



PERSONNEL AND
READINESS

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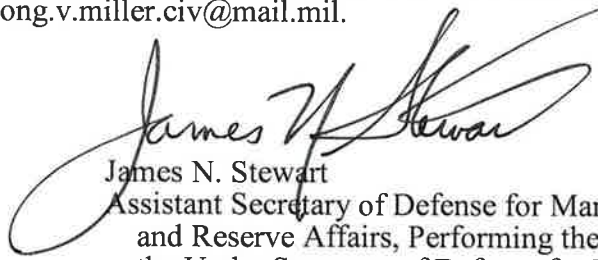
MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF
DEFENSE
SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
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INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
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ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Pilot Programs for Non-Competitive Appointment of Physically Disqualified
Former Cadets and Midshipmen as Civilian Employees

Section 549 of the National Defense Authorization Act for Fiscal Year 2018 authorizes Secretaries of the Military Departments to carry out a pilot program under which certain former cadets and midshipmen who were physically disqualified may be non-competitively appointed to excepted service term positions. Acceptance of such appointments is voluntary, but completion of specified civilian service will relieve eligible employees from certain educational repayment obligations. This authority expires December 12, 2021.

As set forth in the attachment, this memorandum provides implementing procedures for use of this authority.

For more information, my point of contact is Ms. Hong V. Miller, Director, Employment & Compensation, Defense Civilian Personnel Advisory Service, whom you may reach at (571) 372-1536 or by email at hong.v.miller.civ@mail.mil.


James N. Stewart
Assistant Secretary of Defense for Manpower
and Reserve Affairs, Performing the Duties of
the Under Secretary of Defense for Personnel
and Readiness

Attachment:
As stated

DEPARTMENT OF DEFENSE IMPLEMENTATION PROCEDURES
PILOT PROGRAMS FOR NON-COMPETITIVE APPOINTMENT OF PHYSICALLY
DISQUALIFIED FORMER CADETS AND MIDSHIPMEN AS CIVILIAN EMPLOYEES

1. Authority.

a. Section 549 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2018 allows each Secretary of a Military Department to carry out a pilot program under which certain physically disqualified former cadets and midshipmen under the jurisdiction of such Secretary may be appointed to excepted service positions in the Department of Defense (DoD) in lieu of repaying educational expenses owed under section 303a(e) or 373 of title 37, United States Code (U.S.C.).

(1) The authority to appoint eligible individuals under this pilot program is delegated to Secretaries of the Military Departments with independent appointing authority for their serviced departments.

(2) Appointments under this authority may not be made after December 12, 2021. Military departments must maintain records on their use of this authority until the authority expires.

b. For the purpose of this authority, former cadets from the United States Military Academy or the United States Air Force Academy, and former midshipmen from the United States Naval Academy, are eligible for the pilot program if:

(1) They completed the prescribed course of instruction and graduated from the applicable service academy not more than 2 years before the date of the appointment of such person; and

(2) They are determined to be medically disqualified to complete a period of active duty in the Armed Forces prescribed in an agreement signed by such cadet or midshipman in accordance with section 4348, 6959, or 9348 of title 10, U.S.C.¹ A former cadet or midshipman whose medical disqualification is the result of the gross negligence or misconduct of the former cadet or midshipman is not an eligible individual for purposes of appointment under a pilot program. The DD-214 will be used to determine eligibility as a “medically disqualified” cadet/midshipman.

2. Purpose. The purpose of the pilot program is to evaluate the feasibility and advisability of permitting eligible individuals who cannot accept a commission or complete a period of active duty in the Armed Forces prescribed by the Secretary of the Military Department concerned to fulfill an obligation of active duty service in the Armed Forces through service as a civilian employee of the DoD. The pilot program may not be used as an implicit or explicit basis for compelling an eligible individual to accept an appointment in the excepted service.

¹ Note: NDAA for FY 2019 directed redesignation of certain title 10 sections. Effective February 1, 2019, these will be 7448, 8459, 9448.

3. Definitions.

a. Qualified Candidates - For the purposes of this authority, qualified candidates are individuals who:

(1) Meet the minimum standards for the civilian position to which the candidate is to be appointed, as published in the Office of Personnel Management's operating manual, "Qualification Standards for General Schedule Positions," and any DoD qualification standards specific to the position to be filled;

(2) Meet any selective placement factor(s) and/or competencies identified as necessary for appointment to the position; and

(3) Meet or will meet the pre-employment requirements within the required time frame, for appointment to the position being filled, as applicable.

4. Recruitment and Retention of Eligible Individuals. The pilot program enables the Department to recruit and appoint qualified former cadets and midshipmen to the excepted service. The following principles shall be followed when exercising this authority:

a. This authority may be used only to the extent necessary to recruit and retain cadets and midshipmen who are relieved of an obligation for active duty in the Armed Forces due to becoming medically disqualified from serving on active duty in the Armed Forces, and may not be used to appoint any other individuals in the excepted service.

b. Merit factors shall be the basis for selecting individuals for positions. All programs and practices shall be administered in accordance with DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD."

c. Each Secretary of a Military Department must ensure transparency, accountability, and auditability in hiring processes.

5. Covered Positions. The positions to which an eligible individual may be appointed under this pilot program are existing positions within the DoD in grades up to a General Schedule grade 9 (or equivalent) under section 5332 of title 5, U.S.C.

a. This authority does not authorize the creation of additional positions, or create any vacancies to which eligible individuals may be appointed under a pilot program.

b. Any appointment under this pilot program must be effected prior to December 12, 2021, and shall be to a position having a total term of 5 years or less including any extensions.

6. Announcement and Assessment Process. Military Departments will establish procedures for recruitment and selection of eligible candidates for their pilot programs. A copy of established procedures must be provided to the Defense Civilian Personnel Advisory Service (DCPAS).

7. Appointing Authority. Appointments may be made on a time limited basis using the following Legal Authority Code/Legal Authority:

ZLMJ/Pilot Program for Physically Disqualified Former Cadets and Midshipmen, Sec 549, PL 115-91, 12/12/2017

8. Oversight and Accountability. Within the scope of this authority, each Secretary of a Military Department will determine the appropriate use of this authority relating to recruitment needs, specific occupational series, and grades/pay bands/levels, ensuring implementation is in accordance with merit system principles and any applicable labor relations obligations.

a. The Secretaries of the Military Departments are responsible for the development of implementing guidance, oversight, accountability, and reporting for their respective pilot program.

b. Documentation for appointments made under this authority must be sufficient to allow the reconstruction of the actions taken and must be maintained for a time frame consistent with other appointing authorities.

c. Appointments under this authority will be:

(1) Evaluated as part of the DoD Human Capital Framework; and

(2) Made as an exception to the DoD Priority Placement Program.

9. Reporting. Not later than December 12, 2020, each Secretary of a Military Department shall submit to the appropriate congressional committees a report containing an evaluation of the effectiveness of their respective pilot program, including the number of eligible individuals appointed as civilian employees under the program and the retention rate for such employees.

In addition, each Secretary of a Military Department will submit the above mentioned report to the DCPAS.