



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

FOR: CIVILIAN PERSONNEL POLICY COUNCIL MEMBERS

for

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

SUBJECT: Extension of the COVID-19 Schedule A Hiring Authority

AUDIENCE: Appropriated Fund Personnel

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

REFERENCES:

- a. U.S. Office of Personnel Management (OPM) Memorandum “Extension of the Coronavirus COVID-19 Schedule A Hiring Authority,” dated June 27, 2022, <https://www.chcoc.gov/content/extension-coronavirus-covid-19-schedule-hiring-authority-1>
- b. OPM “Fact Sheet – COVID-19 Excepted Service Hiring Authority” <https://www.opm.gov/policy-data-oversight/covid-19/opm-fact-sheet-covid-19-excepted-service-hiring-authority/>
- c. Department of Defense Competitive Service Hiring Authorities Matrix, December 2021 (attached)

BACKGROUND/INTENT: On June 27, 2022, OPM issued reference (a), extending the excepted service Schedule A Hiring Authority under 5 CFR 213.3102(i)(3) for hiring additional staff needed in response to the ongoing COVID-19 pandemic until March 1, 2023. Agencies may continue to use this authority to fill positions on a temporary basis for up to 1 year. These appointments may be extended up to 1 additional year. No new appointments may be made under this authority after March 1, 2023, or upon termination of this public health emergency, whichever occurs first. Appointments are limited to individuals needed in direct response to the effects of COVID-19. Additional information, including the appropriate legal authority codes, is contained in the OPM Fact Sheet at reference (b).

HR practitioners are reminded that there are competitive service hiring authorities available to the Department that may be more advantageous to recruit for positions needed in response to the COVID-19 pandemic. The attached matrix at reference (c) provides a list of competitive service hiring authorities which may be used to recruit for necessary positions during this time. HR practitioners are highly encouraged to review these references and discuss all available hiring flexibilities with hiring managers to ensure recruitment sources are comprised of appropriate avenues that best fit the needs of the organization.

POINT OF CONTACT: For COVID-19 related questions, please contact dodhra.mc-alex.dcpas.list.emergency-preparedness@mail.mil

Attachment:

As stated

www.dcpas.osd.mil

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Hiring and Other Human Resources (HR) Authorities Overview: Summarizes hiring and other HR authorities specific to the Department of Defense (DoD) civilian workforce. This list is not exhaustive. Some authorities specific to certain DoD Components or organizations may not be listed. For further information, refer to the respective DoD implementation procedures, applicable DoD Component and lower level policies and procedures, and/or other applicable regulations and procedures. Information is current as of the date of this document, and it is subject to change.

DoD Hiring Authorities					
Hiring Authority	Expiration Date	Governing Statute, Regulation, Policy	Common Uses/Other Features	Ad/Public Notice	Special Requirements for Consideration of Veterans
Direct Hire Authority for Certain Personnel of the Department of Defense (<i>consolidated DHA</i>) -Competitive Service	September 30, 2025, except for positions covered by paragraph 3.e. of the USD(P&R) memorandum, for which the authority does not expire	<ul style="list-style-type: none"> Section 9905 of title 5 U.S.C., as amended by P.L. 116-92, SEC 1109 and further amended by P.L. 116-283, SEC 1117 USD(P&R) memorandum “Expansion of Direct Hire Authority for Certain Personnel of the Department of Defense,” October 15, 2021. <p>Temporary COVID exceptions:</p> <ul style="list-style-type: none"> USD(P&R) memorandum “Extension of Waiver of Requirement to Apply 5 USC §3326 When Using Direct Hire authority for Certain Positions Supporting the Response to the Coronavirus Disease 2019 Pandemic”, May 12, 2021 USD(P&R) memorandum, “Extension of Additional Healthcare Occupations Covered by Department of Defense Direct Hire Authority”, June 1, 2021 	<ul style="list-style-type: none"> Appoint qualified candidates into positions within: <ul style="list-style-type: none"> Maintenance activities, including depot-level maintenance and repair; Cyber workforce (e.g., Information Technology (IT), acquisition, intelligence); Acquisition (e.g., contracting); Science, Technology, Engineering, or Mathematics (STEM) workforce; Medical or healthcare workforce; Childcare services; Accounting and financial management; Business transformation and management innovation; or Military housing GS-15 or below (or equivalent) Temp, tem, and permanent 	No. Merit factors shall be the basis for selecting individuals for positions.	No

