

## ADS Chapter 499 - OVERSEAS EMPLOYMENT PROGRAM

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THIS CHAPTER SUPERSEDES HANDBOOK 25, CHAPTER 34 IN ITS ENTIRETY

## **ADS Chapter 499 - OVERSEAS EMPLOYMENT PROGRAM**

### **499.1 Authority**

[Foreign Service Act of 1980, Section 303.](#)

### **499.2 Objective**

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.

### **499.3 Responsibility**

1. The Head of an Overseas USAID Mission or Office is responsible for:
  - a. 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.
  - b. Recruiting, selecting and appointing U.S. citizens residing abroad for temporary appointments for the FS-9 level and below.
  - c. 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 499.5 para d and [ADS 436 - Handbook 25, Chapter 36](#)**).
  - d. Notifying the Personnel Operations Division, Office of Human Resources, Bureau for Management (M/HR/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 499.5.3).
2. The Bureau for Managements, Office of Human Resources, Personnel Operations Division (M/HR/POD) is responsible for:

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

b. 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.

3. 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.

#### **499.4 Definitions (See [ADS GLOSSARY](#))**

INTERMITTENT EMPLOYMENT  
PART-TIME EMPLOYMENT  
REGULAR EMPLOYEES  
RESIDENT HIRE EMPLOYEES

#### **499.5 POLICY**

The statements contained within the .5 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

##### **499.5.1 APPOINTMENTS**

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, Bureau for Management, Office of Human Resources (DAA/M/HR) 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, Bureau for Management(M/HR/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 E499.5.2a and E499.5.2b)**.

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, Office of Human Resources (DAA/M/HR).

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 - Handbook 25, Chapter 36](#)).

e) Security Clearance:

All appointments require full-field security clearance under E.O. 12968 (See [USAID Handbook 6, Security](#)). Temporary appointments not to exceed 90 days shall be made pending receipt of clearance subject to approval by M/HR/POD. Employees under such appointments must not be permitted access to classified

material until M/HR/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.

#### **E499.5.1 Appointments**

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.

#### **E499.5.1a Establishment of Positions**

Mission requests to establish resident hire positions must be sent to the Position Management and Classification Branch, Personnel Operations Division, Office of Human Resources, Bureau for Management (M/HR/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 M/HR/POD the information and forms listed in 499.5.2c 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 M/HR/POD after the position has been established.

#### **499.5.2 TYPES OF APPOINTMENTS**

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.

#### **E499.5.2 Types of Appointments - N/A**

#### **499.5.2a TEMPORARY APPOINTMENTS NOT TO EXCEED NINETY DAYS**

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.

#### **E499.5.2a Temporary Appointments Not to Exceed Ninety Days**

When a candidate has been identified for an established position and the approving authority is M/HR/POD, the mission forwards to M/HR/POD a request to appoint along with the information and forms listed in 499.5.2c.

To expedite processing, the required information must be cabled to M/HR/POD. The cable must specify the date the forms were mailed to M/HR/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 M/HR/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 499.5.2b**).

#### **499.5.2b EXCEPTED APPOINTMENTS NOT TO EXCEED TWELVE MONTHS**

In addition to the family members indicated in 499.5.2a, excepted appointments not to exceed twelve months must be offered to regular FS employees who wish to convert to resident hire status (**See 499.5.3**) 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.

#### **E499.5.2b Excepted Appointments Not to Exceed Twelve Months**

All appointments under this section are subject to M/HR/POD approval. When a candidate is identified for an established position, the mission

forwards a request to appoint to M/HR/POD along with the information and forms listed in E499.5.2c. 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 M/HR/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 M/HR/POD at least fifteen days before the end of the current appointment.

### **E499.5.2c Forms and Information Required for Processing Appointments**

Resident Hire Employees:

The forms and information listed below must be submitted to M/HR/POD prior to the appointment of resident hire employees (**See also [ADS 414.6, Supplemental References, 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, Pay FS - Handbook 26 chapter 2](#)**)

A statement indicating if the employee is transferring from another Federal agency without a break in service and if eligible for reemployment rights;

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 M/HR/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 Mandatory Reference [Conditions of Employment](#)**);  
Conditions of Employment - Employees Converted from a Regular Appointment (**See Mandatory Reference [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 E499.5.2c.

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 E499.5.2c**).

### **499.5.3 CONVERSION ACTION**

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 499.5.2. The post must seek specific USAID/W guidance in such cases.



**E499.5.3 Conversion Action - N/A**

**499.5.4 EMPLOYEE BENEFITS AND RELATED TOPICS**

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, Leave - Handbook 27, inclusive](#)**).
  3. Evaluation and promotion (**See [ADS 462](#)**).
  4. Within-grade and meritorious increases (**See [ADS 470 - Handbook 26 chapter 2](#)**).
  5. Immunizations authorized for the post and use of the post health unit facilities.
  6. Compensation for injury, death or disability - (**See [ADS 442 - Handbook 29, Chapter 1](#)**).
  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 - Handbook 27, inclusive](#)**).
  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 - Handbook 27, inclusive](#)**).

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 ([See ADS 483 - Handbook 24, Chapter 2](#)),
- b) Grievances ([See ADS 486 - Handbook 29, Chapter 4](#)): and
- c) Suspension or other disciplinary actions ([See ADS 487 Handbook 30, Chapter 6](#)).

c) Resident hire employees are not eligible for:

1. Medical benefits other than those indicated in 499.5.4 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 499.5.1 para b)2).

3. The accrual and granting of home leave and home leave travel, except as provided in 499.5.4 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.

#### **499.5.5 SEPARATION**

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.

#### **E499.5.5 Separation**

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).

#### **499.6 Supplementary Reference - N/A**

#### **499.7 Mandatory Reference**

[Conditions of Employment Resident Hire Employees Recruited at Post](#)

[Conditions of Employment Employees Converted from a Regular Appointment](#)