



U.S. Department of Veterans Affairs
Office of the Chief Human Capital Officer

VA Central Office
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AMENDMENT TO OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER (OCHCO) BULLETIN DATED NOVEMBER 23, 2020

SUBJECT: Military Spouse Hiring Authorities

- 1. Purpose.** This OCHCO Bulletin provides information about various authorities that can be used to hire military spouses in the Federal Government. It is amended to include provisions of the National Defense Authorization Act (NDAA) for fiscal year (FY) 2023 that extended the period for expanded eligibility of noncompetitive appointment of military spouses to include all military spouses through December 31, 2028. NDAA for FY 2023 also removed the reporting requirements imposed by the NDAA for FY 2019. The President signed the NDAA for FY 2023 (Public Law 117-263) on December 23, 2023. These changes are outlined in the [Office of Personnel Management \(OPM\) Interim Rule on Non-Competitive Appointment of Certain Military Spouses](https://public-inspection.federalregister.gov/2023-21254.pdf). (<https://public-inspection.federalregister.gov/2023-21254.pdf>)
- 2. Background.** The Department of Veteran's Affairs (VA) is committed to strengthen its support for military retention and readiness by tapping into the highly educated and highly skilled talent pool of military spouses. VA joined the Department of Defense's Military Spouse Employment Partnership in October 2019. By taking the partnership pledge, VA demonstrated its commitment to engage military spouses in meaningful conversations about career opportunities at the Department. At VA, we are leveraging technology and connecting with military spouses on social media to provide information and education on the federal hiring process. Finally, the Department is tagging vacancies on USAJOBS that are listed for military spouses and including various types of information that could be of interest to spouses.

The hiring authorities provided below assist the Department with hiring military spouses and facilitates VA's fulfillment of its commitment to spouses who have sacrificed immeasurably to support the Service members.

3. References.

- [Executive Order 13473, To Authorize Certain Noncompetitive Appointments in the Civil Service for Spouses of Certain Members of the Armed Forces, September 25, 2008](https://www.govinfo.gov/content/pkg/FR-2008-09-30/pdf/E8-23125.pdf). (<https://www.govinfo.gov/content/pkg/FR-2008-09-30/pdf/E8-23125.pdf>)

- b. [Executive Order 13832, Enhancing Noncompetitive Civil Service Appointments of Military Spouses, May 09, 2018.](https://www.govinfo.gov/content/pkg/FR-2018-05-14/pdf/2018-10403.pdf) (https://www.govinfo.gov/content/pkg/FR-2018-05-14/pdf/2018-10403.pdf)
- c. [Executive Order 12721, Eligibility of Overseas Employees for Noncompetitive Appointments, July 30, 1990.](https://www.govinfo.gov/content/pkg/CFR-2011-title5-vol1/pdf/CFR-2011-title5-vol1-sec315-608.pdf) (https://www.govinfo.gov/content/pkg/CFR-2011-title5-vol1/pdf/CFR-2011-title5-vol1-sec315-608.pdf)
- d. VA Handbook 5005, Part II, Chapter 2, Section B, Paragraph 2j, Noncompetitive Appointment of Certain Military Spouses.
- e. VA Recruitment and Placement Program and Services fact sheet. (2019, December 12). Noncompetitive Appointment of Certain Military Spouses.
- f. [Office of Personnel Management \(OPM\). \(2020, October 21\). Policy, Data, Oversight. Hiring Information, Appointment of Military Spouses.](https://www.opm.gov/news/releases/2023/09/release-opm-issues-interim-final-rule-expanding-access-to-federal-jobs-for-military-spouses/) (https://www.opm.gov/news/releases/2023/09/release-opm-issues-interim-final-rule-expanding-access-to-federal-jobs-for-military-spouses/)
- g. [OPM. \(2020, October 21\). Guide to Processing Personnel Actions \(GPPA\). Chapter 9 and 10](#) (toc.pdf (opm.gov))
- h. [OPM, Memorandum for Chief Human Capital Officers, \(2023, May 23\). Noncompetitive Appointment of Certain Military Spouses - Questions and Answers](https://www.chcoc.gov/content/noncompetitive-appointment-certain-military-spouses-questions-and-answers) (https://www.chcoc.gov/content/noncompetitive-appointment-certain-military-spouses-questions-and-answers)
- i. [Section 566 of the NDAA for FY 2013, P.L. 112-239](https://www.congress.gov/112/plaws/publ239/PLAW-112publ239.pdf) (https://www.congress.gov/112/plaws/publ239/PLAW-112publ239.pdf)
- j. [Section 1131 of the NDAA for FY 2017, P.L. 114-328](https://www.congress.gov/114/plaws/publ328/PLAW-114publ328.pdf) (https://www.congress.gov/114/plaws/publ328/PLAW-114publ328.pdf)
- k. [Section 573 of the John S. McCain NDAA for FY 2019, P.L. 115-232](https://www.congress.gov/115/bills/hr5515/BILLS-115hr5515enr.pdf) (https://www.congress.gov/115/bills/hr5515/BILLS-115hr5515enr.pdf)
- l. [Section 1111 of the James M. Inhofe NDAA for FY 2023, P.L. 117-263](https://www.congress.gov/bill/117th-congress/house-bill/7776/text) (https://www.congress.gov/bill/117th-congress/house-bill/7776/text)
- m. [Joining Forces | The White House](https://www.whitehouse.gov/joiningforces/) (https://www.whitehouse.gov/joiningforces/)

