



Instructor Guide  
Lesson 4 Employment and Placement



# Cyber Excepted Service (CES) Employment and Placement





# Instructor Guide



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# Cyber Excepted Service (CES) HR Elements Course, Lesson 4 Employment and Placement

## COURSE OUTCOME

The overall course goal is to prepare Human Resource (HR) Professionals to guide supervisors and employees covered under CES for a transition to the new personnel system with an understanding of the CES appointing authorities and flexibilities that ensure the timely acquisition of quality cyber talent in the right positions at the right time.

## METHODOLOGY

**Lecture:** Transmit information which supplements or enhances reading; promote understanding via explanations; respond to student misconceptions or difficulties; create or engage interest in a new area; and motivate reading or other assignments. Examples of lecture content include: Create interest in the performance management program, promote understanding via explanations; and respond to student misconceptions or difficulties.

**Discussions:** Practice thinking and communicating in the subject/discipline; evaluate positions, arguments, or designs; defend own position; identify problems, conflicts, and inconsistencies; get feedback from/about students; draw on students' expertise and prior knowledge.

## TARGET AUDIENCE

The primary target audience is HR Professionals covered under CES.

## About Facilitating

### MATERIALS NEEDED

Be sure you have the following materials, which will be needed to complete the activities:

- ◆ Instructor Guide/Slides
- ◆ Copies of Lesson 1- Ice Breaker Participant Activity Sheet
- ◆ Chart paper/easel (at least 3)
- ◆ 3"x3" Post-It notes



◆ Markers for Chart paper





## SETUP

Prior to a training session, be sure that the following setup has been completed:

- ◆ Practice with slides on session computer
- ◆ Test slides/practice in room
- ◆ Test microphone if used

## SPECIAL FACILITATION REQUIREMENTS

Keep the participants actively involved, but watch the time!

## BEST PRACTICES

Here are some best practices for facilitating an instructor-led training course.

1. Refer to the Instructor's Guide and rely on the script. Rehearse the script several times so that you can paraphrase it in a natural way. To the degree the schedule allows, try to add information that supports or highlights the points being made in the slide (e.g., add examples from your own experience).
2. Encourage participation. Accomplish this by asking questions and by having the participants interact as directed.
3. Encourage participants to speak in turn.
4. Encourage participants to follow along on the slides.
5. At the end of a lesson, ask the participants what they remember. Let them summarize the major instructional points, if time permits.
6. Keep the atmosphere informal so that the participants are comfortable asking questions, participating in activities, and sharing their knowledge or concerns.

# **COURSE Introduction and Overview**

## COURSE NAME

Lesson 4 Employment and Placement

Duration 60 minutes





## PURPOSE

The purpose of this lesson is to prepare HR Professionals to guide supervisors and employees covered under CES for transition to the new personnel system with an understanding of the CES appointing authorities and flexibilities that ensure the timely acquisition of quality cyber talent in the right positions at the right time.





# LESSON 4: Employment and Placement

## PURPOSE

The purpose of Lesson 4 is to prepare HR professionals to guide supervisors and employees covered under CES for transition to the new personnel system with an understanding of the CES appointing authorities and flexibilities that ensure the timely acquisition of quality cyber talent in the right positions at the right time.

## LEARNING TOPICS

When participants have completed Lesson 4, they will be able to:

- Describe CES Appointing Authorities
- Identify options for sourcing CES candidates for employment
- Describe how qualification standards are used
- Define CES Probationary Period requirements
- Explain how Veterans’ Preference is practiced under CES
- Describe special considerations for CES implementation
- Identify staffing actions that require competition
- Identify exceptions to competition
- Explain the requirements for CES Developmental Programs
- Describe component-specific Internal Placement Flexibilities
- Practical Exercise: Placement Scenarios
- Lesson Review

## TIME

The following is a suggested time plan for this lesson. The instructor(s) may adapt it as needed. Note this table does not reflect breaks – use your judgment to determine the timing of breaks for participants.

