



Recent Developments in Human Resources Policy: CS 10-Day Excused Absence, Emergency Visitation Travel (EVT), Assisting Members of Households (MOHs), Overtime Work, and Family and Medical Leave

A Mandatory Reference for
ADS Chapters 472 and 480

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1. New 10-Day Excused Absence Policy for Civil Service Employees Returning from Assignments Overseas

USAID is joining the Department of State in providing 10 days of excused absence (administrative leave) for Civil Service employees who will be returning to USAID/W upon completion of an overseas assignment. This policy specifically applies to Civil Service employees who converted to a Foreign Service appointment not to exceed five years.

Previously, Civil Service employees who returned to USAID/W after serving overseas had to use annual leave for the purpose of relocating back to Washington, because they did not meet the criteria for eligibility of home leave (see 3 FAM 3430) like most of their Foreign Service colleagues. Upon completion of an overseas assignment, Foreign Service employees, in most cases, are eligible to take home leave earned overseas, provided they are expected to return to service abroad immediately or upon completion of an assignment in the U.S.

Ten workdays of excused absence (administrative leave), without charge to leave or loss of basic pay, will be provided to Civil Service employees who complete a tour of duty of at least 18 consecutive months overseas. Since this leave is intended to facilitate relocation back to Washington, this leave will be authorized for use after employees depart post and before they report for duty in USAID/W.

This policy is effective on April 30, 2001. Civil Service employees, who will be returning to USAID/W on or after April 30, 2001, from an overseas assignment of at least 18 months in duration, will be authorized 10 days of excused absence prior to reporting for duty in USAID/W.

2. Correction to USAID General Notice, Implementation of a New Emergency Visitation Travel (EVT) Benefit Relating to Incapacitated Parents issued 2/22/2001.

The heading in Item G, "Emergency Invitational Travel (EVT) - Incapacitated Parent Q's and A's" is corrected to read "Emergency Visitation Travel (EVT) - Incapacitated Parent Q's and A's."

3. Guidance on Assisting Members of Households (MOHs) Accompanying USAID Employees Overseas

In State 242724, dated December 26, 2000, the Department of State reaffirmed existing practices in assisting members of households (MOHs) who accompany employees on overseas assignments. Members of households are defined as individuals who fall outside of the current legal and statutory definition of family member (spouses and dependent children) who are extended certain privileges while they are a part of the employee's household overseas. MOHs may include elderly parents, unmarried partners, and other relatives or adult children.

This guidance is provided to familiarize Mission Directors with the provisions outlined in the State cable referenced above. Mission Directors and other staff are expected to provide similar support to members of households who will reside at post with the employee, within the limits of laws, regulations, and policies.

State 242724 outlined a number of ways in which Chiefs of Mission (COMs) and their staffs are to provide assistance to members of households while they are part of employee households including:

- a. All missions will provide MOHs with assistance in obtaining appropriate residency permits and travel visas in accordance with local laws.
- b. All U.S. citizen MOHs shall be included in the Mission Warden System.
- c. Employees shall be encouraged to complete emergency locator cards for all MOHs.
- d. If an MOH can legally work in the respective country (including having any necessary work permits), they shall be considered for PIT, PSC, PSA and FSN positions as appropriate for their citizenship.
- e. MOHs shall have access to CLO and FLO sponsored activities and programming within existing policy and regulations.
- f. MOHs shall, with their permission and at the employee's request, be included in post telephone and address listings.
- g. COMs and their staffs may include MOHs in all events officially sanctioned by post on the same basis as family members.
- h. Recognizing that cultural differences may mean that an American employee's household may not necessarily mirror households in foreign countries, COMs shall work to ensure that the official American community environment is as welcoming as possible.

Mission Directors are instructed to take steps in establishing similar procedures appropriate to the mission. In doing so, Mission Directors are reminded that, under the law, certain other privileges and allowances may only be extended to family members, and applicable laws and regulations must be closely followed.

4. Macro for Authorizing Overtime Work, AID 430-3 (3/2001), Overtime Authorization and Report

Agency Form AID 430-3, Overtime Authorization and Report, has been revised. The new version is a macro that may be accessed from the Agency's home page located at:

<http://inside.usaid.gov>. Click on "USAID Forms" to reach the "Agency Forms" Webpage. Form AID 430-3 is an exhibit to ADS 472, Premium Compensation.

Policies and procedures on overtime compensation may be found in ADS 472, 3 FAM 3130, and USAID General Notice, Use of Details and Overtime Compensation, issued on 8/27/99.

5. Guidance on Invoking Family and Medical Leave

In response to inquiries, employees are responsible for invoking their entitlement to FMLA leave. Employees who wish to invoke FMLA leave are required to complete Form AID 400-4, Family and Medical Leave Application Request. An employee must provide notice of intent to take FMLA leave not less than 30 days before leave is to begin or in emergencies, as soon as possible.

An employee normally may not invoke entitlement to FMLA leave retroactively. In unusual circumstances, if an employee and his or her representative are physically or mentally incapable of invoking the employee's entitlement to FMLA leave during the entire period in which the employee is absent from work for a FMLA-qualifying purpose, the employee may retroactively invoke entitlement to FMLA leave within two workdays after returning to duty, subject to providing appropriate documentation that is acceptable to the Agency in accordance with 5 CFR 630.1203.

In addition to the FMLA Application Request, the Certification of Health Care Provider, Form WH-380, must also be completed if the FMLA leave is related to the serious health condition of the employee or a family member (spouse, child, or parent). When the FMLA leave is related to a birth, adoption or foster care, employees are expected to provide a certificate or other evidence that is administratively acceptable to the Agency in support of their intent to use FMLA leave for the birth of a child or placement of a child for adoption or foster care.

Employees are normally expected to provide medical documentation within 15 calendar days after the date requested by the Agency. If the employee is unable to provide the medical documentation within 15 calendar days due to circumstances beyond the employee's control, the employee must provide the medical documentation within a reasonable period of time but no later than 30 calendar days after the date the medical certification was requested by the Agency.

Supervisors are expected to inform employees of their entitlements and responsibilities under the FMLA. A fact sheet with general information regarding FMLA is posted on the OHR "Leave Administration" Webpage. Supervisors are encouraged to give this fact sheet to employees who inquire about FMLA.

The above guidance supplements ADS 481, Family and Medical Leave. Agency forms for invoking FMLA leave -- (Family and Medical Leave Application Request (Form AID

400-4) and the Certification of Health Care Provider(Form WH-380)-- may be accessed from the "Agency Forms" Webpage.

This notice will be posted on the "Leave Administration" Webpage of the Office of Human Resources (OHR) Website. Leave-related guidance and policies discussed in this notice will be incorporated in ADS 480, Leave Administration.

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