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NRC MANUAL

BULLETIN

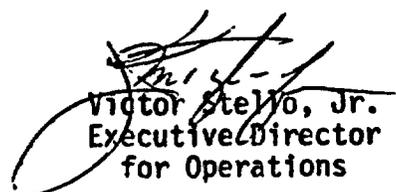
NO. 4130-164

DATE: June 5, 1987

SUBJECT: REVISION IN DELEGATIONS OF AUTHORITY

1. Purpose: This Bulletin revises responsibilities and delegations of authority to conform with the NRC reorganization, effective April 12, 1987. These changes will be reflected in the next revision of Chapter 4130.
2. Generic Change: In 035 and throughout references to the Director, Division of Organization and Personnel, should be construed as references to the Director, Office of Personnel.
3. Specific Changes: Revised responsibilities are listed below.

<u>Citations</u>	<u>Function</u>	<u>FROM</u>	<u>TO</u>
036	Approve salary setting.	Director, Office of Administration	Director, Office of Personnel
037 Chart d. (2)	Render final decisions on formal requests for review of grade evaluation.	Director, Office of Administration	Director, Office of Personnel
037 Chart h.	Approve of exceptions to pay procedures...	Director, Office of Administration	Director, Office of Personnel



Victor Stello, Jr.
Executive Director
for Operations

Attachments:
As stated

U. S. NUCLEAR REGULATORY COMMISSION
NRC MANUAL
TRANSMITTAL NOTICE

CHAPTER NRC-4130 POSITION EVALUATION AND PAY ADMINISTRATION
NRC APPENDIX 4130-C PAY ADMINISTRATION

SUPERSEDED:

	Number	Date
Chapter	<u>AEC-4130</u>	<u>varied</u>
Page	_____	_____
	_____	_____
Appendix	<u>AEC-4130-C</u>	<u>varied</u>

NRC Bulletins 4130-33, 4130-69
REMARKS: and 4130-96

TRANSMITTED:

	Number	Date
TN	<u>4100-74</u>	_____
Chapter	<u>NRC-4130</u>	<u>6/10/84</u>
Page	_____	_____
	_____	_____
Appendix	<u>NRC-4130-C</u>	<u>6/10/84</u>

This chapter and appendix update the previous issuance, incorporating changes resulting from legislation, from the President's Reorganization Plan No. 1 of 1980, and from previously adopted Agency decisions. However, the NRC's basic principles of position evaluation and pay administration remain the same. The chapter and appendix do not cover Senior Executive Service (SES) positions, which are covered by Office of Personnel Management (OPM) regulations.

The most significant additions and changes are listed below. In addition to those noted modifications, many other minor and editorial changes have been made.

A. Chapter 4130.

1. Delegations of authority are changed to conform to the NRC's present organization and to current practice, including, where appropriate, recognition of regionalization. (See 4130-03.)
2. The role of the Division of Organization and Personnel (O&P) in the pay administration and position evaluation processes is clarified. (See 4130-034 and 037.)
3. Responsibilities for decisions on formal requests for review of position evaluations are clarified. (See 4130-037).
4. The distinction between GG-1-15 equivalent Administratively Determined (AD) positions and Supergrade Equivalent Scientific and Technical (S&T) positions is clarified, in conformance with current practice. (See 4130-0415.)

5. The requirement for a certification on each Position Description is documented. (This certification was formerly printed on NRC Form 181, and now appears on NRC Form 772-A.) (See 4130-052c.)

