. Employees are encouraged to provide copies of email or voicemail messages demonstrating a threat and copies of protection or restraining orders (which ideally should include the employee's workplace or alternative worksites), where available.
 3. There is no minimum information requirement to make a report; any information available can be helpful and should be reported.
- E. **Confidentiality:** NSF will make every effort to safeguard privacy of anyone who discloses information on workplace violence by maintaining the confidentiality of information about such individuals. Information regarding experiences of workplace violence may only be disclosed to authorized officials with a need to know. However, if formal discipline occurs, the individual(s) disciplined and their representatives may be entitled to statements relied upon to support the discipline. NSF will also cooperate with criminal investigations where required by law.
1. When information provided by a victim or witness must be disclosed, NSF will limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing individual(s) and others and to comply with the law.
 2. NSF will make reasonable efforts to provide advance notice to the victim about the fact that the information will be disclosed, to whom it will be disclosed, and why. NSF will provide the individual with the names and titles of the people with whom NSF intends to share the individual's statements and will explain the necessity and purpose of that disclosure.
 3. Confidentiality of individual information and records related to victims of workplace violence will be protected and kept separate from other records maintained on the employee.
- F. **Nondiscrimination and Nonretaliation:** NSF will not discriminate in hiring, staffing, or other terms and conditions of employment against any employee for disclosing his or her status as a victim of workplace violence or for submitting a complaint or disclosing concerns about workplace violence. Retaliation for submitting a complaint or disclosing concerns about workplace violence is expressly prohibited.
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V. Personnel and Building Safety and Security

- A. **Imminent Physical Danger:** The safety and security of employees and facilities are of paramount importance to NSF. Therefore, in the rare event that imminent physical danger is present, emergency services (9–911) should be called (and immediately thereafter, the NSF Security Desk should be informed by calling x5555).
- B. **Safety and Security Response Team:** A multi-disciplinary Safety and Security Response Team may be called upon to assess and determine appropriate steps for ensuring the safety and security of any specific individual(s) in the NSF workplace with concerns related to workplace violence (including threats of workplace violence, harassment, and bullying). If needed, this team will be tasked with developing a safety plan for the specific threat reported to the team and work with the victim(s) and management to implement the safety plan. While the composition of the response team may vary depending on the type of incident reported, the following offices will have pre-designated and trained staff available:
- Employee Relations Branch
 - Security and Emergency Management and Section
 - Employee Assistance Program
 - Office of the General Counsel
 - Office of Diversity and Inclusion
 - Local 3403, American Federation of Government Employees

Employees from these offices who may be called on to join a response team will receive training on addressing the needs of victims of workplace violence.

- C. **Situations Involving Employees in the Same Workplace:** In the event that both the alleged victim and the alleged perpetrator are NSF employees or contractors, the individuals may need to be separated while at work. To this end, a directive to avoid contact in the form of a Memorandum of Instruction may be given to one or both the alleged victim and alleged perpetrator by their respective supervisors.
- D. **Weapons and Workplace Safety:** Federal law prohibits the knowing possession of, or the causing to be present of, firearms or other dangerous weapons in federal facilities by all persons not specifically authorized. In addition, under provisions of the Federal Gun Control Act (sometimes referred to as the Lautenberg Act), persons subject to a qualifying protection order (18 U.S.C. Sec. 922[g] [8]) or convicted of a qualifying misdemeanor crime of domestic violence (18 U.S.C. Sec. 922[g] [9]) are prohibited from possessing firearms or ammunition for work or personal use.
- E. **Support for Protection and Restraining Orders:**
1. If a victim seeks an order of protection or receives a restraining order against his/her perpetrator, the workplace may be included on an order as a location a perpetrator may not visit.
 2. If an employee chooses to disclose the existence of a protection or restraining order to NSF, the Head, SEMS (DAS):
 - i. Will (wherever possible) assist the employee in engaging local law enforcement and NSF security personnel in enforcing the order;
 - ii. Shall archive said order in a confidential and separate file from the employee's personnel file; and, if applicable,
 - iii. May assist the employee in gathering documentation from the workplace, such as emails or voice messages, that could support

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the employee's efforts in the justice system or otherwise to obtain or maintain safety from a perpetrator.

