



Department of Defense INSTRUCTION

NUMBER 1400.25, Volume 315
March 19, 2012

USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Employment of Spouses of Active Duty Military

References: See Enclosure 1

1. PURPOSE

a. Instruction. This Instruction is composed of several volumes, each containing its own purpose. The purpose of the overall Instruction, in accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the DoD.

b. Volume. In accordance with the authority in DoDD 1400.25 (Reference (b)), this Volume:

(1) Establishes DoD policy, delegates authority, and prescribes procedures for improved employment opportunities for spouses of active duty military personnel stationed worldwide pursuant to section 1784 of title 10, United States Code (U.S.C.) (Reference (c)), parts 213 and 315 of title 5, Code of Federal Regulations (Reference (d)), and Executive Order 12568 (Reference (e)).

(2) Cancels DoD 1400.25-M, Subchapter 315 (Reference (f)).

2. APPLICABILITY. This Volume:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the "DoD Components").

b. Does NOT apply to:

(1) Employment in positions covered by the Defense Civilian Intelligence Personnel System.

(2) Employment of educators within the DoD Dependents Schools system.

3. DEFINITIONS. See Glossary.

4. POLICY

a. The spouse of an active duty member of the Military Services (including the U.S. Coast Guard and full-time Reserve or National Guard), who relocates via a permanent change of station (PCS) move as a sponsored dependent to the military sponsor's new permanent duty station, is entitled to military spouse preference (MSP) for all positions in the commuting area of the new duty station being filled under competitive procedures. MSP requires that a spouse candidate be selected before other best qualified candidates. To be eligible for MSP on a specific PCS move, the spouse must:

(1) Have married the military sponsor prior to the date of the military sponsor's orders authorizing a permanent change of station.

(2) Meet all pre-employment criteria and be immediately appointable under the applicable recruitment procedures.

(3) Meet basic qualifications and be among the best qualified for the position.

b. When positions are filled using competitive procedures in any location, MSP shall be applied equitably and reciprocally across DoD Components for spouses of active duty military members when those spouses apply for:

(1) Appropriated fund positions in the excepted and competitive services at GS-15 and below, or equivalent positions in other pay systems.

(2) Nonappropriated fund (NAF) personnel system positions in all employment categories at NF-3 and below and equivalent positions, and for positions paid at hourly rates.

c. MSP shall not contravene existing statutes or regulations on veterans' preference or nepotism. Any spouse who meets the definition of "preference eligible" pursuant to section 2108(3)(E) of title 5, U.S.C. (Reference (g)) is entitled to veterans' preference when filling positions under competitive examining procedures; however, spouses who are "preference eligible" do not have priority over non-spouse "preference eligible" candidates.

d. Military spouses shall receive MSP for each PCS move until such time as they accept or decline a continuing position, fail to maintain eligibility in accordance with this Volume, are no

longer eligible for appointment under the pertinent authority, or are no longer interested in being referred.

e. Military spouses eligible for MSP may accept or decline an unlimited number of non-continuing positions without loss of their MSP.

f. To expand military spouse employment opportunities in foreign areas, DoD Components shall use, to the maximum extent possible, vacant foreign national positions to establish General Schedule or Federal Wage System positions for U.S. citizen occupancy, unless such U.S. citizen employment is contrary to treaties, other international agreements, or understandings.

g. MSP does not apply to:

(1) Placements involving full performance-level competitive service positions covered by mandatory mobility agreements;

(2) Actions that would result in the change to lower grade or separation of a current permanent, term or temporary DoD employee;

(3) Placements through the Priority Placement Program (PPP) of Priority 1 or 2 registrants or of well-qualified overseas returnees;

(4) Positions filled through noncompetitive procedures; or

(5) Subsequent placement actions following acceptance or refusal of any continuing position in the Federal service at the new duty location, for which the spouse had indicated availability, in either the appropriated fund or NAF workforce, whether or not preference was applied.

