



Flexibility Checklists

Pay and Leave Flexibilities for Recruitment and Retention

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Special Pay Flexibilities for Prevailing Rate Employees

Special Qualifications Appointment Checklist

- You are filling a Federal Wage System position.
- Your agency has a policy on the special qualifications appointment authority.
- This is the candidate's first appointment as a civilian employee of the Federal Government.
- Determine if the candidate has skills and experience of an exceptional or highly specialized nature.
- An authorized agency official approves the candidate's special qualifications appointment and documents the Standard Form 50 with a statement under remarks referring to this authority.

Increased Minimum Hiring Rate Checklist

- You are filling a Federal Wage System position.
- Determine whether the lead agency has authorized an increased minimum rate for the candidate's specific occupation and grade at this location.
- All affected agencies must make all applicable appointments at the authorized increased minimum rate.

Determining Whether Special Rates Apply Checklist

- You are filling a Federal Wage System position.
- Determine whether special rates apply to the candidate's position.
- The special rates will be paid by all agencies having positions for which the rates are authorized.



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New or Increased Special Rates Checklist

- An agency must submit special rate requests to the lead agency for consideration using the worksheets in Appendix M of the Federal Wage System Operating Manual (<https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/federal-wage-system/appropriated-fund-operating-manual/appendixm.pdf>) to record the first two points below and prepare a brief narrative for the remaining points.
 - Occupational coverage,
 - Staffing, recruitment, and turnover data,
 - Geographic coverage,
 - Information on the staffing difficulties that have affected mission accomplishment and attempts made to alleviate the problem,
 - Percentage of market rate proposed,
 - Estimated additional annual cost, and
 - Any offsetting savings.
- The lead agency will coordinate and consolidate data from all affected agencies for submission to OPM.

Determining Whether Special Schedules Apply Checklist

- You are filling a Federal Wage System position.
- Determine whether a special schedule applies to the candidate's position.
- The special schedule rates will be paid by the affected agencies to positions covered by the special schedule.



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Special Schedules Checklist

- Special schedules may be established when—
 - Unusual pay practices exist in the private sector that are incompatible with regular Federal Wage System pay-setting practices and serious recruitment or retention problems exist, or will likely develop, if the agency pays employees from the regular schedule for the wage area; or
 - Unique agency missions or other unusual circumstances exist that require special schedules to address them.
- The lead agency will submit the special schedule request to OPM for approval.

Unrestricted Rate Authority Checklist

- OPM may approve exceptions to a pay limitation (pay cap) statute if—
 - The statute provides OPM with the authority to do so, and
 - OPM determines that an exception is necessary to ensure an agency can recruit or retain qualified Federal Wage System employees.
- The lead agency will coordinate and consolidate data from all affected agencies for submission to OPM.
- The consolidated request must include—
 - Any available supporting wage survey data, and
 - A formal recommendation by the lead agency to approve or disapprove the request.
- The rates OPM authorizes under this authority must be paid by all agencies for the positions covered by the unrestricted rates in the specified location(s).



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Creditable Service for Annual Leave Accrual Checklist

- Determine that the candidate is eligible for this benefit.
 - This is the candidate's first appointment as a civilian employee of the Federal Government;
 - The candidate had a break in service of at least 90 days; or
 - The candidate is a retired member of the active duty uniformed services.
- Determine that the skills and experience the candidate possesses are:
 - Essential to the new position and were acquired through performance in a non-Federal or active duty uniformed service position having duties which directly relate to the duties of the position to which he or she is being appointed; and
 - Necessary to achieve an important agency mission or performance goal.
- The candidate provides written documentation of his or her prior non-Federal work experience or uniformed service.
- Before the candidate enters on duty, the head of the agency or his or her designee must:
 - Determine the amount of service that will be credited; and
 - Approve the candidate's qualifying prior work experience.
- Document the amount of creditable service provided for non-Federal or active duty uniformed service on the SF-144A or agency equivalent form and the SF-50. Include in Remarks section the periods of service creditable under 5 U.S.C. 6303(e) to allow for reconstruction of the action.



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Critical Pay Checklist

The checklist below outlines the information to include in a request to OPM for critical pay.

- Position title.
- Position appointment authority.
- Pay plan and grade/level of the position.
- Occupational series of the position.
- Geographic location of the position.
- Current salary or salary range of the position or incumbent.
- Name of incumbent (or “vacant” if vacant).
- Length of time the incumbent, if any, has been in the position.
- If the position is new, the length of time the position has been vacant.
- Provide a written evaluation of the need to designate the position as critical. Such an evaluation must include:
 - The kinds of work required by the position and the context within which it operates;
 - The range of positions and qualification requirements that characterize the occupational field, including those that require extremely high levels of expertise;
 - The rates of pay reasonably and generally required in the public and private sectors for similar positions; and
 - The availability of individuals who possess the qualifications to do the work required by the position.
- Provide information on agency experiences in efforts to recruit or retain exceptionally well qualified individuals for the position or similar positions.
- Provide an assessment of why the position could not be filled with a desired candidate without using the critical position pay authority. This assessment must include a justification as to why other human resources flexibilities such as recruitment, relocation, and retention incentives under 5 CFR part 575 could not be used.



