



OFFICE OF THE SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1000

AUG 28 2010

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Implementation of Expedited Hiring Authority for Select Defense
Acquisition Workforce Positions

- References:**
- a. USD(P&R) and USD(AT&L) memo, "Implementation of Expedited Hiring Authority for Acquisition Positions" dated December 23, 2008, superseded
 - b. Subsection 1705(h) of title 10, United States Code, as amended by section 831 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, dated October 28, 2009
 - c. Section 1721 of title 10, United States Code

As set forth in the attachment, this memorandum delegates the authority to appoint individuals to select acquisition positions and provides implementation guidance for exercise of authority. This delegation and the attached implementation guidance supersede that which was issued under Reference (a).

Ashton B. Carter
Under Secretary of Defense
(Acquisition, Technology, and Logistics)

ACTING

Attachment:
As stated

Clifford L. Stanley
Under Secretary of Defense
(Personnel and Readiness)

EXPEDITED HIRING AUTHORITY FOR SELECT ACQUISITION POSITIONS IMPLEMENTATION PROCEDURES

- I. Authority
 - A. Subsection 1705(h) of title 10, United States Code (U.S.C.), as amended by Section 831 of the National Defense Authorization Act for Fiscal Year 2010 (NDAA 2010), provides that the Secretary of Defense may designate any category of acquisition positions within the Department of Defense as positions for which there exists a shortage of candidates or there is a critical hiring need and utilize the authorities in sections 3304, 5333 and 5753 of title 5, United States Code, to recruit and appoint qualified persons directly to positions so designated.
 - B. The authority to appoint qualified individuals under the expedited hiring authority to positions for which there exists a shortage of candidates or there is a critical hiring need is delegated to DoD Component Heads, Directors of the Defense Agencies, and Directors of the DoD Field Activities, with independent appointing authority for themselves and their serviced organizations. This authority may be further re-delegated in writing.
 - C. This authority may be used to appoint individuals directly to shortage category or critical need acquisition positions for which the candidate is a participant in the Science, Mathematics, and Research for Transformation (SMART) Defense Education Program under section 2192a of title 10, United States Code.
 - D. Appointments under this authority may not be made after September 30, 2015. An assessment of the usage of the authority will be conducted annually, at the start of the Fiscal Year (FY), beginning FY 2012, to ensure that conditions warrant its usage through FY 2015.
- II. Use of Expedited Hiring Authority. The following principles shall be followed when exercising this authority:
 - A. Comply with all relevant laws to the extent that DoD is not exempted from such laws.
 - B. Adhere to displaced employee procedures.
 - C. Adhere to merit principles (5 U.S.C.).
 - D. Make employment offers to qualified candidates with veterans' preference whenever practicable.
- III. Shortage or Critical Needs Category Acquisition Workforce Positions - For purposes of this delegation, positions for which there exists a shortage of candidates

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or there is a critical hiring need and for which this acquisition expedited hiring authority can be used are defined below:

A. Positions at the mid-level (GS-9 through GS-13 and comparable levels (e.g. YA-2)) and higher level (GS-14 and GS-15 and comparable levels (e.g. YA-3)), but not Senior Level, Senior Technical or Senior Executive Service, and which are positions designated as included under section 1721 of title 10, U.S.C., the Defense Acquisition Workforce Improvement Act (DAWIA), in the following career fields:

1. Auditing (AUD)
2. Business - Cost Estimating (BCE)
3. Business - Financial Management (BFM)
4. Contracting (CON)
5. Facilities Engineering (FE)
6. Information Technology (IT)
7. Life Cycle Logistics (LCL)
8. Production, Quality and Manufacturing (PQM)
9. Program Management (PM)
10. Science and Technology Management (S&T)
11. Systems Planning, Research, Development, Engineering and Testing (SPRDE)
12. Test and Evaluation (T&E)

