

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

**DEPARTMENT OF THE AIR FORCE
INSTRUCTION 36-141**



3 AUGUST 2022

Certified Current 12 November 2024

Personnel

CYBER EXCEPTED SERVICE (CES)

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available on the e-Publishing website at <https://www.e-publishing.af.mil/> for downloading or ordering.

RELEASABILITY: There are no releasability restrictions on this publication.

OPR: AF/A1C

Certified by: SAF/MR

Pages: 21

This publication implements Air Force Policy Directive (AFPD) 36-1, *Appropriated Funds Civilian Management and Administration*, and is consistent with Department of Defense Instruction (DoDI) 1400.25, Volume 3001, *DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Introduction*, DoDI 1400.25, Volume 3005, *DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Employment and Placement*, DoDI 1400.25, Volume 3006, *DoD Civilian Personnel Management System: Cyber Excepted Service Compensation Administration*, and DoDI 1400.25, Volume 3007, *DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Occupational Structure*. It provides guidance for the civilian Cyber Excepted Service (CES) personnel system and employment of civilian cyberspace employees' guidance is provided in Title 10 United States Code (USC) Section 1599f, *United States Cyber Command Recruitment and Retention*.

This instruction applies to Title 10 USC, Armed Forces civilian employees in CES-designated positions in the entire Department of the Air Force (DAF). This publication does not apply to uniformed members of the Regular Air Force, Air Force Reserve, Air National Guard, and United States Space Force (USSF). It does not apply to non-designated CES positions. This Department of the Air Force publication may be supplemented at any level; Major Command or equivalent level supplements must be approved by the Human Resource Management Strategic Board (HSB) prior to certification and approval. The authorities to waive wing, unit, and delta or garrison level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. See Department of the Air Force Manual (DAFMAN) 90-161, *Publications Processes and Procedures*, for a description of the authorities associated with the

Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor's commander for non-tiered compliance items. Ensure all records generated because of processes prescribed in this publication adhere to Air Force Instruction 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the DAF Form 847, *Recommendation for Change of Publication*; route DAF Forms 847 from the field through the appropriate functional chain of command.

To the extent, its directions are inconsistent with other Department of Air Force publications; the information herein prevails, in accordance with DAFI 90-160, *Publications and Forms Management*.

Chapter 1

CYBER EXCEPTED SERVICE (CES)

1.1. Overview. The Cyber Excepted Service (CES) is a mission-focused human resource management system for Department of Defense (DoD) cyberspace organizations as designated by the Secretary of the Defense. It provides the human resources tools necessary to achieve the military and national cyberspace missions. It incorporates DoD, DAF, to include United States Space Force (USSF) cyberspace positions under a single, performance-based, mission-focused personnel management system. It serves as the common defense cyberspace enterprise that helps to attract, retain, and reward the workforce needed to carry out critical national cyberspace missions. It supports consistency and transparency across the defense cyberspace enterprise while simultaneously providing the flexibilities to embrace DAF culture with CES organizations.

1.1.1. The CES shall be the civilian personnel system for DAF cyber positions as designated by the DoD Chief Information Officer (DoD CIO) in consultation with the Department of the Air Force. **(T-0)**.

1.1.2. This publication applies only to DAF civilian positions in which employees perform, manage, supervise or support functions necessary to execute the responsibilities of the United States Cyber Command, pursuant to 10 USC § 1599f.

1.1.3. Employees in cyber-designated positions have an option to convert or not convert during the appropriate implementation phase. If employee chooses not to convert, the position will convert when it becomes vacant. **(T-0)**.

1.1.3.1. An employee's option to not convert voluntarily will be final, although the employee may compete for other positions in CES.

1.1.3.2. This issuance does not apply to:

1.1.3.2.1. Employees covered by the Defense Civilian Intelligence Personnel System (DCIPS), Acquisition Workforce Personnel Demonstration Project (AcqDemo), the Federal Wage System (FWS), or equivalent; non-appropriated fund employees; and foreign national employees employed under authority other than the CES.

1.1.3.2.2. Employees in CES-designated cyber positions who declined the voluntary opportunity to convert to the CES.

1.1.3.2.3. Employees in cyber positions that are not CES-designated.

1.1.3.2.4. Employees in Senior Executive Service, senior level, scientific and professional, and equivalent positions.

1.2. CES Policy.

1.2.1. Utilize this instruction in conjunction with DoDI 1400.25, Volumes 3001, 3005, 3006, and 3007, where indicated, to determine DAF CES guidance. **(T-1)**. Refer to other publications as indicated. Unless specified in this publication, Office of Personnel Management (OPM), DoD, and DAF publications and procedures apply to CES.

1.2.2. CES will serve as the civilian excepted service personnel system for cyber positions designated as CES positions by the DoD CIO in consultation with the Under Secretary of

Defense for Personnel and Readiness (USD(P&R)), the Under Secretary of Defense for Policy ((USD(P), and the Department of the Air Force. **(T-0)**.

1.3. CES Employment and Placement Programs will:

1.3.1. Facilitate the recruitment and employment of a high quality, diverse workforce with the skills and competencies needed to meet mission requirements. **(T-0)**.

1.3.2. Facilitate the development of a workforce that acquires an integrated enterprise-wide and inter-agency perspective through assignments that cross DoD components and DoD boundaries. **(T-0)**.

1.3.3. Incorporate the principles and practices of Merit System Principles; prevention of Prohibited Personnel Practices; Equal Employment Opportunity; Restriction on Employment of Relatives; and Uniformed Services Employment and Reemployment Rights Act. **(T-0)**.

1.3.4. Incorporate best practices from government and private sector, as consistent with law, in recruiting and placing qualified staff. **(T-0)**.

