



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



CLEARED
For Open Publication

Mar 07, 2025

March 2025

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

Department of Defense

OFFICE OF PREPUBLICATION AND SECURITY REVIEW

References:

- a. United States Code, Title 10, Section 1599f, "United States Cyber Command Recruitment and Retention"
- b. DoDI 1400.25, Volume 3001, "DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Introduction"
- c. DoD Instruction 1400.25, Volume 3005, "DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Employment and Placement"
- d. DoDI 1400.25, Volume 3006, "DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Compensation Administration"
- e. DoDI 1400.25, Volume 3007, "DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Occupational Structure"
- f. United States Code, Title 5, Section 2108, "Veteran; disabled veteran; preference eligible"
- g. United States Code, Title 5, Section 2301, "Merit System Principles"

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

- The Cyber Excepted Service (CES) Personnel System under Title 10 United States Code (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 does not require the same strict competitive hiring procedures of Title 5 U.S.C. and enables Components to hire using processes or authorities that result in expedited or streamlined hiring.
- Pursuant to references above, positions are staffed based on merit, fitness, and qualifications without regard to race, color, religion, sex, national origin, age, marital status, military service, political or labor organization affiliation, disability or genetic information, 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 DoD and/or Cyber Community-wide recruiting efforts, where appropriate, are encouraged. A well-documented Component Merit Promotion Plan 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.
- DoD Components are not required to use the public examining processes for external candidates overseen by the Office of Personnel Management (also known as delegated examining (DE)).
- Hiring Officials should work with their servicing Human Resources Office in advance to obtain agreement on the proper use of CES Direct Appointment authorities and to ensure merit system principles are followed for all employment actions, in accordance with Section 2301 of Title 5, U.S.C.

Authority to Offer a Position On-the-Spot:

- On-the-Spot hiring can be used to fill CES positions identified as a DoD Mission Critical Occupation (MCO) or when the Component has determined, based upon their independent assessment of historical hiring data, that qualified candidates are scarce; the position is hard to fill; when unique skills are required; or for college recruitment efforts, emergency hires, and other similar situations. Components should maintain internal documentation of their determinations when positions being filled are not MCO.
- Great care must be exercised to ensure this type of direct appointment hiring is not abused and is not used to avoid a competitive process if there are clearly other well-qualified candidates available.

Veterans' Preference:

- Component Merit Promotion Plans should outline application and documentation of internal processes and address Veterans' Preference, to include application outside of a formal job announcement. It should address that at the point external candidates under serious consideration for an offer are identified, the selecting official, with the assistance of human resources will determine whether any of the candidates are preference eligible. Preference eligible veterans with substantially equal qualifications will be granted preference in selection over non-preference eligible candidates.

- Examples of Veterans' Preference Application. A few examples of how Veterans' Preference can be applied/noted when gathering applications through different sources. Examples (not all inclusive):
 - **On-the-Spot.** When 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 to competition, apply Veterans' Preference, and thereby avoid any claim of disparate treatment.
 - **Component Authorized/Cyber Community Websites.** Interested candidates may prepare and submit their applications for employment online via an authorized DoD website. If Veterans' preference documentation is collected the preference should be annotated prior to providing lists to selecting officials. If documentation is not collected, HR should review the final candidates with the selecting official to identify preference eligibility prior to extending an offer.
 - **Job Fairs/Hiring Events.** DoD Components are permitted to host invitation-only hiring events. During these events, veterans' preference rules must be followed when evaluating candidates for selection. Tentative job offers can be made to substantially qualified candidates. However, preference-eligible veterans must be given priority in selection over non-preference-eligible candidates when their qualifications are substantially the same.