4. Executive Order 13473, Noncompetitive Appointing Authority for Certain Military Spouses:

Provisions of Executive Order (E.O.) 13473: This is a hiring authority available for agencies to use at their discretion for appointing eligible spouses noncompetitively to any permanent, temporary, or term position at any grade level in the competitive service. The purpose of the authority is to assist military spouses with obtaining Federal Civil Service jobs. To be eligible under this hiring authority, the military spouse must be in one of 3 categories:

1. The spouse of a member of the armed forces on active duty;
2. The spouse of a totally disabled (100%) retired or separated member of the Armed Forces; or
3. The un-remarried widow or widower of a member of the Armed Forces killed while performing active duty.

Summary of the changes to E.O. 13473: The authority and original language of E.O. 13473 has undergone several changes. The changes are summarized as follows:

- In 2011, OPM modified 5 C.F.R. § 315.612 to remove the 2-year eligibility restriction for spouses of disabled or deceased members of armed forces only (Final rule published in FRN 76 FR 54071).
- National Defense Authorization Act (NDAA) fiscal year (FY) 2013 Sec. 566 (a) codified the E.O. 13473 into 5 USC 3330 (d).
- NDAA FY 2017 Sec. 1131 eliminated the 2-year eligibility limitation for relocating spouses in 5 C.F.R. § 315.612.
- NDAA FY 2019 Sec. 573 expanded eligibility criteria to include “all” spouses of active-duty military members. Relocation is no longer required through August 13, 2023.
- NDAA FY 2023 Sec. 1111 extended the end date of the temporary amendment above originally in NDAA FY 2019 Sec. 573 from August 13, 2023, to December 31, 2028.
- NDAA FY 2023 removed the following temporary agency reporting requirements:
 - NDAA FY 2019 Sec. 573(d): required agencies to report annually to OPM on the number of relocating and non-relocating spouses of current military members appointed; the types of positions filled (by title, series, and grade level); and the effectiveness of the hiring authority. Additionally, a required report to Congress 18 months after enactment (now obsolete).

- **Currently, all spouses are eligible for appointment to include those not listed on their military sponsor's PCS/relocation orders.** HR practitioners may appoint them to a position for which they qualify at any location, which may not necessarily be in the same geographic area as their sponsor. In addition, spouses who are relocating with their sponsors are no longer limited to one appointment per relocation.

- Filling a job using E.O. 13473: This hiring authority does not grant spouses preference or selection priority during hiring; it merely provides an eligibility for appointment on internal (merit) vacancies Federal Government wide. This means that E.O. 13473 provides an avenue for eligible spouses without status to apply directly to agency's merit announcement without having to compete through the external (delegated examining) process. When agencies utilize E.O. 13473, eligible spouses now have appointment eligibility to internal positions. Public notice is still required for E.O. 13473 and eligible individuals must apply to a job opportunity announcement in order to receive consideration. To advertise positions under E.O. 13473, agencies may post an "all sources" job announcement and/or post a merit promotion announcement.