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- Provide an explanation of the organizational context of the position and how it compares with other critical positions in the agency.
- Describe the anticipated effect on the successful accomplishment of an important agency mission if the position is authorized for critical position pay.
- Any additional information the agency may deem appropriate to demonstrate that higher pay is needed to recruit or retain an employee for the critical position.
- Provide a copy of the position description and qualification standard for the position (not required for an Executive Schedule position).
- Specify the desired rate of basic pay for the position.
- If the desired rate of pay is above the rate for level II of the Executive Schedule, provide justification to show that such a rate is necessary to fill the critical position.



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Determining Whether Special Rates Apply Checklist

- The position is covered by the General Schedule.
- Determine which locality pay table applies to the position and the applicable rate. Locality pay tables and locality pay area definitions are available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>.
- Determine whether special rates apply to the position. Use the search engine or one of the indexes at <http://apps.opm.gov/SpecialRates/Index.aspx>.
- If a special rate applies, determine the amount of any applicable special rate at the grade for the GS position.
- Compare the special rate for the position to the locality rate for the position to see which is higher.
- Ensure the vacancy announcement includes the correct salary rate range and the job offer includes the correct salary for the position.

Note: See the "[New or Increased Special Rates Checklist](#)" for how to request special rates.



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Extension of Higher Annual Leave Accrual Rate to SES and SL/ST Equivalent Pay Systems Checklist

The checklist below outlines the information to include in a request to OPM to extend the higher annual leave accrual rate for a specific category of employees.

- Document your determination that the employees in the pay system are covered by the definition of "employee" under 5 U.S.C. 6301(2).
- State whether the pay system has a single rate of pay or whether it is paid within a rate range. Pay rates must be established under an administratively determined pay system outside of 5 U.S.C. chapters 51 and 53 and must meet the pay rate and pay range criteria set forth within 5 CFR 630.301(b)(1):
 - If the administratively determined position has a single rate of pay, state the single rate and provide the necessary supporting documentation. The rate must be higher than the rate for GS-15, step 10 (excluding locality pay).
 - If the administratively determined position is associated with a rate range, state the minimum and maximum rates of the range and provide the necessary documentation. The minimum rate of the range (excluding locality pay) must be at least equal to the minimum rate for the SES and SL/ST pay systems (i.e., 120 percent of the rate for GS-15, step 1, excluding locality pay), and the maximum rate of the rate range (excluding locality pay) must be at least equal to the rate for level IV of the Executive Schedule.
- Explain how the positions are equivalent to an SES position as defined at 5 U.S.C. 3132(a)(2), or SL or ST positions as defined at 5 U.S.C. 3104. Provide supporting documentation, such as position descriptions and organizational charts.
- State whether the performance appraisal system covering the pay system was established—
 - Under 5 U.S.C. chapter 43 and 5 CFR part 430, subparts B or C, and provide a copy of the appraisal system's OPM approval letter; or
 - Under another applicable legal authority for planning, monitoring, developing, evaluating and rewarding employee performance, including the following information—



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- Provide a copy of the performance appraisal requirements (e.g., authorizing legislation, demonstration project Federal Register notice) and
- Provide a statement documenting how the appraisal system meets the requirements of 5 CFR 430.201(c) for an equivalent system.
- Provide implementation documentation of the performance appraisal system, such as copies of performance standards and performance evaluation forms for the positions.
- Provide a copy of the statute that authorized the administratively determined pay system including the relevant statutory citation.



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Federal Student Loan Repayment Program Checklist

- Your agency has a student loan repayment plan consistent with 5 CFR 537.103.
- Document that the candidate or employee is highly qualified and eligible to receive a student loan repayment under 5 CFR 537.104.
- Document the recruitment or retention need:
 - Your agency otherwise would have difficulty filling the position with a highly-qualified individual; OR
 - The employee otherwise is likely to leave the Federal service and it is essential to retain the employee based on the employee's high or unique qualifications or a special agency need.
 - **Note:** An agency may not authorize student loan repayment benefits to recruit an individual from outside the agency who is currently employed in Federal service.
- Document the approval of student loan benefits.
 - When used for recruitment, document approval before the candidate enters on duty in the position for which he or she was recruited.
- Verify that the employee or candidate has an outstanding student loan that qualifies for repayment and the amount. (The employee or job candidate has a student loan that is made, insured, or guaranteed under parts B, D, or E of Title IV of the Higher Education Act of 1965 or a health education assistance loan made or insured under part A of Title VII or part E of Title VIII of the Public Health Service Act.)
- Determine the amount of student loan repayment benefits to approve based on the employee or candidate's value to the agency, the agency's budget, and payment limits.
 - Maximum of \$10,000 for an employee in a calendar year and a total of up to \$60,000 for any one employee.
- The service agreement contains the provisions required by 5 CFR 537.107.
 - Minimum service period is 3 years, regardless of repayment amount; service period must be extended by time in a non-pay status (certain exclusions apply).
- The employee signs the service agreement.