B. Appendix 4130-C.

1. Specific note is made of areas where NRC's policies and procedures closely parallel those of OPM, and that in those cases, OPM regulations should be used as reference unless they specifically conflict with NRC regulations.
2. NRC's procedures for documenting pay-setting personnel actions are stated. (See Part I, C.)
3. Instructions from Bulletin 4130-69 on setting pay of employees transferring from Merit Pay System positions are incorporated and expanded. (See Part III, A.2.)
4. Instructions have been added for setting pay of a transferring employee who was covered by grade and pay retention in his/her former agency; and for setting pay of a transferring employee who was under RIF notice in the former agency. (See Part III, A.2.)
5. OPM's principle that the "highest previous rate" may be based on a rate earned under an appointment which was not limited to 90 days or less is adopted. (Previously the employee had to have actually worked the 90 days.) (See Part III, A.2.)
6. The previously unwritten policy of making Monday appointments effective on Sunday is stated; and a new policy is added that appointments will also be made effective on Sunday in cases where the employee is prevented from entering on duty on Monday solely because it is a Federal holiday. (See Part III, A.4.)
7. The rule for computing pay when a locality rate employee is promoted is amended, so that the employee normally receives at least a 4% increase; and a rule covering situations when an employee is promoted from a GG position to a locality rate position or vice versa is added. (See Part III, B.2.)
8. Management is given flexibility in setting the pay of an employee changed to lower grade for personal cause (performance or conduct deficiency), or at the employee's request. (See Part III, C.3. and 4.)
9. OPM's regulations are adopted with reference to application of the "highest previous rate" rule when an employee accepts a voluntary downgrade with the prospect of repromotion within a relatively short period. The new regulation insures that such an employee does not gain a pay benefit beyond employees who did not request such a downgrade, but also solves the problem in the old regulation of unduly penalizing employees whose repromotion was not anticipated and was unrelated to the downgrade. (See Part III, C.4.b.)

10. Procedures concerning the granting of salary exceptions are conformed with current practice, and specific information is added concerning Administratively Determined and S&T salary exception procedures, and concerning documentation procedures. (See Part III, G.)
11. New regulations are added concerning eligibility for within-grade increases of former Merit Pay employees and in repromotion cases. (See Part IV, B.5.b.(2) and (3).)
12. Procedures on denial of a within-grade increase are conformed with NRC 4151; and the grievability of such denials is stated. (See Part IV, B.9.)
13. Procedures on granting high quality increases are conformed with NRC 4151 and 4154. (See Part IV, C.)
14. Policy and procedures on establishing and changing pay for Administratively Determined and Supergrade Equivalent Scientific and Technical positions are clarified. (See Part V.)
15. Regulations in former Part VI on hazard pay, based on 5 U.S.C. 5545(d), are deleted, since the regulations are no longer applicable to NRC, and since the NRC's benchmark system of position evaluation takes physical hardship or hazard into account.
16. The policy and procedures on grade and pay retention contained in NRC Bulletin 4130-96 are incorporated, with minor clarifying changes. (See Part VI.)
17. The information on severance pay is expanded, since, although the NRC is covered by the Federal Personnel Manual in this area, that document is not readily available to most employees. (See Part VII.)
18. Policy and procedures on adjusting employees' pay when new pay schedules are effected or adjusted are clarified. (See Part VIII.)

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CHAPTER 4130 POSITION EVALUATION AND PAY ADMINISTRATION

4130-01 COVERAGE

011 This chapter and its appendixes provide the policies, delegations of authority, and procedures for job evaluation and pay administration for positions exempted by the NRC (see SECY 75-1, January 19, 1975) from the civil service laws under authority of Section 161.d. of the Atomic Energy Act of 1954, as amended. Positions covered are:

- a. Graded positions paid under the NRC's General Salary Schedule, a special salary schedule, or an Administratively Determined rate.
- b. Locality rate-type positions that would normally be covered by the Federal Wage System.
- c. Ungraded positions established under the authority of Section 161.d. of the Atomic Energy Act of 1954, as amended.
- d. Statutory NRC positions authorized in 5 U.S.C. 5313-5316.

012 Positions not covered are:

- a. Administrative Law Judges appointed under 5 U.S.C. 3105. (See Federal Personnel Manual (FPM) Supplement 990-1, Book III, Part 930, Subpart B, "Appointment, Compensation, and Removal of Hearing Examiners;" also see 5 C.F.R., Subpart B, 930.201.)
- b. Positions covered by the Federal Senior Executive Service where the position meets the statutory criteria contained in 5 U.S.C. 3132(a)(2).
- c. Experts, consultants, or advisers. (See NRC 4139.)

013 To the extent the provisions of this chapter and its appendixes conflict with or are modified by a negotiated agreement with the employees' exclusive representative, the negotiated agreement shall govern the treatment of personnel in bargaining unit positions.