h. A military spouse is not eligible for MSP upon a PCS move that is in conjunction with the retirement or separation of the military member except when that retirement or separation is based upon 100 percent disability.

i. MSP is not applicable in the case of a military spouse who applies for employment consideration pursuant to section 335.106 of Reference (d), which provides special selection procedures under merit promotion for preference eligibles and veterans who have been separated under honorable conditions from the Military Services after completing 3 or more years of continuous active military service.

j. Military spouses may be noncompetitively appointed pursuant to sections 213.3106(b)(6) (which covers positions in overseas installations when filled by dependents of military members or civilian employees of the U.S. Government residing in the area), 315.608 (which covers individuals who have completed 52 weeks of creditable overseas service), and 315.612 (which covers a spouse of a military member serving on active duty who has orders specifying a PCS) of Reference (d), provided that the pertinent eligibility criteria are met. MSP is applicable to such

appointments if the military spouse is determined to be among the best qualified for the position (see subparagraph 4.a.(3) and the Table).

Table. Decision Logic Table for Application of MSP

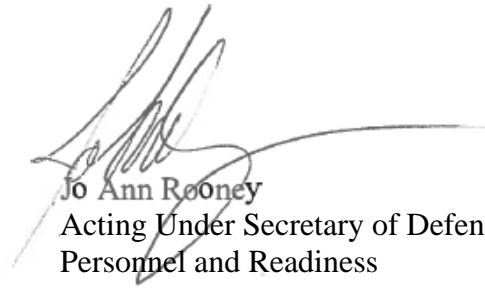
ACTION	MSP
Spouse is:	
Evaluated along with applicants rated or ranked for promotion, reassignment or change to lower grade under a job opportunity announcement and determined to be among the best qualified	Applies
Referred on a Delegated Examining Unit (DEU) or Office of Personnel Management (OPM) certificate	Applies
Evaluated along with candidates under a direct hire authority and determined to be among the best qualified	Applies
Referred as a noncompetitive candidate (e.g., as a reinstatement eligible, or as an eligible for noncompetitive appointment under section 315.608 of Reference (d) (for former overseas employees) or section 315.612 of Reference (d) (for certain military spouses) without an evaluation process to determine if the spouse is among the best qualified	Does not apply

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. UNLIMITED. This Volume is approved for public release. Copies may be obtained through the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Volume is effective upon its publication to the DoD Issuances Website.



Jo Ann Rooney
Acting Under Secretary of Defense for
Personnel and Readiness

Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

TABLE OF CONTENTS

ENCLOSURE 1: REFERENCES.....7

ENCLOSURE 2: RESPONSIBILITIES.....8

 DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL
 POLICY (DASD(CPP)).....8

 HEADS OF THE DoD COMPONENTS8

 OFFICIALS WHO EXERCISE PERSONNEL APPOINTING AUTHORITY8

ENCLOSURE 3: PROCEDURES.....9

 APPLICATION PROCESSES9

 CONSIDERATION10

 SPOUSE PREFERENCE IN FOREIGN AREAS.....12

 NAF POSITIONS13

 DOCUMENTATION13

GLOSSARY14

 PART I: ABBREVIATIONS AND ACRONYMS14

 PART II: DEFINITIONS.....14

TABLE

 Decision Logic Table for Application of MSP.....4

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
- (c) Section 1784 of title 10, United States Code
- (d) Parts 213, 315, 316, 332, 335, and 591 of title 5, Code of Federal Regulations
- (e) Executive Order 12568, Employment Opportunities for Military Spouses at Nonappropriated Fund Activities," October 2, 1986
- (f) DoD 1400.25-M, Subchapter 315, "Employment of Spouses of Active Duty Military," September 19, 2007 (hereby cancelled)
- (g) Sections 302(b), 1104, 2108, and 3101 of title 5, United States Code
- (h) DoD Priority Placement Program (PPP) Operations Manual, current edition¹

¹ Available through the Internet on the CARE Website at <http://www.cpms.osd.mil/care/>.

