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Approved For Release  
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Date

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
OFFICE OF HUMAN CAPITAL SERVICES**

**HUMAN RESOURCES GUIDANCE BULLETIN #1005, FY22**

**SUBJECT:** Appointment of NOAA Commissioned Corps Officers to the Federal Civil Service by use of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2020.

**EFFECTIVE DATE:** Upon release of the Human Resources Guidance Bulletin

**EXPIRATION DATE:** Effective until cancelled or superseded

**SUPERSEDES:** N/A

**COVERAGE:** This Bulletin applies to all National Oceanic and Atmospheric Administration (NOAA) Line/Staff Offices (LO/SOs) seeking to appoint qualified individuals who have served or currently serve in the NOAA Commissioned Officer Corps for at least 3 years by using competitive procedures.

Where provisions of this policy differ from negotiated collective bargaining agreements, the provisions of the collective bargaining agreement will apply.

For additional information or assistance, please contact your servicing Business Advisor.

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## **SECTION 1. BACKGROUND**

**1.1** The NOAA Commissioned Officer Corps Amendments Act of 2020 ([P.L. 116-259](#)), among other provisions, implemented a new authority to hire NOAA Commissioned Corps officers through Merit Promotion competitive procedures. This Bulletin describes the details and requirements to apply this new hiring authority. This hiring authority has only been authorized for NOAA use.

## **SECTION 2. PURPOSE**

**2.1** The purpose of this Bulletin is to facilitate implementation of the new competitive hiring authority for individuals who have served or who currently serve in the NOAA Commissioned Officer Corps as stated in 33 U.S.C., Ch. 43, Subchapter 5, Section 3079(a). This Bulletin prescribes and clarifies matters related to utilizing the appointment authority within NOAA. The authority found within the U.S.C. section cited above is not a direct hire authority.

## **SECTION 3. POLICY**

**3.1** NOAA's recruitment process must be conducted in accordance with Merit Systems Principles. At all times, HR Specialists, Management, and individuals acting as SMEs will protect and comply with [Merit System Principles](#) and promote an effective Federal workforce by avoiding [Prohibited Personnel Practices](#). All current and prospective Federal employees will be treated fairly in all aspects of employment. It is NOAA policy that appointments and changes of employment status shall be made solely on the basis of merit and qualifications, within the limits of applicable laws and regulations. All qualified applicants and employees must receive consideration without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, age, disability, genetic information, marital status, political affiliation, sexual orientation, labor organization affiliation or non-affiliation, status of a parent, any other factor(s) stated in the Secretary's Policy Statement on Equal Employment Opportunity, or any other non-merit-based factor.

**3.2** NOAA may select a NOAA Commissioned Corps officer through Merit Promotion competitive procedures when limiting the area of consideration to a NOAA-wide job opportunity announcement (JOA). The officer will be deemed to be serving in a career or career-conditional position when that officer has served, or is currently serving, in the NOAA Commissioned Officer Corps for at least 3 years. Upon selection, the officer may be provided a career or career-conditional appointment in the competitive service.

**3.3** Legal Authority. Treatment of commission in Commissioned Officer Corps as employment in NOAA for purposes of certain hiring decisions (as stated in the U.S. Code).

- a. In general: In any case in which the Secretary of Commerce accepts an application for a position of employment with NOAA and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within NOAA, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps of NOAA for at least three years to be serving in a career or career-conditional position in the competitive

service within NOAA for purposes of such limitation.

- b. Career Appointments: If the Secretary of Commerce selects an application submitted by an officer described in subsection 4.2(a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate. (33 U.S.C., Ch. 43, Subchapter 5, Section 3079a).

