

MS 693 EMPLOYMENT OF US CITIZENS ABROAD

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1.0 PURPOSE

This Manual Section establishes the policies and procedures pertaining to the employment of U.S. citizens residing abroad. The appointments covered in this Manual Section are: resident hire permanent employees, resident hire temporary employees, resident hire experts or consultants, and employees in Foreign Service National/American Family Member (FSN/AFM) positions.

2.0 BACKGROUND

Resident hire expert or consultant appointments are made under the provisions of section 13(a) of the Peace Corps Act. All other appointments covered in this Manual Section are under the provisions of section 7(a) (2) of the Peace Corps Act. Therefore, employees in those positions should be aware that once they terminate employment with Peace Corps, they will not be eligible for reappointment by the Peace Corps for a period equal to the time served in Peace Corps under Section 7(a) (2).

See Manual Section 735 “Procurement of Personal Services by Contract Overseas” for guidance on contracting for the service of U.S. citizens abroad through personal services contracts.

2.1 Coordination with the Department of State

National Security Decision Directive 38 on “Staffing at Diplomatic Missions and Their Constituent Posts”, dated 6/2/82, directs the Peace Corps to seek approval of the Chief of Mission on any proposed changes in the size, composition, or makeup of staffing at Peace Corps Posts in coordination with the Department of State. All Peace Corps Foreign Service (FP) and Foreign Service National (FSN) positions are monitored by the Department of State Office of Management-Operations (State/M/MO). If a proposed appointment of a resident hire FP employee will require the establishment of a new position or change the existing staffing pattern in any way, prior approval of the Peace Corps Regional Director and concurrence of the Associate Director for International Operations are required. Once such approval is given, the proposed appointment of a resident hire FP employee shall be submitted to the Office of Personnel Management (M/PM), PC/Washington. The Office of Personnel Management will take the necessary steps to process such requests for a change in staffing and will submit these to the Department of State for clearance. When the clearance is obtained, the Office of Personnel Management will notify the Post by cable and the Region, in order to initiate the appointment of a resident hire employee.

3.0 POLICY

It is the policy of the Peace Corps to appoint qualified candidates to fill the staff needs at overseas Posts by relying on fair and equitable recruitment and selection processes which emphasize the selection of the best qualified individual in a timely manner. All candidates, wherever recruited, will be evaluated on the basis of education, experience, and suitability for the position. Position-specific selection criteria shall be established and uniformly used to evaluate all qualified candidates, in order to select a candidate whose qualifications best match the needs of the overseas program. Once the selection is made for a particular position by the selecting Regional Director and concurred with by the Associate Director for International Operations, the offer of employment will be made by the Office of Personnel Management to the selected individual as a resident hire or regular appointment.

A regular appointment is one that requires world-wide service availability on the part of the employee, whereas a resident hire appointment is one that recognizes the limitation of the employee’s availability for service only to his or her country of residence. Candidates recruited from within the U.S. are offered regular permanent FP appointments. U.S. citizens residing abroad may be offered either a regular or a resident hire appointment. The determination whether to make a regular or resident hire appointment shall be made by

the Director, Office of Personnel Management, in accordance with the criteria established in paragraph 3.3.2. of this Manual Section.

NOTE: Country Director positions are not filled by resident hire employees.

4.0 INTELLIGENCE BACKGROUND

Restrictions on employment of persons with intelligence backgrounds, contained in MS 611, are applicable to both permanent and temporary resident hire appointments.

5.0 RESIDENT HIRE PERMANENT EMPLOYEE

A U.S. citizen residing abroad may become an applicant and be selected for a permanent FP position located in the country of his or her residency. Such an individual's application will be evaluated by the same selection criteria and procedures as those applicable to candidates recruited from within the U.S. However, because of the time and costs involved, a paper assessment and a phone interview may be substituted for a personal interview in the screening process when the individual is residing outside of the U.S.

