



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
CHIEF, NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF
DEFENSE
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTOR, STRATEGIC CAPABILITIES OFFICE
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Implementation of Direct-Hire Authority for Shortage Category and/or Critical Need Positions

Section 9902(b)(2) of title 5, U.S. Code, allows the Secretary of Defense, in coordination with the Director, Office of Personnel Management, to waive the requirements of chapter 33 of title 5, U.S. Code, and the regulations implementing that chapter in order to achieve the objectives of section 9902. The objectives include redesigning the DoD's procedures for appointments in the competitive service to better meet mission needs, respond to managers' concerns, and improve the hiring experience for applicants.

In redesigning these procedures, DoD hereby assumes from the Office of Personnel Management the responsibility for determining that there is a severe shortage of candidates or a critical hiring need for civilian occupations in the competitive service within the Department. If DoD determines there is such a severe shortage or critical hiring need, DoD Components may use Direct-Hire Authority. Section 3304(a)(3)(B) of title 5, U.S. Code, and part 337, subpart B of title 5, Code of Federal Regulations, are waived to the extent they reference the Office of Personnel Management.

Requests for Direct-Hire Authority may now be submitted to the Director, Defense Civilian Personnel Advisory Service, by DoD Components through their headquarters civilian



human resources policy office. Approval of requests by the Under Secretary of Defense for Personnel and Readiness will be based on criteria described at sections 337.202(b) and (c) of title 5, Code of Federal Regulations. The attached implementing guidance has been coordinated with the Office of Personnel Management, and will be incorporated into an appropriate DoD issuance.

For more information, my point of contact is Ms. Megan Maciejewski, Acting Chief, Staffing Policy Division, Defense Civilian Personnel Advisory Service, whom you may reach at (571) 372-1538 or by email at megan.e.maciejewski.civ@mail.

A handwritten signature in black ink, appearing to read 'Megan Maciejewski', written in a cursive style.

Attachment:
As stated

IMPLEMENTATION OF
DIRECT-HIRE AUTHORITY FOR
SHORTAGE CATEGORY AND/OR
CRITICAL NEED POSITIONS

1. Direct-Hire Authority (DHA) enables the DoD to hire any qualified applicant without regard to sections 3309-3318 of title 5, U.S. Code (U.S.C.), which prescribe requirements for application of veterans' preference and competitive examining to positions in the competitive service.
2. DHA may be considered when an organization experiences a severe shortage of candidates evidenced by the inability to attract sufficient qualified candidates to fill particular positions despite extensive recruitment using existing hiring flexibilities; or a critical hiring need where existing hiring flexibilities have proven to be impracticable or ineffective.
3. Under authority of section 9902(b)(2) of title 5, U.S.C., the Department has waived section 3304(a)(3)(B) of title 5, U.S.C., and the portions of part 337, subpart B of title 5, Code of Federal Regulations (C.F.R.), referencing the Office of Personnel Management, to allow the Under Secretary of Defense for Personnel and Readiness to determine if a severe shortage of candidates or a critical hiring need exists for positions within the Department.
4. In determining whether a severe shortage of candidates or a critical hiring need exists, the Department will use the definitions for "severe shortage of candidates" and "critical hiring need" as described in sections 337.202(b) and (c) of title 5, C.F.R., respectively. Supporting information contained in requests for DHA will address applicable criteria described in these subparts.
5. DoD Components with appointing authority for themselves and their serviced organizations as defined in their respective DoD chartering directives may submit requests for DHA through their headquarters civilian human resources policy office to the Director, Defense Civilian Personnel Advisory Service.
6. Legal authority codes for appointments made pursuant to this DHA will be provided to DoD Components upon approval of their requests.
7. DHA may be used for time-limited (temporary and term) and permanent appointments. The severe shortage of candidates or critical hiring need may be specific to location, title, pay plan, series, and/or grade.

ATTACHMENT

8. DHAs may be approved with or without expiration dates.
9. The public notice requirements described in section 337.203 of title 5, C.F.R., will apply.