



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JUN 23 2023

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Pilot Program on Direct Hire Authority for Spouses of Members of the Uniformed Services at Locations outside the United States

- References: (a) Section 625 of the National Defense Authorization Act of Fiscal Year 2022 (Public Law 117-81), "Pilot Program on Direct Hire Authority for Spouses of Members of the Uniformed Services at Locations Outside the United States"
(b) Under Secretary of Defense for Personnel and Readiness Memorandum, "Pilot Program on Direct Hire Authority for Spouses of Members of the Uniformed Services at Locations Outside the United States," September 28, 2022 (hereby rescinded)

Pursuant to reference (a), this memorandum modifies the pilot program to assess the feasibility and advisability of using a direct hire authority to appoint spouses of members of the Uniformed Services. Members of the Uniformed Services must be stationed at locations outside of the United States for their spouses to be eligible for time-limited appointments to a competitive service position within the DoD under this authority. Appointments shall be made without regard to 5 U.S.C., chapter 33, subchapter I, other than sections 3303 and 3328.

As a matter of policy, section 3326 of title 5, U.S. Code, subchapter I, is no longer required for appointments made under this authority and hereby rescinds reference (b). Corresponding Code of Federal Regulations provisions will continue to apply.

This pilot is exclusive to appropriated fund positions within DoD Components, located outside the United States at the General Schedule and Federal Wage System grades 15 and below (or equivalent). The appointment of such spouses is limited to positions in the commuting area of the Uniformed Service member's assigned duty location outside the United States.

Implementing guidance is attached. No new appointments may be made under this authority after December 31, 2026.

For more information, my point of contact is Ms. Geneva Davis, Acting Associate Director, Employment and Compensation, Defense Civilian Personnel Advisory Service, at (703) 901-6850 or geneva.davis1.civ@mail.mil.

Gilbert R. Cisneros, Jr.

Attachment:
As stated

IMPLEMENTATION PROCEDURES FOR THE PILOT PROGRAM ON DIRECT HIRE AUTHORITY FOR SPOUSES OF MEMBERS OF THE UNIFORMED SERVICES AT LOCATIONS OUTSIDE THE UNITED STATES

1. Authority

a. Section 625 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022 provides that the Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using a direct hire authority (DHA) to appoint spouses of members of the Uniformed Services at locations outside the United States.

b. The authority to appoint qualified individuals under this DHA is delegated to Secretaries of the Military Departments, Directors of the Defense Agencies, and Directors of the DoD Field Activities with independent appointing authority for themselves and their serviced organization as defined in their respective DoD chartering directives, hereafter referred to as “DoD Components.”

(1) Appointments under this authority may not be made after December 31, 2026, when the pilot program terminates, unless this date is extended by future legislation. Any appointment made prior to this date will continue until the term of the appointment expires, subject to the conditions provided in section 5.c.

(2) The authority should primarily be used to appoint qualified candidates who are not existing DoD competitive service employees with permanent status. Permanent competitive status employees appointed under this DHA require a 3-day break in service.

(3) These DHA appointments will not provide eligibility to noncompetitively convert to a career or career conditional appointment.

(4) Appointments must be made on a time-limited basis. Initial appointments will not exceed 2 years with the ability to extend for 2 additional terms (not to exceed 2 years each) for a total of 6 years.

2. Use of DHA

This DHA enables DoD Components to appoint qualified individuals without regard to the competitive rating and ranking procedures established under the provisions of 5 U.S.C., chapter 33, subchapter I (other than sections 3303 and 3328 of such chapter). The following principles shall be followed when exercising this authority:

a. Recruitment efforts should be expansive enough to ensure, to the maximum extent possible, that a diverse candidate pool exists.

b. Merit factors shall be the basis for selecting individuals for positions.

c. All personnel programs and practices shall be administered in accordance with

Department of Defense Directive 1020.02E, “Diversity Management and Equal Opportunity in the DoD.”

d. DoD Components shall ensure transparency, accountability, and auditability in hiring processes.

e. DoD Components shall create standard operating procedures that incorporate their business practices for day-to-day operations.

f. Use of this authority does not interfere with a Component’s ability to appoint spouses of Uniformed Services personnel in overseas locations under any other overseas family member hiring authorities, to include the Overseas Family Member Excepted Service Schedule A hiring authority under Department of Defense Instruction 1400.25, Volume 1232, “Employment of Family Members in Foreign Areas.”

