

DEPARTMENT OF THE ARMY

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY ACQUISITION LOGISTICS AND TECHNOLOGY

103 ARMY PENTAGON

WASHINGTON DC 2031-0103



REPLY TO ATTENTION OF

_ 2 JUL 2002

SAAL-ZAC

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Waiver Guidance and Procedures for Acquisition and Technology Workforce Critical Acquisition Positions

The recently signed Army Waiver Guidance and Procedures for Acquisition and Technology Workforce (A&TWF) Critical Acquisition Positions (CAP) is enclosed. This document defines the statutory and regulatory requirements for waivers and provides detailed guidance on the procedures that must be followed when requesting a waiver.

Waivers will be considered only in rare circumstances and when accompanied by adequate justification and rationale. Only waivers that are processed in accordance with the enclosed document will be submitted for my consideration. Consequently, please ensure widest dissemination of this document throughout your organization so that your A&TWF members are aware of the content and understand the seriousness of their obligation for adherence.

My office recently requested that officers complete a web-based survey on tenure waivers. Please be assured that I will take the results of that survey into consideration when making my decision on military tenure waivers. However, while the needs of the individual will be a consideration, the needs of the Army will be the primary deciding factor.

I am committed not only to ensuring that waiver statutory and regulatory requirements are enforced within the Army but to ensuring that waivers are handled equitably and consistently. Your assistance in helping me meet this commitment will be greatly appreciated.

My point of contact is Patricia Hopson, commercial (703) 604-7126, DSN 664-7126 or e-mail patricia.hopson@saalt.army.mil.

JOHN S. CALDWELL, JR. Lieutenant General, GS

Director

Acquisition Career Management

Enclosure

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Army Waiver Guidance and Procedures for Acquisition and Technology Workforce Critical Acquisition Positions

2 4 MAY 2002

- 1. Acquisition Corps (AC) Membership to fill a Critical Acquisition Position (CAP).
- a. This guidance applies to all CAPs. (GS-14/Personnel Demonstration Projects Equivalent Converted Broadband/Pay-band and Lieutenant Colonel and above positions, to include General Officers and Senior Executive Service members.)
- b. AC membership waivers are used to waive the requirement that an individual must be a member of the AC or qualified to be in the AC to occupy a CAP. AC membership requires a baccalaureate degree; 4 years acquisition experience; at least 24 semester credit hours from the eligible disciplines OR at least 24 semester credit hours in the person's career field AND 12 semester credit hours from the eligible disciplines; level II training or level II position certification in an Acquisition Career Field (ACF). (Detailed information on AC membership requirements may be found on the Director of Acquisition Career Management (DACM) homepage at http://www.dacm.rdaisa.army.mil.) Only members of the AC may occupy a CAP, unless the requirement is waived.
- c. The Department of Defense Acquisition Career Management
 Mandatory Course Fulfillment program allows individuals to receive credit for
 mandatory Defense Acquisition University courses for which they can
 demonstrate the requisite competencies. Individuals who complete the fulfillment
 requirements for a specified course and receive approval from a Certifying
 Official for the Acquisition Career Field concerned may receive credit without
 attending the course. Army Implementing Instructions for Fulfillment may be
 found on the DACM homepage.
- d. Selection of CAPs shall be made from those in, or otherwise qualified for, the AC (Department of Defense Instruction (DoDI 5000.58)). The DACM may waive that provision (in writing) in circumstances when it is determined that qualified AC members are not available. Availability of qualified applicants shall be determined by announcing the position AC wide without restriction by geographic area for a minimum of 14 days. Activities must meet their statutory and contractual labor relation obligations in implementing this policy.

Approval authority:

- a. The Acquisition Career Program Board (ACPB) AC membership requirements waiver: The ACPB may waive any and all the AC membership requirements by certifying that an individual possesses significant potential for advancement to levels of greater responsibility and authority based on demonstrated analytical and decision-making capabilities, job performance, and qualifying experience. ACPB waivers allow an individual to be accessed into the AC. ACPB waivers are rarely used in the Army and will be handled on a case-by-case basis.
- b. **DACM Position Waivers**: The <u>DACM waiver allows the individual to occupy the position to which waived; it does not authorize accessing the individual into the AC until all requirements for membership are met. The DACM waiver for the training requirement allows the individual to occupy the position for a limited period of time (up to 18 months). At the end of this period, the individual must have obtained level II training or request another waiver. Once level II training is acquired, the individual has 18 months to obtain level III, as required for all CAPs. The individual may not be accessed into the AC until level II training or certification in an ACF (in addition to the experience and education requirements) is obtained. Certification may not be obtained through a waiver.</u>

Procedures for DACM Position Waiver.

