

**IMPLEMENTATION GUIDANCE FOR
SECTION 1108, NDAA FY 2009
DIRECT HIRE AUTHORITY AT PERSONNEL DEMONSTRATION
LABORATORIES FOR CERTAIN CANDIDATES**

I. Authority

A. Section 1108 of NDAA for FY 2009 provides that the Secretary of Defense may appoint qualified candidates possessing an advanced degree to scientific and engineering positions within any laboratory identified in section 9902(c)(2) of title 5, United States Code, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328.

B. This authority may not, in any calendar year and with respect to any laboratory, be exercised for a number of candidates greater than the number equal to 2% of the total number of scientific and engineering positions within a laboratory that are filled as of the close of the fiscal year ending before the start of such calendar year.

C. Positions and candidates must be counted on a full-time equivalent basis.

D. The term “employee” is defined by section 2105 of title 5, U.S.C.

E. Appointments under this authority may not be made after December 31, 2013.

II. Definitions

A. Laboratories enumerated in section 9902(c)(2) of title 5, United States Code:

1. Department of the Army:

- a. Army Research Laboratory (ARL);
- b. Aviation and Missile Research, Development, and Engineering Center (AMRDEC);
- c. Communications-Electronics Research, Development, and Engineering Command (name changed to the Engineer Research and Development Center (CERDEC));
- d. Engineer Research and Development Command (name changed to the Engineer Research and Development Center (ERDC));
- e. Medical Research and Materiel Command (MRMC);
- f. Soldier and Biological Chemical Command (reorganization changed designation to Natick Soldier Research, Development and Engineering Center (NSRDEC) and Edgewood Chemical Biological Center (ECBC) under the United States Army Research, Development and Engineering Command).

2. Department of the Navy:

- a. Naval Research Laboratory (NRL);
- b. Naval Sea Systems Command (NAVSEA) Warfare Centers; and
- c. Office of Naval Research (ONR).

3. Department of the Air Force:
 - a. Air Force Research Laboratory (AFRL)
- B. Qualified candidates are defined as candidates who:
 1. Meet the minimum standards for the position as published in OPM's operating manual, "Qualification Standards for General Schedule Positions," or the laboratory's demonstration project qualification standards specific to the position to be filled;
 2. Possess an advanced degree; and
 3. Meet any selective factors.
- C. Scientific and engineering positions: Scientific and engineering positions within a section 9902(c)(2) laboratory are defined as all professional positions in scientific and engineering occupations (with a positive education requirement) utilized by such laboratory.
- D. Advanced degree: An advanced degree is a Master's or higher degree from an accredited college or university in a field of scientific or engineering study directly related to the duties of the position to be filled.
- E. Science and engineering positions that are filled as of the close of the fiscal year: These positions are those professional scientific and engineering positions that are encumbered on the last day of the fiscal year within a section 9902(c)(2) laboratory.

II. Use of this appointing authority must comply with merit systems principles when recruiting and appointing candidates with advanced degrees to covered occupations.

III. Qualified candidates possessing an advanced degree may be appointed without regard to the provisions of subchapter 1 of chapter 33 of title 5, United States Code, other than sections 3303, 3321, and 3328 of such title.

IV. When completing the personnel action, the following will be given as the authority for Career or Career Conditional Appointment or a demonstration project appointing authority: Section 1108, NDAA for FY 09.

V. Section 9902(c)(2) laboratories will provide information and data on the use of this appointing authority including numerical limitation, hires made, declinations, how many veterans hired, difficulties encountered, and/or recognized efficiencies, when requested by their Military Department or the Deputy Under Secretary of Defense (Civilian Personnel Policy).