

## **Appendix 3-D – Pay setting scenarios - Transitioning employees on temporary assignments**

This appendix is to be used as a reference for setting pay for employees who are on temporary positions (includes pre- and post-transition actions). Note that the scenarios vary. For example, different scenarios are provided to cover the variety of sequences in which temporary and permanent positions transition from NSPS and how the sequence affects pay setting determinations. The following pages present twelve employee scenarios that will help HR practitioners set pay. Note that users may be required to reference parts of the Title 5 of the Code of Federal Regulations (CFR) governing setting of GS pay and that in all cases 2010 RUS locality percentages are used for calculations.

### **Example 1: Temporary Promotion (pre- and post-transition temporary actions are temporary promotions).**

- **Both the permanent and temporary positions are NSPS and transition at the same time.**
- **Employee’s salary falls within the rate range of both positions.**
- **GS pay setting rules yield a higher salary in the temporary assignment post-transition.**

<b>Transition Scenario:</b>	
On January 17, 2010, a YA-301-2 employee with a base salary of \$75,000 and adjusted salary of \$85,620 was temporarily promoted to a YA-301-3 position with a 12% increase. The employee’s base salary upon the temporary promotion was set at \$84,000 and the adjusted salary was set at \$95,894. The temporary promotion was for two years, NTE January 16, 2012. Both the permanent and temporary positions transition to the GS system on August 1, 2010.	
<b>HR Practitioner Action Steps:</b>	
<b>Day Before Transition (July 31, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, YA-301-2.</li> <li>• Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.354(c)(2).</li> <li>• The employee’s salary upon returning to the permanent position of record, YA-301-2, is set, in this case, as follows:               <ul style="list-style-type: none"> <li>○ Base salary: \$75,000</li> <li>○ Adjusted salary: \$85,620</li> </ul> </li> </ul>
<b>Day of Transition (August 1, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition the NSPS positions to GS.               <ul style="list-style-type: none"> <li>○ Permanent position: The YA-301-2 position transitions to a GS-301-13, and the employee’s salary is set at GS-13, step 3, with a rate of basic pay (total salary) of \$87,278.</li> <li>○ Temporary position: The vacant YA-301-3 position transitions to a GS-301-14.</li> <li>○ Return the employee to the temporary promotion, using the same NTE date prior to transition, NTE January 16, 2012.</li> <li>○ Apply GS pay setting rules to obtain the temporary promotion rate in the GS-14 position.</li> </ul> </li> </ul>
<b>(continued on next page)</b>	

## Example 1

### Practitioner Action Steps (continued)

- Using the GS two-step promotion pay setting rule, the employee's salary for the temporary promotion is set at GS-14, step 1, with a rate of basic pay (total salary) of \$96,690.
- Since the rate (\$96,690) obtained using GS pay setting rules yields a higher rate than the rate (\$95,894) the employee was receiving under the NSPS temporary promotion, the employee is entitled to this higher rate (\$96,690).
- Return the employee to the GS-301-14 position at step 1 with a NTE date of January 16, 2012.
- When the NTE date is reached or the temporary promotion ends (employee returns to his or her position of record prior to reaching the NTE date):
  - Reconstruct what the GS rate would have been in the GS-301-13 position under 5 CFR 531.215(c), i.e. as if the temporary promotion had not occurred; or
  - Apply HPR if applicable and consistent with local pay setting policy.

**Example 2: Temporary Promotion (pre- and post-transition temporary actions are temporary promotions).**

- Both the permanent and temporary positions are NSPS.
- Permanent position transitions first, and temporary position transitions before temporary assignment terminates.
- Employee’s salary falls within the rate range of both positions.
- Section 1113(c) yields a higher salary in the temporary promotion post-transition.

