



DEPARTMENT OF DEFENSE
DEFENSE CIVILIAN PERSONNEL ADVISORY SERVICE
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FOR: CIVILIAN PERSONNEL POLICY COUNCIL MEMBERS

FROM: Defense Civilian Personnel Advisory Service Director, Ms. Michelle LoweSolis

SUBJECT: Update to DCPAS Message 2020037: Direct Hire Authority for Certain Personnel of the Department of Defense

ACTION: Disseminate to Department of Defense Human Resources Practitioners and Hiring Managers

REFERENCES:

- a) Under Secretary of Defense Memorandum, "Direct Hire Authority for Certain Personnel of the Department of Defense," dated April 2, 2020 (attached)
- b) Frequently Asked Questions: Direct Hire Authority for Certain Personnel of the Department of Defense (attached)

BACKGROUND/INTENT: This message updates reference (a) to provide corrected implementation guidance for the Direct Hire Authority (DHA) for Certain Personnel of the Department of Defense. Corrections include a link to the Priority Placement Program Handbook and the new Legal Authority Code.

As of April 2, 2020, any recruitment action that is covered by this DHA will use the following Legal Authority Code/Legal Authority:

Z5CAC/Modified Direct Hire Auth, Section 1109; PL, 116-92, dated 12/20/2019

This includes any recruitment action in the pipeline that fell under one of the suspended DHAs. The new Legal Authority Code will be available for use in the Defense Civilian Personnel Data System (DCPDS) on April 24, 2020. Until such time, human resource specialists will be required to select the Z5C option in DCPDS, and type "Modified Direct Hire Auth, Section 1109; PL, 116-92, dated 12/20/2019" into the legal authority block.

Reference (b) is provided to address frequently asked questions in regards to the DHA for Certain Personnel of the Department of Defense. In addition, DCPAS will host a familiarization session on Thursday, April 23, 2020, to address questions from the components. It is mandatory for each component to have at least one representative present for the session. An invite with additional information is forthcoming.

POINT OF CONTACT: Ms. Melissa Lalonde, Associate Director, Employment & Compensation, 571-372-1557, melissa.a.lalonde.civ@mail.mil

Attachments:
As stated

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PERSONNEL AND
READINESS

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APR 02 2020

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF
DEFENSE
SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
CHIEF OF THE 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
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Direct Hire Authority for Certain Personnel of the Department of Defense

Reference: Title 5, United States Code, Section 9905

Section 1109 of the National Defense Authorization Act for Fiscal Year 2020 amended section 9905 of title 5, United States Code (U.S.C.), to permit the Secretary of Defense to non-competitively appoint qualified candidates to certain positions in the competitive service in the DoD without regard to chapter 33, subchapter I of title 5, U.S.C., other than sections 3303 and 3328. For purposes of this policy, sections 3321, 3323, and 3326 of chapter 33, subchapter I of title 5, U.S.C., and corresponding Code of Federal Regulations provisions will continue to apply.

As set forth in attachment 1, this memorandum provides implementing procedures for use of this authority, and supersedes the memorandums listed in attachment 2, which are hereby canceled. No appointment may be made under this authority after September 30, 2025 unless otherwise noted.

For more information, my point of contact is Ms. Melissa Lalonde, Associate Director, Employment and Compensation, Defense Civilian Personnel Advisory Service, who may be reached at (571) 372-1557 or at melissa.a.lalonde.civ@mail.mil

A handwritten signature in black ink, appearing to read "Matthew P. Donovan".

Matthew P. Donovan

Attachments:
As stated

CONSOLIDATION OF DIRECT HIRE AUTHORITIES FOR THE DEPARTMENT OF
DEFENSE IN 5 U.S.C. § 9905

1. Authority

a. Section 1109 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 amended Section 9905 of title 5, United State Code (U.S.C.) to incorporate, streamline, and simplify certain Department of Defense (DoD) civilian hiring authorities. It adds covered positions for which this authority may be used and suspends other hiring authorities.

b. Section 9905 of title 5, U.S.C., authorizes the Secretary of Defense to appoint qualified candidates to certain positions in the competitive service in the DoD without regard to chapter 33, subchapter I of title 5, U.S.C., other than sections 3303 and 3328. As a matter of policy, sections 3321, 3323 and 3326 of chapter 33, subchapter I of title 5, U.S.C., and corresponding Code of Federal Regulations provisions will continue to apply.

