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IN REPLY REFER TO

ACQ 021
4 June 2001

From: Commander, Naval Facilities Engineering Command
To: Distribution

Subj: QUESTIONS AND ANSWERS TO CHANGES REGARDING 1102 CONTRACTING
OFFICER POSITIONS

Ref: (a) Memo Under Secretary of Defense dated Mar 21, 2001

Encl: (1) Questions and Answers on Changes to 10 U.S.C §1724 undated

1. Attached at enclosure (2) are questions and answers prepared by the Department of Defense (DoD) Civilian Personnel Management Service (CPMS) staff on 1102 contracting officer positions. These should be read in conjunction with the DoD policy memo at reference (a), [http://www.cpms.osd.mil/fas/staffing/pdf/808 Policy.pdf](http://www.cpms.osd.mil/fas/staffing/pdf/808%20Policy.pdf).

2. Additionally, DoD CPMS in a meeting during the week of 21 May 2001, stated that at this time GS-1102 positions should not be considered professional positions for purposes of the Fair labor Standards Act or Delegated Examining. They are still covered by the Luevano consent decree and the DON delegated examining units do not have the authority to examine for those positions.

3. The Director of Acquisition for the Naval Facilities Engineering Command (NAVFAC) has been delegated the authority to issue waivers for the NAVFAC contracting community. Requests for waivers shall use the 10 U.S.C.§1724 (d) waiver provision for new entrants who do not meet the requirements of 10 U.S.C.§1724 and were hired into the 1102 series between October 1, 2000 and March 21, 2001.

A handwritten signature in black ink, appearing to read "Robert M. Griffin Jr.", written in a cursive style.

ROBERT M. GRIFFIN JR.
Director, Acquisition

QUESTIONS AND ANSWERS ON CHANGES TO 10 U.S.C. § 1724 MADE BY
SECTION 808 OF THE FLOYD D. SPENCE NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2001

Definition of "New Entrant"

It is the Department's view that this requirement applies only to individuals entering DoD on or after October 1, 2000. Civilian personnel in DoD, who occupied GS-1102 positions or contracting officer positions with authority to award or administer contracts above the simplified acquisition threshold on or before September 30, 2000, are therefore excluded from this new requirement as it applies **to civilian positions**. Military personnel who occupied positions with occupational specialties similar to the GS-1102 series or contracting officer positions with authority to award or administer contracts above the simplified acquisition threshold on or before September 30, 2000, are therefore excluded from this new requirement as it applies **to military positions**.

Q. Does an employee who is currently holding a GS-301 position within DoD, but held a GS-1102 position within DoD in 1999, have to meet the new educational requirements of 10 U.S.C. § 1724?

A. No. This DoD civilian employee occupied a GS-1102 position within DoD on or before September 30, 2000; therefore, he/she is excluded from this new requirement with respect to a civilian GS-1102 position.

Q. Can a current DoD employee holding a GS-301 position be considered for a GS-1102 position within DoD, without ever having held a GS-1102 position within DoD and without meeting the new educational requirements of 10 U.S.C. § 1724?

A. This individual must meet the new educational requirements of 10 U.S.C. § 1724 in order to be qualified and considered for the position. While there is a waiver provision for current DoD employees, we anticipate that it will be used only in rare instances (i.e. hard to fill positions, shortage of highly qualified candidates, and similar situations). We recommend that Components establish and publish standard criteria and procedures for use of the waiver.

Q. Does a current retired and/or separated military member, who occupied a position with an occupational specialty similar to the GS-1102 series on or before September 30, 2000, have to meet the new educational requirements of 10 U.S.C. § 1724 when applying for a GS-1102 position within DoD?

A. Yes. With respect to applying for civilian positions within DoD, the retired or separated military member would be considered a "new entrant."

Q. Does a current civilian employee occupying a GS-1102 position in any agency outside of DoD, who has never held a GS-1102 position within DoD, have to meet the new educational requirements of 10 U.S.C. § 1724?

A. Yes. With respect to applying for GS-1102 positions within DoD, the non-DoD employee is considered a “new entrant” and must meet the new educational requirements.

Use of Waivers

Components are required to use the 10 U.S.C. § 1724(d) waiver provision for new entrants who do not meet the requirements of 10 U.S.C. § 1724 and were hired into the 1102 series between October 1, 2000 and March 21, 2001, the date of the Acting Under Secretary of Defense (Personnel & Readiness)’s policy memorandum on the changes in the education requirements for the acquisition workforce, enacted by section 808 of the Floyd D Spence National Defense Authorization Act for Fiscal Year 2001.

Q. Where does the new entrant, hired on or after October 1, 2000, and who does not completely meet the new educational requirements of 10 U.S.C. § 1724, go for a waiver?

A. The law (10 U.S.C. § 1724(d)) authorizes each Military Department’s acquisition career program board to issue waivers. Each Military Department manages its waiver authority through its Director of Acquisition Career Management (DACM) office. For the Fourth Estate, the Director of Acquisition Education, Training, and Career Development, the Office of USDA(A), is the DACM. It is the responsibility of management, not the employee, to obtain the waiver needed to hire/promote/reassign/change to lower grade.

Q. Is a waiver required in order to place a PPP referral who does not meet the new educational requirements of 10 U.S.C. § 1724 or is not excluded from meeting these requirements as stated in the Acting Under Secretary of Defense (Personnel & Readiness)’s policy memorandum of March 21, 2001?

A. Yes. Before making a formal PPP offer, the appropriate Acquisition Career Program Board must approve a waiver. Waivers are processed under established DoD and Component procedures.

DoD Priority Placement Program (PPP)

Q. What affect do the new qualification requirements of 10 U.S.C. § 1724 have on employees registering in the DoD Priority Placement Program?

A. None. The Section 808 amendments to 10 U.S.C. § 1724 do not require any changes to the already existing procedures for PPP registration and placement. You can find these procedures in the **PPP Operations Manual, Chapter 3, Section G.6. and Chapter 4, Section D.3.c.**

