



DoD INSTRUCTION 1400.25, VOLUME 3005

DoD CIVILIAN PERSONNEL MANAGEMENT SYSTEM: CYBER EXCEPTED SERVICE (CES) EMPLOYMENT AND PLACEMENT

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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, establishes 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 (CES) 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, and delegations for the design and administration of employment and placement programs in the 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 CES employment and placement practices will:

a. Facilitate the recruitment and employment of a high-quality, diverse workforce with the skills and competencies needed to meet mission requirements.

b. Facilitate the development of a workforce that acquires an integrated enterprise-wide and inter-agency perspective through assignments that cross DoD Component and DoD boundaries.

c. Incorporate best practices from government and, consistent with law, the private sector in recruiting and placing qualified staff.

d. Facilitate the development of talent exchange programs, consistent with law, with the private sector to bring measurable benefits to DoD to meet mission requirements.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). In conjunction with the DoD Chief Information Officer (DoD CIO) and in coordination with the Under Secretary of Defense for Intelligence (USD(I)), the USD(P&R) establishes and maintains CES policies covered by this volume.

2.2. DOD CIO. Oversees the implementation and management of this volume.

2.3. DOD COMPONENT HEADS. The DoD Component heads:

a. Conduct workforce planning; identify appropriate applicant sources; and recruit, assign, and manage CES-covered positions and personnel within their DoD Components in accordance with the CES Volumes and DoD Instruction (DoDI) 1400.25, Volume 250.

b. Develop, publish, and maintain current qualifications criteria for all CES positions within each Component, in conjunction with the DoD CIO and applicable OSD official as described in DoDD 8140.01.

c. Monitor Component compliance and respond to reporting requirements determined by DoDD 8140.01.

SECTION 3: OVERVIEW OF CES EMPLOYMENT AND PLACEMENT PRACTICES AND PROCEDURES

3.1. GENERAL STRUCTURE. CES employment and placement programs will incorporate the principles and practices of:

a. Merit System Principles. Merit system principles will apply to CES employment and placement actions, in accordance with Section 2301 of Title 5, U.S.C.

b. Prohibited Personnel Practices. CES employment and placement actions will be free from unlawful discrimination, as well as other practices prohibited by Section 2302 of Title 5, U.S.C., as required by applicable law.

c. Equal Employment Opportunity. CES employment and placement actions will be consistent with equal employment opportunity principles, including part 1607 of title 29, Code of Federal Regulations.

d. Restrictions on Employment of Relatives. Advocacy for CES appointment, employment, promotion, and advancement of relatives is prohibited in accordance with Section 3110 of Title 5, U.S.C.

e. Uniformed Services Employment and Reemployment Rights Act. DoD Components will apply the provisions of Uniformed Services Employment and Reemployment Rights Act in employment and placement policies and practices in order to ensure the protection of civilian job rights and benefits for veterans and members of Reserve Components as provided for by applicable law, Sections 4314-4315 of Title 38, U.S.C.

3.2. APPOINTMENT AUTHORITY.

a. CES positions will be filled in accordance with the authority of Section 1599f of Title 10, U.S.C.

b. Appointments may be permanent, indefinite, temporary, or term.

(1) In special circumstances, and in accordance with applicable security and suitability policy and restrictions, DoD Components may appoint non-U.S. citizens into the federal service.

(2) Appointment authorities other than Section 1599f of Title 10, U.S.C, including those eligible for competitive service or leading to competitive service status, are not applicable to CES.

3.3. STATUTORY AND REGULATORY LIMITS ON APPOINTING OFFICIAL AUTHORITY. Before filling positions by any other means, the DoD Components must satisfy the rights of employees entitled to:

- a. Restoration following military duty or recovery from compensable injury or disability in accordance with Part 353 of Title 5, C.F.R.
- b. Reemployment required by law or regulation.
- c. Restoration after a successful grievance or appeal.

3.4. FLEXIBILITY IN RECRUITMENT SOURCES. CES recruitment and placement policies provide maximum flexibility within statutory and regulatory guidelines to recruit high-quality, diverse candidates from internal (federal) and external (non-federal) sources.

- a. In issuing internal CES guidance, DoD Components will allow for varying areas of consideration depending on the nature and level of the positions to be filled.
- b. Consistent with merit system principles, recruitment and placement procedures may include any combination of internal and external recruitment sources, allowing concurrent consideration of all sources identified.
 - (1) Procedures will provide for management's right to select from any appropriate source.
 - (2) Joint DoD and federal-wide recruiting efforts for cyber workforce talent, where appropriate, are encouraged.

