



DEPARTMENT OF THE ARMY
HEADQUARTERS, EIGHTH UNITED STATES ARMY
UNIT #15236
APO AP 96205-0009

REPLY TO
ATTENTION OF:

11 MAY 2004

EAGA-CP-SES

MEMORANDUM FOR Office of the Regional Director, Civilian Human Resource Agency – Korea Region, US Army Civilian Human Resource Agency, Office of the Deputy Chief of Staff, G1, HQDA, Unit #15746, APO AP 96218-5746

SUBJECT: Policy Guidance on Employment of Military Spouses and Family Members

1. References:

- a. DoDI 1402.12, Employment of Spouses of Active Duty Military Members Stationed Worldwide, 12 January 1989.
- b. DoDI 1402.23, Employment of Family Members of U.S. Armed Forces Personnel and Civilian Employees Stationed in Foreign Areas, 12 May 1989.
- c. DoDI 1402.25-M, CPM Chapter 301 Subchapter 4, 24 August 1988, Rotation of Employees from Foreign Areas.
- d. DoD Priority Placement Program Operations Manual.
- e. Change 22, AR 690-300, Chapter 301, Subchapter 7, Family Member Employment Policy, 1 August, 1988.
- f. USFK Regulation 690-1, Regulations and Procedures – Korean Nationals.

2. Purpose. This policy prescribes policies and procedures to be followed in the recruitment and appointment of local available family members to appropriated fund positions serviced by the Korea Region Civilian Personnel Advisory Centers (CPACs) and the Civilian Personnel Operations Center.

3. Exclusions (Positions). The following types of positions are excluded from coverage under this memorandum:

- a. School teaching positions. Preference for employment in educator positions in the Department of Defense (DoD) Dependents Schools System is per DoD Directive 1400.13 of 8 July 1976.
- b. Positions located in organizations that have as a primary function intelligence, counterintelligence, investigation, or any unique national security responsibilities.

EAGA-CP-SES

SUBJECT: Policy Guidance on Employment of Military Spouses and Family Members

- c. Journey level positions covered by mandatory mobility agreements.
4. Exclusions (Applicants). The following applicants are excluded from coverage under this memorandum:
- a. US federal government contractor employees' dependents.
 - b. Locally hired Non-Appropriated Fund employees' dependents.
5. Definitions. For purposes of this instruction, the following definitions apply:
- a. Military Spouses: Spouses of members of the U.S. Armed Forces.
 - b. Best Qualified: Military spouses will be considered among the group of best qualified when they meet any of the conditions below:
 - (1) Possess the required skill(s) identified by the selecting official and meet the Office of Personnel Management's (OPM) minimum qualification standards.
 - (2) Meets OPM's minimum qualification standards when no required skill(s) are used in the evaluation process.
 - (3) Meets minimum cut-off score for referral consideration, if applicable, under the merit promotion procedures.
 - (4) Best qualified evaluation criterion does not apply in the evaluation on non-military spouse family members. Non-military spouse family members on leave without pay or are external will not block selections of applicants who are eligible for internal merit promotion. Family member preference applies to external placement procedures in the absence of military spouses entitled to preference. Family members with preference will be selected over non-preference family members, unless an exception to selection is approved.
 - c. Family Members: A family member is the spouse or dependent child, including stepchildren, adopted children, and foster children, of members of the U.S. Armed Forces or a U.S. citizen employee of a U.S. government agency whose duty station is in the foreign area.
 - d. Non Family Member: Parents, sisters, and brothers, regardless of dependency, do not meet the definition of family member. They are not eligible for either family member appointment or family member preference.
 - e. Locally Hired Civilian: A locally hired civilian employee is an employee who was recruited within Korea. Locally hired civilian employees include employees who were initially recruited as local hire Non-Appropriated Fund employees.

EAGA-CP-SES

SUBJECT: Policy Guidance on Employment of Military Spouses and Family Members

6. Area of Consideration. Military spouse preference, family member preference, and family member without preference eligibles will be included in the minimum area of consideration whenever competitive procedures are used to fill a position, regardless of the source (e.g., reinstatement, transfer, etc.).

7. Military Spouse Preference. Military spouses shall be given preference in employment for positions filled competitively and designated for U.S. citizen occupancy at the GS-1 through GS-15 level (or equivalent) located in the same commuting area as the permanent duty station of the military sponsor. In Korea, Areas I, II, and III are within the same commuting area. Area IV is in a separate commuting area. Military spouses are not required to apply for preference. Preference is automatically extended to the spouse when all of the conditions for receiving preference are met.

a. Military Spouse Preference shall apply only to initial employment into a continuing position including temporary positions of one year or longer at each duty location. Preference for employment consideration ceases on initial appointment or declination of a continuing position within the commuting area.

b. Military spouses may file employment applications 30 days prior to their anticipated arrival; however, they may not receive preference until they actually arrive at the overseas location.

c. Military spouse preference is not applicable when the military member is discharged (either voluntarily or involuntarily) from the military and seeks Federal employment in the same commuting area. The spouse is, however, entitled to family member preference.

