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Civilian Personnel

Local National Transfer and Appointment Benefits in Germany

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\*This regulation supersedes AE Regulation 690-68, 3 September 2009.

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For the Commander:

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**Summary.** This regulation prescribes policy and procedures pertaining to out-of-tariff benefits for local national (LN) employees who are transferred or accept an appointment from outside the commuting area of the new permanent duty station.

**Summary of Change.** This revision incorporates procedures for obtaining reimbursement for broker fees (para 4c(2)).

**Applicability.** This regulation applies to LN employees—

- Employed by the U.S. Forces in Germany under the provisions of the *Tarifvertrag vom 16. Dezember 1966 für die Arbeitnehmer bei den Stationierungstreitkräften im Gebiet der Bundesrepublik Deutschland (TV AL II)* (Collective Tariff Agreement II), except for personnel employed by USAFE and its tenant activities. For the purpose of this regulation, the U.S. Forces includes all activities serviced by the United States Army Civilian Human Resources Agency, Europe Region (CHRA-E), and the Army and Air Force Exchange Service, Europe (AAFES-Eur).
- Paid from appropriated or nonappropriated funds.
- In the Civilian Support organizations in Germany.

**NOTE:** The terms civilian personnel advisory center (CPAC) and CHRA-E Operations Center as used in this regulation do not apply to AAFES-Eur. With the exception of those parts of this regulation that specifically refer to AAFES-Eur, the Commander, AAFES-Eur, may use internal forms and establish internal systems and procedures to meet the purpose of this regulation.

**Supplementation.** Organizations will not supplement this regulation without USAREUR G1 (AEAGA-CL) approval.

**Forms.** This regulation prescribes AE Form 690-68A. AE and higher level forms are available through the Army in Europe Library & Publishing System (AEPUBS) at <https://aepubs.army.mil/>.

**Suggested Improvements.** The proponent of this regulation is the USAREUR G1 (AEAGA-CL, DSN 379-6575). Users may suggest improvements to this regulation by sending DA Form 2028 to the USAREUR G1 (AEAGA-CL), CMR 432, APO AE 09081.

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## 1. PURPOSE

This regulation establishes policy and procedures for out-of-tariff payments to local national (LN) employees for the following:

- a. Transfers to another duty station when the employee's—

- (1) Previous permanent duty station is located outside the commuting area of the new permanent duty station.

- (2) Permanent residence is located outside the commuting area of the new permanent duty station.

- b. Appointments from outside the commuting area of the permanent duty station.

## 2. REFERENCES

### a. Publications.

- (1) *Wohngeldgesetz* (Federal Housing Allowance Act).

- (2) *Tarifvertrag vom 2. Juli 1997 über Rationalisierungs-, Kündigungs- und Einkommenschutz (SchutzTV)* (Protection Agreement).

- (3) AE Regulation 690-84, Reduction in Force—Local National Employees in Germany.

- (4) AE Pamphlet 690-60, Tariff Agreements That Apply to Persons Employed by the U.S. Forces in Germany (English Translation).

## **b. Forms.**

(1) DA Form 2028, Recommended Changes to Publications and Blank Forms.

(2) AE Form 690-68A, Application for Lodging Allowance/*Antrag für Übernachtungskostenzuschuss*.

(3) AE Form 690-70E, Notification of Employment Status/*Mitteilung über den Stand des Arbeitsverhältnisses*.

(4) AE Form 690-99J, Claim Record and Voucher for 1-Day Duty Travel and Duty Trips/*Forderungsnachweis und Abrechnung über eintägige Dienstreisen und -fahrten*.

## **3. EXPLANATION OF ABBREVIATIONS AND TERMS**

The glossary defines abbreviations and terms.

## **4. POLICY**

### **a. General.**

(1) Agency chiefs and the Commander, Army and Air Force Exchange Service, Europe (AAFES-Eur)—

(a) Must grant out-of-tariff benefits for eligible LN employees based on the provisions of this regulation if either 1 or 2 below and both 3 and 4 below apply.

1. The employee is transferred from outside the commuting area of the new permanent duty station.

2. The employee is transferred from within the commuting area of the new permanent duty station, but as a result of the transfer his or her permanent residence is now located outside the commuting area.

3. The action is in the interest of the gaining organization.

4. The required funds are available.

(b) Are authorized, based on the prerequisites in (a)3 and 4 above, to approve benefits in case of appointments from outside the commuting area.

(2) Employees will—

(a) Agree to the conditions for receiving benefits according to this regulation.

(b) Refund benefit payments if they do not comply with the conditions agreed to in (a) above.

(3) Servicing civilian personnel advisory centers (CPACs) will oversee the allowances program in their areas of responsibility.

(4) The gaining organization will pay benefits, except when paragraph (5) below applies.