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4130-02 POLICIES

021 Position Evaluation.

- a. The relative value of a position in NRC shall be based upon an analysis of the position's duties, responsibilities, qualifications required and working conditions upon application of approved position evaluation standards as prescribed by an approved system of analysis and evaluation.
- b. For locality rate-type positions, the NRC adopts and utilizes the Federal Wage System of classification as detailed in FPM Chapter 532 and FPM Supplement 532-1 or elsewhere as directives are issued by the Office of Personnel Management.

022 Pay Administration.

- a. Salaries for scientific and technical employees may be set without regard to the rates set for positions subject to Chapter 51, Title 5, U.S.C. (the Classification Act of 1949, as amended), up to a limit of the highest rate of grade 18 of the current General Schedule of 5 U.S.C. 5332. Rates for such scientific and technical employees are set to lessen or remove difficulties in recruitment or retention of such employees.
- b. In accordance with Section 161.d of the Atomic Energy Act of 1954, as amended, salaries for all other GG positions shall not be set at a rate in excess of the rate payable for positions of equivalent difficulty or responsibility which are subject to Chapter 51, Title 5, U.S.C. In general, however, the NRC sets the salaries of such positions in accordance with pay administration rules similar to those of the competitive service (see Appendix 4130-C).
- c. NRC Executive Level positions authorized by 5 U.S.C. 5313-5316 shall be paid in accordance with applicable Federal laws and Executive Orders.
- d. For locality rate-type positions, the NRC adopts and utilizes the Federal Wage System of pay as detailed in FPM Chapter 532 and FPM Supplement 532-1 or elsewhere as directives are issued by the Office of Personnel Management.

4130-03 RESPONSIBILITIES AND AUTHORITIES

031 The Chairman:

- a. approves evaluation of positions and salary setting, and renders final decisions on formal requests for review of grade evaluation, in accordance with 037 below.

- b. approves the establishment of NRC positions under 5 U.S.C. 5315 and 5 U.S.C. 5316 and their rates of pay consistent with applicable laws and Executive Orders.

032 Commissioners approve evaluation of positions and pay setting in accordance with 037 below.

033 The Executive Director for Operations (EDO):

- a. approves evaluation of positions and salary setting, and renders final decisions on formal requests for review of grade evaluation, in accordance with 037 below.
- b. upon the recommendation of the Director, Division of Organization and Personnel, approves revisions to the NRC General Salary Schedule, and special salary schedules where an included rate exceeds the maximum rate payable in the GG-15 rate range of the NRC General Salary Schedule.
- c. grants prior approval of grade retention for individuals who are otherwise eligible and who move voluntarily to a lower graded position under circumstances specified in the approval in accordance with Appendix 4130-C, Part VI.
- d. approves exceptions other than those specified in Appendix 4130-C, Part III, G., to pay procedures.

034 Office Directors* and Regional Administrators, for personnel reporting to them:

- a. approve or recommend the evaluation of positions and pay setting, and render initial decisions on formal requests for review of grade evaluation, in accordance with 037 below.
- b. with the concurrence of the personnel specialist, approve step rates above step 1 in appointments by application of the procedures in Appendix 4130-C, Part III A.2. and 3. (application of the "highest previous rate" rule and of discretionary grade and pay retention) for personnel with current or previous Federal service.
- c. with the concurrence of the Director, Division of Organization and Personnel, determine the step rate for employees being changed to lower grade under Appendix 4130-C, Part III, C.3. and 4., when the lower-graded position is under their jurisdiction.
- d. advise the Director, Division of Organization and Personnel, whenever a recruitment or retention difficulty develops which may justify adoption or revision of a special salary schedule.

*For personnel reporting directly to them as individuals, the Chairman, Commissioners, and EDO are considered "Office Directors."

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- e. approve rate adjustments for GG supervisors of locality rate employees in accordance with FPM Supplement 990-2, Book 531, Subchapter S3.
- f. assure that their employees are informed of the method by which their grades and rates of pay are determined and that each employee has been given a copy of his/her current position description.