ENCLOSURE 2

RESPONSIBILITIES

1. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). The DASD(CPP), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, shall:

- a. Develop DoD policy on military spouse employment.
- b. Oversee implementation of policy related to appointments of military spouses.

2. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

- a. Oversee compliance with this Volume.
- b. Require that no DoD official, directly or indirectly, impedes or otherwise interferes with the right of a spouse of a military member to pursue and hold a job, attend school, or perform volunteer services on or off a military installation. Moreover, no DoD official shall use the preferences or requirements of a DoD Component to influence, or attempt to influence, the employment, educational, or volunteer service decision of a spouse.
- c. Publicize available appointing authorities and employment opportunities within DoD to eligible military spouses.
- d. Promote military spouses as a viable source of candidates for DoD civilian employment.

3. OFFICIALS WHO EXERCISE PERSONNEL APPOINTING AUTHORITY. The officials who exercise personnel appointing authority shall:

- a. Approve waivers pursuant to section 315.612(c)(3) of Reference (d) to accept an application from a military spouse if no Federal agency exists in the spouse's geographic area. This authority may be delegated in writing.
- b. Approve exceptions to selections based on compelling hardship to the organization mission or the applicant.

ENCLOSURE 3

PROCEDURES

1. APPLICATION PROCESSES

a. An MSP candidate may apply for the following types of positions when within the area of consideration and shall notify the activity of his or her preference eligibility:

(1) Positions at or below the highest permanent grade previously held in the Federal service;

(2) Positions at or below the highest grade for which the spouse is eligible on an OPM or other authorized DEU register;

(3) Positions at the highest grade held, down to the lowest grade and occupation for which the spouse is qualified and available, if he or she has appointment eligibility under section 315.608 of Reference (d); or

(4) Positions at any grade for which the spouse is qualified and available, if he or she has appointment eligibility under section 315.612 of Reference (d).

b. To receive MSP, a spouse shall:

(1) Furnish a copy of the PCS order identifying a dependents-authorized move and the sponsor's reporting date to the new duty location.

(2) Submit a current application or resume.

(3) For spouses with current or prior Federal service, submit a copy of the most recent performance appraisal rating and, if applicable, documentation of appointment eligibility under section 315.608 of Reference (d).

c. Except as stated in subparagraph 1.c.(2) of this enclosure, spouses shall register under the Program S automated referral procedures described in Chapter 14 of the DoD PPP Operations Manual (Reference (h)) to exercise MSP for competitive service vacancies in the United States and in non-foreign areas.

(1) To meet the appointability requirement for PPP registration in Program S, spouses must:

(a) Be current Federal career or career-conditional employees;

(b) Be currently serving under a Veterans Recruitment Appointment or Schedule A appointment for the disabled;

(c) Have reinstatement eligibility;

(d) Have appointment eligibility under section 315.608 or 315.612 of Reference (d);

or

(e) Have competitive service eligibility based on employment under other merit systems as prescribed by the applicable OPM interchange agreement (e.g., nonappropriated fund).

(2) There are several categories of positions for which spouses may not exercise MSP by virtue of referral through the PPP. In order to receive preference for these positions, spouses shall apply under procedures established by the servicing Human Resources Office (HRO), request preference in writing or as otherwise instructed, and provide any other documents required for consideration and verification of preference. This requirement applies to positions:

(a) In the excepted service.

(b) Filled under DoD Component career program procedures.

(c) Filled through competitive examining procedures (e.g., a DEU or OPM announcement), or under a direct hire authority.

(d) In foreign areas.

2. CONSIDERATION

a. The servicing HRO shall verify MSP using PCS orders identifying a dependents-authorized move and the military sponsor's reporting date to the new duty location and other written evidence or documentation which verifies appointment eligibility.

