



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

December 29, 2023

Memorandum for Heads of Departments and Agencies

From: Kiran A. Ahuja
Director

Subject: Government-wide Hiring Authorities for Advancing Federal Government Use of Artificial Intelligence (AI)

On October 30, 2023, the President signed Executive Order (EO) 14110 titled, “Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence.” Section 1 of the EO establishes the President’s commitment to harvesting the potential of AI through a coordinated plan of implementation across the Federal government:

My Administration places the highest urgency on governing the development and use of AI safely and responsibly, and is therefore advancing a coordinated, Federal Government-wide approach to doing so. The rapid speed at which AI capabilities are advancing compels the United States to lead in this moment for the sake of our security, economy, and society.

To address this critical hiring need, the EO calls for the advancement of AI across the Federal government. Section 10, subsection 10.2 “Increasing AI talent in Government” requires the U.S. Office of Personnel Management (OPM) to:

(d)(i) within 60 days of the date of this order, conduct an evidence-based review on the need for hiring and workplace flexibility, including Federal Government-wide direct-hire authority for AI and related data-science and technical roles, and, where the Director of OPM finds such authority is appropriate, grant it; this review shall include the following job series at all General Schedule (GS) levels: IT Specialist (2210), Computer Scientist (1550), Computer Engineer (0854), and Program Analyst (0343) focused on AI, and any subsequently developed job series derived from these job series;

Subsection 10.2(d)(ii) requires that OPM:

(d)(ii) within 60 days of the date of this order, consider authorizing the use of excepted service appointments under [5 CFR 213.3102\(i\)\(3\)](#) to address the need for hiring additional staff to implement directives of this order;

In support of EO 14110, OPM is authorizing government-wide direct hire authority for the positions listed in the table below. In addition, OPM is authorizing the use of temporary excepted service Schedule A appointments under 5 CFR 213.3102(i)(3) needed for positions in support of the implementation of the EO.

Direct Hire Authority (DHA)

OPM authorizes DHA in support of EO 14110 for the following occupations and grade levels, for which we have identified a critical hiring need exists. This authorization will assist agency efforts to increase AI capabilities in the Federal government.

OPM is authorizing this DHA through December 31, 2028, or until OPM terminates this authority, whichever occurs first. OPM will continue to explore subsequent occupational series involving AI work requirements to further assist Federal agencies with their most pressing hiring needs.

Position Title	Occupational Series	Grade Levels
Information Technology Specialist ¹	2210	GS-9 thru GS-15
Computer Scientist (Artificial Intelligence)	1550	GS-9 thru GS-15
Computer Engineer (Artificial Intelligence)	0854	GS-9 thru GS-15
Management and Program Analyst ²	0343	GS-9 thru GS-15

¹ AI work may include cyber work or may be classified in the 2210 series. If applicable, agencies may find the National Initiative for Cybersecurity Education (NICE) framework may cover specific AI roles, as well. The NICE framework may be used to code AI positions.

² Artificial Intelligence work must involve the design and development of systems capable of performing tasks that includes the use of machine learning to create, deliver, and maintain algorithms, large language models, and systems that can process and analyze data used to make intelligent decisions or predictions. Artificial Intelligence work must also entail the technical skills and competencies described by OPM in [The AI in Government Act of 2020 – Artificial Intelligence Competencies](#), July 6, 2023.

As a reminder, on September 29, 2023, OPM issued [government-wide DHA for two occupational series: data science \(GS-1560\) and operations research \(GS-1515\), at the GS 11-15 grade levels.](#)

Using these Direct Hire Authorities

Effective immediately, agencies may appoint individuals into the occupations identified above at the specified grade levels (or equivalent) nationwide. Individuals may be appointed to competitive service career, career-conditional, term, or temporary positions, as appropriate, without regard to provisions of 5 U.S.C. §§ 3309-3318 or 5 CFR part 211 and part 337, subpart A.

These appointments are subject to public notice requirements in 5 U.S.C. §§ 3327 and 3330 and 5 CFR 330, as well as procedures in 5 CFR part 330 pertaining to candidates' eligible for priority selection, and requirements in 5 CFR 332.402. Agencies must comply with all relevant laws to the extent that the agency or component is not exempted from such laws pursuant to 5 U.S.C. § 3304(a)(3).

