

DEPARTMENT OF ARMY SUPPLEMENT

GUIDANCE GOVERNING NSPS TRANSITION PERIOD
PRIOR TO TERMINATION

DoD Guidance Governing NSPS Transition Period Prior to Termination, Issued December 10, 2009	Army Supplemental Guidance
<p>A. Purpose. This guidance provides instructions for Department of Defense (DoD) Human Resource Offices (HROs) concerning transition appointments and the competitive/noncompetitive placement of current DoD employees to an NSPS covered position during the transition period.</p>	<p>A. Purpose. This matrix provides Army supplemental guidance concerning transition appointments and placement of employees during the National Security Personnel System (NSPS) transition period from October 28, 2009 through December 31, 2011. This guidance aligns with, supplements, and is to be used with the DoD guidance dated December 10, 2009, subject as above. This may not be supplemented without the approval of the Army NSPS Program Management Office.</p> <p>NOTE: The DoD guidance copied herein is from the original document dated December 10, 2009; if there are any unintended differences, the official DoD guidance prevails.</p>
<p>B. Definitions.</p> <p>1. <i>Appointment</i> – placement of an individual onto the DOD rolls.</p>	
<p>2. <i>Pipeline Action</i> –</p> <p>a. A competitive recruitment action for which an announcement is posted before March 1, 2010 or a recruitment action which is in a subsequent phase of the recruitment process (e.g., applicants being reviewed, certificate/list of eligibles sent to selecting official, tentative/firm offer made, etc.) as of March 1, 2010.</p> <p>b. An action for which an open continuous announcement is posted before March 1, 2010, and the request for personnel action (RPA) was received by the HRO before March 1, 2010.</p> <p>c. A recruitment action for which a noncompetitive selection is made for an NSPS position before</p>	<p>2. In accordance with D.2.e. selections or conversions resulting from Pipeline Actions may be excluded from the transition requirements outlined in this guidance.</p> <p>c. This reference to a “recruitment action” is not intended to apply to</p>

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<p>March 1, 2010 (e.g., selection for VRA appointment, Schedule A appointment of persons with a disability, etc.).</p> <p>d. A noncompetitive reassignment RPA received by March 1, 2010 in the HRO.</p> <p>e. A recruitment action for which Priority Placement Plan (PPP) match(es) is/are identified before March 1, 2010.</p> <p>f. A noncompetitive conversion of an NSPS employee on a temporary or term appointment in the competitive service, consistent with 5 CFR 9901.511(d)(2), to a permanent appointment in the competitive service when the request to convert the employee is received by the HRO before March 1, 2010</p> <p>g. An extension of an NSPS employee’s temporary or term appointment, consistent with 5 CFR 9901.511(d), when the request to extend the appointment is received by the HRO before March 1, 2010.</p>	<p>competitive processes.</p>
<p>3. <i>Transition Period</i> – the period between October 28, 2009 and January 1, 2012 or the date an organization’s employees and positions are converted out of NSPS if prior to January 1, 2012.</p>	
<p>C. Operating Guidance:</p> <p>1. <u>Non-DoD individuals/employees – permanent appointments prior to March 1, 2010.</u> Effective on the date of this guidance but no later than February 28, 2010, non-DoD individuals <i>appointed</i> to a position in an organization covered by NSPS will be placed under the General Schedule (GS) or applicable non-NSPS statutory pay system <i>when a classified non-NSPS position description is available</i> and a performance management system established under 5 USC chapter 43 exists.</p>	<p>C. Operating Guidance:</p> <p>Guidance in this section is subject to the exceptions in section D. The Department of the Army has determined that the exception for pipeline actions authorized in D.2.e. will be applied throughout the Army.</p> <p>1. “Non-DoD individuals/employees” includes all individuals that are not currently DoD federal employees (e.g. Servicemembers and contractors).</p>
<p>2. <u>Non-DoD individuals/employees – permanent appointments as of March 1, 2010 and beyond.</u> All</p>	<p>2. “Non-DoD individuals/employees” includes all individuals that are not</p>

