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Approved for Release
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Date

DEPARTMENT OF COMMERCE

OFFICE OF HUMAN RESOURCES MANAGEMENT

HUMAN RESOURCES (HR) BULLETIN #171, FY13

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

EFFECTIVE DATE: January 2, 2013

EXPIRATION DATE: September 30, 2017

SUPERSEDES: HR Bulletin #079, FY08, "Implementing Regulations for the Extension of Government-wide Direct-Hire Authority for Certain Federal Acquisition Positions"

BACKGROUND: Direct-hire authority (DHA) enables an agency to hire, after public notice is given, any qualified applicant without regard to Title 5, United States Code (U.S.C.) §§ 3309-3318; Title 5, Code of Federal Regulations (CFR), Part 211; or Title 5, CFR, Part 337, subpart A. DHA expedites the hiring process by eliminating competitive rating and ranking, and veterans preference.

DHA for certain acquisition positions was originally granted through the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2004, with a September 30, 2007 expiration date. The NDAA for FY 2004 provided agencies, other than the Department of Defense, the authority to determine whether a shortage of highly qualified candidates existed for Federal acquisition positions covered under Title 41, U.S.C. § 433(g)(1)(A). Since then, this DHA has been extended through the NDAA for FY 2008, and most recently, through the NDAA for FY 2013, signed into law by President Obama on January 2, 2013.

The NDAA for FY 2013 amended Title 41, U.S.C. § 1703(j)(2)4 to reflect the new expiration date of September 30, 2017. In addition, the Office of Personnel Management is in the process of revising Title 5, CFR, Part 337, to reflect the new expiration date of this Government-wide DHA for Certain Acquisition Positions. Servicing Human Resources Offices (SHROs) may not appoint an individual using this authority after September 30, 2017.

PURPOSE: The purpose of this HR Bulletin is to provide guidance on the use of the Government-wide direct-hire authority for certain acquisition positions.

POLICY: SHROs that determined there was a shortage of candidates within their service areas for positions in the 1102 contracting series (pursuant to requirements in 5 CFR § 337.204(c))

and who 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.

SHROs that did not determine a shortage of candidates existed within their service areas 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, purchasing agent series, and/or other positions in which significant acquisition-related functions are performed.

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, SHROs are required to use the supporting evidence, as applicable, prescribed in 5 CFR §§ 337.204(b)(l)-(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 12 months. 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 and Deputy Chief Human Capital Officer. OHRM will review each request and provide a written decision.

Public Notice Requirements/Recruitment

Public notice requirements, as prescribed in 5 U.S.C. §§ 3327 and 3330 as well as 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 SHROs to work with managers to extend employment offers to applicants with veterans preference whenever possible and to use all available and appropriate hiring authorities, in addition to direct hire, when filling acquisition positions.

Reporting and Processing Guidance

In accordance with 5 CFR § 337.206(c), OHRM may request information from SHROs on the use and implementation of this direct-hire authority. In addition, SHROs 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 Government-wide direct-hire authority to OPM.

REFERENCES: 41 U.S.C. § 1703(j)(2); 41 U.S.C. 433(g)(1)(A); CFR, Part 337, subpart B; the National Defense Authorization Act of 2013

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