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FROM THE AMERICAN PEOPLE

Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance Issued: September 12, 2006

AAPD 06-11

Home Leave and Revised General Provision 5, Leave and Holidays (AUGUST 2006)

Subject Category: Personal Services Contracts
Type: Policy

AAPDs provide information of significance to all agency personnel and partners involved in the Acquisition and Assistance process. Information includes (but is not limited to): advance notification of changes in acquisition or assistance regulations; reminders; procedures; and general information. Also, AAPDs may be used to implement new requirements on short-notice, pending formal amendment of acquisition or assistance regulations.

AAPDs are EFFECTIVE AS OF THE ISSUED DATE unless otherwise noted in the guidance below; the directives remain in effect until this office issues a notice of cancellation.

This AAPD: Is New Replaces/ Amends CIB/AAPD No: CIB 96-19, CIB 98-19, CIB 98-24 and AAPD 05-10

<p>Applicable to:</p> <p><input checked="" type="checkbox"/> Existing awards; <input checked="" type="checkbox"/> Modification required</p> <p><input type="checkbox"/> No later than</p> <p><input checked="" type="checkbox"/> As noted in guidance below</p> <p><input checked="" type="checkbox"/> RFPs/RFAs issued on or after the effective date of this AAPD;</p> <p><input type="checkbox"/> Other or N/A</p>	<p>Precedes change to:</p> <p><input checked="" type="checkbox"/> AIDAR Part(s) GENERAL PROVISION 5 Appendix D</p> <p><input type="checkbox"/> USAID Automated Directives System (ADS) Chapter</p> <p><input type="checkbox"/> Code of Federal Regulations</p> <p><input type="checkbox"/> Other</p> <p><input type="checkbox"/> No change to regulations</p>
<p><input checked="" type="checkbox"/> New Provision/Clause Provided Herein: If checked, scheduled update to Prodoc:</p>	

(Signed copy on file)

Michael F. Walsh, Director, M/OAA

PURPOSE: This AAPD replaces CIB 96-19, CIB 98-19, CIB 98-24 and AAPD 05-10, and adds new Home Leave language for U.S. Personal Services Contracts (USPSCs) hired under Appendix D of the AIDAR. A new General Provision 5 is included which will replace General Provision 5 in all applicable existing contracts and new PSC contracts which include General Provision 5 of Appendix D of the AIDAR. This AAPD will also apply to TCNPSCs in particular countries as described below.

ACTION REQUIRED:

(1) **Contracting Officers must include this revised General Provision - Leave and Holidays (August 2006) in all new USPSC contracts, and applicable TCNPSC contracts.**

(2) **Contracting Officers must revise all existing USPSC contracts, and applicable TCNPSC contracts to incorporate the revised General Provision - Leave and Holidays (August 2006).**

BACKGROUND: Offshore USPSCs are entitled to home leave if the following conditions are met: (1) The USPSC has served 24 continuous months overseas at the same mission (or not less than 18 months) under the same contract, and (2) has a commitment to return overseas as described below. PSCs' entitlement to home leave does not depend on their returning to serve at the same post. Eligibility is based on their returning (for the requisite amount of time) to any USAID overseas post. The amount of home leave they will be entitled to will differ depending on whether they return to the same post or a different one.

GUIDANCE:

1) A USPSC who works 24 continuous months overseas at the same Mission, under the same contract, and has not taken more than 30 workdays leave (vacation, sick or leave without pay in the United States, receives home leave when returning overseas for a period of not less than one year in accordance with the following:

- If the USPSC returns to the same post at the conclusion of the home leave, under the same contract for the same services, for 2 years or not less than 1 year as approved in advance, in writing, by the Mission Director prior to the USPSCs departure from post, the USPSC receives home leave. The home leave must be taken at one time, for a period of 30 WORK DAYS with advance approval by the Mission Director. The 30 day period excludes travel time by the most direct route from the Mission to the designated destination in the United States.
- If the USPSC is returning to a different USAID Mission overseas under a new USPSC contract, immediately following the conclusion of home leave, the USPSC receives 20 WORK DAYS of home leave, excluding travel time by the most direct route from the losing Mission to the designated destination in the United States. When a PSC is returning to a different USAID Mission, the former Mission will pay for the home leave regardless of what country the PSC will be working in following the home leave. The USPSC will submit written verification of a new contract at another

overseas USAID Mission to the losing Mission at the time the home leave is requested. No home leave is provided if the contractor is being repatriated to the United States.

