



DEPARTMENT OF DEFENSE

DCPAS

Defense Civilian Personnel Advisory Service



DEPARTMENT OF DEFENSE PUBLIC-PRIVATE TALENT EXCHANGE (PPTE) PROGRAM QUESTIONS/ANSWERS

Purpose:

To provide multiple audiences within DoD and Private Industry with information on emerging questions applicable to implementation of the Public-Private Talent Exchange (PPTE) Program.

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**SECTION 1104 of the NDAA FY17
(Section 1599 Title 10 USC)
Department of Defense Public-Private Talent Exchange
Questions and Answers**

The Public-Private Talent Exchange (PPTe), as articulated in Section 1599g of title 10, U.S.C., allows the Secretary of Defense, with the agreement of a private-sector organization and the consent of the employee, to arrange for the temporary assignment (detail) of a DoD civilian employee to that private-sector organization, or an employee of their private-sector organization to the DoD.

The PPTe policy was published on July 19, 2018. The Implementation Plan was released via DCPAS Message 20180831, dated July 24, 2018 and can be located here: <https://www.cpms.osd.mil/Subpage/Services>

This Q/A document was developed by the Defense Civilian Personnel Advisory Service (DCPAS) to assist in providing clarifications to inquiries as a result of the distribution of the PPTe Implementation Plan. This document will be updated regularly, as needed.

Questions and Answers:

Q1: How is the PPTe authority used?

A1: This authority provides that the Secretary of Defense may, with the agreement of a private-sector organization and the consent of the employee, arrange for the temporary assignment of an employee to such private-sector organization, or from such private-sector organization to a DoD organization.

Q2: What is the duration of PPTe assignments and can they be extended?

A2: An assignment will not be less than 3 months and may not exceed 2 years. Extensions beyond 2 years and up to a total of 4 years may be made to meet critical mission or program requirements. In no case may an assignment exceed a total of 4 years.

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An assignment may, at any time and for any reason, be terminated by the DoD or the private-sector organization concerned. Where possible, the party terminating the assignment prior to the agreed upon end date should provide 30 days advance written notice to the other party along with a statement of reasons.

Q3: Who does this authority apply to?

A3: The authority applies to the Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

Q4: Who may be considered for a PPTE assignment?

A4: The PPTE is open to DoD civilian employees at the General Schedule grade 12 level and above (or equivalent) and at the Federal Wage System journeyman level and above. DoD employees and private-sector employees must have knowledge, skills, and abilities to be considered a subject matter expert in their occupational field, perform and meet or exceed all performance standards established at the fully successful level or above.

Q5: What agreement is required between the DoD Component, the private-sector organization, and the participant?

A5: The DoD Component, the private-sector organization, and participant must complete a written MOA which describes the rights, responsibilities and other terms of the agreement.

DoD employees must complete either a Confidential or Public Financial Disclosure Report, whichever applies; a continued service obligation agreement; ethics training in accordance with the Office of Government Ethics regulations; and all other applicable training requirements prior to the implementation of the MOA.

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Private-sector participants must complete either a Confidential or Public Financial Disclosure Report, whichever applies; a disqualification statement prohibiting the private-sector employee from working on matters related to his or her private-sector organization; and ethics training in accordance with Office of Government Ethics regulations prior to the implementation of the MOA.

Q6: Who pays the PPTE participant's salary while on assignment?

A6: PPTE participants will continue to receive pay and benefits from their home organization and will not receive pay or benefits from the receiving organization.

Q7: How is this authority different from the IPA and the ITEP?

A7: The ability to exchange talent with private-sector organizations builds on the success of programs like the IPA and the ITEP, and it provides broader coverage. For-profit private-sector organizations are excluded from IPA coverage and ITEP is exclusively for information technology and cyber workforce participation.

Q8: What service obligation is required of DoD participants after an assignment has been completed?

A8: Upon completion of the PPTE assignment, DoD participants will serve in the DoD for a period equal to twice the length of the assignment or, with advance written approval by the Heads of the DoD Components, will serve elsewhere in the Federal civil service for a period equal to twice the length of their assignment.

Q9: What happens when a participant fails to carry out and complete the terms of the signed agreement?

A9: Participants will be liable to DoD for payment of all of DoD's expenses incurred during the assignment, unless the Head of the DoD Component concerned determines that the employee's/participant's failure to carry out the terms of the MOA is for a good and sufficient reason.