1.3.5. Facilitate the development of talent exchange programs, consistent with law, with the private sector to bring measurable benefits to DoD to meet mission requirements. **(T-0)**.

1.3.6. Provide for planned training, education, and diverse assignments that support the career development and retention of cyber professionals in the DoD components. **(T-0)**.

1.3.7. Be developed with appropriate consideration of the DoD human capital planning strategic guidance. **(T-0)**.

1.4. Compensation Practices for CES-covered Employees will:

1.4.1. Be competitive to attract and retain a high-quality workforce dedicated to the cyber mission and consistent with practices across DoD. **(T-0)**.

1.4.2. Provide for the appropriate exchange of compensation information with other human resource or financial systems within the DoD components. **(T-0)**.

1.4.3. Provide a basis for linking awards, performance-based pay increases (when operating under an approved pay for performance system), and bonuses to individual accomplishments, demonstrated competencies, and contributions to organizational results. **(T-0)**.

1.4.4. Provide for special demands created by unique working conditions and deployment requirements. **(T-0)**.

Chapter 2

ROLES AND RESPONSIBILITIES

2.1. The Deputy Chief of Staff of the Air Force, Manpower, Personnel and Services (AF/A1) will:

2.1.1. Implement and administer CES and comply with the DoDI 1400.25 CES volumes. **(T-0)**.

2.1.1.1. Issue supplemental regulations or policy to the extent authorized by, and consistent with, the CES Volumes. **(T-0)**. The Department of Defense Directive (DoDD) 1400.25, *DoD Civilian Personnel Management System*, guidance will comply with the philosophy and policy of the Secretary of Defense to keep supplementation of the CES volumes to a minimum and to eliminate regulations that are redundant or unnecessary. **(T-0)**.

2.1.1.2. Develop policy defining the business process and required documentation for submitting CES Conversion request packages to obtain DoD CIO approval.

2.1.1.3. Provide policy revisions when required. **(T-1)**.

2.1.1.4. Submit supplemental regulations and policy implementing CES policy to the DoD CIO for oversight and program evaluation within 30 days of issuance. **(T-1)**.

2.1.2. Conduct workforce planning; identify appropriate applicant sources; and recruit, assign, and manage CES-covered positions and personnel within their DoD components in accordance with the CES Volumes and DoD Instruction (DoDI) 1400.25, Volume 250. **(T-0)**.

2.1.3. Coordinate with Deputy Chief Information Officer of the Department of the Air Force (SAF/CN) to develop the CES Program Evaluation Plan. **(T-1)**.

2.1.4. In collaboration with SAF/CN, establish procedures for the evaluation of CES positions using systematic application of CES position classification criteria in accordance with DoDI 1400.25, Volume 3007 to ensure an effective and efficient workforce alignment in support of the cyber mission. **(T-0)**.

2.2. The Department of the Air Force Chief Information Officer (SAF/CN) will:

2.2.1. Provide a senior executive member within SAF/CN, or as designated by SAF/CN, to serve as the functional Office of Primary Responsibility (OPR) for cyber civilians. This representative is responsible to address and provide recommendations to DoD CIO on CES human capital issues and provide leadership and guidance for CES. **(T-0)**.

2.2.2. Collaborate with AF/A1 to develop, coordinate, and execute CES policy.

2.2.3. Develop, publish, and maintain a total force management perspective for all CES positions within the Department of Air Force, in coordination with the DoD CIO as described in DoDD 8140.01, *Cyberspace Workforce Management*. **(T-0)**.

2.2.3.1. Establish procedures to ensure the proper identification of cyberspace positions and application of DoD Cyber Workforce Framework (DCWF) code(s). The designation of DCWF codes will inform the classification of cyber workforce work as defined in DoDD 8140.01. **(T-0)**.

2.2.3.2. Recommend to the DoD CIO which cyber positions are designated as CES positions. **(T-0)**.

2.2.4. Develop, in coordination with AF/A1, the CES Program Evaluation Plan. **(T-0)**.

2.3. USSF, Major Commands, Combatant Commands, Field Operating Agencies, Direct Reporting Units, and Field Commands will:

2.3.1. Direct the implementation of CES, ensuring that any supplemental command-wide policies and procedures are flexible, cost-effective and efficient. **(T-2)**.

2.3.1.1. Evaluate implementation and effectiveness of CES program to ensure alignment with the goals and objectives of the SAF/CN Strategic Plans. **(T-2)**.

2.3.1.2. Determine, recommend, and monitor personnel management resource requirements necessary to support cyberspace functions within their control. **(T-2)**.

2.3.1.3. Ensure that each CES position is reviewed for appropriate classification as mission requirements change. **(T-0)**.

2.3.2. Ensure CES employees and their rating and reviewing officials receive mandatory CES training as defined by DoD CIO. This includes both HR professionals servicing CES positions and/or providing CES oversight as well as supervisors and managers (civilian and military) of Department of the Air Force CES employees. **(T-2)**.

2.4. Installation-Level Civilian Personnel Section will:

2.4.1. Administer CES. **(T-3)**.

2.4.2. Provide CES advisory services to commanders, directors, managers, supervisors and employees. **(T-3)**.

2.4.3. Coordinate with the CES hiring managers on all aspects of CES recruitment and placement. **(T-3)**.

2.4.4. Assist supervisors in administering disciplinary actions, suspensions, and removals. **(T-3)**.

2.5. Unit commander or designee will:

2.5.1. Determine additional competitive areas and status of detailed employees during a reduction in force. **(T-3)**.

2.5.2. Approve CES pay setting for steps 6 through 10. **(T-3)**.

2.5.3. Ensure completion of CES performance plans and individual development plans. **(T-3)**.

2.6. Second-level Supervisor or designee will:

2.6.1. Approve CES pay setting for steps 1 through 5. **(T-3)**.

2.6.2. Approve CES pay setting for steps 6 through 10, when delegated. **(T-3)**.

2.7. First-level Supervisor will:

2.7.1. Recommend CES starting pay. **(T-3)**.

2.7.2. Approve CES pay setting for steps 1 through 5, when delegated.

2.7.3. Manage employee discipline and performance. Coordinate all disciplinary action with the servicing civilian personnel section. **(T-3)**.