<p><b>Transition Scenario:</b></p> <p>On February 14, 2010, a YA-301-2 employee with a base salary of \$92,150 and adjusted salary of \$105,198 was temporarily promoted to a YA-301-3 position with an 8% increase. The employee’s base salary upon the temporary promotion was set at \$99,522 and the adjusted salary was set at \$113,614. The temporary promotion is for two years, NTE February 13, 2012. The permanent position transitions to the GS system on July 18, 2010, and the temporary position transitions to the GS system on September 26, 2010.</p>	
<p><b>HR Practitioner Action Steps:</b></p>	
<p><b>Day Before Permanent Position Transition (July 17, 2010)</b></p>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, YA-301-2.</li> <li>• Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.354(c)(2).</li> <li>• The employee’s salary upon returning to the permanent position of record, YA-301-2, is set, in this case, as follows:             <ul style="list-style-type: none"> <li>○ Base salary: \$92,150</li> <li>○ Adjusted salary: \$105,198</li> </ul> </li> </ul>
<p><b>Day Permanent Position Transitions (July 18, 2010)</b></p>	<ul style="list-style-type: none"> <li>• Transition the employee and permanent NSPS position to GS.             <ul style="list-style-type: none"> <li>○ Permanent Position: The YA-301-2 position transitions to GS-301-13, salary is set at GS-13, step 10, with a rate of basic pay (total) of \$106,369.</li> </ul> </li> <li>• Return the employee to the temporary promotion NTE February 13, 2012.             <ul style="list-style-type: none"> <li>○ Apply NSPS pay setting rules under 5 CFR 9901.354 to obtain the temporary promotion salary in YA-301-3 position.</li> <li>○ Using NSPS promotion pay setting rules, the employee’s base salary is set at \$99,522 upon temporary promotion, which is approximately a 6.37% increase. The employee’s adjusted salary is set at \$113,614, the same rate received on the temporary promotion prior to transition from NSPS.</li> </ul> </li> </ul>
<p><b>(continued on next page)</b></p>	

## Example 2

### Practitioner Action Steps (continued)

#### Day Temporary Position Transition s (September 26, 2010)

- Transition the vacant temporary NSPS position to GS.
  - The YA-301-3 position transitions to a GS-301-14.
- Return employee to the GS temporary promotion position NTE February 13, 2012.
  - Apply GS pay setting rules to obtain the temporary rate in the GS-14 position.
  - Using GS two-step promotion pay setting rule, the employee's salary for the temporary promotion would be set at GS-14, step 6, with a rate of basic pay (total salary) of \$112,804.
  - Since the rate (\$112,804) obtained using GS pay setting rules yields a lower rate than the rate (\$113,614) the employee was receiving under the NSPS temporary promotion, the employee is entitled to receive the higher rate received under NSPS until the NTE date set prior to transition from NSPS is reached per Section 1113(c) of NDAA FY2010 or until the temporary promotion is terminated, whichever comes first.
  - Prior to transition from NSPS the employee was receiving \$113,614 on the temporary promotion. \$113,614 falls between step 6 and 7 of the GS-14 rate range. Therefore, the employee's pay upon temporary promotion is GS-301-14, step 7, with a rate of basic pay (total pay) of \$116,027 and a NTE date of February 13, 2012.
- When the NTE date is reached or the temporary promotion ends (employee returns to his or her position of record prior to the NTE date):
  - Reconstruct what the GS rate would have been in the GS-301-13 position IAW 5 CFR 531.215(c), i.e. as if the temporary promotion had not occurred; or
  - Apply HPR if applicable and consistent with local pay setting policy.

**Example 3: Temporary Promotion (pre- and post-transition temporary actions are temporary promotions).**

- Both the permanent and temporary positions are NSPS.
- Temporary position transitions first and permanent position transitions before temporary assignment terminates.
- Employee’s salary falls within the rate range of both positions.
- Upon initial return to temporary position post-transition, Section 1113(c) yields a higher salary in the temporary promotion post-transition; upon subsequent return to temporary position, GS pay setting rules yield a higher entitlement.

<b>Transition Scenario:</b>	
<p>On February 28, 2010, a YA-301-2 employee with a base salary of \$81,465 and adjusted salary of \$93,000 was temporarily promoted to a YA-301-3 position with a 10% increase. The employee’s base salary upon the temporary promotion was set at \$89,612 and the adjusted salary was set at \$102,301. The temporary promotion is for two years, NTE February 27, 2012. The temporary position transitions to GS on July 4, 2010, and the permanent position transitions to GS on September 12, 2010.</p>	
<b>HR Practitioner Action Steps:</b>	
<b>Day Before Temporary Position Transitions (July 3, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, YA-301-2.</li> <li>• Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.354(c)(2).</li> <li>• The employee’s salary upon returning to the permanent position of record, YA-301-2, is set, in this case, as follows:               <ul style="list-style-type: none"> <li>○ Base salary: \$81,465</li> <li>○ Adjusted salary: \$93,000</li> </ul> </li> </ul>
<b>Day Temporary Position Transitions (July 4, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition the vacant NSPS position, YA-301-3, to GS.               <ul style="list-style-type: none"> <li>○ The YA-301-3 position transitions to a GS-301-14.</li> </ul> </li> <li>• Return the NSPS employee to the GS temporary position NTE February 27, 2012.               <ul style="list-style-type: none"> <li>○ Apply NSPS pay setting rules IAW 5 CFR 9901.372 in conjunction with GS pay setting rules to obtain the temporary promotion salary in the GS-301-14 position.</li> <li>○ The employee’s GS virtual grade is GS-13 and his GS virtual GS base salary rate is \$81,465. Using GS promotion pay setting rules, the employee’s salary is set at GS-14, step 2, with a rate of basic pay (total salary) of \$99,913.</li> <li>○ Since the rate obtained using GS two-step promotion pay setting rule yields a lower rate than the rate the employee was receiving under the NSPS temporary promotion, prior to transition (\$102,301), the employee is entitled to receive the higher rate received under NSPS IAW Section 1113(c) of NDAA FY2010.</li> </ul> </li> </ul>
<b>(continued on next page)</b>	

