



DEPARTMENT OF DEFENSE
CIVILIAN PERSONNEL MANAGEMENT SERVICE
1400 KEY BOULEVARD
ARLINGTON, VA 22209-5144

MAR 10 2008

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Suspension of Outstanding Scholar Appointing Authority

The Department of Defense (DoD) is permanently suspending the use of the Outstanding Scholar appointing authority. This suspension is in response to recent Office of Personnel Management (OPM) guidance, dated November 15, 2007, advising against further use of the Outstanding Scholar and Bilingual/Bicultural hiring authorities.

In October 2006, in *Dean v. Department of Agriculture* and *Olson v. Department of Veterans Affairs*, the Merit Systems Protection Board (MSPB) determined it is unlawful to use the Outstanding Scholar hiring authority (and the Bilingual/Bicultural authority, by implication) without applying veterans' preference. OPM does not believe it is possible to comply with the veterans' preference provisions of title 5 when using the Outstanding Scholar or the Bilingual/Bicultural hiring authorities. Therefore, after coordination with the Department of Justice, OPM has recommended agencies discontinue use of these special hiring authorities.

Effective the date of this memorandum, use of the Outstanding Scholar and Bilingual/Bicultural hiring authorities is permanently suspended in the Department of Defense. Although use of the Outstanding Scholar appointing authority has been suspended, these applicants remain eligible for employment through open competitive examining procedures; the Student Career Experience Program; Federal Career Intern Program; and the Presidential Management Fellows Program for appointment in the competitive service.

Please ensure that this information is distributed to all Human Resources Offices in your Component or Agency. My point of contact on this issue is Mrs. Celisa Stephens who may be reached at (703) 696-1234 or DSN 426-1234.


Brad Bunn
Director

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