2) The USPSC must take home leave at the completion of the 24 months continuous service at the same Mission as described above (or not less than 18 months with prior approval). Recognizing that the USPSC may not always be able to take the home leave immediately after completion of the 24 months, a suitable schedule between the USPSC and the Mission, or Missions, if applicable, must be negotiated. However, regardless of whether the USPSC is returning to the same Mission or moving to a new USAID Mission upon completion of the home leave, the home leave must be taken in its entirety at the same time. This home leave cannot be split into different time periods and time frames, except for instances when the USPSC must attend training or other work related meetings, subject to approval by the responsible Mission(s). In such instances, the USPSC's home leave will stop at the beginning of such interruptions and resume after completion of the work related interruptions.

3) Regardless of whether contracts are written for one year or two years at a time, if a PSC works under the same contract at the same post for two years, the contract funding must provide for home leave.

4) **NEW HOME LEAVE POLICY FOR QUALIFYING POSTS**

On June 15, 2006, the Congress passed and the President signed an amendment to the Foreign Service Act of 1980, as amended, that allows home leave for direct-hire employees following completion of 12-month overseas assignments at qualifying posts and before moving to the individual's next assignment.

USAID is extending this new home leave policy to its USPSCs who qualify for home leave under this new policy, and is effective as of July 20, 2006. This new home leave policy is in addition to the home leave a USPSC would earn under the contract. USAID employees who complete 12 continuous months at one of the qualifying posts on or after July 20, 2006, may be eligible for home leave under this new provision. For USAID, qualifying posts at this time include all posts in Iraq, Afghanistan, and Pakistan.

If an eligible USPSC elects to take this new home leave, the USPSC must take ten workdays of home leave. There is no requirement that an eligible USPSC take home leave after serving 12 months at a designated post. It is only an option. The application of this new home leave policy for USPSCs will be the same as it is for qualifying US direct-hires employees. If a USPSC is returning to the United States, and not returning overseas to the same or different USAID Mission, this new home leave policy will not apply.

The new home leave policy is also extended to qualifying TCNPSCs whose contracts include General Provision 5 from Appendix D of the AIDAR. However, since home leave is for US citizen PSCs, qualifying TCNPSCs will be granted "country leave" vice home leave. The application and amount of time allowed will be the same as for USPSCs, but the time taken by a TCNPSC must be taken in the TCNPSC's home country or country of recruitment rather than the United States, its

commonwealths and territories. This new policy for TCNPSCs also applies to those contracts written under the provisions and procedures of AAPD 03-11.

Until the new home leave policy is incorporated in the Foreign Affairs Manual, and USAID's ADS and regulations, the Agency is adhering to State's interim guidance as outlined in State 119416 (see Attachment I).

5) **ATTACHMENT II** - the revised General Provision 5 - Leave and Holidays (August 2006), AIDAR, Appendix D. This revised General Provision must be used in all new contracts and all existing contracts must be modified to substitute the existing General Provision 5 with the new General Provision 5.

POINT OF CONTACT: Tom. M. Henson, M/OAA/P, (202) 712-5448, thenson@usaid.gov.

Attachment I - State Cable 119416

Attachment II - General Provision 5 - Leave and Holidays (August 2006)

ATTACHMENT I

UNCLASSIFIED STATE 00119416
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RR RUEHAT
DE RUEHC #9416/01 2012219
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TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE
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BT
UNCLAS SECTION 01 OF 06 STATE 119416

FOR ALL DEPT OF STATE EMPLOYEES FROM THE DIRECTOR GENERAL

E.O. 12958: N/A
TAGS: APER, AMGT
SUBJECT: Revised Home Leave Regulations: 12 Months Tour of Duty at
Designated Posts

