OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER STANDARD OPERATING PROCEDURE (SOP) FOR DIRECT HIRE AUTHORITY (DHA)

PURPOSE:

This standard operating procedure (SOP) provides requirements for the administration of Direct Hire Authority (DHA) for the Nuclear Regulatory Commission (NRC) to ensure compliance with Federal laws, regulations, and all applicable NRC policy and requirements. DHA is not permitted for internal NRC recruitment or promotion actions.

BACKGROUND:

In 2019, the NRC decided to mirror the Office of Personnel Management (OPM's) government-wide DHAs using the authority granted under the NRC's statutory personnel authority (161d). DHA limits the authority to only approved positions, which have been identified as a critical need and severe shortage government-wide. A complete list of those positions is listed on OPM's Direct Hire Web site.

REFERENCES:

- Sec. 161d of the Atomic Energy Act of 1954, [As Amended Through P.L. 118–47, Enacted March 23, 2024]
- 5 U.S.C. Chapter 33, Subchapter I - Examination, Certification and Appointment
- 5 U.S.C. 2301 Merit System Principles
- 5 U.S.C. 2302 Prohibited Personnel Practices
  Direct Hiring Authority - Hiring Information, OPM.gov
- Memo for Chief Human Capital Offices from Margaret M. Weichert, Acting Director, OPM (October 11, 2018) - Announcing Government/Wide Direct Hire Appointing Authorities
- Memo for Heads of Departments and Agencies from Kirhan A. Ahuja, Director, OPM (December 29, 2023) - Government-wide Hiring Authorities for Advancing Federal Government Use of Artificial Intelligence (AI)
- Memo for Miriam Cohen, Chief Human Capital Officer from Mark J. Maxin, Assistant General Counsel for Administration, Office of the General Counsel - Review of NRC's use of Direct Hire Authority (July 15, 2019)

ROLES AND RESPONSIBILITIES:

HROP ASSOCIATE DIRECTOR

1. Ensures compliance with all applicable NRC policy, guidance, and federal laws and regulations;
2. Provides open, systematic, and equitable processes that ensure positions are filled according to merit factors.

HROP PLERB BRANCH CHIEF

1. Provides policy guidance to HROP HR Specialists on proper usage of DHA;

2. Conducts periodic reviews of DHA hiring actions to determine compliance with all applicable statutes, regulatory requirements, and other instructions or procedures issued by the Office of the Chief Human Capital Officer (OCHCO).
3. Identifies issues and provides recommendations for corrective action.

HROP HR SPECIALIST

1. Ensures compliance with all applicable NRC policies, guidance, standard operating procedures, and federal laws and regulations;
2. Provides technical assistance and guidance to managers, supervisors, employees, and applicants on usage of DHA. (Appendix B)
3. Ensures adherence to merit system principles.
4. Announces DHA opportunities in accordance with public notice requirements.
5. Ensures there is a classified position description(s).
6. Conducts the evaluation of applicants and determines eligibility and qualifications, certifies applicants to create and issue certificates(s) or lists(s) of eligible(s), and extends all job offers.
7. Recuses him/herself from recruitment activities for which interest is being considered or a vested interest in the outcome exists (e.g., relative applying for the position, etc.).
8. Preserves the confidentiality of candidates' records;
9. Documents the appropriate legal authority code on the SF-50s (Appendix A); and
10. Maintains accurate and complete case files in accordance with NRC's Comprehensive Records Disposition Schedule and MD 10.1.

NRC SELECTING OFFICIALS AND SUPERVISORS:

1. Collaborates with the servicing HR Specialist in developing job analysis for positions for which they are recruiting.
2. Participates in developing the description of duties for position classification, ensure classified PD is available and signed NRC Form 772a is submitted, and provide accurate and up-to-date organizational charts.
3. Acts on candidate certificate lists by responding with a selection or an explanation of the alternative action desired no later than the expiration date.
4. Preserves the confidentiality of candidates' records.
5. Complies with merit system principles and does not engage in prohibited personnel practices.

GENERAL GUIDELINES:

1. Program Offices must identify and use the proper OPM qualification standard for the positions being filled with this DHA to determine who is qualified for the approved positions. Program Offices should not conduct additional ratings to determine relative degrees of qualifications when using DHA.

2. Applicants are assessed in the order in which the applications are received when there is a cut-off date in the announcement.

3. These appointments are subject to public notice requirement in 5 U.S.C. 3327, 3330.

4. Veterans' preference does not apply.

5. In making appointments using this authority, OCHCO is required to arrange for background investigations at the appropriate tier and to undertake all appropriate adjudication relating to suitability, eligibility for access to classified information or appointment to a position that is otherwise national security, sensitive, and eligibility for logical or physical access to Federal systems and facilities, just as for any other position.

