



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

SEP 24 2026

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
DEFENSE AGENCY AND DOW FIELD ACTIVITY DIRECTORS

SUBJECT: Noncompetitive Temporary and Term Appointments to Meet Critical Hiring Needs
in the Department of War

- References: (a) Section 1105(b) of the National Defense Authorization Act for Fiscal Year
2017 (Public Law 114-328)
(b) Deputy Secretary of Defense Memorandum, "Noncompetitive Temporary and
Term Appointments to Meet Critical Hiring Needs in the Department of
Defense," July 14, 2017 (hereby cancelled)

Reference (a) provides that, where there is a critical hiring need, the Secretary of War
may make a noncompetitive temporary appointment or term appointment in the Department of
War, without regard to the requirements of 5 U.S.C. §§ 3327 and 3330, for a period that is no
more than 18 months.

Appointing authorities will use the attached procedures to maximize the effective use of
this authority. This memorandum supersedes and cancels reference (b). Appointments pursuant
to reference (b) remain in effect.

For more information, my point of contact is Mr. Michael A. Cogar, Deputy Assistant
Secretary of War for Civilian Personnel Policy, at michael.a.cogar3.civ@mail.mil or
(703) 571-9282.

Attachment:
As stated



OSD010022-26/CMD012842-26

**NONCOMPETITIVE TEMPORARY AND TERM APPOINTMENTS
TO MEET CRITICAL HIRING NEEDS IN THE DEPARTMENT OF WAR
IMPLEMENTATION PROCEDURES**

1. AUTHORITY

a. Pursuant to section 1105(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), the Secretary of War may make a noncompetitive temporary appointment or a noncompetitive term appointment in the competitive service of the Department of War (DoW), without regard to the requirements of 5 U.S.C. §§ 3327 and 3330 to fill a temporary critical hiring need. This authority applies to all competitive service positions in the General Schedule and Federal Wage System (or equivalent pay bands).

b. This authority is delegated to Secretaries of the Military Departments, Directors of the DoW Agencies, and Directors of DoW Field Activities with independent appointing authority for themselves and their serviced organizations (hereafter referred to as “DoW Components”). DoW Components will delegate this authority to the lowest practicable level.

2. DEFINITIONS

a. Due to DoW’s critical mission, for the purposes of this appointment authority, “critical hiring need” means any need for the services of an employee in the Department that is not a permanent need.

b. For purposes of this appointment authority, the term “temporary appointment” means the appointment of an employee in the competitive service for a period that is not more than 1 year.

c. For purposes of this appointment authority, the term “term appointment” means the appointment of an employee in the competitive service for a period that is more than 1 year and not more than 18 months.

3. CRITICAL HIRING NEED NONCOMPETITIVE TEMPORARY AND TERM APPOINTMENTS-NO EXTENSIONS

a. Temporary appointments: Initial appointments may be made up to 1 year and may not be extended.

b. Term appointments: Initial appointments must be made for more than 1 year and not more than 18 months. Appointments may not be extended.

4. APPOINTING AUTHORITY

Appointments shall be made using the following Legal Authority code/Legal Authority:

Z5CX/Sec 1105(b), PL 114-328, 12/23/2016

5. OVERSIGHT AND ACCOUNTABILITY

- a. The Under Secretary of War for Personnel and Readiness is responsible for the development of DoW implementing guidance and policies for this authority.
- b. The Deputy Assistant Secretary of War for Civilian Personnel Policy (DASW(CPP)) will provide oversight of this authority throughout DoW.
- c. The Defense Civilian Personnel Advisory Service (DCPAS) will monitor use of this authority throughout DoW.
- d. DoW Components are responsible for exercising this direct-hire authority in accordance with law, policy, merit system principles, and any applicable collective bargaining agreements. Components are required to report on the usage and effectiveness of this authority as requested, by the DASW(CPP) and/or DCPAS.
- e. 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.
- f. Appointments under this authority will be evaluated as part of the DoW Human Capital Framework.