ADS Chapter 499

Overseas Employment Program

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This chapter supersedes Handbook 25, Chapter 34 in its entirety.

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ADS Chapter 499 - Overseas Employment Program

499.1 OVERVIEW

Effective Date: 03/20/2002

This Chapter provides the policies, regulations and procedures which govern the appointment, employment and separation of U.S. citizens employed overseas by USAID as resident hire employees.

499.2 PRIMARY RESPONSIBILITIES

Effective Date: 03/20/2002

a. The **Head of an Overseas USAID Mission or Office** is responsible for:

1. Recruiting, selecting and recommending to USAID/Washington (USAID/W) U.S. citizens residing abroad for excepted appointments and temporary appointments above the Foreign Service-9 (FS-9) level.

2. Recruiting, selecting and appointing U.S. citizens residing abroad for temporary appointments for the FS-9 level and below.

3. Terminating the appointment of any resident hire employee initially appointed at post when it is determined that the employee's services are no longer required, or when the Assignment Board approves the assignment of a regular Foreign Service (FS) employee to a position encumbered by a resident hire employee (See **499.3 para d** and **ADS 436, Foreign Service Assignments and Tours of Duty**).

4. Notifying the Office of Human Resources, Personnel Operations Division (OHR/POD) when a regular FS employee has declared non-availability for worldwide assignment and whether the employee has requested conversion to resident hire status (see **499.3.3**).

b. The **Office of Human Resources, Personnel Operations Division (OHR/POD)** is responsible for:

1. Approving excepted appointments not to exceed twelve months and temporary appointments not to exceed ninety days above the FS-9 level.

2. Preparing Notification of Personnel Actions, Standard Form 50-B (SF-50-B), for resident hire employees upon receipt of the appropriate information or documentation from the field.

c. Employees are responsible for notifying the designated officer at their post (usually the Personnel or Executive Officer) when they are no longer available for worldwide service.

499.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

Effective Date: 03/20/2002

The statements contained within the .3 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

499.3.1 Appointments

Effective Date: 03/20/2002

Appointments are subject to USAID's policy of nondiscrimination and shall be made only to established positions within a mission's employment limitation.

This provision can be waived only by the Deputy Assistant Administrator, Office of Human Resources (DAA/OHR) or designee. Retroactive pay actions can not be approved for candidates who begin working before positions are established.

a) Applicants:

1. Selections are based on the applicant's qualifications, i.e., education and experience, for the position to be filled.

2. Applicants must be citizens of the United States and must be at least 18 years of age at the time of appointment.

b) Timeframe:

1. The appointment is effective on the date the appointee enters on duty and is available to perform a federal function.

2. All new appointments must be made on a calendar year basis, i.e., appointments must be terminated by the Personnel Operations Division, of the Office of Human Resources (OHR/POD) on December 31 of the applicable calendar year. Subject to USAID/W approval of a mission request, extensions shall be effected as of January 1 of the new calendar year (See **499.3.2.1** and **499.3.2.2**).

   This provision does not affect employees serving under 30-month appointments. Upon termination of such appointments, employees shall be extended, subject to USAID/W approval, for a period of up to twelve months not to exceed December 31. The entitlement of such employees for coverage under the Civil Service Retirement

System (CSRS) shall continue provided there is not a break in service of more than three days between appointments.

c) Family Members:

Members of the same family must not be employed in a supervisor-subordinate relationship and must not be employed in the same organizational unit.

The appointment of dependent(s) of a Mission Director, Deputy Mission Director, or USAID Representative must be approved by the Deputy Assistant Administrator, Office of Human Resources (DAA/OHR).

d) Regular FS Employee:

If a regular USAID FS employee is available for assignment and the only position available is encumbered by a resident hire employee, the regular employee has priority for assignment to the encumbered position (see also **499.3 para 1c** and **ADS 436**).

e) Security Clearance:

All appointments require full-field security clearance under E.O. 12968 (See **ADS 561**, **ADS 562**, **ADS 563**, **ADS 564**, **ADS 565**, **ADS 566**, **ADS 567**, and **ADS 568**). Temporary appointments not to exceed 90 days shall be made pending receipt of clearance subject to approval by OHR/POD. Employees under such appointments must not be permitted access to classified material until OHR/POD and the posts are notified by the Office of the Inspector General's Office of Security (IG/SEC) that security clearance has been granted.

