



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

July 30, 2024

## Memorandum

To: Bureau Human Capital Officers  
Bureau Human Resources Directors

From: Jennifer A. Ackerman  
Director, Office of Human Capital  
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Subject: Clarification on Requirements When Using Direct Hire Authority

**Purpose:** This memorandum serves to provide supplementary policy guidance for PB 13-01 Delegated Examining and the Department's policies governing the use of direct hire authority (DHA) (e.g., Personnel Bulletins 24-02, 23-08, 22-08, and Government-wide DHAs).

### Definition:

Direct Hire Authority (DHA) – In this memorandum, DHA refers specifically to an appointing (hiring) authority that the U.S. Office of Personnel Management has given to agencies for filling vacancies when a critical hiring need or severe shortage of candidates exists, as described in 5 CFR 337.201.

**Background:** Recently, several inquiries have been posed to the Office of Human Capital (OHC) to clarify whether HR personnel must be Delegated Examining (DE) certified in order to work DHA Job Opportunity Announcements (JOAs). This memorandum is intended to clarify Department-level guidance on the relative qualifications/experience required of HR personnel working a DHA vacancy. This guidance will be reflected in future updates to the aforementioned DE and DHA PBs and any forthcoming DHA PBs.

Per 69 Federal Register 33271, “although an agency using direct-hire authority must have a delegated examining authority, the agency is not required to have a Delegated Examining Unit (DEU) in place.” This is also referenced in 5 CFR 337.201. Interior receives its DE authority from its inter-agency agreement (IAA) with U.S. Office of Personnel Management (OPM), which is further delegated to Bureaus from the Chief Human Capital Officer with governance provided by PB 13-01 and 5 USC 1104(a)(2). While PB 13-01 references 5 CFR 337 Examining System generally, it does not reference 5 CFR 337.201-206 Direct-Hire Authority specifically.

OPM issues DHAs to agencies either in response to a request for a specific agency-level need or upon independently determining a severe shortage of candidates or critical hiring need exists on a Government-wide basis (or at specific agencies). These DHAs are issued apart from existing IAAs for conducting DE activities. OPM provides operating and coding instructions for use of

DHAs separately from DE activities, and DHA precludes agencies from conducting rating and ranking procedures or application of Veterans' preference, which are both critical components of the DE training and certification process.

When issuing a DHA, OPM typically provides the DHA may be made for temporary, term, and/or permanent hires and does not provide distinction on the relative qualifications required of HR personnel charged with utilization of DHA. Interior's previous DHA PBs are similarly silent on guidelines for whom can or cannot be involved in processing actions for DHA or to what extent they may be involved in the hiring process.

**Policy:** Departmental PBs governing use of a particular DHA include delegation of responsibility for application and utilization of the DHA to Servicing Human Resources Offices (SHROs) as outlined within the DHA PB (i.e., for specific Bureaus or Offices if listed). It is not required that a Bureau or SHRO have a DEU in order to make appointments under a DHA. Appointments made under DHA must follow the explicit guidance in the Guide to Processing Personnel Actions and instructions defined within Department policy (e.g., DHA PBs). Bureaus or Offices without a DEU are covered for use of DHAs by the Department's overarching DE Agreement with OPM.

Individuals involved with making qualification determinations, issuing certificates, auditing certificates, making tentative or final offers, and other such activities under DHA must be sufficiently qualified to conduct such activities or be operating under the direct oversight of someone who is sufficiently qualified. Bureau human capital offices are required, with input from SHROs, to determine what "sufficiently qualified" entails for this purpose (e.g., experience with reviewing qualifications determinations for merit promotion vacancies could potentially constitute the appropriate level of experience if the Bureau human capital office deems it as such). Individuals *do not* require DE certification in order to work a DHA vacancy as outlined above, nor do individuals providing direct oversight of someone conducting DHA activities, *unless* the Bureau human capital office determines that to be the most appropriate indicator of required experience.

**Conclusion:** Bureaus do not require a DEU to make appointments under DHA. Any requirements for HR specialists working DHA certificates are determined at the Bureau level. There is not a Government-wide or Department-level requirement for HR personnel to be DE certified in order to work a DHA certificate.

**Inquiries:** Any Department employee or employee representative seeking further information concerning this memorandum may contact their respective SHRO. Bureau Headquarters HR staff may contact [DOI\\_Office\\_of\\_Human\\_Resources@ios.doi.gov](mailto:DOI_Office_of_Human_Resources@ios.doi.gov).