035 Director, Division of Organization and Personnel (O&P):

- a. provides concurrence and advice on pay administration and position evaluation matters in accordance with 037 below.
- b. for purposes of Pay Administration:
 - (1) approves special salary schedules where an included rate does not exceed the maximum rate payable in the GG-15 rate range of the NRC General Salary Schedule.
 - (2) approves locality rate schedules.
 - (3) recommends to the Executive Director for Operations revisions of the NRC General Salary Schedule, and special salary schedules where an included rate exceeds the maximum rate payable in the GG-15 rate range of the NRC General Salary Schedule.
 - (4) concurs in the approval of initial salary setting actions above step 1 of the grade for appointments of personnel who are currently or have been in the Federal service (application of the "highest previous rate" rule and of discretionary grade and pay retention).
 - (5) concurs in the determination of the step rate for employees being changed to lower grade under Appendix 4130-C, Part III, C.3 and 4.
 - (6) prescribes standards, guides, procedures, and forms for pay administration in the NRC and provides staff advice and assistance thereon.
- c. for purposes of Position Evaluation:
 - (1) prescribes and issues standards, guides, procedures and forms for the administration of position evaluation systems within the NRC and provides staff advice and assistance thereon.
 - (2) approves the assignment of occupational codes for all NRC positions.
- d. determines the applicability or nonapplicability of the Fair Labor Standards Act to all NRC positions.

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- e. as appropriate, delegates those responsibilities in a. through d. above covered by a specific Delegation of Authority Agreement to Regional Administrators.
- f. designs, develops, and recommends changes to the Agency's systems of pay administration and position evaluation tailored to fit the changing requirements necessary to recruit and retain the high quality personnel needed to staff an Agency whose paramount mission is the protection of the health and safety of the public.
- g. provides final interpretations regarding the intent and applicability of this chapter and its appendixes.

036 The Director, Office of Administration, approves salary setting and renders final decisions on formal requests for review of grade evaluation in accordance with 037 below.

037 Responsibilities and Authorities for Evaluation of Positions, Formal Requests for Review, and Salary Setting.

<u>Function</u>	<u>Offices/Personnel Covered</u>	<u>Approving Authority/Responsible Official</u>
a. Approval of evaluation of GG-16-18 and S&T positions, with concurrence of Director, O&P, and upon recommendation of cognizant Office Director/Regional Administrator, as appropriate	(1) Except as in (2) below, for offices and personnel reporting to Chairman or Commission	Chairman
	(2) For personnel reporting to Commissioners as individual Commissioners	Commissioner
	(3) For offices and personnel reporting to EDO	EDO
b. Approval of evaluation of GG-1-15, AD, and locality rate positions, with concurrence of personnel specialist	For personnel reporting to Office Director/Regional Admin.	Office Director/Regional Admin.
c. Final decisions on formal requests by managers or employees for review of grade evaluation of GG-16-18 positions, with advice of Director, O&P	(1) For offices and personnel reporting to Chairman, Commission, or Commissioners	Chairman
	(2) For offices and personnel reporting to EDO	EDO

<u>Function</u>	<u>Offices/Personnel Covered</u>	<u>Approving Authority/Responsible Official</u>
d. Decisions on formal requests by managers or employees for review of grade evaluation of GG-1-15 and locality rate positions:		
(1) Initial decisions, with concurrence of Director, O&P	For positions reporting to Office Director/Regional Admin.	Office Director/Regional Admin. (may only be redelegated to immediate office of Office Director/Regional Admin.)
(2) Final decisions	All NRC positions	Director, ADM (may only be redelegated to persons in immediate office of Director, ADM)
e. Approval of within-grade increases for GG-1-17 and locality rate employees, and HQI's for GG-1-17 employees, subject to review for compliance with regulations by personnel specialist	For personnel reporting to Division Director/Office Director/Regional Admin.	Division Director/Office Director/Regional Admin. (Authority to approve within-grade increases is presumed to be redelegated to lowest supervisory level unless specifically stated otherwise in writing by the Office Director.)
f. Approval of pay rates for S&T employees, with recommendation of cognizant Office Director/Regional Admin.	(1) Except as in (2) below, for offices and personnel reporting to Chairman or Commission	Chairman
	(2) For personnel reporting to Commissioners as individual Commissioners	Commissioner