(1) The authority to appoint qualified persons under this direct hire authority (DHA) is delegated to Secretaries of the Military Departments, Directors of the Defense Agencies, and Directors of the DoD Field Activities with independent appointing authority; hereafter referred to as “DoD Components.” The authority may be used for covered positions throughout DoD.

(2) Appointments under this authority may not be made after September 30, 2025, except for positions covered by paragraph 3.e., for which the authority does not expire.

(3) The authority should primarily be used to appoint qualified candidates who are not existing DoD competitive service employees with permanent status. DoD Components should follow their Merit Promotion Plans to enable movement of the existing DoD competitive service workforce. Use of internal merit promotion procedures will ensure transparency, accountability, and adherence to merit systems principles.

2. Use of Direct Hire Authority

This DHA enables DoD to recruit and appoint qualified persons directly without applying competitive rating and ranking procedures. The following principles shall be followed when exercising this authority:

a. A highly-qualified workforce is critical to DoD’s mission.

b. Recruitment efforts should be expansive enough to ensure, to the extent possible, that a diverse candidate pool exists.

c. Merit factors shall be the basis for selecting individuals for positions. All personnel programs and practices shall be administered in accordance with DoD Directive 1020.02E, “Diversity Management and Equal Opportunity in the DoD.”

d. DoD Components must ensure transparency, accountability, and auditability in hiring processes.

3. Covered Positions

This DHA can be used to appoint individuals at the General Schedule (GS)-15 and below (or equivalent) pay grades to positions meeting one of the following specifications:

a. Positions involved with DoD maintenance activities, such as maintenance of weapon systems, hardware, equipment, software, installation infrastructure, or any combination thereof, including depot-level maintenance and repair.

b. Positions in the cyber workforce (also known as “cyberspace workforce”) as defined in DoDD 8140.01, designated with a cyber work role code.

c. Positions in the acquisition workforce that are responsible for managing any services contracts necessary to the operation and maintenance of programs of the DoD.

d. Positions in science, technology, or engineering, including any such position at the Major Range and Test Facilities Base, in order to allow development of new systems and provide for the maintenance of legacy systems.

e. Positions in science, technology, engineering, or mathematics, including technician positions, within the defense acquisition workforce, or any category of acquisition positions within the DoD designated by the Secretary as a shortage or critical need category, as outlined in Table 1.

f. Positions in science, technology, engineering, or mathematics, except any such position within any defense Science and Technology Reinvention Laboratory, for which a qualified candidate is required to possess a bachelor’s degree or an advanced degree, or for which a veteran candidate is being considered.

g. Positions in medical or health professions with the DoD designated by the Secretary as a shortage category or critical need occupation, as outlined in Table 2.

h. Positions in childcare services, including family childcare coordinator services and school age childcare coordinator services, for which there is a critical hiring need and a shortage of childcare providers, as outlined in Table 3.

i. Positions in financial management, accounting, auditing, actuary, cost estimation, operational research, business, or business administration for which a qualified candidate is required to possess a finance, accounting, management, or actuarial science degree or a related degree, or a related degree of equivalent experience.

j. Positions, as determined by the Secretary, for the purpose of assisting and facilitating the efforts of the DoD in business transformation and management innovation.

4. Definitions

a. A “critical hiring need” and “shortage” may occur when the need to fill positions creates an operational hardship in meeting mission requirements brought about by circumstances such as, but not limited to, unusual or unanticipated events, extraordinary workload, or new or emerging mission requirement creating the need to fill positions.

b. For the purposes of 3(c) and 3(e) above, qualified candidates meet or will meet Defense Acquisition Workforce Improvement Act certification requirements within the required timeframe for appointment to the position being filled.

c. For the purposes of 3(i), qualified candidates are defined as individuals who possess a finance, accounting, management, actuarial science, or related degree from an accredited college or university, or equivalent experience relevant to the functions of the position being filled. In addition, qualified candidates meet or will meet the DoD Financial Management Certification Program requirements, within the required timeframe, for appointment to the position being filled, as applicable.

d. For the purposes of 3(j), business transformation is defined as the process of fundamentally changing the systems, processes, people, and technology across a whole business or business unit, to achieve measurable improvements in efficiency, effectiveness and stakeholder satisfaction.

(1) To use category 3(j), positions must involve work executing continuous process improvement and/or organizational change across an entire business unit.