DoD Hiring Authorities					
Hiring Authority	Expiration Date	Governing Statute, Regulation, Policy	Common Uses/Other Features	Ad/Public Notice	Special Requirements for Consideration of Veterans
Temporary DHA for Post- Secondary Students and Recent Graduates -Competitive service	September 30, 2025, unless amended	<ul style="list-style-type: none"> 10 U.S.C. 1580, P.L. 114-328, SEC. 1106; 10 U.S.C. 1580, P.L. 115-232, SEC. 1102 USD (P&R) memorandum, "Direct-Hire Authority for the Department of Defense for Post-Secondary Students and Recent Graduates," February 6, 2017 USD (P&R) memorandum, "Modification of Direct-Hire Authority for the Post-Secondary Students and Recent Graduates," January 15, 2019 	<ul style="list-style-type: none"> Appoint qualified post-secondary students and recent graduates Administrative and professional positions, GS-11 and below (or equivalent) Post-secondary students hired via term appointment with noncompetitive conversion eligibility to permanent upon completion of degree requirements. Recent graduates hired via permanent appointment Appointments DoD-wide may not exceed 25% of total competitive like hires during the previous FY (DCPAS provides allocations to Components) 	SEC. 1106 requires DoD to "publicly advertise" positions "to the extent practical"	No
Noncompetitive Temporary and Term Appointments to Meet Critical Hiring Needs in the Department of Defense -Competitive service	None	<ul style="list-style-type: none"> 10 U.S.C 1580; P.L. 114-328, SEC. 1105(b) DSD memorandum, "Noncompetitive Temporary and Term Appointments To Meet Critical Hiring Needs in the Department of Defense," July 14, 2017 	<ul style="list-style-type: none"> The Secretary of Defense may make a noncompetitive temporary or term appointment up to a <i>maximum of 18 months</i> to meet a critical hiring need Provides no provision for extension or conversion GS or FWS, up to GS-15 (or equivalent) Temp and term 	No	No

DoD Hiring Authorities					
Hiring Authority	Expiration Date	Governing Statute, Regulation, Policy	Common Uses/Other Features	Ad/Public Notice	Special Requirements for Consideration of Veterans
Temporary DHA for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base in the DoD -Competitive service	September 30, 2025, unless amended	<ul style="list-style-type: none"> 10 U.S.C. 1580; P.L. 114-328, SEC. 1125(a)(c); amended per P.L. 115-91, SEC. 1102; amended per P.L. 116-92, SEC. 1107 USD (P&R) memorandum, "Temporary Direct-Hire Authority for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base in the Department of Defense," June 1, 2017 USD (P&R) memorandum, "Extension of Temporary Direct-Hire Authority for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base in the Department of Defense," July 19, 2018 USD (P&R) memorandum, "Extension of Temporary Direct-Hire Authority for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Base in the Department of Defense," October 01, 2020 	<ul style="list-style-type: none"> Appoint qualified candidates at any Domestic Defense Industrial Base Facilities or Major Range and Test Facilities Base GS or FWS, up to GS-15 (or equivalent) Temp, term, and permanent 	No	No

DoD Hiring Authorities					
Hiring Authority	Expiration Date	Governing Statute, Regulation, Policy	Common Uses/Other Features	Ad/Public Notice	Special Requirements for Consideration of Veterans
Direct-Hire Authority for Advancing Military to Mariner within the Department of Defense	None	<ul style="list-style-type: none"> 46 U.S.C. 7302; P.L. 116-92, SEC. 3511(d) USD (P&R) memorandum, “Direct-Hire Authority for Advancing Military to Mariner within the Department of Defense,” October 08, 2020 	<ul style="list-style-type: none"> Appoint separated members of the uniformed services possessing valid US Coast Guard Merchant Mariner Credential No application of post-retirement provisions prior to appointment (5 USC 3326) Temp, term, and permanent 	No	No
New Beginnings: DHA in DoD - Competitive service (This is a delegation of authority—until the request for a DHA is approved, it does not constitute a hiring authority in itself)	None	<ul style="list-style-type: none"> 5 U.S.C. 9902(b)(2) DSD memorandum, “Implementation of Direct-Hire Authority for Shortage Category and/or Critical Need Positions,” June 6, 2017 	<ul style="list-style-type: none"> DoD assumes from the Office of Personnel Management (OPM) the responsibility for determining a severe shortage of candidates or critical hiring need for civilian occupations within the Department (e.g., Police Officers; Certain Air Force Pilots) Enables the Department to approve DoD Components’ DHA requests based on the criteria for “severe shortage of candidates” and “critical hiring need” in sections 337.204(b) and 337.205(b) of 5 CFR 	Yes	No