2.7.4. Identify all required CES employee training for direct reports and ensure its completion. **(T-3)**.

2.8. Employees will:

2.8.1. Adhere to established civilian standards of conduct and individual responsibility identified in AFI 36-703, *Civilian Conduct and Responsibility*. **(T-3)**.

2.8.2. Participate in developing an annual performance plan and individual development plan. **(T-3)**.

2.8.3. Provide written midpoint and annual self-report of accomplishments. **(T-3)**.

2.8.4. Acknowledge mid-review and annual performance evaluations. **(T-3)**.

2.8.5. Complete all required CES training. **(T-3)**.

Chapter 3

GUIDANCE AND PROCEDURES

3.1. Cyber Excepted Service (CES) Introduction.

3.1.1. DAF CES will comply with policies, responsibilities, development, management, evaluation and programs established of CES employees in DoDI 1400.25, Volume 3001. **(T-0)**.

3.1.2. The DAF employees occupying CES positions must perform, manage, supervise, or support functions necessary to execute the responsibilities of the United States Cyber Command, pursuant to 10 USC § 1599f. **(T-0)**.

3.1.3. AF/A1 will implement and administer CES.

3.1.4. SAF/CN will designate or dismiss DAF CES positions in coordination with DoD CIO. **(T-0)**.

3.1.5. CES will be implemented in accordance with policies in DoDI 1400.25, Volumes 3001, 3005, 3006 and 3007. **(T-0)**.

3.2. CES Employment and Placement.

3.2.1. DAF will comply with policies, guidance, and responsibilities to recruit, promote, and detail CES employees established in DoDI 1400.25, Volume 3005. **(T-0)**.

3.2.2. All units will use the “rank in position” construct for all CES positions vice “rank in person”. Refer to DoDI 1400.25, Volume 3001, Section 1.2.c. (7). **(T-0)**.

3.2.3. CES appointments will be in accordance with the authority of 10 USC § 1599f and DoDI 1400.25, Volume 3005, Section 3.2. **(T-0)**.

3.2.3.1. Each non-CES applicant selected for a CES position must acknowledge in writing before the appointment is effected that the position for which the applicant has been selected is in the excepted service and covered by CES. **(T-0)**. Refer to DoDI 1400.25, Volume 3005, Section 3.10.

3.2.3.2. Each selectee for a CES position must acknowledge in writing before the appointment is effected the specific qualifications he/she must meet within 6 months of appointment. Failure to do so could result in dismissal. **(T-0)**. Refer to AFMAN 17-1303, *Cybersecurity Workforce Improvement Program*. Chapter 5.

3.2.4. CES employment and placement activities will incorporate quality goals and standards to measure recruitment and placement results, stating how consideration is given to qualified applicants from diverse backgrounds. Refer to DoDI 1400.25, Volume 3005, Section 3.13.a. **(T-0)**.

3.2.5. Essential metrics to support the assessment of employment and placement action will, at a minimum, include the metrics indicated in DoDI 1400.25, Volume 3005, Section 3.13.b. **(T-0)**.

3.2.6. Veterans' preference in external recruitments will follow DoDI 1400.25, Volume 3005, Section 3.6. **(T-0)**.

3.2.7. Veteran’s preference is not applicable to recruitment from internal candidate sources. Refer to DoDI 1400.25, Volume 3005, Section 3.17.a. **(T-0)**.

3.2.8. CES hiring officials may utilize various recruitment sources. Vacancy announcements for CES positions may be published on social media sites, recruitment sites, job fairs, etc. See DoDI 1400.25, V3005, Section 3.4. **(T-0)**.

3.2.8.1. Vacancy announcements do not require advertisement on USAJOBS.

3.2.8.2. If USAJOBS is used, hiring officials will determine the specified number of days for recruitment, normally no less than five calendar days.

3.2.9. Probationary periods for CES employees, supervisors, and managers will be in accordance with DoDI 1400.25, Volume 3005, Section 3.15. **(T-0)**

3.2.10. Internal placements will be executed in accordance with DoDI 1400.25, Volume 3005, Sections 3.17.b. and 3.17.c. **(T-0)**.

Table 3.1. CES HIRING FLEXIBILITIES.

Hiring Options:	Recruitment Options:	and:	then:	Applicable Notes
Noncompetitive	No recruitment involved (known candidate)	Only one external candidate is involved	Unit submits applicable Request for Personnel Action (RPA) and resume to local CPS.	1, 3
Noncompetitive	No recruitment involved (known candidate)	Only one internal candidate selected for same grade/work <ul style="list-style-type: none"> ● detail (see DoDI 1400.25, Volume 3005, Sec. 3.17.) ● lateral transfer, or ● reassignment 	Unit submits candidate and applicable RPA to local CPS.	1, 2, 3
Competitive	Recruitment source is from non-USAJOBS vacancy notice (i.e., resume mining, e.g., LinkedIn, job fairs, internal job board, etc.)	Anticipates multiple external / internal applicants	Unit prepares and publishes vacant notice. After notice closes, unit review applications, and provide a list of candidates to the hiring official. Unit submits candidate and RPA to local CPS.	1, 2, 4

