



U.S. Department of Justice
Justice Management Division
Personnel Staff
Web Site: <http://www.usdoj.gov/jmd/ps>

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MEMORANDUM FOR COMPONENT HUMAN RESOURCES OFFICERS

FROM:

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Deputy Chief Human Capital Officer/
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SUBJECT:

Delegated Personnel Authority to Make Appointments Above the
Minimum Rate Based on Superior Qualifications

In continued support of our efforts to attract and retain a highly skilled work force here at the Department of Justice, we would like to thank you for your ongoing commitment to utilizing the various available Federal hiring flexibilities. In current times of scarce resources, these flexibilities serve as vehicles for the Department to tap into a talented pool of highly experienced applicants with the desired skill and competencies.

In October 1996, component Human Resources Officers were delegated full personnel authority to make appointments above the minimum rate based on superior qualifications for initial appointments to the Federal government. This delegation includes cases that are: (1) more than 20 percent higher than the candidate's current existing pay; (2) based on a special need to the Department of Justice; and (3) based on a reasonable expectation of employment. This authority, to be used in rare instances, may not be redelegated.

As described in 5 CFR 531.212, the superior qualifications authority is intended to match existing pay only when necessary to recruit specific candidates who possess unusually high or unique qualifications or a unique combination of education and experience that meets a very special need of the component. In making determinations on superior qualifications appointments, you are reminded that undue weight should not be given solely to a candidate's existing pay. The candidate's qualifications for the position in relation to other candidates, and any specialized job requirements or special need(s) of the Department, carry equal weight under the law.

The Department's Human Capital Accountability Program focuses significant attention on how we implement the superior qualifications authority and our documentation process. It is imperative that all human resources staff members adhere to the specific requirements for the use

of the superior qualifications authority. Components must ensure each documented justification fully supports both the candidate's superior qualifications and/or the Department's special need(s) (if appropriate), as well as the basis for approving a rate that exceeds the candidate's existing pay.

In an ongoing effort to ensure accountability, appointments made utilizing the superior qualifications authority will be carefully reviewed and evaluated for appropriateness as part of the Department's Accountability Human Capital Auditing Program. Improper documentation and inappropriate use of this delegated authority could result in a loss of authority for the affected component.

Any questions regarding the use of this delegation should be referred to Jeanarta McEachron, Assistant Director, HR Policy, on (202) 514-3663 or via electronic mail at Jeanarta.C.McEachron@usdoj.gov.