Civilian positions. (NOTE: Priority placement candidates will be handled in accordance with DoD Priority Placement Program Operations Manual dated July 1998.)

- a. A selection to fill a CAP is tentative until AC membership is verified by the Acquisition Management Branch (AMB), U.S. Army Total Personnel Command (PERSCOM), or a selectee who is not a member is accessed into the AC. **GOAL**: verification of qualifications should take place within one working day from receipt of the following required documents from the Civilian Personnel Advisory Center (CPAC):
 - (1) Resume.
 - (2) Academic Transcript.
- b. If AC membership is approved, the AMB processes the accession documents and notifies the CPAC when the process is complete and the individual has been accessed. (If the individual is in the Acquisition and Technology Workforce (A&TWF), AMB reviews the ACRB.)
- c. If AC membership is denied, the AMB verifies, in coordination with the CPAC, that no other candidates on the referral list are qualified for membership. With verification, the CPAC notifies the selecting official that a waiver of the

membership requirement(s) must be submitted on the selectee to move the tentative selection forward.

- d. The selecting official must request a waiver by submitting the below listed documents through the CPAC to the AMB:
- (1) DD Form 2588 (prepared in accordance with attached sample). (An addendum may be included if needed for adequate justification). The form must include a statement that the position was announced AC wide, without restriction by geographic area, for a minimum period of 14 days and that there were no qualified applicants who met the qualifications for AC membership.
- (2) Other information deemed necessary to support the waiver request.
- e. Upon receipt of the above required document(s), the AMB performs the following:
 - (1) Logs in and tracks the waiver throughout the process.
 - (2) Reviews the documentation for completeness.
- (3) Completes the SAAL Form 5 (must be prepared in accordance with attached sample).
 - (4) Ensures the waiver package is prepared as follows:

SAAL Form 5.

TAB A: DD Form 2588 and addendum, if submitted.

TAB B: ACRB/ORB and Resume.

TAB C: Other documentation deemed necessary for a decision.

(5) Scans the documents and e-mails the waiver package to the Acquisition Support Center (ASC) Proponency Officer (PO) for the ACF concerned. The PO reviews the package; consults with the ACF Functional Chief Representative (FCR) and with the Regional Director, as necessary; and coordinates with the Director, ASC. (AMB forwards an information copy to the Regional Director.) The PO provides a recommendation for concurrence/non-concurrence, along with any pertinent comments, and forwards the waiver package via e-mail to the Office of the General Counsel (OGC) for review (copy furnished to AMB). **GOAL** for AMB submitting the waiver package to the POs:

three working days from receipt of required documentation. **GOAL** for PO's review and submission to OGC: one working day. **GOAL** for response from OGC: five working days.

- f. Upon receipt of the OGC response (via e-mail), the AMB forwards the package to the DACM for a decision. (The SAAL Form 5 will indicate concurrence/non-concurrence by the OGC and ASC.) **GOAL**: one working day from receipt of the OGC response.
- g. Upon receipt of the DACM's decision, AMB notifies the CPAC by phone of the results; faxes a copy of the waiver to the CPAC; forwards a copy of the approved waiver to the selecting official. **GOAL:** Within one day of approval. (The selecting official provides a copy of the waiver to the employee.)
- h. The AMB logs in the date and the DACM's decision and forwards a copy of the waiver to the CAPPMIS database manager for recording.

Military positions. Military waivers are processed using DD Form 2588 for general CAPs; DD Form 2595 for Program Managers (PM) or Deputy PMs (DPM); DD Form 2597 for Program Executive Officers (PEO). Follow the procedures for Assignment Specific Waivers, paragraph 3. (Exception: This waiver is staffed with the ACF PO rather than with ASC Force Structure (FS) Division.) The waiver must clearly state there were no qualified military AC members available.

- **2. Assignment Period (Tenure) Waivers.** An Army AC Written Tenure Agreement must be signed by military and civilian workforce members prior to occupying a CAP, to include PM and DPM positions for a major defense acquisition program (MDAP). A DACM waiver may be granted under the following circumstances:
 - a. Humanitarian reassignment, discharge, or retirement.
 - b. Relief of duties and reassignment in the interest of the DoD.
- c. Promotion, where promotion in place is not allowable. (Selection for positions with higher rate of basic pay. The proposed higher rate of basic pay must exceed the employee's existing rate of basic pay by an amount or percentage not less than the minimum prescribed for promotion pay-setting in the pay system of the new position. Acceptance of the offer may result in a change from one pay plan and system, personnel demonstration project, or alternative personnel system to another; or, may result in the employee remaining in the current pay plan and system.)

