



HQBOR/20.1-C

MEMORANDUM FOR: All Chief Patrol Agents
All Directorate Chiefs

FROM: Kathleen Scudder KATHLEEN A
Executive Director SCUDDER
Mission Support Directorate

SUBJECT: Spousal Reassignment Program Internal Operating
Procedure

Digitally signed by KATHLEEN A
SCUDDER
Date: 2023.03.23 15:46:18 -0400

Attached please find the U.S. Border Patrol's (USBP) Spousal Reassignment Program Internal Operating Procedure (IOP). This document is a procedural guide for all USBP employees who process, review, approve, or request a spousal reassignment.

This IOP serves as a guide for eligible USBP employees who are seeking non-competitive reassignments to a USBP entity near their spouse's employment, as long as the spouse is an active-duty military member or employed by the Department of Homeland Security (DHS). This IOP is effective immediately and supersedes the legacy Spousal Transfer Program guidance.

The following summarizes the major changes:

1. Reassignment eligibility is extended to USBP employees who are married to DHS employees or active-duty military personnel;
2. Reassignment eligibility is extended to employees in not-to-exceed temporary positions, provided the employees previously held permanent positions in the competitive service that were not lost because of performance or conduct reasons in accordance with 5 C.F.R. § 335.103(c)(3)(v);
3. For approved cases, employees will be eligible to compete for competitive job opportunities immediately after entrance on duty at the new station; and
4. The terms of any active relocation incentive service agreements would still apply since the reassignment would be based on the employee needs.

The Workforce Management Division of USBP Headquarters Mission Support Directorate provides oversight and periodic revisions for this IOP.

Staff may address questions to our Spousal Reassignment Program Coordinator, Ezeikel Allen at ezeikel.allen@cbp.dhs.gov or Workforce Management Division's mailbox address at gmb.hqsusbpwfm@cbp.dhs.gov.

Attachment

**U.S. BORDER PATROL
INTERNAL OPERATING PROCEDURE
SPOUSAL REASSIGNMENT PROGRAM**

SHORT TITLE: IOP-2140-003-SRP

EFFECTIVE DATE: March 23, 2023

RESPONSIBLE OFFICE: U. S. Border Patrol/Mission Support Directorate/Workforce Management Division

SUPERSEDES: *Interim Guidance of USBP Spousal Transfer Program* memorandum, September 24, 2013, and the spousal portion of the *Compassionate and Spousal Transfer Requests* memorandum, April 11, 2006

1. PURPOSE

- 1.1. This publication implements the U.S. Border Patrol (USBP) Spousal Reassignment Program. It provides guidance and procedures on creating and processing spousal reassignment requests.
- 1.2. This publication applies to permanent USBP non-bargaining unit employees and bargaining unit employees that are represented by the National Border Patrol Council (NBPC) who are seeking reassignment to a USBP entity near their spouse's employment, as long as the spouse is an active-duty military member or employed by the Department of Homeland Security (DHS). Bargaining unit employees who are represented by the National Treasury Employees Union (NTEU) should refer to the Collective Bargaining Agreement between U.S. Customs and Border Protection (CBP) and NTEU or applicable local agreement. Contractors are not eligible to apply.
- 1.3. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with: CBP Directive No. 2110-040, *Records and Information Management Directive*, June 3, 2019; Internal Operating Procedure (IOP) 2110-033 Volume 1, *Internal Operating Procedure Management System*, April 7, 2014; and *USBP Correspondence Manual*, July 2020.
- 1.4. Refer recommended changes and questions about this publication to the USBP Headquarters (HQ) Responsible Office (R/O) listed at the top of this page.
- 1.5. This publication may be supplemented by field units with Standard Operating Procedures (SOP).
- 1.6. Waivers regarding any of the procedures or requirements outlined in this IOP are not authorized.

2. ROLES AND RESPONSIBILITIES

2.1. Chief, USBP

- 2.1.1. Responsible for ensuring compliance with spousal reassignment guidance and procedures in accordance with this IOP.

