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Defense Primer: Department of Defense Civilian Employees

Background

Congress established the current federal civil service with the *Civil Service Reform Act of 1978* (P.L. 95-454). Its primary features are merit-based hiring and merit system principles. Federal employment evolved into a civil service system in the late 1800s. It replaced a *spoils system* that allowed each presidential administration to appoint its political supporters as federal employees.

Civil Service

The civil service consists of three categories: competitive service, excepted service, and senior executive service (SES). The competitive service is the primary and largest civil service category. The other categories are excluded from it by statute, the President, or the Office of Personnel Management (OPM). The excepted service is the next largest category and its selection procedures differ from the ones used in the competitive service. The smallest category is the SES—less than one percent of the civil service. Selection for the SES is based on an OPM-regulated merit staffing procedure and qualifications review board (QRB). The stated purpose of the QRB is to verify and certify an SES aspirant's executive core qualifications (ECQs).

OPM is responsible for civil service oversight, generally, but the following entities have specific responsibilities:

- Office of Special Counsel (OSC)
- Merit Systems Protection Board (MSPB); and
- Equal Employment Opportunity Commission (EEOC);

Just under a third of all federal civil servants are in, or are represented by, a bargaining unit (union). Managers, supervisors, and servicemembers are specifically excluded from unions, as are certain workforce sectors. The Federal Labor Relations Authority (FLRA) oversees labor relations between union members and the federal government.

Civil Service Data

There are two common methods for enumerating civil servants: *full-time equivalent* (FTE) and *on-board personnel* (OBP). The executive branch typically uses FTE in budget documents and OBP in data reports. A FTE unit equals one work year (2,080 hours) and an OBP unit equals one employee. The FTE method quantifies employment as the number of hours worked at the end of a fiscal year, irrespective of the number of employees. The OBP method quantifies employment as the number of actual employees working on the last day of any quarter in a fiscal year, regardless of their part or full-time status. An OBP count can be greater than FTE because one or more OBP units could equal one FTE unit.

Defense Civilians

The Department of Defense (DOD) may employ civil servants (defense civilians) in the three civil service categories consistent with its yearly appropriation for direct hire employees. They fill positions that do not require

military personnel. The majority of defense civilians are in the competitive service (82%). Most civil service appointments in DOD are made under Title 5 of the U.S. Code. The remaining appointments typically are made for specialized workforces under Title 10 of the U.S. Code, such as cyber, acquisition, and intelligence. Defense civilians perform federal functions under the supervision of a servicemember or another defense civilian. Defense civilians may exercise management or supervisory authority over servicemembers when authorized, but they do not have command or military justice authority over them.

Defense Civilian Intelligence Personnel

The Defense Civilian Intelligence Personnel System (DCIPS) is the human resource system for defense civilians who are employed in DOD intelligence positions. Precise numbers for DCIPS positions are not disclosed, but a DOD intelligence official testifying before Congress in 2019 stated that there were over 56,000 DCIPS employees.

The Secretary of Defense establishes all DCIPS positions in the excepted service, to include defense intelligence senior level (DISL) and defense intelligence senior executive service (DISES) positions, also known as intelligence community (IC) *senior officers*. The number of DISES employees is limited to 594; there is no limit on DISL positions. Although DISES positions are part of the excepted service, within DCIPS they are considered equivalent to SES positions, and DISES compensation is based on the OPM SES federal pay tables.

Certain DCIPS features, such as pay-setting and pay-retention, diverge from established civil service rules and are available for discretionary implementation by DOD intelligence organizations. DCIPS *pay-banding* allows qualification for a pay level that is supposed to match performance and responsibilities, without having to satisfy such level's typical time-in-service requirements. DCIPS *rank-in-person* permits retention of pay level for any role or position to which one is assigned, regardless of an increase, or a decrease, in one's level of responsibility.

Defense Civilian Cyber Personnel

The DOD Cyber Excepted Service (CES) is the human resource system for defense civilians who are employed in CES-designated cyber positions. The stated purpose of CES is to employ defense civilians who can perform U.S. Cyber Command responsibilities. CES authority also includes pay-banding and rank-in-person provisions.

Defense Civilian Personnel Administration

The DOD principal staff official with responsibility for defense civilian policy and programs is the Undersecretary of Defense for Personnel and Readiness (USD(P&R)). The Undersecretary of Defense for Intelligence and Security (USD(I&S)) is responsible for DCIPS policy and programs, subject to coordination with the USD(P&R). The Director

of National Intelligence (DNI) may prescribe IC personnel policy and programs that apply to DCIPS employees after consulting with the USD(I&S) and the Secretary of Defense. The DOD Chief Information Officer (CIO) is responsible for developing CES policy and providing recommended CES policy documents for issuance to the USD(P&R), subject to coordination with the USD(I&S) and Under Secretary of Defense for Policy (USD(P)).

Defense Civilian FTE Authorizations

The enacted FY2020 and requested FY2021 authorizations for defense civilian FTE are shown in **Table 1**. DOD's FY1980 to FY2020 enacted authorizations for defense civilian FTE are shown in **Figure 1**.