Approval Authority: DACM

- a. PM, MDAP, (ACAT I): May not be reassigned until completion of the major milestone occurring closest in time to the date on which the person has served 4 years. Use DD Form 2593, July 1998, DoD Waiver of Assignment Period for PM/DPM.
- b. Deputy PM (DPM), MDAP (ACAT I): May not be reassigned until completion of the major milestone occurring closest in time to the date on which the person has served for 4 years. Use DD Form 2593. NOTE: Waiver is not required if reassigned to another CAP from the DPM.
- c. CAP: Must remain in the position for 3 years. Use DD For 2592, July 1998, DoD Waiver of Assignment Period for CAPs.

Procedures for Assignment Period (Tenure) Waivers.

- a. The individual submits a written request for a tenure waiver through his/her organizational head.
- b. The organization completes the waiver form (addendum may be added) and submits to the first GO/SES in the chain of command with a recommendation for endorsement. (Waiver form must be prepared in accordance with attached sample.) Once completed, the organization forwards the documents to the AMB:
- (1) Individual's written request and Waiver Form 2592 or 2593, as appropriate.
- (2) GO/SES endorsement or comments to indicate concurrence/non-concurrence.
- c. AMB logs in the waiver, reviews for adherence to guidance, completes a SAAL Form 5 (prepared in accordance with attached sample), and prepares the waiver package as show below: **GOAL:** Three working days from receipt of the waiver request.
 - (1) SAAL Form 5.
 - (2) TAB A: Waiver Form.
 - (3) TAB B: ORB/ACRB

- (4) TAB C: GO/SES endorsement/comments.
- (5) TAB D: Used if additional documents/information required. This should include any justification addressing/explaining criteria for assignment period (tenure) waivers that are being invoked.
- d. AMB scans the documents and e-mails the waiver package to the ASC Force Structure (FS) Division and provides an information copy to the Regional Director. FS reviews the waiver package; coordinates with the ASC Director; provides a recommendation for concurrence/non-concurrence, along with any pertinent comments, and forwards via e-mail to the OGC for review (copy furnished to AMB). GOAL for AMB submitting the waiver package to FS: three working days from receipt of required documentation. GOAL for FS's review and submission to OGC: one working day. GOAL for response from OGC: five working days.
- e. Upon response from the OGC (via e-mail), the AMB annotates the SAAL Form 5 with concurrence/non-concurrence by OGC and ASC and submits to the DACM for a decision.
- f. Upon receipt of the DACM's decision, the AMB forwards the waiver to the requesting organization (fax with original copy to follow); the organization provides a copy to the requesting individual. AMB logs in the date and disposition of the waiver and forwards a copy to the CAPPMIS database manager. GOAL: one day from receipt of decision.
- 3. Assignment Specific Standards for PMs, DPMs, Program Executive Officers (PEO), General Officers (GO)/Senior Executive Service (SES), and Senior Contracting Officials.

Approval authority: DACM

a. <u>PM/MDAP (ACAT I)</u>: Use DD Form 2595, DoD PM and/or DPM Waiver Request, July 1998, DoD PM/DPM – Waiver Request. AC members who do not meet the assignment standards may be assigned up to 6 months without a waiver.

Assignment qualifications:

(1) The Program Management Course (PMC) or the Advanced Program Management Course (APMC) and the Executive Program Management Course (EPMC) at the Defense Systems Management College (DSMC), or Under Secretary of Defense (Acquisition, Technology and Logistics (USD((AT&L)) approved comparable course.

- (2) Eight years acquisition experience, 4 of which were performed in a program office or similar organization. Two of these 4 may have been performed in a position of equivalent responsibility in acquisition.
- b. <u>DPM/MDAP (ACAT I)</u>: Use DD Form 2595. AAC members may be assigned up to 6 months without waiver.

Assignment qualifications:

- (1) The PMC or the APMC and the EPMC at the DSMC, or USD(AT&L) approved comparable course.
- (2) Six years acquisition experience, 2 which were performed in a program office or similar organization.
- c. <u>PM/Significant Non-major Defense Acquisition Program</u>
 (ACAT II): Use DD Form 2595. AAC members may be assigned up to 6 months without a waiver.

Assignment Qualifications.

- (1) PMC or the APMC and the EPMC at the DSMC, or USD(AT&L) approved comparable course.
 - (2) Six years acquisition experience.
- d. <u>DPM/Significant Non-major Defense Acquisition Program</u>
 (ACAT II): Use DD Form 2595. AAC members may be assigned up to 6 months without a waiver.

