


Approved for Release
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Date

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

HUMAN RESOURCES (HR) BULLETIN #106, FY 09

SUBJECT: Filling Positions in Support of the American Recovery and Reinvestment Act (Recovery Act) of 2009

EFFECTIVE DATE: Upon release of this HR Bulletin

EXPIRATION DATE: September 30, 2013

SUPERSEDES: Not Applicable

BACKGROUND: The American Recovery and Reinvestment Act (Recovery Act) of 2009, was signed by President Barack Obama on February 17, 2009 to jumpstart the economy, create or save millions of jobs, and put a down payment on addressing long-neglected challenges throughout the U.S. The Department of Commerce (Department) received \$7.9 billion in Recovery Act funding, allocated to the Economic Development Administration (EDA), National Oceanic and Atmospheric Administration (NOAA), Bureau of the Census (Census), National Institute of Standards and Technology (NIST), National Telecommunication and Information Administration (NTIA), and the Office of Inspector General (OIG). Recovery Act investments in the Department include funding for business development, innovative research, construction projects, expanding broadband services and other programs that will create jobs in a broad range of occupations and industries.

PURPOSE: The purpose of this HR Bulletin is to provide guidance for hiring positions in support of the Recovery Act including available hiring authorities, mandatory legal authority, advertising requirement, and coding vacancy announcements.

COVERAGE: This HR Bulletin applies to all excepted service and competitive service positions within the Department which are in support of the Recovery Act. Only positions that are being paid from Recovery Act funding are considered to be supporting the Recovery Act for the purpose of this Bulletin.

POLICY:

Appointing Authorities: The Office of Personnel Management (OPM) has authorized the use of excepted-service appointments under Title 5, Code of Federal Regulations (CFR) § 213.3102(i)(3) to address the needs of hiring additional staff performing work in support of the Recovery Act. This authority may be used to fill positions on a temporary basis for up to one year, and may be extended in increments of up to one year. No appointments made under this authority may extend beyond September 30, 2012. Since these positions are temporary in nature, employees become eligible for benefits only after completing 52 weeks of continuous service. Also, employees are responsible for paying the full cost of benefit premiums.

In addition to the above referenced appointing authority, operating units may use all of the hiring flexibilities available (i.e., term appointments, temporary appointments, 30 percent or more disabled veterans authority, Veterans Recruitment Appointment, Veterans Employment Opportunities Act, etc.), in accordance with their respective regulation, to fill positions which are in support of the Recovery Act.

Legal Authorities: The first authority for appointments under Title 5, CFR § 213.3102(i)(3), is “W9R/Sch. A, 5 CFR 213.3102(i)(3),” and the appropriate first legal authority for all other appointing authorities should be used. **The final legal authority for ALL positions in support of the Recovery Act MUST be cited as “ZEA.”** The legal authority citation “Pub. L. 111-5” should NOT be entered as the National Finance Center (NFC) will automatically generate this citation. In addition, the language, “Stimulus/ARRA Funded Position” should be annotated in the “Actions Requested” section of the Standard Form 52 along with the appropriate action (e.g., reassignment, establish/recruit).

Preference Eligibles: Operating units must apply the provisions of Title 5, CFR Part 302, including veterans’ preference for all positions in the excepted service and must apply the provisions of Title 5, CFR § 332.401 for all positions in the competitive service. In addition, operating units must follow the procedures in HR Bulletin #098, FY 09, Process for Requests to Passover All Preference Eligibles for Competitive Service Positions and Excepted Service Positions Covered Under Title 5 United States Code when requesting to passover a preference eligible.

Advertising Positions: In support of the President’s agenda of promoting transparent, fair, and open competition; allowing all U.S. citizens an opportunity to apply for Federal positions; and encouraging consideration of veterans and unemployed U.S. citizens, it is the Department’s policy to advertise ALL excepted service and competitive service positions which are in support of the Recovery Act for a minimum of five business days with an area of consideration of All Sources (status and non-status candidates), regardless of the appointing authority used, including bureau specific authorities. However, requests for waivers to this requirement can be submitted from the Principle Human Resource Manager (PHRM) to the Deputy Chief Human Capital Officer and Director for Human Resources Management. Requests must include a recruitment strategy that demonstrates outreach efforts to veterans’ and diverse organizations.

Coding Recovery Act Positions on Vacancy Announcements: OPM has created a specific “Recovery Jobs” link within their USAJOBS site to assist Federal agencies in filling positions in support of the Recovery Act. In order to make this job site meaningful for job seekers, operating units must identify and code all Recovery Act vacancy announcements. **The Department of Commerce’s agency code is CMR1 – Recovery Jobs – Commerce.** This code needs to be input into the job information template in the “Hiring Agency” field. In addition, OPM has created the following subcomponent codes:

- Bureau of the Census – CMR2
- National Telecommunications and Information Administration – CMR3
- Economic Development Administration – CMR4
- National Institute of Standards and Technology – CMR5
- National Oceanic and Atmospheric Administration – CMR6
- Officer of the Inspector General – CMR7
- All other subcomponents – CMR8

All jobs coded with the special Recovery Act code will show up both when an applicant conducts an agency search through the regular USAJOBS site and when they conduct a recovery job search through the new site.

Accountability: The Recovery Act requires an unprecedented level of transparency, oversight, and accountability within the Federal Government. All Federal departments and agencies receiving Recovery Act funding must submit reports on funding, major actions taken, and actions planned for the future. In order to ensure compliance with the Recovery Act accountability requirements, the Department will be conducting ad-hoc accountability audits, and generating periodic reports from the NFC regarding positions filled in support of the Recovery Act.

The Department has established a Recovery Act site that contains Financial and Activity Reports along with Recent News. The site can be accessed at the following URL:
http://www.recovery.gov/?q=content/agency-summary&agency_code=13

REFERENCES: Title 5, CFR § 213.3102(i)(3); Title 5, CFR part 302; Title 5, CFR § 332.401; HR Bulletin #098, FY 09, Process for Requests to Passover All Preference Eligibles for Competitive Service Positions and Excepted Service Positions Covered Under Title 5 United States Code; and Title 5, CFR § 316.301.

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