



DEPARTMENT OF DEFENSE
DEFENSE CIVILIAN PERSONNEL ADVISORY SERVICE
4800 MARK CENTER DRIVE
ALEXANDRIA, VA 22350-1100

FOR: CIVILIAN PERSONNEL POLICY COUNCIL MEMBERS

FROM: Defense Civilian Personnel Advisory Service Director, Mr. Daniel J. Hester

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

AUDIENCE: Appropriated Fund

ACTION: Disseminate to Department of Defense (DoD) Human Resources (HR) Practitioners
and Hiring Managers

REFERENCES:

- a. Under Secretary of Defense for Personnel and Readiness (USD(P&R)) Memorandum, "Direct Hire Authority for Certain Personnel of the Department of Defense," June 23, 2023 (attached)
- b. Section 9905 of title 5, U.S. Code, <https://www.govinfo.gov/content/pkg/USCODE-2021-title5/pdf/USCODE-2021-title5-partIII-subpartI-chap99-sec9905.pdf>
- c. USD(P&R) Memorandum, "Additional Healthcare Occupations Temporarily Covered by Department of Defense Direct Hire Authority," July 20, 2022 (attached)
- d. USD(P&R) Memorandum, "Extension of Additional Healthcare Occupations Temporarily Covered by Department of Defense Direct Hire Authority," March 30, 2023 (previously expired)
- e. USD(P&R) Memorandum, "Expansion of Direct Hire Authority for Certain Personnel of the Department of Defense," October 15, 2021 (hereby rescinded)

BACKGROUND/INTENT: The USD(P&R) memorandum at reference (a) provides updated guidance for using the direct hiring authority (DHA) in reference (b), and permanently incorporates additional healthcare occupations previously temporarily covered by the memorandums at references (c) and (d). The updated guidance removes the requirement to apply section 3326, subchapter I of title 5, U.S. Code, and hereby rescinds the memorandum at reference (e). As of June 23, 2023, any recruitment action covered by the subject DHA will include the following on the notification of personnel action:

Z5CAQ/Direct Hire Auth 5 U.S.C. § 9905, 6/23/2023

This new legal authority code (LAC) will not be available in the Defense Civilian Personnel Data System (DCPDS) until later in the year. In the interim, human resources specialists must select the Z5C blank option and manually type the above clear text into the legal authority block on the notification of personnel action. This new code is applicable for the remaining duration of this hiring authority as indicated in reference (a), and replaces the LAC included in the rescinded reference (e). Once this new LAC is available in DCPDS, we will send out another message informing of the update.

POINT OF CONTACT: Employment and Compensation, Employment Policy, dodhra.mc-alex.dcpas.list.ec-policy@mail.mil

Attachments:
As stated



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JUN 23 2023

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

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

- References: (a) Title 5, United States Code, Section 9905, "Direct Hire Authority for Certain Personnel of the Department of Defense"
- (b) Under Secretary of Defense for Personnel and Readiness Memorandum, "Expansion of Direct Hire Authority for Certain Personnel of the Department of Defense," October 15, 2021 (hereby rescinded)
- (c) Under Secretary of Defense for Personnel and Readiness Memorandum, "Additional Healthcare Occupations Temporarily Covered by Department of Defense Direct Hire Authority," July 20, 2022
- (d) Under Secretary of Defense for Personnel and Readiness Memorandum, "Extension of Additional Healthcare Occupations Temporarily Covered by Department of Defense Direct Hire Authority," March 30, 2023 (hereby rescinded)

Reference (a) permits the Secretary of Defense to non-competitively appoint qualified candidates to certain positions in the competitive service in the DoD without regard to 5 U.S.C., chapter 33, subchapter I, other than sections 3303 and 3328. As a matter of policy, DoD has previously required the continued application of some of these provisions despite their statutory exclusion.

The requirement to apply 5 U.S.C. § 3326, subchapter I, for appointments made under this authority is removed and reference (b) is hereby rescinded. As a matter of policy, sections 3321 and 3323 of title 5, U.S. Code, chapter 33, subchapter I, and corresponding Code of Federal Regulations provisions will continue to apply.

The healthcare occupational series covered under references (c) and (d), which were previously temporarily designated as critical need occupations, are permanently incorporated and allow for use of the direct hire authorities in reference (a).

