



IN REPLY REFER TO

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Office of Indian Education Programs
Human Resources Office
P.O. Box 769
Albuquerque, New Mexico 87103

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OIEP Human Resources Bulletin: 03-05

To: Director, Office of Indian Education Programs
Deputy Director of School Operations
Education Line Officers
School Principals

From: Human Resources Officer

Jeann A. Deeter

Subject: **Staffing Differential Policies & Procedures**

References:

62 BIAM Education Contract Personnel, II.52, Staffing Differential

Coverage:

All Office of Indian Education Program (OIEP) Employees

Description:

A staffing differential may be established to help meet essential staffing requirements and may be approved for educators or education positions, where (1) environmental or working conditions (including higher paid subordinate) and/or (2) higher non-federal pay rates for comparable levels of work or (3) both of these factors may warrant additional pay as a recruitment or retention incentive or supervisory/subordinate differential. (Note: the Office of Personnel Management (OPM) has disapproved our request to include BIA/OIEP Education Staffing differentials as part of basic pay for retirement purposes.) A staffing differential may not exceed 25 per cent of an employee's rate of basic compensation.

Types:

Recruitment differential - to an individual newly appointed to a position that would be considered a difficult-to-fill position.

Requirements:

- Documented vacancies and whether there are an adequate supply of available well-qualified applicants.
- Documented evidence of recruitment efforts made to attract well-qualified applicants.
- Documented evidence of the success/failure of the recruitment efforts.

Retention differential - to employees with unusually high qualifications or a special need of the school and/or agency for the employee's services which makes it essential to retain the employee and the determination that the employee would likely leave without the differential.

Requirements: (any or all of the following that may apply)

- Documented data for turnover rate, at a minimum, one school year.
- Geographic and environmental conditions (remoteness/isolation) and quality of work and the conditions (unusually difficult working or living conditions);
- Demographics of school and local area, local wage and salary survey (number of schools in local area).

Supervisory differential - rate of pay of a subordinate exceeds the top increment of the supervisor's pay level (62 BIAM, II.52 (3) (d) a supervisory staffing differential for retention sufficient to raise the pay to one cent per hour above the subordinate employee's pay up to 25% may be granted or at the top of the pay level (62 BIAM, II.47).

Additional differential. Office of Personnel Management, at the request of the Secretary or his designated alternate, may establish under the provision of Section 5303 of Title 5, U.S.C., a special differential where warranted because of significant staffing problems caused by higher non-Federal pay rates.

Requesting Criteria Documentation/justification required - before approving a staffing differential the following is required:

- Identification of the position by title, specialty and pay level; current compensation in effect for the position covered by this request.
- Requesting official must submit sufficient written justification as outlined above to include compensation being paid for comparable positions in the nearest public school that is the primary competitor for well qualified educators - it should be

- made clear as to the type of differential that is requested i.e., retention or recruitment or supervisory.
- Amount requested must be commensurate to the justification submitted. (Note: Staffing differentials will not exceed 25 per cent of the rate of basic pay and must be justified by data submitted.)
- School Board Approval, minutes and/or signature.
- Submission of the form "OIEP staffing Differential Payroll Form" is required for payroll purposes (attached).

Approval Criteria:

Requesting Official forward Staffing Differential Package for Approval and Review process as follows:

- Submit evidence of formal School Board Approval for all staffing differential requests.
- Education Line Officer Approval authority/signature for all School positions other than Principals and/or School Supervisors and Agency positions.
- Forward to OIEP Human Resources Specialist for review and processing.
- OIEP Director Approval authority/signature. Final approval for those positions recommended and under the supervision of the ELO - Principals and/or School Supervisors and Agency positions. Note: Staffing Differential package for the Director's approval/signature must first come to the Human Resources Office who will forward with recommendation to the Director for final approval.
- 60-day rule. Should the ELO or Director fail to act on the request by the end of the 60th day after receipt, the request shall be deemed approved as requested.

Timeframes:

Retention Differentials - must be requested annually by September 30 in order to be effective for the current contract. Note: this can mean requests can be made anytime prior in accordance with local policy or budget timeframes but no later than September 30th.

Recruitment Differentials - must be requested at any time prior to issuing a vacancy announcement.

Supervisory Differentials - will be approved as follows:

- new hires must be approved within 30-days after appointment date,
- current employees must be submitted with the contract renewal documents,
- current employees who have acquired new subordinates with higher pay must be approved within 30-days after the appointment of the subordinate.

Annual Review:

It is imperative that all Staffing Differentials be reviewed and authorized annually to determine whether the Staffing Differential is still warranted

Reduction or Termination:

- Authority to reduce or terminate an allowance lies with the Director or ELO upon recommendation of the appropriate school supervisor or ELO or School Board.
- Retention Differentials must be terminated if an employee moves to another agency or school whether permanently or temporarily, i.e., detail to another position. The gaining agency must go through the approval process if a staffing differential is warranted.

Exceptions:

Please note, for the following Job Categories, a required automatic Staffing Differential is established:

- School Janitor (36A)
- School Bus Driver (39A)
- Principal Teacher/Head Teacher (20)
- School Maintenance Worker (56A)
- School Cook (43A)

Contact Information:

OIEP Human Resources Staffing and Recruitment Section at (505) 248-6365 or the Assistant Human Resources Officer at (505) 248-6366.

Attachment

Office of Indian Education

Staffing Differential

(FPPS - Payroll Form)

Employee Name: _____ SSN: _____

Department: _____ Bureau: _____

Adjustment/Correction Prior to Converting to FPPS System

Type of Pay Entitlement	Pay Code (see List)	Rates/Percent ages	Effective Date	Cost Structure
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Pay Code Listing:

Pay Code	Type of Pay Entitlements	Pay Code	Type of Pay Entitlements
34A	Quarters Allowance (nontaxable)	41B*	Nonforeign Differential (taxable)
34B	Quarters Allowance (taxable)	42C*	Foreign Post Differential (Federal Tax)
35A	Meals Allowance (nontaxable)	43D	Foreign Post Allowance
35B	Meals Allowance (taxable)	44D	Supplemental Post Allowance
36A	Electricity Allowance (nontaxable)	45D	Separate Maintenance Allowance
36B	Electricity Allowance (taxable)	46A	Temporary Lodging Allowance (nontaxable)
37A	Uniform Allowance (nontaxable)	47B*	Director's Staffing Differential (taxable)
37B	Uniform Allowance (taxable)		
40D*	Nonforeign Allowance (State Tax)		

* Percentage Maximum 25 percent

***JUSTIFICATION ATTACHED ***

Authorization Signature _____ Date _____
(Personnel Officer or Official Designee)

Telephone _____

Approval/Disapproval _____ Date _____
Education Line Officer

Human Resources Contact _____ Phone _____

School Board Representative _____ Date _____