<u>Function</u>	<u>Offices/Personnel Covered</u>	<u>Approving Authority/Responsible Official</u>
g. Approval of exceptions to pay procedures, as specified in Appendix 4130-C, Part III, G., for GG-16 and 17 positions, and for ungraded positions when proposed rate exceeds maximum step rate of GG-15, with advice of Director, O&P, and upon recommendation of cognizant Office Director/Regional Admin.	(3) For offices and personnel reporting to EDO (1) For offices and personnel reporting to Chairman, Commission, or Commissioners (2) For offices and personnel reporting to EDO	EDO Chairman EDO
h. Approval of exceptions to pay procedures, as specified in Appendix 4130-C, Part III, G., for GG-1-15 and locality rate positions, and for ungraded positions when proposed rate does not exceed maximum step rate of GG-15, with advice of personnel specialist, and upon recommendation of cognizant Office Director/Regional Admin.	All NRC positions	Director, ADM

4130-04 DEFINITIONS

The definitions provided below relate to certain terms used in this chapter and its appendixes. The meanings provided here are for purposes of the chapter and its appendix handbooks only.

041 Administrative Workweek. See "Definitions" in NRC 4136, "Hours of Work and Premium Pay."

042 Basic Workday. See "Definitions" in NRC 4136, "Hours of Work and Premium Pay."

043 Basic Workweek. See "Definitions" in NRC 4136, "Hours of Work and Premium Pay."

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044 Calendar Week. A period of any 7 consecutive calendar days.

045 Creditable Service for Within-Grade Increases. The various periods of employment in pay and nonpay status which may be included in determining when an employee will have completed the required length of service to be eligible for regular step increases. (See Appendix 4130-C, Part IV.)

046 Equivalent Increase. An increase or increases in the basic pay rate (other than those increases excepted under Appendix 4130-C, Part IV) equal to or greater than the amount of the next within-grade increment of the grade in which the employee is, or has been serving. (See Appendix 4130-C, Part IV.)

047 Grade. A level of positions, representing various types of work, which have generally the same level of difficulty, responsibilities, and qualifications requirements and which are paid at the same rate or in the same rate range. Each grade is numbered and assigned a rate or range of rates. The various grades with their assigned rates or rate ranges compose the salary or wage schedule.

048 High Quality Increase. A step increase, which is granted independently of normal within-grade step provisions to recognize the sustained high quality performance of an employee.

049 Intermittent Employee. An employee who performs work on an irregular or occasional basis where the hours of work are not based on a prearranged schedule. The employee is paid only for the time when actually employed. Sometimes referred to as WAE (when actually employed) employee - see 0429 below.

0410 Intern. An appointee in the NRC Intern Program, designed to provide a continuing source of highly qualified, broadly trained technical, legal, or management personnel with an agency-wide perspective, who is available for staffing professional and management positions throughout NRC. The Intern is normally a recent college graduate with a bachelor, masters, or doctorate degree but who has not had significant, related work experience in the field in which formally educated. The program usually consists of a two-year schedule of supervised and monitored rotational work experiences.

0411 Level. See 047, above. The term is also used specifically to refer to the five levels of the Federal Executive Salary Schedule.

0412 Occupational Group. The primary subdivision of positions comprising several generally associated or related occupational series (see 0413, below) such as GS-1300-0, Physical Sciences Group.

0413 Occupational Series. A subdivision of an occupational group (see 0412 above), comprising all positions in the same specialized line of work at various grades. Each occupational series is designated by a code number such as GS-1306-0, Health Physics Series (of GS-1300-0, Physical Sciences Group).

0414 Personnel Specialist. For the purposes of this chapter and appendixes, a professional personnel specialist of the Division of Organization and Personnel, and, where personnel management authority has been delegated to Regional Administrators, a Regional Personnel Officer.

0415 Position. The basic building block of an organization. The fundamental unit for structuring, controlling, and assigning work.