(2) Business transformation and management innovation appointees must have:

(i) A management or business background,

(ii) Experience working with large or complex organizations; and

(iii) Demonstrated expertise executing, via recognized, repeatable business improvement methods, at least one of the following: management or organizational change, data analytics, or business process design.

5. Announcement and Assessment Process

a. Public notice is not required; however, if posting job opportunity announcements, DoD Components must use announcements that are concise and easily understood. Public notice is appropriate if the area of consideration includes current DoD competitive service employees with permanent status.

(1) DoD Components will establish recruiting procedures that facilitate the identification of qualified individuals for referral to management for selection and appointment.

(2) DoD Components must ensure that Merit System Principles are followed when posting advertisements and announcements, receiving applications, referring candidates, and notifying applicants regarding receipt and status of their applications.

(3) Potential applicants should have ready access to information about how to apply for positions, and the basis on which they will be assessed to meet the qualifying criteria.

b. DoD Components will assess candidates against job-related criteria, ensuring they have the skills, education, training, and behavioral attributes that provide for successful job performance.

(1) Selectees for entry level positions requiring the Administrative Careers With America (ACWA) assessment must be assessed using the most recent, streamlined ACWA examination or a validated alternative assessment instrument (e.g., select USA HIRE assessments).

c. Appointments under this authority are subject to the Priority Placement Program. Procedures applicable to the use of direct hiring authority may be found in the Priority Placement Program Handbook, available at (https://www.dcpas.osd.mil/Content/documents/EC/PPP_Handbook_112019.pdf).

6. Appointing Authority

Appointments may be made on a permanent, term, or temporary basis using the following Legal Authority Code/Legal Authority:

Z5CAC/Modified Direct Hire Auth, Section 1109; PL, 116-92, dated 12/20/2019.

7. Oversight and Accountability

Each DoD Component is responsible for determining the appropriate use of this DHA to meet workforce needs, ensuring implementation is in accordance with Merit System Principles and applicable collective bargaining agreements.

a. The Under Secretary of Defense for Personnel and Readiness is responsible for the development of implementing guidance and policies.

b. Defense Civilian Personnel Advisory Service (DCPAS) will oversee and monitor use of this authority throughout the DoD.

c. DoD Components are responsible for oversight, accountability, and reporting for themselves and their serviced organizations. Components are required to report on the usage and effectiveness of the authority as requested by DCPAS.

d. Documentation for appointments made under this authority must be sufficient to

allow reconstruction of actions taken and must be maintained for a time frame consistent with other appointing authorities (e.g., resumes, job opportunity announcements, candidate referral lists, if applicable).

e. Appointments under this authority will be evaluated as part of the DoD Human Capital Framework.

8. Reporting

a. DoD Components must report to DCPAS by October 31st with an analysis of DHA usage, to include narrative on hiring improvements and adherence to merit system principles. Reports must include the following:

- (1) Number of employees hired by position, series, and grade/pay band/level;
- (2) Number of veterans hired;
- (3) Number of military spouses hired;
- (4) Number of internal candidates (i.e. current employees) hired; and,
- (5) Quantifiable effectiveness in meeting Component staffing efforts.

9. Requesting Additional Positions Coverage

a. DoD Components may request additional position coverage if they find there is a critical hiring need or shortage of candidates for positions under 3(e), 3(g) and 3(h). Submissions must be endorsed by the DoD Component headquarters of the civilian human resources policy office and shall be submitted to DCPAS for approval by the Under Secretary of Defense for Personnel and Readiness.

b. Requests for additional coverage should include the following information:

- (1) Recruitment needs, to include the current number of positions being recruited and the projected recruitment needs (projected retirements, projected turnover, increased/new workload);
- (2) Supply gap, to include vacancy lapse rate, and market data analysis of labor market demand; and
- (3) Past recruitment efforts (e.g., job fairs, compensation incentives) and evidence of ineffectiveness.