Competitive	Recruitment advertised on USAJOBS	Has multiple internal candidates only (Includes placement to higher grade and work category/level (see DoDI 1400.25, Volume 3005, Sec 3.17.))	Unit submits a recruit / fill RPA to local CPS. Announcement will be managed through USA Staffing.	1, 2, 3
Competitive	Recruitment advertised on USAJobs	Has multiple internal and external candidates	Unit submits a recruit / fill RPA to local CPS. Announcement will be managed through USA Staffing.	1, 2, 4
¹ Reference: DoDI 1400.25 Volume 3005 Section 3.5., 3.6., 3.7., and 3.8.				
² Internal candidates may be selected				
³ Veterans' Preference is not applicable				
⁴ Veterans' Preference is applicable in external recruitment only				

3.2.11. CES overseas rotations and administrative return rights are administered in accordance with DoDI 1400.25, Volume 1230 and DoD Cyber Excepted Service Personnel System Overseas Implementation Guide, [https://dl.dod.cyber.mil/wp-content/uploads/dces/pdf/FINAL_V4-CES HR Implementation Guide for Overseas Agreements 12-12-19.pdf](https://dl.dod.cyber.mil/wp-content/uploads/dces/pdf/FINAL_V4-CES_HR_Implementation_Guide_for_Overseas_Agreements_12-12-19.pdf).

3.2.12. When moving from a continental united states (CONUS) CES, to a non-foreign (OCONUS) overseas area, CES positions are authorized administrative return rights for a period of up to five years. **(T-0)**. However, administrative return rights for competitive service employees going to an OCONUS CES position are not automatic. It is the decision of the owning major command, field command, combatant command, or organization to which the employee was assigned before taking the overseas position to approve return rights. **(T-2)**. CES employees recruited to an overseas location or new to federal service when recruited will use the Priority Placement Program and the applicable career field team for administrative return, whichever comes first. **(T-1)**. Refer to DoD Cyber Excepted Service Personnel System Implementation Guide for Overseas Rotations and Administrative Return Rights.

3.2.13. A hiring panel must be used for supervisory General Government (GG)-13 positions, and all GG-14 and GG-15 positions filled through competitive recruitment. **(T-1)**. For noncompetitive actions, hiring panels are not required.

3.2.13.1. A hiring panel must consist of at least three individuals, equal to or senior in grade to the advertised position. **(T-1)**. The panel composition must be diverse in accordance with the Department of the Air Force definition of diversity in AFI 36-7001, *Diversity and Inclusion*, and will include at least one career civilian (either an employee with no prior military experience or an employee with military experience and a minimum

of 10 years of federal civilian service). **(T-1)**. A military member at the grade of lieutenant colonel (0-5) or higher may be used to fill a position on the panel in order to ensure the diversity requirement is met. However, the panel must be limited to not more than one military member. **(T-1)**. If there are no career civilians in the unit, then a career civilian from outside the unit may be utilized.

3.2.13.2. The use of hiring panels will increase transparency of the selection process and provide hiring officials various perspectives and insights on the candidates. Hiring Managers should begin preparing for the hiring panel as soon as the announcement opens by developing interview questions, identify hiring panel members and coordinate possible dates for interviews. This will allow for an expeditious panel process as soon as the referral certificate is received. The panel may consider factors such as education, training, experience, appraisals and evaluations, job-related awards and honors, and relevant outside activities to identify the top-ranking candidates. The panel will also evaluate the qualifications of eligible candidates previously referred who have priority consideration entitlement. **(T-1)** When necessary, temporary duty travel may be authorized to attend an interview as provided in the Joint Travel Regulation (JTR). **(T-0)**.

3.2.13.3. Hiring panels are not required when:

3.2.13.3.1. Filling temporary or term positions through noncompetitive process. If the position is made permanent, panel interviews will be conducted. **(T-1)**.

3.2.13.3.2. Upgrading a permanent, occupied position, which requires competition, provided the manager panel identifies and ranks all employees within the specified area of consideration.

3.2.13.3.3. Upgrading a position under circumstances permitting non-competitive promotion of the incumbent.

3.2.13.3.4. Management selects a previously downgraded employee eligible for non-competitive in-service consideration.

3.2.13.3.5. Filling Key Civilian Positions that were previously vectored through the competitive process.

3.2.13.3.6. Placing career broadeners or individuals returning from a boarded civilian developmental education program. Commanders of MAJCOMs or equivalent, comparable organizations and other staff offices may make the selection, request higher authority to make the selection, or authorize supervisors at any level over the position to make the selection (after the panel convenes). **(T-1)**.

3.2.13.3.7. Filling Air Reserve Technician positions. These positions are filled based on military qualification requirements.

3.2.14. Employment of Members of the Armed Forces.

3.2.14.1. Authorities: This section implements Department of Defense Instruction 1402.01, *Employment of Retired Members of the Armed Forces*, and the National Defense Authorization Act for Fiscal Year 2017, which amended section 3326(b) of title 5, U.S. Code, by deleting the national emergency waiver exception for the appointment of retired members of the Armed Forces to civilian service positions in or under the Department of Defense, within 180 days of retirement

3.2.14.2. Delegation of Approval Authority: The guidance with Headquarters Air Force (HAF) Mission Directive 1-24 and paragraph 5 of DoDI 1402.01, the authority to approve waivers to hire retired service members within 180 days of retirement is re-delegated by SAF/MR and AF/A1, through command channels, as identified below. The authority re-delegated herein cannot be further re-delegated. Senior-level commanders may choose to retain authority at a higher level.

3.2.14.2.1. For the selection of Civilian Senior Executives, to the Executive Resource Board (ERB) Case Processing Chair.

3.2.14.2.2. For the selection of GG-15/14/13 employees:

3.2.14.2.2.1. For Combatant Command (CCMD), Major Command (MAJCOM), and Field Command (FLDCOM) employees, to the owning CCMD/MAJCOM/FLDCOM, Deputy Commander (CD), or Civilian Director as applicable.