LESSON	SUGGESTED TIME
<b>Lesson 4: Employment and Placement</b>	50 minutes with one 10 minute break





## Instructor Notes



### LESSON 4: Employment and Placement

**DO - Display the course title slide as participants arrive for training each morning.**

- Welcome participants as they arrive for the class
- Thank them for coming

**SAY:** Welcome participants as they arrive for the class. Thank them for coming.



**DO - Show Slide 2**

**SAY:** After completing this lesson you will be able to:

Describe CES appointing authorities

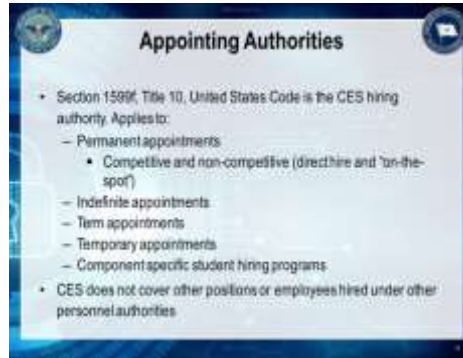
- Identify options for sourcing CES candidates for employment
- Describe how qualification standards are used
- Define CES probationary period requirements
- Explain how veterans' preference is practiced under CES







- Describe special considerations for CES implementation
- Identify staffing actions that require competition
- Identify exceptions to competition
- Explain the requirements for CES developmental programs
- Describe component-specific internal placement flexibilities
- Practical Exercise: Placement Scenarios
- Lesson Review



**DO - Show Slide 3**

**SAY:** Section 1599f of Title 10 affords the department with appointing authorities and flexibilities that ensure the timely acquisition of quality cyber talent in the right positions at the right time.

The Title 10 excepted service appointing authority is the only appointing authority used for CES appointments.

These appointments include:

- **Permanent Appointments:**
  - Appointments without time limitations.
- **Indefinite Appointments:**
  - Non-permanent appointments without a definite time limitation, with no plan (or employee is not eligible under any existing plan) for movement into the agency's permanent workforce without a new examination of qualifications.
- **Term Appointments:**
  - Appointments for a specified period when the need for an employee's services is not permanent or to accomplish continuous work in circumstances where the position cannot be filled permanently. A CES term appointment may be made for an initial specified period of more than





one year, but less than five years. Initial appointments of less than five years may be extended to a total of five years. Term appointments may be made through competitive or non-competitive procedures. Examples of reasons for term appointments are:

- Project work
- Extraordinary workload
- Uncertainty of future funding
- Scheduled contracting out or abolishment of a function
- The need to maintain permanent positions for placement of potential surplus employees
- When the incumbent is out of the position for a significant period, but is expected to return

• **Temporary Appointments:**

- Appointments made for a short period when the need for an employee's services is not permanent.
- A temporary appointment must not exceed one year but may be extended for up to one additional year, not to exceed a maximum of two years. Some examples of the appropriate use of temporary appointments are:
  - Filling a position to address a temporary workload peak or to complete a project
  - Meeting a staffing need that is anticipated not to exceed a one-year time frame
  - Contracting out of a function
  - A temporary appointment is generally more appropriate than a term appointment if the length of the actual appointment is not known in advance and the potential exists for the employee to be released with little advance notice.
  - Temporary appointments terminate automatically upon the expiration date unless approval for an extension has been granted.
  - Under Temporary appointments, employees earn annual and sick leave. They are not eligible for WGIs, health benefits, life insurance, or retirement.

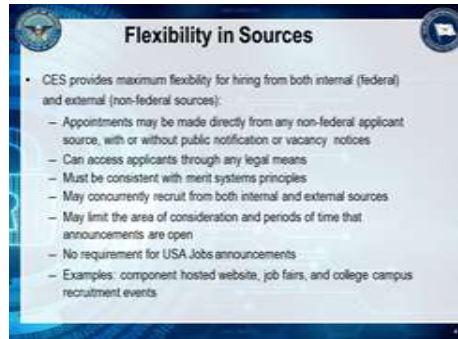
Also, CES Title 10 appointment authority covers students, veterans, and disability programs, which under Title 5 might have special hiring authority.

Merit system principles must be upheld at all times.

