Monday, November 23, 2015

MEMORANDUM FOR: HUMAN RESOURCES DIRECTORS

FROM: MARK REINHOLD
                   ASSOCIATE DIRECTOR, EMPLOYEE SERVICES AND CHIEF
                   HUMAN CAPITAL OFFICER

Subject: Cybersecurity Hiring, Pay, and Leave Flexibilities.

As technology becomes increasingly more sophisticated and the threats to our data security intensify, the demand for an experienced and qualified workforce to protect networks and information systems has never been higher. This memorandum provides information on a number of hiring, pay, and leave flexibilities that agencies may use to fill and retain individuals in cybersecurity positions.

Please share this information with hiring managers and your Human Resource staff. Hiring managers should contact their agency human resources office for further information on this memo. Agency headquarters-level human resources offices may contact the OPM Hiring Policy office at **employ@opm.gov** or (202) 606-0960 for further information on the hiring flexibilities or the OPM Pay and Leave office at **pay-leave-policy@opm.gov** or (202) 606-2858 for further information on the pay and leave flexibilities.

cc: Chief Human Capital Officers, Deputy Chief Human Capital Officers

Hiring Authorities/Flexibilities (Currently Available)

Government-wide

- **Government-wide Direct Hire Authority** for Information Technology Management (Information Security and Cybersecurity), GS-2210-09 through GS-2210-15; 5 U.S.C. 3304(a)(3), 5 CFR part 337; **https://www.opm.gov/policy-data-oversight/hiring-information/direct-hire-authority/#url=Governmentwide-Authority**

- **Government-wide Schedule A Excepted Service Hiring Authority** to make temporary appointments for positons related to the Smarter IT Delivery Initiative positions. 5 U.S.C. 1302, 3301, 3302, and 5 CFR 213.3102(i)(3) and 302; **https://www.chcoc.gov/content/smarter-it-delivery-schedule-hiring-authority**

- **Experts and Consultants Appointments** to perform temporary or intermittent expert or consultant work; up to GS-15, Step 10. 5 U.S.C. 3109, and 5 CFR part 304

- **Details** within and between agencies for up to 120 days. 5 U.S.C. 3341, 5 CFR part 300 subpart C; 31 U.S.C. 1535. *See also* 64 Comp. Gen. 370.

- **Senior Executive Service (SES) Details/Temporary Assignments** tostate/local governments and educational institutions. (See Intergovernmental Personnel Act (IPA) Details below.)

- **Senior Executive Service (SES) Reassignment/Transfer/Detail** of career appointees and Reinstatement of former career SES appointees. 5 CFR 317 subparts G and I.

- **Senior Executive Service (SES) Noncompetitive career SES appointment** of Qualifications Review Board (QRB) certified SES Candidate Development Program (SESCDP) graduates. 5 CFR 412 subpart C.

- **Pathways Programs for cybersecurity students and recent graduates** (includes Internship, Recent Graduates and Presidential Management Fellows (PMF) Programs)

- **PMF- STEM Track** was created to address the STEM skills gap and help identify and train future STEM leaders for the Federal Government. The PMF STEM track uses the PMF Schedule D Hiring Authority to appoint STEM advanced degree recipients to two-year fellowships that can lead to permanent Federal employment. E.O. 13562, 5 CFR part 213 and 362;**https://www.opm.gov/policy-data-oversight/hiring-authorities/students-recent-graduates/**

- **Intergovernmental Personnel Act (IPA) Details** from local/state governments and educational institutions. 5 U.S.C. 3371-3375, and 5 CFR part 334; **https://www.opm.gov/policy-data-oversight/hiring-authorities/intergovernment-personnel-act/#url=Provisions**

Agency Specific Hiring Authorities

- **Schedule A Excepted Service Hiring Authority for DoD and DHS** includes: Intelligence Analysts, Computer Engineers, Computer Scientists, Telecommunications Investigators, and Criminal Investigators. 5 U.S.C. 1302, 3301, 3302, E.O. 10577, as amended, Rule VI, and 5 CFR part 213 and 302

- **Schedule A Excepted Service Hiring Authority for GSA, OMB, and VA** for Digital Services Experts. 5 U.S.C. 1302, 3301, 3302, E.O. 10577, as amended, Rule VI, and 5

CFR part 213 and 302

- **NSF & DHS' Cyber Corps®: Scholarship for Service (SFS) Program** provides scholarships to cybersecurity students in exchange for government service upon graduation. Since 2000, SFS scholarships have been awarded to more than 1,650 students. There are nearly 400 graduating students in related academic programs available to meet agencies' cyber security needs each year.