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1. We are pleased to announce that the Congress passed and the President signed on June 15, 2006, an amendment to the Foreign Service Act requested by the Department that will allow home leave following completion of 12-month overseas assignments. We sought this new authority for employees serving at our most difficult and dangerous posts, where the official tour of duty is 12 months. In addition, pursuant to the Warner Amendment, we are also extending the new home leave benefit to employees who serve on temporary duty status at posts in Iraq and Afghanistan for at least 12 months. Employees serving on an LNA in one of the designated posts followed by another overseas assignment may take Home Leave. LNA employees returning to assignment in the United States will not be eligible for this new Home Leave but may be eligible for administrative leave. The new home leave eligibility, in addition to providing a time to reacquaint with the United States, will allow eligible employees to decompress and reunite with family in the United States before taking up their next assignment. The effective date for the purpose of implementation is the date of the issuance of this cable.
2. Qualifying posts, as currently designated by the Director General, include all posts in Iraq, Afghanistan, Pakistan, and Saudi Arabia, as well as Banja Luka, Bosnia and Herzegovina, and Juba, Sudan. Employees serving in temporary duty status in Iraq or Afghanistan for at least 12 months will also be eligible for new home leave under the revised regulations.
3. Department of State employees, who complete their 12-month assignment at one of the above designated posts on or after the sending date of this cable (local time), may be eligible for home leave. If an eligible employee chooses to take home leave, he or she must take a minimum of ten workdays of home leave. There is no requirement that an employee use this eligibility after 12 months at a designated post; it is only an option. Please note that the requirement to take home leave after three years of continuous overseas service remains unchanged.

4. In accordance with 2 FAM 1115.2, the following provisions of the FAM and FAH are amended on an interim basis for the Department of State only, to read as follows:

5. 3 FAM 3400 and 3 FAM 3720

QUOTE

3 FAM 3431.2 Eligibility (Applies to Foreign Service & Civil Service Employees)

a. Within the limitation of available funds, the foreign affairs agencies may grant home leave, or combined home leave and annual leave, with travel at U.S. Government expense to any employee who:

- (1) Is a citizen of the United States;
- (2) Has completed at least 12 months of continuous service abroad; and
- (3) Is expected to return to service abroad immediately, upon completion of an assignment in the United States, or upon reemployment after transfer to an international organization.

b. Except as provided in 3 FAM 3433.1, employees will be eligible to take home leave after 18 months of continuous service abroad.

c. An employee who meets the requirements of 3 FAH-1 H-3415, for the accumulation of a maximum of 45 days of annual leave, earns and may be granted home leave.

d. Participating agency employees of USAID compensated under the Foreign Compensation (FC) schedule earn home leave on the same basis as other USAID employees.

e. For Commerce: Also see chapter in Commerce's Operations Manual entitled "Home Leave".

6. 3 FAM 3433 OTHER CONSIDERATIONS

3 FAM 3433.1 Less Than 18 Months of Continuous Service Abroad

(TL:PER-384;)

(Uniform State/USAID/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

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Home leave may be granted to employees with less than 18 months of continuous service abroad only:

(1) When their normal assignment is terminated because the post or country of assignment is designated as an imminent danger area and the employees are evacuated from post; or

(2) As authorized by the Director of Human Resources, where the assignment is terminated at the convenience of the U.S. Government and the needs of the Foreign Service so warrant.

(3) After completion of at least 12 months of continuous service abroad at a post experiencing extraordinary circumstances as determined by the Director General.

7. 3 FAM 3434.2 Minimum

(TL:PER-384;)

(Applies to Foreign Service & Civil Service Employees)

(a) Except as provided in (b) and (c) below, employees and family members will not take less than 20 workdays of home leave.

(b) Employees taking Home Leave authorized under 3 FAM 3433.1 (3) will not take less than 10 workdays of Home Leave.

(c) Exceptions based on the needs of the Service or compelling personal needs may be made for the employee and/or family members. Such exceptions must be approved prior to departure from post by:

Agency Office Which Must Approve

STATE Director General of the Foreign Service and
Director of Human Resources

USAID Deputy Assistant Administrator for Human
Resources or IG/RM

COMMERCE Deputy Assistant Secretary for International
Operations (or the appropriate official in
the operating unit)

AGRICULTURE FAS: Assistant Deputy Administrator,
Foreign Agricultural Affairs
APHIS: Assistant Deputy Administrator,
International Services

8. 3 FAM 3463.2 Transit Time in Connection with Leave (CT:PER-576;) (Applies to Foreign Service & Civil Service Employees)

Employees will be granted transit time in connection with home leave. Transit time may also be granted for R&R travel to the U.S.