However, CES appointment authorities do not apply to other positions or employees hired under other personnel authorities, like the Defense Civilian Intelligence Personnel System, Acquisition Demo, Federal Wage Grade, Senior Executive Service, etc.

**Transition:** Considering these appointments, let now turn our attention to the recruitment flexibilities under CES.





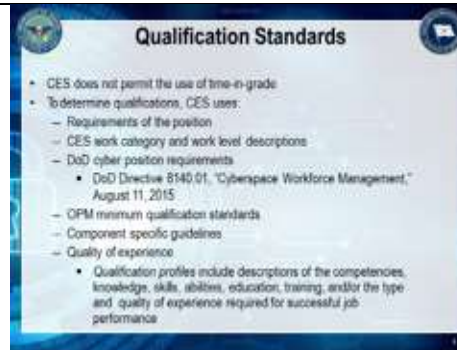
**DO - Show Slide 4**

**SAY:** CES provides maximum flexibility for hiring from both internal (federal) and external (non-federal sources):

- Appointments may be made directly from any non-federal applicant source, with or without public notification or vacancy notices
- Can access and select applicants through any legal means
- Must be consistent with merit systems principles
- May concurrently recruit from both internal and external sources.
- May limit the area of consideration and periods that announcements are open
- No requirement for USA Jobs announcements
- May be subject to additional requirements in collective bargaining agreements. Check with your Labor & Employee Relations Specialist for assistance.
- Examples: component hosted website, job fairs, and college campus recruitment events

**Transition:** While CES has several flexibilities, CES candidates must still meet the experience requirements for CES positions. Let's take a look at how CES use qualification standards.





**DO - Show slide 5**

**SAY:** Qualifications for CES positions shall not include time-in-grade requirements.

- Qualitative measures of the attainment of required knowledge, skills, abilities, and competencies are the basis for selection and are necessary for successful job performance in the CES Occupational Structure.
- When evaluating **qualifications, candidates must meet the minimum qualification requirements established for the work category, occupation, and work level, as well as grade.**
- Employees can be promoted to any grade above the grade held as long as they meet all of the qualifications of the position. **To be promoted, employees must be able to demonstrate the required proficiency and competency, documented through one or more performance ratings of record, or as determined by an assessment of previous comparable experience (e.g., military, private sector, etc.) that documents the knowledge, skills, abilities, and competencies that indicate their potential for promotion.**

To determine qualifications, CES uses:

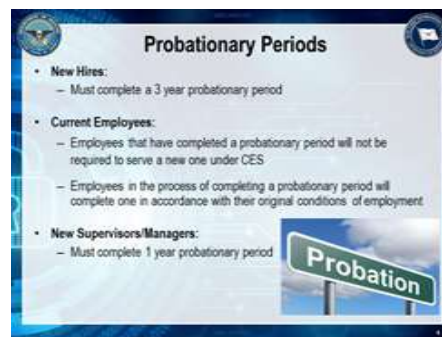
- **Requirements of the position**
- **CES work category and work level descriptions**
- **DoD cyber position requirements:**
  - DoD 8570 Manual - Cybersecurity position requirement
  - The Office of the DoD CIO is currently developing a comprehensive Cyber Qualifications Manual for the Department in accordance with the DoD Directive 8140.01, "Cyberspace Workforce Management," August 11, 2015





- **Office of Personnel Management (OPM) minimum qualifications:**
  - At a minimum, all CES employees in the Professional Work Category require a bachelor's degree or equivalent experience. Some groups in this category, however, may have a positive education requirement that cannot be replaced with experience, such as a requirement for a particular type or level of an academic degree.
  
- **Component Specific guidelines:**
  - Until qualification profiles are issued by the Office of the Department of Defense (DoD) Chief Information Office (CIO), components may adopt OPM qualification standards or use existing component-specific qualification standards derived from OPM qualification guidelines as long as there is no conflict between the standards and CES policy.
  - Components may tailor their use of OPM or component standards by adding a valid knowledge, skill, or ability derived from a documented job analysis as either a selective placement factor or a quality ranking factor in selections.
  
