



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

Employee Services

DEC - 4 2015

Ms. Deborah Breining
Director, Human Resources Operation Programs
and Advisory Services
Defense Civilian Personnel Advisory Service
Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1100

Dear Ms. Breining:

This letter responds to the Department of Defense (DOD) request, dated November 5, 2015, to expand and extend the Schedule A authority for the cyber security workforce within DOD. The Office of Personnel Management (OPM) is approving the extension for an additional two years until December 31, 2017, while OPM works with agencies to develop strategies to address the recruitment of cybersecurity professionals and initiatives to close skill gaps. We are unable to approve the other portions of the request for expanding the authority at this time.

This change is effective the date of this letter and the authority will read as follows:

Section 213.3106 Department of Defense

(b) Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force)-

(11) Not to exceed 3000 positions that require unique cyber security skills and knowledge to perform cyber risk and strategic analysis, incident handling and malware/vulnerability analysis, program management, distributed control systems security, cyber incident response, cyber exercise facilitation and management, cyber vulnerability detection and assessment, network and systems engineering, enterprise architecture, investigation, investigative analysis and cyber-related infrastructure inter-dependency analysis. This authority may be used to make permanent, time-limited and temporary appointments in the following occupational series: Security (GS-0080), computer engineers (GS-0854), electronic engineers (GS-0855), computer scientists (GS-1550), operations research (GS-1515), criminal investigators (GS-1811), telecommunications (GS-0391), and IT specialists (GS-2210). Within the scope of this authority, the U.S. Cyber Command, Army Cyber Command, Fleet [Navy] Cyber Command, Air Force Cyber Command, and Marine Forces Cyber Command is also authorized to hire miscellaneous administrative and program (GS-0301) series when those positions require unique cyber security skills and knowledge. All positions will be at the General Schedule (GS) grade levels 09-15 or equivalent. No new appointments may be made under this authority after December 31, 2017.

When making appointments under this authority, DOD must use the excepted service hiring procedures and veterans' preference provisions in 5 CFR part 302 (the 'administratively feasible' provisions of 302.301 are not applicable when using this authority). Please cite the appointing authority on the Notification of Personnel Action, SF-50, as Schedule A, 213.3106(b) (11). While the appointment authority may not be used to make appointments after December 31, 2017, employees appointed under the authority may remain on board after that date.

OPM is unable to approve the request to broaden the authority to include non-competitive conversion to the competitive serve or direct hire authority. OPM does not have the legal authority to allow an agency to non-competitively convert employees serving on a Schedule A appointments to the competitive service. The use of a direct hire authority under 5 CFR 337 Subpart B requires the use of OPM qualifications standards. Given that the current Schedule A authority is based on the fact that it is impracticable to use OPM qualification standards for these positions, it would not be appropriate to authorize the use of direct hire for the positions currently covered under the DOD's Schedule A authority.

We are also unable to authorize expanding the use of the authority to positions at the GS-5 and GS-7 level or the inclusion of the additional occupational series of General Engineering (GS- 801), Mechanical Engineering (GS-830), and Electrical Engineering, (GS-850) at this time. The information provided in the request did not sufficiently address why it is impracticable to use the OPM qualification standards for entry level positions and for the additional occupations.

DOD has not filled a significant number of the positions currently allowed under the authority. So we are not approving this portion of the request to increase the number of allowable positons at this time. We can readdress the issue of increasing the number of positions authorized when DOD has significantly increased its usage of the authority.

We appreciate the opportunity to assist you. If you have any questions, please contact Ms. Katika Floyd at katika.floyd@opm.gov or (202)-606-9531.

Sincerely,



Kimberly A. Holden
Deputy Associate Director
Recruitment and Hiring