



DoD INSTRUCTION 1400.25, VOLUME 3001

DoD CIVILIAN PERSONNEL MANAGEMENT SYSTEM: CYBER EXCEPTED SERVICE (CES) INTRODUCTION

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| Originating Component: | Office of the Under Secretary of Defense for Personnel and Readiness |
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| Approved by: | A. M. Kurta, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness |

Purpose: This instruction is composed of several volumes, each containing its own purpose. In accordance with the authority in DoD Directive (DoDD) 5124.02:

- This instruction establishes and implements policy, prescribes procedures, provides guidelines and model programs, delegates authority, and assigns responsibilities regarding civilian personnel management within the DoD.
- This volume:
 - Is part of the 3000 Volume series of this instruction. In accordance with the authority in DoDDs 1400.25, 5124.02, 5144.02, and 8140.01, the 3000 Volumes establish policy, assign responsibilities, and provide guidance for Cyber Excepted Service and are referred to as “the CES Volumes.”
 - Pursuant to Section 1599f of Title 10, United States Code (U.S.C.), establishes the policies, responsibilities, procedures, definitions, and delegations for the development, management, and evaluation of CES.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

a. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD that employ individuals under the CES, referred to collectively in this issuance as the “DoD Components.”

b. This issuance does **not** apply to:

(1) Employees covered by the Defense Civilian Intelligence Personnel System or the Federal Wage System, or equivalent; non-appropriated fund employees; and foreign national employees employed under authority other than the CES.

(2) Employees in CES-designated cyber positions who declined the voluntary opportunity to convert to the CES.

(3) Employees in cyber positions that are not CES-designated.

(4) Employees in Senior Executive Service, senior level, scientific and professional, and equivalent positions, unless specifically addressed in the CES volumes of this instruction.

1.2. POLICY. It is DoD policy that:

a. CES will serve as the civilian excepted service personnel system for cyber positions designated as CES positions by the DoD Chief Information Officer (DoD CIO) in consultation with the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the Under Secretary of Defense for Policy ((USD(P)), and the DoD Component heads.

b. The employees occupying CES positions must perform, manage, supervise, or support functions necessary to execute the responsibilities of the United States Cyber Command, pursuant to Section 1599f of Title 10, U.S.C.

c. CES will:

(1) Contain human resource policies and management practices that will make the DoD Components attractive places to work and establish them as employers of choice for, and facilitate the recruitment and retention of, top cyber talent.

(2) Provide for planned training, education, and diverse assignments that support the career development and retention of cyber professionals in the DoD Components.

(3) Provide an opportunity for employees in the competitive service who occupy DoD cyber positions to convert voluntarily to the CES, pursuant to Section 1599f of Title 10, U.S.C.,

within a specified period of time. If an employee declines to voluntarily convert to CES, the CES-designated position will be converted to CES when vacated by that employee. An employee's decision to decline an offer to convert voluntarily to the excepted service will be final, although the employee may compete for other positions in CES.

(4) Require those employees appointed under the Cyber Security Schedule A 213.3106(b)(11) Hiring Authority who occupy a CES-designated position on the effective date of this issuance to convert to CES.

(5) Be implemented in a manner that is understandable, clearly establishes employee and manager roles and responsibilities, and provides for continuous evaluation and improvement.

(6) Be developed with appropriate consideration of the DoD human capital planning strategic guidance.

(7) Be implemented based on a graded rank-in-position structure. Any DoD Component seeking to transition to a non-graded banded structure or a rank-in-person construct must forward the fully supported mission rationale and proposed implementing guidance, to the USD(P&R) for approval prior to implementation.

(8) Be designed and implemented to incorporate the merit systems principles in Section 2301 of Title 5, U.S.C., at all organizational levels.

SECTION 2: RESPONSIBILITIES

2.1. USD(P&R). In conjunction with the DoD CIO and the Under Secretary of Defense for Policy (USD(P)) and in coordination with the Under Secretary of Defense for Intelligence (USD(I)), the USD(P&R) establishes and maintains CES policies.