9. 3 FAM 3721.4 Eligibility
(CT:PER-506;) (Applies to Foreign Service Employees only)

You are eligible for R&R travel if the following conditions are met:

a. U.S. Citizen Foreign Service Employee

(1) You are assigned to designated R&R posts abroad (including employees of participating agencies assigned to USAID missions), or an eligible family member (see 6 FAM 111.3) resident at post; or

(2) You are assigned to one or more designated R&R posts and serve at such post or posts for a period of at least two years and:

(a) Your period of service at such post is unbroken by home leave; or

(b) You are at a post designated by the Director General under 3 FAM 3433.1(3)

b. Resident U.S. Citizen Employees You are not independently eligible for R&R travel. You may qualify as an eligible family member of an employee who is authorized for such travel. In such cases, the travel costs are charged to the agency that employs the eligible employee.

c. Family Members

(1) You are eligible contingent upon the eligibility of the employee. Unless otherwise approved by post's management officer in exceptional circumstances, eligible family members must spend the entire tour at post to qualify for the travel benefit.

In exercising this discretion, post Management Officers must operate under the presumption that R&R will

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not be authorized if the beneficiaries apply for voluntary SMA immediately preceding or following R&R travel.

(2) Eligible family members may travel separately from the employee and are not required to travel to the same destination.

d. Children on Educational Travel or Education Allowance

(1) Children (under age 21) are eligible for R&R if they are:

(a) Away from post on authorized educational travel or education allowance; and

(b) Normally reside with the employee.

A child does not normally reside with the family if not resident at post during school vacation or holiday periods.

R&R travel should not normally be used in lieu of nor to supplement education allowance or educational travel specifically for the purpose of transporting the child to or from educational facilities. However, post has the authority, to approve on a case-by-case basis such travel if it is determined to meet the intent of the regulations.

Although R&R generally should begin and end at the post of assignment (See 3 FAH-1 H-3720), the post management officer may approve of travel originating or ending at alternate points if R&R travel can be combined with educational travel or some other form of official travel and if the combined travel is financially advantageous to the U.S. Government (See 3 FAH-1 H-3720).

10. 3 FAM 3722 REQUIRED TOUR OF DUTY

(CT:PER-506;)

(Applies to Foreign Service Employees only)

a. R&R is limited to:

(1) One round trip during any continuous two-year period of service and

(2) Two round trips during any continuous three-year period of service.

b. Continuous periods of service must be unbroken by home leave except for periods of service at posts designated by the Director General under 3 FAM 3433.1(3).

c. Employees who fail to complete their full 24 or 36 month tour will be required to repay all R&R travel expenses incurred during their tour,

including those incurred by their eligible family members. Repayment is not required, if one of the following circumstances are met:

(1) The Department or other employing agency curtails the employee's tour at the option and benefit of the employing agency (including curtailments to accommodate training or adjustments in reporting dates between gaining and losing post); or

(2) The Department or other employing agency transfers the employee for compassionate reasons, or separates the employee involuntarily; or

(3) The employee's tour is shortened for the convenience of the employee and HR/CDA approves waiver of the repayment for compassionate reasons.

c. All requests for approval of a shortened tour must state the following:

- (1) Whether the employee has or has not taken R&R travel,
- (2) Dates of such travel; and
- (3) The basis for waiving the R&R travel costs, if appropriate.