3.2.14.2.2.2. For HAF-level positions, to Secretary of the Air Force/Administrative Assistant SAF/AA.

3.2.14.2.2.3. For Direct Reporting Unit (DRU) positions, to the DRU Commander, or to the CD, or Civilian Director provided he/she is at least an O-7 or equivalent.

3.2.14.2.2.4. For positions managed under the Central Salary Account, to AF/A1.

3.2.14.2.3. For the selection of GG-12 and below employees:

3.2.14.2.3.1. For CCMD, MAJCOM, and FLDCOM employees, to the respective owning CCMD/J1, MAJCOM/A1, or FLDCOM/S1, at the O-6 or civilian equivalent level.

3.2.14.2.3.2. For HAF-level positions, to SAF/resources office (SAF/AAR), at the O-6 or civilian equivalent level.

3.2.14.2.3.3. For DRU positions, to the owning DRU/A1 provided he/she is at the O-6 or civilian equivalent level. If the A1 is not of that rank, to an O-6 or civilian equivalent designated by the DRU Commander.

3.2.14.2.3.4. For positions managed under the Central Salary Account, forward to both the Director of Personnel Operations and Air Force Personnel Center (AFPC).

3.2.14.2.3.5. With respect to positions that are a direct report to the designated approval authority and/or the approval authority is the selecting official, approval authority will be elevated to the next level within the chain of command.

3.2.15. Requests for Approval and Required Documentation: The minimum information that must be assessed and documented is contained in Enclosure 2 (E2. 1. through E2.4.3) of DoDI 1402.01. The Department of the Air Force business process/template for submitting waiver packages can be located on the myPers website at: https://mypers.af.mil/app/answers/detail/a_id/33391/p/3/c/2621.

3.2.16. The Required Comparative Analysis: A comparative analysis shall be part of the waiver package indicating how the selectee is better qualified over other qualified candidates. In order for a waiver of the 180-day rule to be granted, DoDI 1402.01 requires that the retired

military member be “better qualified than all other applicants given consideration.” “Better qualified than all other applicants” means better qualified with respect to the experience and/or education criteria found in the position description and Office of Personnel Management Qualification Standards. The position description, along with the corresponding Knowledge, Skills, and Abilities (KSAs) listed in the position description, must be used to assess a candidate's qualifications. The OPM General Schedule Qualifications Policies and Federal Wage System Qualifications are available at: Policy, Data, Oversight, Classification & Qualifications.

Hiring officials will only use criteria reflected in the position description and/or KSAs to determine a candidate's qualifications. Experience unique to military members, such as command experience, does not make a candidate “better qualified” for civilian appointment. Similarly, serving in the same organization while in a military status does not make a candidate “better qualified” than a current civilian candidate. Where two candidates, one a recently retired military member and one a current civilian have roughly equal qualifications, a 180-day waiver is inappropriate and the civilian should be selected.

3.2.17. Accountability and Legal Requirements: Approval authorities identified in paragraph 3.2.14.2. must establish accountability measures and ensure consistency in the application of the waiver authority. All entities exercising this waiver authority must comply with all merit selection, competition, and documentation requirements of DoDI 1402.01. Under no circumstances will any job offer be delayed in order to avoid accomplishing required waiver package. Any such delay makes the appointment illegal, and any such action mandates disapproval of the proposed appointment, or cancellation of the appointment if discovered at a later date, and may also subject the hiring official to disciplinary action.

3.2.18. Announcement Requirement: Vacancy announcements are required to support the hiring and appointment of any military retiree, who has not met the required 180-day waiting period. Hiring managers may also use an existing USAJOBS announcement and referral certificate for a like-vacancy at the same location posted within 90 days of the current vacancy.

3.2.19. The 180-Day Waiting Period: The 180-day waiting period begins the day following the official date of the service member's retirement. A retired military member's terminal leave time does not count towards the 180-day time period. The 180-day waiting period applies to active/retiring/retired members of the Armed Forces (to include Guard and Reserve retirees) and to those who have medically retired and are entitled retired, retirement, or retainer pay. The retired military selectee must have completed the required 180-day waiting period as of the date of the tentative job offer acceptance, or a waiver must be accomplished.

3.2.20. Maintaining Data: The servicing civilian personnel office will maintain a record of all approved or disapproved waiver requests. Where there is no Major Command, the requesting office will maintain a record of all waiver requests requiring higher-level approval. **(T-2)**. These records must be disposed of according to Records Disposition Schedule in the Air Force Records Information Management System. **(T-2)**. Approval requests and supporting documents are made a part of the application that was the basis for the appointment. They become a part of the employee's permanent personnel record and are filed in the Official Personnel Folder (Standard Form 66). This will require scanning and emailing the documents to the Air Force Personnel Center. **(T-3)**.

3.2.21. USAStaffing will serve as the official records management system for case management to verify compliance with merit systems principles, to include: resumes, interview panel notes, certificates, Veterans' Preference documents, etc.

3.2.22. Appointment of Current or Recent Political Appointee. Prior to appointing a former or current political appointment to any CES position, MAJCOMs or equivalent, must seek approval from DoD CIO and USD (P&R). Follow the guidance in the political appointees and civilian service positions – DAF Guidance, signed 27 April 2022.

3.3. Compensation Administration.

3.3.1. DAF will comply with policies, definitions, responsibilities, procedures, and design of CES compensation administration established in DoDI 1400.25, Volume 3006. **(T-0)**.

3.3.2. CES is implemented based on a graded rank-in-position structure. Refer to DoDI 1400.25, Volume 3005, Section 3.1.

3.3.3. CES base grade rates are established by the DoD CIO and will correspond to the rates for General Schedule (GS) and (GG) grades extended by the value of two steps pursuant to authorities granted in 10 USC § 1599f. **(T-0)**. The pay grade rate ranges will correspond to work levels defined in DoDI 1400.25, Volume 3007 and Volume 3006, Section 3.2. **(T-0)**.

