



DEPARTMENT OF DEFENSE
DEFENSE CIVILIAN PERSONNEL ADVISORY SERVICE
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FOR: CIVILIAN PERSONNEL POLICY COUNCIL MEMBERS

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

SUBJECT: Infrastructure Investment and Jobs Act Schedule A Hiring Authority

AUDIENCE: Appropriated Fund Personnel

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

REFERENCE: Office of Personnel Management (OPM) Memorandum, "Infrastructure Investment and Jobs Act Schedule A Hiring Authority," dated February 1, 2022, <https://www.chcoc.gov/content/infrastructure-investment-and-jobs-act-schedule-hiring-authority>

BACKGROUND/INTENT: OPM approved a Schedule A hiring authority under section 213.3102(i)(3) of title 5, Code of Federal Regulations (CFR), to meet agency hiring needs in support of the Infrastructure Investment and Jobs Act (IIJA). This authority:

- may be used to fill positions on a temporary basis for up to one year; appointments may be extended for up to one additional year;
- is limited to individuals performing work directly associated with IIJA efforts; and
- cannot be used to fill positions for which OPM has granted a direct hire authority (DHA) in support of the IIJA, any agency-specific DHA, or a government wide DHA.

No new appointments may be made after September 30, 2027. The provisions of 5 CFR part 302 are applicable when using this authority. Although public notice is not required, agencies are encouraged to conduct appropriate recruiting and notice to meet hiring needs. Additional requirements and resources are available within the referenced OPM memo.

DoD Components who may be supporting efforts of the IIJA and are able to use this Schedule A hiring authority, must include the legal authority code of "W9R/Sch A, 213.3102(i)(3)" on the SF-50 personnel action to document actions made under this authority.

As a point of clarification, the statement in the OPM memorandum about a DHA for HR professionals is specific to the main seven agencies with significant IIJA requirements. DoD is not one of these agencies nor has this particular DHA been authorized for government-wide use.

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