Hiring Authorities/Flexibilities (Available upon Request and Approval by OPM)

- **Direct Hire Authority** – An agency may submit a written request to OPM for a direct hire authority to fill positions for which it believes a severe shortage or critical hiring need exists. 5 U.S.C. 3304(a) (3), 5 CFR part 337; **https://www.opm.gov/policy-data-oversight/hiring-authorities/direct-hire-authority/templates.pdf**

- **Schedule A or B Excepted Service Hiring Authority** - An agency may submit a written request to OPM approve an excepted service hiring authority to fill specific positions when it is not practical to apply the competitive service qualifications standards or it is not practical to apply the usual competitive process. 5 U.S.C. 1302, 3301, 3302, and 5 CFR part 213 and 302; **http://cdn-akamai.6connex.com//357/882//A08-Excepted_Service_Employment_14307560299861471.pdf**

- **Senior Executive Service (SES) Limited Term or Limited Emergency appointment**. An agency may submit a written request to OPM for noncompetitive SES limited term appointment of an individual for not to exceed 36 months to an SES general position the duties of which will expire at the end of the term, or for SES limited emergency appointment of an individual for not to exceed 18 months to an SES general position established to meet a bona fide, unanticipated, urgent need. 5 U.S.C. 3132(a) (5) and (6); 5 CFR 317.601.

- **Scientific and Professional (ST) Positions** allocated by OPM may be used for positions classified above GS-15 that perform research and development in the field of computer science. 5 U.S.C. 3104, 3325; 5 CFR 319

- **Senior Level (SL) Positions** allocated by OPM may be used for positions classified above GS-15 that perform Cybersecurity duties and responsibilities. 5 U.S.C. 5108, 3324; 5 CFR 319.

Other Available Authorities

- **Presidential Innovation Fellows (PIF) Program** pairs top innovators from the private sector, non-profit organizations, and academia with top innovators in government to collaborate during focused 6-12 month "tours of duty." *https://www.whitehouse.gov/innovationfellows*

Pay and Leave Flexibilities (Currently Available)

- **Government-wide Special Rates** for entry and developmental level Computer Engineers, Computer Science Specialists, and Information Technology Management Specialists. See the **Special Rates** main page for more information. 5 U.S.C. 5305 and   5 CFR part 530, subpart C.

- **Recruitment Incentive** or **Relocation Incentive** up to 25 percent of basic pay for hard-to-fill positions multiplied by the number of years in the service agreement (up to 4 years). See **Incentives Fact Sheet Index** for more information. 5 U.S.C. 5753 and 5 CFR part 575, subparts A and B.

- **Retention Incentive** for highly-qualified employees or employees filling a special agency need that are likely to leave the Federal service, up to 25 percent of basic pay for an individual or 10 percent for a group. See the **Retention Incentive** fact sheet for more information. 5 U.S.C. 5754 and 5 CFR part 575, subpart C.

- **Superior Qualifications and Special Needs Pay-Setting** permits agencies to set a new General Schedule (GS) employee's pay above Step 1 (up to Step 10), because of the employee's superior qualifications or the agency's special need of the candidate's services. See the **Superior Qualifications and Special Needs Pay-Setting Authority** fact sheet for more information. 5 CFR 531.212.

- **Maximum Payable Rate** permits agencies to set pay at a higher than normal GS rate (not to exceed Step 10), based on the employee's pay in another Federal job. See the **Maximum Payable Rate Rule** fact sheet for more information. 5 CFR 531.221-223.

- **Federal Student Loan Repayment Program** permits agencies to repay up to $60,000 of a candidate's or current employee's Federally-insured student loans as a recruitment or retention incentive. See the **Student Loan Repayment** fact sheet for more information.   5 U.S.C. 5379 and 5 CFR part 537.

- **Creditable Service for Annual Leave Accrual for Non-Federal Work Experience and Experience in the Uniformed Service** permits agencies to grant higher leave accruals based on non-Federal and military experience for hard-to-fill positions. See the **Creditable Service** fact sheet for more information. 5 CFR 630.205.

Pay Flexibilities (Available upon Request and Approval by OPM)

- **Special Rates –** OPM may establish higher rates of basic pay for a group or category of GS positions in one or more geographic areas to address existing or likely handicaps in recruiting or retaining well-qualified employees. See the **Special Rates** main page for more information. 5 U.S.C. 5305 and 5 CFR part 530, subpart C.

- **Recruitment, Relocation, and Retention Incentives** – With OPM approval, the cap on recruitment, relocation, or retention incentives may be increased to 50 percent based on a critical agency need. See **Incentives Fact Sheet Index** for more information. 5 U.S.C.

5753 and 5 CFR part 575, subparts A and B.

- **Critical Position Pay**—OPM, in consultation with OMB, may grant authority to set pay at a higher than normal rate for a position that requires an extremely high level of expertise in a scientific, technical, professional, or administrative field that is critical to the successful accomplishment of an important agency mission. See the **Critical Position Pay** fact sheet for more information. 5 U.S.C. 5377 and 5 CFR part 535.

Additional Information

Hiring Flexibilities:employ@opm.gov or (202) 606-0960

Pay and Leave Flexibilities: pay-leave-policy@opm.gov or (202) 606-2858