3.3.4. Market-based Supplements.

3.3.4.1. In the absence of CES Local Market Supplements (LMSs), CES LMS rates will be based on rates established for the GS pay system pursuant to Section 5304 of Title 5, USC. Refer to DoDI 1400.25, Volume 3006, Section 3.3.

3.3.4.2. A Targeted Local Market Supplement (TLMS) is a specific type of LMS. A TLMS is established in response to labor market conditions that are not fully addressed by the CES grade rate ranges and LMS. CES employees serving CONUS will be paid base pay plus LMS or an established TLMS, but not both. TLMS include consideration of the total market situation with regard to the targeted situation. **(T-0)**. Refer to DoDI 1400.25, Volume 3006, Section 3.4.

3.3.4.3. CES positions assigned to foreign locations are authorized TLMS tied to the Washington-Baltimore-Northern Virginia locality pay table in accordance with DoDI 1400.25, Volume 3006, Section 3.4. **(T-0)**.

3.3.5. The official worksite is the location where the work activities are based as determined by the DAF and documented on the employee's SF-50. Refer to DoDI 1400.25, Volume 3006, Section 3.7.

3.3.5.1. Use the general schedule pay scale based upon locality, grade, and step. Apply LMS or TLMS. Refer to DoDI 1400.25, Volume 3006, Section 3.

3.3.5.2. Initial offer may not exceed step 10 of the grade and are generally set between the minimum and step 5 of the grade.

3.3.5.3. Evaluate previous experience and work history related to the new CES position. Consider the applicant's depth and breadth of experience related to the CES position he or she will fill and set pay within the current grade at a step reflective of experience. If the applicant's experience does not merit a higher starting salary, pay should be set at step 1.

3.3.5.4. Evaluate prior salary received for performing work similar or related to the new CES position. Consider the applicant's prior salary history as it relates to the CES position he or she will fill. Pay may be set commensurate with or lower than the prior salary within the current grade. There is no break-in-service requirement when considering highest previous salary when setting pay upon appointment. Refer to DoDI 1400.25, Volume 3006, Section 3.9.b.

3.3.5.5. When establishing starting salary for a new CES employee assigned to a work center with other CES employees performing similar work with the same series and grade, consider their experience level and current pay. Set starting pay for the new CES employee commensurate with the experience level and current pay of an existing work center employee. Refer to DoDI 1400.25, Volume 3006, Section 3.9.b.

3.3.5.6. Consider past precedent-setting decisions in determining appropriate salary and apply them where appropriate. Validate data used for previous pay setting decisions applicable to the current situation and adjust information and salary ranges offered, appropriately. Refer to DoDI 1400.25, Volume 3006, Section 3.b. (5).

3.3.5.7. Obtain applicant's second-level supervisor or designee approval to set pay at steps 1 through 5 of the applicable grade. Obtain unit commander, director, or designee approval to set pay at steps 6 through 10 unless otherwise re-delegated by AF/A1C or unit commander. Refer to DoDI 1400.25, Volume 3006, Section 3.9.b. (1).

3.3.6. To set pay for current federal employees refer to DoDI 1400.25, Volume 3005, Section 3.9.c. through 3.9g.

3.3.7. Organizations will submit requests to offer a salary at a rate above step 10 not to exceed the CES step 12 to AF/A1C for further processing to DoD CIO and USD(P&R) for approval. Refer to DoDI 1400.25, Volume 3006, Section 3.9.b. (4).

3.3.8. CES employees may advance in grade noncompetitively through a developmental program or developmental position when initial selection was through a competitive process. Refer to DoDI 1400.25, Volume 3006, Section 3.10.d.

3.3.9. Employees in developmental programs will advance through the entry/developmental grades and developmental progression will terminate at the Full Performance work level in DoDI 1400.25, Volume 3005, Section 3.10.d. **(T-0)**.

3.3.10. CES employees may volunteer for a reduction to a lower grade for various reasons. For pay setting, refer to DoDI 1400.25, Volume 3006, Section 3.11. **(T-0)**.

3.3.11. Involuntary reduction to a lower grade may be as a result of an adverse action, a reduction-in-force, or a management-directed action and will be in accordance with DoDI 1400.25, Volume 3006, Section 3.12. **(T-0)**.

3.3.12. CES will follow 5 Code of Federal Regulation (CFR), Part 575, Sections 575.107, 575.207, and 575.307, for recruitment, relocation, and retention incentives. Approval authority for incentives are MAJCOM (or equivalent). Approval authority may be delegated; authority should remain at the O-6 level or civilian equivalent. Refer to DoDI 1400.25, Volume 3006, Section 3.15.b. (1). **(T-0)**.

3.3.13. Other compensation administration authorities and limitations will be in accordance with DoDI 1400.25, Volume 3006, Section 3.15. **(T-0)**.

3.4. CES Occupational Structure.

3.4.1. DAF will comply with policies and responsibilities for CES occupational structure design and administration established in DoDI 1400.25, Volume 3007, *DoD Civilian Personnel Management System: Cyber Excepted Service (CES) Occupational Structure*. (T-0).

3.4.2. All units will use rank-in-position structure and pay grades with the GGF graded structure (T-0). Refer to DoDI 1400.25, Volume 3007, Section 3.1.b.

3.4.3. The CES occupational structure, in Figure 1 aligns with the mission categories, work categories, and work levels to ensure positions are established and maintained to accomplish the DoD cyber mission. It facilitates position classification procedures for aligning civilian cyber work to the appropriate grade range. Through the occupational structure, the CES allows for work to be assigned and positions to be organized in a way that best accomplishes the mission, while upholding the merit principle of equal pay for work of equal value. Refer to DoDI 1400.25, Volume 3007, Section 3.1. and Figure 1.