3.5. EXTERNAL RECRUITMENT. When recruiting from external (non-federal) sources, DoD Components will:

- a. Provide the most direct access to local or national sources of high-quality, diverse candidates by creating recruitment and appointment programs consistent with the authority granted by Section 1599f of Title 10, U.S.C.
- b. Identify, recruit, and appoint directly from any non-federal applicant source with or without public notification or vacancy notices.
- c. Determine when public notification and advertising are warranted considering mission requirements, costs, and organizational benefits, as described in Paragraph 3.8 of this issuance.
 - (1) The general standing announcements used in support of college recruitment programs or other established CES special employment programs will qualify as public notice or publication of vacancy notices.
 - (2) Records for external recruitment actions must include documentation to ensure compliance with merit system principles and veterans' preference procedures.

3.6. VETERANS' PREFERENCE IN EXTERNAL RECRUITMENT.

a. Veterans' Preference.

(1) DoD Components will identify external candidates entitled to veterans' preference as identified in Section 2108 of Title 5, U.S.C.

(2) Preference-eligible candidates with a Service-connected disability of 30 percent or more must be specifically identified.

(3) When filling positions with external applicants, preference-eligible veterans will be granted preference in selection over non-preference-eligible candidates with substantially equal qualifications.

(4) The procedures outlined in Paragraph 3.6.c of this volume will apply to the non-selection of a substantially equally qualified preference-eligible candidate with a Service-connected disability of 30 percent or more.

(5) Former CES employees who served on permanent appointments, completed a probationary or trial period, and were not separated for cause may be reappointed in a CES position without application of veterans' preference.

b. Veterans' Preference Methodology and Documentation.

(1) The criteria in Section 2108 of Title 5, U.S.C for determining the preference eligibility of each applicant will apply to CES.

(2) DoD Component procedures will ensure that, at a minimum, when making final selections (i.e., at the point where those candidates under serious consideration for an offer have been identified), the selecting official, with the assistance of the human resources staff, will ascertain whether any of the candidates are preference eligible. If all relevant considerations for the position are deemed substantially equal, the selecting official will offer the position to a substantially equally qualified preference-eligible candidate as opposed to a non-preference eligible candidate.

c. Additional Procedures for Passing Over a Substantially Equally Qualified Veteran with a Compensable Service-Connected Disability of 30 Percent or More. DoD Components must notify and receive approval from USD(P&R) before passing over of any substantially equally qualified preference-eligible candidate with a Service-connected disability of 30 percent or more.

(1) USD(P&R) approval must be received prior to extending an offer of employment to the non-preference eligible candidate.

(2) Reasons for non-selection and USD(P&R) approval of the passover must be made part of the selection record.

(3) Reasons for non-selection will be provided to the preference-eligible candidate with a compensable Service-connected disability of 30 percent or more by the servicing human resources office.

3.7. APPLICANT SOURCES. DoD Components may access applicant sources through any legal means, including:

- a. The Office of Personnel Management (OPM) USAJOBS website (<http://www.usajobs.gov>);
- b. DoD Component-specific or cyber community-hosted websites;
- c. Newspaper and periodic publications distributed in applicant-rich population areas;
- d. Job fairs or college campus recruiting activities organized by the DoD Component or jointly by cyber community or federal entities;
- e. Employee referral programs; or
- f. Other means consistent with the merit system principles in Section 2301 of Title 5, U.S.C.

3.8. ADVERTISING. DoD Components, when advertising Component requirements will communicate employment opportunities through the most practical venues designed to foster diverse applicants and ensure the qualifications of candidates. Component instructions will ensure that all potential applicants, including those being recruited through job fairs or college campus recruiting activities, have access to the minimal information relevant to the opportunity being offered, to include:

- a. A brief description of job responsibilities.
- b. The pay plan, occupational series, position title, work level, pay band (for organizations operating under the CES banded structure) or grade(s) (for those organizations operating under the CES graded structure), and pay range.
- c. An organizational and geographic location.
- d. A statement of who may apply.
- e. A statement that the position is in the excepted service and covered by CES.
- f. An explanation of how CES applies veterans' preference as provided in this volume.
- g. A DoD Component-specific explanation of how applicants are to claim veterans' preference and what documents are required to support the claim.