<b>Example 3</b>	
<b>Practitioner Action Steps (continued)</b>	
	<ul style="list-style-type: none"> <li>○ Since \$102,301 falls between steps 2 and 3 of the GS-14 rate range, return the employee to the GS-301-14 position at step 3, with a rate of basic pay (total salary) of \$103,136 with a NTE date of February 27, 2012.</li> </ul>
<b>Day Before Permanent Position Transitions (September 11, 2010)</b>	<ul style="list-style-type: none"> <li>● Return the employee to the permanent position of record, YA-301-2 position.</li> <li>● Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.342(l).</li> <li>● The employee's salary upon returning to the permanent position of record, YA-301-2, is set as follows: <ul style="list-style-type: none"> <li>○ Base salary: \$81,465</li> <li>○ Adjusted salary: \$93,000</li> </ul> </li> </ul>
<b>Day Permanent Position Transitions (September 12, 2010)</b>	<ul style="list-style-type: none"> <li>● Transition the employee and the permanent NSPS position to GS. <ul style="list-style-type: none"> <li>○ The YA-301-2 position transitions to a GS-301-13 and the employee's salary is set at GS-13, step 6, with a rate of basic pay (total salary) of \$95,459.</li> </ul> </li> <li>● Return the employee to the GS temporary position NTE February 27, 2012. <ul style="list-style-type: none"> <li>○ Apply GS pay setting rules to obtain the temporary promotion rate in the GS-301-14 position.</li> <li>○ Using the two-step promotion pay setting rule, the employee's salary for the temporary promotion would be set at GS-14, step 3, with a rate of basic pay (total salary) of \$103,136.</li> <li>○ Since the rate obtained using GS pay setting rules yields a higher rate than the rate the employee was receiving under the NSPS temporary promotion, prior to transition (\$102,301), the employee is entitled to receive the higher rate.</li> <li>○ Return the employee to the GS-301-14 position at the step 3, with a NTE date of February 27, 2012.</li> </ul> </li> <li>● When the NTE date is reached or the temporary promotion ends (employee returns to his or her position of record prior to the NTE date): <ul style="list-style-type: none"> <li>○ Reconstruct the GS rate that would have applied to the employee for the GS-301-13 permanent position IAW 5 CFR 531.215(c), i.e. as if the temporary promotion had not occurred; or</li> <li>○ Apply HPR if applicable and consistent with local pay setting policy.</li> </ul> </li> </ul>

**Example 4: Temporary Promotion (pre- and post-transition temporary actions are temporary promotions).**

- Both the permanent and temporary positions are NSPS and transition at the same time.
- Employee is placed on pay retention in both positions.
- Section 1113(c) yields a higher salary in the temporary promotion post-transition.

<b>Transition Scenario:</b>	
<p>On January 17, 2010, a YC-301-2 employee with a base salary of \$94,210 and adjusted salary of \$107,550 was temporarily promoted to a YA-301-3 position with approximately a 22% increase. The employee’s base salary upon the temporary promotion was set at \$114,936 and the adjusted salary was set at \$131,211. The temporary promotion was for two years, NTE January 16, 2012. Both the permanent and temporary positions are transition to the GS system on August 1, 2010.</p>	
<b>HR Practitioner Action Steps:</b>	
<b>Day Before Transition (July 31, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, YC-301-2.</li> <li>• Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.354(c)(2).</li> <li>• The employee’s salary upon returning to the permanent position of record, YA-301-2, is set, in this case, as follows:             <ul style="list-style-type: none"> <li>○ Base salary: \$94,210</li> <li>○ Adjusted salary: \$107,550</li> </ul> </li> </ul>
<b>Day of Transition (August 1, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition the NSPS positions to GS.             <ul style="list-style-type: none"> <li>○ Permanent Position: The YC-301-2 position transitions to a GS-301-13, and the employee’s salary is set at GS-301-13, step 00, with a retained rate of basic pay (total salary) of \$107,550.</li> <li>○ Temporary position: The vacant YA-301-3 position transitions to a GS-301-14.</li> </ul> </li> <li>• Return the employee to the temporary promotion NTE January 16, 2012.             <ul style="list-style-type: none"> <li>○ Apply GS pay setting rules to obtain the temporary promotion rate in the GS-14 position.</li> <li>○ Using GS pay setting rules under 5 CFR 531.214(d)(5), the employee’s existing retained rate is less than the rate determined using the two-step promotion rule. Using the two-step promotion rule, the employee is entitled to a rate of at least \$111,147. Since this rate falls between steps 5 and 6 of the GS-14, the employee’s salary will be set at GS-14, step 6, with a rate of basic pay (total salary) of \$112,804.</li> </ul> </li> </ul>
<b>(continued on next page)</b>	