All personnel actions, e.g., appointments, promotions, within-grade increases or other pay changes, or terminations, must be documented with an appropriate Notification of Personnel Action, SF-50-B.

499.3.1.1 Establishment of Positions

Effective Date: 03/20/2002

Mission requests to establish resident hire positions must be sent to the Position Management and Classification Branch, Personnel Operations Division, Office of Human Resources (OHR/POD/PMC), through the appropriate Bureau Administrative or Management Office in USAID/W. The mission must forward also a copy of the position description and, in accordance with the procedures of the relevant Bureau, a Staffing Pattern Action Request (SPAR), form AID 4-512. At the same time, the mission must forward to OHR/POD the information and forms listed in 499.3.2.3 with a note indicating

the date the request to establish a position was sent to USAID/W. Approval to appoint shall be cabled to the mission by OHR/POD after the position has been established.

499.3.2 Types of Appointments

Effective Date: 03/20/2002

There are two types of appointments:

a) Temporary appointments not to exceed ninety days and

b) Excepted appointments not to exceed twelve months.

Each type of appointment must be made for full-time, part-time or intermittent employment. Personnel employed on an intermittent basis are compensated only for the days/hours actually worked and danger pay, when applicable.

499.3.2.1 Temporary Appointments Not to Exceed Ninety Days

Effective Date: 03/20/2002

A temporary appointment not to exceed ninety days shall be offered only to the dependent of a U.S. citizen employed by the U.S. Government overseas provided that the candidate:

1) Was a dependent at the time of the employee's assignment to post;

2) Was given medical clearance in connection with Government-paid travel to post; and

3) Is living at post.

Appointments shall be extended for an additional ninety days at the request of the mission subject to USAID/W approval and, if security clearance is still pending, IG/SEC concurrence.

When a candidate has been identified for an established position and the approving authority is OHR/POD, the mission forwards to OHR/POD a request to appoint along with the information and forms listed in 499.3.2.3. To expedite processing, the required information must be cabled to OHR/POD. The cable must specify the date the forms were mailed to OHR/POD. Approval to appoint shall be cabled to the mission. Upon receipt, the mission can appoint the candidate for up to ninety days not to exceed December 31. When a candidate has been identified for an established position and the approving authority is the head of the mission, the above procedures apply except that USAID/W approval is not required.

Missions must cable requests for appointments to be extended for an additional ninety days to OHR/POD at least fifteen days before the end of the current appointment.

When security clearance is issued, a new appointment for up to twelve months must be requested (See **499.3.2.2**).

499.3.2.2 Excepted Appointments Not to Exceed Twelve Months

Effective Date: 03/20/2002

In addition to the family members indicated in 499.3.2.1, excepted appointments not to exceed twelve months must be offered to regular FS employees who wish to convert to resident hire status (See **499.3.3**) and to U.S. citizens who reside in the cooperating country but are not employed by, or related to employees of, the U.S. Government.

Employees shall be extended at the request of the mission subject to USAID/W approval.

All appointments under this section are subject to OHR/POD approval. When a candidate is identified for an established position, the mission forwards a request to appoint to OHR/POD along with the information and forms listed in 499.3.2.3. Security and medical clearances are required prior to the appointment of U.S. citizens who reside in the cooperating country.

1) When all clearances have been received, approval to appoint shall be cabled by OHR/POD to the mission. Upon receipt, the candidate can be appointed for up to twelve months not to exceed December 31.

2) Missions must cable requests for employees to be extended to OHR/POD at least fifteen days before the end of the current appointment.

499.3.2.3 Forms and Information Required for Processing Appointments

Effective Date: 03/20/2002

Resident Hire Employees:

The forms and information listed below must be submitted to OHR/POD prior to the appointment of resident hire employees (See also **ADS 414.4.3, Mandatory Forms, Employment Forms**).