3. Covered Positions

a. The pilot program is exclusive to appropriated fund positions within DoD Components which are:

- (1) Permanently located outside the United States;
- (2) Under the General Schedule and Federal Wage Systems; and
- (3) Grades 15 and below (or equivalent).

b. DoD Components may use this authority with a temporary or permanent manpower authorization for positions that are typically open to spouses of Uniform Services personnel at locations outside the United States.

c. Covered positions do not include positions requiring the incumbent to deploy.

4. Definitions

a. Local commuting area, as defined in 5 CFR § 351.203, means the geographic area that usually constitutes one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities in which people live and can reasonably be expected to travel back and forth daily to their usual employment. In conjunction with this definition, when a spouse’s commute expands beyond the local commuting area, the distance the individual commutes between the residence and duty station must be used in determining the commuting area.

b. The United States, as defined in 10 U.S.C. § 101(a)(1), means the States and the District of Columbia.

c. Spouses of Uniformed Services personnel are the wife or husband of an active duty member.

d. Secretary concerned is the Secretaries of the Army, Navy, and Air Force with respect to matters concerning their Military Departments and the Secretary of Homeland Security for matters concerning the Coast Guard when it is operating as a Service in the Department of Homeland Security. This includes the Secretary of Commerce with respect to matters concerning the commissioned officer corps of the National Oceanic and Atmospheric Administration and the Secretary of Health and Human Services with respect to matters concerning the Commissioned Corps of the Public Health Service.

e. Term appointment is a time limited appointment lasting longer than 1 year. Employees do not receive permanent status.

f. Uniformed Services as defined in 10 U.S.C. § 101(a)(5), is a member of the Armed Forces (Army, Navy, Air Force, Marine Corps, Space Force and Coast Guard), the Commissioned Corps of the National Oceanic and Atmospheric Administration, and the Commissioned Corps of the Public Health Service.

5. Appointment Eligibility

a. A spouse who accompanies a member of the Uniformed Services stationed at duty locations outside the United States is eligible to be appointed to a time-limited appointment (initially not to exceed 2 years) using this authority when:

(1) The spouse has been authorized to accompany the Uniformed Service member to the duty location on permanent change of station (PCS) orders at Government expense;

(2) The position offered is within the local commuting area (as defined under Section 4, above) of the Uniformed Service member's assigned duty location; and

(3) The spouse resides with the member of the Uniformed Services in the same local commuting area of the member's duty assignment.

b. Appointments under this authority shall be made on a time-limited basis in the competitive service for a timeframe not to exceed 2 years. Appointments may be extended for two additional terms (for no more than 2 years each term), for a total of 6 years.

c. Appointments made under this authority will terminate either upon expiration of the term or upon the end of the sponsoring Uniformed Service member's accompanied tour or on the date the sponsoring Uniformed Service member or spouse is impacted by one of the following circumstances:

(1) Relocation back to the United States in connection with PCS orders;

(2) Relocation from their assigned duty station's local commuting area to another duty location outside the United States in connection with a PCS move (spouses may be considered for new appointments under this authority at the new duty location);

- (3) Divorce;
- (4) Death of sponsor;
- (5) Retires or separates from active duty.

d. Spouses bear the responsibility of notifying the applicable human resource offices when one of these conditions impacts their appointment eligibility. In accordance with this authority, termination actions must be processed timely.

6. Termination of Appointments

a. Human Resource Offices will process a “Termination-Exp of Appointment” or a “Termination-Sponsor Relocating” action (whichever is applicable) for all spouses meeting the criteria under paragraphs 5.c.(1)-(5) above.

b. Under this authority, spouses of Uniformed Services personnel are not eligible for leave without pay when moving back to the United States with or without their Uniformed Service member sponsor.