5.1 Application Procedure

To become a candidate for a permanent FP position overseas, an individual shall submit a completed Standard Form 171 (Personal Qualifications Statement) to Overseas Staff Recruitment, Office of Personnel Management (M/PM), Peace Corps/Washington. At the time of filing an application, the individual should also submit to Office of Personnel Management:

- A signed PC Form 1336 (Intelligence Background Information);
- SF-85 (Security Investigation Data for Non-critical or Non-critical Sensitive Positions); and
- SF-87 (U.S. Office of Personnel Management Finger Print Chart) in triplicate. (To avoid possible additional retakes for proper classification, more copies may be submitted as an added precaution.)

The Post where the FP position is located may submit a recommendation concerning the individual based on direct knowledge and assessment of his or her qualifications to Overseas Staff Recruitment and/or the Regional Director.

5.2 Determination of Resident Hire Appointment

Upon receiving an application from an individual residing abroad, Overseas Staff Recruitment shall advise the applicant on the conditions of employment should he or she be selected. The determination whether an applicant is to receive a resident hire permanent FP appointment, as opposed to the regular permanent FP appointment, shall be made by the Director, Office of Personnel Management.

The individual shall be offered a resident hire appointment when he or she is available for employment with the Peace Corps only in the country where he or she has established residence. Conversely, an individual will be offered a regular permanent FP appointment if he or she provides written assurance of his or her availability for assignment worldwide.

5.3 Appointment Procedures

Once the individual is selected for permanent FP resident hire appointment, the Office of Personnel Management (M/PM) will:

- Initiate a security investigation, and

- Authorize the medical examination of the individual at Post.

5.3.1 Medical Examination

The medical examinations will be given by the Peace Corps Medical Officer/Medical Contractor, or other available U.S. Medical Officers at Post to ascertain that the individual meets the minimum requirements set forth for service at the particular Post, as determined by Peace Corps Medical Services (M/MS). The medical examination may be performed by a local physician, provided that the results of the examination are written in English. The results of the individual's medical examination shall be forwarded to the Chief of Medical Operations Office of Medical Services (M/MS), Peace Corps/Washington, and marked **MEDICALLY CONFIDENTIAL**.

5.3.2 Clearance Requirement

An individual may not be hired as an employee until the security investigation has been successfully completed, security clearance granted, and the requested medical examination has been reviewed and medical clearance granted for service in the country of assignment.

5.4 Conditions of Service

A resident hire permanent FP employee receives the same coverage as regular employees in the following areas:

- Annual and sick leave benefits;
- Eligibility to enroll in Government sponsored health and group life insurance programs;
- Entitlement under the Federal Employees Compensation Act (FECA); and
- Participation in the Civil Service Retirement System.

However, the benefits and allowances available to a resident hire FP permanent employee differ from those available to regular permanent FP employees in the following respects:

- Travel and transportation expenses associated with entry-on-duty, i.e., transportation from the place of residence to the Post for the employee and dependents and shipping and storage of household and personal effects, shall not be provided for a resident hire employee.
- Coverage under the State Department Medical and Health Program is not provided, unless the resident hire employee and dependents already qualify as dependents of a U.S. Government employee who is covered by the program. Therefore, a resident hire employee and his or her dependents are not eligible for emergency medical evacuation for treatment of illness or injuries unless the injury was sustained on the job, in which case a resident hire may be authorized travel outside the Post to receive medical attention under the Federal Employees Compensation Act (FECA) program coverage.
- A resident hire employee is eligible to receive normal embassy health unit services during business hours at Post, including authorized immunizations. However, the use of Post health unit facilities does not extend to the dependents of a resident hire employee.
- A resident hire employee is provided a quarters allowance or government-leased housing at Post. However, no furnishings shall be provided to furnish the official residence of a resident hire employee.
- Education allowance or education travel for dependent children is not authorized for dependents of a resident hire employee.
- Separate maintenance allowance is not authorized.

- Emergency family visitation travel is not granted.
- A resident hire is not eligible for commissary or pouch privileges.
- Child visitation travel is not granted.
- A resident hire permanent employee is not eligible for home leave.

See Manual Section 642 “Conditions of Service for U.S. Overseas Staff” for further information.

