



**Department of Energy**  
Washington, DC 20585

March 19, 2009

MEMORANDUM FOR HUMAN RESOURCES OFFICERS

FROM:

  
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SUBJECT:

Guidance on Documenting Hires funded by American Recovery and Reinvestment Act of 2009 – Public Law 111-5

The American Recovery and Reinvestment Act of 2009 (ARRA), provides Direct Hire Authority to the Office of Electricity (OE) and the Office of Energy Efficiency and Renewable Energy (EE). To use this hiring flexibility, the Secretary of Energy must first make a determination that either a critical hiring need or a shortage of candidates exists for positions needed to support Energy programs funded by the ARRA.

To aid the Secretary in making an appropriate determination for either a critical hiring need or severe shortage of candidates to meet mission requirements under the ARRA, each organization must provide evidence in support of their request to use these hiring flexibilities in accordance with applicable rules and regulations as outlined in either Title 5 CFR 337.205 or Title 5 CFR 337.204, respectively. The following criteria should be addressed in the justification package:

**Critical Hiring Need**

- Identify the position(s) that must be filled.

*(List the job title, occupational series, grade levels, and geographic locations of positions needed to meet the mission requirement.)*

- Describe the event or circumstance that has created the need to fill the position(s).

*(In this instance the ARRA.)*

- Specify the duration for which the critical hiring need is expected to exist.

*(Provide the from and to dates that the critical hiring need will exist for the position and circumstances you identified in 1 and 2 above respectively.)*

- Include supporting evidence that demonstrates why the use of other hiring authorities is impracticable or ineffective in meeting the critical need.

*(Discuss other efforts and any associated challenges considered in filling the positions such as transfers, reassignments, VEOA appointments, VRA appointments, intern programs, IPA, Expert and Consultant appointment authorities.)*



## Severe Shortage of Candidates

- Result of workforce planning and analysis.

*(You may address this issue by providing a paragraph, paper or report describing the results of the agency workforce planning. For each series, grade, and geographic location requested, the evidence should include the agency hiring needs or requirement, number on board, and current vacancies. This information should be followed by projected requirements and projected vacancies. In preparing these projections, discuss any anticipated changes or addition to mission or priorities and the factors that have brought them out such as new threats, technologies or other developments.)*

- Employment trends including the local or national labor market.

*(Discuss local and/or national labor-market employment trends for each series, location and timeframe requested, and reference documentary evidence such as the Department of Labor's Occupational Outlook, trade/professional association issuances, and news articles that support the specific employment trends for each series and location.)*

- Existence of nationwide or geographic skills shortages.

*(Describe nationwide and geographic specific labor market occupational or skill shortages based on information in academic journals, think tank publication, Department of Labor's Occupational Outlook, professional or trade association publication, and news articles. Indicate the duration these skills shortages are anticipated such as, 12 months, or next two or three years.)*

- Agency efforts, including recruitment initiatives, and use of other appointing authorities (e.g. Schedule A, Schedule B) and flexibilities, training and development programs tailored to the position(s), and an explanation of why these recruitments and training efforts have not been sufficient.

*(Discuss recruiting efforts such as, the number of events held, where held, the audience you were seeking to recruit from, and the results of such recruiting efforts. Discuss the length and breadth of vacancy announcement and the results of such. Discuss the use of hiring flexibilities and recruiting and retention incentive used, including special salary rates and the results. Describe the use of college and/or association recruiting, paid advertising, category rating or expedited procedures for rating and selection, security clearance issues, medical disqualifications, job offers versus job acceptance, superior qualification appointments, student loans repayments or other hiring incentives. Discuss factors that prevent or limit internal development and related reasons candidates give for declining job offers or managers provide for not accepting referred qualified candidates such as, unable to obtain security clearance, pass medical qualifications, or polygraphs.)*

- Availability and quality of candidates.

*(Include statistical summaries identifying the number of applications received, minimally qualified and well-qualified candidates referred to the selecting official, demonstrated*

*history of hiring preference eligibles, number selected, job offers made, declinations, hires, etc. If your evidence shows ample qualified individuals referred with relatively few selections, explain why the selections were not made, or why final offers were not made.)*

- Desirability of the geographic location of the position(s).

*(Describe the issues associated with the specific geographic locations such as high cost of living, remote or rural nature, rotating work schedules, lack of healthcare facilities, availability of housing, availability of public transportation, or traffic conditions).*

- Desirability of the duties and/or work environment associated with the position(s) to be filled.

*(Describe why the duties and/or work environment are undesirable and therefore harder to fill than similar positions in other organizations and/or geographic locations. Examples may include dirty or cramped working condition, extreme heat or cold environment, rotating work schedules, intermittent or seasonal work schedules, and extensive travel.)*

Submit your requests for a critical hiring need or severe shortage of candidates determination by the Secretary through the Office of the Chief Human Capital Officer. If you have any questions, please contact Vivian Clark on (202) 586-2167.