



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

AUG 10 2018

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF
DEFENSE

SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
CHIEF OF THE NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF
DEFENSE
ASSISITANT SECRETARY OF DEFENSE FOR LEGISLATIVE
AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Extensions of Term Appointments in the Competitive Service in the DoD

Section 1105(a) and (d) of the National Defense Authorization Act for FY 2017 provides that the Secretary of Defense may extend competitive service term appointments beyond 5 years. The procedures at Attachment 1 provide guidance for extensions beyond 6 years for immediate implementation and use. The implementation procedures will be incorporated into an appropriate DoD issuance within approximately 18 months. Term appointments up to 6 years may be in accordance with the Office of the Under Secretary of Defense for Personnel and Readiness memorandum, "Modification of Temporary and Term Appointments Within the Department of Defense," dated June 12, 2017 (Attachment 2).

For more information, the point of contact is Ms. Hong Miller, Associate Director, Employment and Compensation, Defense Civilian Personnel Advisory Service, at (571) 372-1536 or hong.v.miller.civ@mail.mil.

Attachments:
As stated



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EXTENSIONS OF TERM APPOINTMENTS IN
THE COMPETITIVE SERVICE IN
THE DEPARTMENT OF DEFENSE
IMPLEMENTATION PROCEDURES

1. Authority.

a. Section 1105(a) and (d) of the National Defense Authorization Act for Fiscal Year 2017 authorizes the Secretary of Defense to make competitive service term appointment extensions in the Department of Defense (DoD). Term appointments up to 6 years may be made in accordance with the Office of the Under Secretary of Defense for Personnel and Readiness memorandum, "Modification of Temporary and Term Appointments Within the Department of Defense," dated June 12, 2017, and its associated implementation procedures. Term appointments beyond 6 years may be made in accordance with this guidance.

b. This authority applies to the General Schedule (GS) and Federal Wage System (or equivalent pay bands) at or below GS-15 (or comparable levels).

c. This authority is further delegated to Secretaries of the Military Departments, Directors of Defense Agencies, and Directors of DoD Field Activities with independent appointing authority for themselves and their serviced organizations as defined in their respective DoD chartering directives (herein after referred to as "DoD Components").

2. Definition.

a. "Term appointment" means the appointment of an employee in the competitive service for an initial period that is more than 1 year.

3. Extensions of Term Appointments Beyond 6 Years.

a. DoD Components may extend a competitive service term appointment made in accordance with the "Modification of Temporary and Term Appointments Within the Department of Defense" memorandum referenced in section 1.a., beyond 6 years, up to 8 years.

b. DoD Components must request approval for extensions beyond the 8-year limitation from the Deputy Assistant Secretary of Defense for Civilian Personnel Policy (DASD(CPP)). Requests for extensions will be considered based on extraordinary circumstances, which may include, but are not limited to, emergent or unanticipated workload or mission requirements. Submissions must be endorsed by the DoD Component's headquarters civilian human resources policy office and shall be submitted to the Defense Civilian Personnel Advisory Service.

c. Extensions shall be made in up to 1-year increments.

d. The potential for extensions beyond 6 years must be stated in the vacancy announcement (if applicable) or be otherwise documented before the appointment of the employee.

4. Documentation of Personnel Actions. Use the appropriate nature of action codes and legal authorities/codes in the Office of Personnel Management (OPM) Guide to Processing Personnel Actions. In addition use the following, as applicable:

a. For extensions of term appointments beyond 6 years, use the following as a second legal authority code/legal authority:

ZLM9/Sec 1105(a) and (d), PL 114-328, 12/23/2016

b. When personnel actions pursuant to this authority require two or more legal authority codes/legal authorities (e.g., OPM direct-hire authority), cite the following remark code/remark:

ZTX/Term Ext Pursuant to Sec 1105(a) and (d), PL 114-328, 12/23/2016

5. Oversight and Accountability.

a. The Under Secretary of Defense for Personnel and Readiness is responsible for the development of DoD implementing guidance and policies for this authority.

b. The DASD(CPP) monitors the execution of this authority by DoD Components, ensuring consistent implementation and continuous application throughout DoD.

c. Documentation for extensions of appointments made under this authority must be sufficient to allow for reconstruction of actions taken.

d. Extensions made under this authority will be evaluated as part of the DoD Human Capital Framework.

