



PERSONNEL AND
READINESS

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

DEC - 5 2017

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Department of Defense Interagency Transfer Authority for Cyber Workforce Positions

Section 1643(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 requires the Secretary of Defense to implement an interagency transfer authority for transfers between cyber workforce positions in the excepted service and competitive service in the Military Departments and Defense Agencies. This memorandum, providing for an interagency transfer authority, is intended to satisfy this requirement.

This authority is exclusive to the Military Departments and the Defense Agencies and does not apply to other Department of Defense (DoD) organizations, such as the Office of the Secretary of Defense or DoD Field Activities. The authority will remain in effect until the Department completes implementation of the authority in section 1599f of title 10, United States Code, to establish the Cyber Excepted Service.

The attachment to this memorandum provides implementing procedures for use of this authority.

Should you have any questions, my point of contact is Ms. Thorta "Fe" Noble, Defense Civilian Personnel Advisory Service, whom you may reach at (571) 372-1537 or by email at thorta.f.noble.civ@mail.mil.

A handwritten signature in blue ink that reads "Robert L. Wilkie".

Robert L. Wilkie

Attachment:
As stated

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Commander, U.S. Cyber Command

**DEPARTMENT OF DEFENSE
CYBER INTERAGENCY TRANSFER AUTHORITY
IMPLEMENTATION PROCEDURES**

1. Authority.

a. Section 1643(a)(1) of the National Defense Authorization Act for Fiscal Year 2017 requires the Secretary of Defense to implement an interagency transfer authority between cyber workforce positions in the excepted service and competitive service in the Military Departments and Defense Agencies. This authority is exclusive to the Military Departments and the Defense Agencies and does not apply to other Department of Defense (DoD) organizations, such as the Office of the Secretary of Defense or DoD Field Activities.

b. Appointments under this authority may be made until the Department completes implementation of the authority in section 1599f of title 10, United States Code (U.S.C.), to establish a cyber excepted service (CES).

c. The authority to interchange qualified employees without external competition is delegated to the Secretaries of the Military Departments and Directors of Defense Agencies with independent appointing authority for themselves and their serviced organizations, as defined in their respective DoD chartering directives, hereafter referred to as “DoD Components.”

2. Coverage.

a. This authority permits movement of CES employees appointed under section 1599f of title 10, U.S.C., and excepted service employees appointed under Schedule A, section 213.3106(b)(11) of title 5, Code of Federal Regulations (CFR), hereafter referred to as the “DoD Cyber Workforce,” into cyber workforce positions in the competitive service; and,

b. Movement of competitive service employees into DoD Cyber Workforce positions within the Military Departments and the Defense Agencies.

c. Coverage does not extend to senior-level or scientific and professional positions in either the excepted or the competitive services.

3. Type of appointment held before movement.

To be eligible for transfer under this authority, employees must be currently serving under a career or career-conditional appointment in a cyber workforce position in the competitive service, be currently serving under an appointment without time limit in a DoD Cyber Workforce excepted service position; or have been involuntarily separated from such appointment within the preceding year. “Involuntarily separated” has the same meaning as in section 550.703 of title 5, CFR.

4. Qualifications requirements.

Employees in a DoD Cyber Workforce position must meet the qualifications standards and requirements for the competitive service position to which they will be appointed in accordance with applicable Office of Personnel Management qualification standards. Employees in the competitive service must meet the qualification standards applicable to the DoD Cyber Workforce position as referenced in Department of Defense Instruction (DoDI) 1400.25, Volume 3005, "DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Employment and Placement."

5. Length of service requirement.

a. DoD Cyber Workforce employees (all of whom are in the excepted service) must have served continuously for at least 1-year in a permanent DoD Cyber Workforce position prior to appointment in the competitive service under this authority. A former DoD Cyber Workforce permanent employee who met this requirement, separated, and later returned to an appointment without time limit, is considered as having met this requirement.

b. Employees in a competitive service cyber workforce position must have served continuously for at least 1-year in a permanent career or career-conditional appointment before they may be appointed to a DoD Cyber Workforce position under this authority.

6. Selection.

Eligible employees may be considered for appointment to positions in the same manner that other individuals are considered for noncompetitive appointment. The appointments to cyber workforce positions in the competitive service are subject to the merit promotion provisions of part 335 of title 5, CFR. Appointments from cyber workforce positions in the competitive service into the DoD Cyber Workforce are subject to applicable provisions of DoDI 1400.25, Volume 3005.

Appointments may be made on a permanent basis using the following Legal Authority Code/Legal Authority:

ZLM8/Cyber interagency transfer authority National Defense Authorization Act for Fiscal Year 2017, section 1643(a)(1), 12/23/2016

7. Pay Setting.

Pay setting will be administered in accordance the provisions outlined by the gaining system, that is, the system to which the employee is moving.

8. Type of appointment granted after movement.

DoD Cyber Workforce employees who are appointed to competitive service cyber workforce positions under this authority will have career or career-conditional appointments, depending upon whether they meet the 3-year service requirement for career tenure. The service that commences with a permanent DoD Cyber Workforce appointment will be accepted toward meeting the competitive service requirement. Employees in competitive service cyber workforce positions who are appointed to DoD Cyber Workforce positions under this authority will receive excepted service appointments.

9. Probationary and trial periods.

Employees appointed under this authority who have previously completed a probationary or trial period will not be required to serve a new probationary or trial period. Employees receiving an initial appointment to a supervisory and/or managerial position will serve a probationary period as prescribed by subpart I, of part 315 of title 5, CFR, and DoDI 1400.25, Volume 3005, as applicable.

10. Status.

DoD Cyber Workforce employees who are appointed in the competitive service under this authority will receive competitive service status. Thereafter, such employees will be entitled to the benefits and privileges provided by statute and regulation for persons having competitive service status. Employees in cyber workforce positions in the competitive service who are appointed to DoD Cyber Workforce positions under this authority will receive the benefits and privileges that are normally provided to persons who initially receive excepted service appointments.