



NSPS Employee Bulletin: Impact of NSPS to AcqDemo Transition on Pay



27 April 2011

1. Reference

- a. Army NSPS to AcqDemo Transition Guide, Version 2, 22 April 2011.
- b. DoD NSPS to AcqDemo Transition Guidance, 29 March 2011.
- c. Federal Register, January 8, 1999, Civilian Acquisition Workforce Personnel Demonstration Project; Department of Defense (DoD); Notice.
- d. DoD/Army Operating Procedures, November 11, 2003, DoD Civilian Acquisition Workforce Personnel Demonstration Project.
- e. Title 5, Code of Federal Regulations (CFR), Part 536.

2. Purpose

This bulletin provides information to employees concerning the impact of transition from NSPS to the Acquisition Demonstration Project (AcqDemo) on pay. For information on other subjects related to NSPS transition, check the Army (<http://cpol.army.mil/library/general/nsps/repeal.html>) and DoD (<http://www.cpms.osd.mil/nsps/>) NSPS websites frequently for updates. Additionally, you may visit the United States Army Acquisition Support Center AcqDemo website (<http://asc.army.mil/policies/AcqDemo.cfm>).

3. Pay setting for employees upon organizational transition from NSPS to AcqDemo

When you transition from NSPS to AcqDemo you will be assigned to the AcqDemo broadband applicable to your current position description. You will not receive a lower salary than the salary for the NSPS position you occupy at the time of transition. Pay is determined in accordance with the rules contained in references above.

- If your pay falls within the broadband of your position, your pay will not change.
- If your pay falls below the minimum of the broadband, your pay will be increased to the minimum of the broadband.
- If your pay is higher than the maximum of the broadband, you will be placed on pay retention (see paragraph 5).

4. Pay Setting for OCONUS Locations

Your total pay will not be reduced at the time of transition from NSPS to AcqDemo (to the extent your pay reflects OCONUS salary enhancements, it may, however, change when you return to CONUS). Your pay will be set using AcqDemo regulations, following the same rules as in paragraph 3 above.

5. Pay Retention

You are eligible for pay retention if your adjusted salary exceeds the top rate of the applicable broadband. (Note: This includes employees on temporary or term appointments.)

While on pay retention (also known as retained pay), you will receive 50% of any annual general pay increase (GPI) for the maximum rate of your assigned broadband level.

Under AcqDemo, pay retention continues until your pay falls within the pay range of the broadband of your position. At that time, pay retention will cease, your pay will be set within the broadband, and you will receive 100% of any subsequent GPI. Additionally, there are other situations that will end your entitlement to pay retention. Your entitlement to pay retention will end and your pay will be reduced to the top of the broadband if:

- You have a break in service of one workday or more.
- You decline a reasonable offer of a position in which your rate of basic pay would be equal to or greater than your retained rate (after applying any geographic pay differences).
- You are reduced in broadband for personal cause or at your request.

If you move to a position in a different pay system that is not covered by pay retention, your pay retention will end and your pay will be set in accordance with the rules of that system.

Also, if you move to another position in a covered pay system and your new pay is equal to or greater than the retained pay (after applying any geographic pay differences), pay retention will also end. This means, for example, that if you are promoted to a higher broadband position and your pay is encompassed in the pay range of the higher broadband, your pay retention will end.

If you are placed on retained pay at transition and are receiving biweekly recruitment, relocation, or retention incentives, the amount of the incentive payments will not change at transition. Biweekly recruitment and relocation incentives will continue at the pre-transition level until the end of the term of the incentive agreement. Retention incentives will be recalculated to be based on the highest salary for your AcqDemo broadband at the time of the annual review.

6. Temporary Assignments

If you are on a temporary reassignment or on a temporary promotion when the organization to which you are permanently assigned transitions to AcqDemo, in accordance with DoD guidance, you will be returned to your permanent position of record the day prior to the transition, and will transition to AcqDemo in that permanent position.

Managers will determine if the temporary assignment will be made permanent, terminated, or continue as a temporary assignment after the transition.

- Temporary assignment made permanent: A personnel action will be processed prior to transition to effect the action to a permanent position. Your salary will be set at transition based on the new permanent position.
- Temporary assignment terminated: You will be returned to your permanent position from your temporary promotion (or temporary reassignment that may have resulted in a pay increase) prior to transition. Your base pay will be set at the same rate you received prior to the temporary action, with adjustments for pay increases (i.e., rate range increases, performance payout, etc.) that occurred during the time you were assigned to the position.

- Temporary assignment continues: If management determines that there is a continuing need for the temporary assignment, they may reinstate the assignment after transition, as long as you are eligible and qualified for the temporary position.
 - If you were on a temporary NSPS reassignment that would be a temporary promotion under AcqDemo rules, you may be noncompetitively temporarily promoted for up to 120 days.
 - If the temporary position is at the same broadband as your permanent position, you may be placed on a detail to that position after transition.
 - If you were temporarily promoted without competition under NSPS, your total time in a temporary promotion cannot exceed 120 days (the 120 days will include NSPS, GS, and AcqDemo time at a higher level during the previous 365 days). Temporary promotions longer than 120 days require competition.

Pay setting if both your permanent and temporary positions are in AcqDemo after transition: If you are returned to an AcqDemo temporary assignment after transition, your new temporary pay will not be less than the pay you were receiving immediately prior to transition. Your pay in the temporary position after transition will be the higher of either the pay for the position calculated based on AcqDemo pay setting rules or the pre-transition pay for the position under NSPS.

Pay setting if your permanent position remains covered by NSPS and your temporary position is under the AcqDemo system after transition: You may receive different pay when returning to the temporary position due to differences in pay setting rules.

7. Overtime Pay

Some employees may experience an increase in the rate of overtime pay upon transition, while others may experience a decrease, due to differences in the regulations governing the AcqDemo and NSPS systems.

- Under NSPS, overtime is paid at the "straight time" (regular) rate for NSPS employees in pay band 3 of the YA (professional and analytic), YD (scientific and engineering), YH (medical), and YK (investigative) pay schedules; pay band 4 of the YL pay schedule (fire protection); and pay bands 2 and 3 for supervisory pay schedules (YC, YF, YJ, and YN).
- Overtime for all other NSPS employees is paid at 1 & ½ times the hourly rate.
- Under AcqDemo, overtime rates are contingent upon your status under the Fair Labor Standards Act (FLSA). If you are covered by FLSA, you will be paid overtime at 1 & ½ of your regular rate of pay. If you are not covered by FLSA, overtime is capped at 1 & ½ times the GS-10 step 1 rate, or your straight regular rate of pay, whichever is greater. (Note: FLSA status is shown in item 35 on SF 50s.)

8. Foreign Language Proficiency Pay (FLPP)

Supervisors will identify employees whose positions require proficiency in a foreign language to perform the work of the position; in these cases, you may continue to receive FLPP.

You are encouraged to consult with your servicing Civilian Personnel Advisory Center for additional guidance.

Lee Ann Eudaily
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