2.2. Executive Director, MSD

- 2.2.1. Executive Administrator for the Spousal Reassignment Program;
- 2.2.2. Provides the Chief, USBP reasonable assurance of compliance with this publication; and

2.2.3. Approving Official for this IOP and spousal reassignment requests.

2.3. Director, WFM

2.3.1. Provides the Executive Director, Mission Support Directorate (MSD) reasonable assurance of compliance with current guidance, procedures, and other internal controls to ensure nationwide Spousal Reassignment Program effectiveness and accountability;

2.3.2. Establishes performance measures to monitor the effectiveness and efficiency of the Spousal Reassignment Program; and

2.3.3. Appoints a Spousal Reassignment Program Coordinator.

2.4. Spousal Reassignment Program Coordinator, WFM

2.4.1. Oversees the Spousal Reassignment Program, ensuring compliance with the procedures in this IOP;

2.4.2. Reviews all spousal reassignment requests for procedural compliance;

2.4.3. Serves as the subject matter expert on spousal reassignment guidance and ensures the process is being conducted in accordance with this IOP;

2.4.4. Assists employees, as appropriate, to address their comments, questions, or concerns;

2.4.5. In coordination with the receiving sector's Division Chief, Mission Readiness Operations Division, identifies and validates vacant position to accommodate case being considered for approval; and

2.4.6. Prepares the appropriate memorandum endorsements for Executive Director, MSD.

2.5. Branch Director, Career Path and Rotations Branch, WFM

2.5.1. Responsible for Tier 3 final approval of personnel actions for approved spousal reassignment requests.

2.6. Directorate Chiefs/Executive Directors, Chief Patrol Agents, and Supervisors

2.6.1. Responsible for ensuring compliance with the procedures in this IOP; and

2.6.2. Reviews requests to ensure all required paperwork is included. Recommendations for approval or disapproval are not required but may be included. If appropriate documentation is not provided, returns request to USBP employee.

2.7. Division Chiefs, Mission Readiness Operations Division (Headquarters and Sector)

2.7.1. Provides the Directorate Chiefs/Executive Directors and Chief Patrol Agents reasonable assurance of compliance with current guidance, procedures, and other internal controls to ensure nationwide Spousal Reassignment Program effectiveness and accountability;

2.7.2. Oversees the implementation of the Spousal Reassignment Program within the sectors, ensuring compliance with the procedures in this IOP;

2.7.3. Reviews all spousal reassignment requests for completeness and prepares a memorandum endorsement for the Chief Patrol Agent. Recommendations for approval or disapproval are not required, but may be included;

2.7.4. Serves as the subject matter expert on spousal reassignment procedures for the sectors and ensure the process is being conducted in accordance with this IOP;

2.7.5. For cases being considered for approval, provides the Spousal Reassignment Program Coordinator available positions that have not been competitively announced to accommodate the request;

2.7.5.1. For circumstances requiring vetting (i.e., moving from a non-designated position to a designated position), conduct vetting procedures in accordance with CBP Directive No. 51000-002, *Vetting Program Directive*, January 25, 2021.

2.7.5.2. Qualification analyses may be required for reassignments into a different occupational series or within the same series but a different line of work.

2.7.6. For approved cases, establish the USBP employees' Enter-on-Duty date to the new station in coordination with the appropriate Human Resources Specialist, Recruitment and Consulting Staffing Services, CBP Hiring Center (HC); and

2.7.7. Assist and/or refer employees, as appropriate, to address their comments, questions, or concerns.

2.8. Human Resources Specialist, Recruitment and Consulting Staffing Services, CBP HC

2.8.1. As applicable, conducts qualification reviews for reassignments to a different occupational series or within the same series with a different line of work; and

2.8.2. Processes the Human Resources Business Engine (HRBE) SF-52 Request for Personnel Action.

2.9. Eligible USBP Employees

2.9.1. Reviews guidance and procedures that govern spousal reassignments within this IOP; and

2.9.2. Ensures all requests are complete, correct, and submitted in compliance with this IOP.

3. PROGRAM GUIDELINES

3.1. A spousal reassignment is a non-competitive, lateral reassignment to a USBP permanent position with no promotion potential beyond the employee's previously held permanent position in the competitive service that was not lost because of performance or conduct reasons. Eligible employees must have previously held a permanent appointment for non-competitive consideration, in accordance with 5 C.F.R. § 335.103(c)(3)(v) and CBP Directive No. 51335-015B, *CBP Merit Promotion Plan*,

Appendix 1, October 8, 2009. Reassignments requested under the Spousal Reassignment Program are not guaranteed.

3.2. Eligible USBP employees, who are seeking reassignment to a USBP entity near their DHS or active-duty military spouse's employment, may apply for spousal reassignments, if one of these circumstances exist:

3.2.1. When a USBP employee marries a DHS employee or active-duty military member whose duty station is outside of the USBP employee's current commuting area;

3.2.2. The DHS spouse is permanently reassigned to a duty station outside of the USBP employee's current commuting area; or

3.2.3. The active-duty military spouse is ordered to a permanent change of station outside of the USBP employee's current commuting area.