- h. The minimum qualifications required.
- i. The criteria against which applications will be evaluated.
- j. The conditions of employment (e.g., probationary period, mobility program requirements, security clearances, exceptional travel).
- k. A brief description of the CES occupational structure.
- l. A brief description of the pay-for-performance process for those organizations operating under the CES banded structure, or a description of the career advancement process applicable to those organizations operating under the CES graded structure.
- m. Application documentation and procedures, including the preferred means of contact, whether the advertisement has a specific closing date, is open-ended, etc.
- n. An equal employment opportunity or diversity and inclusion statement.
- o. A statement of any incentives or entitlements for which the applicant may be considered.

3.9. QUALIFICATION REQUIREMENTS. DoD Components will apply general qualification profiles developed in accordance with DoDD 8140.01. These profiles will include descriptions of the competencies, knowledge, skills, abilities, education, training, and the type and quality of experience required for successful job performance in the CES occupational structure as defined in Volume 3007 of this instruction. In the absence of DoD CIO general qualification profiles, DoD Components may adopt OPM qualification standards, or use existing Component qualification standards based on OPM guidelines, to evaluate candidate qualifications.

a. Evaluating Qualifications. Applicants must meet the minimum qualification requirements established by the DoD CIO, or OPM as appropriate, for:

- (1) Work category, occupation, and work level;
- (2) Pay band (for those organizations operating under the CES banded structure); or
- (3) Grade (for those organizations operating under the CES graded structure).

b. Attorney Positions. DoD Components will comply with DoDI 1442.02 for attorney positions.

c. Use of Time-in-Band or Time-in-Grade. Application of a specific time-in-band (for those organizations operating under the CES banded structure) or time-in-grade (for those organizations operating under the CES graded structure) will not be used to determine an employee's qualifications. However, an associated time standard may be used as an element to define specific competency-based qualification requirements that are experiential in nature.

(1) DoD Components will emphasize the quality, rather than the duration, of experience and assess how the quality of the experience of the candidate demonstrates possession of the required knowledge, skills, abilities, and competencies necessary for successful job performance in the CES occupational structure when staffing CES positions.

(2) Additional experience from any source, at or equivalent to the candidate's current grade (for those organizations operating under the CES graded structure), or pay band (for those organizations operating under a banded structure) and not previously used to qualify the employee for his or her current position may be credited toward eligibility for the next level within a graded or banded structure.

d. Qualification Standards. DoD Components will ensure that all qualification standards, vacancy advertisements, and other documentation related to descriptions of work used in recruitment and staffing are consistent with the DoDD 8140.01 qualification profiles and issuances, or OPM criteria as appropriate, and will use the taxonomy and nomenclature consistent with Volume 3007 of this instruction.

e. Positive Education Requirements. Establishment of positive, or minimum, education requirements must be consistent with accepted OPM practices and regulations.

(1) DoD Components may not establish minimum education requirements for CES positions unless they determine in advance of recruitment through a formal validation process conducted in accordance with Federal policy and practice that persons without that education, generally of a scientific, technical, or professional nature (but with related experience), cannot perform the work.

(2) Before use, additional education requirements must be submitted to and approved by USD(P&R) in conjunction with the respective OSD official pursuant to DoDD 8140.01.

f. Professional Positions. At a minimum, all groups in the Professional work category, as established in Volume 3007 of this instruction, require either a bachelor's degree or equivalent experience. Some groups may have a positive education requirement that cannot be replaced with experience, such as a requirement for a particular type or level of academic degree.

g. Pay Setting on Appointment to a CES Position. Initial pay setting will be made in accordance with Volume 3006 of this instruction.

3.10. CONDITIONS OF EMPLOYMENT.

a. Applicants are required to sign a statement indicating they understand the conditions of employment or assignment unique to CES positions and acknowledge the consequences of failing to meet required conditions. Applicants who do not meet applicable conditions of employment may not be appointed or assigned to a CES position.

b. DoD Components may deny employees who do not meet or maintain a condition of employment assignment to a position, or may remove them from a position requiring a condition

of employment by reassignment, demotion, or removal from the federal service in accordance with law and applicable DoD Component regulations.

c. Each non-CES applicant selected for a CES position must acknowledge in writing, as early as is practicable, that the position for which he or she has been selected is in the excepted service and covered by CES. The time at which this acknowledgment is executed is at the discretion of the DoD Component, but the document must be signed before the appointment or assignment start date.