2.2. USD(I). In conjunction with the USD(P&R) and in coordination with the DoD CIO, the USD(P), the Defense intelligence components, and the Military Departments, the USD(I) develops and maintains DCIPS policies for DoD intelligence personnel required to operate in the cyberspace domain or support cyber operations.

2.3. DOD CIO. The DoD CIO:

- a. Oversees the implementation and management of the CES volumes.
- b. Develops CES policy in coordination with the USD(P) and the USD(I), and provides recommended CES volumes to the USD(P&R) for inclusion in this instruction.
- c. In consultation with the USD(P&R) and the DoD Components, designates cyber positions as CES positions.
- d. Conducts ongoing evaluations of the implementation, management, and administration of the CES. Advises the USD(P&R) of policy issues identified as a result of these evaluations and recommends such corrective actions or policy updates as necessary to achieve the goals and objectives of the CES.

2.4. DOD COMPONENT HEADS. The DoD Component heads:

- a. Implement and comply with the CES volumes.
- b. Obtain the approval of the General Counsel of the Department of Defense/Director, Defense Legal Services Agency, concerning personnel policies and actions taken with regard to or affecting Office of the General Counsel of the Department of Defense and Defense Legal Services Agency personnel, in accordance with DoDD 5145.04 and DoDI 1442.02.
- c. Issue supplemental regulations or policy to the extent authorized by, and consistent with, the CES Volumes. In accordance with DoDD 1400.25, DoD Component Heads shall comply with the philosophy and policy of the Secretary of Defense to keep supplementation of the CES volumes to a minimum and to eliminate regulations that are redundant or unnecessary.
- e. Submit supplemental regulations and policy implementing CES policy to the DoD CIO for oversight and program evaluation within 30 days of issuance.
- f. Recommend to the DoD CIO that cyber positions be designated as CES positions.

GLOSSARY

G.1. ACRONYMS.

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| CES | Cyber Excepted Service |
| DoD CIO | Department of Defense Chief Information Officer |
| DoDD | DoD directive |
| U.S.C. | United States Code |
| USD(I) | Under Secretary of Defense for Intelligence |
| USD(P) | Under Secretary of Defense for Policy |
| USD(P&R) | Under Secretary of Defense for Personnel and Readiness |

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

cyber positions. Positions that are part of the cyberspace workforce pursuant to DoDD 8140.01.

cyber excepted service position. A designated position in the cyber excepted service in which the employee occupying such position performs, manages, supervises, or supports functions necessary to execute the responsibilities of the United States Cyber Command, pursuant to Section 1599f of Title 10, U.S.C.

excepted service. Federal civil service positions that are not in the competitive service or the Senior Executive Service. Excepted service positions are generally excluded from OPM's competitive service hiring procedures. These organizations have their own hiring system which establishes the evaluation criteria used in filling vacancies.

rank-in-person. Personnel management construct in which the organization's position structure establishes aggregate workforce requirements at the occupational and work levels for the purposes of planning recruitment, development, and assignment activities based on aggregate assessment of workforce capabilities. Individual personnel capabilities are separately assessed against mission requirements to establish title and grade or pay band level of an employee of the organization.

rank-in-position. Personnel management construct in which the organization's position structure establishes workforce requirements at both the occupational and work levels and provides the basis for establishing the title and grade or pay band level of an employee assigned to a position in the organization.

REFERENCES

- DoD Directive 1400.25, “DoD Civilian Personnel Management System,” November 25, 1996
- DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness USD(P&R),” June 23, 2008
- DoD Directive 5144.02, “DoD Chief Information Officer (DoD CIO),” November 21, 2014
- DoD Directive 5145.04, “Defense Legal Services Agency (DLSA),” April 16, 2012
- DoD Directive 8140.01, “Cyberspace Workforce Management,” August 11, 2015
- DoD Instruction 1442.02, “Personnel Actions Involving Civilian Attorneys,” September 30, 2010
- United States Code, Title 5
- United States Code, Title 10