- **Quality of Experience:**
  - Qualification profiles include descriptions of the competencies, knowledge, skills, abilities, education, training, and the type and quality of experience required for successful job performance.

**Transition:** Now, let's take a look at the CES probationary period requirements.



**DO - Show Slide 6**

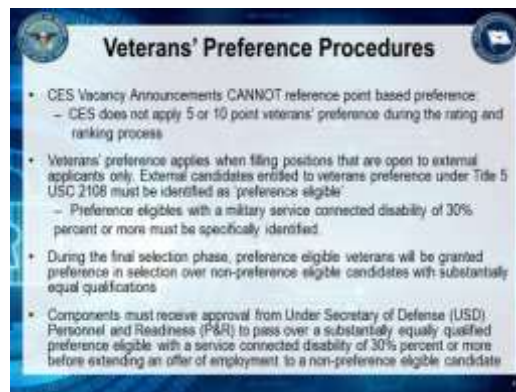
**SAY:** In accordance with CES Volume 3005:

- **New Hires:**





- Must complete a 3 year probationary period
- **Current Employees:**
  - Employees that have completed a probationary period will not be required to serve a new one under CES
    - Employees in the process of completing a probationary period will complete one in accordance with their original conditions of employment.
    - In some instances, where an employee accepts a CES position, that is significantly different (series/duties/requirements)
- **New Supervisors/Managers:**
  - Must complete a 1-year probationary period



**DO - Show slide 7**

**SAY:** In accordance with Volume 3005, CES does not apply 5 or 10 point veterans' preference during the rating and ranking process.

Veterans' preference applies when filling CES positions that are open to external sources.

Conditions under which an application of veterans' preference is not required:

- If the position is advertised only to internal candidates.
- When selecting external candidates with prior federal competitive or excepted service who have completed a probationary or trial period and have not been separated for cause. These candidates were eligible for veteran's preference for their first entry to federal service, but not subsequent positions.





When advertising externally, candidate lists, e.g., certificates of eligibles or registers, must identify candidates as internal or external. Preference eligible candidates must be noted, but do not have to be noted with a specific preference, with the exception of preference eligibles with a military service connected disability of 30% or more who must be specifically identified.

Only when making final selections (i.e., at the point where those candidates under serious consideration for an offer have been identified), the selecting official, with the assistance of the Human Resources staff, should ascertain whether any of the candidates are preference eligible.

If all relevant considerations for the position are deemed substantially equal, the selecting official must offer the position to a substantially equally qualified preference eligible candidate as opposed to a non-preference eligible candidate.

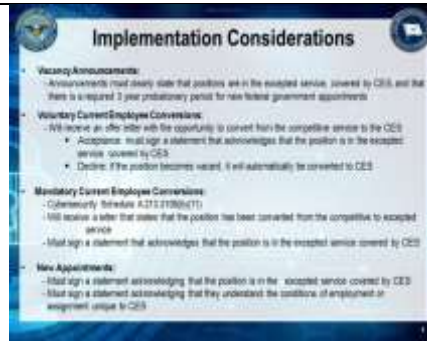
The preference methodology and documentation section applies to all preference eligibles who meet the criteria of 5 U.S.C. 2108, not just those that are specifically identified with a compensable service connected disability of 30% percent or more. A selecting official could hire a non-preference eligible candidate over a preference eligible candidate if non-preference eligible is substantially more qualified, without having to follow a pass over procedure.

If a non-preference eligible candidate is selected, the reasons for non-selection of any substantially equally qualified preference eligible candidate must be documented in writing and made part of the selection record. Reasons for non-selection will be provided to the preference eligible candidate by the servicing human resources office. If a candidate is selected over any substantially equally qualified preference eligibles with a military service connected disability of 30% Passover procedures must be followed.

- Passovers of 30% or more compensable disabled veterans are expected to be exceptions and are especially rare, but it's important to understand the policy and know how the process works.
- Components must receive approval from Office of the Under Secretary of Defense (USD) Personnel and Readiness (P&R) to pass over a veteran with a 30% percent compensable service connected disability who is found to be equally qualified as a non-preference eligible candidate prior to extending the final offer of employment to a non-preference eligible candidate.
- If the passover request is approved, the reasons for non-selection and the USD (P&R) approval of the passover must be made part of the selection record. Additionally, the reasons for non-selection must be provided to the preference eligible candidate by the servicing Human Resources office.







