




Department of Energy
Washington, DC 20585

MAY 28 2014

MEMORANDUM FOR HUMAN RESOURCES DIRECTORS

FROM:


KENNETH T. VENUTO, DIRECTOR
OFFICE OF HUMAN RESOURCES MANAGEMENT

SUBJECT:

POLICY GUIDANCE MEMORANDUM #34B
DIRECT-HIRE AUTHORITY FOR ACQUISITION POSITIONS

This memorandum provides policy guidance on the use of direct-hire authority (DHA) for acquisition positions within the Department of Energy and supercedes Policy Guidance Memoranda 9, 9A and 34 "Direct-Hire Authority for Acquisition Positions" dated March 18, 2010, August 19, 2013, March 11, 2014 and April 7, 2014 respectively.

Background

On March 10, 2014 the Secretary of Energy determined that a shortage of qualified candidates for Contract Specialists in the 1102 series exists at DOE nationwide and authorized the use of DHA through September 30, 2017 (attached).

Authority

Public Law 108-136, Section 1413
Title 41, USC 433 (g) (1) (A)
Title 5 CFR 337.204 (b)
5 USC 3327 and 3330
5 CFR, Part 330, Subpart G

Guidance

DOE Order 361.1B, Acquisition Career Management Program, defines the acquisition workforce to include the GS-1102 (Contracting) series; Contracting Officers in any series; the GS-1105 (Purchasing) series, Contracting Officer's Representatives (COR's); Financial Assistance Specialists; Personal Property Managers; and Federal Project Directors (FPD's). However, a critical shortage has been justified for only the GS-1102 (Contracting) series. As a result, DHA is authorized to fill critical resource gaps in all job titles within the 1102 (Contracting) series at grade levels GS-09 to GS-15 or equivalent. Please note that entry-level positions (GS-05 to GS-07 or equivalent) 1102 series positions can only be filled through OPM by using the Administrative Career With America (ACWA) examinations covered by the Luevano consent decree. In addition, since this DHA is designed to close critical skill gaps in the 1102 series,



inclusion of this occupational series in any Voluntary Early Retirement or Voluntary Separation Incentive (VERA/VSIP) request is inconsistent with the justification for the use of DHA.

Final appointment authority for hiring selections made under this DHA resides with the responsible Human Resources Director (HRD). Individuals hired under this authority may be granted a career, career-conditional, term or temporary appointment based on the nature of the position and status of the individual. The use of DHA is effective immediately and valid through September 30, 2017.

Public Notice Requirements

Although the government-wide DHA permits hiring without regard to Veterans' Preference and Category Rating procedures, you must comply with:

- Public Notice requirements under 5 USC 3327 and 3330;
- Career transition requirements (Career Transition Assistance Program (CTAP) and Interagency Career Transition Assistance Program (ICTAP)) under 5 CFR Part 330, Subpart F and G; and
- Basic qualifications requirements for the position (5 CFR 338)

In addition, even though Veterans' Preference is not required, the Administration is very interested in improving the hiring of qualified veterans per Executive Order 13518, Employing of Veterans in Federal Government, dated November 9, 2009.

Recruitment and Selection

When recruiting and collecting applications from all sources, including job fairs, the following Public Notice requirements must be met:

- A. Prepare and post a vacancy announcement in USAJobs as per the attached template. The template provides all inclusion information for grades GS-9 through GS-15. Depending on the grade and supervisory status of the position the manager intends to recruit, the vacancy announcement should be tailored as appropriate.
- B. All applicants who meet the basic qualification requirements will be forwarded to the Selecting Official for consideration.
- C. Selections made under this announcement will be processed as new appointments to the Civil Service. Current Civil Service employees would, therefore, be given new appointments to the Civil Service.
- D. Once the announcement has closed, the servicing HR Office will perform a basic qualifications assessment of each applicant in accordance with OPM's Qualification

Standards for General Schedule Positions, at:

<http://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/1100/contracting-series-1102/>.

- E. Prepare and forward to the Selecting Official a list of any qualified candidates who are eligible for priority consideration on separate certificates in the following order: CTAP (Local Commuting Area), ICTAP, and RPL.
- F. If you have received an application(s) from well qualified CTAP or ICTAP eligible applicants, the Selecting Official must consider these candidates before considering qualified candidates from the DHA selection certificate. If there are no well qualified CTAP or ICTAP eligible applicants, the Selecting Official may select any qualified candidate(s) from the DHA selection certificate.
- G. When documenting DHA appointments on the Standard Form (SF)-52 Request for Personnel Action and SF-50 Notification of Personnel Action, you must use the following Nature of Action authority codes for Government-wide DHA:
- Use **AYM** as the first legal authority code, which identifies the appointment under 5 CFR Part 337; and
 - Use **BAE** as the second legal authority code, which is unique to the 1102 Government-wide DHA.
- *NOTE: Both authority codes must be used when making direct-hire appointments.
- H. HRDs must maintain a file for documentation and reporting purposes and shall submit a report to the Office of the Chief Human Capital Officer by December 15 of each year on their implementation and use of DHA for acquisition positions within their servicing areas. The report shall contain, at a minimum, the following information:
1. The number of direct-hire appointments made by title and grade;
 2. Geographic location of the direct-hire appointment(s);
 3. Type of direct-hire appointment(s) (Competitive Service, Career-Conditional, Term, or Temporary);
 4. Pay Plan, grade and organization for each direct-hire appointment;
 5. Number of qualified applicants for each vacancy announcement; and
 6. Copy of the vacancy announcement, Request for Personnel Action, and Position Description.

If you have any questions or need clarification regarding the guidance outlined in this memorandum, please contact Jennifer Ackerman on 202-586-3860 or Tiffany Wheeler on 202-586-8481.

Attachment