



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

JUL 14 2017

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
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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: Noncompetitive Temporary and Term Appointments to Meet Critical Hiring Needs
in the Department of Defense

Section 1105(b) of the National Defense Authorization Act for Fiscal Year 2017 provides that, if there is a critical hiring need, the Secretary of Defense may make a noncompetitive temporary appointment or term appointment in the Department of Defense, without regard to the requirements of sections 3327 and 3330 of title 5, U.S. Code, for a period that is no more than 18 months.

The attached procedures implement this authority for immediate use. These implementation procedures will be incorporated into an appropriate DoD issuance. For more information, my point of contact is Ms. Aquila Stewart, Acting Associate Director, Employment and Compensation, Defense Civilian Personnel Advisory Service, whom you may reach at (571) 372-1547 or by email at Aquila.M.Stewart.civ@mail.

Robert O. Zylke

Attachment:
As stated



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

1. Authority.

a. Pursuant to section 1105(b) of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 if there is a critical hiring need, the Secretary of Defense may make a noncompetitive temporary appointment or a noncompetitive term appointment in the competitive service of the Department of Defense (DoD), without regard to the requirements of sections 3327 and 3330 of title 5, United States Code, for a period that is not more than 18 months. This authority applies to the General Schedule (GS) and Federal Wage System (or equivalent pay bands), but not for positions above GS-15 (or comparable levels).

b. This authority is delegated to Secretaries of the Military Departments, Directors of the Defense Agencies, and Directors of DoD Field Activities with independent appointing authority for themselves and their serviced organizations as defined in their respective DoD chartering directives (hereafter referred to as “DoD Components”).

2. Definitions.

a. “Critical hiring need” means the need to fill the positions(s) to meet mission requirements brought about by circumstances such as, but not limited to, extraordinary workload or unusual or unanticipated event(s) or circumstances creating the need to fill the position(s).

b. 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. The term “term appointment” means the appointment of an employee in the competitive service for an initial period that is more than 1 year.

3. Critical Hiring Need Noncompetitive Temporary and Term Appointments.

a. Temporary appointments: Initial appointments may be made up to 1 year and may be extended up to 6 additional months. Appointments may not exceed a total of 18 months.

b. Term appointments: Initial appointments may be made for more than 1 year. Appointments may not exceed a total of 18 months.

c. Appointments under this authority may not be extended beyond a total of 18 months, and do not convey noncompetitive conversion to any other appointment.

d. Reappointment to a successor position (i.e., to a position that replaces and absorbs the position to which an individual was originally appointed under this authority) beyond 18 months is considered to be an extension of the original appointment and is not permissible.

4. Announcement and Assessment Process.

a. If using vacancy announcements, DoD Components must use language that is concise and easily understood.

b. DoD Components will assess candidates against job-related criteria, ensuring they have the skills and behavior attributes that lead to success. Candidates must meet the minimum standards for the position as published in the applicable Office of Personnel Management qualification standards and any DoD qualification standards specific to the position to be filled, including meeting any selective placement factors(s) and/or competencies identified as necessary for appointment to the position.

5. Appointing Authority. When documenting personnel actions, use the appropriate nature of action codes in OPM's Guide to Processing Personnel Actions.

For initial noncompetitive critical hiring need temporary and term appointments and extensions made under paragraph 3, use:

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

6. Oversight and Accountability.

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

b. The Deputy Assistant Secretary of Defense for Civilian Personnel Policy monitors the execution of this authority by DoD Components, ensuring consistent implementation and continuous application throughout DoD.

c. 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.

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