TABLE 1. Acquisition Career Fields	
AUDITING (AUD)	PRODUCTION, QUALITY AND MANUFACTURING (PQM)
BUSINESS - COST ESTIMATING (BCE)	PROGRAM MANAGEMENT (PM)
BUSINESS - FINANCIAL MANAGEMENT (BFM)	SCIENCE AND TECHNOLOGY MANAGEMENT (S&T)
CONTRACTING (CON)	ENGINEERING (ENGR)
FACILITIES ENGINEERING (FE)	TEST AND EVALUATION (T&E)
INFORMATION TECHNOLOGY (IT)	SMALL BUSINESS (SB)
LIFE CYCLE LOGISTICS (LCL)	

TABLE 2. Series/Occupation Title	
180 PSYCHOLOGIST	648 THERAPEUTIC RADIOLOGIC TECHNOLOGIST
181 PSYCHOLOGY AID & TECHNICIAN	649 MEDICAL INSTRUMENT TECHNICIAN
185 SOCIAL WORKER	651 RESPIRATORY THERAPIST
186 SOCIAL SERVICES AID & ASSISTANT	660 PHARMACIST
601 GENERAL HEALTH SCIENCE	661 PHARMACY TECHNICIAN
602 MEDICAL OFFICER / PHYSICIAN	662 OPTOMETRIST
603 PHYSICIAN ASSISTANT	665 SPEECH PATHOLOGIST & AUDIOLOGIST
610 NURSE	667 ORTHOTIST & PROSTHETIST
620 PRACTICAL NURSE	668 PODIATRIST
621 NURSING ASSISTANT	669 MEDICAL RECORDS ADMINISTRATOR
630 DIETITIAN & NUTRITIONIST	671 HEALTH SYSTEM SPECIALIST
631 OCCUPATIONAL THERAPIST	675 MEDICAL RECORDS TECHNICIAN
633 PHYSICAL THERAPIST	680 DENTAL OFFICER / DENTIST
636 REHABILITATION THERAPY ASSISTANT	681 DENTAL ASST (EXP FUNC DENTAL AUX)
640 HEALTH AID & TECHNICIAN	682 DENTAL HYGIENIST
642 NUCLEAR MEDICINE TECHNICIAN	683 DENTAL LABORATORY AID & TECHNICIAN
644 MEDICAL TECHNOLOGIST	690 INDUSTRIAL HYGIENIST
645 MEDICAL TECHNICIAN	701 VETERINARIAN
647 DIAGNOSTIC RADIOLOGIC TECHNOLOGIST	858 BIOENGINEER & BIOMEDICAL ENGINEER

TABLE 3. Childcare Providers	
1701 GENERAL EDUCATION AND TRAINING	1702 EDUCATION AND TRAINING TECHNICIAN

LIST OF DIRECT HIRE AUTHORITIES CONSOLIDATED BY 5 U.S.C. § 9905
HEREBY CANCELED

1. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Department of Defense Temporary Direct Hire Authority for Certain Competitive Service Positions,” February 1, 2019 (hereby canceled).
2. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Inclusion of Office of Secretary of Defense Among Components of the Department of Defense Covered by Direct-Hire Authority for Financial Management Experts,” October 30, 2018 (hereby canceled).
3. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Temporary Direct Hire Authority for the Department of Defense for Personnel to Assist in Business Transformation and Management Innovation,” August 10, 2018 (hereby canceled).
4. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Temporary Direct-Hire Authority for Childcare Services Providers for Department Child Development Centers,” April 27, 2018 (hereby canceled).
5. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Temporary Direct-Hire Authority for Financial Management Experts in the Department of Defense Workforce – Expansion of Organizational Coverage,” April 2, 2018 (hereby canceled).
6. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Extension of Expedited Hiring Authority for Select Defense Acquisition Workforce Positions – Removal of Sunset Date,” September 6, 2017 (hereby canceled).
7. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Direct Hiring Authority for Cyber-Workforce Positions,” August 22, 2017 (hereby canceled).
8. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Temporary Direct-Hire Authority for Financial Management Experts in the Department of Defense Workforce,” June 1, 2017 (hereby canceled).
9. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Direct Hire Authorities for Select Technical Acquisition Positions,” December 5, 2016 (hereby canceled).
10. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Extension of Expedited Hiring Authority for Select Defense Acquisition Workforce Positions,” December 18, 2015 (hereby canceled).
11. Under Secretary of Defense for Personnel and Readiness Memorandum, “Extension of Expedited Hiring Authority for Shortage Category and/or Critical Need Health Care Occupations,” December 14, 2015 (hereby canceled).



DIRECT HIRE AUTHORITY FOR CERTAIN PERSONNEL OF THE DEPARTMENT OF DEFENSE (DOD) WORKFORCE

Section 1109 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 granted temporary direct-hire authority (DHA) for certain positions in the competitive service to the Secretary of Defense. DoD implementation procedures for this DHA were approved on April 02, 2020. These FAQs may be referenced in conjunction with those procedures and applicable DoD Component Headquarters and field-level guidance.

