

CYBER PAY ENHANCEMENTS PROGRAM DIRECTIVE

I. Purpose

This management directive (MD) establishes the Cybersecurity and Infrastructure Security Agency (CISA) Office of Chief Human Capital Officer policy regarding retention incentives for the CISA cybersecurity workforce.

II. Scope of Application

This MD applies to all CISA cybersecurity workforce employees that meet the criteria as outlined in the [DHS Management Directive 251-01, Recruitment, Relocation and Retention Incentives](#), except as provided in 5 CFR [575.304](#) to include:

- A General Schedule (GS) position paid under [5 U.S.C. § 5332](#);
- A senior-level or scientific or professional (SL/ST) position paid under [5 U.S.C. § 5376](#);
- A Senior Executive Service (SES) position paid under [5 U.S.C. § 5383](#);
- A position as a law enforcement officer, as defined in [5 CFR 550.103](#);
- A position under the Executive Schedule established under subchapter II of chapter 53 of title 5, United States Code, or a position the rate of pay for which is fixed by law at a rate equal to a rate for the Executive Schedule;
- A prevailing rate position, as defined in [5 U.S.C. § 5342\(a\)\(3\)](#); and
- Any other category or group of position in DHS not otherwise covered for which the Office of Personnel Management (OPM) has authorized payment under [5 CFR 575.302\(c\)](#).

All retention incentives for SES and SL/ST employees must be in alignment with the [DHS Cybersecurity Retention Incentive Plan](#), dated July 2017.

III. Authorities

- A. [5 U.S.C. § 5754](#) (Retention Bonuses)
- B. [5 CFR 575](#), Subpart C (Retention Incentives)
- C. Memorandum from the CISA Under-Secretary, [Recruitment and Retention payments for the Cybersecurity Workforce](#), February 2016

This policy number was previously 403-251-006.

- D. U.S. Department of Homeland Security: [MD 256-02](#), Administrative Grievance System
- E. U.S. Department of Homeland Security: [MD 251-01-003](#), Department-Wide Plan for Retention Incentives for Employees Likely to Leave Federal Service, August 2016

IV. Responsibilities

A. The **CISA Director**

1. Serve as the Authorizing Agency Official with the sole and exclusive discretion, subject only to the Office of Personnel Management review and oversight, to authorize the Cyber Pay Enhancement Program requirements in 5 CFR § 575.306; and
2. Oversee the annual review and approval determination to pay retention incentives as required in 5 CFR 575.311.

B. The CISA **Chief Human Capital Officer (CHCO)**

1. Issue instructions and procedures to implement and execute this policy; and
2. Comply with the policy set forth herein and any applicable federal laws, rules, and regulations.

C. The **CISA Office Chief Human Capital Officer (OCHCO)**

1. Develop instruction and oversee compliance procedures established for this policy;
2. Serve as the liaison and advisor providing expert technical advice and assistance to Division Heads/Mission Support Office Heads;
3. Review Federal Government and Department procedures, regulations, and precedential decisions that impact the agency's position for eligibility determinations;
4. Coordinate with the Office of the Chief Counsel (OCC) to discuss findings and recommendations;
5. Coordinate with Office of the Chief Financial Officer (OCFO) to ensure availability of funds and perform payroll audits;
6. Oversee compliance with Department and Agency retention incentive instruction requirements;
7. Conduct annual labor market and compensation analysis report and deliver to the CISA Director to serve as the justification requirements under 5 CFR 575.308;

8. Review and approve position and employee eligibility cases;
9. Review and approve payment of retention incentives and complete the Request for Personnel Action authorization requirements;
10. Update Position Descriptions with cyber mapping information;
11. Update cyber coding information into the National Finance Center;
12. Maintain databases with current coding;
13. Keep a record of each determination to pay a retention incentive and make such records available for review upon Office of Personnel Management request, as required in 5 CFR § 575.313; and
14. Establish and manage a program that performs necessary program audits with internal controls.

D. The **Office of the Chief Financial Officer (OCFO)**

1. Coordinate with the CISA OCHCO to validate adequate funding is available to execute retention incentives;
2. Validate the number of eligible billets and employees associated with the cybersecurity workforce; and
3. Ensure a monthly report is submitted to show remaining funds for recruitment, retention, and relocation payments, and training funds provided as part of the cybersecurity pay enhancement funding.

E. The **Office of the Chief Counsel**

1. Review the program governance to ensure it aligns with applicable Federal laws, regulations, and department precedent decisions;
2. Apply laws, regulations and precedential decisions to define issues, and develop conclusions and recommendations; and
3. Provide OCHCO with recommendations to inform program governance and employee case decisions.

F. The **Division Head and Mission Support Office Heads**

1. Ensure internal management controls are in place to comply with instructions and procedures;
2. Ensure all cyber mapping and program data requirements are met;
3. Review and approve each determination to pay a retention incentive to an individual or group of employees;
4. Ensure all certification training needs are met; and
5. Ensure supervisors notify the Cyber Pay Enhancements Program of all realignments and reassignments.

G. The **Supervisor of Record**

1. Initiate the application for inclusion in the program on behalf of the

employee, completing all information on the form and overseeing the submission;

2. Complete cyber workforce mapping requirements in accordance with program instructions and procedures;
3. Validate that the position is mapped consistently with the other positions performing like duties across the organization;
4. Notify the program office of all realignments and reassignments.
5. Inform subordinate employees of position mapping alignment; and
6. Work with the Classifier to ensure the Position Description is updated.
7. Completing a Memorandum of Agreement or Memorandum of Understanding with the detail position's cyber mapping is on file with OCHCO and recorded in Empower, if/as appropriate.

H. The **CISA Cybersecurity Workforce Employee**

1. Read and understand eligibility requirements associated with retention incentives;
2. Adhere to all program requirements as outlined in instruction and procedures;
3. Report any changes in eligibility, certification, or inaccurate payments to the OCHCO or designated program;
4. Notify supervisor and the component OCHCO program office of internal and external reassignments and realignments (e.g. due to promotion, reassignment, detail, etc.); and
5. Notify the OCHCO program office prior to a detail assignment during the period they are receiving a cyber-retention incentive payment and ensure the detail supervisor completes a Memorandum of Agreement or Memorandum of Understanding with the cyber mapping information of the detail, if/as appropriate.

V. Requirements

- A. The CISA CHCO will establish and employ a CISA cyber workforce retention incentive program and the requirements to govern the conditions, incentive criteria, definitions, roles and responsibilities, and procedures for CISA cyber workforce position and employee eligibility as required in 5 CFR Part 575, Subpart C.
- B. In addition, CISA OCHCO will:
 - i. Establish the retention incentive approval criteria and written determination for the basis to determine the unusually high or unique qualifications of the employee or group of employees in CISA Instruction, as required in 5 CFR § 575.308(b).

- ii. Establish the basis for determining that the employee or group of employees would be likely to leave the Federal service in the absence of a retention incentive in a Labor Market and Compensation Report.
- iii. Establish the basis for establishing the amount and timing of the approved retention incentive payment and length of the required service period in CISA Instruction.
- iv. Establish the payment methods that may be authorized, service agreement requirements, and conditions for terminating retention incentive payments when no service agreement is required.
- v. Establish the documentation and recordkeeping requirements sufficient to allow for the reconstruction of the action and fulfill the requirements of 5 CFR § 575.312 and § 575.313.

VI. Questions

Should you have any questions regarding this policy guidance memorandum, please feel free to contact CISA Human Capital at (b) (6)

(b) (6)

Christopher C Krebs
Director
Cybersecurity and Infrastructure Security Agency

JAN 22 2020
Date