**DO - Show Slide 8**

**SAY:** There are some special considerations for position and employees that will be newly appointed and converted to the CES:

- **Vacancy Announcements:**
  - Announcements must clearly state that positions are in the excepted service, covered by CES, and that there is a required three year probationary period for new federal government appointments
- **Voluntary Current Employee Conversions:**
  - Will receive an offer letter with the opportunity to convert from the competitive service to the CES
  - Acceptance: must sign a statement that acknowledges that the position is in the excepted service covered by CES
  - Decline: if the position becomes vacant, it will automatically be covered to CES
- **Mandatory Current Employee Conversions:**
  - Cybersecurity Schedule A 213.3106(b)(11)
  - I will receive a letter that states that the position has been converted from the competitive to the excepted service.
  - Must sign a statement that acknowledges that the position is in the excepted service covered by CES
- **New Appointments:**







- Must sign a statement acknowledging that the position is in the excepted service covered by CES
- Must sign a statement acknowledging that they understand the conditions of employment or assignment unique to CES
- New hires who do not meet these conditions may not be appointed or assigned. Employees who do not meet or maintain a condition of employment may be removed through reassignment, demotion, or removal in accordance with law applicable component regulations



***DO - Show Slide 9***

**SAY:** The flexibilities associated with CES internal placement policies reduce the time required to fill jobs and support the identification of the best candidates.

**CES has no restriction prohibiting the movement of employees within any period from their initial appointment.**

**The nature of the action, and sometimes the length of the assignment, determines whether the action can be accomplished noncompetitively or whether competition is required.**

To fully understand employment and placement actions, including when the competition is and is not required, **it's essential to reflect on the CES occupational structure.**

**Changes in work level or work category generally require competition, even where there is no immediate increase in pay.**

- For example, a move from the Technician/Administrative Support Work Category to the Professional Work Category requires competition because it increases the employee's career potential for future pay increases to the Professional Senior and Expert Work Levels that were not available to the employee in the Technician/Administrative Support Work Category.





**DO - Show Slide 10**

**SAY: Competition** is the established process, as detailed in the component's merit staffing plan, by which **candidates are evaluated to determine the best-qualified individual** for specific career or advancement opportunities.

- Competitive actions **are required** in the following circumstances:
  - **Promotions** to a higher grade
  - **Temporary Promotions** for more than 120 days or more are competitive.
  - **Reassignments** to a work category with higher grade potential (e.g., from the Technician/Administrative Support Work Category to the Professional Work Category)
  - **Details** to a higher work level or grade, for more than 240 days are competitive actions.
  - **Selections** to a position at a higher work level in the same work category
  - **Transfers** to higher work levels, grades, or to work categories with higher promotion potential
  - There are **no non-competitive promotions above the Full Performance Work Level in the Professional and Management/Supervision Work Categories**; all promotions to grades 14 and 15 are competitive unless a specific exception such as accretion of duties

**Transitions:** Now, let's take a look at some exceptions to the rules.





**DO - Show Slide 11**

**SAY:** The following actions do not require competition:

**Lateral transfers** from one component to another component **within the same or equivalent work category, work level, or grade.**

- Note: Equivalent work categories are Professional and Supervision/Management. Employees can move between these two work categories at the same work level, band, or grade non-competitively.

**Reassignments within a component in the same or equivalent work category at the same work level and grade.**

**Details within the same or equivalent work category, work level, and grade.**

**Temporary promotion, or detail to a higher grade position or a position with known promotion potential, of 120 days or less.**

**Developmental Programs - planned career promotions tied to developmental milestones** (we discuss these programs in great detail momentarily).

**Conversion from student programs to permanent positions** in the entry/developmental work level to the professional work category at the completion of the student program.

**Conversion from Term position to Permanent position if the position** announcement initially stated such non-competitive conversion was possible.