(5) When an employee is transferred under the provisions of AE Regulation 690-84 or Article 4, paragraph 3a, *Tarifvertrag vom 2. Juli 1997 über Rationalisierungs-, Kündigungs- und Einkommensschutz (SchutzTV)* (Protection Agreement), outside his or her commuting area because of a reduction in force (RIF) or in lieu of a RIF, the benefits listed in subparagraphs b through h below are mandatory. Subparagraphs b through h below are also mandatory in cases where an employee is transferred within the commuting area, but as a result of the transfer his or her permanent residence is now located outside the commuting area. These costs are centrally funded by HQ USAREUR for USAREUR employees. The losing agency will pay the costs when non-USAREUR employees are transferred during a RIF.

(6) If the spouse or other Family member lives in a joint household and is employed with the U.S. Forces and transferred to the same new duty station, only one person will be entitled to the benefits listed in subparagraphs b through h below. The employees will decide who claims and receives benefits.

(7) The Commander, AAFES-Eur, may establish internal policy and procedures for processing the required documentation for employees covered by this regulation (para 5).

**b. Travel Costs.** Travel expenses for the first trip to the new duty station will be paid according to the *Tarifvertrag vom 16. Dezember 1966 für die Arbeitnehmer bei den Stationierungstreitkräften im Gebiet der Bundesrepublik Deutschland (TV AL II)* (Collective Agreement II), appendixes R-II and R-IV.

**c. Reimbursement of Moving Expenses, Including Broker Fees and Incidental Costs.** Employees who are willing to move may be reimbursed for their moving expenses, including broker fees and incidental costs, if they have occupied quarters outside of the commuting area of their new duty station and move to a locality within the commuting area of the new duty station within the given timeframe.

**(1) Reimbursement of Moving Expenses.** Reimbursement of moving expenses for household goods is limited to 10 van-meters for one person and 20 van-meters for two or more persons. In rare cases, agency chiefs may waive this limitation if justified by the size of the household. The employee's request, including justification, and necessary van-meters must be submitted and approved before the move. Employees are required to execute the move with the most cost-effective carrier.

**(2) Reimbursement of Broker Fees.**

(a) On presentation of the bill, broker fees may be reimbursed up to the equivalent of 2 months' net rent. The bill of costs must show whether the object has been rented or bought (rented apartment or self-owned apartment or house).

(b) When buying an object, the basis for reimbursing broker fees is two times the fictitious monthly rent based on the rent index.

**(3) Reimbursement of Incidental Costs.** The rate for incidental expenses for married employees is €1,050. The rate for incidental expenses for all other employees is €525. These rates will increase by €231 for each single child, stepchild, or foster child who continues to live in the household of the employee.

**(4) Expiration of Authorization.** The authorization for reimbursement of expenses in (1) through (3) above expires if either of the following occurs:

(a) The employee fails to move within 12 months after the effective date of transfer or appointment.

(b) The employment ends before the move.

**(5) Extensions.** Agency chiefs may extend the time limit up to a maximum of 12 months if both of the following apply:

(a) The move has been delayed for valid reasons beyond the control of the employee.

(b) A proposed date for the move has been established at the date of extension.

**(6) RIF.** If the employee who was reimbursed for the move to the new duty station is separated due to a RIF within 24 months after the date of the transfer or appointment, the employee will be reimbursed for the move back to his or her original domicile. This benefit will be forfeited, however, if the move is not completed within 6 months after the date the employment ends.

**d. Paid Time Off.** Employees will receive 2 days paid time off for the move in accordance with *TV AL II*, paragraph 28, subparagraph 1b(4).

**e. Lodging Allowance.** A lodging allowance may be approved for employees who are willing to move without limitation and incur expenses by maintaining accommodations at the new duty station. The allowance may be paid for a period of up to 365 calendar days.

(1) At the time of the transfer or appointment, the employee must sign an agreement stating that he or she is willing to move without limitation and will immediately notify the servicing CPAC of all circumstances affecting receipt of the lodging allowance.

(2) The lodging allowance—

(a) May be paid from the first day of employment at the new duty station until the day of the move into the new quarters.

(b) Will be reclaimed and offset from the monthly earnings if the employee does not move within the prescribed timeframe.

(3) The lodging allowance is €14 per calendar day. Should the overnight cost documented on a receipt be lower than the daily lodging allowance multiplied by the number of calendar days of the corresponding month, only the documented actual overnight expenses will be paid.

(4) Payment of benefits under this paragraph will cease on the day of the move or on termination of employment.

(5) Employees may be paid a commuters allowance for one round trip each month to the permanent residence in accordance with f(1) below. Travel costs will not be reimbursed during months in which the employee was at the new duty station for less than 15 calendar days.