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<p>non-DoD individuals/employees <i>appointed</i> to a position in an organization covered by NSPS must be placed under GS or applicable non-NSPS statutory pay system.</p>	<p>currently DoD federal employees (e.g. Servicemembers and contractors).</p>
<p>3. <u>Temporary and term appointments.</u> Effective on the date of this guidance, temporary appointments in the competitive and excepted service and term appointments in the competitive service made to positions which will later convert to GS will be limited to not-to-exceed dates consistent with OPM regulations for GS. Further, advertisements for temporary and term appointments will no longer reflect the potential for noncompetitive conversion to a permanent appointment.</p>	<p>3. Temporary and term appointments. Exclusions in section D may be applied to these positions. However, GS timelines and rules for conversion to permanent appointments must be applied immediately. For positions that have already been announced, selectees will be advised of the OPM time limits and resulting appointment time frame at the time of job offer. If the offer has already been made, the CPAC will amend the job offer to modify the time limits.</p> <p>Temporary excepted service appointments and advertisements will be subject to the same guidelines.</p>
<p>4. <u>Internal placement.</u></p> <p>a. <u>DoD Non-NSPS employees.</u> No later than March 1, 2010, non-NSPS employees selected for a position in an organization covered by NSPS must be placed in GS or other applicable non-NSPS statutory pay system.</p>	<p>4. <u>Internal placement.</u></p> <p>a. <u>DoD Non-NSPS Employees.</u> Add: All vacancy announcements anticipated to result in non-NSPS personnel system appointments must be advertised in the non-NSPS personnel system.</p>
<p>b. <u>NSPS Employees.</u></p> <p>1. <u>Competitive placement.</u> No later than March 1, 2010, NSPS employees who are selected for an NSPS covered position via a competitive process must be placed in GS or other applicable non-NSPS statutory pay system.</p>	<p>b. <u>NSPS Employees.</u></p> <p>1. <u>Competitive Placement.</u> All vacancy announcements anticipated to result in non-NSPS personnel system appointments must be advertised in the non-NSPS personnel system.</p>
<p>2. <u>Noncompetitive placement.</u> During the transition period, employees may be placed noncompetitively in an NSPS covered position (e.g., career ladder promotion, reassignment, temporary promotion NTE 180 days, etc.).</p>	
<p>3. <u>Management-directed actions.</u> Management may not direct assignment of an employee to a</p>	

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<p>non-NSPS statutory pay system when such assignment will result in a loss of pay except in the case of: (i) reduction in force (RIF) action; (ii) termination of a temporary personnel action; (iii) change of position action resulting from failure to successfully complete a supervisory probationary period; or (iv) a reduction in pay that is for cause (i.e., disciplinary or performance-based action).</p>	
<p>5. <u>Vacancy announcements posted before March 1, 2010.</u> NSPS vacancy announcements posted before March 1, 2010, must contain the following statement to alert applicants that the position(s) will be converted to another personnel system:</p> <p><i>The position(s) covered by this vacancy announcement is/are scheduled to transition from the National Security Personnel System (NSPS) to the general schedule (GS) or an applicable personnel system by January 1, 2012.</i></p>	
<p>6. <u>Open continuous announcements.</u> As soon as possible, but no later than March 1, 2010, open continuous announcements for positions in an organization covered by NSPS must be revised to reflect an applicable non-NSPS statutory pay system.</p>	<p>6. <u>Open continuous announcements.</u> Army open continuous announcements will remain open for NSPS positions through February 28, 2010 and then close. Open continuous announcements will open for non-NSPS personnel systems effective March 1, 2010.</p>
<p>7. <u>Job offers.</u> Job offers for positions covered by NSPS will clearly indicate under which statutory pay system the selectee will be placed. If the selectee is to be placed under the NSPS statutory pay system, the selectee will be notified that the position is scheduled for transition to NSPS to a non-NSPS statutory pay system by January 1, 2012.</p>	<p>7. <u>Job offers.</u> The following statement will be included in the tentative or firm job offer letter or email issued by the CPAC Advisor or manager to a selectee for a position currently in NSPS:</p> <p>The position you are being offered is scheduled to transition from NSPS to a position in the (indicate which non-NSPS statutory personnel system) before January 1, 2012. The grade of the non-NSPS position will be finally determined at the time of conversion. Please contact the CPAC if you have questions about this change.</p>

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<p>8. Components may issue Component-specific guidance consistent with this guidance.</p>	
	<p>9. <u>Job Announcements.</u></p> <p>b. <u>Limiting Salary Ranges on Announcements.</u> The starting pay for the NSPS position may be set between the bottom of the pay band and the equivalent of the first step of the non-NSPS statutory pay system grade for the position. The top of the pay range on the announcement will be no higher than the equivalent of the beginning rate of the non-NSPS statutory pay system grade (step 1) plus 30%. Managers cannot offer a salary outside of the advertised pay range, regardless of the qualifications of the selectee. This will reduce the potential for bringing employees into positions at levels that would subsequently entitle them to pay retention upon conversion out of NSPS.</p>
	<p>10. <u>Position Classification.</u> Position descriptions accompanying recruitment requests for positions being filled in non-NSPS statutory personnel systems must be written and classified IAW classification standards applicable to the non-NSPS system position (i.e. with Factor Evaluation System (FES) or other factors as appropriate). Managers and supervisors are encouraged to utilize classified position descriptions from the Fully Automated System for Classification (FASCLASS) if available and cover the work required. (NOTE: Position classification authority guidance in Assistant Secretary of the Army (Manpower and Reserve Affairs) Civilian Personnel Policy, subject: Delegation of Classification Authority, dated November 17, 1997 remains in effect.)</p>

