



# Direct Hiring Authorities Frequently Asked Questions

## Covered DHAs:

- Select Acquisition Technical Positions
  - Financial Management Experts
  - Domestic Defense Industrial Base Facilities and Major Range and Test Facilities Bases
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## Department of the Navy Office of Civilian Human Resources

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# Direct Hiring Authorities

## Frequently Asked Questions

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### OVERVIEW

The purpose of this document is to provide supplemental guidance and frequently asked questions (FAQs) for certain Department of Defense (DoD) Direct Hire Authorities (DHAs) authorized under the National Defense Authorization Act (NDAA). The information found in this guide provides general information for the following three DHAs.

- DHA for Select Acquisition Technical Positions
- DHA for Financial Management Experts
- DHA for Domestic Defense Industrial Base Facilities and the Major Range and Test Facilities Bases

Individual policy memorandums should be referred to for any specific information related to the DHA such as expiration date of the authority, covered occupations and grades, etc.

### FAQS - GENERAL

#### **Q1. What is a “DoD” Direct Hire Authority?**

A1. DoD DHA is a hiring authority that has been provided to DoD through legislative action and congressional approval. These authorities have been codified in the NDAA.

#### **Q2. What is the purpose of the DoD Direct Hire Authority?**

A2. DoD DHAs enable an agency to expedite the hiring of qualified applicants without regard to subchapter 1 of chapter 33 of title 5 U.S.C. other than §§3303, 3321, 3323, 3326, and 3328 for critical and hard-to-fill positions.

#### **Q3. What are the benefits of using DHA?**

A3. DHA provides the ability to fill positions quickly and efficiently to ensure a more streamlined process. It enables managers to hire qualified applicants by eliminating competitive rating and ranking procedures, veterans' preference requirements, public notice and clearance requirements of Interagency Career Transition Assistance Program, Reemployment Priority List and in some cases the Priority Placement Program (PPP). Refer to Q7 for public notice requirements as it pertains to section 3326, 180 waiver requirement.

#### **Q4. How should Commands use these authorities?**

A4.

- DHA authorizes commands to utilize targeted recruitment and outreach efforts rather than the traditional USA Jobs announcement to expedite and streamline the hiring process. Methods that may be used in targeted recruitment and outreach include job fairs, college recruiting events, flyers, various advertising, etc.
- The intent of the DHA is to expedite hiring within the department. Use of traditional USA Jobs announcements are an acceptable recruitment method and may be used in addition to or in lieu of targeted recruitment and outreach efforts, however, Commands should keep in mind that traditional announcements may delay the hiring process and increase the overall hiring timelines.



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- Selection of candidates may be made from either a referral certificate or by name request of individuals found through targeted recruitment and outreach efforts. The Director, Civilian Human Resources (DCHR), as the principal HR advisor and technical authority for their respective Commands, have responsibility to ensure the appropriate use of these and other hiring authorities.

### **Q5. Does use of these DHAs require justification to appoint based on critical need or shortage of candidates?**

A5. No. These DHAs are granted through congressional legislation. The basis for the DHA has already been established and may be utilized accordingly. The NDAA provided these authorities as a whole without any additional requirement based on a critical hiring need or shortage of candidate determination.

### **Q6. Does Veterans' Preference apply?**

A6. No. Veterans' preference does not apply when selecting individuals under these DHAs. These DHAs allow agencies to hire without regard to §§ 3309-3318 of title 5 U.S.C., which eliminates the requirement for applying veterans' preference. Qualified candidates with veterans' preference may be selected, just as any qualified non-preference eligible candidate may be.

### **Q7. How does the 180-day waiver requirement impact hiring under DHA?**

A7. If a selection is made via a name request and the individual is subject to §3326 of title 5, U.S.C., "Appointment of Retired Members of the Armed Forces within 180 days of Retirement," public notice will be required and appointment must be made in accordance with DoD and DON policy.

### **Q8. Can the DHAs be utilized for time-limited or permanent hiring?**

A8. Yes. These DHAs may be used to fill positions that are temporary, term, or permanent.

### **Q9. Are appointments made under these DHAs subject to a probationary period?**

A9. Yes. Appointments made using these DHAs are required to serve a probationary period regardless of current status or previous completion of a probationary period. Credit for prior service may be applied under the provisions of 5 CFR 315.802.

### **Q10. Is OPM public notice required?**

A10. No. OPM public notice is not required for the DHAs as §§ 3327 and 3330 of title 5 U.S.C. has been waived.

