

| [NODIS Library](#) | [Human Resources and Personnel\(3000s\)](#) | [Search](#) |



NASA Procedural Requirements

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| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) | [Chapter6](#) | [Chapter7](#) |
[Chapter8](#) | [Chapter9](#) | [Chapter10](#) | [Chapter11](#) | [Chapter12](#) | [Chapter13](#) | [Chapter14](#) | [Chapter15](#)
| [Chapter16](#) | [Appendix](#) | [ALL](#) |

Chapter 16. Recruitment, Relocation and Retention Incentives — Federal Workforce Flexibility Act of 2004

16.1 References

5 U.S.C. § 5753, Recruitment and Relocation Bonuses.

5 U.S.C. § 5754, Retention Bonuses.

42 U.S.C. § 2473, Functions of Administration.

5 CFR Part 575, Recruitment, Relocation, and Retention Incentives; Supervisory Differentials; and Extended Assignment Incentives, Subpart A, Recruitment Incentives.

5 CFR Part 575, Recruitment, Relocation, and Retention Incentives; Supervisory Differentials; and Extended Assignment Incentives, Subpart B, Relocation Incentives.

5 CFR Part 575, Recruitment, Relocation, and Retention Incentives; Supervisory Differentials; and Extended Assignment Incentives, Subpart C, Retention Incentives.

NPD 3000.1, Management of Human Resources.

16.2 Purpose

This chapter establishes the procedural requirements for implementing and applying the provisions pertaining to recruitment, relocation, and retention incentives under section 101 of the Federal Workforce Flexibility Act of 2004. The authority to pay incentives under this plan is separate and distinct from the authority to pay recruitment, relocation, and retention bonuses under the NASA Flexibility Act of 2004, as codified in 5 U.S.C. § 9804, Recruitment, Redesignation, and Relocation Bonuses and 5 U.S.C. § 9805, Retention Bonuses.

16.3 Authority

P.L. 108-411, The Federal Workforce Flexibility Act of 2004, Section 101, Recruitment, Relocation, and Retention Bonuses.

16.4 Responsibilities

16.4.1 The Assistant Administrator, OHCM:

a. Has overall responsibility for ensuring Agency compliance with the statutory and regulatory requirements governing recruitment, relocation, and retention incentives, including submission of the annual report to OPM on

NASA's use of these incentives.

- b. Is authorized to approve the payment of incentives to a group or category of employees under the conditions prescribed in this NPR and applicable regulations.
- c. Is authorized to submit requests to OPM to waive the limit on incentive amounts.
- d. Is authorized to approve group incentives.

16.4.2 The HR Director at each Center is responsible for the following:

- a. Implementing the incentive authorities in accordance with this NPR and applicable statutory and regulatory requirements.
- b. Submitting requests to waive the limit on incentive amounts to the OHCM for concurrence and submission to OPM. In addition to providing documentation required by regulations, Centers must also provide detailed, compelling, and convincing justification explaining how the specific competencies associated with the position are critical to successful accomplishment of an important mission, project, or initiative. In this context, "critical to the successful accomplishment..." is not synonymous with "addressing a critical need" as used in the NASA Flexibility Act of 2004.
- c. Submitting requests for group incentives to the Assistant Administrator, OHCM for approval.
- d. Providing the OHCM with the information required for the annual report on incentives in accordance with regulatory requirements.

16.5 Eligible Employees

In addition to the categories of employees listed in 5 CFR Part 575, Recruitment, Relocation, and Retention Incentives; Supervisory Differentials; and Extended Assignment Incentives, Subparts A, B and C, an incentive may also be paid to an employee whose pay is administratively determined (AD pay plan) under 42 U.S.C. § 2473, Functions of Administration, Subsection (c) (i.e., NEX employee).

16.6 Incentive Approval Levels

16.6.1 For SES, ST, SL, and NEX positions:

- a. The Administrator has delegated authority to approve incentives to the Associate Administrator for Institutions and Management.
- b. In all cases, the approving official must be at least one level higher than the employee's supervisor, unless there is no official at a higher level in the Agency.
- c. The AA for Institutions and Management may waive the 50-mile requirement for payment of a relocation incentive in accordance with 5 CFR § 575.205, Payment of Relocation Bonus.
- d. The Administrator is authorized to approve requests to waive incentive repayments for SES, ST, SL, and NEX employees who fail to fulfill their service agreements.

16.6.2 For All Other Positions:

- a. Center Directors are authorized to approve incentives, except as provided in paragraph 16.5.1. Approval authority may be redelegated in accordance with NPD 3000.1, Management of Human Resources. The approving official must be at a higher level than the individual recommending the incentive, except the Administrator who may both recommend and approve incentives.
- b. Center Directors are authorized to waive the 50-mile requirement for payment of a relocation incentive in accordance with 5 CFR § 575.205, Payment of Relocation Bonus. Approval authority may be delegated in accordance with NPD 3000.1, Management of Human Resources.
- c. Center Directors are authorized to waive incentive repayments for employees who fail to fulfill their service agreement. This authority may not be further delegated. In cases in which the incentive is approved at a level higher than the Center Director, authority to waive incentive repayments rests with the AA for Institutions and Management.

16.7 General Requirements

16.7.1 In tailoring an appropriate incentive package to attract a candidate or retain an employee, other incentives must be considered in lieu of or in conjunction with the incentive, as appropriate.

