



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

MEMORANDUM

TO: Heads and Acting Heads of Departments and Agencies
FROM: Charles Ezell, Acting Director, U.S. Office of Personnel Management
DATE: February 12, 2025
RE: Guidance on Exempting Military Spouses and Foreign Service Spouses from Agency Return to Office Plans

I. Purpose

The U.S. Office of Personnel Management (OPM) is issuing this memorandum to provide further guidance on implementation of the President’s return-to-office directive. This guidance clarifies that the spouses of active-duty members of the U.S. Armed Forces on remote work are categorically exempt. Agencies shall allow military spouses to continue in existing remote work arrangements—regardless of whether they were appointed under the Military Spouse Employment Act authorities—and may continue to appoint military spouses to remote work positions. This guidance also applies to spouses of members of the U.S. Foreign Service who are on overseas assignments.

II. Background

On January 20, 2025, President Trump signed the Presidential Memorandum (PM) *Return to In-Person Work*. That PM directed agencies to take all necessary steps to terminate remote work arrangements and require employees to return to work in-person at their respective duty stations on a full-time basis, provided that the department and agency heads could make exemptions they deemed necessary.

On January 27, 2025, OPM and the U.S. Office of Management and Budget (“OMB”) issued implementation guidance.¹ That guidance directed agencies to prepare implementation plans to return all eligible employees to in-person work instead of remote or telework arrangements. The guidance explained that eligible employees did not include those excused due to a compelling reason certified by the agency head and the employee’s supervisor.

The guidance instructed agencies that military spouses working remotely had a compelling reason not to return to in-person work.² Title 5 of the United States Code provides for military

¹ OMB and OPM Guidance, [Agency Return to Office Implementation Plans](#), (January 2025).

² *Id.*, at 1.

spouses to be noncompetitively appointed to positions in which they will engage in remote work.³ Military spouses are consequently not eligible employees covered by return-to-office plans. OMB and OPM's guidance instructed agencies to create appropriate discrete categories of exemptions from return-to-office plans, including for military spouses.⁴

III. Implementation

Agencies should accordingly ensure that their return-to-office plans categorically exempt all military spouses authorized to engage in remote work. This includes both military spouses appointed under the Military Spouse Employment Act authorities and those appointed under other hiring authorities. Agencies may also continue to appoint military spouses to remote work positions pursuant to the Military Spouse Employment Act or other appropriate hiring authorities.

This directive covers any spouses of members of the Armed Forces on active duty, as well as spouses of disabled or deceased members of the Armed Forces.⁵ The term "active duty" includes any members of the Armed Forces covered by 10 U.S.C. § 101(d)(1), as well as any members performing full time National Guard duty as defined in 10 U.S.C. § 101(d)(5). For members of reserve components, as described in 10 U.S.C. § 10101, "active duty" does not include individuals performing training duties or in attendance at a service school.⁶

A spouse of a disabled member of the Armed Forces is an individual who married a member of the Armed Forces who, on the date that member retired, was released, or discharged from the Armed Forces, had a disability rating of 100 percent under the standard schedule of rating disabilities in use by the U.S. Department of Veterans Affairs.⁷

A spouse of a deceased member of the Armed Forces is an individual who was married to a member of the Armed Forces on the date on which the member died while on active duty, and who has not remarried.⁸

This guidance also covers spouses of U.S. Foreign Service members who are on overseas assignments.⁹ Agencies should ensure that the spouses of U.S. Foreign Service members on overseas assignments are exempted from any return-to-office requirements. In addition, spouses of U.S. Foreign Service members on overseas assignments may continue to be hired to remote-work positions consistent with 22 U.S.C. § 4026(b).

Agencies should ensure that all such military and foreign service spouses are permitted to continue with any applicable remote work arrangements.

³ See the Military Spouse Employment Act, Pub. L. 118–31, div. A, title XI, § 1112, codified at 5 USC § 3330d.

⁴ [Agency Return to Office Implementation Plans](#), at 2.

⁵ 5 U.S.C. § 3330d(b)(3).

⁶ 5 U.S.C. § 3330d(a)(1).

⁷ 5 U.S.C. § 3330d(a)(4)(A).

⁸ 5 U.S.C. § 3330d(a)(4)(B).

⁹ Cf. Pub. L. 117-81, Section 6202, titled the "Foreign Service Families Act of 2021".

cc: Chief Human Capital Officers (“*CHCOs*”), Deputy CHCOs, Human Resources Directors, and Chiefs of Staff