SF-171, Application for Federal Employment;
CSC-1267A, Supplemental Federal Application Statement;
SF-86, Security Investigation Data for Sensitive Position;
SF-87, U.S.C.S.C. Fingerprint Chart;
SF-144, Statement of Prior Federal Service;
AID 6-85, Foreign Residence Data;
AID 610-14, Authority for Release of Information;
DD 214, Military Discharge, if applicable;
SF-189, Classified Information Nondisclosure Agreement;
SF-181, Race and National Origin Identification;

SF-256, Self-Identification of Reportable Handicap;
Proposed Grade and Salary (See **ADS 470**);
A statement indicating if the employee is transferring from another Federal agency without a break in service and if eligible for reemployment rights; and
A statement that the candidate has a valid medical clearance as a dependent of a U.S. Government employee or has been examined and meets minimum medical requirements and is free of any contagious disease. If the latter, the examination must be conducted in accordance with post regulations based on prevailing medical standards for employment among progressive local employers. The medical determination is made by the post medical officer (or local examining physician if there is not a post medical officer) and the results are maintained in the candidate's personnel file.

1) The following forms are executed, as applicable, at the time of temporary and excepted appointments and forwarded to OHR/POD:

SF-61, Appointment Affidavits;
SF-61B, Declaration of Appointee;
SF-53, Waiver of Life Insurance Coverage, if appropriate;
SF-1152, Designation of Beneficiary for Unpaid Compensation of Deceased Civilian Employee;
SF-2809, Health Benefits Registration Form, if appropriate;
OF-106, Confidential Statement of Employment and Financial Interests, if appropriate;
Conditions of Employment - Resident Hire Employees Recruited at Post (See **Conditions of Employment**);
Conditions of Employment - Employees Converted from a Regular Appointment (See **Conditions of Employment**).

2) For temporary appointments not to exceed ninety days, the information listed below must be cabled in advance of the forms listed in 499.3.2.3.

Name of Candidate;
Social Security Number;
Date of Birth;
FEGLI Status;
Duration of Appointment;
Legal Residence (State);
Work Schedule--for part-time, actual days/hours must be included, e.g., 32 hours per week, Monday through Thursday, 8 hours/day;
Proposed Effective Date;
Position Number (POSNO);
Pay Plan, Proposed Grade/Step;
Appropriation;

Name of related government employee, relationship, position held by related employee and the name of the employing Agency; Date Employment Forms sent to USAID/W (See **499.3.2.3**).

499.3.3 Conversion Action

Effective Date: 03/20/2002

When a regular employee has declared nonavailability for a worldwide assignment, the mission may request that the employee be separated from regular FS status and be given an appointment as a resident hire under one of the two types of appointments described in 499.3.2. The post must seek specific USAID/W guidance in such cases.

499.3.4 Employee Benefits and Related Topics

Effective Date: 03/20/2002

Resident hire personnel employed on an intermittent basis "When Actually Employed" (WAE) are compensated only for the days/hours actually worked plus danger pay, if applicable.

a) Resident hire personnel employed on a full-time basis are eligible for post allowance (See **Section 226, Standardized Regulations**).

b) Resident hire employees employed on a full- or part-time basis are eligible for:

1. Danger pay (See **Section 650, Standardized Regulations**).

2. Accrual and use of annual and sick leave - (See **ADS 480**).

3. Evaluation and promotion (See **ADS 462**).

4. Within-grade and meritorious increases (See **ADS 470**).

5. Immunizations authorized for the post and use of the post health unit facilities.

6. Compensation for injury, death or disability - (See **ADS 442**).

7. Coverage under Social Security for all new appointments of twelve months or less.

8. Lump-sum payment for accrued annual leave upon separation from USAID (See **ADS 480**).

9. Home leave and home leave travel - if an employee established eligibility to earn home leave under a regular FS appointment, the employee continues to accrue this leave and shall be authorized home leave on a one-time basis upon completion of the initially prescribed tour of duty as a regular employee if the post has approved return to post to a full-time resident hire position. The rate of accrual shall change upon the conversion to part-time resident hire status (See **ADS 480**).

10. In addition, resident hire employees are subject to the requirements of other regulations including, but not limited to, the following:

    a) Employee responsibilities, conduct and political activity;

    b) Grievances (See **ADS 486**); and

    c) Suspension or other disciplinary actions (See **ADS 487**).

c) Resident hire employees are not eligible for:

    1. Medical benefits other than those indicated in **499.3.4 para b)5**, unless the resident hire qualifies as a dependent of a covered employee.

    2. Coverage under the Civil Service Retirement, Group Life Insurance or Health Benefits programs, unless the employee converts from a covered position without a break in service of three days or less (see also **499.3.1 para b)2**).

    3. The accrual and granting of home leave and home leave travel, except as provided in **499.3.4 para b)9**.

    4. Rest and Recuperation (R&R) travel, except as a dependent of a U.S. Government employee, or an USAID participating agency employee who is eligible for travel (See **ADS 523, Foreign Service Assignment Travel**).