3.4.4. The CES occupational structure provides the foundation for managing the CES pay structure. It consists of the following elements: mission categories, occupational groups and series, job titles, competencies, work categories, work levels and grades. Refer to DoDI 1400.25, Volume 3007, Section 3.1.c.

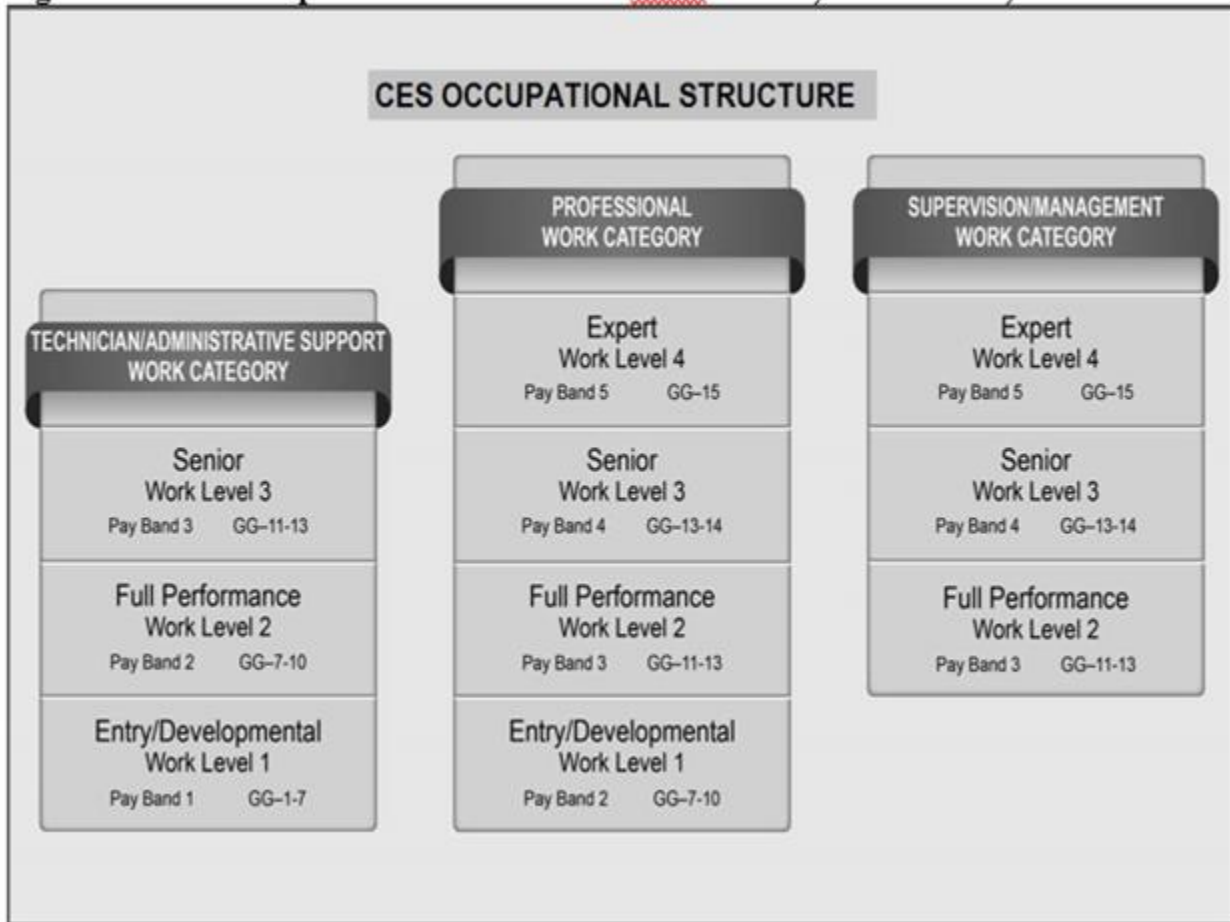
3.4.5. Each CES position will be assigned to one of three work categories: Technician and Administrative Support; Professional; or Supervision and Management. (T-0). Refer to DoDI 1400.25, Volume 3007, Sections 5.1. and 5.2.

3.4.6. Each CES position will be described and classified in one of four CES work levels: Entry and Developmental; Full Performance; Senior; or Expert. (T-0). Positions at the Full Performance, Senior or Expert Work Levels in the Professional Work Category may also be defined as supervisors or managers, if appropriate, based on the functional role, the positions are designed to fulfill. Refer to DoDI 1400.25, Volume 3007, Section 6.

3.4.7. All CES positions, Grades GG-1 through GG-15, will use the standard for assigning grades in accordance with DoDI 1400.25, Volume 3007, Section 7. (T-0).

Figure 3.1. CES Occupational Structure.

Figure I.1. CES Occupational Structure from DoDI 1400.25, Volume 3007, Section 3.1.



3.5. CES Performance Management: Refer to DODI1400.25V431_DAFI36-1002, *Performance Management and Appraisal Program Administration in the Department of the Air Force*.