- a. Administratively Determined (AD) Position. A position without a numerical pay grade or level designation, and with a pay rate in the GG-1-15 range; see also "Ungraded Position," i. below.
- b. Benchmark Position. An official NRC-approved standard of comparison intended for use in the proper evaluation of another position during the comparative process to determine the relative worth of a position on an evaluation factor-by-factor basis. See Appendix 4130-A for a description of that process.
- c. Graded Position. A position with a numerical grade or level designation indicating the applicable pay rate or range of pay rates in a given schedule (for example, General Salary Schedule and locality rate schedule).
- d. GG Position. A position paid under the NRC's General Salary Schedule or a special salary schedule.
- e. Locality Rate Position. A position paid under a locality rate schedule (a WG, WL, WS, WB, XP, XL, or XS position).
- f. Position Description. A statement of the aggregate of current duties, responsibilities and authority assigned to a position by competent supervisory authority. The form of the position description is prescribed according to the type of position, e.g., GG positions shall be written in accordance with Appendix 4130-A, locality rate positions in accordance with FPM Supplement 532-1, etc.
- g. Statutory Position. A position specifically provided for in the Energy Reorganization Act or other legislation for which the pay is individually set by or pursuant to Federal laws and Executive Orders.
- h. Supergrade Equivalent Scientific and Technical (S&T) Position. A scientific and technical position established under NRC's scientific and technical pay authority that does not carry a pay grade (GG or WG) where the employee's pay rate is individually determined by management based on the worth of the position and the qualifications of the individual. To be equivalent to a supergrade position, the pay rate must be established at or above the current minimum rate payable under the NRC General Salary Schedule for a GG-16 and no higher than the current maximum rate payable to a GG-18. See Appendix 4130-C, Part V.

- i. Ungraded Position. A position without a numerical pay grade or level designation, also called an Administratively Determined (AD) or a Supergrade Equivalent Scientific and Technical (S&T) position, as appropriate. The applicable rate of pay (or range of such pay rates) normally depends primarily on the worth of the position and the qualifications of the individual.

0416 Position Evaluation. A method for determining the grade level of a position (see Appendix 4130-A).

0417 Rate. The monetary amount paid to an employee for performance of the duties and responsibilities of his/her position. When necessary to reflect the period of time for which such rate is applicable, the term is qualified by "annual," "monthly," "biweekly," "weekly," "daily," or "hourly." The term has more specific applications as shown below:

- a. Administratively Determined (AD) Rate. A rate within the GG-1-15 rate range fixed outside of the applicable pay schedule for the grade as an exception to prescribed pay procedures. (See Appendix 4130-C, Part III, G.)
- b. Basic Rate. The rate fixed by law or administrative action for a position before any payroll deductions have been made and exclusive of any additional pay of any kind.
- c. Highest Previous Rate. For discretionary use in determining an appropriate rate in any personnel action but particularly in re-appointments, the current value of the highest basic rate paid to a Federal civilian employee while previously occupying a position in any branch of the Federal government (executive, legislative, or judicial) or in a mixed government ownership corporation (such as one in which there is Federal-State or Federal-County financing and operation). (Procedures for determining and applying an employee's "highest previous rate" are contained in Appendix 4130-C, Part III.)
- d. Locality Rate. A basic rate applicable in a particular, limited geographical area, determined through surveys of rates paid by private employers or "lead agencies" under the Federal Wage System (see FPM Supplement 532-1). (Previously referred to as "wage board rate" because rates formerly were set by administrative groups called "wage boards.")
- e. Premium Rates. Rates, in addition to basic rates, paid for overtime, night, Sunday, or holiday work. (See NRC 4136, "Hours of Work and Premium Pay.")
- f. Representative Rate. The fourth step of the grade for GG employees; the prevailing rate for locality rate employees (normally the second step); the established rate of the position for ungraded positions and positions with only one rate.

- g. Statutory Rate. A rate paid a particular NRC position under provisions of 5 U.S.C. 5313-16 or related Executive Orders.
- h. Step Rate. One of a series of pay rates applicable to a grade in a schedule (general, special, or locality rate).

0418 Reevaluation. A change in the grade of a position resulting from a review of the evaluation of that position or issuance of new or revised position evaluation standards.

0419 Retained Grade. The grade of an employee who meets the requirements of Appendix 4130-C, Part VI, and is given the entitlements of that Part.

0420 Retained Pay. The pay of an employee who meets the requirements of Appendix 4130-C, Part VI, and is given the entitlements of that Part.

0421 Salary. Compensation at a basic rate that is stated on an annual basis (as distinguished from "wage," which is defined in 0428, below).

0422 Schedule. A table of basic rates of pay for a particular type or category of positions.

- a. General Salary Schedule. A table of per annum rates applicable to most NRC positions in grades GG-1 through GG-18.
- b. Locality Rate Schedule. A table of locality rates (see 0417d., above). The term refers particularly to the schedules adopted by NRC, issued periodically by "lead agencies" under the Federal Wage System (See FPM Supplement 532-1, Subchapter 4).
- c. Special Salary Schedules. Schedules of basic per annum rates which have higher rates of pay for each step than the corresponding step rate for the grade of the position under the General Salary Schedule. Such special schedules are intended to lessen or remove difficulties in recruitment and retention.

