



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
CHIEF, NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICER
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTOR, STRATEGIC CAPABILITIES OFFICE
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Implementation of Civilian Workforce Hiring Freeze

On January 23, 2017, the President issued a memorandum, *Hiring Freeze*, directing all Federal agencies to implement an across-the-board hiring freeze. Military personnel are not subject to this freeze. The purpose of this guidance is to implement the President's direction for the Department of Defense, mindful of our national security mission and significant public safety responsibilities. This is an opportunity for the Department to assess its most critical missions and requirements, ensuring that the civilian component of our force is assigned and capable of executing our highest priority work, while at the same time gaining full value from every taxpayer dollar we spend on defense. Every action we take as a team will be designed to ensure that we are ready to fight today and in the future.

During the hiring freeze, no vacant civilian position may be filled and no new position may be created, except as set forth in this guidance. The freeze impacts all Department of Defense positions, regardless of funding source.

Pursuant to the President's memorandum, the Secretary of Defense has determined that civilian positions engaged in executing the Department's national security mission and public safety responsibilities specifically enumerated in Section A of the Attachment are exempt from the hiring freeze. Additional positions may be exempted from the hiring freeze in accordance



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with the criteria set forth in Section B of the Attachment. Positions and personnel actions exempt from the freeze by operation of law are at Section C.

The Secretary of Defense established these exemptions, recognizing the important functions performed by each of our civilian employees across our Department. Each of the officials identified below, to whom the Secretary of Defense has delegated exemption authority, is charged to apply these exemptions sparingly, consistent with the President's objectives. Exemptions set forth at Sections A, B, and C of the Attachment may be granted on a group or individual basis, but officials to whom exemption authority has been delegated must be prepared to justify their exemption decisions to me on a position-by-position basis, consistent with the guidance set forth in this document. I will follow closely any actions taken with respect to implementation of the hiring freeze and will hold these officials accountable for the exemptions they grant. Under no circumstances will any personnel action related to an exemption request exceed established baselines for major headquarters activities and conforming reductions.

The Secretary of Defense has delegated the authority to determine whether positions fall within the exemptions set forth in Sections A, B, and C of the Attachment to the Secretaries of the Military Departments; the Chairman of the Joint Chiefs of Staff for the Office of the Joint Chiefs of Staff and the Joint Staff; the Inspector General of the Department of Defense for the Office of the Inspector General of the Department of Defense; and the Deputy Chief Management Officer for the Office of the Secretary of Defense, the Defense Agencies and DoD Field Activities, and all other organizational entities within the Department not otherwise assigned in this paragraph. Any exemption request affecting a Combatant Command will be coordinated with the Chairman of the Joint Chiefs of Staff before submission to the appropriate Military Department Secretary for review and action. Any exemption request affecting a Defense Agency or DoD Field Activity shall be forwarded through the responsible Principal Staff Assistant to the Deputy Chief Management Officer. This authority may not be further delegated, but may be exercised by a person acting in, or performing the duties of, a position to which exemption authority has been delegated by this memorandum.

The civilian personnel actions enumerated at Section D of the Attachment may be taken without further approval. Section E provides for actions that may be taken without grant of exemption, subject to advance coordination with the Office of the Under Secretary of Defense for Personnel and Readiness, Attention: Acting Deputy Assistant Secretary of Defense for Civilian Personnel Policy. Actions taken in accordance with Sections D and E must be tracked and reported as provided below.

To ensure compliance with the President's direction that contractors not be used to circumvent the hiring freeze, the following policies shall be enforced for the duration of the freeze. Funds that are above established organizational baselines may not be used to award new contracts or increase the scope of existing contracts without first being certified by the officials referenced above. These actions must be for the purpose of performing functions of highest priority, applying the considerations and criteria described in Sections A, B, and C of the Attachment. During reviews of services contracts, the Deputy Chief Management Officer and Military Department contracted services managers must ensure that contract actions are not taken to compensate for impacts of the hiring freeze.

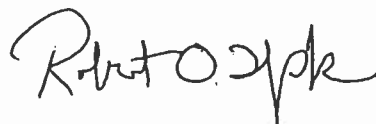
Each official to whom exemption authority has been delegated will submit reports to the Office of the Under Secretary of Defense for Personnel and Readiness on a biweekly basis, aligned with the pay periods of the organizations for which he/she is responsible pursuant to this memorandum, in a format provided by the Office of the Under Secretary of Defense for Personnel and Readiness. In addition to numeric metrics, reports will afford delegated officials the opportunity to provide narrative inputs assessing mission risk and readiness impacts of the hiring freeze.

