



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON STUTTGART
UNIT 30401
APO AE 09107-0401

IMSG-ZA

06 AUG 2012

MEMORANDUM FOR All Civilian Employees and Soldiers USAG Stuttgart

SUBJECT: USAG Command Policy Letter # 26, Military Spousal Preference Passover Policy

1. SUMMARY: This directive outlines policies pertaining to the non-selection of Military Spouse Preference (MSP) and Family Member Preference (FMP) eligible referred on selection certificates to fill vacancies within United States Army Garrison Stuttgart.

2. APPLICABILITY: This policy applies to U.S. civilian positions within USAG Stuttgart.

3. REFERENCES:

a. Department of Defense Instruction (DoDI) 1400.25-M, Civilian Personnel Manual (CPM), December 1, 1996.

b. Army Regulation 690-300, Employment, 12 August 1994.

c. USAREUR Supplement 1 to AR 690-300.301, Overseas Employment, 17 March 2006.

d. USAREUR Regulation 690-300.335.1

4. EXPLANATION OF TERMS:

a. Military Spouse Preference (MSP) Eligible: Husband or wife of an active duty military member of the U.S. Armed Forces, including the Coast Guard and full-time National Guard, who moves with the sponsor to a new duty station, i.e., marriage occurred prior to PCS. Preference applies only within commuting area of sponsor's permanent duty station; commuting area is defined as distance the candidate is willing to travel on a daily basis. Spouse must reside with the sponsor. Preference may be used only once per PCS. Preference consideration begins when spouse arrives on station; mandatory consideration or selection based on preference ends when the spouse is within six months of end of tour.

b. Family Member Preference (FMP) Eligible: Unmarried dependent children who are not more than age 23, and who reside with an active duty military member; and the spouse and/or unmarried dependent children of U.S. citizen civilian employee of a U.S. Government agency. This category also includes spouses of military members who were married *after* the military members' PCS to the overseas area. Preference may be used only once per PCS. Preference consideration begins when family member arrives on station; mandatory consideration or selection based on preference ends when the family member is within six months of end of tour.

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c. Bypass of MSP/FMP Candidate: Candidates are referred in priority order on selection certificates. MSP takes precedence over FMP. Management must consider candidates by priority group on any given list, but may normally select any candidate within that group. In a "bypass" situation, the selecting official wishes to non-select all candidates in a given priority grouping in order to select a candidate in a lower priority grouping, e.g., wishes to non-select all MSP candidates in order to select an FMP candidate.

5. GENERAL PRINCIPLES: USAG Stuttgart strongly supports the MSP/FMP programs as important Quality of Life initiatives. Meaningful employment opportunities for spouses and family members are a significant factor in assignment satisfaction and in military retention. Senior leadership believes it is incumbent upon all selecting officials to do everything reasonably possible to support and promote the employment of a MSP/FMP eligible. Non-selection of qualified a MSP/FMP eligible should occur only under rare and unusual circumstances. Bypass criteria are intended to be stringent, and to require strong justification.

6. CRITERIA FOR BYPASSING AN MSP/FMP ELIGIBLE:

a. Hardship to the organization:

(1) Requires demonstration that selection of a candidate in a higher priority group (vice a candidate with lower preference or no preference) will be a significant, long-term detriment to mission accomplishment. MSP candidates always have preference over FMP candidates, and FMP candidates always have preference over non-preference eligible such as tourists.

(2) Must further demonstrate that the desired candidate possesses **critical** knowledge, skills and abilities (KSAs) not found in any of the higher preference category candidates. Such KSAs cannot be items readily acquired or learned on the job; neither can they be items so specific to the position that **only** an individual who had worked in the organization would possess them.

(3) Lower level clerical and administrative positions normally will not meet these criteria, since the required skills are typically more general and specific knowledge is readily learned on the job.

(4) It is not sufficient to state only that the desired candidate is "better qualified" than the candidate(s) in the higher preference category.

b. Hardship to the individual:

(1) MSP/FMP eligibles that are referred for a position may normally not decline consideration without loss of preference. Individuals who believe that selection for a position

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constitutes a personal hardship may request to be bypassed. If approved, this allows the individual to decline consideration/selection without loss of MSP/FMP.

(2) Reasons provided must constitute more than simply personal wishes. Individuals must demonstrate that acceptance of the position will create a serious physical or mental problem, or that they are otherwise clearly unsuited to the work to be performed.

c. The following are NOT acceptable reasons to bypass an MSP/FMP eligible:

(1) Management interest in reaching a name-requested candidate.

(2) Desire to promote a specific individual.

(3) Wish to select a military spouse of a family member who has already used preference elsewhere.

(4) Rank of sponsor of any eligible.

(5) Lack of security clearance.

7. PROCEDURES FOR SUBMITTING REQUESTS:

a. Management Request to Bypass MSP/FMP Eligible:

(1) In documenting a hardship to the organization, the selecting official will prepare a request consisting of the following materials:

(a) Memorandum documenting reasons for request, and outlining way(s) in which it meets the criteria outlined above in Paragraph 6;

(b) Copy of the referral certificate; and;

(c) Copies of the resumes of all eligible in the preference group being bypassed, as well as that of the proposed selectee.

(2) Request will be submitted using a Staff Summary Routing Sheet. Routing will include the organization's director, the CPAC, and the USAG Stuttgart Deputy Garrison Commander, who is the approving official.

b. Individual's Request to be Bypassed:

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(1) The individual will prepare a request outlining reasons why placement into the position would constitute a personal hardship. Reasons must be consistent with criteria outlined above in Paragraph 6.

(2) Request will be submitted to the directorate, which will prepare a recommendation. The Deputy Garrison Commander is the approving official.

c. If request is approved, a copy of the approval will be submitted to the Civilian Personnel Advisory Center (CPAC) with the completed selection certificates.

8. Point of contact for this policy is the USAG Stuttgart, Deputy Garrison Commander at DSN: 431-1310.


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Commanding