0423 Scheduled Workweek. The specific administrative days and clock hours within an administrative workweek assigned in advance to a particular full-time or part-time employee during which the employee is required to be on duty regularly.

0424 Scientific and Technical Pay Authority. A special, statutory pay authority granted to the NRC by Congress through the provisions of Section 161.d. of the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. (See Appendix 4130-C, Part II and Part V.)

0425 Severance Pay. Payment in regular pay periods to an employee who is involuntarily separated from Federal service (not by removal for cause), as required by 5 U.S.C. 5595. See Appendix 4130-C, Part VII.

0426 Step Increase. The amount of salary or wage increase provided by the General Salary Schedule, a special salary schedule, or a locality rate schedule, to an employee advancing to the next higher step rate in the range of rates for the position.

0427 Standby Duty (or Status). Standby duty is a form of compensable work occurring where an employee is not required to devote all time to the actual performance of services but is required to remain at or within the confines of the work "station" to perform services when called or when the need arises. Employees performing such duty are referred to as being in standby status. (Firefighters are the usual example.) (See also NRC 4136).

0428 Wage. Compensation at a basic rate that is stated on an hourly basis (as distinguished from "salary," as defined in 0421 above).

0429 WAE (When Actually Employed) Employee. An employee who performs work on an irregular, occasional, or intermittent basis where the hours or days of work are not based on a prearranged schedule. The employee is paid only for the time when actually employed. Usually referred to as an intermittent employee - see 049 above.

4130-05 BASIC REQUIREMENTS

051 Basic Responsibilities of Supervisors at All Levels.

- a. To create, modify, and officially establish and abolish (or recommend establishment and abolishment of) positions in accordance with agency policy.
- b. To analyze, describe, and evaluate the duties and responsibilities of positions against approved NRC position evaluation standards and in accordance with the appropriate NRC position evaluation system.
- c. To recommend to the appropriate approving authority rates of pay for individual employees in accordance with approved pay administration procedures and principles detailed in Appendix 4130-C.

052 Position Descriptions and Evaluation of Positions.

- a. The current duties and responsibilities of each position in NRC shall be described in writing and evaluated in accordance with the appropriate method of position evaluation so that for each position a proper grade or rate of pay may be determined and qualifications requirements established (see Appendix 4108, Part III, "Merit Selection," for information on qualification requirements).
- b. The official file of all approved position descriptions and position evaluations shall be maintained on a current basis by the cognizant personnel specialist. Copies may also be maintained in the office or division concerned.
- c. The immediate supervisor will normally prepare the description consistent with assigned functional and organizational responsibilities

and review it with the incumbent, if any, for accuracy and mutual understanding regarding the normal duties performed, and shall recommend an evaluation using the appropriate evaluation procedures specified below. The description should reflect the duties and responsibilities that management intends to assign to the position and if the description does not do so, it should be revised. The immediate supervisor and the reviewing official shall sign the appropriate sections of the NRC Form 772-A which shall include the following certification:

"I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out Government functions for which I am responsible.

This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment of personnel and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations."

- d. Authority for approval of evaluations is retained at the level necessary to assure maximum consistency in application of the evaluation system. Recommendation of approval or endorsement of the evaluation of the official position description constitutes an official subscription to the certification as set forth in c., above.
- (1) Detailed instructions for the evaluation of non-SES NRC positions are contained in Appendixes 4130-A and 4130-B.
 - (2) The detailed instructions and procedures for the administration of basic pay systems are contained in Appendix 4130-C.
- e. Each employee shall be given:
- (1) a copy of his/her official position description.
 - (2) upon request, an explanation of the regulations governing the methods by which the grade and rate of pay for the position were determined.
- f. An employee may, at any time, request a formal review of his/her position's evaluation. Such requests shall be initiated and processed for positions at GG-1 through 15 in accordance with Appendix 4130-A, or for positions at grades GG-16, 17, or 18 in accordance with Appendix 4130-B. Such requests by employees in locality rate positions will be initiated and processed in the same manner as described in Appendix 4130-A for GG-1 through 15 positions.

