

## EXEMPTING MILITARY SPOUSES AND FOREIGN SERVICE SPOUSES FROM AGENCY RETURN TO OFFICE PLANS

### INTRODUCTION

**On February 12, 2025, the Office of Personnel Management issued the guidance in reference (c). The memorandum clarifies that spouses of active-duty service members of the U.S. Armed Forces engaging in remote work are categorically exempt from the return to in-office status required by reference (d).**

### REFERENCES

- a. Acting Secretary of Defense Memorandum, “Implementation of Presidential Memorandum, “Return to In-Person Work,” January 24, 2025,**  
[https://www.dcpas.osd.mil/sites/default/files/2025-02/implementation\\_of\\_presidential\\_memorandum-return\\_to\\_in-person\\_work\\_osd000440-25\\_res\\_final.pdf](https://www.dcpas.osd.mil/sites/default/files/2025-02/implementation_of_presidential_memorandum-return_to_in-person_work_osd000440-25_res_final.pdf)
- b. Secretary of Defense Memorandum, “Initial Department of Defense Implementation Guidance, Return to In-Person Work,” January 31, 2025,**  
<https://www.dcpas.osd.mil/sites/default/files/2025-02/Initial%20Department%20of%20Defense%20Implementation%20Guidance%20Return%20to%20In-Person%20Work%20OSD000516-25%20RES%20FINAL%20%282%29.pdf>
- c. Office of Personnel Management Memorandum, “Guidance on Exempting Military Spouses and Foreign Service Spouses from Agency Return-to-Office Plans,” dated February 12, 2025,**  
<https://chcoc.gov/sites/default/files/OPM%20Memo%20Military%20Spouse%20Guidance%202-12-2025%20FINAL.pdf>
- d. Presidential Memorandum 01907, “Return to In-Person Work,” dated January 20, 2025,** <https://www.govinfo.gov/content/pkg/FR-2025-01-28/pdf/2025-01907.pdf>
- e. Performing the Duties of the Under Secretary of Defense for Personnel and Readiness Memorandum, “Clarification on Return to In-Person Work Exemption for Military Spouses,” dated March 4, 2025,** [P&R Guidance - Military Spouses - PM 2025-01907 - Return to In-Person Work](#)

## FREQUENTLY ASKED QUESTIONS

### *Eligibility and Participation*

#### **Q1. Who is covered by this exemption?**

A1. The directive in reference (c) categorically exempts the following groups authorized to engage in remote work from return-to-office plans:

- Spouses of members of the Armed Forces on active duty, including:
  - Members of the Armed Forces covered by 10 U.S. Code § 101(d)(1)
  - Members performing full time National Guard duty as defined in n 10 U.S. Code § 101(d)(5)
- Spouses of disabled or deceased members of the Armed Forces, including:
  - Spouses married to a member of the Armed Forces who retired, was released, or discharged from the Armed Forces with a disability rating of 100 percent under standard schedule of rating disabilities in use by the U.S. Department of Veterans Affairs.
  - Spouses of a deceased member of the Armed Forces who was married to the member on the date on which the member died while on active duty, and who has not remarried.
- Spouses of U.S. Foreign Service members who are on overseas assignments.

#### **Q2. Are military spouses in all DoD positions (e.g., nonappropriated and appropriated fund positions) eligible?**

A2. This exemption applies to both nonappropriated and appropriated fund positions, regardless of the appointment authority. Both the position and the employee must meet eligibility requirements for remote work, pursuant to Department of Defense Instruction (DoDI) 1035.01, “Telework and Remote Work.”

### *Pay and Administrative Leave*

#### **Q3. How does this impact pay?**

A3. All pay entitlements, including locality-based pay and other government benefits are based on the official worksite where the employee regularly performs their duties. The approved alternative worksite listed on the remote agreement will become the official worksite, and locality pay will reflect the approved remote location.

#### **Q4. What is the definition of a “military spouse?”**

A4. For the purposes of this exemption, a “military spouse” is an employee whose current marital status is one of the following:

- Married to a Service member who is on active duty, including members of the Reserve Components serving on active duty, or performing full time National Guard duty. For members of the Reserve Components, “active duty” does not include performing training duties or attendance at a service school.

- Married to a veteran who separated or retired from the military and had a 100 percent disability rating under the Veterans Affairs Schedule for Rating Disabilities at the time of discharge from the military.
- A widow/widower who was married to a Service member on the date on which the member died while on active duty, and who has not remarried.
- Married to a member of the U.S. Foreign Service on overseas assignments.

**Q5. What is an alternate Agency location?**

A5. For the purposes of this exemption, an alternate agency location is a management-approved remote work location which may include the home of a military spouse.

**CONTACT**

DoD Component HR should contact the DCPAS Tiger Team at [dodhra.mc-alex.dcpas.mbx.dcpas-communications@mail.mil](mailto:dodhra.mc-alex.dcpas.mbx.dcpas-communications@mail.mil) for additional information. The intent of the group box is to provide DoD Component HR with guidance to support the questions related to Return to In-Person Work. We understand employees have many questions about their personal situations, however, please be advised that the DCPAS Tiger Team does not have access to personal information. To obtain personalized assistance, please contact your Human Resources Service Provider, who will be able to address your questions and provide guidance tailored to your individual situation.