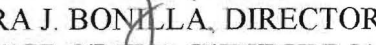




Department of Energy
Washington, DC 20585

MAR 18 2010

MEMORANDUM FOR HUMAN RESOURCES DIRECTORS

FROM:  SARA J. BONILLA, DIRECTOR
OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

SUBJECT: GUIDANCE MEMORANDUM #9
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 (DOE).

Background

On March 11, 2010, the Deputy Secretary of Energy determined that a shortage of qualified candidates for contract specialists in the 1102 series exists at DOE nationwide and authorized use of DHA through September 30, 2012 (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 (CORs); Financial Assistance Specialists; Personal Property Managers; and Federal Project Directors (FPDs). However, a critical shortage has been justified for only Contract Specialists (1102 series) positions. As a result, DHA is authorized to fill critical resource gaps in 1102 series positions 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) examination covered by the Luevano consent decree.

Recruitment and selection authority is re-delegated to the Procurement Director, but the final appointment authority 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 is valid through September 30, 2012.

Public Notice Requirements

Although the Government-wide DHA permits hiring without regard to Veterans' Preference, the "Rule of Three," and rating/ranking procedures, you must comply with:

- a. Public Notice requirements under 5 USC 3327 and 3330;
- b. Career transition requirements (Career Transition Assistance Program (CTAP)/Interagency Career Transition Assistance Program (ICTAP)) under 5 CFR Part 330, Subpart F and G; and
- c. Basic qualification 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 as per Executive Order 13518, Employment of Veterans in Federal Government, dated November 9, 2009 and Deputy Secretary Department of Energy Memorandum, Veterans Recruitment Initiative, dated March 1, 2010.

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 that contains the following language:

"This position is being filled through the Office of Personnel Management's Government-wide Direct-Hire Authority for this occupation and is open to all U.S. Citizens.

All applicants who meet the basic qualification requirements will be forwarded to the Selecting Official for consideration.

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."

- b. Once the announcement has closed, perform a basic qualification assessment of each applicant in accordance with OPM's Qualification Standards for General Schedule Positions, at <http://www.opm.gov/qualifications/sec-iv/b/gsl100/1102.htm>
- c. 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: RW Internal CTAP, CTAP (local commuting area), ICTAP and RPL.
- d. If you have received an application(s) from a qualified RW Internal CTAP eligible(s), inform the Selecting Official that they must make a selection from this

certificate. If no RW Internal CTAP eligible(s) apply, the Selecting Official must consider any ICTAP and RPL eligible(s) before considering qualified candidates on the competitive selection certificate.

e. If you have not received any applications from qualified CTAP/ICTAP or RPL eligible(s) by the closing date of the announcement, you are free to offer a job to any qualified candidate(s) on the competitive selection certificate.

When documenting DHA appointments on the Standard Form (SF)-50/52, Notification of Personnel Action or Request for Personnel Action, you must use the following Nature of Action authority codes for Government-wide DHA:

a. AYM as the first authority, identifying the appointment under 5 CFR Part 337 (the code "AYM" automatically fills in "Reg. 337.201" on the Notification of Personnel Action, SF-50); and

b. BAE as the second authority, which is unique to this occupation's Government-wide DHA.

Both authority codes must be used when making direct-hire appointments to enable OPM to evaluate the use of this authority without requiring Agency reports.

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 area of responsibility.

The report shall contain, at a minimum, the following information:

- a. The number of direct-hire appointments by grade and title;
- b. Geographic location of the direct-hire appointment;
- c. Type of direct-hire appointment (competitive service, career-conditional, term, or temporary);
- d. Pay plan, grade and organization for each direct-hire appointment;
- e. Number of qualified applicants for each vacancy; and
- f. Copy of the vacancy announcement, Request for Personnel Action (SF-52), and Position Description.

If you have any questions or need clarification, please contact Vivian Clark on 202-586-2167 or Michelle Tyson on 202-586-8512 or Antoinette Hawkins on 202-586-0083.

Attachment




Department of Energy

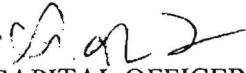
Washington, DC 20585

FEB 16 2010

EXEC-2010-001777

MEMORANDUM FOR THE SECRETARY

THROUGH: DANIEL B. PONEMAN, DEPUTY SECRETARY 

FROM: RITA FRANKLIN, ACTING CHIEF 
OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

SUBJECT: **ACTION:** Request approval to use Direct-Hire Authority for certain Federal Acquisition Positions

ISSUE: Make a determination that Direct-Hire Authority can be used to fill certain acquisition positions because of a shortage of highly qualified candidates

BACKGROUND: In 2004, Congress authorized Government-wide direct-hire authority for certain Federal acquisition positions. This authority expires September 30, 2012. However, the use of this authority requires a determination by the Department or Agency Head that there is a shortage of highly qualified candidates to fill identified acquisition positions. Federal Agency Heads at the National Aeronautics and Space Administration, the Department of Homeland Security, and the Department of Veterans Affairs have already made this determination, allowing their Agencies to engage in direct hiring.

DISCUSSION: Attached is an updated Departmental review of acquisition positions in the 1102 contracting series that was completed jointly by the Office of Procurement Assistance Management and my office. It provides the documented supporting evidence needed to make a proper determination for the use of this authority.

SENSITIVITIES: This authority does not require the use of Veterans' Preference hiring procedures. Given the President's and Office of Personnel Management's emphasis on hiring veterans, the Department will continue to identify well-qualified veterans as part of our aggressive veterans' recruitment efforts.

POLICY IMPACT: None.

RECOMMENDATION: That you determine that a shortage of highly qualified candidates exists to fill GS-1102 contracting positions (GS-09 to GS-15 or equivalent) and authorize the use of Direct-Hire Authority for the Department of Energy for this purpose.

APPROVE:  _____

DISAPPROVE: _____

DATE: MAR 11 2010 _____

Concurrence: MA/Kolb GC/Smith for GC/Beard

Attachment