Those officials to whom exemption authority has been delegated may reallocate (e.g., through noncompetitive reassignment or detail) current civilian employees of the organizations for which they are responsible pursuant to this memorandum, to ensure that the Department's highest priority needs (including preservation of national security and other essential services) are not affected. No reallocation may result in the move of an employee from a position that would qualify for an exemption from the hiring freeze to a position that would not qualify for such an exemption.

I expect you to apply your best efforts to implement this hiring freeze. Our work will inform a government-wide effort to optimize the size of the Federal civilian workforce and will best position the Department to implement that plan for the long-term. We are in this together to advance our mission, and strengthen our Department and our Nation. I am confident that each of us will do our part.

This guidance will be updated by the Office of the Under Secretary of Defense for Personnel and Readiness as additional information is received from the Office of Management and Budget and the Office of Personnel Management.

All civilian personnel actions and contract actions will be taken in accordance with law, regulation, and applicable collective bargaining agreements. Questions regarding this memorandum should be directed to the Office of the Under Secretary of Defense for Personnel and Readiness, Attention: Acting Deputy Assistant Secretary of Defense for Civilian Personnel Policy.

A handwritten signature in black ink, appearing to read "Robert O. York". The signature is written in a cursive, flowing style.

Attachment:
As Stated

ATTACHMENT

Section A – Functions Determined by the Secretary of Defense to be Necessary to Meet National Security or Public Safety Responsibilities. Exemptions may be granted *only* for positions deemed critical to the execution of the function listed. Officials to whom exemption authority has been delegated are required to submit reports as described above and must be prepared to justify their exemption decisions on a position-by-position basis based on such reports.

1. Positions directly supporting the execution of contingency missions and operations, scheduled military operations and deployments, and security cooperation exercises or training.
2. Positions required for cybersecurity and cyberspace operations or planning.
3. Positions required for space operations or planning.
4. Positions required for execution of the cyber and intelligence lifecycle operations, planning, or support thereof.
5. To the extent necessary to maintain capability to ensure a medically ready force, positions directly providing inpatient care in Department of Defense Medical Treatment Facilities and providing acute and emergency outpatient care in Department of Defense medical and dental facilities. Additionally, positions involving communicable disease prevention and similar public health activities.
6. First responder firefighter and law enforcement positions.
7. Positions necessary to carry out or enforce treaties and other international obligations.
8. Positions providing operational support to the President of the United States, Secretary of Defense, or Chairman, Joint Chiefs of Staff.
9. Positions providing child care to the children of military personnel.
10. Positions at the installation level providing direct support to the prevention of child abuse, sexual assault, domestic violence, and suicide and providing direct support to those affected.
11. Positions required for nuclear reactor and nuclear weapon safety and security and nuclear command, control, and communications. Additionally, positions required for biological select agent safety and security.
12. Positions performing mortuary affairs activities and other directly related services necessary to properly care for the fallen and their families.
13. Positions required to be filled by a foreign national employee.

14. Positions in shipyards and depots in which positions incumbents perform direct management of inventory and direct maintenance of equipment.

15. Positions funded by Foreign Military Sales.

16. Civilian Mariners in Military Sealift Command.

Section B – Exemptions to be Determined by the Secretaries of the Military Departments, the Deputy Chief Management Officer, the Inspector General of the Department of Defense, and the Chairman of the Joint Chiefs of Staff, Pursuant to Delegation from the Secretary of Defense. Exemptions in this section may be granted on a group or individual basis, but officials to whom exemption authority has been delegated are required to submit reports as described above and must be prepared to justify their exemption decisions on a position-by-position basis.

1. Officials to whom I have delegated authority in the base memorandum may exempt additional positions not in the categories listed in Section A, provided that they certify, in writing, that the exemption of any such position is necessary to meet the Department's national security or public safety responsibilities. Exemption determinations must be based on the position's function, not funding source. Each of the following criteria must be documented in connection with a request for and action on the exemption request:

a. Describe how the functions of the position are necessary to meet the Department's national security or public safety responsibilities.

b. Given that the Department accepts risk with respect to every decision not to hire, identify the compelling circumstances that justify the grant of an exemption.

c. Document the alternatives considered in assessing how the national security or public safety responsibilities associated with the position would be performed if the exemption were not granted. In approving an exemption request, those to whom I have delegated authority must certify that the requesting organization would not meet its national security or public safety responsibilities through measures short of hiring.

d. Certify that other personnel cannot be reallocated to perform the national security or public safety responsibilities of the position.