11. 3 FAM 3725.3-4 Posts that Gain a Rest and
Recuperation Trip
(CT:PER-506;)
(Applies to Foreign Service Employees only)

For posts that gain an R & R Trip, the following rules
apply:

(1) Employees with more than six months remaining in their tours are eligible for R&R, provided their tour of duty is at least two years at post; and

(2) Employees with more than 18 months remaining in their

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tour of duty are eligible for two R&Rs, provided their tour of duty is three years;

(3) Continuous periods of service must be unbroken by home leave except for periods of service at posts designated by the Director General under 3 FAM 3433.1(3). END QUOTE

12. 3 FAH-1 H-3430 HOME LEAVE

QUOTE

3 FAH-1 H-3431 COMPUTATION OF CONTINUOUS SERVICE ABROAD

3 FAH-1 H-3431.1 Computation of Beginning Date

(TL:POH-61;)

(Applies to Foreign Service & Civil Service Employees)

a. Except as provided in b, continuous service abroad, for home leave eligibility purposes, begins on the:

- (1) Date of arrival at post of duty abroad on first assignment;

- (2) Date of arrival at post of duty abroad after an assignment in the United States;
- (3) Date of arrival at post of duty abroad after an assignment in a U.S. Commonwealth or possession;
- (4) Date of arrival at post of duty abroad upon return from annual leave in the United States or home leave with transit time allowed;
- (5) Date of arrival at authorized post for consultation, detail, or temporary duty abroad en route to post of assignment; or
- (6) Date of entrance on duty, for an employee recruited abroad, except that if such employee transferred from another U.S. Government agency or was appointed following his or her military service, items (1) through (5) in this section, shall be used to determine the beginning date. In such cases, the appropriate officer shall ascertain from the releasing agency the following information:
 - (a) The actual date of arrival abroad on assignment;
 - (b) The date of return to post from last period of annual or home leave with transit time allowed; and
 - (c) The inclusive dates of any leave in the United States (or in a U.S. Commonwealth or possession).

b. For employees serving at least 12 months in temporary duty status at posts in Iraq or Afghanistan, continuous service abroad begins on the date of arrival at the post of temporary duty abroad. The inclusive dates of any leave in the United States (or in a U.S. Commonwealth or possession).

c. For State, Commerce, and USDA: The date continuous service abroad begins shall be posted under the section entitled "Date of Arrival Abroad For Home Leave Eligibility" on Form OF-202, Leave Record. For USAID: The data is provided in the arrival notice cable.

13. 3 FAH-1 H-3431.2 Continuous Service
3 FAH-1 H-3431.2-1 Continuous Service-Delayed
(TL:POH-61;)
(Applies to Foreign Service & Civil Service Employees)

a. Fulfillment of the requisite continuous service requirement is delayed by:

(1) Except as provided in paragraph 3431.2-2(4), any time spent in the United States or a U.S. Commonwealth or possession in annual leave status (e.g., rest and recuperation, family or emergency visitation travel, compensatory time, and annual leave taken in conjunction with official duty time authorized by U.S. Government temporary duty orders); or in sick leave status (if not on official medical travel orders). (NOTE: The foregoing time affecting the delay is computed from the first workday in a leave status through the last workday in a leave status, and includes all non-workdays occurring within this period. The actual period of travel to and from the United States or a U.S. Commonwealth or possession is not included in the computation;

(2) Time spent in leave without pay status that exceeds two work weeks within a 12-month period while assigned to a post abroad; or

(3) Any time spent in the United States or a U.S. Commonwealth or possession while on personal travel in an annual leave, sick leave (without official travel orders), or leave without pay status.

14. 3 FAH-1 H-3431.2-2 Continuous Service-Not Delayed

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(TL:POH-61; 05-18-2000)

(Applies to Foreign Service & Civil Service Employees)

Fulfillment of the requisite continuous service requirement is not delayed by time spent in the United States or a U.S. Commonwealth or possession by such matters as being:

- (1) On official TDY, consultation, or detail at any time while the employee remains assigned to a post abroad provided the period is not more than six months in duration;
- (2) On official emergency evacuation orders for up to 180 days;
- (3) On sick leave on official medical travel orders for up to 180 days; or
- (4) On annual leave taken in connection with rest & recuperation travel authorized for a post designated in 3 FAM 3433.1(3); or
- (5) On official consultation in the United States for up to a total of three months in duration, for employees serving at least 12 months on temporary duty status in Iraq or Afghanistan.

