
**INTELLIGENCE COMMUNITY DIRECTIVE
NUMBER 602**



HUMAN CAPITAL

INTELLIGENCE COMMUNITY CRITICAL PAY POSITIONS

(EFFECTIVE: 16 AUGUST 2006)

A. AUTHORITY: The National Security Act of 1947, as amended; the Intelligence Reform and Terrorism Prevention Act of 2004; and other applicable provisions of law. See the attachment for additional references.

B. PURPOSE: This Intelligence Community (IC) directive (ICD) establishes critical pay authority for the IC and establishes common policies and procedures for requesting the authorization of one or more IC critical pay positions, as defined, by the Director of National Intelligence (DNI) in an IC element. Such "critical pay" authority is intended to parallel the authority provided to certain Federal agencies by Title 5, US Code Section 5377.

C. APPLICABILITY: This ICD applies to the IC, as defined by the National Security Act of 1947, as amended, and other departments or agencies that may be designated by the President, or designated jointly by the DNI and the head of the department or agency concerned, as an element of the IC.

D. POLICY: This directive establishes common policies and procedures for requesting the establishment and allocation of IC critical pay positions.

1. Critical Pay Position. Any position or person determined by the DNI to be so vital to the IC's national intelligence mission that the position or person warrants a potential base salary of up to level I of the Executive Schedule; the DNI may also authorize critical pay above level I of the Executive Schedule for a particular IC position or person, subject to the written approval of the President.

2. Criteria. The DNI may authorize one or more IC critical pay positions for an IC element when the DNI determines that the critical pay position (or incumbent) is:

- a. Classified at or above General Schedule (GS) grade 15 or equivalent.
- b. Required by the IC element to recruit or retain an individual with unique or exceptional qualifications, expertise, and accomplishments in a specific field (scientific, technical, professional, or administrative) vital to the national intelligence mission.

E. RESPONSIBILITIES:

1. Requests. The head of an IC element (or a Deputy DNI or equivalent DNI designee) may request authorization for one or more IC critical pay positions. If more than one authorization is requested, the positions must be listed in priority order. Such requests must be made in writing to the DNI through the IC Chief Human Capital Officer (IC CHCO) and must include the following information, as applicable:

- a. The title, organization, duty location, pay plan, and occupational series of the position or person, as well as the applicable appointing authority.
- b. A copy of the proposed vacancy announcement.
- c. A description of the specific duties and responsibilities of the position or incumbent, as well as a description of their organizational context.
- d. A description of the relationship of the position or incumbent to other positions or employees in the organization and the IC.
- e. A narrative justification that describes the unique nature of the position's unique requirements, or the incumbent's unique qualifications, expertise, or accomplishments;
- f. Where available, rates of pay for positions in the public and/or private sector of comparable scope and complexity, or in the case of an incumbent, rates of pay for individuals with comparable qualifications, expertise, and accomplishment.
- g. Reasons why the use of other available personnel flexibilities and pay authorities are not likely to be successful in recruiting or retaining an individual for the position who has the requisite qualifications, expertise, or accomplishments.

h. Any other information relevant to the DNI's determination, such as an assessment of the availability of internal (that is, to the IC element), IC, and/or other candidates with the requisite qualifications and expertise, or the results of previous attempts to staff the position, etc.

2. Review and Approval. The IC CHCO will review all requests for a critical pay authorization from IC elements, assess the impact of the request on comparable positions in the IC and elsewhere in the Federal government, and provide a formal recommendation to the DNI; in so doing, the IC CHCO will consult with the IC CHCO Council and, as necessary, the IC Leadership Committee. In addition, the IC CHCO may consult with Office of Personnel Management (OPM) and Office of Management and Budget (OMB) on the recommended critical pay authorization(s). The DNI's written determination shall be considered final.

F. ADMINISTRATION:

1. Funding and Position Management. IC critical pay authorizations may only be applied to positions or persons classified at or above GS grade 15 or equivalent.

a. The requesting IC element is responsible for funding all costs associated with a critical pay authorization.

b. Except as provided in paragraph F.1.c., the requesting IC element, where applicable, is responsible for providing an appropriate senior executive or senior professional (Senior Intelligence Service, Defense Intelligence Senior Executive Service, Senior Executive Service, Defense Intelligence Senior Level, etc.) allocation to support the IC critical pay authorization.

c. The DNI may, upon request and on a permanent or temporary basis, establish and fund a Senior National Intelligence Service position to support the critical pay authorization; however, in such cases, the DNI will serve as the appointing authority and the position or person shall be assigned to the ODNI's official employment rolls for the duration of the appointment.

d. The DNI will review and re-validate approved critical pay authorizations every two years, beginning in Fiscal Year 2007. The IC CHCO will survey IC elements to estimate their projected critical pay requirements, as necessary; however, those estimates will be for planning purposes only.

e. Once approved by the DNI, an IC critical pay authorization is not transferable to another position, incumbent, or organizational unit. Any changes to the DNI's original authorization must be re-submitted for approval.

2. Pay-Setting. Once critical pay is authorized by the DNI for a particular position or person, the base pay of that position or person may be set or subsequently adjusted by the head of the IC element, subject to the following requirements.


a. If the IC element sets or subsequently adjusts the base pay of the position or person at or below level II of the Executive Schedule, the IC element must notify the IC CHCO of that determination.

b. If the IC element proposes to set or subsequently adjust the base pay of the position or person above level II of the Executive Schedule, but no higher than level I of the Executive Schedule, the IC element must obtain the prior approval of the DNI.

c. If the IC element proposes to set or subsequently adjust the base pay of the position or person above level I of the Executive Schedule, the IC element must submit a request through the DNI, OPM, and OMB to the President for final approval.

3. Program Evaluation. It is the responsibility of the IC CHCO to ensure that all IC critical pay positions meet the requirements of this directive. In this regard, the IC CHCO will provide an annual report to the DNI on IC critical pay positions, with a copy to the IC CHCO Council, within 90 days of the end of each fiscal year. This report will include, but not be limited to the number of and origin of IC critical pay requests, the number of such requests that were approved or disapproved, an assessment of the overall effectiveness of this ICD, and any recommended changes to this ICD and its implementing guidance.

G. EFFECTIVE DATE: This ICD becomes effective on the date of signature.



John D. Negroponte



Date

REFERENCES

1. The National Security Act of 1947, 50 US Code 401 *et seq.*, *as amended*
2. The Intelligence Reform and Terrorism Prevention Act of 2004, Pub L. No. 108-458, 118 Stat. 3638 (2204)
3. Executive Order 13355, 69 Federal Register 53,593 (September 1, 2004)
4. 5 US Code § 5377 (1992)
5. Office of Management and Budget Bulletin 91-09, "Critical Position Pay Authority," March 7, 1991