2. If an individual has received a job offer/appointment prior to January 22, 2017, and has received documentation from the employing agency that specifies a confirmed start date after February 22, 2017 (or who does not have a confirmed start date), the appropriate delegate should review the position to determine whether the job offer/appointment should be revoked, or whether the individual should report for duty on an agreed upon start date. This review will be conducted in accordance with paragraph 1 of Section B.

3. As determined by officials to whom exemption authority has been delegated, the term or temporary appointment of a current DoD employee may be extended to the maximum allowable

time limit, consistent with the conditions/requirements of the legal authority originally used to appoint the employee.

Section C – Exemptions Required by Law. Exemptions in this section shall be granted on a group or individual basis, but officials to whom exemption authority has been delegated are required to submit reports as described above and must be prepared to justify their exemption decisions on a position-by-position basis.

1. Civilian employees exercising return rights from an overseas assignment.
2. Civilian employees returning from uniformed service and afforded protections pursuant to the Uniformed Services Employment and Reemployment Rights Act.
3. Civilian employees returning to duty after an absence pursuant to the Federal Employees' Compensation Act.
4. Placements required to reasonably accommodate an employee under the Rehabilitation Act of 1973.
5. Dual Status Military Technicians.
6. Placements directed by a court, arbitrator, or administrative tribunal.
7. Any other hiring action required by law, as determined by the General Counsel of the Department of Defense or the General Counsel of a Military Department.

Section D – Actions That May Be Taken Without Grant of Exemption.

1. The nomination and appointment of officials to positions requiring Presidential appointment or Senate confirmation, the appointment of officials to non-career positions in the Senior Executive Service or to Schedule C positions in the Excepted Service, or the appointment of any other official who serves at the pleasure of, and directly for, a Presidential appointee or an official in a non-career position in the Senior Executive Service (e.g., a reemployed annuitant, highly qualified expert, or expert/consultant who works directly for the Secretary of a Military Department or a non-career SES).
2. An individual who has received a job offer/appointment prior to January 22, 2017, and who has received documentation from the agency that specifies a confirmed start date on or before February 22, 2017, should report to work on that date.
3. As to positions that are determined not to be exempt, but for which hiring actions were initiated prior to January 22, 2017, processing may proceed, provided that no new tentative or firm job offer is extended. For example, an organization may review resumes submitted and identify and interview qualified candidates. Or, if an individual was extended a tentative job offer before January 22, 2017, required actions such as drug testing and security clearance investigation and adjudication may proceed. In all such cases, organizations will take great care

to ensure and document that applicants are aware of the hiring freeze and communicate that the organization's decision to proceed with such required actions does not confer any rights or privileges.

4. Pursuant to Department of Defense Instruction 1100.21, "Voluntary Services in the Department of Defense," volunteers may be used during the hiring freeze to maintain programs covered by the Instruction, including (as an exception to the restriction in the Instruction) volunteers for services previously provided by civilian employees whose positions cannot be filled due to the freeze.
5. Appointments made under the Pathways Internship and Presidential Management Fellows programs (but not including the Recent Graduates program). Organizations will ensure that such hires understand the provisional nature of these appointments and that conversion is not guaranteed.
6. Conversions in the ordinary course to the competitive service, of current DoD employees serving in positions with conversation authority, such as Veterans Recruitment Act and Pathways programs.
7. Internal career ladder promotions.

Section E – Actions That May Be Taken Without Grant of Exemption but *Require Advance Coordination* with the Office of the Under Secretary of Defense for Personnel and Readiness, Attention: Acting Deputy Assistant Secretary of Defense for Civilian Personnel Policy.

1. Appointment of seasonal employees and short-term temporary employees necessary to meet traditionally recurring seasonal workloads, provided that the official to whom exemption authority has been delegated coordinates hiring plans with the Acting Deputy Assistant Secretary of Defense for Civilian Personnel Policy in advance of any such appointment.
2. Appointments made under 5 Code of Federal Regulations, section 213.3102(r) (time limited positions in support of fellowship or professional industry exchange programs) provided that the Acting Deputy Assistant Secretary of Defense for Civilian Personnel Policy validates to the official to whom exemption authority has been delegated, in advance of any appointment action, that the total number of individuals employed under this authority would not exceed the number of employees hired under this same authority and onboard in the Department of Defense on January 22, 2017.
3. Voluntary transfers of current members of the career Senior Executive Service from one DoD component to another, or between DoD and another Federal agency, as necessary to secure leadership capacity, and where needs cannot be met by the internal reallocation of Senior Executive resources. Officials to whom exemption authority has been delegated will coordinate such transfers, in advance, with the Acting Deputy Assistant Secretary of Defense for Civilian Personnel Policy.