5.5 Five Year Limitation on Peace Corps Employment

Appointments of resident hire permanent U.S. citizen employees are subject to the 5 year limitation on Peace Corps employment and the “in and out” rule (see MS 601, “Administration of the Peace Corps Personnel System”).

6.0 RESIDENT HIRE TEMPORARY EMPLOYEE

Temporary (not more than 90 days) staff needs overseas may sometimes be met by obtaining the services of U.S. citizens already residing in the country. Family members of employees of other U.S. foreign affairs agencies or other qualified U.S. citizens may be employed for a short period to perform staff functions in support of the overseas program. A Post shall establish fair and equitable recruitment/selection processes to ensure that all qualified candidates receive equal consideration for the position. (See Manual Section 694 “Family Employment” for guidance and policies for applicants who are relatives of Peace Corps employees.)

6.1 Appointment Procedures

A Post may recommend a U.S. citizen residing at Post for a resident hire temporary appointment. A proposed appointment which will affect, in any way, the existing staffing pattern at Post needs the approval of the Regional Director, concurrence of the Associate Director for International Operations, and State Department clearance, in accordance with paragraph 2.1. of this Manual Section, before a personnel action may be initiated.

The Country Director shall send a request for such appointment to the Regional Director for approval and to the Associate Director for International Operations for concurrence. The Standard Form 52 (Request for Personnel Action), containing the title of the position to be filled, the proposed class, the proposed salary rate, and justification for appointment for temporary needs, shall be prepared to document such needs. The request for a resident hire temporary FP appointment must be accompanied by:

- A signed and completed copy of Standard Form 171 “Personal Qualifications Statement” of the proposed appointee;
- PC Form 1336 (Intelligence Background Information);
- A completed SF-85 (Data for Non-sensitive or Non-critical-Sensitive Position); and
- SF-87 (OPM Finger Print Chart) prepared in triplicate.

If the proposed action involves the establishment of a new position, a description of the scope of work assignments, duties and responsibilities, and the supervision and guidance received must be submitted to the Office of Personnel Management (M/PM), PC/Washington for classification of the position.

If approved by the Regional Director and concurred with by the Associate Director for International Operations, the request for appointment of a resident hire temporary FP employee shall be forwarded to the Office of Personnel Management (M/PM), PC/Washington.

Upon receipt of the SF-52 and the necessary documents, the Office of Personnel Management will initiate the appropriate security investigation.

6.1.1 Security Investigation

An individual may not be hired as a resident hire temporary FP employee until the security investigation has been successfully completed and the security clearance has been granted.

6.1.2 Medical Examination

A pre-employment medical examination is not required of a proposed resident hire temporary employee.

6.1.3 Notification

The Office of Personnel Management (M/PM) shall inform the proposed appointee of the official personnel action by cable and notify the Region and the Post.

6.2 Maintenance of Personnel File

The Official Personnel File (OPF) of the employee will be maintained in the Office of Personnel Management, (M/PM), PC/Washington.

6.3 Extensions of Temporary FP Appointments

An extension of the temporary FP appointment must receive prior approval of the Regional Director and concurrence of the Associate Director for International Operations. SF-52 requesting such extension shall be forwarded to the Office of Personnel Management for administrative clearance. The temporary appointment may not exceed one year of service.

6.4 Reappointment Limitations

Under Section 7(a) (2) of the Peace Corps Act, a resident hire temporary FP employee is not eligible for reappointment to Peace Corps for a period equal to the time served in the Peace Corps once he or she terminates employment.

6.5 Conditions of Service

A resident hire temporary FP employee whose duration of appointment exceeds 90 days is entitled to annual and sick leave but does not accrue home leave. Such an individual is also covered by the Federal Compensation Act while employed by the Peace Corps. However, a resident hire temporary FP employee is not eligible for relocation expenses, allowances or benefits which are accorded to the overseas permanent FP employees as listed in MS 642, "Conditions of Service for U.S. Overseas Staff". He or she is eligible to receive normal embassy health unit services during business hours at Post but is not covered by the State Department Medical and Health Program unless he or she qualifies as a dependent of a U.S. Government employee under coverage of the Program. A resident hire temporary FP employee does not acquire the right to use pouch, APO, or commissary facilities as a result of his or her employment with Peace Corps. A resident hire temporary FP employee is covered by Social Security, and generally is not eligible to participate in the Civil Service Retirement System.

