


Approved for Release
Deborah A. Jefferson
Director for Human Resources Management

03/04/08
Date

**DEPARTMENT OF COMMERCE
OFFICE OF HUMAN RESOURCES MANAGEMENT**

HUMAN RESOURCES (HR) BULLETIN #079, FY08

SUBJECT: Implementing Regulations for the Extension of Governmentwide Direct-Hire Authority for Certain Federal Acquisition Positions

EFFECTIVE DATE: February 12, 2008

EXPIRATION DATE: September 30, 2012

SUPERSEDES: Human Resources (HR) Bulletin #025, FY06

BACKGROUND: Under direct-hire authority, agencies may recruit and appoint candidates to positions when the Office of Personnel Management (OPM) determines there is a severe shortage of candidates or critical hiring needs. OPM issued regulations to amend its direct-hire authority to allow agencies other than Department of Defense to determine whether a shortage of highly qualified candidates exists for Federal acquisition positions covered under title 41, United States Code (U.S.C.) 433(g)(1)(A). This authority expired on September 30, 2007. Under the National Defense Authorization Act of 2008, Congress extended this authority through September 30, 2012. OPM is in the process of revising 5 CFR part 337 to reflect the authority's new expiration date.

This direct-hire authority will terminate on September 30, 2012. HR offices may not appoint an individual using this authority after September 30, 2012.

PURPOSE: The purpose of this HR Bulletin is to inform you of the Department's requirements for appointing individuals under this authority.

REQUIREMENTS: Operating units which determined that a shortage of candidates existed for positions in the 1102 contracting series (pursuant to the requirements in 5 CFR. 337.204(c)), and received approval from the Office of Human Resources Management (OHRM) to use direct-hire authority **prior to September 30, 2007**, may continue to use this authority to fill positions in the 1102 series without recertifying the existence of the shortage.

Operating units which did not determine that a shortage of candidates existed for acquisition positions prior to September 30, 2007, must receive approval from OHRM to

use direct-hire authority to recruit and appoint qualified individuals to the contracting and/or purchasing agent series.

Procedures to Request Approval to Recruit and Appoint Individuals Under the Direct-Hire Authority for Certain Federal Acquisition Positions

When determining the existence of a shortage of highly qualified individuals, HR offices are required to use the supporting evidence, as applicable, prescribed in title 5, CFR 337.204(b)(1)-(8) for each occupational series, grade or pay band, and location covered by the direct-hire authority requested. The information supporting the request should be current (within the last year). If current information is not available for some grades or pay bands or locations, explain why it is necessary and reasonable to include those grades or pay bands and locations.

The documentary evidence must be forwarded to the Director for Human Resources Management, OHRM, HCHB, Room 5001. OHRM will review each case and provide a written decision.

Public Notice Requirements/Recruitment

Public notice requirements as prescribed in 5 U.S.C. 3327 and 3330 and 5 CFR part 300, apply to recruitment under this direct-hire authority, including the displaced employee procedures prescribed in 5 CFR part 330, subpart G, and the requirements in 5 CFR 332.407. OHRM encourages HR offices to work with managers to extend employment offers to applicants with veterans' preference whenever possible and use all available and appropriate hiring authorities (such as competitive examining), in addition to direct-hire when filling acquisition positions. HireVetsFirst, <http://www.hirevetsfirst.gov>, is an on-line resource that HR offices may go to receive assistance in connecting to and recruiting veterans.

Reporting and Processing Guidance

In accordance with 5 CFR 337.206(c), OHRM may request information from HR offices on the use and implementation of this direct-hire authority. HR offices must use two authority codes to document personnel actions using this direct-hire authority. The first authority code, "AYM," automatically fills in "Reg. 337.201" on the Notification of Personnel Action, Standard Form (SF) 50. The second authority code, "BAE," identifies agencies' use of this Governmentwide direct-hire authority to OPM.

REFERENCES: 41 U.S.C. 433(g)(1)(A), 5 CFR part 337, subpart B, OPM memorandum dated February 12, 2008, titled Extension of Governmentwide Direct-Hire Authority for Certain Federal Acquisition Positions.

OFFICE OF POLICY AND PROGRAMS: Pamela Boyland, Director,
PBoyland@doc.gov, (202) 482-1068.

PROGRAM MANAGER: Sandra Thompson, SThompson@doc.gov, (202) 482-3725.