



# Department of Defense INSTRUCTION

NUMBER 1400.25, Volume 1232  
January 5, 2012

---

---

USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Employment of Family Members in Foreign Areas

References: See Enclosure 1

## 1. PURPOSE

a. Instruction. This Instruction is composed of several volumes, each containing its own purpose. The purpose of the overall Instruction, in accordance with the authority in DoD Directive (DoDD) 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the Department of Defense.

b. Volume. In accordance with the authority in DoDD 1400.25 (Reference (b)), this Volume:

(1) Establishes policy, assigns responsibilities, and provides procedures to improve employment opportunities for family members of military members and civilian employees stationed in foreign areas.

(2) Incorporates and cancels DoD Instruction (DoDI) 1400.23 (Reference (c)).

## 2. APPLICABILITY. This Volume:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the "DoD Components").

b. Does NOT apply to:

(1) Employment with the Defense Intelligence Components.

- (2) Full performance level positions covered by mandatory mobility agreements.
- (3) Employment of educators by the DoD Education Activity.
- (4) Family members of locally hired Federal civilian employees.
- (5) Family members of foreign nationals employed by DoD Components.
- (6) DoD positions in foreign areas for which appointing authority for such positions is held by non-DoD agencies.
- (7) Actions in accordance with applicable Status of Forces Agreements or other agreements with the host nation.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. Family member preference shall be applied:

- (1) When filling Appropriated Fund positions at the GS-1 through GS-15 levels (and equivalent) through external placement procedures.
- (2) When recruiting from an external source for nonappropriated fund (NAF) vacancies in accordance with Volume 1403 of this Instruction.
- (3) Equitably, and its application shall be reciprocal across DoD Components.
- (4) In addition to, but separate from, the preference that military spouses may be entitled to under Volume 315 of this Instruction.
- (5) In accordance with equal opportunity requirements as set forth in DoDD 1440.1 (Reference (d)).

b. Family members with veterans' preference as defined in section 2108 of title 5, United States Code (U.S.C.) (Reference (e)), or with military spouse preference as defined in section 1784 of title 10, U.S.C. (Reference (f)), shall be given preference ahead of family members without veterans' preference or military spouse preference.

c. Family members shall not be given employment preference on the basis of the sponsor's rank or grade.

d. Family members, other than family members of locally hired civilian employees, transported to foreign areas at the expense of the sponsor shall be entitled to the same employment preference as those transported at Government expense.

e. Unmarried dependent children who meet the definition of family member may continue to be eligible for family member preference until their sponsor departs the foreign duty station or the commuting area or completes the current period of service requirement, whichever occurs first. A family member must physically reside with his or her sponsor to receive family member preference.

f. Family members who are not U.S. citizens receive preference for foreign national positions except when doing so would conflict with host nation laws or agreements. Family members who are not U.S. citizens are employed under employment terms and conditions prescribed in host nation laws or agreements, and they may not be appointed to a position that is classified in accordance with the provisions of chapter 51 of Reference (e).

g. Overseas commanders shall maximize, to the greatest extent possible, employment opportunities available to family members stationed in foreign areas. To expand employment opportunities for family members, commanders shall use foreign national positions for U.S. citizen hires except for those positions:

(1) Limited to foreign national employment by treaty or international agreement.

(2) Funded, in whole or in part, at host nation cost.

(3) Best filled by foreign nationals based on knowledge or skill requirements.

(4) For which the commander has determined it is essential to employ foreign nationals for mission effectiveness.

## 5. RESPONSIBILITIES

a. Deputy Assistant Secretary of Defense for Civilian Personnel Policy (DASD(CPP)). The DASD(CPP), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, shall:

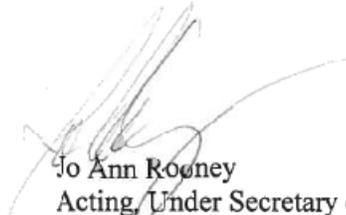
(1) Develop and administer the policies and procedures to provide enhancement of employment opportunities for family members of military members and civilian employees stationed in foreign areas.

(2) Monitor the implementation of these policies.

(3) Establish reporting requirements, as necessary.

b. Heads of the DoD Components. The Heads of the DoD Components shall:

- (1) Ensure hiring decisions are made consistent with this Volume.
  - (2) Approve exceptions to the appointment time limitation in paragraph 5.a. of Enclosure 2. This authority may be further delegated in writing and shall be used sparingly.
6. PROCEDURES. Family member preference shall be guided by the procedures in Enclosure 2.
  7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.
  8. EFFECTIVE DATE. This Volume is effective upon its publication to the DoD Issuances Website.