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Q10: Can private-sector participants supervise DoD employees?

A10: No. Private-sector participants may not supervise DoD employees. This includes, but is not limited to, restrictions on evaluating performance, approving time and attendance, granting awards, or executing disciplinary actions.

Q11: Does PPTE have a reporting requirement?

A11: Yes. DoD Components must provide information to DCPAS when requested and must report on their use of this authority during the previous FY to DCPAS by April 1 of each year.

Q12: Does the Department of Defense Instruction (DoDI) 1000.17, Detail of DoD Personnel to Duty Outside the Department of Defense, and DoDI 1100.23, Detail of Personnel to OSD apply to the PPTE?

A12: No, DoDIs 1000.17 and 1100.23 do not apply to the PPTE. DoD employees will be considered to be on detail during the period of assignment in accordance with section 1599g of title 10, U.S.C.

Q13: Is DCPAS creating a standard Continued Service Obligation Agreement (CSA) and Disqualification Statement for the components?

A13: Yes. DCPAS will create a standardized CSA that reflects the requirement that the DoD participant will serve in the DoD (or elsewhere in the civil service if approved by the Head of the DoD Component) for a period equal to twice the length of the assignment. The CSA is only required for the DoD employee. It is not required for the private-sector participant.

With regards to the disqualification statement, the language was an add-on by Office of General Council (OGC) during the 2nd round of coordination. The disqualification statement would prohibit the private-sector employee from working on matters related to his or her employer.

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Q14: Is DCPAS creating or do you have standard Ethics Training for the components in order for the private-sector employee to take before the MOA is implemented?

A14: No. Given the ethical concerns involved, participants (DoD and private-sector) are required to complete ethics training prior to the implementation of the MOA. Components are advised to seek counsel from their legal office regarding ethics requirements.

Q15: Is a billet required to bring in a participant from private-sector?

A15: No, agencies are not required to have an open billet. The PPTE authority and procedures do not require an open billet.

Q16: Is this a one for one exchange?

A16: No. PPTE is NOT a one-for-one exchange of personnel but instead an opportunity to exchange knowledge, experience, and skills between the DoD and private-sector. A private sector organization could send an employee to DoD but this exchange does not require DoD to send an employee to that private-sector organization.

Q17: Does the National Guard have to seek approval through OSD to use this authority?

A17: No, National Guard does not have to seek approval through OSD. The authority to assign DoD employees may be exercised by the Secretaries of the Military Departments and Directors of Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their serviced organizations.

Q18: Please clarify regarding the responsible party for funding the participant's travel and training expenses.

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A18: The employing organization is responsible for all costs of its personnel, including pay and benefits, support, and travel during the assignment but there is flexibility for the host organization to cover the training and travel expenses only if all 3 parties are in agreement (DoD Component, private-sector organization, participant) prior to the implementation of the MOA.

Additionally, as referenced in Figure 1. Sample MOA Section 3.4.3, the host organization may pay for any business training and travel expenses incurred by the participant while participating in the program.

Q19: Can approval authority be delegated below the component Secretaries? Paragraph 1b details the authority but it isn't clear if this authority can be further delegated. Additionally, the MOA sample has "HEAD OF THE DOD COMPONENT" as the signature authority. Please clarify.

A19: Paragraph 1.b. provides the ability to delegate the authority below the Component Secretaries. It states that the authority to assign DoD employees to private-sector organizations and to approve assignments of private-sector employees to DoD organizations under the PPTe may be exercised by the Secretaries of the military Departments and Directors of Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their serviced organizations, as defined by their respective DoD chartering directives and the CMO for OSD. In essence, this states that the Components can decide who will approve the PPTe assignments. According to DoD OGC, since this language does not state authority is delegated, it is assumed authority is delegated.

With regard to the Sample MOA, the approving authority will also provide their signature. It does not require the signature from the "HEAD OF THE DOD COMPONENT".

Q20: What are the Modernization Priorities that DoD participants are expected to engage with during their exchange to Private Industry?

A20: The list of DoD Modernization Priorities can be found at <https://www.cto.mil/modernization-priorities/>.

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Q21: How can conflicts of interest be managed for PPTE participants?

A21: Ensuring protective or exact language is utilized in the MOA, is one way to manage conflicts of interest after identifying and mitigating the possible conflict. Additionally, during the exchange in-take process when a possible conflict is identified, measures should be taken to match the participant with an exchange opportunity that will negate any possible conflicts.