053 Application of Occupational Series Codes. Each NRC position will be given a code designating its applicable occupational series, determined in accordance with the Office of Personnel Management (OPM) "Handbook of

Occupational Groups and Series of Classes." The code to be assigned is proposed by the official with authority to evaluate the position, and approved by the personnel specialist. The determination of the code is considered an integral phase of position evaluation.

054 Determination of the Applicability of the Fair Labor Standards Act. Each NRC position shall be annotated by the personnel specialist to show whether it is exempt or nonexempt from the provisions of the Fair Labor Standards Act (see NRC 4136).

055 Positions in Grades GG-1-15. Positions in grades GG-1-15 shall be described and evaluated in accordance with instructions in Appendix 4130-A.

056 Positions in Grades GG-16, 17, and 18 and S&T Positions. These positions will be described and evaluated in accordance with instructions in Appendix 4130-B.

057 Locality Rate Positions. Locality Rate positions will be:

- a. described in accordance with pertinent instructions in FPM Chapter 532, "Coordinated Federal Wage System" and FPM Supplement 532-1, approved herewith for NRC use, except that Form NRC-322C, "Position Analysis and Evaluation - Locality Rate" will be used as a record of the description and evaluation.
- b. evaluated by application of Office of Personnel Management instructions, which are herewith adopted for NRC use (see FPM Chapter 532).

058 Distinguishing Locality Rate from GG Positions. It is NRC practice to observe the same distinctions between GG and locality rate positions as are observed in most other Federal agencies. Hence, when it is necessary to determine whether an NRC position is GG or Locality Rate, Section IV (Guidelines for the Determination of Trades, Crafts, or Manual Labor Positions) of the introductory material to the OPM "Position Classification Standards" will be applied.

059 Effecting Position Actions.

- a. A personnel action may be taken only with regard to a position which has been authorized and established under properly delegated authority. In general, an employee is not entitled to receive pay unless the employee is assigned to an officially established position.
- b. Personnel actions may not normally be made effective until all approvals have been given by the proper administrative authorities. See FPM Chapter 296 for exceptions, such as the effective date of a resignation or retirement action.

0510 Position Management Considerations in Position Evaluation. Before a position is established or reevaluated, and when a position is vacated, those responsible for initiating or approving actions shall:

- a. determine that the duties need to be performed and cannot be assigned to one or more existing positions.
- b. consider simplifying the work procedures or changing the organizational structure to permit establishment of a position that will properly be evaluated at a lower grade level.
- c. determine that:
 - (1) higher level duties will not be spread unduly among this and other positions in the organization, thus resulting in a greater number of higher graded positions than are justified.
 - (2) if a supervisory position is being considered, it does not represent an unnecessary level of supervision.
 - (3) if a "deputy" position is being considered, there is a valid need for the position because the quantity and/or complexity of work is great enough to require the assignment of two staff years to manage it - see NRC 0101.
 - (4) if an "assistant" position is being considered, there is a valid need for another person to function continuously as an extension of the principal in assigned areas of responsibility.

0511 Severance Pay. Most nontemporary NRC employees who are involuntarily separated from NRC (not by removal for cause) are entitled to severance pay as required by 5 U.S.C. 5595, unless entitled to immediate retirement. (See FPM Chapter 550 and NRC 4170 and 4171 regarding the nature of separation actions permitting the payment of severance pay.) Instructions for computing and applying severance pay are provided in Appendix 4130-C, Part VII.

4130-06 REFERENCES

Atomic Energy Act of 1954, as amended (P.L. 83-703)

Energy Reorganization Act of 1974, as amended (P.L. 93-438)

President's Reorganization Plan No. 1 of 1980, as amended

NRC 0101, "Organization Management"

NRC 4108, "Employment"

NRC 4136, "Hours of Work and Premium Pay"

NRC 4139, "Utilization of Consultants and Members"

NRC 4156, "Appeals from Adverse Actions"

NRC 4170, "Reduction in Force" - regarding matters related to salary retention, back pay and severance pay

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NRC 4171, "Separations and Adverse Actions" - regarding matters related to back pay and severance pay

The Federal Personnel Manual (FPM)

Title 5 of the Code of Federal Regulations

Title 5 of the United States Code

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