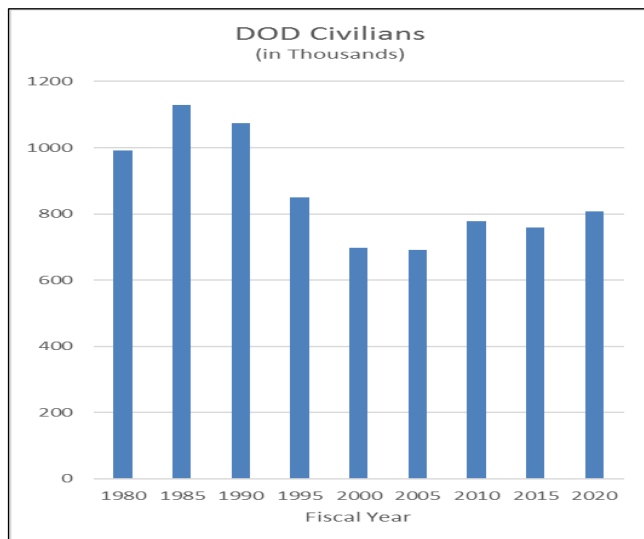
Table 1. Defense Civilian FTE for FY2020
(Thousands of Personnel)

DOD Component	FY20 FTE Enacted	FY21 FTE Requested	Percent Change
Defense	221	214	(3%)
Army	192	198	3%
Navy/Marines	219	221	1%
Air Force	174	173	(1%)

Source: DOD, Comptroller, *National Defense Budget Estimates for FY 2021 (Green Book)*, April 2020, p. 288 (FTE rounded by source).

Notes: Marine and Space Force FTE are included in Navy and Air Force, respectively. Parentheses indicate a decrease.

Figure 1. Defense Civilian FTE Authorizations
FY1980 – FY2020



Source: DOD, Comptroller, *National Defense Budget Estimates for FY 2021 (Green Book)*, April 2020, pp. 287-288.

Defense Civilian Diversity and Inclusion

The DOD diversity and inclusion management program is meant to promote a diverse workforce that reflects the diversity of the United States. One of the program's goals is to support an inclusive culture that enables differences among personnel to improve DOD. The race, gender, and ethnicity demographics for selected defense civilian OBP

are shown in **Table 2**, and the same information for selected SES defense civilian OBP is shown in **Table 3**.

Table 2. Defense Civilian OBP Demographics
Selected Race, Gender, and Ethnicity Data for Sep 2019

Defense Civilians	Black/ African Amer.	Asian/ Pacific Islander	Hispanic /Latino	Women
<u>Army</u> 252,937	<u>40,329</u> 16%	<u>11,573</u> 5%	<u>9,295</u> 4%	<u>87,103</u> 34%
<u>Navy</u> 220,715	<u>24,976</u> 11%	<u>19,641</u> 9%	<u>4,708</u> 2%	<u>60,375</u> 27%
<u>Air Force</u> 171,454	<u>21,140</u> 12%	<u>7,044</u> 4%	<u>6,581</u> 4%	<u>48,611</u> 28%
<u>Defense</u> 114,191	<u>24,347</u> 21%	<u>6,931</u> 6%	<u>3,238</u> 3%	<u>54,628</u> 48%
Total 759,297	110,792 15%	45,189 6%	23,822 3%	250,717 33%

Source: Office of Personnel Management, *Federal Civilian Workforce Statistics* (Washington: OPM); *Employment Trend for Sep 30, 2019*, at <https://www.fedscope.opm.gov/>; *Diversity Trend for Sep 30, 2019*, at <https://www.fedscope.opm.gov/ibmcognos/bi/v1/disp>.

Notes: OPM publishes DOD OBP federal employment data, but such data does not include IC element DCIPS employees.

Table 3. SES Career Appointee OBP Demographics
Selected Race, Gender, and Ethnicity Data for Sep 2019

SES Career Appoint	Black/ African Amer.	Asian/ Pacific Islander	Hispanic /Latino	Women
<u>Army</u> 265	<u>21</u> 8%	<u>7</u> 3%	<u>9</u> 3%	<u>58</u> 22%
<u>Navy</u> 318	<u>12</u> 4%	<u>6</u> 2%	<u>11</u> 3%	<u>87</u> 27%
<u>Air Force</u> 174	<u>11</u> 6%	<u>4</u> 2%	<u>10</u> 6%	<u>47</u> 27%
<u>Defense</u> 351	<u>26</u> 7%	<u>14</u> 4%	<u>12</u> 3%	<u>105</u> 30%
Total 1,108	70 6%	31 3%	42 4%	297 27%

Source: Office of Personnel Management, *Federal Civilian Workforce Statistics* (Washington: OPM); *Employment Trend for Sep 30, 2019*, at <https://www.fedscope.opm.gov/>; *Diversity Trend for Sep 30, 2019*, at <https://www.fedscope.opm.gov/ibmcognos/bi/v1/disp>.

Notes: SES career appointment employees in DOD for FY2019 were 0.15% of defense civilians. The government-wide SES percentage for the same period was 0.33%. The statutory DISES limit of 594 is 1% of the stated number of DCIPS employees in May 2019. OPM's DOD OBP federal employment data does not include IC element DCIPS DISES employees. SES positions typically have agency or departmental level management and policymaking responsibilities.

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