As set forth in the attachment, this memorandum provides guidance for using the direct hire authority in reference (a). The guidance incorporates statutory amendments expanding categories of covered occupations, designates all positions in the dental assistant series as shortage category occupations, and provides a new legal authority code. The new legal authority code and legal authority are provided in section 6 of the attachment and are effective on the date of this memorandum. No appointment may be made under this authority after September 30, 2025, unless otherwise noted.

For more information, my point of contact is Ms. Rosemary Meriwether, Associate Director, Employment and Compensation Policy, Defense Civilian Personnel Advisory Service, at (571) 232-3947 or rosemary.m.meriwether.civ@mail.mil.

A handwritten signature in black ink, appearing to read "Gilbert R. Cisneros, Jr.", written in a cursive style.

Gilbert R. Cisneros, Jr.

Attachment:
As stated

PROCEDURES FOR USING THE DIRECT HIRE AUTHORITY FOR CERTAIN PERSONNEL OF THE DEPARTMENT OF DEFENSE IN 5 U.S.C. § 9905

1. Authority

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

b. The authority to appoint qualified persons under this direct hire authority (DHA) is delegated to the 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.

(1) 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.

(2) 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 DHA

This DHA enables DoD to recruit and appoint qualified persons directly without applying competitive rating and ranking procedures. The following principles will 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 will be the basis for selecting individuals for positions. All personnel programs and practices will be administered in accordance with Department of Defense Directive (DoDD) 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, “Cyberspace Workforce Management,” 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, 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.

k. Positions in the military housing office of a military installation, provided the primary function of the military housing office is supervision of military housing covered by 10 U.S.C., chapter 169, subchapter IV.

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(s) creating the need to fill positions.

b. For the purposes of paragraphs 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 paragraph 3(i) above, 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 paragraph 3(j) above, 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, Chapter 4, Appendix B.

6. Appointing Authority

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

Z5CAQ/Direct Hire Auth 5 U.S.C. § 9905, 06/23/2023

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 (USD(P&R)) is responsible for the development of implementing guidance and policies.

b. The 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.

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 are required to annually report on the usage and effectiveness of the authority, as requested by DCPAS.

b. Reports must include an analysis of DHA usage, to include hiring improvements, adherence to merit system principles, and quantifiable impact on effectiveness in meeting staffing needs. Analysis should include data metrics regarding types of positions filled and types of candidates appointed, such as:

(1) Number of employees hired by position, series, and grade/pay band/level per each position category described in section 3 above;

(2) Number of veterans hired;

(3) Number of military spouses hired; and

(4) Number of internal candidates (i.e., current employees) hired.

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 paragraphs 3(e), 3(g), and 3(h) above. Submissions must be endorsed by the DoD Component headquarters of the civilian human resources policy office and will be submitted to DCPAS for approval by the USD(P&R).

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 | 651 RESPIRATORY THERAPIST |
| 181 PSYCHOLOGY AID & TECHNICIAN | 660 PHARMACIST |
| 185 SOCIAL WORKER | 661 PHARMACY TECHNICIAN |
| 186 SOCIAL SERVICES AID & ASSISTANT | 662 OPTOMETRIST |
| 601 GENERAL HEALTH SCIENCE | 665 SPEECH PATHOLOGIST & AUDIOLOGIST |
| 602 MEDICAL OFFICER / PHYSICIAN | 667 ORTHOTIST & PROSTHETIST |
| 603 PHYSICIAN ASSISTANT | 668 PODIATRIST |
| 610 NURSE | 669 MEDICAL RECORDS ADMINISTRATOR |
| 620 PRACTICAL NURSE | 670 HEALTH SYSTEM ADMINISTRATION |
| 621 NURSING ASSISTANT | 671 HEALTH SYSTEM SPECIALIST |
| 622 MEDICAL SUPPLY AID AND TECHNICIAN | 673 HOSPITAL HOUSEKEEPING MANAGEMENT |
| 630 DIETITIAN & NUTRITIONIST | 675 MEDICAL RECORDS TECHNICIAN |
| 631 OCCUPATIONAL THERAPIST | 679 MEDICAL SUPPORT ASSISTANCE |
| 633 PHYSICAL THERAPIST | 680 DENTAL OFFICER / DENTIST |
| 636 REHABILITATION THERAPY ASSISTANT | 681 DENTAL ASST |
| 640 HEALTH AID & TECHNICIAN | 682 DENTAL HYGIENIST |
| 642 NUCLEAR MEDICINE TECHNICIAN | 683 DENTAL LABORATORY AID & TECHNICIAN |
| 644 MEDICAL TECHNOLOGIST | 688 SANITARIAN |
| 645 MEDICAL TECHNICIAN | 690 INDUSTRIAL HYGIENIST |
| 646 PATHOLOGY TECHNICIAN | 698 ENVIRONMENTAL HEALTH TECHNICIAN |
| 647 DIAGNOSTIC RADIOLOGIC TECHNOLOGIST | 701 VETERINARIAN |
| 648 THERAPEUTIC RADIOLOGIC TECHNOLOGIST | 858 BIOENGINEER & BIOMEDICAL ENGINEER |
| 649 MEDICAL INSTRUMENT TECHNICIAN | 0081 PARAMEDICS |