#### **Example 4**

#### **Practitioner Action Steps (continued)**

	<ul style="list-style-type: none"><li>○ Since the rate obtained using GS pay setting rules yields a lower rate than the rate the employee was receiving under the NSPS temporary promotion, prior to transition, the employee is entitled to receive the higher rate received under NSPS IAW Section 1113(c) of NDAA 2010.</li><li>○ Since \$131,211 falls above step 10 of the GS-14 rate range, return the employee to the temporary promotion GS-301-14 position at step 00, with a retained rate of \$131,211 and a NTE date of January 16, 2012.</li><li>● When the NTE date is reached or the temporary promotion ends (employee returns to his or her position of record prior to the NTE date):<ul style="list-style-type: none"><li>○ Reconstruct what the GS rate would have been in the GS-301-13 position IAW 5 CFR 531.215(c), i.e. as if the temporary promotion had not occurred; or</li><li>○ Apply HPR if applicable and consistent with local pay setting policy.</li></ul></li></ul>
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**Example 5: Temporary Promotion (pre- and post-transition temporary actions are temporary promotions).**

- **The permanent position is NSPS and the temporary position is GS.**
- **Employee is placed on pay retention in the permanent position.**
- **Employee’s salary falls within the rate range of the temporary position.**
- **Section 1113(c) yields a higher salary in the temporary promotion post-transition.**

<b>Transition Scenario:</b>	
<p>On January 3, 2010, a YA-301-2 employee with a base salary of \$72,267 and adjusted salary of \$82,500 was temporarily promoted to a GS-12 position. The employee’s salary upon the temporary promotion was set at a GS-12, step 9, with a rate of basic pay (total salary) of \$87,157. The temporary promotion was for 9 months, NTE October 1, 2010. The permanent NSPS position transitions to the GS system on July 18, 2010.</p>	
<b>HR Practitioner Action Steps:</b>	
<b>Day Before Transition (July 17, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, YA-301-2.</li> <li>• Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.342(l).</li> <li>• The employee’s salary upon returning to the permanent position of record, YA-301-2, is set, in this case, as follows: <ul style="list-style-type: none"> <li>○ Base salary: \$72,267</li> <li>○ Adjusted salary: \$82,500</li> </ul> </li> </ul>
<b>Day of Transition (July 18, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition employee and the permanent NSPS position to GS. <ul style="list-style-type: none"> <li>○ Permanent Position: The YA-301-2 position transitions to a GS-301-11, and the employee’s salary is set at GS-301-11, step 00, with a retained rate of basic pay (total salary) of \$82,500.</li> </ul> </li> <li>• Return the employee to the temporary promotion NTE October 1, 2010. <ul style="list-style-type: none"> <li>○ Apply GS pay setting rules (i.e., 5 CFR 531.214(d)) to obtain the temporary promotion rate for the GS-12 temporary assignment. These rules require the employee receive the higher of the GS-12, step 7 rate of \$82,570 or the employee’s existing retained rate for the GS-11 position (\$82,500). In this case, the GS-12, step 7 rate of \$82,570 is the higher rate.</li> <li>○ Compare the rate derived by applying GS pay setting rules (\$82,570) to the rate the employee held for the temporary assignment immediately before transition from NSPS (\$87,157).</li> <li>○ Since the rate obtained by applying GS pay setting rules yields a lower rate than the rate the employee received for the temporary assignment prior to transition, IAW Section 1113(c) of NDAA 2010, the employee is entitled to receive the lowest step rate for the GS-12 that meets or exceeds \$87,157.</li> </ul> </li> </ul>
<b>(continued on next page)</b>	

**Example 5**

**Practitioner Action Steps (continued)**

	<ul style="list-style-type: none"><li>○ The employee is returned to the temporary assignment at the GS-301-12, step 9, rate of basic pay (total salary) of \$87,157 with a NTE date of October 1, 2010.</li><li>● When the NTE date is reached or the temporary promotion ends (employee returns to his or her position of record prior to the NTE date):<ul style="list-style-type: none"><li>○ Reconstruct what the GS rate would have been IAW 5 CFR 531.215(c), i.e. as if the temporary promotion had not occurred.</li></ul></li></ul>
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**Example 6: Temporary Promotion (pre- and post-transition temporary actions are temporary promotions).**