6.6 Termination of Appointment

A resident hire temporary FP appointment may be terminated at any time at the discretion of the Peace Corps. Such an appointment will automatically terminate on the last date of appointment unless the extension personnel action has been approved and processed. (See Manual Section 671 "Termination Process for PC Personnel" for guidance.)

7.0 RESIDENT HIRE EXPERT OR CONSULTANT

Temporary needs for expert or consultant service may be obtained by hiring a qualified U.S. citizen already residing at Post. An expert position is one which requires the services of an individual with excellent qualifications and a high degree of attainment in a professional, scientific, technical, or other field. Those services include duties that cannot be performed satisfactorily by someone not an expert in that field. An expert or consultant position is one which primarily requires performance of advisory or consultant services, rather than performance of operating functions. An expert or a consultant may not be used to perform staff functions which are normally performed by a permanent FP employee.

7.1 Duration of Appointment

Experts and consultants appointed under Section 13(a) of the Peace Corps Act may not work more than 130 days in a service year. They are not covered by the "out-as-long-as-in" rule of Peace Corps. Consequently, they may be re-employed by Peace Corps at any time, provided their service does not exceed the time limitation listed above.

7.2 Appointment Procedures

A Post may nominate a U.S. citizen residing at Post for appointment as resident hire expert or consultant by submitting a request for appointment to the Regional Director. Such a request, once approved by the Regional Director and concurred with by the Associate Director for International Operations, shall be forwarded to the Office of Personnel Management (M/PM), PC/Washington, on SF-52 containing the proposed daily rate of compensation, justification for appointment of expert or consultant, approximate duration of service needed, and a brief proposed statement of the work. It must be accompanied by the following:

- A complete and signed SF-171;
- SF-87 prepared in triplicate;
- SF-85;
- PC Form 1336; and
- PC Form 1258 (Confidential Statement of Employment and Financial Interests- for use by special government employees).

Upon receipt of the SF-52 and the necessary documents, the Office of Personnel Management will initiate the security investigation.

7.2.1 Security Clearance

An individual may not be hired as a resident hire expert or consultant until the security investigation has been successfully completed and security clearance granted, and the Confidential Statement of Employment and Financial Interests has been reviewed and cleared by the Office of General Counsel.

7.2.2 Medical Clearance

Preemployment medical examination of an expert or consultant is not required.

7.2.3 Notification

The Office of Personnel Management will notify the proposed appointee of the official personnel action by cable and inform the Region and the Post of the action.

7.3 Maintenance of the Personnel File

The Official Personnel File of the expert or consultant will be maintained in the Office of Personnel Management (M/PM), PC/Washington.

7.4 Condition of Service

The conditions of service for the resident hire expert or consultant are the same as listed in paragraph 6.5. However, as an expert or consultant, the individual is not eligible for any annual or sick leave.

7.5 Termination Procedures

A resident hire expert or consultant appointment may be terminated at any time at the discretion of the Peace Corps. Such appointments will automatically terminate on the last date of the fiscal year. (See Manual Section 671 "Termination Process for PC Personnel" for guidance.)

8.0 EMPLOYEE IN FOREIGN SERVICE NATIONAL/AMERICAN FAMILY MEMBER (FSN/AFM) POSITION

A family member of a U.S. Government employee assigned overseas may be hired temporarily to fill certain Foreign Service National positions at Post. Such an appointment may be authorized when there are no qualified FSN candidates and the temporary nature of the appointment is not deemed to have a negative impact on the effective implementation of the Peace Corps program. Peace Corps follows the procedure and guidelines for the appointment of American family members to FSN positions as set forth in the Foreign Affairs Manual 3 FAM 122.8, Manual Section 693, "Employment of Family Members", and Manual Section 641, "Standards of Conduct for Peace Corps Employees".

9.0 EFFECTIVE DATE

This Manual Section takes effect on the date of issuance.