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Recruitment Incentive Checklist

- Your agency has a recruitment incentive plan consistent with 5 CFR 575.107.
- The candidate is eligible to receive a recruitment incentive.
 - This will be the candidate's first appointment as a civilian employee of the Federal Government; OR the candidate had a break in service of at least 90 days (certain exceptions apply).
 - The position is in a pay system authorized to receive a recruitment incentive under 5 CFR 575.103 or <https://www.opm.gov/policy-data-oversight/pay-leave/recruitment-relocation-retention-incentives/#url=Non-GS-Employees>.
 - The position is not excluded from receiving a recruitment incentive under 5 CFR 575.104.
- Determine and document:
 - The basis for determining the position is likely to be difficult to fill based on the factors in 5 CFR 575.106, such as OPM-approved direct hire authority for the position;
 - The recruitment incentive amount and basis for that amount (not to exceed 25% of annual rate of basic pay multiplied by number of years in the service period);
 - The length of the required service period (from 6 months to 4 years); and
 - The timing of the recruitment incentive payments (initial lump sum, installments, final lump sum, or combination).
- An authorized agency official approves the recruitment incentive before the candidate enters on duty.
- The service agreement includes the items required by 5 CFR 575.110.
- The employee signs the service agreement.



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Recruitment Incentive Payment Limit Waiver Checklist

A request to OPM to waive the normal recruitment incentive payment limitation must include the information in the checklist below:

- Information on the job candidate or candidates and the position or group of positions the waiver would cover.
- A description of the critical agency need the proposed recruitment incentive would address.
- The basis for determining that the position is likely to be difficult to fill using the factors in 5 CFR 575.106(b).
- The proposed recruitment incentive payment amount and a justification for that amount.
- The timing and method of making the proposed recruitment incentive payments.
- The length of the required service period.
- Any other information pertinent to the case at hand.



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Relocation Incentive Checklist

- Your agency has a relocation incentive plan consistent with 5 CFR 575.207.
- The employee is eligible to receive a relocation incentive.
 - The employee is in a pay system authorized under 5 CFR 575.203 or <https://www.opm.gov/policy-data-oversight/pay-leave/recruitment-relocation-retention-incentives/#url=Non-GS-Employees>.
 - The employee's position is not excluded under 5 CFR 575.204.
 - The employee has a rating of record of at least "Fully Successful" or equivalent.
- Determine and document:
 - The basis for determining the position is likely to be difficult to fill based on the factors in 5 CFR 575.206, such as OPM-approved direct hire authority for the position;
 - The relocation incentive amount and basis for that amount (not to exceed 25% of annual rate of basic pay multiplied by number of years in the service period);
 - The length of the required service period (not to exceed 4 years);
 - The timing of the relocation incentive payments (initial lump sum, installments, final lump sum, or combination);
 - The worksite of the new position is in a different geographic area (50+ miles) than the previous position; and
 - The employee established a residence in the new geographic area.
- An authorized agency official approves the relocation incentive before the candidate enters on duty at the new location.
- The service agreement includes the items required by 5 CFR 575.210.
- The employee signs the service agreement.
- The employee must establish a residence (permanent or temporary) in the new geographic area prior to payment and maintain a residence in the new geographic area for the duration of the service agreement.



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Relocation Incentive Payment Limit Waiver Checklist

A request to OPM to waive the normal relocation incentive payment limitation must include the information in the checklist below.

- Information on the current employee and position the waiver would cover.
- A description of the critical agency need the proposed relocation incentive would address.
- The basis for determining that the position is likely to be difficult to fill using the factors in 5 CFR 575.206(b).
- The proposed relocation incentive payment amount and a justification for that amount.
- The timing and method of making the proposed relocation incentive payments.
- The length of the required service period.
- The worksite of the employee's new position is not in the same geographic area of the position held immediately before the move.
- Any other information pertinent to the case at hand.