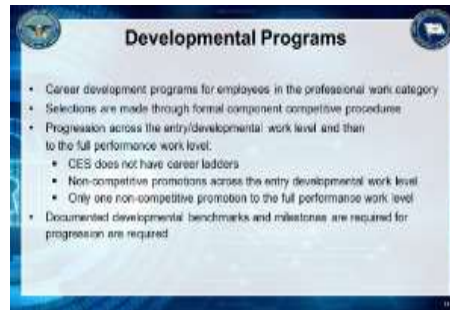
**Accretion of Duties:**

- A determination that a non-competitive promotion through the accretion of duties is appropriate must be based on duties and responsibilities that are continuously performed by that position and have been performed over an extended period of time, i.e., several months





- Such promotions shall be rare occurrences; in meeting the standard for accretion of duties, components must affirm that the additional duties do not adversely affect another position. Also, the employee must meet all eligibility requirements for the higher work level and grade.



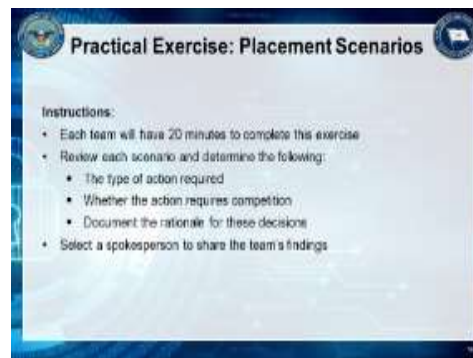
**DO - Show Slide 12**

**SAY: Developmental Programs – Planned career promotions tied to developmental milestones** may be affected noncompetitively under a component’s established developmental program for employees in the Professional Work Category to develop employees in certain occupations within compensation parameters, advancement time-frames, and advancement criteria coordinated through DoD (CIO). Such progression is considered non-competitive **because the initial program entry competition included competition for the entirety of the program.**

- While all components must have Development Programs for employees in the Professional Work Category that plan for the development of employees from the Entry/Developmental work level to the Full Performance work level, components are not required to provide for non-competitive grade promotions.
- **Developmental programs are not like traditional career ladders** (CES policy does not have career ladders)
- Developmental programs will include:
  - Hiring guidance for the occupation
  - The duration of the developmental program relative to the experience at hire
  - **Developmental benchmarks** and supporting criteria and standards that must be met to receive a developmental salary progression or non-competitive promotion, if provided for in the component’s Developmental Program
  - **Promotion schedule** associated with the program



- **Endpoint** (grade level) of the development program
- **Selections** for developmental programs are **conducted through the use of a formal competitive process**, as outlined in the components' merit placement /staffing plans.
- As part of an established developmental program, an employee may be advanced noncompetitively **to and through** the established Full Performance Work Level for the Professional Work Category.
- Salary advancement or promotion associated with a component's Developmental Program is not an entitlement but is contingent upon meeting all program criteria.



*DO - Show Slide 13*

**Organize the class into small teams and pass out the Lesson 4 Participant Sheets. Read the following instruction to the class.**

**Instructions:**

Each team will have 20 minutes to complete this exercise

- Review each scenario and determine the following:
  - The type of action required
  - Whether the action requires competition
  - Document the rationale for these decisions

Select a spokesperson to share the team's findings.

**SAY:** Facilitate a short discussion across the teams about their findings. Reinforce key points from the lesson when sharing the answers for each scenario.





**ASK:** Are there any questions about what we have discussed in this lesson?



**DO - Show Slide 14**

**SAY:** Now that we have completed this lesson, you should now be able to:

- Describe CES Appointing Authorities
- Identify options for sourcing CES candidates for employment
- Describe how Qualification Standards are used
- Define CES Probationary Period requirements
- Explain how Veterans' Preference is practiced under CES
- Describe special considerations for CES implementation
- Identify staffing actions that require competition
- Identify Exceptions to Competition
- Explain the requirements for CES Developmental Programs
- Describe component-specific Internal Placement Flexibilities
- Practical Exercise: Placement Scenarios