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PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JUL 12 '07

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
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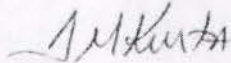
SUBJECT: Modification of Temporary and Term Appointments Within the Department of
Defense

Section 9902(b)(2) of title 5, U.S. Code (U.S.C.), allows the Secretary of Defense, in coordination with the Director of the Office of Personnel Management (OPM), to waive the requirements of chapter 33 of title 5, U.S.C., and the regulations implementing that chapter, in order to achieve the objectives of section 9902. Those objectives include redesigning the DoD procedures for appointments in the competitive service to better meet mission needs, respond to managers' concerns, and improve the hiring experience for applicants.

In redesigning these procedures, the regulatory requirements found in sections 316.401(c), 316.401(d)(2), 316.301, and 316.303(a) of title 5, Code of Federal Regulations, are waived. The Department will allow temporary appointments to be extended in increments of up to 1 year, not to exceed 3 years; term appointments to be extended up to a total of 6 years; and noncompetitive conversion of employees on term appointments to career-conditional or career appointments under specific conditions.

These authorities are available for immediate use. The attached implementing guidance has been coordinated with OPM, and will be incorporated into an appropriate DoD issuance within 180 days.

For more information, my point of contact is Megan Maciejewski, Acting Chief, Staffing Policy Division, whom you may reach at (571) 372-1538 or by email at megan.e.maciejewski.civ@mail.mil.



A. M. Kurta
Performing the Duties of the Under Secretary of
Defense for Personnel and Readiness

Attachment:
As stated

MODIFICATION OF TEMPORARY
AND TERM APPOINTMENTS WITHIN
THE DOD

1. Temporary appointments within the Department will be for a period not to exceed 1 year. Appointments may be extended in increments of up to 1 year for a total of 3 years. Under authority of section 9902(b)(2) of title 5, U.S. Code (U.S.C.), the time limitations contained in sections 316.401(c) and 316.401(d)(2) of title 5, Code of Federal Regulations (C.F.R.), are waived to allow temporary appointments for a total of 3 years.
2. Term appointments within the Department will be for a period of more than 1 year and not more than 6 years. Under authority of section 9902(b)(2) of title 5, U.S.C., the limitations contained in section 316.301 of title 5, C.F.R., are waived to allow term appointments for a total of 6 years.
3. Under authority of section 9902(b)(2) of title 5, U.S.C., the limitations contained in section 316.303(a) of title 5, C.F.R., are waived to allow noncompetitive conversion of an employee to career-conditional or career appointment when the employee is serving on a term appointment and the following conditions have been met:
 - a. such individual was appointed under open, competitive examination under chapter 33, subchapter I of title 5, U.S.C., to the term position;
 - b. the announcement for the term appointment from which the conversion is made stated that there was potential for subsequent conversion to career-conditional or career appointment;
 - c. the employee has completed at least 2 years of current continuous service under a term appointment in the competitive service;
 - d. the employee's performance under such term appointment was at least fully successful or equivalent;
 - e. outplacement program requirements have been met; and
 - f. similarly situated employees (in the same title, pay plan, series, and grade) within the organization, hired under the same appointment conversion provision, have been considered under internal competition procedures.
4. When documenting personnel actions, use the appropriate natures of action codes and legal authorities/codes in the Office of Personnel Management's (OPM) Guide to Processing Personnel Actions.
 - a. In addition, use ZLM6/5 U.S.C. § 9902 as a second legal authority code/legal authority in these circumstances:

- (1) when making initial term appointments beyond 4 years;
- (2) when extending temporary or term appointments pursuant to this authority; or
- (3) when making conversions of term appointments to career-conditional or career appointments when the announcement stated the potential for subsequent noncompetitive conversion to a permanent appointment.

b. When personnel actions pursuant to this authority require two or more legal authorities/codes (e.g., OPM direct hire authority), cite the following remark code/remark on the personnel action: YNB/Pursuant to 5 U.S.C. § 9902.