3.3. Both the employee and the DHS spouse must be on permanent appointments or assigned to an USBP entity or another component (e.g., USBP Academy) on a rotational basis, pending a transfer back to permanent appointments. If the spouse is in the military, the spouse must be on active-duty.

3.4. The requesting USBP employee's performance is at an acceptable level of competence and fully qualified for the available vacant position.

3.5. A spousal reassignment cannot be made to a position in the direct supervisory chain of the employee's spouse (i.e., supervised by or supervising the spouse) or to a vacancy that has been announced under competitive procedures.

3.6. If vacant positions are not available, approved cases will remain valid for a period of one year from the date of the notification correspondence. Approved cases pending transfer after one year must be resubmitted by the employee if the circumstances still warrant a spousal reassignment.

3.7. The determination of a suitable vacancy will be made at the discretion of management. If the employee is offered a position at the employee's current grade level and within the local commuting area of the spouse, the employee must accept the position or withdraw from program consideration.

3.8. If a spousal reassignment is granted:

3.8.1. The employee is responsible for all travel, transportation, and relocation expenses associated with reporting for duty at the new duty station, per DHS Instruction No. 253-01-001, *Relocation Allowances*, Section VI.C.2.c, October 11, 2016;

3.8.2. The terms of any active relocation incentive service agreement would still apply since the reassignment would be based on the employee needs;

3.8.3. In accordance with the CBP Leave Handbook, administrative leave is not authorized for spousal reassignments because these reassignments are for the personal convenience or benefit of the employee and are not in the interest of CBP; and

3.8.4. In accordance with 5 C.F.R. § 330.502, the Agency must ensure spousal reassignments do not occur until at least 90 days after an employee's latest non-temporary competitive appointment.

3.9. At any time in the approval process, insufficient documentation will result in return of the request to the employee.

4. PROCEDURES

4.1. Request Submission

4.1.1. To apply for a spousal reassignment, USBP employees must submit a memorandum and supporting documents, through their chain of command, to the Executive Director, MSD, stating in detail, the circumstances warranting a transfer. Additional required information includes:

4.1.1.1. If applicable, a copy of the employee's active relocation incentive service agreement;

4.1.1.2. A statement within the memorandum that explains how the spouse obtained their position and supportive documentation to confirm their duty station assignment;

4.1.1.3. List of possible duty stations for reassignment (at least two). If the employee is limiting their request to one duty station, the employee must provide complete documentation as to why only that duty station will meet the needs of the employee;

4.1.1.4. Current SF-50 for the employee and spouse. This is necessary to confirm pay plan, series, grade, bargaining unit status, tenure group, and position occupied of the USBP employee and DHS spouse. For military spouses, provide a copy of applicable orders;

4.1.1.5. Copy of marriage certificate;

4.1.1.6. Completed Statement of Understanding Form for Spousal Reassignment Request (Attachment 3 of this IOP). This document certifies the employee's understanding that all costs involved in the reassignment will be at their own expense; the terms of any active relocation incentive service agreement would still apply since the reassignment would be based on the employee needs; and administrative leave is not authorized for spousal reassignments.

4.1.1.7. The employee's resume. The resume is not a criterion for eligibility. The resume is utilized after the approval process to facilitate the best reassignment option for eligible employees; and

4.1.1.8. Appropriate officials' endorsement, verifying completeness. Recommendations for approval or disapproval are not necessary. If any of the required documentation has not been included within the request, the local officials will return the request to the employee to add the missing documentation.

4.1.2. The Division Chief, Mission Readiness Operations Division (Headquarters or Sector), will electronically submit the request with global password protection to WFM mailbox address, gmb.hqsusbpfm@cbp.dhs.gov.

4.1.3. The Spousal Reassignment Program Coordinator may request supplemental information for consideration when reviewing the employee's case.

4.2. Adjudication

4.2.1. The Spousal Reassignment Program Coordinator will review the request and endorsement memorandums, ensuring compliance with this IOP. Requests not meeting the criteria or missing appropriate documentation will be returned through official channels to the employee.

4.2.2. If the request is complete and in compliance with this IOP, the Spousal Reassignment Program Coordinator will contact the receiving Division Chief, Mission Readiness Operations Division, to identify vacant positions and prepare the endorsing memorandum response from the Executive Director of MSD.

