



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20350-1000

SECNAVINST 12310.7A

ASN(M&RA)/OCPM 21

13 March 1990

SECNAV INSTRUCTION 12310.7A

From: Secretary of the Navy

Subj: MILITARY SPOUSE EMPLOYMENT PREFERENCE

Ref: (a) Public Law 99-145 (as amended)
(b) DOD 1400.20-1-M of April 88 (NOTAL)
(c) SECNAVINST 1754.1

Encl: (1) DOD Instruction 1404.12 of 12 Jan 89

1. Purpose. To revise policy regarding employment preference and assistance to spouses of active duty members of the Armed Forces. This instruction is considered a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 12310.7.

3. Discussion. For the past several years, the Department of the Navy has provided employment preference and assistance to military spouses under the provisions of Section 806 of reference (a) and resulting Department of Defense (DOD) directives and guidance. As numerous implementing DOD policy changes have occurred, this restatement of Department of the Navy policy is in order.

4. Applicability. Applies to all Department of the Navy activities and commands employing appropriated fund civilian employees at grade level GS/GM-15 (or equivalent) and below worldwide, except those organizations that have as a primary function intelligence, counterintelligence, or national security. Within the Department of the Navy, this exclusion includes the Naval Intelligence Command, the Naval Security Group Command, and other organizations as authorized in writing by the Director, Office of Civilian Personnel Management.

5. Policy

a. It is Department of the Navy policy that eligible military spouses be provided the employment preference allowed



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and required by reference (a), following the policies and procedures in both enclosure (1) of this instruction, and Appendix I to reference (b), as supplemented in this instruction. Enclosure (1) establishes policy and prescribes procedures for spouse preference in all positions (appropriated and non-appropriated fund) worldwide. Appendix I to reference (b) prescribes procedures for automated referral of spouse preference eligibles, but only includes competitive service positions in the United States and U.S. Territories and Possessions and does not include procedures for making placements from an Office of Personnel Management (OPM) register. Therefore, reference to one or both of these documents may be required depending on the nature and/or location of a position being filled.

b. Noncompetitive placements may be made and other alternative sources of candidates may be used in filling vacancies as outlined in enclosure (1) and reference (b) without regard to the application of spouse preference. Such selections and placements may be made at any time during the recruitment cycle, as long as local policy allows.

6. Definition. As used in enclosure (1) to indicate when military spouses are entitled to preference in competitive fill situations, the term "among the best qualified" is defined to include situations in which the spouse is within that group of candidates from which a selecting official may make a selection.

a. When selecting from certificates prepared under competitive ranking procedures, local policy on the numbers of employees certified for selection consideration will apply.

b. When selecting from OPM or equivalent agency-developed certificates, this equates to the allowable selection range without violating veterans' preference (i.e., the top three available applicants).

c. When using any form of direct-hire authority, this means that preference is applicable to any spouse who may be selected under the authority (i.e., who meets the minimum qualifications for the position).

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7. Responsibilities

a. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) is responsible for overall policy direction within the Department of the Navy and for ensuring the support of the entire chain of command for the proper application of military spouse preference.

b. The Director, Office of Civilian Personnel Management (OCPM), is responsible for development of additional implementing Navy-wide guidelines which may be required, serving as the focal point for interactions with DOD on military spouse preference issues such as reporting, providing data and implementing procedural changes, adjudicating spouse appeals, and making the final determination on entitlement to military spouse employment preference.

c. The Commander, Naval Military Personnel Command, and the Commandant of the Marine Corps are responsible for providing for employment assistance and counseling through the Family Service Center network as established by reference (c).

d. Heads of Echelon 1 and 2 commands and subordinate activities are responsible for ensuring full adherence to established policies by their subordinates.

e. Servicing Civilian Personnel Offices (CPOs) are responsible for:

(1) Advising management on spouse preference and assistance policies, procedures, and responsibilities.