16.7.2 There is no entitlement, either implied or explicit, for an appointee to receive the maximum incentive allowable under the authority delegated to NASA or the authority retained by OPM. Incentives are to be in amounts and under terms commensurate with the needs of the Agency.

16.7.3 In situations in which the need to make a timely offer of employment is critical, the approving official may establish criteria in advance for offering the incentive and may authorize an official who is no lower than the candidate's supervisor to use these criteria to offer an incentive in an amount within a pre-established range to a candidate.

16.7.4 Requests for approval to offer recruitment incentives on a group basis must: address the factors identified in 5 CFR. 575.106; identify the positions comprising the group by series, grade, and competencies; explain why a group determination is appropriate for the circumstances; and indicate the time period for which the approval may be applied.

16.8 Incentive Amount

Factors to be considered in determining the appropriate amount of an incentive include:

- a. Competing salary — It is appropriate to offer a significantly high incentive to be competitive with the selectee's other employment alternatives to provide an incentive to accept or remain in the NASA position.
- b. Individual attributes — The selectee's work experience and/or academic background and accomplishments have unusually close and direct relevance to the position being filled (for recruitment and relocation incentives) or the employee's competencies have unusually close and direct relevance to the position and the Center would face great difficulty in replacing the employee with someone of equal caliber (for retention incentives).
- c. Criticality of position — The position is important to the accomplishment of a significant project, program, or initiative and the selectee's or employee's personal competencies are such that his or her appointment or departure would make a major impact on the accomplishment of the work.
- d. Equity and consistency — The amount of the incentive is consistent with amounts paid under similar circumstances for similar positions.

16.9 Service Agreements

16.9.1 For those cases when the employee is required to sign a service agreement, the following NASA forms have been created for this purpose: NASA Form 1718, Employee Service Agreement — Recruitment Bonus; NASA Form 1716, Employee Service Agreement — Relocation Bonus; and NASA Form 1719, Employment Service Agreement — Retention Bonus.

16.9.2 The service agreement for a relocation incentive must state that the employee is required to establish a residence in the new geographic area and provide proof of the new residence (e.g., mortgage document, property title, rental agreement, etc.) to the Center HR Office before there is a payment of any part of the incentive.

16.10 Length of Service Periods

16.10.1 In determining the appropriate length of a service period, approving officials will assure that the specified period provides for the maximum return on the Agency investment appropriate to the circumstances.

16.10.2 Criteria for determining the length of the service period include: criticality of the project/program/activity the position is supporting; anticipated disruption to the work that would result if the employee leaves (for retention incentives); and expected contributions by the employee to the work for which hired or retained. The rationale for the length of the service agreement must be documented in writing and kept in the case file.

16.11 Payment of a Retention Incentive With No Service Agreement

If payment of a retention incentive does not require a service agreement, the employee must sign a statement of understanding that explains the conditions under which the incentive will be paid and the conditions under which it may be terminated.

NASA Form 1715, Statement of Understanding — Retention Bonus/Allowance, has been established for this purpose.

16.12 Review of Retention Incentives with No Service Agreement

The Center must review each retention incentive with no service agreement requirement and all incentives paid to employees likely to leave for a different position in the Federal service at least annually to determine whether payment of the incentive at that amount is still warranted based on the factors in 5 CFR 575.310 or 5 CFR 575.315, as appropriate. Based on the results of the review, the incentive may be continued, terminated, or modified to reflect any change in circumstances. This determination must be certified in writing by the approving official and maintained in the case file. Documentation must demonstrate that a review has been completed and supports the action taken.

16.13 Records and Reporting Requirements

16.13.1 The Center HR office must establish and maintain documentation for each incentive approved. The documentation must include:

- a. The basis of the determination that the position is likely to be difficult to fill (for a recruitment or relocation incentive);
- b. documentation for the determination that the employee would be likely to leave the Federal service or NASA, as appropriate (for a retention incentive).
- c. A statement that the worksite of the employee's new position is not in the same geographic area as the worksite of the position held immediately before the move or a copy of the approved waiver to this requirement consistent with this NPR (for relocation incentives only).
- d. If a waiver to the 50-mile requirement is granted, documentation that the employee relocated to establish a new residence (for relocation incentives only).
- e. Evidence that the employee established a residence in the new geographic area before a relocation incentive was paid (for relocation incentives only).
- f. The rationale for authorizing the incentive.
- g. The basis for determining the amount of the incentive, the payment schedule, and the length of the service agreement.
- h. A copy of the signed service agreement or statement of understanding.
- i. The results of the annual review of the retention incentive (if applicable).

16.13.2 The OHCM will provide annual reports to the OPM. Center HRDs will need to supplement the data available in the personnel database by providing the following information to the OHCM by January 31 of each year through 2010:

- a. A description of how the incentives were used by the Center during the previous **calendar year**, including information on whether (and, if so, how) the use of this authority improved the Center's recruitment or retention efforts.
- b. A description of any barrier(s) the Center is facing in using this authority.

| [TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) | [Chapter6](#) |
[Chapter7](#) | [Chapter8](#) | [Chapter9](#) | [Chapter10](#) | [Chapter11](#) | [Chapter12](#) | [Chapter13](#) |
[Chapter14](#) | [Chapter15](#) | [Chapter16](#) | [Appendix](#) | [ALL](#) |

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