- **The permanent position is GS and the temporary position is NSPS.**
- **Employee’s salary falls within the rate range of the temporary position.**
- **Section 1113(c) yields a higher salary in the temporary promotion post-transition.**

<b>Transition Scenario:</b>	
<p>On January 31, 2010, a GS-301-13, step 6, employee with a rate of basic pay (total salary) of \$95,459 was temporarily promoted to a YA-301-3 position with a 10% increase. The employee’s base salary upon the temporary promotion was set at \$91,981 at and his adjusted salary was set at \$105,005. The temporary promotion was for 1 year, NTE January 30, 2011. The temporary NSPS position is transitions to GS on August 15, 2010.</p>	
<b>HR Practitioner Action Steps:</b>	
<b>Day Before Transition (August 14, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, GS-301-13.</li> <li>• Determine the GS rate using GS rate reconstruction rules.</li> <li>• The employee’s salary upon returning to the permanent position of record, GS-13, is set, in this case, as follows: <ul style="list-style-type: none"> <li>○ GS-13, step 6, with a rate of basic pay (total salary) of \$95,459.</li> <li>○ The employee was not due a within grade increase or any other increases at this time.</li> </ul> </li> </ul>
<b>Day of Transition (August 15, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition the vacant NSPS temporary position, YA-301-3 to GS.</li> <li>• The YA-301-3 position transitions to a GS-301-14.</li> <li>• Return the employee to the temporary promotion NTE January 30, 2011. <ul style="list-style-type: none"> <li>○ Apply GS pay setting rules to obtain the temporary promotion rate in the GS-14 position.</li> <li>○ Using GS pay setting rules, the employee’s salary for the temporary promotion would be set at GS-14, step 3, with a rate of basic pay (total salary) of \$103,136.</li> <li>○ Since the rate (\$103,136) obtained using the GS two-step promotion pay setting rule yields a lower rate than the rate received from the temporary promotion prior to transition (\$105,005), the employee is entitled to receive the higher rate received under NSPS IAW Section 1113(c) of NDAA FY2010.</li> <li>○ The rate of \$105,005 falls between steps 3 and 4 of the GS-14. Return the employee to the GS-301-14, step 4, with a rate of basic pay (total salary) of \$106,358 and a NTE date of January 30, 2011.</li> </ul> </li> <li>• When the NTE date is reached or the temporary promotion ends (employee returns to his or her position of record ): <ul style="list-style-type: none"> <li>○ Reconstruct what the GS rate would have been in the GS-301-11 position IAW 5 CFR 531.215(c), i.e. as if the temporary promotion had not occurred.</li> </ul> </li> </ul>

**Example 7: Pre-transition temporary action is temporary reassignment and post-transition temporary action is temporary promotion.**

- Both the permanent and temporary positions are NSPS and transition at the same time.
- Employee is placed on pay retention in the permanent position and temporary position.
- Section 1113(c) yields a higher salary in the temporary promotion post-transition.

<b>Transition Scenario:</b>	
<p>On January 31, 2010, a YA-301-2 employee with a base salary of \$75,142 and adjusted salary of \$85,782 was temporarily reassigned to a YA-301-2 position with a 5% increase. The employee's base salary upon the temporary reassignment was set at \$78,899 and the adjusted salary was set at \$90,071. The temporary reassignment is for one year, NTE January 30, 2011. The permanent and temporary position transition to the GS system on August 12, 2010.</p>	
<b>HR Practitioner Action Steps:</b>	
<b>Day Before Transition (August 11, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, YA-301-2.</li> <li>• Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.354(c)(2).</li> <li>• The employee's salary upon returning to the permanent position of record, YA-301-2, is set, in this case, as follows:             <ul style="list-style-type: none"> <li>○ Base salary: \$75,142</li> <li>○ Adjusted salary: \$85,782</li> </ul> </li> </ul>
<b>Day of Transition (August 12, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition the NSPS positions to GS.             <ul style="list-style-type: none"> <li>○ Permanent Position: The YA-301-2 position transitions to a GS-301-11, and the employee's salary is set at GS-11, step 00, with a retained rate of \$85,782.</li> <li>○ Temporary position: The vacant YA-301-2 position transitions to a GS-301-12.</li> </ul> </li> <li>• Return the employee to the temporary position (GS-301-12). The nature of action (NOA) will now be a temporary promotion NTE January 30, 2011.             <ul style="list-style-type: none"> <li>○ Apply GS pay setting rules to obtain the temporary promotion rate in the GS-12 position.</li> <li>○ Using GS pay setting rules under 5 CFR 531.214(d)(5), the employee's salary upon promotion would be set at GS-12, step 9, with a rate of basic pay (total salary) of \$87,157 (i.e., the lowest rate that meets or exceeds the employee's GS-11 retained rate). However, since the rate (\$87,157) obtained using GS pay setting rules yields a lower rate than the rate the employee was receiving under the NSPS temporary reassignment (\$90,071), the employee is entitled to receive the higher rate received under NSPS prior to transition, IAW Section 1113(c) of NDAA FY2010. That rate, \$90,071, falls above step 10 of the GS-12 rate range.</li> </ul> </li> </ul>
<b>(continued on next page)</b>	