(2) Ensuring that placement actions are in full compliance with spouse preference policies.

(3) Designating a military spouse program coordinator to serve as the primary point of contact for program support to provide, at a minimum, the following types of employment assistance to spouses of relocating military members:

(a) Information and appropriate resource material regarding employment policies, practices, and procedures, as

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well as current and projected employment opportunities upon arrival at the new duty station.

(b) Information about the applicability of military spouse preference, the procedures for exercising preference, and the availability of specialized employment assistance (if applicable) at a servicing Family Service Center.

(c) Counseling, upon request, on matters relating to a spouse's particular employment status and eligibility including entitlement to leave without pay.

(d) Registering, as appropriate, in the Priority Placement Program.

(4) Preparing reports as indicated in paragraph 11a.

(5) Establishing procedures for verifying eligibility for preference.

(6) Advising military spouses who feel they have been denied military spouse employment preference entitlement that they may appeal in accordance with paragraph 9 of this instruction.

8. Exceptions

a. Exceptions to selections of spouse preference eligibles may be made only with the commanding officer's authorization. This may not be redelegated. The commanding officer must ensure that individual exceptions comply with the spirit and intent of enclosure (1) and reference (a) and are based on a compelling hardship to either the applicant or the accomplishment of the activity's mission. Requests for exceptions must be well documented in writing and present clear evidence that the selection of the spouse preference eligible would adversely affect the activity's mission or create undue hardship to another applicant. Exceptions under this provision should be extremely rare.

b. Documentation of exceptions of military spouse preference is to be maintained following the guidance contained in paragraph 11b of this instruction.

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9. Appeals. Military spouses who feel they have been denied military spouse employment preference entitlement may appeal in writing for a final determination. Appeals should be addressed to the Office of Civilian Personnel Management, Staffing Systems Division, 800 North Quincy Street, Arlington, Virginia 22203-1998.

10. Action. Echelon 1 and 2 commands and field activities will implement subject program, in compliance with the provisions of this instruction.

11. Records and Reports

a. Quarterly reports. The Office of the Assistant Secretary of Defense requires quarterly reports of military spouse preference placements. Following enclosure (1), DOD Report Control Symbol DD-FM&P(Q)1809(12310) is assigned to this reporting requirement and is approved for three years from the date of this directive.

(1) Servicing CPOs shall prepare reports listing spouse preference placements for all serviced activities/commands quarterly. Naval Civilian Personnel Data System (NCPDS) data may be used to the maximum extent feasible. Placements made via the provisions of reference (b) need not be reported.

(2) Reports shall provide, in summary form, the following data on each placement: social security number, pay plan, series, grade, appointment date, gaining activity name, echelon 2 command, city, and state/country. Symbol SECNAV 12310-1 has been assigned to this report and is approved for three years from the date of this instruction.

(3) Reports are to be forwarded, by expedited means, so as to reach the Office of Civilian Personnel Management, Staffing Systems Division, 800 North Quincy Street, Arlington, Virginia 22203-1998, no later than the 10th day following the end of March, June, September, and December.

(4) OCPM Headquarters will provide a consolidated report to the Assistant Secretary of Defense (Force Management

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and Personnel) by the 15th of each reporting month. A consolidated report will be available to echelon 1 and 2 commands from OCPM Headquarters upon request.

b. Documentation. Documentation of exceptions to military spouse preference as provided in paragraph 8a of this instruction will be retained for at least two years or until completion of an activity OCPM Personnel Management Evaluation, whichever occurs later. In addition, documentation of non-application of spouse preference as provided in paragraph B of enclosure (1), for those situations which are not readily apparent, e.g., certain situations which would result in displacement of a current employee, is to be similarly retained.

Distribution:
(See page 7)

A handwritten signature in black ink, appearing to read 'H. Lawrence Garrett, III', with a large, stylized flourish above the name.

H. Lawrence Garrett, III
Secretary of the Navy

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