B. Positions at the entry level which are designated as included under section 1721 of Title 10, U.S.C., the Defense Acquisition Workforce Improvement Act (DAWIA), in the following career fields:

1. Auditing (AUD)
2. Business – Cost Estimating (BCE)
3. Business – Financial Management (BFM)

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4. Contracting (CON)
5. Engineers (08XX) in any career field
6. Information Technology (IT)
7. Life Cycle Logistics (LCL)
8. Production, Quality and Manufacturing (PQM)
9. Program Management (PM)

IV. Definitions -- Qualified individuals are defined as individuals who:

- A. Meet the minimum standards for the position as published in OPM's operating manual, "Qualification Standards for General Schedule Positions," and any DoD qualification standards specific to the position to be filled;
- B. Meet or will meet DAWIA certification requirements, within required time frame, for appointment to the position being filled; and
- C. Meet any selective placement factor(s) and/or competencies identified as necessary for appointment to the position.

V. Announcement and Assessment Process

- A. Components, Defense Agencies, and DoD Field Activities shall comply with public notice requirements. Public notification can be on a one-time basis or via an open continuous announcement. Public notice should be expansive enough to ensure diverse candidates who are representative of all segments of society.
- B. When using vacancy announcements, Components, Defense Agencies, and DoD Field Activities must use announcements that are concise, easily understood and user-friendly. The use of the Office of Personnel Management (OPM) announcement template for 1102 series positions, found on the OPM web-site, should be modeled in developing such vacancy announcements. DoD Components, Defense Agencies, and DoD Field Activities shall use any DoD developed standard announcement templates for the Acquisition Functional Community, where available.
 1. Components, Defense Agencies, and DoD Field Activities will establish procedures for recruiting that will ensure the identification of qualified individuals for referral to management for selection and appointment.

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2. Potential applicants should have ready access to information about when, where, and how to apply for acquisition positions, and the basis on which they will be assessed to meet the qualified criteria.
- C. Components, Defense Agencies, and DoD Field Activities will assess candidates against job-related criteria, ensuring they have the skills and behavioral attributes to lead to success.
1. Selectees for entry level positions who meet the Administrative Careers with America (ACWA) criteria must be assessed using the ACWA examination or a validated alternative assessment instrument. If the ACWA examination is used as the assessment instrument, the latest, streamlined version of the exam, dated April 2007, must be used. An alternative streamlined process is being pursued by the Department with the Office of Personnel Management. In the interim, the ACWA streamlined instrument or another validated alternative assessment instrument must be used.
 2. Candidates for mid and senior-level positions must be assessed against basic qualifications and any selective placement factor(s), quality ranking factor(s) and/or key Defense acquisition competencies to determine which candidates best meet mission requirements. Streamlined assessment processes are strongly encouraged, e.g., assessment of a candidate against one or two key, job-related skills or competencies.
- VI. Merit Principles (5 U.S.C.)
- A. Recruitment shall be from qualified individuals from appropriate sources in an endeavor to achieve a workforce from all segments of society, and selection and advancement must be determined solely on the basis of relative ability, knowledge, and skills, which assures that all receive equal opportunity.
 - B. Components, Defense Agencies, and DoD Field Activities must ensure transparency in hiring processes.
- VII. Appointing Authority - Individuals appointed under this policy will be given appointments using Legal Authority Code (LAC) Z5C/Direct-Hire Authority (Expedited Acquisition Hiring Authority Section 1705(h) of Title 10, U.S.C., 10-28-09). LAC Z5C will be used for Nature of Action Codes (NOACs) 100, 101, 500, 501, 515, 108, 508, 120 and 520. Actions will be processed in the Defense Civilian Personnel Data System (DCPDS).