8. Family Member Preference. Family members of locally hired civilian employees may be considered for an appointment under Schedule A, 213.3106 (b)(6) since they meet the definition of a family member. They may also be considered for any type of appointment for which they are eligible, as determined by the appointing officer.

a. Eligible family members will be given equal preference in employment for positions filled competitively and designated for U.S. citizen occupancy at the GS-1 through GS-15 level (and equivalent) in the absence of military spouses.

b. Non US citizen family members of locally hired civilian employees may be considered for Korean National (KN) positions, but do not receive preference. Accordingly, they may not be considered along with military spouses and family members who are eligible for employment preference consideration.

c. Family members of locally hired civilian employees who relocate within Korea maintains eligibility for employment under Schedule A, appointing authority. The family member is not eligible for preference.

EAGA-CP-SES

SUBJECT: Policy Guidance on Employment of Military Spouses and Family Members

d. Children of locally hired civilians are eligible for employment consideration under Family Member Youth Part-Time and Summer Employment programs.

e. Non-selection of Family Members Available for a Limited Period. Family members who have less than six months time remaining in the area may be non-selected for permanent continuing positions. Non-selection on this basis will be documented and made a part of the placement record.

f. Former Sponsors. Reversal of sponsor/family member roles for the purpose of obtaining employment preference will not be permitted.

g. Use of KN Vacancies for Family Members. Family members may apply for KN positions only if considered in accordance with government and host nation agreements. When a KN position is filled by a U.S. citizen family member, incumbents will be appointed under the Special Schedule A authority only. U.S. citizen and non-U.S. citizen family members will be given equal consideration. Appointments are Excepted (Not To Exceed (NTE) date) or Excepted indefinite. The use of Overseas Limited Appointments or the Veterans Readjustment Authority is not appropriate for filling these positions. Mission Essential category positions and positions formally designated and recruited as KN intern positions in professional series cannot be used for family member appointments. The CPAC will ensure that family member employees are advised of the temporary nature of their appointments and that they are subject to displacement during reductions-in-force.

h. Unmarried dependent children residing with the sponsor and who are appointed on a family member appointment before reaching age 23 may be retained in the position beyond the age of 23 in accordance with the following:

(1) They may continue their employment under the family member appointment authority until their sponsor either departs from the commuting area of his/her duty station, or completes the current overseas tour, whichever occurs first. Unless the appointment expires earlier, it is terminated on the date the event occurs, which is the basis for the termination.

(2) The current overseas tour is the tour under which the sponsor is serving at the time the unmarried dependent child reaches age 23. Extension of the current tour of the sponsor does not serve to extend the appointment of the unmarried dependent child who has reached age 23.

9. Order of Preference. To the maximum extent practicable, military spouse and family member preference shall apply when filling competitive or excepted service positions at and below grade level GS-15, including equivalent wage system positions.

a. Military Spouses. Military spouses who have been determined among the best qualified will be selected unless the appointment would result in the displacement of a

EAGA-CP-SES

SUBJECT: Policy Guidance on Employment of Military Spouses and Family Members

current employee of the activity. Military spouse referrals do not preclude the activity from filling a position using one of the following alternate sources:

- Appointment of a 30% disabled veteran;
- VRA appointment;
- Reassignment or change to lower grade, or transfer at the same or lower grade;
- Placement to correct an EEO deficiency; or,
- Placement of a handicapped individual.

Veteran preference applies when making appointments under the special Schedule A appointing authority.

b. Family Members. No family member will be given preference based on their sponsor's rank. Family members transported to foreign areas at the sponsor's expense will be given the same degree of preference as family members transported at agency expense.

10. Procedures.

a. Appointment Authorities.

(1) Appointments of family members who receive preference shall be Excepted Appointments (NTE) or indefinite Excepted Appointments made under special Schedule A appointment authority 213.3106 (b)(6), except those family members with status who may be given competitive appointments. Employment under this Schedule A authority may not extend longer than two months following the transfer from the area, the separation of the appointee's sponsor, or beyond the time the employee ceases to be a family member, except in the event of the death of the sponsor.

(2) Family members selected under 5 CFR, Part 333 procedures for temporary employment will be appointed using the Schedule A 213.3106 (b)(6) appointment authority. Family members eligible for appointment under Schedule A 213.3106 (b)(6) will not be appointed under Overseas Limited appointment authority.