(1) Spouses seeking appointment based on their military sponsors active duty status must also submit documentation verifying marriage to the Service member (i.e., a marriage license or other documentation verifying marriage);

(2) Spouses seeking appointment based on the fact that their military sponsor retired from active duty with a service-connected disability rating of 100 percent while serving on active duty in the Military Services shall submit documentation showing the Service member was released or discharged from active duty due to a service-connected disability; documentation showing the Service member retired, or was released or discharged from active duty, with a disability rating of 100 percent, and documentation verifying the marriage to the Service member (i.e., a marriage license or other documentation verifying marriage); or

(3) Spouses seeking appointment based on the fact that their military sponsor was killed while on active duty shall submit documentation showing the Service member was released or

discharged from active duty due to his or her death while on active duty; documentation verifying the Service member was killed while serving on active duty; documentation verifying the marriage to the Service member (i.e., a marriage license or other documentation verifying marriage); and a statement certifying that he or she is the un-remarried widow or widower of the Service member.

b. Except as provided in subparagraphs 2.a.(1) - 2.a.(3) of this enclosure, the time period for MSP eligibility begins 30 days before the military sponsor's reporting date to the new duty station, if accompanied, or at any time thereafter during the tour. Eligible spouses retain preference for the duration of the sponsor's tour unless preference terminates sooner under paragraph 2.g. of this enclosure.

(1) In foreign areas, spouses do not receive preference until arrival at the overseas location.

(2) Spouses who do not initially relocate with their sponsors are not eligible for preference until they are actually residing in the commuting area of the new duty station.

(3) Spouses whose sole appointability is pursuant to section 315.612 of Reference (d) are not eligible for appointment until arrival at the new duty station and therefore do not receive preference until arrival at the new duty station.

(4) Appointment eligibility pursuant to section 315.612 of Reference (d) expires 2 years from the transfer effective date of the sponsor's PCS orders. Upon expiration of the 2-year period, the spouse may receive preference only if that spouse may be appointed under another authority (e.g., the spouse is eligible for reinstatement).

c. MSP is applied when considering candidates through competitive procedures.

(1) When a military spouse is determined to be among the best qualified, the spouse shall be selected over non-MSP candidates in the best qualified group.

(2) When a military spouse is available for consideration under a competitive examining process and is determined to be among the best qualified, the spouse may not be passed over to select a non-MSP candidate provided that such an action does not contravene veterans' preference or other laws governing selections from competitive examining certificates. All veterans' preference eligibles shall be considered before MSP eligibles.

(3) When a military spouse is available for consideration under a direct hire authority and is determined to be among the best qualified, the spouse may not be passed over to select a non-MSP candidate.

d. When more than one military spouse is referred in the best-qualified group, spouse selections may be made in any order.

e. Spouses may receive MSP for continuing and non-continuing positions until such time as eligibility is lost due to acceptance or refusal of an offer of a continuing position.

f. Upon acceptance of a time-limited appointment, the spouse's eligibility for preference for other non-continuing positions will be suspended until 60 days prior to the expiration of the appointment. However, eligibility for other non-continuing positions is not affected by acceptance of a permanent appointment to a position with an intermittent work schedule or any NAF position for which the employment category is identified as "flexible."

g. MSP will remain intact until used; however, spouses of military sponsors who are within 6 months of their tour rotation date may be nonselected for continuing positions without regard to preference.

h. MSP eligibility for each PCS relocation terminates upon:

(1) Acceptance or refusal of a continuing position in the Federal service for which the spouse has registered or applied for employment, whether or not preference was applied;

(2) Refusal to participate in established recruitment procedures (e.g., interview, responding to evaluation criteria);

(3) Loss of MSP status due to divorce, death of the sponsor, or sponsor's retirement or separation from active duty; or

(4) Failure to maintain immediate appointability as required under subparagraph 4.a.(2) of this Volume.