15. 3 FAH-1 H-3431.2-3 Continuous Service-Broken

(TL:POH-61; 05-18-2000)

(Applies to Foreign Service & Civil Service Employees)

Continuous service is broken by:

- (1) Except as provided in 3431.2-4(4) below, an assignment in the United States or a U.S. Commonwealth or possession. An assignment includes official TDY, consultation, or detail of more than six months continuous duration in the United States or a U.S. Commonwealth or possession while the employee remains assigned to a postabroad;
- (2) Home leave, whether taken as an employee or as a dependent; or
- (3) A break in service of one or more workdays.

16. 3 FAH-1 H-3431.2-4 Continuous Service-Not Broken

(TL:POH-61;)

(Applies to Foreign Service & Civil Service Employees)

Continuous service is not broken by:

- (1) Annual, sick, or military leave;
- (2) LWOP; or
- (3) Other status or condition provided in 3 FAH-1 H-3431.2.
- (4) An assignment where the individual's official duty station is in the United States if the employee is on temporary duty status for at least 12 months at post in Iraq or Afghanistan.

17. 3 FAH-1 H-3432 POST'S RESPONSIBILITY TO RECORD
LEAVE TAKEN IN U.S.

(TL:POH-61;)

(Applies to Foreign Service & Civil Service Employees)

Section 903 of the Foreign Service Act requires a minimum of 12 months of continuous service abroad before home leave eligibility is established. (NOTE: An employee's transfer eligibility date is not extended because of leave taken in the United States, but the employee's home leave eligibility date, i.e., eligibility after either 12 or 18 months of continuous service abroad, is delayed by the amount of leave taken in the United States or a U.S. Commonwealth or possession. (See 3 FAH-1 H-3431.2.)

(1) Posts shall record all leave taken in the United States or a U.S. Commonwealth or possession computed in accordance with 3 FAH-1 H-3431.

(2) Such leave will be reported to the Department or the agency by TMTWO only, in those instances, when receipt of travel orders, in which home leave is authorized, will cause the employee to be in violation of the statutory requirement of 12 months continuous service abroad.

For USAID: Report leave taken in the United States to USAID headquarters, in accordance with Handbook 32, Supp. 1C.

(3) Posts are not required to report to the Department or agency any leave taken in the United States or a U.S. Commonwealth or possession after an employee has

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accumulated the requisite 12 or 18 months of continuous service abroad (as computed in 3 FAH-1 H-3433.2-3). The leave must, of course, be recorded on time and attendance and leave records. END QUOTE

18. We are seeking interagency clearance on relevant changes, to be incorporated into the FAM and FAH in the near future, and the dates on the regulations will be changed accordingly.

19. Employees who qualify for home leave as set out above and want to schedule home leave this transfer cycle, must notify CDA as soon as possible and work closely with their assignments officer.

20. We understand that there may be questions concerning the implementation of this new authority that are not answered here. We are currently working on a series of Frequently Asked Questions from "Can my orders be amended retroactively?" to "Is my family eligible for home leavetravel?" We will answer those questions, and others, in a subsequent cable.

21. Minimize considered.

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ATTACHMENT II

5. Leave and Holidays (AUGUST 2006)

(a) Vacation Leave

(1) The contractor shall earn vacation leave at the rate of 13 workdays per annum or 4 hours every 2 weeks. However, no vacation shall be earned if the tour of duty is less than 90 days.

(2) Notwithstanding paragraph (a)(1) above, if the contractor has had previous: (1) USAID PSC service (i.e., has served under other personal services contracts (PSCs) covered by Sec. 636(a)(3) of the FAA or other statutory provision applicable to USAID), and/or (2) former U.S. Government (USG) direct hire service - civilian and/or military), the contractor will earn vacation leave based on time in service as follows:

Time in Service	Calculated Vacation Time
Up to 3 years of service	Four hours of vacation leave for each two week period
over 3 years and up to 15 years of service	Six hours of vacation leave for each two week period (including 10 hours vacation leave for the final pay period of a calendar year)
15+ years of service	Eight hours of vacation leave for each two week period

(3) (a) Vacation leave is provided under this contract for the purposes of affording necessary rest and recreation during the period of performance. The contractor in consultation with the USAID Mission or USAID/Washington, as appropriate, shall develop a vacation leave schedule early in the PSC's period of performance taking into consideration project requirements, employee preference and other factors. All vacation leave earned by the contractor must be used during the PSC's period of performance. All vacation leave earned by the contractor, but not taken by the end of the PSC's contract, will be forfeited. However, to prevent forfeiture of vacation leave, the Contracting Officer may approve the PSC taking vacation leave during the concluding weeks of the PSC's contract.