3.11. INVESTIGATIVE STANDARDS AND GUIDELINES. When access to classified information is a condition of employment or assignment, DoD Components will follow common investigative standards and adjudicative guidelines established by Executive Order 12968, DoD Manual 5200.02 and, as applicable, Intelligence Community Directive 704.

3.12. SECURITY ELIGIBILITY AND SUITABILITY. Candidates must meet applicable eligibility and suitability standards in Executive Order 12968 and Intelligence Community Directive 704, as applicable. This includes completion of an appropriate background investigation on the candidate and a favorable adjudication by a determining authority in addition to completion of any related authorized examinations or security procedures. DoD Components will not appoint selectees to a position requiring a clearance without the approval of their servicing security office.

3.13. QUALITY IN EMPLOYMENT AND PLACEMENT OUTCOMES. Employment and placement activities of DoD Components will:

a. Incorporate quality goals and standards to measure recruitment and placement results. Quality standards will state how DoD Components, through their employment and placement practices, will give consideration to qualified applicants from diverse backgrounds.

b. Use essential metrics to support the assessment of employment and placement actions. At a minimum, these metrics will include but will not be limited to:

(1) **Time-to-Fill Metric.** DoD Components will measure the average time it takes to fill a position as determined by the DoD CIO and USD(P&R) collaborative methodology.

(2) **Vacancy Rate Metric.** DoD Components will track vacancy rates in key mission categories, work categories, work levels, and pay bands (for those organizations operating under the CES banded structure) or grades (for those organizations operating under the CES graded structure). The DoD CIO will consult with DoD Components on the appropriate vacancy rate percentages to allow for normal career growth and rotational and exchange development while maintaining opportunities for new hiring.

(3) **Workforce Quality and Representation Metric.** Pursuant to Section 1599f(g) of Title 10 U.S.C., DoD Components will track workforce quality and representation metrics related, but not limited, to the total number of veterans hired, separations, retirements and monetary

incentives by pay bands (for those organizations operating under CES banded structure) or grades (for those organizations operating under the CES graded structure).

(4) **Transparency Metric.** DoD Components will measure employee and candidate perceptions of the fairness of Component selection and advancement processes through regular opinion surveys provided through the DoD or DoD CIO.

(5) **Collaboration Metric.** DoD Components will track, as determined by the DoD CIO, indicators of collaboration in employment and placement. Such indicators will be developed by the DoD CIO in consultation with the DoD Components.

(6) **Other Metrics.** DoD Components will use surveys and other appropriate means as determined by the DoD CIO in consultation with the USD(P&R) to measure manager satisfaction with the hiring process and with the quality of selectees.

3.14. TARGETING RECRUITMENT. DoD Components may limit consideration of applicants to the smallest group or segment of a population that will attract a diverse pool of qualified applicants to meet mission staffing requirements in the minimum amount of time. Applicant source groupings may be limited to:

- a. The organization, unit or office where the vacancy exists;
- b. The local commuting area or may be regional, national, or worldwide;
- c. Only specific DoD Components;
- d. Other federal cyber community sources; or
- e. Those in both the private sector and federal sector.

3.15. PROBATIONARY PERIODS. Except as noted in Paragraphs 3.16.a. and 3.16.b of this issuance, all employees newly appointed to a CES position will serve a 3-year probationary period. During the first two years of this probationary period, an employee may be separated with no right of appeal (except as provided for preference eligibles defined as “employees” in Section 7511 (a)(1)(B) of Title 5, U.S.C.) if it is determined that the employee’s conduct or performance is unsatisfactory. Time served in a temporary appointment is not credited towards completion of the CES probationary period (except as provided for preference eligibles defined as “employees” in Section 7511(a)(1)(B) of Title 5, U.S.C.).

a. Previously Completed Probationary or Trial Period. Current permanent and term employees will not be required to serve another probationary or trial period upon acceptance of, or reappointment to, a CES position if they have previously completed:

- (1) A probationary period in the competitive service; or
- (2) A probationary or trial period in the excepted service.

b. Current Probationary or Trial Period. Permanent and term employees currently serving in a probationary period in the competitive service or a probationary or trial period in the excepted service will complete the period as prescribed in their original conditions of employment, in the new CES position if they:

- (1) Transfer without a break in service; or
- (2) Are promoted, demoted, or reassigned to a CES position.

c. Probationary Period for Supervisors and Managers. Supervisory and managerial probationary periods required by Section 3321 of Title 5, U.S.C., are applicable to CES.