Jo Ann Rooney  
Acting Under Secretary of Defense for  
Personnel and Readiness

Enclosures

1. References
2. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
- (c) DoD Instruction 1400.23, "Employment of Family Members of Active Duty Military Members and Civilian Employees Stationed in Foreign Areas," May 12, 1989 (hereby cancelled)
- (d) DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987
- (e) Chapter 51 and sections 2105 and 2108 of title 5, United States Code
- (f) Section 1784 of title 10, United States Code
- (g) Parts 310 and 335 and sections 213.3106 and 315.608 of title 5, Code of Federal Regulations
- (h) DoD Priority Placement Program Operations Manual, July 1998 <sup>1</sup>

---

<sup>1</sup>Available on the Civilian Personnel Management Service Website at <http://dayapps.cpms.osd.mil/public/manindex.cfm>

ENCLOSURE 2

PROCEDURES

1. Overseas commanders shall ensure that job information is provided in a manner reasonably designed to reach family members of military members and civilian employees whose permanent duty stations are in the same commuting area as the area where the available position is located. Commanders should ensure that family members are advised on arrival in theater of their eligibility for various employment assistance programs.
2. Family members may apply for employment with overseas Human Resource Offices (HROs) 30 days before their anticipated arrival within the command. However, family members may not receive preference until arrival at the foreign location.
3. Family members who have less than 6 months remaining in an area are not entitled to family member preference when a position is filled without time limitation.
4. Family member employment preference shall be terminated when a family member receives an appointment without time limitation or a time-limited appointment expected to last more than 1 year at his or her sponsor's assigned duty station. Acceptance of a temporary appointment of 1 year or less does not terminate family member preference. If a family member employed at an overseas location is removed from employment through no fault of his or her own (e.g., reduction in force), the entitlement to family member employment preference at that location is reinstated.
5. Family members who receive preference, but who lack competitive civil service status or reinstatement eligibility, shall be appointed pursuant to the Schedule A appointing authority established by section 213.3106(b)(6) of title 5, Code of Federal Regulations (Reference (g)). NAF appointments must be in compliance with Volume 1403 of this Instruction.
  - a. Except as provided in paragraph 5.b. of this enclosure, employment pursuant to this Schedule A authority may not extend longer than 2 months following the transfer of the sponsor from the commuting area of his or her foreign duty station; 2 months beyond the separation of the appointee's sponsor; or any time beyond the time the employee ceases to be a family member.
  - b. In accordance with subparagraph 5.b.(2) above the signature of this Volume, the Heads of the DoD Components may permit employment extensions of up to 1 year for any family member when the DoD Component determines the extension is in the best interest of management or for humanitarian reasons, e.g., adjustment following the death of a sponsor or to allow a dependent to complete the school year.
6. When family member employment is authorized for foreign national positions, such employment for U.S. citizens shall be under the authority of section 213.3106(b)(6) of Reference (g) only. Establishment of a General Schedule or Federal Wage System position with duties

corresponding to the vacant foreign national position will be necessary for the appointment. Family members may be separated or reassigned if it is necessary to appoint or place a foreign national employee in the foreign national position.

7. The appointment of family members consistent with this Volume is subject to the regulations and restrictions on employment of relatives under part 310 of Reference (g).
8. At the time of appointment, the supporting HRO shall advise all family members in writing of the terms of their employment as family members, their eligibility for various employment assistance programs, and the procedures for continuing their employment upon returning to the United States, Guam, Puerto Rico, or the Virgin Islands.
  - a. Family members who are employed in foreign areas under a career or career-conditional appointment, who have personal career status, or who are eligible for appointment under section 315.608 of Reference (g), may register for placement assistance in the United States through the DoD Priority Placement Program. Such registration shall be in accordance with the DoD Priority Placement Program Operations Manual (Reference (h)). NAF employees may use appropriate DoD Component placement programs.
  - b. Family members employed overseas who return to the United States and meet the conditions of eligibility outlined in section 315.608 of Reference (g) may be selected and noncompetitively appointed on a career-conditional or career basis (provided career tenure requirements are met) to competitive service positions for which they qualify.
  - c. Family members who are employed overseas should be granted an appropriate period of leave without pay to enable family members to obtain continued Federal employment without a break in service.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian Personnel Policy
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
HRO	Human Resources Office
NAF	nonappropriated fund
U.S.C.	United States Code

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this Volume.

civilian employee. A U.S. citizen who is an employee as defined by section 2105 of Reference (e), including an employee of a NAF activity, whose duty station is in a foreign area.

dependent child. A child under age 23, including a stepchild, adopted child, foster child, and a child under legal guardianship residing with a military member or a civilian employee.

domestic partner. A person in a domestic partnership with a civilian employee of the same sex.

domestic partnership. A committed relationship between two adults of the same sex in which the partners:

- (1) Are each other's sole domestic partner and intend to remain so indefinitely.
- (2) Maintain a common residence and intend to continue to do so (or would maintain a common residence but for an assignment abroad or other employment-related, financial, or similar obstacle).
- (3) Are at least 18 years of age and mentally competent to consent to contract.
- (4) Share responsibility for a significant measure of each other's financial obligations.
- (5) Are not married or joined in a civil union to anyone else.
- (6) Are not the domestic partner of anyone else.

(7) Are not related in a way that, if they were of opposite sex, would prohibit legal marriage in the U.S. jurisdiction in which they reside.

(8) Are willing promptly to disclose any dissolution or material change in the status of the domestic partnership.

external placement procedures. External placement procedures provide for the appointment of an applicant under other than merit promotion or internal placement as described in part 335 of Reference (g).

family member

For a military member whose duty station is in a foreign area, the member's spouse or unmarried dependent child.

For a civilian employee, the employee's spouse, domestic partner, or unmarried dependent child, or an unmarried dependent child of the employee's spouse or domestic partner.