**Example 7**

**Practitioner Action Steps (continued)**

	<p>Therefore, upon return to the temporary assignment, the employee is placed at GS-301-12, step 00, with a retained rate of \$90,071 and a NTE date of January 30, 2011.</p> <ul style="list-style-type: none"><li>• When the NTE date is reached or the temporary promotion ends (employee returns to his or her position of record prior to the NTE date):<ul style="list-style-type: none"><li>○ Reconstruct what the GS rate would have been in the GS-301-11 position IAW 5 CFR 531.215(c), i.e. as if the temporary promotion had not occurred; or</li><li>○ Apply HPR if applicable and consistent with local pay setting policy.</li></ul></li></ul>
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**Example 8: Temporary Reassignment (pre- and post-transition temporary actions are reassignments).**

- **Both the permanent and temporary positions are NSPS and transition at the same time.**
- **Employee’s salary falls within the rate range of the temporary position.**
- **Section 1113(c) yields a higher salary in the temporary promotion post-transition.**

<b>Transition Scenario:</b>	
<p>On January 3, 2010, a YA-301-2 employee with a base salary of \$68,598 and adjusted salary of \$78,311 was temporarily reassigned to a YA-201-2 position with a 5% increase. The employee’s base salary upon the temporary reassignment was set at \$72,027 and the adjusted salary was set at \$82,226. The temporary reassignment is for one year, NTE January 2, 2011. The permanent and temporary positions transition to the GS system on June 20, 2010.</p>	
<b>HR Practitioner Action Steps:</b>	
<b>Day Before Transition (June 19, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, YA-301-2.</li> <li>• Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.353(g).</li> <li>• The employee’s salary upon returning to the permanent position of record, YA-301-2, is set, in this case, as follows:             <ul style="list-style-type: none"> <li>○ Base salary: \$68,598</li> <li>○ Adjusted salary: \$78,311</li> </ul> </li> </ul>
<b>Day of Transition (June 20, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition the NSPS positions to GS.             <ul style="list-style-type: none"> <li>○ Permanent Position: The YA-301-2 position transitions to a GS-301-12, and the employee’s salary is set at GS-12, step 6, with a rate of basic pay (total salary) of \$80,276.</li> <li>○ Temporary position: The vacant YA-201-2 position transitions to a GS-301-12.</li> <li>○ Immediately after transition, the employee is returned to the temporary position held immediately before transition. Under Section 1113(c), the employee is entitled to have his or her pay set at a step in the GS system that equals or exceeds his or her NSPS adjusted salary received for this position prior to transition, \$82,226. This rate falls between steps 6 and 7 of the GS-12. Since using section 1113(c) yields a higher rate in the temporary position, the employee’s pay is set at GS-12, step 7, \$82,570.</li> <li>○ Upon expiration or termination of the temporary reassignment, the employee is returned to the permanent position and his or her pay is reconstructed as if the employee had remained in that position.</li> </ul> </li> </ul>

**Example 9: Temporary Reassignment (pre- and post-transition temporary actions are reassignments).**

- **The permanent position is GS and the temporary position is NSPS.**
- **Employee’s salary falls within the rate range of the temporary position.**
- **Section 1113(c) yields a higher salary in the temporary promotion post-transition.**