In accordance with 5 CFR 337.206(c), OPM may request information from agencies on their use of these direct hire authorities. OPM will periodically assess agency use of these authorities as well as continued need for them and may modify or terminate them as appropriate.

Agencies are required to request an applicable pre-employment background investigation at the appropriate tier to establish whether candidates are suitable for Federal employment. Candidates may be credentialed in accordance with Government-wide credentialing standards and can hold a position that is national security sensitive (including but not limited to those requiring eligibility for access to classified information) at the appropriate level (if required for the particular position).

Agencies must identify and use proper assessment tools for the positions being filled with these direct hire authorities to determine whether an applicant is qualified for a covered position. Agencies should not conduct additional rating to determine relative degrees of qualifications when using this authority. Agencies should assess applicants in the order in which applications were received and select any qualified applicant in an order that approximates order of receipt. Qualified candidates with veterans' preference should be selected as they are found, just as any qualified non-preference eligible candidate would be.

Reporting Requirement

As a condition of this direct hire authorization, Federal agencies shall submit quarterly reports that identify for each hire made under this DHA:

- (1) Provide a reporting period such as: January 2024 through June 2024;
- (2) For each position and grade level filled utilizing this authority:
 - a. the total number of job announcements posted;
 - b. the total number of qualified applicants;
 - c. the total number of selections; and
 - d. Total number of hires to include grade and step/pay level.

Documenting Appointments on the SF-50 “Notification of Personnel Action”

When using a government-wide authority, an agency must enter the authority code “**AYM**” on the SF-50 in item 5-C **and** the relevant secondary authority code specified below for item 5-E of the SF-50.

Authority code to be cited: **BAJ: GW-009**

Excepted Service Schedule A appointments under 5 CFR 213.3102(i)(3)

OPM is authorizing the use of excepted service Schedule A appointments under 5 CFR 213.3102(i)(3) to address the need for hiring temporary staff in support of the implementation of EO 14110. Positions authorized under this Schedule A are for positions below the Senior Executive Service (SES) level that involve performing work directly associated with implementing directives of EO 14110. These include positions needed to assess AI capacity, conduct workforce studies, onboard AI technical staff, and meet agency-specific directives specified in EO 14110. This Schedule A is not for hiring technical AI positions.

This Schedule A offers another tool to help agencies hire additional staff to support the implementation of EO 14110. Agencies may use this authority to fill positions on a temporary basis for up to 1 year, as needed. These appointments may be extended for 1 additional year (by the agency, without OPM approval) for a total of 2 years.

Using the Schedule A authority

No appointments may be made under this authority after December 31, 2028. Appointments are limited to individuals who will be performing work directly associated with implementing EO 14100, including onboarding AI positions authorized under the DHA. Agencies cannot use this authority to fill any position for which OPM has granted direct hire authority in support of EO 14110, any agency-specific direct hire authority, or governmentwide direct hire authority.

When using this authority, agencies must apply the provisions of 5 CFR part 302. Agencies must apply veterans' preference when filling positions under this authority. If seeking to select a non-preference eligible over a preference eligible, then agencies must follow the pass-over procedures in 5 U.S.C. §§ 3318(c) and 3319(c)(7) as described in the Delegated Examining Operations Handbook. In addition, agencies must have procedures in place for accepting applications. Although public notice is not required when filling positions in the excepted service, OPM strongly encourages agencies to conduct appropriate recruitment activities to attract candidates who may meet agencies' needs.

When documenting the SF-50 "Notification of Personnel Action" for such appointments, cite as "W9R/Sch. A, 5 CFR 213.3102(i)(3)".

As a reminder, temporary employees who are hired for more than 90 days may be entitled to benefits to include health insurance, dental/vision, flexible spending accounts (medical and dependent care), and annual and sick leave. Temporary employees hired under this authority are not eligible to participate in Thrift Savings Plan, life insurance, or retirement.

Additional Information

Agency headquarters-level human resources offices may contact OPM at employ@opm.gov with additional questions or clarifications on either of these appointing authorities. Agency field offices should contact their appropriate headquarters-level agency human resources office. Individual employees should contact their agency human resources office.

cc: Chief Human Capital Officers (CHCO), Deputy CHCOs and Human Resources Directors