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Retention Incentive Checklist

- Your agency has a retention incentive plan consistent with 5 CFR 575.307.
- The employee is eligible to receive a retention incentive.
 - The employee is in a pay system authorized under 5 CFR 575.303 or <https://www.opm.gov/policy-data-oversight/pay-leave/recruitment-relocation-retention-incentives/#url=Non-GS-Employees>.
 - The employee's position is not excluded under 5 CFR 575.304.
 - The employee has a rating of record of at least "Fully Successful" or equivalent.
- Determine and document:
 - The unusually high or unique qualifications of the employee (or group of employees) or a special agency need for the employee's (or group of employees') services that make it essential to retain the employee(s);
 - The basis for determining that the employee (or a significant number of employees in a group) would otherwise be likely to leave the Federal service;
 - The retention incentive rate and the basis for establishing the amount of the retention incentive payment (up to 25% of the rate of basic pay for an individual or 10% for a group of employees);
 - The basis for establishing the timing of the retention incentive payment (final lump sum or installments only; initial lump sum prohibited for this incentive); and
 - The basis for establishing the length of the required service period.
- The service agreement includes the items required under 5 CFR 575.310 and the employee signs the service agreement. (A service agreement is not required if the agency pays the retention incentive in biweekly installments and sets each biweekly installment at the full retention incentive percentage rate.)
- Review the retention incentive at least annually to determine whether the original determination still applies or whether payment is still warranted and certify this determination in writing.



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Retention Incentive Payment Limit Waiver Checklist

A request to OPM to waive the normal retention incentive payment limitation must include:

- A description of the employee's work requirements and responsibilities. (Individual)
- A description of the group or category of employees and the number of employees to be covered by the proposed retention incentive. (Group)
- A description of the critical agency need the proposed retention incentive would address.
- The basis for determining that the unusually high or unique qualifications of the employee (or group of employees) or a special need of the agency for the employee's (or group of employees') services makes it essential to retain the employee(s).
- The basis for determining that the employee (or a significant number of employees in a group) would be likely to leave the Federal service in the absence of a retention incentive.
- The proposed retention incentive rate and a justification for that rate.
- The timing and method of making the proposed retention incentive payments.
- The length of the required service period.
- Any other information pertinent to the case at hand.



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New or Increased Special Rates Checklist

Special rate requests must include the information required by OPM's [Worksheet for Special Rate Requests, Form 1397 \(PDF file\)](#). The checklist below outlines the information to include in special rate requests (as required by OPM Form 1397).

- Indicate positions covered by request (occupation series code, job title, agency code, agency name, duty station code(s), and duty station name(s)).
- Staffing data by occupation and grade level.
 - On board, vacant, and total positions at two specific times.
 - Positions tried to fill, offers made, number hired during period.
 - Transfers, quits, quits for pay during period.
- Proposed special rate schedule.
- Cost by grade level.
- Narrative information:
 - Explain whether special rates are needed to address an (1) existing recruitment or retention problem or (2) a recruitment or retention problem that is likely to exist in the future if special rates are not approved. If existing, explain the cause of the significant recruitment or retention problems. If your agency determines that special rates are needed to address a likely recruitment or retention problem, explain the basis and provide evidence to support this determination, including estimates of the number of vacant positions and/or quits for comparable positions that are likely to occur if the special rate request is not approved.
 - Explain how the nature of the existing labor market is affecting your agency's ability to recruit or retain employees covered by the request.
 - Explain the degree to which your agency has considered and used other pay flexibilities to alleviate the staffing problems, including recruitment, relocation, and retention incentives, superior qualifications and special needs pay-setting authority, student loan repayments, and performance awards.



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- Explain the degree to which your agency has considered and used other non-pay solutions to the staffing problems, such as conducting aggressive recruiting programs, using appropriate appointing authorities, redesigning jobs, establishing or enhancing training programs, authorizing flexible work schedules and/or telework arrangements, and improving working conditions.
 - Explain how the staffing problem is affecting accomplishment of your agency's mission.
 - Explain and provide estimates of the costs attributable to the staffing situation which would be offset if this special salary rate is approved, such as overtime, contracting, training, recruiting, or other costs.
- Agency certification.
- Salary comparisons.



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Superior Qualifications and Special Needs Pay-Setting Authority Checklist

- Your agency has a policy on the superior qualifications and special needs pay-setting authority.
- You are filling a General Schedule position.
- This is the candidate's first appointment as a civilian employee of the Federal Government, OR the employee had a break in service of at least 90 days (certain exclusions apply, see 5 CFR 531.212(a)(3)).
- Determine and document:
 - The superior qualifications of the candidate or the special need of the agency for the candidate's services;
 - The factors under 5 CFR 531.212(c) which were used to justify the rate at which the employee's pay is set and supporting documentation; and
 - Why you are using the superior qualifications and special needs pay-setting authority instead of or in addition to a recruitment incentive.
(Note: A recruitment incentive is not basic pay for any purpose and has limited duration. Using the superior qualifications and special needs pay-setting authority sets the candidate's basic pay at a higher step that is then used in all future pay actions.)
- An authorized agency official approves use of this authority before the candidate enters on duty.