GENERAL

Q1: What types of appointments are covered under these authorities?

A1: This authority may be used for permanent, term, or temporary appointments of qualified candidates to positions in the competitive service.

Q2: Is public notice required?

A2: No, public notice is not required. Merit factors shall be the basis for selecting individuals for positions.

Q3: Does this authority place any time limitations on appointments?

A3: No, any time limitations previously applied by the hiring authorities that are being suspended by this authority do not apply.

Q4: Does this authority have any allocation limitations?

A4: No, any allocation limitations previously applied by the hiring authorities that are being suspended by this authority do not apply.

Q5: How to code a personnel action (Standard Form 52) when using this direct hire authority?

A5: (1) Utilize the Office of Personnel Management's (OPM) Guide to Processing Personnel Actions (GPPA) to determine the appointment type, nature of action (NOA) code and nature of action.

Example: Page 13 in Chapter 9. Career and Career-Conditional Appointments of the GPPA provides a table for appointments based on the use of a Direct Hire Recruiting Authority

(2) The legal authority code (LAC) cannot be found in the GPPA because this direct hire authority is a Department of Defense authority only; it cannot be used government wide. Per the signed implementation guidance, April 02, 2020, under Section (6) Appointing Authority, the legal authority code for this DHA is **Z5CAC** with a legal authority description of "Modified Direct Hire Auth, Section 1109; PL, 116-92, dated 12/20/2019".

COVERAGE

Q6: Which Components or organizations can use this authority?

A6: This authority applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense.

Q7: Which occupational series are likely to fall under category 3(j) for business transformation and management innovation?

A7: Occupational series that may fall under category 3(j) include 0301 Miscellaneous Administration and Program Series, 0343 Management and Program Analysis Series, and 1515 Operations Research Series. The positions covered by category 3(j) are further defined in section 4(d) of the implementation guidance.

Q8: Section 3035 of NDAA for FY20 expands the Childcare Services Providers for Department Child Development Centers DHA (Sec. 559 of NDAA FY18) to include “installation military housing office personnel.” Does this authority include this expansion?

A8: No, the direct hire authority for installation military housing office personnel is a separate direct hire authority. The implementation procedures for the installation military housing office personnel DHA is forthcoming.

PREFERENCE

Q9: Does Veterans’ Preference apply to this DHA?

A9: No. Veterans’ preference does not apply when selecting individuals under this DHA. Section 9905 of title 5, U.S. Code (U.S.C.) authorizes the Secretary of Defense to non-competitively appoint qualified candidates to certain positions in the competitive service without regard to chapter 33, subchapter I of title 5, U.S.C., other than sections 3303 and 3328.

Q10: Are positions filled by this authority subject to the Priority Placement Program?

A10: Yes, appointments under this authority are subject to modified procedures outlined in the Priority Placement Program (PPP) Handbook, Chapter 4, Appendix B, dated November 2019, which incorporates the information listed in the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) memorandum, “Modified Priority Placement Program Procedures for Positions Filled Through the National Defense Authorization Act Direct-Hire Authorities,” dated July 17, 2017.

Q11: Does this authority require Interagency Career Transition Assistance Plan (ICTAP) and Reemployment Priority List (RPL) clearance?

A11: No, this authority does not require clearance of displaced employee programs in accordance with title 5, Code of Federal Regulations (CFR) 330 subparts B, F, and G.

OTHER

Q12: Does the restriction on movement after competitive appointment (5 CFR 330.502) apply to this authority?

A12: Yes, the restriction on movement following competitive appointment applies for the first 90 days.

Q13: Do Components need to develop their own implementing guidance?

A13: No, however DoD Components may develop their own implementing guidance and procedures to address specific requirements. Component guidance may be more restrictive than the implementation guidance, but cannot broaden the scope of the authority.

Q14: Who can provide additional information and assistance on this DHA?

A14: Hiring managers should consult with their human resources (HR) specialist regarding use of this DHA. HR specialists may consult with their Component headquarters HR policy office. Inquiries may be submitted to DCPAS/Employment and Compensation at: 703-545-7487 or dodhra.mc-alex.dcpas.list.ec-field-advisory-support@mail.mil.