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	<p>11. Pipeline Actions. Pipeline actions will be complete and effective on or before July 4, 2010, or on or before the moratorium date on conversion actions for the relevant organization (whichever is earlier).</p>
<p>D. Exceptions.</p> <p>1. <u>The following categories of positions and/or employees are excluded from the requirements outlined in this guidance:</u></p> <p>a. Positions filled in organizations converting from NSPS to scientific and technical reinvention laboratories (STRLs). These positions are excluded by section 1105(c) of NDAA 2010. These positions will be converted directly from NSPS to an appropriate STRL personnel management demonstration project created under Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-3981; 114 Stat. 1654A-315).</p>	
<p>b. Positions filled in organizations converting from NSPS to the Acquisition Demonstration project pending extension of Acquisition Demonstration project and reestablishment of Acquisition Demonstration project infrastructure and policies.</p>	
<p>c. Positions in organizations without a Chapter 43 performance management system pending establishment of an appropriate Chapter 43 performance management system no later than March 1, 2010.</p>	<p>c. The exception for positions in organizations without a Chapter 43 performance management system does not apply to any Army positions. Army's Total Army Performance Evaluation System (TAPES) was approved under 5 USC chapter 43 on 23 May 1993.</p>
<p>d. Physician and dentist positions pending approval and establishment of the Pay Plan for DoD Civilian Physicians and Dentists covered by the General Schedule.</p>	

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e. Engineer positions in New Orleans, Louisiana covered by a targeted local market supplement until such time as comparable special rate schedules are established under GS.	
f. Forensic anthropologist positions in Hawaii (subject to approval of TLMS) until such time as comparable special rate schedules are established under GS.	
g. Positions occupied by employees on excepted service appointments who either may or must be noncompetitively converted to a competitive service appointment provided a similar non competitive conversion authority exists under GS (e.g., VRA, FCIP, etc.).	
2. The following populations may be excluded from this guidance to minimize adverse impact on employees and mission: a. Positions to which BRAC employees are scheduled to relocate either geographically or to another organization when the move is outside the commuting area. This included early relocation on a voluntary basis in advance of a transfer of function or realignment.	2. Exceptions applied under 2a-d will be reported to the Army NSPS Program Management Office within 30 days of the decision to make such exceptions. a. This exception will be applied only with the approval of the commander of the respective Army Component Command (ACOM), Army Service Component Command (ASCC), or Direct Reporting Unit (DRU); or within the headquarters, the Administrative Assistant to the Secretary of the Army (AASA).
b. Positions scheduled for a transfer of function to a non-DoD entity prior to January 1, 2012.	b. This exception will be applied only with the approval of commander of the respective ACOM, ASCC, or DRU; or within the headquarters, the AASA.
c. Positions in organizations conducting a RIF during the transition period	c. This exception will be applied only with the approval of commander of the respective ACOM, ASCC, or DRU; or within the headquarters, the AASA.

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<p>d. Deployed civilians exercising administrative return rights or returning from other deployments provided they were deployed from an NSPS position.</p>	<p>d. This exception will be applied throughout Army.</p>
<p>e. Selections or conversions resulting from pipeline actions as defined in section B.2.</p>	<p>e. The Department of the Army has determined that the exception for pipeline actions authorized in D.2.e. will be applied throughout the Army.</p>
<p>3. <u>Additional categories of positions and/or employees may be excluded from this guidance on a case-by-case basis.</u> Requests for approval of additional exceptions must be submitted to the NSPS Program Executive Office (PEO), or its successor office, by the appropriate Component NSPS Program Office. Decisions to grant exceptions may be made in response to a situation identified at the DoD-level or in response to written requests from an organization and submitted through Component channels. At a minimum, requests for exclusions should include:</p> <p>a. The approximate number and geographic location of the proposed excepted positions.</p> <p>b. Justification based on mission critical needs of the organization.</p> <p>c. The proposed expiration date or expiration event of the requested action.</p> <p>d. Any additional information relevant to the requested exception.</p>	<p>3. Requests for approval of additional exceptions must be submitted through the Army NSPS Program Office, endorsed through the chain of command.</p>