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

**LIST OF DIRECT HIRE AUTHORITIES COVERED BY 5 U.S.C. § 9905 AND
SINCE 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 (previously 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 (previously 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 (previously 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 (previously 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 (previously 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 (previously canceled).
7. Office of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Direct Hiring Authority for Cyber-Workforce Positions,” August 22, 2017 (previously 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 (previously 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 (previously canceled).
10. Acting Under Secretary of Defense for Personnel and Readiness Memorandum, “Extension of Expedited Hiring Authority for Select Defense Acquisition Workforce Positions,” December 18, 2015 (previously canceled).

11. Acting 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 (previously canceled).
12. Under Secretary of Defense for Personnel and Readiness Memorandum, “Temporary Direct Hire Authority for Employees of Installation Military Housing Offices in the Department of Defense,” April 24, 2020 (previously canceled).
13. Under Secretary of Defense for Personnel and Readiness Memorandum, “Expansion of Direct Hire Authority for Certain Personnel of the Department of Defense,” October 15, 2021 (reissued)

e. Documentation for appointments made under this authority must be sufficient to allow reconstruction of actions taken and must be maintained for 2 years (e.g., resumes, job opportunity announcements, candidate referral lists, if applicable).

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

11. Reporting

DoD Components are required to report on the use of this authority to DCPAS by October 15th annually. These Component reports will be used to support Congressional reporting requirements. Reports containing recommendations to Congress for legislative or administrative action would require Office of Management and Budget clearance. Component reports must include associated metrics regarding types of positions filled and types of candidates appointed, to include the following:

- a. Number of spouses of Uniformed Services personnel appointed under this section;
- b. The position series and grade to which each spouse of Uniformed Services personnel was appointed;
- c. Demographic data on the individuals described in paragraph 11.a., including with respect to race, gender, age, and education level attained;
- d. Data (i.e., pay grade, overseas assignment date, and date eligible or estimated to return from overseas), on the members of the Uniformed Services whose spouses have been appointed under this pilot;
- e. Analysis on the feasibility and use of this DHA in the overseas environment;
- f. The manner in which reasonable commuting distances were determined as they pertain to position locations; and
- g. Recommendations for legislative or administrative action relating to continuing or expanding the pilot program.



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JUL 20 2020

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP (SEE DISTRIBUTION)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Additional Healthcare Occupations Temporarily Covered by Department of Defense Direct Hire Authority

Reference: Under Secretary of Defense for Personnel and Readiness memorandum, "Direct Hire Authority for Certain Personnel of the Department of Defense," April 2, 2020 (copy attached)

In support of the Department's response to the coronavirus disease 2019 (COVID-19) pandemic, the following healthcare occupational series are designated as critical need occupations covered by the referenced direct hire authority, until June 1, 2021:

| Additional Medical Occupations | |
|--|--------------------------------------|
| 0622 Medical Supply Aid and Technician | 0679 Medical Support Assistance |
| 0640 Health Aid and Technician | 0688 Sanitarian |
| 0646 Pathology Technician | 0698 Environmental Health Technician |
| 0670 Health System Administration | 0081 Paramedics |
| 0673 Hospital Housekeeping Management | |

All other provisions of the reference continue to apply. Requests to extend coverage of these occupations or to add additional healthcare occupations should be submitted in accordance with the procedures specified in the reference.

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

Matthew P. Donovan

Attachment:
As stated

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