Assignment Qualifications.

- (1) PMC or the APMC and the EPMC at the DSMC, or USD(AT&L) approved comparable course.
 - (2) Four years acquisition experience.
- e. <u>Program Executive Officer (PEO)</u>: DD Form 2597, July 1998, DoD PM/DPM Waiver Request. AAC members may be assigned up to 6 months without a waiver.

Assignment Qualifications:

(1) PMC or the APMC and the EPMC at the DSMC, or USD(AT&L) approved comparable course.

- (2) Ten years acquisition experience, 4 of which were performed in a CAP.
 - (3) Held position as a PM or DPM.
- f. <u>General Officer (GO)/Senior Executive Service (SES)</u>. Use DD Form 2599, DoD General/Civilian Equivalent CAP Assignments Waiver Request. AAC members may be assigned up to 6 months without a waiver.

Assignment Qualifications: Ten years of acquisition experience, 4 years of which must be in a CAP. AAC members may be assigned up to 6 months without a waiver.

g. <u>Senior Contracting Officials</u>. DD Form 2601, DoD Senior Contracting Official – Waiver Request. AAC members may be assigned up to 6 months without a waiver.

Assignment Qualification: Four years of contracting experience.

Procedures for Assignment Specific Waivers:

- a. AMB initiates and processes the waivers using the form designated above. The waiver package will consists of the following documents:
 - (1) SAAL Form 5 (prepared in accordance with attached sample).
- (2) TAB A: Waiver form (prepared in accordance with attached sample).
 - (3) TAB B: ACRB/ORB and resume.
 - (4) TAB C: Other documentation deemed necessary for a decision
- b. AMB scans the documents and e-mails the waiver package to the ASC FS for review. FS reviews the package; coordinates with the ASC Director; provides a recommendation for concurrence/non-concurrence, along with any pertinent comments, and forwards the waiver package via e-mail to the OGC for review (copy furnished to AMB). **GOAL** for FS submitting the package to OGC: one day. **GOAL** for OGC review: five days.
- c. Upon receipt of the OGC response, AMB annotates the Form SAAL 5 with the OGC and ASC concurrence/non-concurrence and forwards to the DACM.
- d. Upon receipt of the DACM's decision, AMB notifies the individual concerned, logs the date and disposition of the waiver and forwards a copy to the CAPPMIS database manager and to the individual.

Exception: Waivers for Senior Contracting Officials will be staffed with the ASC Contracting PO rather than the ASC FS Division.

4. References:

- a. Title 10, United States Code, Chapter 87, Defense Acquisition Workforce, Sections 1702-1764, Defense Acquisition Workforce Improvement Act of 1990, as amended by Section 808, Public Law (PL) No. 106-398, National Defense Authorization Act for Fiscal Year 2001, October 30, 2000; Section 824, PL No. 107-107, December 28, 2001.
- b. DoD Instruction 5000.58, "Defense Acquisition Workforce," Change 3, January 13, 1996.
- c. DoD 5000.52-M, "Career Development Program for Acquisition Personnel," November 1995.

5. Attachments:

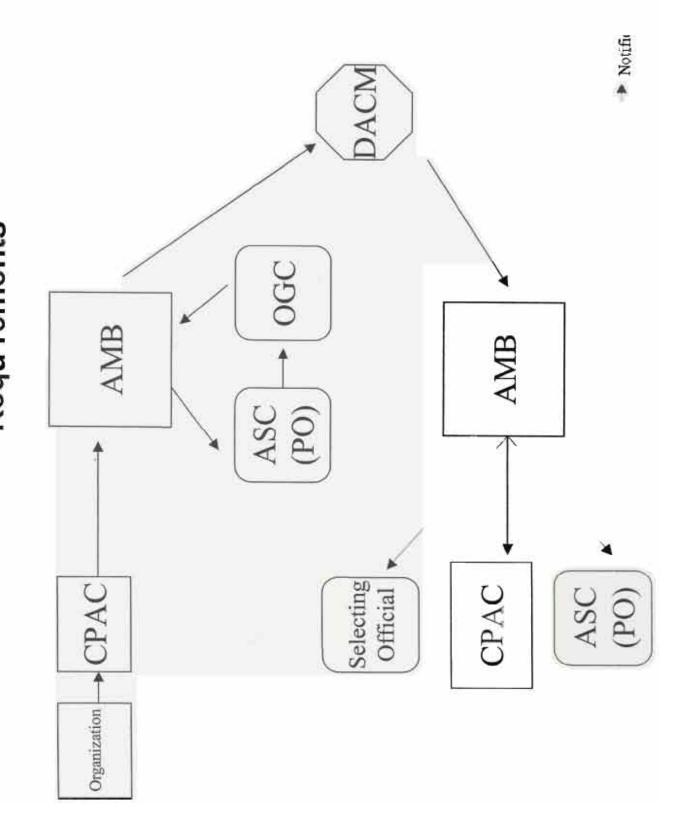
- a CAP Waivers for AAC membership requirements:
 - (1) Flow Chart.
 - (2) Sample SAAL Form 5
 - (3) Sample Waiver Form TAB A
 - (4) ACRB/ORB/Resume TAB B
 - (5) Additional Information, if needed TAB C
- b. Assignment Period (Tenure) Waiver Process:
 - (1) Flow Chart
 - (2) Sample SAAL Form 5
 - (3) Sample Waiver Form TAB A
 - (4) ORB/ACRB TAB B
 - (5) GO/SES Endorsement or Comments TAB C
 - (6) Additional Information, if needed TAB D
- c. Assignment Specific Waivers:
 - (1) Flow Chart
 - (2) Sample SAAL Form 5
 - (3) Sample Waiver Form TAB A
 - (4) ORB/ACRB TAB B
 - (5) Additional Information, if needed TAB C