3.16. SUPERVISORY AND MANAGERIAL ASSIGNMENTS. DoD Components will ensure that employees newly-selected to CES supervisory or managerial positions possess the required supervisory or managerial competencies for the position. Development of the necessary supervisory or managerial competencies may be achieved via training, successful accomplishment of specific supervisory or managerial work objectives, individual coaching, and other development activities.

3.17. INTERNAL PLACEMENT. When DoD Components deem that a sufficiently well-qualified applicant pool is available within their Components by recruiting from internal sources, the Components will determine the size and scope of internal areas of consideration based on the availability of the skills and competencies required for the positions to be filled.

a. Veterans' Preference. Veterans' preference is not applicable to recruitment from internal candidate sources.

b. Internal Placement: Competitive

(1) **Selection to a Position at a Higher Work Level, Pay Band, or Grade.** When selecting employees for placement in a CES position at a higher work level, pay band (for those organizations operating under the CES banded structure), or grade (for those organizations operating under the CES graded structure) than that currently held by the employee, but within the same work category, the DoD Component generally will use a competitive process as documented in the Component's internal merit placement policy. Competitive selection includes a promotion as defined in Volume 3006 of this instruction. The promotion will be handled in accordance with procedures contained in that volume.

(a) Salary progression through the Entry/Developmental Work Level, and promotions to and salary progression to the Full Performance Work Level (for those organizations operating under the CES banded structure) and promotions through the Entry/Developmental Work Level, and promotions to the Full Performance Work Level (for those organizations operating under the CES graded structure), as part of developmental progression for the Professional work category may be treated as non-competitive career promotions or salary progression based on the demonstration of appropriate performance and competency requirements of the next pay band or grade. For the provisions of this subparagraph

to apply, the program must be authorized in the Component's merit placement policy, selection for the development progression path must have been conducted competitively, and such competition must have specified the end work level or grade of the developmental plan.

(b) Promotions to a higher pay band or grade made as a part of a documented CES career progression for employees in other work categories or occupations may be developed and implemented by CES policy, if included in the Component's merit placement policy.

(2) **Reassignment.** When reassigning employees within the same pay band (for those organizations operating under the CES banded structure) or grade (for those organizations operating under the CES graded structure), but to a work category with higher pay band or grade potential (e.g., from the Technician/Administrative Support work category to the Professional work category), DoD Components will normally use a formal, competitive process as documented in the Component's merit placement policy.

(3) **Details.** DoD Components will normally apply competitive procedures to details of more than 240 days to CES positions at a higher work level or pay band (for those organizations operating under the CES banded structure) or higher work level or grade (for those organizations operating under the CES graded structure), and to CES positions in a different work category with higher pay band or grade potential, as determined by the DoD Component. DoD Components may apply competitive procedures between excepted service and competitive service organizations across DoD for a temporary promotion, or detail to a higher grade position or a position with known promotion potential, of 120 days or more, in accordance with Section 335.103 of Title 5, CFR.

c. Internal Placement: Exceptions to Competition.

(1) **Lateral Transfer.** DoD Components may noncompetitively move an employee from one Component to another within the same or equivalent work category, work level, pay band, or grade. Qualification requirements associated with the new position must be met.

(2) **Reassignment.** DoD Components may noncompetitively reassign an employee within the Component at the same or equivalent work category, work level, pay band, or grade. Qualification requirements associated with the new position must be met.

(3) **Detail.** DoD Components may detail employees to positions in the same or equivalent work category, work level, pay band, or grade within or across Components. Normally details should not exceed 1 year. DoD Components will regularly review their use of details to ensure that principles of merit and proper workforce management are not compromised. DoD Components may apply non-competitive procedures between excepted service and competitive service organizations across DoD for a temporary promotion, or detail to a higher grade position or a position with known promotion potential, of 120 days or less, in accordance with Section 335.103 of Title 5, CFR and Section 3341 of Title 5, U.S.C.