VI. Workplace Awareness and Outreach

- A. NSF is committed to raising awareness of and preventing workplace violence throughout NSF by issuing this policy and through outreach campaigns and training opportunities.
 - B. For additional information regarding resources that individuals can use when they need more information on workplace violence (including threats of workplace violence, harassment, and bullying), please contact ERB (HRM) or visit the [Safety at Work](#) web page on InsideNSF. All inquiries are kept confidential, consistent with this policy.
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VII. Workplace Protections for Victims

- A. ERB (HRM) will assist employees and contractors in determining the specific workplace protections available based on the individual's circumstances.
 - B. In addition to the policies and procedures outlined in the Personnel Manual, other workplace protections that may be available to victims and family of victims include, but are not limited to, the following:
 1. **Executive Orders and Presidential Memorandums**, (including Executive Order 12196 and 12977), which provide for workplace safety and protection measures.
 2. **Standards of Ethical Conduct for Employees of Executive Branch Agencies**, which make clear that employees are expected to act in accordance with the law and ethical principles.
 3. **Merit Systems Principles**, which require agencies to manage personnel in accordance with nine merit system principles (versus arbitrary personal characteristics).
 4. **Occupational Safety and Health Act of 1970 and Other Occupational Safety and Health Regulations**, which provide for workplace safety and workers' compensation coverage in the rare event of an injury resulting from a workplace violence incident.
 5. **Federal Property Management Regulations**, which prohibit individuals who enter onto federal property from willfully creating any hazard to persons or things.
 6. **5 U.S.C. Chapter 75**, which authorize agencies to conduct administrative investigations into allegations of misconduct and to take disciplinary action to address misconduct for just cause to promote the efficiency of the service.
 7. **EEO Regulations**, (including 29 CFR 1614), which protect employees from discrimination based on membership in a protected class (e.g., disability, race, gender, age).
 8. **Suitability Regulations**, which require all individuals performing work for the Federal Government or requiring regular access to federal facilities, information technology systems, data, or personnel to undergo a background investigation commensurate with the risk and sensitivity of the person's access to ensure that the individual possess the personal characteristics suitable for that access.
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VIII. Employee Assistance Program (EAP)

- A. The NSF EAP provides free, confidential in-person and telephone assessment, counseling, referral, and follow-up for all types of personal problems that can interfere with job performance and overall well-being.
 1. NSF Staff and their family members have access to the services provided by EAP. Referrals to the EAP program can encourage victims of domestic violence, sexual assault, or stalking to seek out help from licensed counselors.
 2. EAP provides an on-site counselor on a weekly basis, but employees may also access EAP 24-hours a day, seven days a week. For more information on EAP services, visit the EAP website on InsideNSF.
- B. While counseling through EAP is confidential, if information provided indicates that there is a threat of imminent physical danger, EAP counselors must share that information with appropriate authorities.

IX. Use of Agency Resources

Employees are prohibited from utilizing any workplace resources, such as work time, phones, email, computers and other government-owned or leased electronic devices, fax machines or other means to threaten, harass, intimidate, bully, or otherwise harm another person.

X. Disciplinary Actions

Employees who commit workplace violence against others on or off duty may be subject to disciplinary action and/or criminal charges in accordance with applicable law. For more information, please contact ERB (HRM) or see the Personnel Manual, Chapter V. 500, Disciplinary Actions.

XI. Resources

- A. [Appendix: Definitions](#)
- B. For additional information, including the **NSF Guide to Preventing and Addressing Workplace Violence (2015)**, visit [Safety at Work](#) on InsideNSF.