    5. Separation travel and transportation of effects unless the employee was converted from a regular FS appointment. In such cases, the actual departure of the employee and dependents, if applicable, and the transportation of all effects shall be effected within twelve months following conversion.

    6. Storage of household and personal effects unless the employee was converted from a regular FS appointment. In

such cases, the employee is eligible for continued storage of effects for the balance of the initial tour, or if conversion is due to marriage to an employee of State/USAID/USIA, until the spouse's weight allowance is increased, whichever is earlier.

499.3.5 Separation

Effective Date: 03/20/2002

Missions must advise USAID/W as soon as possible in advance of the anticipated termination of a resident hire employee and indicate if a replacement candidate has been identified. Except in emergency situations, a minimum of two weeks notice is required.

a) All resident hire employees are separated at post.

b) A separation medical clearance, or waiver of a medical clearance, is not required upon separation from a resident hire appointment.

All resident hire employees are separated at post. The post sends the employee's letter of resignation, or statement from the head of the USAID Mission or Office, that the resident hire employee's appointment has been or shall be terminated, giving the reasons and the effective date. USAID/W shall issue the separation personnel action (SF-50-B).

499.4 MANDATORY REFERENCES

499.4.1 External Mandatory References

Effective Date: 03/20/2002

a. **Department of State Standardized Regulations (DSSR) Section 226**

b. **Department of State Standardized Regulations (DSSR) Section 650**

c. **Foreign Service Act of 1980, Section 303**

499.4.2 Internal Mandatory References

Effective Date: 03/20/2002

a. **ADS 414, Foreign Service (FS) Appointments**

b. **ADS 436, Foreign Service Assignments and Tours of Duty**

c. **ADS 442, The Workers' Compensation Program**

d. **ADS 462, Employee Evaluation Program, Civil Service**

e. **ADS 470, Pay Under the Foreign Service**

f. **ADS 480, Leave**

g. **ADS 486, Grievances – Foreign Service**

h. **ADS 487, Disciplinary and Adverse Actions Based Upon Employee Misconduct Civil Service**

i. **ADS 523, Foreign Service Assignment Travel**

j. **ADS 561, Security Responsibilities**

k. **ADS 562, Physical Security Programs (Overseas)**

l. **ADS 563, Armored Vehicle Program**

m. **ADS 564, Security Communications**

n. **ADS 565, Physical Security Programs (Domestic)**

o. **ADS 566, Personnel Security Investigations and Clearances**

p. **ADS 567, Classified Contracts and Awards Under USAID's National Industrial Security Program**

q. **ADS 568, National Security Information Program**

r. **Conditions of Employment Employees Converted from a Regular Appointment**

s. **Conditions of Employment Resident Hire Employees Recruited at Post**

499.5 ADDITIONAL HELP

Effective Date: 03/20/2002

There are no Additional Help documents for this chapter.

499.6 DEFINITIONS

Effective Date: 03/20/2002

The terms and definitions listed below have been incorporated into the ADS Glossary. See the **ADS Glossary** for all ADS terms and definitions.

intermittent employment

Employment where there has not been established in advance a regular work schedule and where compensation is based on a "When Actually Employed" (WAE) basis. The non-full-time employment of an individual serving under a competitive or excepted service appointment in tenure group I or II without a regularly scheduled tour of duty. (**Chapter 413**, 499)

part-time employment
Employment of 16 to 32 hours per week where there has been established in advance a regular and specific tour of duty on two or more days of each administrative workweek. (**Chapter 499**)

regular employees
FS employees who accept all the obligations of worldwide service are appointed to USAID posts, including USAID/W, in accordance with the needs of the Agency. (**Chapter 499**)

resident hire employees
USAID Foreign Service (FS) employees who are unable to accept all the obligations of a long-term, worldwide career service, or who reside in the country of assignment primarily for reasons other than employment in the Foreign Service, who are (a) A dependent of a U.S. citizen employed overseas who is at least 18 years of age and who is expected to remain at a post only for the duration of the employee's assignment or a vacation period, (b) U.S. citizen who resides in a country primarily for reasons other than employment with a U.S. Government agency, (c) An employee who, for personal reasons, is unwilling to transfer to another post. (**Chapters 480, 499**)

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