PROCEDURES:

1. Office collaborates with servicing HR Specialist regarding the filling of new or vacant DHA positions. (Appendix B). The servicing HR Specialist submits a Staffing Request via the Workforce Transformation Tracking System (WTTS).
2. If there is a vacant position, the HR Specialist confirms a classified position description exists (e.g., checks Monster) and retrieves the PD and PD number.
3. HR Specialist must validate the PD's accuracy with the selecting official or designee.
4. If a new position and/or a classified position description does not exist, the HR Specialist will notify the selecting official or designee that a classified PD is required prior to posting the vacancy announcement.
5. Selecting official or designee will collaborate with the classifier in developing and classifying new PD(s).
6. The HR Specialist confirms that the DHA authority covers the position. (Appendix B)
7. All new positions, or those never posted, should have a completed job analysis. The HR Specialist will use job analysis to determine qualifications for the position.
8. The position must be active in FPPS.
9. HR Specialist enters the vacancy in WTTS using the position number and suffix established in FPPS.
10. The hiring official must approve the electronic SF-52 in FPPS.
11. Obtain potential candidate(s) résumés:
    - Public Notice regarding NRC's use of DHA is required. Therefore, the notice will be posted on USAJobs to satisfy this requirement.
    - Specific language must be in the vacancy announcement or posting to indicate the use of DHA.
    - The HR Specialist may data mine based on series and or location.
12. Applicants who meet the minimum qualification requirements of the position will be referred to the hiring manager for consideration, utilizing the applicant list.
13. The selecting official may interview, if desired, and select a candidate(s).
14. The selecting official will provide the HR Specialist with the signed applicant list and completed reference checks.
15. The HR Specialist will extend a tentative job offer(s).
16. The HR Specialist will obtain the OF 306 and begin the personnel security process with the selectee(s).
17. Once cleared through security, the HR Specialist will process the SF-50 (Appendix A), and onboard the candidate.
18. The HR Specialist will then close out the WTTS action.

RECORD RETENTION AND DESTRUCTION:

OCHCO will maintain records of each vacancy filled as described in the NRC Comprehensive Records Disposition Schedule (NUREG-0910) and MD 10.1 for two years from the date of selection and then destroy these records unless legal considerations require that the records be maintained for longer. All documentation pertinent to the selection process must be maintained to allow reconstruction of the placement action. All records (emails and non-emails), including those related to an individual's selection that document qualification standards, evaluation methods, selection procedures, and candidate evaluation must be retained in the case file.

All email messages are considered government property and must be provided to the requester if requested for legitimate government purposes. Employees' supervisors, NRC staff conducting official reviews or

investigations, and the Office of the Inspector General may request access to or copies of the email messages. Emails must also be provided to the Congressional Oversight Committee, if requested, and are subject to Freedom of Information Action requests. Back-up files are subject to the same requests as the original messages.

The Monster case file must contain the following no later than 45 days after the effective date of the action.

1. Selectee's application, including appointment SF-50;
2. Signed and dated NRC 772a and position description for all grade levels (statement of difference, if applicable).
3. Job analysis, rating schedule, and/or crediting plan for each grade level identified on the JOA.
4. Approved justification for selective factors(s), if applicable.
5. Original vacancy announcement along with any revised versions, including OPM control number.
6. List of Eligibles, including amendments, signed, and dated by the HR specialist, the selecting official, and the individual auditing the case.
7. Approved Qualification standard if different than OPM's
8. Other documents required in accordance with MD 10.1

REPORTING

OCHCO/HROP, as appropriate, will maintain DHA usage data for documentation and reporting purposes and provide reports to the HROP Associate Director upon request.

QUESTIONS

Address questions or concerns regarding this SOP to the servicing HR Specialist or HROP Branch Chiefs.

APPENDIX A

Processing the Personnel Action (SF-50):

Nature of Action Code (NOAC): 170
Table: 11A
Rule: 917
Legal Authority Code (LAC): ZLM

Remarks:
In addition to the normal new hire remarks, use:

YL6 – SELECTION SOURCE: DIRECT HIRE RECRUITMENT

Note: If a current or former Federal employee is selected under DHA, the HR Specialist should determine if a **trial period** was previously completed. If hired under DHA into a position not related to the current (or previous) position, a new trial period will be required.

Enter the appropriate remark from below on the SF50.

E03- TRIAL PERIOD COMPLETED.

E19- APPOINTMENT IS SUBJECT TO COMPLETION OF ONE YEAR TRIAL PERIOD BEGINNING **/***/****.

478- APPOINTMENT IS SUBJECT TO COMPLETION OF TWO-YEAR TRIAL PERIOD BEGINNING **/**/****.

APPENDIX B

Positions:

Positions Title	Occupational Series	Grades
Cyber Positions		
Computer Engineer (Cybersecurity)	0854	12-15
Computer Science (Cybersecurity)	1550	12-15
Electronics Engineer (Cybersecurity)	0855	12-15
IT Specialist (Cybersecurity)	2210	12-15
Artificial Intelligence		
Information Technology Specialist	2210	9-15
Computer Scientist (Artificial Intelligence)	1550	9-15
Computer Engineer (Artificial Intelligence)	0854	9-15
Management and Program Analyst	0343	9-15

Positions Title	Occupational Series	Grades Levels
Information Technology Management (Information Security)		
Information Technology Management (INFOSEC)	2210	9-15
STEM Positions		
Economist	0110	11-15
General Engineer	0801	11-15
Civil Engineer	0810	11-15
Physical Sciences	1301, 1306, 1310	11-15
Data Scientist	1560	11-15
Acquisitions	1102	11-15