

## **Non-Competitive Appointing Authority for Certain Military Spouses (EO 13473) Frequently Asked Questions**

**Q1.** Since there is no reference in 5 CFR 315.612 about spouses having to apply under a vacancy announcement, why must a vacancy announcement be issued?

**A1.** In the federal register notice, three agencies asked OPM to clarify whether agencies are required to post a Federal vacancy announcement prior to appointing individuals under this authority. OPM's response: "Per 5 U.S.C. 3330(b), agencies must follow public notice requirements (i.e., posting of a vacancy announcement on the USAJOBS Web site) when using this authority to fill permanent or term positions, or temporary positions lasting more than 1-year. In addition, 5 CFR part 330 requires agencies to advertise jobs lasting more than 120 days."

**Q2.** Must vacancy announcements be posted on USA Jobs to meet the public notice requirements?

**A2.** Yes, if the area of consideration includes individuals eligible under this new appointing authority, the vacancy announcement must be posted on USA Jobs since you are considering applicants outside of DoD. As a reminder, when considering candidates outside of DoD, VEOA and ICTAP eligibles must also be included in the area of consideration.

**Q3.** Must individuals eligible for this new non-competitive appointing authority apply under a vacancy announcement?

**A3.** Yes, eligible individuals **must apply** against an announcement to receive consideration. However, if the individual is registered in PPP, Program S, they may be referred through the PPP process based on their PPP registration and qualifications for the specific requisition for which matched through the PPP process.

**Q4.** Since announcements are required, what does "Non-Competitive" mean?

**A4.** The new authority provided a means for eligible individuals without status to apply directly to agency announcements without having to compete through the external delegated examining process. They now have appointment eligibility.

**Q5.** If an individual wishes to exercise spouse preference (within CONUS), will they now be eligible to register in PPP Program S?

**A5.** Yes. However, the spouse must meet the eligibility criteria for this new authority as well as the eligibility criteria for registration in PPP, Program S, IAW with the PPP Operations Manual, Chapter 14 and ASARS Message CY-09-03 dated 10 Sep 09.

## **Non-Competitive Appointing Authority for Certain Military Spouses (EO 13473) Frequently Asked Questions**

**Q6.** Does an individual have to register in PPP Program S (within CONUS) to be hired under this authority?

**A6.** No. A Spouse may be non-competitively appointed after applying to a posted vacancy announcement, but in order to receive spouse preference, within CONUS, the spouse must register in PPP, Program S; the PPP registration must match against a specific PPP requisition; and the spouse must meet the referral criteria IAW PPP Operations Manual, Chapter 14.

**Q7.** Does registration in PPP, Program S preclude them from applying under vacancy announcements under the non-comp authority (without spouse preference)?

**A7.** No. They may do both. However, within CONUS, to exercise military spouse preference, individuals must be eligible and registered in PPP, Program S.

**Q8.** Is this non-competitive appointment authority an alternate recruitment source under the provisions of the PPP Operations Manual, Chapter 14, Paragraph F 2?

**A8.** No, it is not an alternate recruitment source.

**Q9.** Must the spouse be best qualified in order to be appointed under this new authority?

**A9.** No. Spouses applying under a vacancy announcement need only meet the basic qualification requirements in order to be appointed. However, in order to exercise military spouse preference, spouses registered in PPP, Program S (within CONUS), must be among the best qualified.

**Q10.** For OCONUS positions, does the following statement on vacancy announcements meet the public notice requirements: "Persons with Military Spouse Preference who are in the commuting area of the place of work are eligible to apply."

**A10.** No. Because groups of individuals eligible under the new appointing authority would have been excluded from the area of consideration as advertised, it does not meet the public notice requirement.

## **Non-Competitive Appointing Authority for Certain Military Spouses (EO 13473) Frequently Asked Questions**

**Q11.** Does the 2-year eligibility period begin on the date of the PCS orders or the date the eligible spouse relocates to the new duty station?

**A11.** IAW 5 CFR 315.612 (d) (1) (i) the 2-year eligibility period begins on the date of the service member's PCS orders.

**Q12.** I PCSed with my sponsor a month ago; am I in the 2-year window for registering in Program S?

**A12.** No. You must have PCSed with your sponsor on or after 11 September 2009 to be eligible for registration in Program S. Per DoD CPMS, this authority was not effected until 11 September 2009, and may not be made retro-active. While not eligible for registration in PPP, Program S, spouses may still be eligible to apply under vacancy announcements that are accepting applications from individuals eligible under this new appointing authority if you are still within the 2-year window and meet the other requirements for this authority.

**Q13.** Does this new appointing authority confer military spouse preference for those individuals eligible to apply under the new authority?

**A13.** No. This new authority does not confer military spouse preference. It provides an appointing authority that enables military spouses to apply directly to agency vacancy announcements, instead of having to apply through the delegated examination (DEU) process to obtain Federal employment. Military spouses who are also eligible for military spouse preference, must register (within CONUS) in the Priority Placement Program, Program S, to exercise that preference.