(b) As an exception to 3(a) above, the PSC may receive lump-sum payment for leave not taken. To approve this exception, the PSC's supervisor must provide the Contracting Officer with a signed, written Determination and Findings. The Determination and Findings must set out the facts and circumstances that prevented the contractor from taking vacation leave and the Contracting Officer must find that these facts and circumstances were not caused by and were beyond the control of the contractor. This leave payment must not exceed the number of days which could be earned by the contractor during a twelve month period.

(4) With the approval of the Mission Director or the cognizant AA, as appropriate, and if the circumstances warrant, a Contracting Officer may grant the contractor advance vacation leave in excess of that earned, but in no case may the Contracting Officer grant advance vacation leave in excess of that earned in one year or over the life of the contract, whichever is less. The contractor agrees to reimburse USAID for any outstanding balance of advance vacation leave provided during the contractor's assignment under the contract.

(5) Applicants for PSC positions will provide evidence of their PSC and/or USG direct hire service - civilian and/or military experience, as applicable, on their signed and dated SF-171 or OF-612. By signing the appropriate form, the applicant attests to the accuracy of the information provided. Any applicant providing incorrect information is subject to the penalty provisions in the form. If required to satisfy due diligence requirements on behalf of the Contracting Officer, PSCs may be required to furnish evidence that verifies length of service, e.g., SF 50, DD Form 214, and/or signed contracts.

(b) Sick Leave. Sick leave is earned at a rate not to exceed 13 work-days per annum or 4 hours every 2 weeks. Unused sick leave may be carried over under an extension/renewal of this contract. Otherwise, sick leave will not be carried over from one post to another or from one contract to another. The contractor will not be compensated for unused sick leave upon completion of this contract.

(c) Home Leave.

(1) Home leave is leave earned for service abroad for use only in the United States, its commonwealths and territories.

(2) A USPSC who is a U.S. citizen or U.S. resident alien and has served at least two years overseas at the same USAID Mission, under the same contract, as defined in paragraph (c) (4) below, and has not taken more than 30 work days leave (vacation, sick or leave without pay in the United States) may be granted home leave in accordance with the following:

(i) if the contractor returns to the same overseas post upon completion of home leave for an additional 2 years under the same contract, or for such shorter period of not less than one year, as approved in writing by the Mission Director prior to the USPSCs departure on home leave, the contractor will receive home leave, to be taken at one time, for a period of 30 work days, provided advance approval is obtained from the Mission Director;

(ii) if the contractor is returning to a different USAID Mission under a USAID personal services contract immediately following completion of the USPSC's home leave, for an additional 2 years under contract, or for such shorter period of not less than one year, as approved by the Mission Directors of the "losing" and "gaining" Missions, the contractor will receive home leave, to be taken at one time, for a period of not more than 20 work days. When the PSC is returning to a different USAID Mission, the former Mission will pay

for the home leave regardless of what country the PSC will be working in following the home leave;

(iii) if home leave eligibility is based on (c) (2) (ii) above, the contractor must submit written verification to the losing Mission at the time home leave is requested that the contractor has accepted a USAID personal services contract at another USAID Mission following completion of the home leave;

(iv) travel time by the most direct route is authorized in addition to the number of work days authorized for home leave;

(v) home leave must be taken in the United States, the Commonwealth of Puerto Rico or the possessions of the United States, and any days spent elsewhere will be charged to vacation leave. If the PSC does not have accrued vacation leave, the PSC will be placed on leave without pay.

(vi) if the PSC does not complete the additional service required under (c) (2) (i) or (ii) (that the Contracting Officer finds are other than for reasons beyond the PSC's control), the cost of home leave, travel and transportation and any other related costs must be repaid by the PSC to the Government.

