DEPARTMENT OF DEFENSE
NATIONAL SECURITY PERSONNEL SYSTEM
PROGRAM EXECUTIVE OFFICE
1400 KEY BOULEVARD SUITE B200
ARLINGTON, VA 22209-5144

December 10, 2009

MEMORANDUM FOR NATIONAL SECURITY PERSONNEL SYSTEM (NSPS)
COMPONENT PROGRAM MANAGERS

SUBJECT: Filling NSPS Vacancies During the NSPS Transition Period

The National Defense Authorization Act for Fiscal Year 2010 (NDAA 2010) includes a provision to repeal the authority for the National Security Personnel System (NSPS) and requires the transition of employees out of NSPS, with no loss of or decrease in pay, by not later than January 1, 2012. NDAA 2010 also requires the Department of Defense (DoD), to the extent practicable, to begin appointing individuals to non-NSPS statutory pay systems when vacant NSPS positions are filled by new appointment.

DoD leadership has directed the Components to proceed expeditiously with the transition from NSPS. As soon as possible, NSPS organizations should begin appointing individuals to non-NSPS statutory pay systems in accordance with the attached guidance. In addition to this statutory requirement, the Department is implementing additional measures to reduce the numbers of employees in NSPS during the transition period. The attached operating guidance provides specific instructions concerning transition appointments and placement of DoD employees during the transition period.

As additional guidance is developed regarding the conversion of NSPS employees, it will be provided to Component Program Managers for appropriate distribution.

Tim Curry
Acting Program Executive Officer

Attachment:
As stated

GUIDANCE GOVERNING NSPS TRANSITION PERIOD PRIOR TO TERMINATION

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.

B. Definitions.

1. *Appointment* – placement of an individual onto the DOD rolls.

2. *Pipeline Action* –

   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.

   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.

   c. A recruitment action for which a noncompetitive selection is made for an NSPS position before March 1, 2010 (e.g., selection for VRA appointment, Schedule A appointment of persons with a disability, etc.).

   d. A noncompetitive reassignment RPA received by March 1, 2010 in the HRO.

   e. A recruitment action for which Priority Placement Plan (PPP) match(es) is/are identified before March 1, 2010.

   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.

   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.

3. *Transition Period* -- 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.

C. Operating Guidance:

1. Non-DoD individuals/employees – permanent appointments prior to March 1, 2010. Effective on the date of this guidance but no later than February 28, 2010, non-DoD individuals *appointed* to a position in an organization covered by NSPS will be placed under the General Schedule (GS) or applicable non-NSPS statutory pay system *when a classified non-NSPS position description is available* and a performance management system established under 5 USC chapter 43 exists.

2. Non-DoD individuals/employees – permanent appointments as of March 1, 2010 and beyond. All non-DoD individuals/employees *appointed* to a position in an organization covered by NSPS must be placed under GS or applicable non-NSPS statutory pay system.

3. Temporary and term appointments. 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.

4. Internal placement.

    a. DoD Non-NSPS employees. 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.

    b. NSPS Employees.

        1. Competitive placement. 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.

        2. Noncompetitive placement. 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.).

        3. Management-directed actions. Management may not direct assignment of an employee to a 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).

5. Vacancy announcements posted before March 1, 2010. 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:

   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.

6. Open continuous announcements. 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.

7. Job offers. 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 from NSPS to a non-NSPS statutory pay system by January 1, 2012.

8. Components may issue Component-specific guidance consistent with this guidance.

D. Exceptions.

1. The following categories of positions and/or employees are excluded from the requirements outlined in this guidance:

   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).

   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.

   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.

   d. Physician and dentist positions pending approval and establishment of the Pay Plan for DoD Civilian Physicians and Dentists Covered by the General Schedule.

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 noncompetitive 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 includes early relocation on a voluntary basis in advance of a transfer of function or realignment.

   b. Positions scheduled for a transfer of function to a non-DoD entity prior to January 1, 2012.

   c. Positions in organizations conducting a RIF during the transition period.

   d. Deployed civilians exercising administrative return rights or returning from other deployments provided they were deployed from an NSPS position.

   e. Selections or conversions resulting from pipeline actions as defined in section B.2.

3. Additional categories of positions and/or employees *may* be excluded from this guidance on a case-by-case basis. 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:

   a. The approximate number and geographic location of the proposed excepted positions.

   b. Justification based on mission critical needs of the organization.

   c. The proposed expiration date or expiration event of the requested action.

   d. Any additional information relevant to the requested exception.