<b>Transition Scenario:</b>	
<p>On January 3, 2010, a GS-301-11, step 3, employee with a rate of basic pay (total salary) of \$61,234 was temporarily reassigned to a YA-201-2 position with a 5% increase. The employee’s base salary upon the temporary reassignment was set at \$56,320 and the adjusted salary was set at \$64,295. The temporary reassignment is for one year, NTE January 2, 2011. The temporary position transitions to the GS system on June 20, 2010.</p>	
<b>HR Practitioner Action Steps:</b>	
<b>Day Before Transition (June 19, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, GS-301-11.</li> <li>• Determine the GS rate using GS rate reconstruction rules at 5 CFR 531.215(c).</li> <li>• The employee’s salary upon returning to the permanent position of record, GS-11, step 3, is set, in this case, as follows:             <ul style="list-style-type: none"> <li>○ Basic salary: \$53,639</li> <li>○ Total salary: \$61,234</li> <li>○ The employee was not due a within grade increase or any other increase at this time.</li> </ul> </li> </ul>
<b>Day of Transition (June 20, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition the vacant NSPS position to GS.             <ul style="list-style-type: none"> <li>○ Temporary position: The vacant YA-201-2 position transitions to a GS-201-11.</li> <li>○ Immediately after transition, the employee is returned to the temporary position held immediately before transition. Under Section 1113(c), the employee is entitled to have his or her pay set at a step in the GS system that equals or exceeds his or her NSPS adjusted salary received for this position prior to transition, \$64,295. This rate falls between steps 4 and 5 of the GS-11. Since using section 1113(c) yields a higher rate in the temporary position, the employee’s pay is set at GS-11, step 5, \$65,061.</li> <li>○ Upon expiration or termination of the temporary reassignment, the employee is returned to the permanent position and his or her pay is reconstructed as if the employee had remained in that position.</li> </ul> </li> </ul>

**Example 10: Temporary Reassignment (pre- and post-transition temporary actions are reassignments).**

- **Both the permanent and temporary positions are NSPS and transition at the same time.**
- **Employee is on pay retention in both assignments.**
- **Section 1113(c) yields a higher salary in the temporary promotion post-transition.**

<b>Transition Scenario:</b>	
<p>On January 3, 2010, a YA-301-2 employee with a base salary of \$67,100 and adjusted salary of \$76,601 was temporarily reassigned to a YA-201-2 position with a 5% increase. The employee’s base salary upon the temporary reassignment was set at \$70,455 and the adjusted salary was set at \$80,431. The temporary reassignment is for one year, NTE January 2, 2011. The permanent and temporary positions transition to the GS system on June 20, 2010.</p>	
<b>HR Practitioner Action Steps:</b>	
<b>Day Before Transition (June 19, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, YA-301-2.</li> <li>• Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.353(g).</li> <li>• The employee’s salary upon returning to the permanent position of record, YA-301-2, is set, in this case, as follows: <ul style="list-style-type: none"> <li>○ Base salary: \$67,100</li> <li>○ Adjusted salary: \$76,601</li> </ul> </li> </ul>
<b>Day of Transition (June 20, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition the NSPS positions to GS. <ul style="list-style-type: none"> <li>○ Permanent Position: The YA-301-2 position transitions to a GS-301-11, and the employee’s salary is set at GS-11, step 00, with a retained rate of basic pay (total salary) of \$76,601.</li> <li>○ Temporary position: The vacant YA-201-2 position transitions to a GS-201-11.</li> <li>○ Immediately after transition, the employee is returned to the temporary position held immediately before transition. Under Section 1113(c), the employee is entitled to have his or her pay set at a step in the GS system that equals or exceeds his or her NSPS adjusted salary received for this position prior to transition, \$80,431. This rate exceeds the step 10 rate of the GS-11. Since using section 1113(c) entitles the employee to receive, at a minimum, the rate received in the temporary position prior to transition, the employee’s pay is set at GS-11, step 00, with a retained rate of basic pay (total salary) \$80,431.</li> <li>○ Upon expiration or termination of the temporary reassignment, the employee is returned to the permanent position and his or her pay is reconstructed as if the employee had remained in that position.</li> </ul> </li> </ul>

**Example 11: Temporary Reassignment (pre- and post-transition actions are temporary reassignments).**

- **Both the permanent and temporary positions are NSPS.**
- **Permanent position transitions prior to temporary position.**
- **Section 1113(c) yields a higher salary in the temporary promotion post-transition.**