(4) **DoD Placement Programs.** As applicable, DoD Components will, in accordance with appropriate security guidance and considerations for limiting access to classified national security information, satisfy the rights of employees who are entitled to priority consideration for continued employment or reemployment from local special placement programs, the DoD

Priority Placement Program, and the other mandatory placement programs including the Reemployment Priority List.

(5) **Developmental Programs.** DoD Components will establish career development programs for employees in the Professional work category, as established in Volume 3007 of this instruction. Programs may establish planned salary advancement programs for those organizations operating under the CES banded structure, or career promotion programs for those organizations operating under the CES graded structure. If provided for in Component policies, and with DoD CIO approval in coordination with USD(P&R), DoD Components may establish planned salary advancement programs, or career promotion programs, to support developmental goals for employees in certain occupations in other work categories. Programs may include non-competitive salary advances or promotions up to the full performance work level for the work category.

(a) Career development programs will be developed in coordination with the DoD CIO and USD(P&R) and be approved by the DoD Component head, or designee. They will include:

1. Hiring guidance for the occupation.
2. Planned duration of the developmental program relative to experience at hire.
3. Developmental benchmarks, performance requirements, supporting criteria, and standards that must be met in order to receive a developmental salary progression or non-competitive promotion.
4. Salary advancement or promotion schedule associated with the program, when applicable.

(b) Selections for these programs are conducted through a formal competitive process outlined in the DoD Component's internal merit placement policy.

(c) As part of an approved developmental program, an employee selected competitively for a position in the developmental program may be advanced noncompetitively to the established end work level, pay band (for those organizations operating under the CES banded structure), or grade (for those organizations operating under the CES graded structure) included in the original competition for the developmental program upon meeting developmental benchmarks, performance requirements, and other requirements as applicable. Salary advancements or promotions within the program are not an entitlement, but are contingent on meeting all advancement criteria within the program.

(d) Employees in developmental programs remain eligible to compete in the pay pools, as applicable, and to apply for competitive promotion opportunities.

(e) If applicable, career development programs developed for positions in other work categories will include information provided in Paragraphs 3.18.c.(5)(a)1.- 4 of this volume, in addition to any information specific to the program.

(6) **Reclassification.** If provided by DoD Component policy, as applicable, promotions resulting from the application of a new job grading standard or the correction of a position classification that assign a position to a higher work level, pay band (for those organizations operating under the CES banded structure), or grade (for those organizations operating under the CES graded structure) will be made noncompetitively.

(7) **Accretion of Duties.** If provided by DoD Component policy, and at Component discretion, promotions to a higher pay band (for those organizations operating under the CES banded structure), or grade (for those organizations operating under the CES graded structure) in the same work category or occupation resulting from the accretion of additional duties and responsibilities may be made noncompetitively. Such promotions will be rare occurrences in DoD Components practicing effective position management. In meeting the standard for accretion of duties, the DoD Components will affirm that the additional duties do not adversely affect another position and that the employee meets all eligibility requirements for the higher work level, pay band, or grade.

(8) **Previously Held Position.** Placement of an employee into a pay band or grade that he or she previously held, to include positions in an equally merit based system, or to which the employee previously had promotion potential may be made noncompetitively.

3.18. APPOINTMENT OF RETIRED SERVICE MEMBERS. Retired Service members will be considered for federal civilian employment in accordance with DoDI 1402.01 and Paragraph 3.6 of this volume.

3.19. APPOINTMENT OF FEDERAL ANNUITANTS. A federal civilian annuitant under either the Civil Service Retirement System or the Federal Employees' Retirement System may be reemployed in any position for which he or she is qualified. In accordance with DoD Component policy and procedures, reemployed annuitants may be hired on a term, temporary, or indefinite basis in either a full-time or part-time status. Federal annuitants will be reemployed and compensated subject to the criteria and delegations of authorities in Volume 3006 of this instruction.

3.20. STUDENT PROGRAMS. DoD Components may utilize and structure temporary and intermittent paid student employment, intern employment, and scholarship programs to provide students with temporary exposure to work environments, acquaint them with cyber missions, and encourage student interests in new or developing occupations and professions. Use of student programs is limited to students who are enrolled at least half-time in a DoD approved and accredited educational institution and who have the permission of that institution, where necessary, to work at the Component.

a. Converting Student Hires to Permanent Positions. Noncompetitive conversion to a permanent position is permitted for student program participants who have graduated or met other program requirements established by the DoD Component. In determining the appropriate work level and pay band or grade, as applicable, for student employees who are being placed in

permanent positions, the DoD Components will consider all qualifications including the student's performance record as a student employee.

b. Inter-Component Conversion. DoD Components may noncompetitively convert student program participants from other DoD Components with the consent of the parent Component.

c. Scholarship Programs. DoD Components may use scholarship programs, whether statutorily limited to individual DoD Components or broadly applicable in the government, the federal cyber community or the DoD, consistent with Component staffing requirements and governing statutes and regulations.