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VIII. Oversight and Accountability

- A. The USD (P&R) and the USD (AT&L) are jointly responsible for this expedited hiring authority, the determination of shortage or critical need category positions, and the development of implementing guidance and policies.
- B. OUSD (AT&L) Director of Human Capital Initiatives, also serving as the OSD Functional Community Manager (FCM) for Acquisition, is responsible for oversight, accountability, and reporting for the acquisition community.
- C. DoD Component Heads, Directors of the Defense Agencies, and Directors of the DoD Field Activities are responsible for oversight, accountability and reporting for their respective component in coordination with their respective FCMs and DoD Component Acquisition Executives (CAEs).
- D. DoD Component Heads, Directors of the Defense Agencies, and DoD Field Activities shall provide information and data on the use of this appointing authority when requested by the Civilian Personnel Management Service (CPMS).
- E. Full documentation for appointments made under this authority, sufficient to allow reconstruction of the action, must be maintained.
- F. DoD CAEs will provide oversight, accountability and reporting for their respective acquisition community on issues such as workforce planning, expanded recruitment strategies and the use of recruitment incentives. The CAEs will provide information, as requested, to the USD (AT&L) via the Acquisition FCM.
- G. CPMS shall oversee and monitor use of this authority throughout the DoD and respond to reporting requirements from external parties on the authority and its use.
- H. Appointments under this authority will be evaluated as part of the DoD Human Capital Accountability Framework.

IX. Reports

- A. Components, Defense Agencies and DoD Field Activities, must provide the information below to CPMS, via the Director, Human Capital Initiatives, USD (AT&L), quarterly, beginning January 31, 2011 for the quarter ending December 31, 2010. Information should be developed with input of the Component Acquisition FCM and Human Resources staff. Much of the requested

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information can be obtained through the Defense Civilian Personnel Data System. When retrieving reports from the Corporate Management Information System, search criteria must include the four character LAC Z5C4 and/or the clear text of the authority, Direct-Hire Authority (Expedited Acquisition Hiring Authority Section 1705(h) of Title 10, U.S.C., 10-28-09).

1. Number of employees hired under each of the authorities by position, series and grade/Pay Band
 2. Race, Gender, Age, National Origin of those selected
 3. Number of veterans hired
 4. Use of incentives in conjunction with the authority, e.g., recruitment/relocation incentives; student loan repayments
 5. Effectiveness of the authority in meeting Component, Defense Agency and/or DoD Field Activity staffing needs, i.e., did it facilitate the reduction of number of vacancies by title, series, grade
 6. Race and national origin (RNO) information for all applicants who apply for an ACWA covered position. Reports must indicate the total number of respondents by series, grade, and geographical area in each RNO category. Components and Directors of the Defense Agencies must request RNO information from all individuals who apply
- B. Components, Defense Agencies, and DoD Field Activities must provide a recruitment plan to CPMS, via the Director, Human Capital Initiatives, USD (AT&L), by October 1, 2010. The plan should be developed with input of the Component Acquisition FCM, Human Resources staff, and Manpower and Budget advisors and should address: 1) the numbers to be recruited; 2) the types and grades of positions to be recruited; and 3) specific recruitment strategies and sources.
- X. Request for Additional Position Coverage - The following data, at a minimum, must be submitted to support a request for inclusion of additional positions as shortage or critical need category positions under this authority. Information must be provided to the Civilian Personnel Management Service, via the Director, HCI, USD (AT&L).

A. Recruitment Needs

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1. Current numbers of positions being recruited
 2. Projected recruitment needs
 - a. Projected retirements
 - b. Projected turnover
 - c. Increased/new workload, e.g., in-sourcing; expeditionary workforce requirements
 3. Total number of positions being recruited (current and projected)
- B. Supply Gap
1. Vacancy lapse rate, i.e., inability to find qualified applicants leads to inability to fill positions
 2. Market data analysis that shows the number of available applicants with the necessary skills is lower than the demand
- C. Past recruitment efforts, including the use of incentives, and evidence of their ineffectiveness, such as:
1. Job fairs
 2. Incentives (3Rs)
 3. Student Loan Repayment
 4. Use of Office of Personnel Management Shared Registers