3. SPOUSE PREFERENCE IN FOREIGN AREAS. The following procedures apply to filling appropriated fund positions in foreign areas:

a. Overseas commanders shall ensure that job information is provided in a manner reasonably designed to reach military spouses whose permanent duty stations are in the same commuting area as the area where positions are located.

b. Spouse preference eligibles shall be given preference when using competitive procedures to fill vacancies in all positions designated for U.S. citizen occupancy.

c. Spouses may be subject to separation or reassignment if the position held is required for the placement of a current foreign national employee through reduction in force procedures.

d. Spouses who are not U.S. citizens shall be given equal consideration with U.S. citizen spouses for overseas vacancies except when doing so would conflict with host-nation law or agreements and understandings with the host nation.

e. When MSP employment is authorized for foreign national positions, such employment shall be under the authority of Schedule A, section 213.3106 (b)(6) of Reference (d).

4. NAF POSITIONS. The process and procedures for applying MSP for NAF positions can be found in Volume 1403 of this Instruction.

5. DOCUMENTATION. The personnel action for a military spouse who exercises his or her MSP must include “ZSK” as the second authority code on the Standard Form 50, “Notification of Personnel Action.”

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian Personnel Policy
DEU	Delegated Examining Unit
DoDD	DoD Directive
HRO	Human Resources Office
MSP	Military Spouse Preference
NAF	nonappropriated fund
OPM	Office of Personnel Management
PCS	permanent change of station
PPP	Priority Placement Program
U.S.C.	United States Code

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this Instruction.

active duty. Full-time duty with military pay and allowances in the Military Services (except for training or for determining physical fitness) and full-time service in the U.S. Coast Guard, Reserves, or National Guard.

appointable. Eligible for appointment.

best qualified. Candidates in this category possess knowledge, skills, abilities, and competencies comparable to others who meet the competitive referral criteria for the specific position.

career-conditional. Defined in part 315 of Reference (d).

certificate. Defined in part 332 of Reference (d).

commuting area. The geographic area that is normally considered one area for employment purposes. It includes the military sponsor's duty station and the surrounding localities where people reasonably can be expected to travel daily to and from work.

competitive procedures. The application of specific qualification factors to rate, rank, or otherwise categorize candidates for referral under a job opportunity announcement or equivalent merit promotion program consideration process (which may include candidates for whom the

position would be a promotion, reassignment, or change to lower grade, or candidates who may be reinstated to the position or appointed under a noncompetitive appointing authority), under a DEU or OPM announcement, or under a direct hire authority.

continuing position. Positions to which appointments are made without time limitation, and which have a fixed work schedule, i.e., part-time or full-time.

DEU. An office delegated authority, pursuant to section 1104 of Reference (g), to conduct competitive examinations for positions in the competitive service.

foreign areas. Areas outside the continental United States that are not identified as nonforeign areas in section 591.205 of Reference (d).

immediately appointable. A candidate who has career or career-conditional status, has reinstatement eligibility, or who is eligible for appointment through use of a discrete appointing authority (e.g., the authority to appoint certain military spouses pursuant to section 315.612 of Reference (d)).

military spouse. The wife or husband of an active duty member of the Military Services, including the U.S. Coast Guard and the full-time National Guard or Reserves.

non-MSP candidate. A candidate who is not eligible for MSP.

noncompetitive procedures. The consideration of candidates without rating, ranking, or other categorization; includes such actions as appointment by reinstatement, repromotion to a grade previously held, and appointment under the authority of sections 315.608 or 315.612 of Reference (d) without determining whether the military spouse is among the best qualified.

non-continuing position. Positions filled by temporary or term appointment regardless of the work schedule; positions filled by permanent appointment with intermittent work schedules; and any NAF position for which the employment category is identified as flexible.

non-foreign areas. Defined in section 591.205 of Reference (d).

officials who exercise personnel appointing authority. An official, typically the commander or head of an activity, delegated the authority pursuant to sections 302(b) and 3101 of Reference (g) to take final action on matters pertaining to the employment, direction, and general administration of personnel.

preference eligible. Defined in section 2108(3) of Reference (g).

Schedule A. Defined in part 213 of Reference (d).

time-limited appointment. A term or temporary appointment.

Veterans Recruitment Appointment. Defined in part 307 of Reference (d).