4.2.2.1. The vacant position must be unannounced under competitive procedures and possess no known promotion potential beyond what is currently or previously held by the employee.

4.2.2.2. For circumstances requiring vetting (i.e., moving from a non-designated position to a designated position), the gaining Division Chief, Mission Readiness Operations Division, conducts vetting procedures in accordance with CBP Directive No. 51000-002, *Vetting Program Directive*, January 25, 2021.

4.2.2.3. The Human Resources Specialist, CBP HC, may need to conduct qualifications reviews for reassignments to different occupational series or within the same series with different lines of work. When these incidents occur, the Spousal Reassignment Program Coordinator may need the losing Division Chief, Mission Readiness Operations Division, to provide additional information (i.e., employee's transcripts) for placement consideration purposes.

4.2.2.4. If vacant positions are not available, approved cases will remain valid for a period of one year from the date of the notification correspondence. Approved cases pending transfer after one year must be resubmitted by the employee if the circumstances still warrant a spousal reassignment.

4.2.3. If the request is not in compliance with this IOP, the Spousal Reassignment Program Coordinator will prepare the appropriate memorandum response from the Executive Director of MSD.

4.2.4. The Spousal Reassignment Program Coordinator will disseminate the signed endorsing memorandum to the applicable Division Chiefs, Mission Readiness Operations Division.

4.2.5. The Division Chief, Mission Readiness Operations Division (Headquarters and Sector), will inform the employee that his/her request has been adjudicated. If the request was approved, the receiving Division Chief, Mission Readiness Operations Division, will initiate a HRBE SF-52 request and coordination of the employee's Enter-on-Duty date. Note: The Human Resources Specialist, Recruitment and Consulting Staffing Services, CBP HC, must receive the SF-52 prior to the effective date of the reassignment.

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Kathleen Scudder
Executive Director
Mission Support Directorate

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

DHS No. Instruction 253-01-001, *Relocation Allowances*, October 11, 2016.

HB 51600-01B, *CBP Leave Handbook*, February 2007.

CBP Directive No. 2110-040, *Records and Information Management Directive*, June 3, 2019.

CBP Directive No. 51000-002, *Vetting Program Directive*, January 25, 2021.

CBP Directive No. 51335-015B, *CBP Merit Promotion Plan*, October 8, 2009.

IOP 2110-033 Volume 1, *Internal Operating Procedure Management System*, April 7, 2014.

USBP Correspondence Manual, July 2020.

5 C.F.R. §§ 210.102(b)(8), (12), *Definitions* (“noncompetitive action” and “reassignment”).

5 C.F.R. § 330.502, *General restriction on movement after competitive appointment*.

5 C.F.R. § 335.103(c)(3)(v), *Agency promotion programs: Discretionary actions*.

Abbreviations and Acronyms

CBP – Customs and Border Protection

HC – Hiring Center

HQ – Headquarters

IOP – Internal Operating Procedure

MSD – Mission Support Directorate

R/O – Responsible Office

SOP – Standard Operating Procedure

USBP – United States Border Patrol

WFM – Workforce Management

Terms

Executive Administrator. Senior executive at the USBP HQ division-level, who is delegated authority to provide administrative, support, and coordination responsibilities from the Chief, USBP.

Guidance and Procedures. Specific instructions and rules that implement/extend policy and establish a process to complete a task or project or execute a program.

Internal Operating Procedure (IOP). An official USBP HQ publication that provides national guidance and procedures for implementing CBP and higher-level directives (policies) throughout USBP.