<b>Transition Scenario:</b>	
<p>On January 3, 2010, a YA-301-2 employee with a base salary of \$74,147 and adjusted salary of \$84,646 was temporarily reassigned to a YA-201-2 position with a 5% increase. The employee’s base salary upon the temporary reassignment was set at \$77,854 and the adjusted salary was set at \$88,878. The temporary reassignment is for one year, NTE January 2, 2011. The permanent position transitions to the GS system on June 20, 2010, and the temporary position transitions to the GS system on July 4, 2010.</p>	
<b>HR Practitioner Action Steps:</b>	
<b>Day Before Transition of Permanent Position (June 19, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, YA-301-2.</li> <li>• Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.353(g).</li> <li>• The employee’s salary upon returning to the permanent position of record, YA-301-2, is set, in this case, as follows:               <ul style="list-style-type: none"> <li>○ Base salary: \$74,147</li> <li>○ Adjusted salary: \$84,646</li> </ul> </li> </ul>
<b>Day of Transition (June 20, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition the employee and NSPS position to GS.               <ul style="list-style-type: none"> <li>○ Permanent Position: The YA-301-2 position transitions to a GS-301-12, and the employee’s salary is set at GS-12, step 8, with a rate of basic pay (total salary) of \$84,863.</li> </ul> </li> <li>• Return the employee to the NSPS temporary position of YA-201-2 with the NTE date of January 2, 2011.               <ul style="list-style-type: none"> <li>○ Set the employee’s base salary at \$77,854 and adjusted salary at \$88,878.</li> </ul> </li> </ul>
<b>Day Before Transition of Temporary Position (July 3, 2010)</b>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, GS-301-12.</li> <li>• Determine the GS rate using GS rate reconstruction rules.</li> <li>• The employee’s salary upon returning to the permanent position of record, GS-301-12, is set as follows:               <ul style="list-style-type: none"> <li>○ GS-12 step 8, with a rate of basic pay (total salary) of \$84,863.</li> <li>○ The employee was not due a within grade increase or any other increases at this time.</li> </ul> </li> </ul>
<b>Day of Transition (July 4, 2010)</b>	<ul style="list-style-type: none"> <li>• Transition the vacant NSPS position to GS.               <ul style="list-style-type: none"> <li>○ Temporary Position: The vacant YA-201-2 position transitions to a GS-12.</li> </ul> </li> </ul> <p style="text-align: right;"><b>(continued on next page)</b></p>

**Example 11**

**Practitioner Action Steps (continued)**

	<ul style="list-style-type: none"><li>○ Immediately after transition, the employee is returned to the temporary position held immediately before transition. Under Section 1113(c), the employee is entitled to have his or her pay set at a step in the GS system that equals or exceeds his or her NSPS adjusted salary received for this position prior to transition, \$88,878. This rate falls between steps 9 and 10 of the GS-12. Since using section 1113(c) yields a higher rate in the temporary position than applying GS pay setting rules, the employee's pay is set at GS-12, step 10, \$89,450.</li><li>○ Upon expiration or termination of the temporary reassignment, the employee is returned to the permanent position and his or her pay is reconstructed as if the employee had remained in that position.</li></ul>
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**Example 12: Temporary Promotion (pre-transition); temporary reassignment (post-transition).**

- Both the permanent and temporary positions are NSPS and both transition to GS on the same day.
- Section 1113(c) yields a higher salary in the temporary assignment post-transition.

<p><b>Transition Scenario:</b></p> <p>On January 3, 2010, a YC-301-2 employee with a base salary of \$85,406 and adjusted salary of \$97,500 was temporarily promoted to a YA-560-3 position with a 12% increase. The employee's base salary upon the temporary promotion was set at \$95,655 and the adjusted salary was set at \$109,200. The temporary promotion is for one year, NTE January 2, 2011. The permanent and temporary positions transition to the GS system on June 20, 2010.</p>	
<p><b>HR Practitioner Action Steps:</b></p>	
<p><b>Day Before Transition (June 19, 2010)</b></p>	<ul style="list-style-type: none"> <li>• Return employee to the permanent position of record, YC-301-2.</li> <li>• Determine the NSPS salary using the reconstruction rules at 5 CFR 9901.354(d)(2).</li> <li>• The employee's salary upon returning to the permanent position of record, YC-301-2, is set as follows:             <ul style="list-style-type: none"> <li>○ Base salary: \$85,406</li> <li>○ Adjusted salary: \$97,500</li> </ul> </li> </ul>
<p><b>Day of Transition (June 20, 2010)</b></p>	<ul style="list-style-type: none"> <li>• Transition the NSPS positions to GS             <ul style="list-style-type: none"> <li>○ Permanent Position: The YC-301-2 position transitions to a GS-301-14, and the employee's salary is set at GS-14, step 2, with a rate of basic pay (total salary) of \$99,913.</li> <li>○ Temporary position: The vacant YA-560-3 position transitions to a GS-560-14.</li> <li>○ Immediately after transition, the employee is returned to the temporary position held immediately before transition but the nature of action (NOA) is now a temporary reassignment. Under Section 1113(c), the employee is entitled to have his or her pay set at a step in the GS system that equals or exceeds his or her NSPS adjusted salary received for this position prior to transition, \$109,200. This rate falls between steps 4 and 5 of the GS-14. Since using section 1113(c) yields a higher rate in the temporary position, the employee's pay is set at GS-14, step 5, \$109,581.</li> <li>○ Upon expiration or termination of the temporary reassignment, the employee is returned to the permanent position and his or her pay is reconstructed as if the employee had remained in that position.</li> </ul> </li> </ul>