(3) Notwithstanding the requirement in paragraph (c) (2) above that the contractor must have served 2 years overseas under personal services contract with the same Mission to be eligible for home leave, the contractor may be granted advance home leave subject to all of the following conditions:

(i) Granting of advanced home leave would in each case serve to advance the attainment of the objectives of this contract; and

(ii) The contractor has served a minimum of 18 months in the Cooperating Country under this contract; and

(iii) The contractor agrees to return to the Cooperating Country to serve out the remainder of the current contract, plus an additional 2 years under the current contract or under a new contract for the same or similar services at the same Mission. If approved in advance by the Mission Director, the contractor may return to serve out the remainder of the current contract, and an additional period of not less than 1 year under the current contract or under a new contract for the same or similar services at the same Mission.

(4) The period of service overseas required under paragraph (c) (2), or paragraph (c) (3) above, will include the actual days in orientation in the United States (less language training). The actual days overseas begin on the date of arrival in the Cooperating Country inclusive of authorized delays enroute. Allowable vacation and sick leave taken while overseas, but not leave without pay, shall be included in the required period of service overseas. An amount equal to the number of days of vacation and sick leave taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States will be added to the required period of service overseas.

(5) Salary during the travel to and from the United States for home leave will be limited to the time required for travel by the most expeditious air route. Except for reasons beyond the PSC's control as determined by the Contracting Officer, the PSC must return to duty after home leave and complete the additional required service or be responsible for reimbursing USAID for payments made during home leave. Unused home leave is not reimbursable under this contract, nor can it be taken incrementally in separate time periods.

(6) Home leave must be taken at one time, and to the extent deemed necessary by the Contracting Officer, a contractor in the United States on home leave may be authorized to spend not more than 5 days in work status for consultation at USAID/Washington before returning to post. Consultation at locations other than USAID/Washington as well as any time in excess of 5 days spent for consultation, must be approved by the Mission Director or the Contracting Officer.

(d) **HOME LEAVE POLICY FOR QUALIFYING POSTS**

On June 15, 2006, the Congress passed and the President signed an amendment to the Foreign Service Act of 1980, as amended, that allows home leave for direct-hire employees following completion of 12-month overseas assignments at qualifying posts.

USAID is extending this new home leave policy to its USPSCs who ordinarily qualify for home leave, and is effective as of July 20, 2006. This new home leave policy is in addition to the home leave a USPSC would earn under the contract. USAID USPSCs who complete their 12-month assignment at one of the qualifying posts on or after July 20, 2006, may be eligible for home leave under this new provision. For USAID, qualifying posts at this time include all posts in Iraq, Afghanistan, and Pakistan.

If an eligible USPSC elects to take this new home leave, the USPSC must take ten workdays of home leave. There is no requirement that an eligible USPSC take home leave after serving 12 months at a designated post. It is only an option. If a USPSC is returning to the United States, and not returning overseas to the same or different USAID Mission, this new home leave policy will not apply.

The new home leave policy is also extended to qualifying TCNPSCs whose contracts include General Provision 5 of Appendix except that for TCNPSCs they will be granted "country leave" vice home leave. The application, requirements, and restrictions will be the same as for USPSCs, but the time taken by a TCNPSC will be taken in the TCNPSC's home country or country of recruitment rather than the United States, its commonwealths and territories. This new policy for TCNPSCs also applies to those contracts written under the provisions and procedures of AAPD 03-11.

(e) Holidays. The contractor, while serving abroad, shall be entitled to all holidays granted by the Mission to U.S.-citizen direct-hire employees.

(f) Military Leave. Military leave of not more than 15 calendar days in any calendar year may be granted to a contractor who is a reservist

of the Armed Forces. The contractor must provide advance notice of the pending military leave to the Contracting Officer or the Mission Director as soon as known. A copy of any such notice must be part of the contract file.

(g) Leave Without Pay. Leave without pay may be granted only with the written approval of the Contracting Officer or Mission Director.

(h) Compensatory Time. Compensatory leave may be granted only with the written approval of the Contracting Officer or Mission Director in rare instances when it has been determined absolutely essential and used under those guidelines which apply to direct-hire employees.

(i) Leave Records. The contractor shall maintain current leave records for himself/herself and make them available, as requested by the Mission Director or the Contracting Officer.

END OF PROVISION