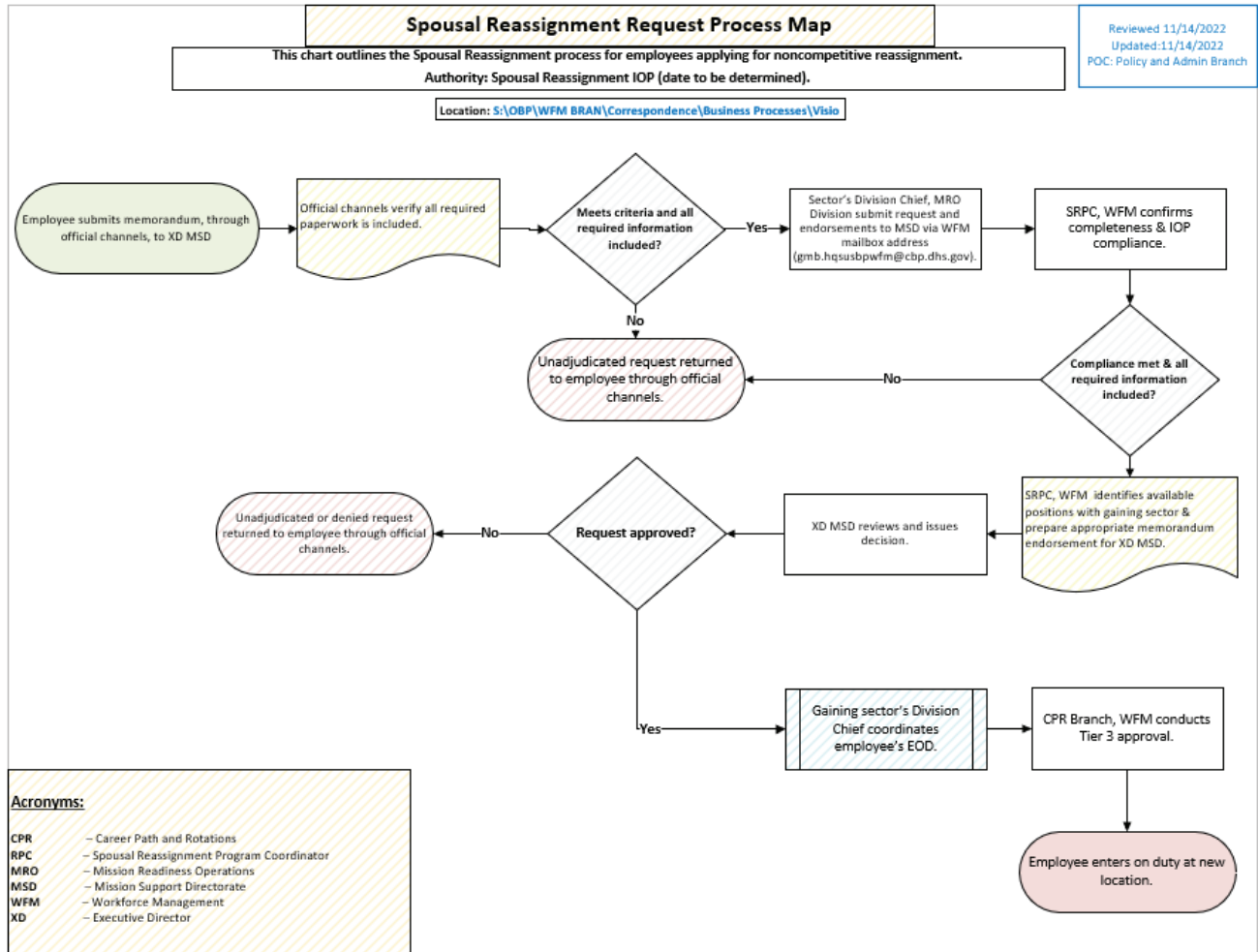
Non-competitive action. A promotion, demotion, reassignment, transfer, reinstatement, or an appointment based on prior service.

Publication. An officially produced, published, and distributed document issued for compliance, implementation, and/or information.

Reassignment. A change of an employee, while serving continuously within the same agency, from one position to another without promotion or demotion.

Spouse. Any individual who is lawfully married (unless legally separated), including an individual married to a person of the same sex who was legally married in a state or other jurisdiction (including a foreign county), that recognizes such marriages, regardless of whether or not the individual's state of residency recognizes such marriages. The term "spouse" does not include individuals in a common law marriage, or a formal relationship recognized by a state, such as a civil union or domestic partnership. It also does not include individuals in a marriage in a jurisdiction outside the United States that is not recognized as a lawful marriage under United States law.

Attachment 2



Attachment 3

**STATEMENT OF UNDERSTANDING
FOR SPOUSAL REASSIGNMENT REQUEST**

I am requesting a spousal reassignment from my current duty station to:

1. First choice:
2. Second choice:

I recognize the following conditions, if my request is approved:

1. I understand that I am responsible for all travel, transportation, and relocation expenses associated with reporting for duty at the new duty station, per DHS Instruction No. 253-01-001, *Relocation Allowances*, Section VI.C.2.c (Oct. 11, 2016);
2. The terms of any active relocation incentive service agreement would still apply since the reassignment would be based on my needs; and
3. I understand administrative leave is not authorized for a Spousal Reassignment, as it is for my personal convenience or benefit and not in the interest of CBP.

Print Name

Signature

Date