**3.4** A Merit Promotion JOA is required. The following requirements for a job opportunity announcement must be met:

- a. When limiting the area of consideration, special care must be provided to the procedures in DOC Human Resources Bulletin #210, FY17, Creating a Job Opportunity Announcement. The Bulletin states, “The area of consideration shall be at least DOC-Wide. The Servicing Human Resources Offices (SHRO)/Enterprise Services Center (ESC) may request approval to restrict the area of consideration to less than DOC-wide through a written request (can be in the form of an e-mail) to the Director for Human Resources Management and Chief Human Capital Officer (Director) with a detailed justification for the waiver. The SHRO/ESC must receive approval in writing (can be in the form of an e-mail) from the Director prior to posting the Job Opportunity Announcement.” The request must be made by the Director, Office of Human Capital Services (OHCS), which is the NOAA SHRO via either email or a formal memo to the Director.
- b. The Veterans Employment Opportunities Act (VEOA) of 1998 provides that agencies must allow preference eligibles or eligible veterans to apply for positions announced under merit promotion procedures when the agency is recruiting from outside its own workforce. The VEOA gives preference eligibles or eligible veterans access an opportunity to apply for positions for which the agency is accepting applications beyond its own workforce under merit promotion procedures. Details are in the Office of Personnel (OPM) Management [Vet Guide for HR Professionals](#).
- c. Announcements must also be open to Career Transition Assistance Plan (CTAP) and/or Interagency Career Transition Assistance Plan (ICTAP) candidates. CTAP and ICTAP applicants must be considered for competitive service vacancies before screening other applicants under merit promotion procedures or competitive procedures as applicable. For more information, see DOC Human Resources Bulletin (HRB) #153, FY12, Career Transition Assistance Plan (CTAP) and Interagency Career Transition Assistance Plan (ICTAP) Evaluation and Clearance Process.

**3.5** All appointments are subject to OPM qualifications standards. To be eligible for placement, applicants must meet the minimum qualification standards prescribed by OPM, 5 CFR §335.103(b)(3), or any applicable approved Department or bureau/operating unit standard, as well as defined specialized experience and any selective placement factor(s), by the closing date of the JOA per Department Administrative Order (DAO) 202-335, Merit Assignment Program.

**3.6** A pre-employment background investigation is required. Selectees will be subject to a background investigation. NOAA is required to request an applicable pre-employment background investigation based on the sensitivity level of the position being filled.

**3.7** A probationary period may be required. Appointees will be subject to a probationary period consistent with other competitive service appointments. Before initiating the removal of an employee serving in a probationary period, the employee's supervisor must consult the OHCS, Workforce Relations Division, Employee and Labor Relations Branch. The probationary period for new appointees in research and development positions in the ZP career path is 3 years.

**3.8** Use of this authority will be monitored and evaluated. The OHCS Quality Assurance and Accountability Division will periodically assess the implementation of this appointment authority to ensure it is applied correctly and effectively and supports NOAA's hiring/recruitment goals.

**3.9** Processing personnel actions under this appointing authority. The following data must be entered when processing personnel actions under this appointment authority:

- NOAC: 101 Career-Conditional Appointment
- Legal Authority Code: ZLM – P.L. 116-259 (Table 9-G)

**3.10** Compensation. Each candidate's salary will be set commensurate with demonstrated qualifications and experience. Appropriate Commerce Alternative Personnel System or General Schedule pay setting policies will be applied.

**3.11** NOAA's automated personnel hiring systems will document the appointment of NOAA Commissioned Corps officers under this appointment authority in the recruitment case file. The case file must contain sufficient documentation to allow reconstruction of the action to successfully document the recruitment. Job vacancy case files are to be destroyed 2 years after termination of register. The timeframes to retain or destroy records are available on the [NOAA Records Schedules](#) website.

## **SECTION 4. REFERENCES**

- 4.1** 33 U.S.C., Ch. 43, Subchapter 5, Section 3079a
- 4.2** DAO 202-335 – Merit Assignment Program (dtd 6/15/2017)
- 4.3** DOC HRB #210, FY17, Creating a Job Opportunity Announcement
- 4.4** DOC HRB #153, FY12, Career Transition Assistance Plan (CTAP) and Interagency Career Transition Assistance Plan (ICTAP) Evaluation and Clearance Process
- 4.5** Public Law 116-259, National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2020
- 4.6** Vet Guide for HR Professionals, OPM