3.21. UPWARD MOBILITY AND SIMILAR HIRING PROGRAMS. DoD Components may establish special hiring programs designed to improve recruitment in specific work categories, occupations, geographic areas, or other areas of focus. In establishing such programs, DoD Components will consider all requirements of the positions, and required qualifications of program participants and will develop plans for development of employees to support success of the employees in the program.

3.22. TEMPORARY AND TERM APPOINTMENT. DoD Components may make temporary or term CES appointments to meet short-term surge or other short-duration mission requirements.

a. Temporary Appointments.

(1) DoD Components may make temporary appointments without competition or through a competitive recruitment process. The circumstances under which a temporary appointment is appropriate include, but are not limited to: addressing a temporary workload peak; or completing a project or meeting a staffing need that is anticipated not to exceed a 1-year timeframe for reasons such as abolishment or reorganization of a function.

(a) A temporary appointment may not be used or apply as an unofficial probationary period.

(b) A temporary appointment generally will be more appropriate than a term appointment when management is unable to determine in advance exactly how long the temporary need will exist and therefore anticipates releasing the temporary employee with little advance notice.

(2) Temporary appointments will be made for periods of 1 year or less. Temporary appointments terminate automatically upon the expiration date unless, at an earlier date, an extension is granted. These appointments may be terminated at any time by the DoD Component. A notice period of 30 days is desired before a temporary appointment is terminated. Temporary appointments may be extended for up to 1 additional year to a maximum of 2 years of total service.

b. Cyber Term Appointments (CTAs).

(1) CTAs may be made competitively or noncompetitively from any source for an initial period of at least 1 year and 1 day, but not more than 5 years.

(a) These appointments must have a pre-determined end date and may be extended after the initial period up to a total of 5 years.

(b) The USD(P&R), upon the request of the DoD Component, may authorize extending an employee in a CTA appointment beyond 5 years when the extension is clearly justified and is consistent with applicable statutory or regulatory provisions.

(c) CTAs are used to meet legitimate non-permanent staffing needs as determined by the DoD Component. Reasons for making CTAs include, but are not limited to, project work, extraordinary workload surge, scheduled abolishment or reorganization of a function, uncertainty of future funding, or the need to maintain permanent positions for placement of surplus employees otherwise subject to reduction.

(2) CTAs terminate automatically upon the expiration date unless, at an earlier date, an extension is granted. These appointments may be terminated at any time by the DoD Component. A notice period of 30 days is desirable before effecting a termination. A preference eligible on a CTA who is terminated after 1 year of service is afforded due process rights under Section 7511(a)(1)(B) of Title 5, U.S.C.

(3) A term employee may be promoted, reassigned, or reduced in work level, pay band (for those organizations operating under the CES banded structure), or grade (for those organizations operating under the CES graded structure), to another term position provided the total combined service under the term appointments does not exceed the maximum 5-year time limitation and the employee meets the qualification requirements of the position.

(4) A CES term employee may be eligible for conversion to a CES permanent appointment. To be converted to such an appointment, the employee must:

(a) Be initially selected from an announcement that specifically stated the individual could be eligible for noncompetitive conversion to a permanent CES appointment at a later date.

(b) Have completed at least 3 years of continuous service with at least a “Successful” overall performance evaluation rating of record.

(c) Be converted to a permanent CES position in the same or lower work level, pay band, or grade for which hired, except that employees hired in special programs (e.g., students) may be converted to a higher work level, pay band, or grade, in accordance with established special program guidelines.

3.23. TEMPORARY ASSIGNMENTS TO OTHER CES POSITIONS. DoD employees in the cyber workforce will be afforded every opportunity to develop skills and contribute their

talents across the DoD and in other federal agencies, in domestic and foreign field assignments. To that end, the DoD Components will:

- a. Fully utilize competitive and noncompetitive details to other DoD Components and any additional opportunities for employees to serve across organizational lines.
- b. Facilitate such assignments through advertisement, including them in career planning, affording recognition during performance management deliberations, and providing appropriate rewards consistent with Volumes of this instruction and other applicable DoD cyber workforce recognition programs.
- c. Comply with DoD policy on prescribed tour lengths and rotations to DoD Components and provide administrative return rights to employees on such rotations within the parent Component upon completion of their tours.