XII. Contact

Employee Relations Branch (ERB)
Division of Human Resource Management (HRM)
 703-292-8180

Security and Emergency Management Section (SEMS)
Division of Administrative Services (DAS)
 703-292-8190

Any concerns of imminent physical danger should be reported immediately to local law enforcement by calling 9-911 and then the NSF Security Desk by calling x5555.

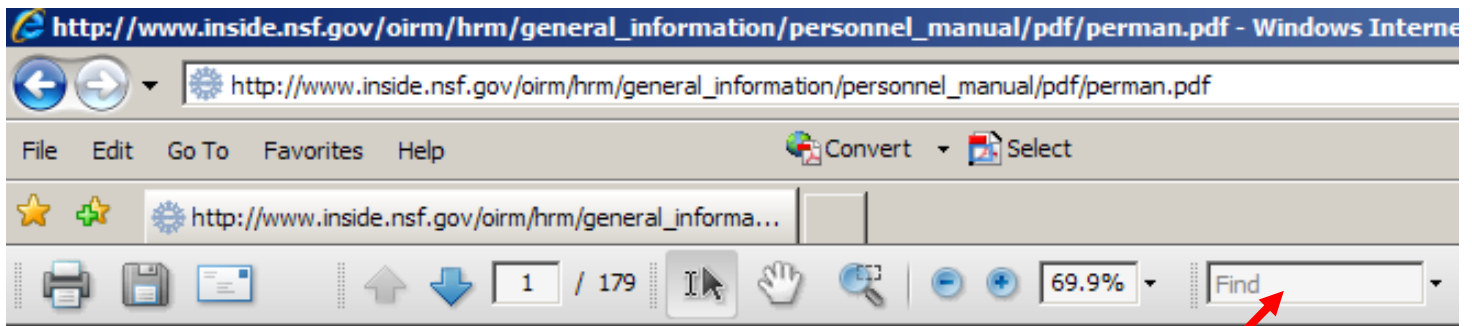
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Appendix: Definitions

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| Bullying | Repeated and unwanted actions or the abuse or misuse of power by an individual or group intending to intimidate, harass, degrade or offend. Workplace bullying is abusive conduct that is threatening, humiliating, or intimidating; and may be oral or written. |
| Harassment (Non-EEO related) | Words, conduct, or action, usually repeated or persistent that annoys, alarms, or causes substantial emotional distress in that person and serves no legitimate purpose. |
| Harassment (EEO related) | Unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination complaint, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws. |
| Imminent Physical Danger | An immediate threat of physical danger that could reasonably be expected to cause death or serious physical injury to one or more individuals in the workplace. |
| Occupant Emergency Plan | A written set of procedures to protect life and property in a facility under specific emergency conditions. |
| Perpetrator | An individual who commits or threatens to commit an act of workplace violence (including threats of workplace violence, harassment, or bullying). |
| Protection or Restraining Order | A court order that protects victims from a perpetrator, also known as a stay-away order, or a peace order. Such an order also may establish custody and visitation guidelines and provide for forms of economic security, like child support, rent or mortgage payments, which last for the duration of the order. Protection orders may also be issued in criminal cases as a condition of probation or condition of release, particularly when the crime is related to domestic violence, sexual assault, or a stalking related crime. |
| Threat of Workplace Violence | A communicated intent to use unlawful physical force (usually accompanied by fury, vehemence, or outrage), inflict harm or loss on another or on another's property in the workplace or while on duty. |
| Victim | An individual who is currently subject to, or has in the past been subjected to, workplace violence (including threats of workplace violence, harassment, or bullying). |
| Workplace Safety Plan | A strategy developed in collaboration with a victim to implement workplace safety options, including but not limited to, handling of court protection orders, procedures for alerting security personnel, temporary or permanent adjustments to work schedules and locations, changes in parking spots, and requests for escorts to and from workplace facilities. |
| Workplace Violence | The use of physical force (usually accompanied by fury, vehemence, or outrage) unlawfully exercised (or threats of such), harassment, or bullying with the intent to harm victims at work or on duty. |

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