### **Q11. What is the basis for selection under the DHAs?**

A11. Merit factors shall be the basis for selecting individuals under this DHA. Merit factors are determined by the individuals' ability to perform the duties of the position. Merit is based on such factors as previous work experience, education, abilities, and competencies.



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### **Q12. Are DHA applicants required to meet minimum qualification standards?**

A12. Yes. At the time of appointment, the appointing official must ensure the individual selected meets all requirements of the position.

### **Q13. Does Time-in-Grade apply to DHA selectees?**

A13. No. Time-in-Grade (TIG) does not apply when making appointments under DHA in accordance with 5 CFR 300.603. However, candidates are required to meet minimum qualification standards and any other applicable requirements.

### **Q14. Can tentative job offers be made at recruiting events using these DHAs?**

A14. Yes. DHAs allow hiring managers to make tentative, contingent job offers at recruiting events. Offers must be made on a contingent basis when other factors must be considered (i.e., security, medical, PPP, etc.). Candidates must meet minimum qualifications and any selective factors, quality ranking factors, and/or competencies required by the position. A best practice for effective use of these DHAs at hiring events is to partner hiring managers and skilled HR Specialists. The HR Specialist can review a candidate's eligibility and qualifications on-the-spot before extending a tentative, contingent job offer.

## **FAQs - CURRENT FEDERAL EMPLOYEES**

### **Q15. Can current federal employees be considered under DHAs?**

A15. Yes. The NDAA specifically states "may appoint qualified candidates" and does not exclude current, federal employees from being considered or appointed under these DHAs if they are qualified. If a current federal employee is appointed under the DHA, the individual would be required to convert to a new civil service appointment and therefore meet all the requirements of a new appointment, such as serving a new probationary period, tenure requirements, etc., unless an exception exists.

### **Q16. Can current federal employees be name requested under DHA?**

A16.

- For current, internal DON employees within the same organization\*, DHAs should not normally be the first line of recruitment. Management should first exhaust internal recruitment methods such as Management Identification of Candidates (MIOC) as a best practice. Any decision to bypass internal recruitment methods should be well-documented within the hiring action in order to withstand third-party scrutiny.

Use of internal recruitment methods as a best practice will ensure transparency, accountability, and adherence to merit system principles. Additionally, the MIOC process is just as efficient as using a DHA when attempting to promote from within.

- Current federal employees from outside the organization\* who have been found through targeted recruitment or outreach efforts may be name requested to a position. Caution should be taken when using DHAs to name request a candidate from outside the organization when there are qualified, internal candidates available within the



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organization. Management should carefully consider optics as the appearance of such action may result in a perceived unfair hiring practice. Consideration should be given to determine if other internal recruitment strategies are more appropriate.

\*Same organization is defined as within the hiring managers span of control.

### **Q17. Can current federal employees apply to and be selected from a DHA announcement?**

A17. Yes. DHA announcements are open to all U.S. Citizens. Therefore, any applicant, including current, federal employees within the same organization may apply, be considered, and be selected for the advertised position.

### **SCENARIOS**

#### **1.) If a current federal employee applies to an open, DHA vacancy announcement and is subsequently selected, can management hire them into the position?**

Yes. Management may appoint any qualified individual to the position. However, any selectee must meet the required specialized experience and any other qualifications or requirements of the position. [Refer to Q17]

#### **2.) A hiring manager has obtained a resume through their own outreach efforts for a qualified individual that is outside of their own organization. The individual is currently a GS-11 and has 52 weeks of specialized experience at the next lower grade level. Can the hiring manager name request this individual for a GS-12 position?**

Yes. Management may name request an individual that meets the required specialized experience and qualifications of the position. However, when there are qualified, internal candidates within the organization, consideration should be made to determine if other recruitment strategies are more appropriate. Management should consider the optics of name requesting an individual that is outside the current organization when qualified, internal candidates exist, as it could result in a perception of lack of advancement opportunities by current employees within the organization and unfair hiring practices. [Refer to Q15 and Q16]

#### **3.) A hiring manager wants to promote one of its current employees; there are several employees within the department that are equally qualified. Can the hiring manager name request this individual for his position?**

Best practice would dictate that management should carefully consider the optics of that selection as the appearance of such action may result in a perceived unfair hiring practice. Internal recruitment strategies would likely be more appropriate, such as the MIOC process. [Refer to Q16]