



# DoD Cyber Excepted Service (CES) Bulletin #002-21



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## ***Direct-to-Public and On the Spot Hiring***

### **References:**

- a. U.S. Code, Title 10, 1599f, United States Cyber Command Recruitment and Retention
- b. DoDI 1400.25, Volume 3001, "DoD Civilian Personnel Management System: Cyber Excepted Service Introduction"
- c. DoD Instruction 1400.25 Vol. 3005, "DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Employment and Placement,"
- d. DoDI 1400.25, Cyber Excepted Service Volume 3006, "DoD Civilian Personnel Management System: Cyber Excepted Service Compensation Administration"
- e. DoDI 1400.25, Cyber Excepted Service Volume 3007, "DoD Civilian Personnel Management System: Cyber Excepted Service Occupational Structure"

### **CES Direct-to-Public and On the Spot Hiring:**

- The Cyber Excepted Service (CES) Personnel System under Title 10 U.S.C. provides the authority to hire from any source, to include direct-to-public and on the spot, thereby enabling the ability to identify highly qualified candidates and hire without competition. CES is not subject to the provision of Title 5 U.S.C.; CES positions do not require the same strict competitive hiring procedures and enable Components to hiring using processes or authorities that result in expedited or streamlined hiring. The following guidance highlights the ability to appoint an individual directly without having to go through the standard recruitment process when it is known that using that process is not likely to result in qualified candidates.
- Pursuant to references above, positions are staffed based on merit, fitness, and qualifications without regard to political, religious, or labor organization affiliation or non-affiliation, marital status, race, color, sex, national origin, non-disqualifying physical handicap or age, and shall be based solely on job-related criteria.

### **Flexibility in Sources:**

- CES recruitment and placement is intended to provide maximum flexibility within statutory and regulatory guidelines to recruit high quality, diverse candidates from both internal (Federal) and external (non-Federal) sources. In issuing internal CES guidance, OSD and DoD Component Heads shall allow for varying areas of consideration depending on the nature and level of the positions to be filled. Recruitment and placement procedures may include any combination of internal and external recruitment sources, allowing concurrent consideration of all sources identified. Procedures shall provide for management's right to select from any appropriate source. Joint Department of Defense and/or Cyber Community-wide recruiting efforts, where appropriate, are encouraged.

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### **Authority to Offer a Position on the Spot:**

- Direct-to-Public and On-the-Spot hiring authority can be used in CES when recruitment history has shown that qualified candidates are scarce or when there are unique skills required, and it's known the positions will be hard to fill or for college recruitment efforts, for emergency hires, and for other similar situations.
- The direct-to-public and on-the-spot authorities authorized by Title 10 enable the identification of a highly qualified candidates and hiring without competition. DoD Components are not required to use the public examining processes for external candidates that overseen by the Office of Personnel Management (also known as delegated examining (DE)).
- Great care must be exercised to ensure this type of direct appointment hiring is not abused and it should not be used to avoid a competitive process if there are clearly other well-qualified candidates available. Hiring Officials should always work with their servicing Human Resources Office in advance to obtain agreement on the proper use of CES Direct Appointment authorities. Component Merit Promotion Plans should outline application of and document internal processes for this type of hiring and address Veterans' Preference, to include application outside of a formal job announcement. Outlining and documenting the DoD Component's Merit Promotion Plans ensures CES Title 10 authorities to hire from any source are not abused and are not used to bypass the competitive process if there are clearly other well-qualified candidates available.

### **Veterans' Preference.**

- If on the spot hiring is used, Veterans' Preference *does not apply* as there is only one candidate involved. If more than one candidate is readily available, the hiring officials and servicing Human Resources Office should open the position up to competition, apply Veterans' Preference and thereby avoid any claim of disparate treatment.
- Examples of Veterans' Preference Application. A few examples of how Veterans' Preference can be applied/noted when gathering applications through sources like job fairs or employee referrals. Examples (not all inclusive):
  - Job Fairs. DoD Components may assess potential candidates at the end of the job fair to ensure they have identified any external candidate entitled to Veterans' Preference. At the end of the job fair, Components may contact the selectee and extend the tentative job offer to the candidate that is substantially more qualified for the position. Under the Title 10 U.S.C., CES personnel system authorities to hire from any source and filling positions with external applicants, preference-eligible veterans will be granted preference in selection over non-preference-eligible candidates with substantially equal qualifications. Therefore, an assessment between or among the candidates must be completed.
  - Component Authorized Websites. Interested candidates may prepare and submit their applications for employment online via the DoD Component's authorized website. If a manager identifies a potentially qualified candidate, the candidate may be invited to a hiring event for an interview.
  - Hiring Events. DoD Components may host Invitation-only hiring events. .