(3) Reinstatements. A family member with personal competitive status may be reinstated to a U.S. citizen position for which local recruitment is authorized. Although they are exempt from the five-year limitation, dependents with career or career-conditional status who are appointed to positions subject to five-year rotation policy are required, as a condition of employment, to sign a rotation agreement. Extensions

EAGA-CP-SES

SUBJECT: Policy Guidance on Employment of Military Spouses and Family Members

beyond five years will be tied to the sponsor's tour and will not normally extend longer than two months beyond the date of the sponsor's tour ends or dependency ceases. This assignment may be extended for up to one year as discussed in (5) below.

(4) Extensions. Extensions not to exceed one year may be approved by the director of the Eighth Army, Chief of Staff, Directorate of Human Resources Management when the extension is in management's interest or for humanitarian reasons, such as the death of the sponsor. Extensions may also be granted when no other qualified family members are available and extension is essential to mission accomplishments. This authority will be used sparingly. If the extension is approved, any request for continued logistical support will be treated separately. This provision does not apply to family members who lose family member status because they reach the age of 23.

(5) Membership in the Civilian Component. When a non-U.S. citizen family member employed under KN conditions acquires U.S. citizenship, the family member at his or her option, may:

(a) be given an Excepted Service Schedule A 213.3106 (b)(6) family member appointment to the same position without further competition if qualification requirements are otherwise met. In this case, the family member must voluntarily resign from employment under KN conditions and be reappointed under U.S. citizen conditions. Family members who fail to meet qualification or regulatory requirements for Schedule A appointment will continue to be employed under host nation conditions.

(b) continue to be employed under KN positions with no change in status, pay, or benefits.

(c) not count time served as a non-U.S. citizen family member employed under KN conditions towards Executive Order eligibility.

(6) Relationship to the Priority Placement Program (PPP). When the conditions in the DoD PPP Manual concerning the applicability of stopper lists are met, a family member may be appointed as an exception to the PPP.

b. Informing Family Members.

(1) Publicizing Vacancies. Vacancies will be publicized in a manner which will ensure all potential family member applicants are aware of employment opportunities.

(2) Orientation and Notices. Family members selected for appointment will be fully oriented, before appointment, regarding conditions of employment. As part of this orientation, they will be advised that they are entitled to employment assistance only for initial appointment and that they must compete on an equal basis with other candidates

EAGA-CP-SES

SUBJECT: Policy Guidance on Employment of Military Spouses and Family Members

for in-service placements, such as promotions. Family members will be advised in writing, upon appointment, of the time limit (based on the sponsor's tour) which applies to the appointment. If the time limit applied to the appointment is later extended, they will again be advised, in writing, of the new time limit.

(3) Separation Counseling. Prior to separation, family members shall be counseled regarding placement opportunities. Family members will also be counseled regarding their entitlement to leave without pay and eligibility for non-competitive appointment under Executive Order 12362, as amended.

c. Separation and Rotation.

(1) Reduction-in-Force (RIF). U.S. citizen family members occupying KN spaces are required to vacate their position if they are needed to place KN employees affected by a RIF. Family members receive a 60-day notice period when they are affected by RIF.

(2) Rotation Policy. If a family member serving on a career or career-conditional appointment in a position covered by the rotation policy chooses to remain in the overseas area after rotation or separation of the sponsor, the individual then becomes subject to the DoD/Department of the Army rotation policy. The employee must then execute a rotation agreement covering the time remaining on the five-year period. Individuals employed continuously overseas, preceding 1 April 1966, are exempt from the rotation policy indefinitely.

(3) PPP. Family members having career or career-conditional status may register in the PPP for referral to DoD activities in the commuting area of the sponsor's new duty station within the continental United States. The DoD PPP Operations Manual provides guidance on registration.

11. Exceptions to Selection Priorities. Exceptions to the requirement to grant preference in employment to military spouses and family members may be approved in situations where the grant of such preference would cause compelling hardship to the mission of the activity or to the applicant. The Civilian Human Resource Agency, Korea Regional Office will develop guidelines to be used by Korea CPACs for approving exceptions to selection priorities. Exceptions to selection priorities will not be approved in the absence of pre-established criteria. Military spouses and family members will be provided written justification when exceptions to selection priorities are approved. Documentation of requests and decisions shall be maintained for a period of two years.

EAGA-CP-SES

SUBJECT: Policy Guidance on Employment of Military Spouses and Family Members

12. This policy memorandum supercedes the EAGA-CP-SES memorandum, dated 24 Oct 2000, subject: Policy Guidance on Employment of Military Spouses and Family Members.



TIMOTHY SPANN
MAJ, GS
Acting Deputy Assistant Chief of Staff, G1
(Civilian Personnel)

CF:

Installation Management Agency (KORO), ATTN: SFIM-KO-Z, APO AP 96205-0051