

Issue Date: 03/25/2003

# SENIOR-LEVEL AND SCIENTIFIC AND PROFESSIONAL PAY

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## I. Purpose

This directive establishes Department of Homeland Security (DHS) policy regarding Senior Level (SL) and Scientific and Professional (ST) Pay.

## II. Scope

- A. This directive applies to all DHS organizational elements.
- B. This directive applies to appointees at DHS in SL positions classified above GS-15 pursuant to 5 U.S.C. 5108 and to ST positions established under 5 U.S.C. 3104. This pay plan does not apply to any positions where pay is fixed by administrative action.

## III. Authorities

This directive is governed by numerous Public Laws and regulation, such as:

- A. 5 U.S.C., Sections 3104, 4505a, 5108, 5307, and 5376
- B. 5 CFR Parts 534 and 752

## IV. Definitions

N/A

## V. Responsibilities

- A. **The Secretary** (or delegated senior-level appointing authority), unless otherwise specified, sets the basic rate of pay and approves pay level increases for appointees in SL and ST positions.

B. **The Inspector General**, unless otherwise specified by the Secretary and in accordance with this directive, will set the basic rate of pay and approve pay level increases for appointees in SL and ST positions within the Office of the Inspector General.

C. **The Under Secretary for Management**, through the DHS Chief Human Capital Officer, is responsible for all aspects of this directive.

D. **The Chief Human Capital Officer (Chief HCO)** will establish permanent written policy for setting the pay of appointees to SL and ST positions in all DHS organizational elements in accordance with law and OPM regulations.

## VI. Policy & Procedures

A. **Policy**. This directive will remain in effect until DHS establishes permanent Department-wide pay policy.

B. **Procedures**.

1. All organizational elements shall provide a listing of current SL/ST appointments to the Office of the DHS Chief Human Capital Officer on April 30, 2003. This report will provide the nature of the appointment, the name of the incumbent, the salary, a brief statement of the position duties, and the date of initial appointment and last salary action.

2. **Appointing Authority**. All initial appointments to SL and ST positions will be approved by the Under Secretary for Management.

3. **Structure of the SL/ST Pay System**. 5 U.S.C. 5376 provides a pay band for SL and ST positions. The responsible official (see Section V) will fix basic pay at not less than 120 percent of the minimum rate of basic pay for GS-15 of the General Schedule, and not greater than the rate of basic pay for level IV of the Executive Schedule.

The interim pay structure for SL and ST positions will parallel the pay structure for SES positions set forth in 5 CFR Part 534.404. There will be six rates of basic pay equivalent to the six rates of basic pay established for members of the SES.. The locality pay rates for SL/ST positions will be equivalent to the locality pay rates for the SES. The SL/ST rates will reflect the annual adjustments to basic pay and locality pay for the SES.

4. **Setting Basic Pay.** Personal qualifications and performance will be the key elements in setting and adjusting pay for appointees to SL and ST positions. The following factors may be considered in pay-setting decisions: performance, expertise brought to the position, qualifications required, duties and responsibilities of the position, scarcity of qualified personnel, pay for comparable private sector personnel, and geographic location.

On initial appointment to an SL/ST position, the responsible official (see Section V) may assign any of the six pay rates without regard to previous salary. However, pay for new appointees will generally be set at SL/ST-1 or SL/ST-2, with the following exceptions:

- a. If the responsible official determines that a higher rate of pay is warranted based upon the factors listed above.
- b. If a current GS-15 is selected for an SL or ST position, his/her pay rate will meet or exceed his/her current rate of basic pay, even if that rate is higher than SL/ST-2.

5. **Adjusting Basic Pay.** The primary factor considered in adjusting pay levels is performance. Adjustments are not intended to be granted on a routine or periodic basis; rather, they are granted for a level of performance that substantially exceeds that which is normally expected.

Pay levels of appointees to SL/ST positions cannot be adjusted more than once in any 12 month period. Pay rates may be raised any number of levels. Any reduction in basic pay must follow the requirements at 5 CFR Part 752, subparts C and D.

The responsible official (see Section V) may set any rate of pay for an SL or ST employee transferring from another agency or department, regardless of the 12-month waiting period. If the pay rate on transfer does not exceed the employee's former rate, the pay action does not start a new 12-month period.

6. **Other Pay-Related Matters.** Appointees in SL/ST positions are subject to the calendar year limitation on aggregate compensation at 5 U.S.C. 5307.

Appointees in SL/ST positions may receive performance-based cash awards in accordance with the requirements at 5 U.S.C. 4505a.

C. **Questions or Concerns Regarding the Process.** Any questions or concerns regarding this directive should be addressed to the Office of the Chief HCO.