GLOSSARY

G.1. ACRONYMS.

CES	Cyber Excepted Service
CTA	Cyber Term Appointment
DoD CIO	Department of Defense Chief Information Officer
DoDD	DoD directive
DoDI	DoD instruction
OPM	Office of Personnel Management
U.S.C	United States Code
USD(I)	Under Secretary of Defense for Intelligence
USD (P&R)	Under Secretary of Defense for Personnel and Readiness

G.2. DEFINITIONS. These terms and their definitions are for the purpose of this volume.

competitive service. Those organizations that use the OPM’s competitive hiring processes to evaluate and rank candidates.

competition. The established process, as detailed in the DoD Component’s merit promotion and placement plan, by which candidates are considered for the purpose of determining the best qualified individual for specific career or advancement opportunities.

condition of employment. Requirements or precondition for holding a position that are in addition to knowledge, skills, abilities, or educational qualification requirements. Conditions of employment will be imposed when required by law or regulation, when determined by appropriate management authority to be in the best interests of CES or national security, or to be mandatory for effective performance in the position. Examples of conditions of employment include, but are not limited to, the requirement to obtain and maintain access to the level of classified information required for a position, undergo a periodic polygraph examination, meet physical or medical standards, or be mobile, including in support of contingency operations.

CTA. A CES term appointment to a position where the need for an employee’s service is not permanent.

detail. A temporary assignment to a different position. During the period of detail, the employee is considered as permanently occupying his or her position of record for pay and strength purposes.

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.

external (non-federal) recruitment. Recruitment of applicants not currently serving in permanent or CES positions in the federal service.

internal (federal) recruitment. Recruitment of applicants currently serving in federal service to appointments in CES.

internal placement. Movement of a CES employee by a competitive or noncompetitive action within a DoD Component.

lateral transfer. The permanent appointment of a CES employee involving the noncompetitive movement from one CES position to another position in the same work category, work level, pay band, or grade.

permanent appointment. An appointment without time limitation.

preference eligible candidate. Defined in Section 2108 of Title 5, U.S.C.

priority placement program. The program established pursuant to DoD Instruction 1400.20 and Volume 1800 of this instruction.

promotion. Movement to a higher work level, or pay band (for those organizations operating under the CES banded structure), or grade (for those organizations operating under the CES graded structure) in accordance with provisions in Volume 3007 of this instruction.

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, but in which 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.

reassignment. The assignment of a CES employee to another CES position in the same work level, pay band (for those organizations operating under the CES banded structure), or grade (for those organizations operating under the CES graded structure), within his or her Component.

temporary appointment. An appointment made initially for 1 year or less to meet short-term surge or other short-duration mission requirements.

work category. Defined in Volume 3007 of this instruction.

work level. Defined in Volume 3007 of this instruction.

REFERENCES

- Code of Federal Regulations, Title 29, Part 1607
- 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 8140.01, “Cyberspace Workforce Management,” August 11, 2015
- DoD Instruction 1400.20, “DoD Program for Stability of Civilian Employment,” September 26, 2006
- DoD Instruction 1400.25, Volume 1800 “DoD Civilian Personnel Management System: DoD Priority Placement Program (PPP),” June 7, 2007, as amended.
- DoD Instruction 1400.25, Volume 3006, “DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Compensation Administration,” xx 2017
- DoD Instruction 1400.25, Volume 3007, “DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Occupational Structure” xx 2017
- DoD Instruction 1402.01, “Employment of Retired Members of the Armed Forces,” September 9, 2007
- DoD Instruction 1442.02, “Personnel Actions Involving Civilian Attorneys,” September 30, 2010
- DoD Manual 5200.02, “Procedures for the DoD Personnel Security Program (PSP),” April 3, 2017
- Executive Order 12968, “Access to Classified Information,” August 2, 1995, as amended
- Intelligence Community Directive 704, “Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information and Other Controlled Access Program Information,” October 1, 2008
- United States Code, Title 5
- United States Code, Title 10
- United States Code, Title 38