6. Effective Date: This document is effective immediately.

MARY FULLER Colonel, USA

Acting Deputy Director, Acquisition Career Management

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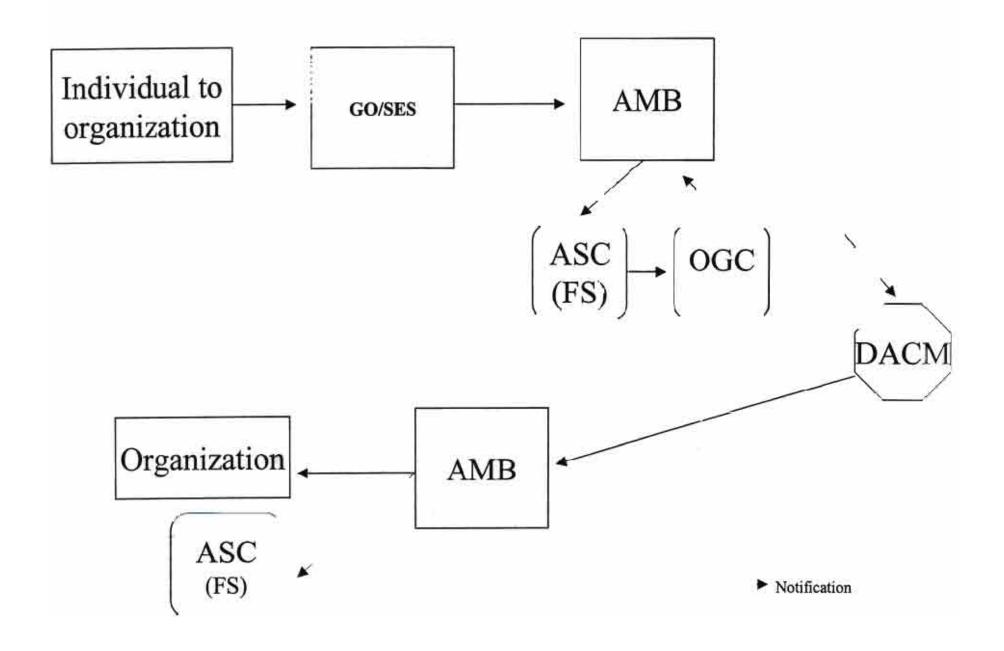
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TAB B

ACRB/ORB/RESUME

USE IF ADDITIONAL INFORMATION IS NEEDED

Assignment Period (Tenure) Waiver for CAPs



			Office, Assista SUM	nt Secretary		(ALT)							
o: DACM			OFFICE S	ACTION OFFICER: AMB AO OFFICE SYMBOL: PHONE NO:						SUSPENSE DATE CONTROL NO.			
hru: Chief o	f Staff		DATE/TIM	E:									
UBJECT: A	ssignmer	nt Period (Te	enure) Waiver for _			(indiv	idual's na	me)					
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SAMPLE DD FORM 2592/93 FOR TENURE WAIVER - TAB A

TAB B

ACRB/ORB

GO/SES ENDORSEMENT OR COMMENTS

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SAMPLE DD FORM 2595, 97, 99 & 2601 FOR ASSIGNMENT SPEC. WAIVERS - TAB A

TAB B

ACRB/ORB/RESUME

USE IF ADDITIONAL INFORMATION IS NEEDED