

## **DIRECT HIRE AUTHORITY FOR CERTAIN PERSONNEL OF THE DEPARTMENT OF DEFENSE (DOD) WORKFORCE**

*Section 1109 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 granted temporary direct-hire authority (DHA) for certain positions in the competitive service to the Secretary of Defense. DoD implementation procedures for this DHA were approved on April 02, 2020. These FAQs may be referenced in conjunction with those procedures and applicable DoD Component Headquarters and field-level guidance.*

### **GENERAL**

#### **Q1: What types of appointments are covered under these authorities?**

A1: This authority may be used for permanent, term, or temporary appointments of qualified candidates to positions in the competitive service.

#### **Q2: Is public notice required?**

A2: No, public notice is not required. Merit factors shall be the basis for selecting individuals for positions.

#### **Q3: Does this authority place any time limitations on appointments?**

A3: No, any time limitations previously applied by the hiring authorities that are being suspended by this authority do not apply.

#### **Q4: Does this authority have any allocation limitations?**

A4: No, any allocation limitations previously applied by the hiring authorities that are being suspended by this authority do not apply.

#### **Q5: How to code a personnel action (Standard Form 52) when using this direct hire authority?**

A5: (1) Utilize the Office of Personnel Management's (OPM) Guide to Processing Personnel Actions (GPPA) to determine the appointment type, nature of action (NOA) code and nature of action.

Example: Page 13 in Chapter 9. Career and Career-Conditional Appointments of the GPPA provides a table for appointments based on the use of a Direct Hire Recruiting Authority

(2) The legal authority code (LAC) cannot be found in the GPPA because this direct hire authority is a Department of Defense authority only; it cannot be used government wide. Per the signed implementation guidance, April 02, 2020, under Section (6) Appointing Authority, the legal authority code for this DHA is **Z5CAC** with a legal authority description of "Modified Direct Hire Auth, Section 1109; PL, 116-92, dated 12/20/2019".

### **COVERAGE**

#### **Q6: Which Components or organizations can use this authority?**

A6: This authority applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense.

**Q7: Which occupational series are likely to fall under category 3(j) for business transformation and management innovation?**

A7: Occupational series that may fall under category 3(j) include 0301 Miscellaneous Administration and Program Series, 0343 Management and Program Analysis Series, and 1515 Operations Research Series. The positions covered by category 3(j) are further defined in section 4(d) of the implementation guidance.

**Q8: Section 3035 of NDAA for FY20 expands the Childcare Services Providers for Department Child Development Centers DHA (Sec. 559 of NDAA FY18) to include “installation military housing office personnel.” Does this authority include this expansion?**

A8: No, the direct hire authority for installation military housing office personnel is a separate direct hire authority. The implementation procedures for the installation military housing office personnel DHA is forthcoming.

**PREFERENCE****Q9: Does Veterans’ Preference apply to this DHA?**

A9: No. Veterans’ preference does not apply when selecting individuals under this DHA. Section 9905 of title 5, U.S. Code (U.S.C.) authorizes the Secretary of Defense to non-competitively appoint qualified candidates to certain positions in the competitive service without regard to chapter 33, subchapter I of title 5, U.S.C., other than sections 3303 and 3328.

**Q10: Are positions filled by this authority subject to the Priority Placement Program?**

A10: Yes, appointments under this authority are subject to modified procedures outlined in the Priority Placement Program (PPP) Handbook, Chapter 4, Appendix B, dated November 2019, which incorporates the information listed in the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) memorandum, “Modified Priority Placement Program Procedures for Positions Filled Through the National Defense Authorization Act Direct-Hire Authorities,” dated July 17, 2017.

**Q11: Does this authority require Interagency Career Transition Assistance Plan (ICTAP) and Reemployment Priority List (RPL) clearance?**

A11: No, this authority does not require clearance of displaced employee programs in accordance with title 5, Code of Federal Regulations (CFR) 330 subparts B, F, and G.

**OTHER****Q12: Does the restriction on movement after competitive appointment (5 CFR 330.502) apply to this authority?**

A12: Yes, the restriction on movement following competitive appointment applies for the first 90 days.

**Q13: Do Components need to develop their own implementing guidance?**

A13: No, however DoD Components may develop their own implementing guidance and procedures to address specific requirements. Component guidance may be more restrictive than the implementation guidance, but cannot broaden the scope of the authority.

**Q14: Who can provide additional information and assistance on this DHA?**

A14: Hiring managers should consult with their human resources (HR) specialist regarding use of this DHA. HR specialists may consult with their Component headquarters HR policy office. Inquiries may be submitted to DCPAS/Employment and Compensation at: 703-545-7487 or [dodhra.mc-alex.dcpas.list.ec-field-advisory-support@mail.mil](mailto:dodhra.mc-alex.dcpas.list.ec-field-advisory-support@mail.mil).