3.6. CES Awards and Recognition: Refer to DODI1400.25V451_DAFI36-1004, *Civilian Recognition Program*.

JOHN A. FEDRIGO, SES, SAF/MR
Principal Deputy Assistant Secretary
(Manpower and Reserve Affairs)

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

10 USC § 1599f, *United States Cyber Command Recruitment and Retention*

Title 5, CFR, Part 575, *for Recruitment, Relocation, and Retention Incentives*, Current Edition

DoD *Cyber Excepted Service (CES) Personnel System Implementation Guide for Overseas Rotations and Administrative Return Rights*, 19 November 2019

DoDD 8140.01, *Cyberspace Workforce Management*, 5 October 2020

DoDI 1402.01, *Employment of Retired Members of the Armed Forces*, 9 September 2007

DoDI1400.25V431_DAFI36-1002, *Performance Management and Appraisal Program Administration in the Department of the Air Force*, 15 November 2019

DoDI1400.25V451_DAFI36-1004, *Civilian Recognition Program*, 26 April 2019

DoDI 1400.25, Volume 1230, *DoD Civilian Personnel Management System: Employment in Foreign Areas and Employee Return Rights*, 26 July 2012

DoDI 1400.25, Volume 3001, *DoD Civilian Personnel Management: Cyber Excepted Service (CES) Introduction*, 15 August 2017

DoDI 1400.25, Volume 3005, *DoD Civilian Personnel Management: Cyber Excepted Service (CES) Employment and Placement*, 15 August 2017

DoDI 1400.25, Volume 3006, *DoD Civilian Personnel Management: Cyber Excepted Service Compensation Administration*, 15 August 2017

DoDI 1400.25, Volume 3007, *DoD Civilian Personnel Management: Cyber Excepted Service Occupational Structure*, 15 August 2017

The Office of Personnel Management (OPM), *General Schedule Qualifications Policies and Federal Wage System Qualifications*, Current Edition

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

AFI 36-703, *Civilian Conduct and Responsibility*, 30 August 2018

AFI 36-7001, *Diversity and Inclusion*, 19 February 2019

DAFI 90-160, *Publications and Forms Management*, 14 April 2022

DAFMAN 90-161, *Publishing Processes and Procedures*, 15 April 2022

AFMAN 17-1303, *Cybersecurity Workforce Improvement Program*, 12 May 2020

Prescribed Forms

None

Adopted Forms

DAF Form 679, *Department of the Air Force Publication Compliance Item Waiver*

DAF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AcqDEMO—Acquisition Workforce Personnel Demonstration Project

AFI—Air Force Instruction

AFPC—Air Force Personnel Center

AFPD—Air Force Policy Directive

CCMD—Combatant Command

CD—Deputy Commander

CES—Cyber Excepted Service

CFR—Code of Federal Regulation

CIO—Chief Information Officer

CONUS—The 48 contiguous states and the District of Columbia.

DAF—Department of the Air Force

DAFI—Department of the Air Force Instruction

DAFMAN—Department of the Air Force Manual

DCIO—Deputy Chief Information Officer

DCIPS—Defense Civilian Intelligence Personnel System

DOD—Department of Defense

DoD CIO—Department of Defense Chief Information Officer

DoDD—Department of Defense Directive

DoDI—Department of Defense Instruction

DRU—Direct Reporting Unit

FLDCOM—Field Command

FWS—Federal Wage System

GG—General Government

GS—General Schedule

HAF—Headquarters Air Force

KSA—Knowledge, Skills, and Abilities

LMS—Local Market Supplement

MAJCOM—Major Command

Non—foreign (OCONUS) Overseas Area—The States of Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, Guam, and United States territories and possessions.

OPM—Office of Personnel Management

OPR—Office of Primary Responsibility

RPA—Request for Personnel Action

SEC—Secretary of the Air Force

TLMS—Targeted Local Market Supplement

USAJOBS—United States of America Jobs

USC—United States Code

USD—Under Secretary of Defense

USSF—United States Space Force

Office Symbols

AF/A1—Deputy Chief of Staff of the Air Force, Manpower, Personnel and Services

AF/A1C—Department of the Air Force/Directorate of Civilian Force Management

CCMD/J1—Combatant Command/Director, Manpower and Personnel

DRU/A1—Direct Reporting Unit/Manpower, Personnel and Services

FLDCOM/S1—Field Command/Personnel Officer

MAJCOM/A1—Major Command/Deputy, Chief of Staff of the Air Force, Manpower, Personnel and Services

SAF/CN—Secretary of Air Force/Deputy Chief Information Officer of the Department of the Air Force

SAF/AA—Secretary of Air Force, Administrative Assistant

SAF/AAR—Secretary of Air Force, Administrative Assistant Resources Office

SAF/MR—Secretary of the Air Force, Manpower and Reserve Affairs

USD(P&R)—Under Secretary of Defense for Personnel and Readiness

USD(P)—Under Secretary of Defense for Policy

Terms

Cyberspace—A global domain within the information environment consisting of the interdependent networks of information technology infrastructures and resident data, including the Internet, telecommunications networks, computer systems, and embedded processors and controllers

General government (GG)—The pay plan used for CES positions in the graded structure. The numerical designation, GG-1 through GG-15, grouped by work levels, which differentiate within the work level qualifications required, difficulty, and responsibility.

Rank in person—Personnel management construct in which the organization's position structure establishes aggregate workforce requirements at the occupational and work levels for the purposes of planning recruitment, development, and assignment activities based on aggregate assessment of

workforce capabilities. Individual personnel capabilities are separately assessed against mission requirements to establish title and grade level of an employee of the organization.

Rank in position—Personnel management construct in which the organization's position structure establishes workforce requirements at both the occupational and work levels and provides the basis for establishing the title and grade or pay band level of an employee assigned to a position in the organization.

Target-grade position—A position or job designed to develop an employee from the CES Entry/Developmental (work level 1) to the CES Full Performance (work level 2) in the Professional Category. These positions involve timed promotions based upon the employee's ability to perform the tasks identified at each grade level up to the target full performance grade.

USAJOBS—Connects job seekers with federal employment opportunities across the United States and around the world. As the Federal Government's official employment site, USAJOBS helps the right people find the right jobs.

Work category—broad set of related occupational groups characterized by common types of work within the CES enterprise. CES work categories are Technician and Administrative Support, Professional, and Supervisor and Management.

Work level—descriptions and classifications of the work of CES positions in each of the work categories.