Agencies are not required to rate and rank individuals because this is a non-competitive hiring authority. Agencies must evaluate eligible spouses to determine whether they meet the minimum qualification(s) for the position being filled. If an eligible spouse meets the minimum qualification(s) on an agency internal announcement pursuant to E.O. 13473, then the HR Office may refer the candidate to a hiring manager who may select that individual (without E.O. 13473, the military spouse may not be eligible to apply to the internal job announcement). A selectee under E.O. 13473 is appointed under a career-conditional appointment unless the selectee meets or is exempt from the service requirement for career tenure pursuant to section 5 C.F.R. § 315.201. Once appointed, the selectee is treated as any other career or career-conditional employee. Veterans' preference requirements do not apply when filling a job under this authority.

When processing personnel actions under E.O. 13473, agencies should code the Standard Form 50 (SF-50) [Reference: Chapters 9 and 10 of the Guide to Processing Personnel Actions](https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Personnel-Recordkeeping) (https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Personnel-Recordkeeping) as follows:

Permanent appointments:

- If the spouse is not on the agency's rolls:
 - The Nature of Action code (NOAC) is 101;
 - The authority code is LAM;
 - And the authority is 315.612
- If the spouse is already on the agency's rolls:
 - The NOAC is 501;

- The authority code is LAM;
- And the authority is 315.612

Term appointments:

- If the spouse is not on the agency's rolls:
 - The NOAC is 108;
 - The authority code is LDM;
 - And the authority is 316.302(b)(3)MS
- If the spouse is already on the agency's rolls:
 - The NOAC is 508;
 - The authority code is LDM;
 - And the authority is 316.302(b)(3)MS

Temporary appointments:

- If the spouse is not on the agency's rolls:
 - The NOAC is 115;
 - The authority code is LCM;
 - And the authority is 316.402(b)(3)MS
- If the spouse is already on the agency's rolls:
 - The NOAC is 515;
 - The authority code is LCM;
 - And the authority is 316.402(b)(3)MS

5. Executive Order 13832, Enhancing Noncompetitive Civil Service Appointments of Military Spouses:

E.O. 13832 is aimed at enhancing employment support and increasing avenues for military spouses to obtain federal jobs by boosting military spouse employment opportunities. The Order directed agencies to:

- State in job announcements that they will consider military spouses eligible for the military spouse hiring authority along with candidates identified through other hiring authorities.
- Actively advertise and promote the military spouse hiring authority and actively solicit applications from military spouses.

6. Executive Order 12721, Eligibility of Overseas Employees (family members) for Noncompetitive Appointments:

Provisions of E.O. 12721: This authority enables certain Appointment Eligible Family Members (AEFM) to be appointed noncompetitively to a career-conditional appointment in the Civil Service once they return to the United States. A family member is a spouse or unmarried child under the age of 23. Individuals are eligible for this hiring authority if they have completed 52 weeks in an appropriated fund

position, performed under a local hire appointment overseas. To be noncompetitively eligible, the work must have been performed during the time the family member was accompanying a sponsor.

An individual is eligible for temporary, term, or career-conditional appointment(s) under E.O. 12721 for a period of 3 years following the date of return from overseas to the United States to resume residence. Eligible individuals may be hired into any federal occupation and at any grade level for which they are qualified.

Filling a job using E.O. 12721: Individuals with E.O. 12721 eligibility can apply to announcements that include this noncompetitive authority in its area of consideration. Pursuant to 5 C.F.R. §315 Subpart F, applicants must submit copies of personnel actions (SF-50s) showing they have accumulated 52 weeks of creditable service and performance appraisal reflecting a rating of fully successful or better. Although not required, it is helpful if family members provide a letter verifying eligibility from the HR office at the post where non-competitive eligibility was earned.

When processing personnel actions under E.O. 12721, agencies should code the SF-50 [Reference: Chapters 9 and 10 of the Guide to Processing Personnel Actions](#) (<https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Personnel-Recordkeeping>) as follows:

- Legal Authority Code: ZJK
- Authority: E.O. 12721, 5 C.F.R § 315.608

7. Tracking. Proper documentation can corroborate the legality of a personnel action. HR Specialists must ensure that selections made through the military spouse hiring authorities discussed in this bulletin are documented appropriately to facilitate tracking and reporting of these spouses in USA Staffing and HR Smart.

Questions. Questions concerning this Bulletin may be directed to Recruitment and Placement Policy Service (RPPS) at RPPSprograms@va.gov.

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