

Staffing Advisory Section NSPS Frequently Asked Questions

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For Additional Information: 703-696-6301, Team 4; Staffing Advisory 3, DSN 426-6301

Q1. If a Federal employee voluntarily transfers into an NSPS position, do they have to complete a new probationary period?

A1. Employees who completed a probationary period will not be required to serve an initial NSPS probationary period. Employees who have not completed a probationary period must begin a new 1-year initial NSPS probationary period when selected for an NSPS position. (*SC1950.5.2.1.2*)

Q2. Will Veterans Recruitment Appointments (VRA) under NSPS have authority to exceed what is now GS-11 since pay band 2 goes to GS-13?

A2. Eligible VRA applicants may be appointed to any position in a pay band encompassing work equivalent to the GS-11 level. (*Table SC1950-3*)

Q3. Can emergency hiring authorities be used to fill NSPS positions?

A3. Yes, all current competitive and excepted hiring authorities can be used under NSPS. (*SC1950.6*)

Q4. Why is movement from YE, pay band 2 to YD, pay band 1 a promotion?

A4. Work in a professional/analytical pay schedule is always considered a higher level of work than work in a technician/support pay schedule. Therefore, any move from a technician/support pay schedule to a professional/analytical pay schedule is always a promotion, and movement from a professional/analytical pay schedule to a technician/support pay schedule is always a reduction in band. (*SC1950.6.3.3.8.2*)

Q5. Can a temporary employee be converted to career under NSPS?

A5. Yes. Although in a non-permanent status, a temp employee can be converted to career under NSPS. The eligibility requirements for conversion are:

- (1) Initially selected under competitive procedures from an announcement that specifically stated that the individual would be eligible for noncompetitive conversion to a competitive position in the career service at a later date;
- (2) Completed 2 years of continuous service with Level 2 or higher rating of record;
and
- (3) Converted to a career position in the same pay band for which hired.
(SC1950.6.5.2.2.7)

Q6. How do I process a conversion from temporary to career action?

A6. The NOAC is 500, the LAC is Z5D, and the authority is 9901.511(d)(2). Please see Chapter 9 of the NSPS Guide to Processing Personnel Actions Supplement, specifically Rule 1 of Table 9-F, for additional information regarding conversion of temp employees to career.

Q7. Paragraph 6.2.3 of SC1950, Staffing and Employment, states that when filling positions through open competitive procedures all qualified applicants may be referred and selected in numerical rating and veterans' preference order. Does this mean that the manager must select the highest scoring applicant? For example, if the candidates' ratings are 99 NV, 98 NV, 97 NV, 95 TP, and 94 NV, must the manager select the candidate who scored 99?

A7. No. Under NSPS competitive examining procedures, the appointing official is entitled to consider all candidates referred for each vacancy. There is no requirement to select the candidates in score order. However, veterans' preference laws do apply. A higher ranked preference eligible may not be passed over to select a lower ranked non-preference eligible unless a pass over request is substantiated by the Competitive Examining Unit or OPM, in accordance with objection and pass over guidance in SC1950.6.2.5. Using the scenario in the above question, the manager could select any of the candidates scoring 99 NV, 98 NV, 97 NV or 95 TP. The manager may not select the candidate scoring 94 NV since there is a preference eligible with a higher score, unless legitimate reasons exist and a pass over request is approved.

Additionally, under NSPS competitive examining procedures, there is no requirement that all qualified candidates be referred. Examining offices have the flexibility to refer all qualified candidates or to limit the number of candidates referred by a cut-off score or other justifiable reason.

Q8. Can you give me more information on how to determine qualifications using information in SC1950.5.3.1 and SC1950.5.3.1.2?

A8. SC1950.5.3.1. requires that candidates meet the minimum qualifications requirements established for the lowest level of work within the band *and* 1 year specialized experience for the job being filled. This would include any positive education requirements, certification, licensure, medical requirements, selective factor(s), etc. The

applicant must also demonstrate that he/she has the knowledges, skills, abilities and/or competencies necessary to successfully perform the work of the position as discussed in SC1950.5.3.1.2. Applicants who do not demonstrate this are not qualified for the position.

The "Duties" description on the announcement is very important and the description of what experience, education, and/or training the applicant must possess that would demonstrate the knowledges, skills, and abilities and/or competencies required to perform the work of the position is critical in helping applicants understand if they are qualified for the position.

Q9. Who meets the definition of the term "new hire" under NSPS?

A9. The term "new hire" refers to a person who is not currently employed as a Federal civilian employee. Section 9901.351 of the FRN states that "Subject to implementing issuances, the Secretary may set the starting rate of pay for individuals who are newly appointed or reappointed to the Federal service anywhere within the assigned pay band." Similar language also appears at SC1930.10.3. in the implementing issuances.