7. Payment of Travel and Transportation Allowances

Appointments under this authority do not entitle spouses to their own relocation expenses. Spouses are only authorized relocation travel in conjunction with the Uniformed Service member’s official PCS orders.

8. Announcement and Assessment Process

a. Public notice is not required; however, if posting job opportunity announcements, DoD Components must use announcements that are easily understood.

b. DoD Components should ensure published information clearly explains that the DoD military spouse preference program is not applicable to this appointing authority.

c. DoD Components will establish recruiting procedures that facilitate the identification of qualified individuals for referral to management for selection and appointment consistent with applicable ethics rules.

d. DoD Components must ensure that Merit System Principles are followed when receiving applications, referring candidates, and notifying applicants regarding receipt and status of their applications.

e. Potential applicants should have access to information on how to apply for positions, and the basis on which they will be assessed to meet the qualifying criteria.

f. DoD Components will assess candidates against job-related criteria, ensuring they have the skills, education, training, and behavioral attributes that provide for successful job performance. The Office of Personnel Management qualification standards or DoD qualification standards will be used to determine if candidates have the required job-related experience and education.

g. Selectees for entry level positions requiring the Administrative Careers with America (ACWA) assessment must be assessed using the most recent, streamlined ACWA examination or a validated alternative assessment instrument (e.g., select USA HIRE assessments).

h. Appointments under this authority are subject to the Priority Placement Program. Procedures applicable to the use of a statutory DoD DHA may be found in the Priority Placement Program Handbook, Chapter 4, Appendix B.

9. Appointing Authority

The nature of action (NOA) for initial appointments under this authority will be a 108; extension will be processed using NOA 765. Appointments will use the following Legal Authority Code/Legal Authority:

Z5CAP/NDAA 2022 Section 625- MILITARY SPOUSE, PL 117-81 dtd 12/27/2021

10. Responsibilities

Each DoD Component is responsible for determining the appropriate use of this DHA to meet workforce needs, ensuring implementation is in accordance with Merit System Principles.

a. The Under Secretary of Defense for Personnel and Readiness is responsible for developing implementing guidance and policies.

b. The Secretaries of the Military Departments (Army, Navy, Air Force and Homeland Security for the Coast Guard when it is operating as a Service of the Department of Homeland Security) and the Secretaries of Health and Human Services and Commerce have the responsibility of determining if a duty location is within reasonable commuting distance of a position, using the definition provided in section 4 above.

c. The Defense Civilian Personnel Advisory Service (DCPAS) will oversee and monitor use of this authority throughout the DoD including the Commissioned Corps National Oceanic and Atmospheric Administration and the Commissioned Corps of the Public Health Service.

d. DoD Components are responsible for oversight, accountability, and meeting the reporting requirements for themselves and their serviced organizations. Components are required to report on the usage and effectiveness of the authority as requested by DCPAS.

e. Documentation for appointments made under this authority must be sufficient to allow reconstruction of actions taken and must be maintained for 2 years (e.g., resumes, job opportunity announcements, candidate referral lists, if applicable).

f. Appointments under this authority will be evaluated as part of the DoD Human Capital Framework.

11. Reporting

DoD Components are required to report on the use of this authority to DCPAS by October 15th annually. These Component reports will be used to support Congressional reporting requirements. Reports containing recommendations to Congress for legislative or administrative action would require Office of Management and Budget clearance. Component reports must include associated metrics regarding types of positions filled and types of candidates appointed, to include the following:

- a. Number of spouses of Uniformed Services personnel appointed under this section;
- b. The position series and grade to which each spouse of Uniformed Services personnel was appointed;
- c. Demographic data on the individuals described in paragraph 11.a., including with respect to race, gender, age, and education level attained;
- d. Data (i.e., pay grade, overseas assignment date, and date eligible or estimated to return from overseas), on the members of the Uniformed Services whose spouses have been appointed under this pilot;
- e. Analysis on the feasibility and use of this DHA in the overseas environment;
- f. The manner in which reasonable commuting distances were determined as they pertain to position locations; and
- g. Recommendations for legislative or administrative action relating to continuing or expanding the pilot program.