

Date:

From: Assistant Secretary for Human Resources and Administration/Operations, Security, and Preparedness (006)

Subj: Department of Veterans Affairs Retention Actions for Eligible Military Spouse Employees during Permanent Change of Station (VIEWS 12350470)

To: Under Secretaries, Assistant Secretaries, and Other Key Officials

1. This memorandum provides guidance and information regarding the implementation of [Executive Order 14100](#)¹, Advancing Economic Security for Military and Veteran Spouses, Military Caregivers, and Survivors, signed on June 9, 2023. The Department of Veterans Affairs (VA) will follow the steps below to retain military spouse (MS) employees² after receipt of notification (and any necessary documentation) of their active-duty service member spouse's permanent change of station (PCS) orders when operationally feasible and consistent with law, regulation, policy, and merit system principles as defined in 5 U.S.C. § 2301. Leave approving officials will ensure compliance regarding the granting of up to 5-days of administrative leave as outlined in the December 18, 2023, Office of the Chief Human Capital Officer (OCHCO) Bulletin³ and the requested usage during a PCS move.

2. Step-by-step actions to be taken by the immediate supervisor and other appropriate management officials (as defined in current VA policy or delegation authority) upon receipt of MS employee's notification of military member's pending PCS orders include the following:

a. The first step VA will take is to determine if retention in the MS employee's current position is operationally feasible; the determination will be made within 10 workdays. In collaboration with Human Resources (HR), the MS employee's immediate supervisor will review VA Handbook 5011 (Hours of Duty and Leave, Part II, Chapter 4. Policies and Procedures) and determine if the current position is suitable and eligible for remote or virtual work at the PCS location. The immediate supervisor's determination on position suitability and employee eligibility based on VA Handbook 5011 will require approval of the MS employee's Under Secretary/Assistant Secretary/Key Official or Deputy Secretary if the position is aligned under the buildings in the National Capital Region.

¹ <https://www.federalregister.gov/documents/2023/06/15/2023-12974/advancing-economic-security-for-military-and-veteran-spouses-military-caregivers-and-survivors>

² The spouse of a member of the armed forces on active duty.

³ [dva.gov.sharepoint.com/sites/OCHCO/Shared Documents/Forms/AllItems.aspx?id=%2Fsites%2FOCHCO%2FShared Documents%2Fochco-bulletin-20231218-01%2Epdf&parent=%2Fsites%2FOCHCO%2FShared Documents](https://dva.gov.sharepoint.com/sites/OCHCO/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2FOCHCO%2FShared%20Documents%2Fochco-bulletin-20231218-01%2Epdf&parent=%2Fsites%2FOCHCO%2FShared%20Documents)

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b. When a MS employee cannot be retained in their current VA position, the MS employee's servicing HR office will initiate contact with the servicing HR office(s) for the VA facility(ies) within 50 miles of the PCS location. The MS employee's servicing HR office will determine if the MS employee is qualified and eligible for reassignment to a funded vacant position or projected vacancy. VA has established procedures to increase retention of MS employees with PCS orders. The MS employee may initiate non-competitive reassignment due to personal and family related situation. The MS employee applies for the position, indicating they are applying as a non-competitive reassignment eligible via the job opportunity announcement questionnaire. When determined qualified for the vacant position, the MS employee is referred for selection consideration on a separate non-competitive certificate. After ensuring any Career Transition Assistance Program (CTAP) requirements have been met, the MS employee can be offered the position. If no positions are available at the same grade for which the MS employee qualifies, lower graded positions for which the employee qualifies may be considered.

c. When the MS employee's HR servicing office cannot retain the MS employee in their current position or place the MS employee in a position at the PCS location, the OCHCO Veteran & Military Spouse Talent Engagement Program (VMSTEP) will engage the Office of Personnel Management and other Federal agencies about placement on job boards and appointment to vacant funded positions at other agencies to retain the MS in the Federal Government. VMSTEP will maintain recurring contact with the MS and the spouse's HR servicing office while conducting the interagency search. VMSTEP's efforts will be documented on the quarterly reports referenced below.

d. The job search process will conclude no earlier than 30 days prior to departure date. In those instances where a MS employee cannot be supported with any of the above options, the MS employee may officially request Leave without Pay (LWOP) in accordance with VA Handbook 5011, Part III, Chapter 2, paragraph 13 (title 5 and hybrid); Part III, Chapter 3, paragraph 10 (title 38). Approval of LWOP is at the discretion of the facility. The MS employee's facility may initiate recruitment for the anticipated vacancy while the MS employee is on LWOP; however, entry on duty cannot occur until the position has been vacated (e.g., the MS employee has been placed in another position or resigns from employment).

3. Eligible employees whose active-duty service member spouse receives orders for an overseas location and who wish to continue their employment with VA at the overseas location may request to be considered for the Domestic Employee Teleworking Overseas (DETO) program⁴. The MS employee's facility must make a

⁴ <https://dvagov.sharepoint.com/sites/OCHCOWorklife/SitePages/telework-deto.aspx>

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determination on the feasibility of a DETO arrangement and complete the VA Form 10228. Approval of DETO applications is encouraged when operationally feasible. An employee in a title 38 or hybrid title 38 position requires a Workforce Management and Consulting (WMC) review to confirm the position is suitable for DETO. Title 5 employees typically perform duties which would not require WMC review for suitability to telework overseas. MS employees who are determined ineligible for DETO consideration or who are not approved for the DETO program, may request LWOP in accordance with VA Handbook 5011, Part III, Chapter 2, paragraph 13 (title 5 and hybrid); Part III, Chapter 3, paragraph 10 (title 38). A MS employee may request LWOP while the DETO application is being processed, as the DETO process could take four (4) or more months.

4. Administration and Staff Offices with MS employees relocating due to PCS orders who have requested employment retention must provide the attached report on their MS employee retention efforts by the 5th of the month following the end of each quarter. Please send the report to the VMSTEP contacts listed below.

5. Any questions regarding this memorandum can be directed to Dr. Andree' Sutton, VMSTEP Director of Operations, at Andree.Sutton@va.gov and/or Craig Ploessl, VMSTEP Military Spouse Program Manager, at Craig.Ploessl@va.gov.

Cassandra M. Law

Attachment