Other Assignment Options					
Hiring Authority	Expiration Date	Governing Statute, Regulation, Policy	Common Uses/Other Features	Ad/Public Notice	Special Requirements for Consideration of Veterans
<p>New Beginnings: Modification of Temporary and Term Appointments Within the DoD -Competitive service <i>(This authority provides a flexibility-- it does not constitute a hiring authority in itself; however, it provides eligibility for noncompetitive conversion to permanent appointment under specific conditions)</i></p>	None	<ul style="list-style-type: none"> 5 U.S.C. 9902(b)(2) USD (P&R) memorandum, "Modification of Temporary and Term Appointments Within the Department of Defense," June 12, 2017 	<ul style="list-style-type: none"> Modification of current OPM regulations for temporary and term appointments allowing longer durations <ul style="list-style-type: none"> Temporary appointments up to a total of 3 years Term appointments up to a total of 6 years Allows noncompetitive conversions of term appointments to permanent appointments under specific conditions 	See implementation procedures	N/A
<p>Extensions of Term Appointments in the Competitive Service in the DoD -Competitive Service <i>(This authority provides a flexibility - it does not constitute a hiring authority in itself)</i></p>	None	<ul style="list-style-type: none"> 10 U.S.C. 1580; P.L. 114-328, SEC. 1105(a) and (d) Reference USD (P&R) memorandum, "Modification of Temporary and Term Appointments Within the Department of Defense," June 12, 2017 DSD memorandum, "Extensions of Term Appointments in the Competitive Service in the DoD," August 10, 2018 	<ul style="list-style-type: none"> Extensions of term appointments from 6 years up to 8 years Requests for extensions beyond 8 years must be submitted by DoD Components to DCPAS for approval 	The potential for extensions beyond 6 years must be stated in the vacancy announcement (if applicable) or otherwise documented before the appointment of the employee	N/A

Other Assignment Options					
Hiring Authority	Expiration Date	<ul style="list-style-type: none"> Governing Statute, Regulation, Policy 	<ul style="list-style-type: none"> Common Uses/Other Features 	Ad/Public Notice	Special Requirements for Consideration of Veterans
Public- Private Talent Exchange <i>(This authority provides a flexibility - it does not constitute a hiring authority in itself)</i>	None	<ul style="list-style-type: none"> 10 U.S.C 1955(g) DSD memorandum “Public- Private Talent Exchange”, July 19, 2018. 	<ul style="list-style-type: none"> The SecDef with agreement with a private- sector organization and the consent of the employee, to arrange for the temporary assignment of a DoD civilian employee to that private- sector organization, or an employee of their private- sector organization to the DoD. 	No	No
Temporary Authority to Immediately Appoint Retired Members of the Armed Forces to Certain Positions in the Department of Defense -Competitive Service <i>(This authority provides a flexibility does not constitute a hiring authority in itself)</i>	January 1, 2024, unless amended	<ul style="list-style-type: none"> SEC 1108 of NDAA FY 2021; P.L. 116-283 USD (P&R) memorandum “Temporary Authority to Immediately Appoint Retired Members of the Armed Forces to Certain Positions in the Department of Defense,” September 29, 2021 	<ul style="list-style-type: none"> Temporarily waives the application of 5 USC 3326 to competitive service positions that are: <ul style="list-style-type: none"> At or below the GS-13 (or equivalent level); Located at a defense industrial base facility that is part of core logistics capabilities; and Have been certified by the Secretary of the Military Department concerned as lacking sufficient number of candidates Authority is distinct from the authority delegated in DoDI 1402.01. Authority may be used in conjunction with any applicable hiring authority to appoint the retired military member into a covered position Temp, term, and permanent 	No	No