**f. Commuters Allowance.** Employees who meet the prerequisites for the receipt of a lodging allowance, do not maintain accommodations at the new duty station, and return to their permanent residence daily will receive a commuters allowance. The basis for the computation of the commuters allowance is the difference between the kilometers for the round trip driven from the residence to the old and the new duty stations. The conditions stipulated in a(1), (3), and (5) above apply accordingly.

(1) The commuters allowance amounts to €0.18 for each calculated kilometer regardless of the mode of transportation.

(2) The daily commuters allowance will not exceed the daily lodging allowance rate and is limited to 12 months.

**g. Rental Subsidy.** Employees who have not exhausted the authorized amount of lodging allowance may be paid a monthly rental subsidy. The total amount of rental subsidy may not exceed the total amount of lodging allowance for 365 calendar days reduced by the amount already paid as lodging allowance or commuters allowance.

(1) A rental subsidy may be paid when the following conditions are met:

(a) Rental costs for adequate quarters are higher than the rental costs at the previous location and exceed 18 percent of the employee's monthly basic compensation on the date of approval.

(b) The employee is not eligible for housing allowance under the *Wohngeldgesetz* (Federal Housing Allowance Act) and rental costs are not shared by other persons or household members. The employee has to provide a respective binding written statement.

(c) The employee's remaining lodging allowance, which will be paid as a monthly rental subsidy, amounts to at least €150. Lesser amounts will be paid to the employee as a one-time lump-sum payment.

(2) The monthly subsidy payments will amount to the rental charges that exceed 18 percent of the employee's basic compensation. When computations result in an amount less than €50 per month, a monthly minimum payment of €50 will be made until the remaining amount is exhausted. For example, if the remaining amount is €175, the rental subsidy will be distributed over 3 monthly payments of €50, €50, and €75.

(3) If the employee buys a house or an apartment at the new duty station, the local rental value of the property will be based on the local rent table and will be used to calculate the rental subsidy. The same procedure will apply to employees who owned a house or apartment at the old duty station.

#### **h. Lump-Sum Compensation.**

(1) A one-time lump-sum payment can be granted to employees who maintain their own household and do not want to or cannot move to the new duty station.

(2) The lump-sum compensation amounts to €1,200.

(3) The employee must agree in writing that he or she will refund the lump-sum compensation if he or she resigns or is terminated due to his or her own fault within 12 months after the transfer or appointment.

### **5. PROCEDURES**

Agency chiefs may approve the benefits outlined in this regulation by submitting a request for personnel action (RPA) to the United States Army Civilian Human Resources Agency, Europe Region (CHRA-E), Operations Center. Supporting documents and statements signed by the employees may be scanned and attached to the RPA or may be submitted by fax or mail. Original receipts will be mailed to the CHRA-E Operations Center. The CHRA-E Operations Center will initiate payment of benefits by completing AE Form 690-70E and submitting it to the *Aufsichts- und Dienstleistungsdirektion, Lohnstelle ausländische Streitkräfte (ADD-LaS)* (Controlling and Service Directorate, Foreign Forces Payroll Office).

a. Travel expenses in accordance with paragraph 4b will be claimed by the employee on AE Form 690-99J.

b. When reimbursement of moving expenses, broker fees, and incidental costs is approved, the nature of the action will be “Reimbursement of Moving Expenses.” In the remarks section of AE Form 690-70E, the allowances will be listed as shown in figure 1.

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Moving Expenses:	€ _____.
Broker Fees:	€ _____.
Incidental Costs:	€ _____.

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**Figure 1. Reimbursement of Costs**

(1) Moving expenses and broker fees must be documented with receipts. The employee must also provide a copy of his or her *polizeiliches Anmeldeformular* (police registration form). If an employee requests benefits for Family members according to this regulation, registration forms that show the name and type of relationship for all Family members for whom benefits are claimed must be provided. These documents must be filed in the employee’s official personnel folder.

(2) The CHRA-E Operations Center will document on AE Form 690-70E approved extensions to the 12-month timelimit in accordance with paragraph 4c(5).

c. If a lodging allowance is granted under the provisions of paragraph 4e, the following applies:

(1) The employee will sign the following statement and submit it through the CPAC to the CHRA-E Operations Center:

*“Ich erkläre, uneingeschränkt umzugswillig zu sein. Ich werde alle Umstände, die sich auf den Bezug des Übernachtungskostenzuschusses auswirken, unverzüglich dem zuständigen CPAC melden. Ich werde den Übernachtungskostenzuschuss, der die Leistung nach Ziffer 4h AE Regulation 690-68-G übersteigt, zurückzahlen, sollte ich nicht innerhalb der vorgegebenen Frist umziehen.”*

“I acknowledge my willingness to move without restriction. I will notify the servicing civilian personnel advisory center of any circumstances affecting the receipt of lodging allowance. I will refund the lodging allowance that exceeds the allowance in paragraph 4h of AE Regulation 690-68 if I do not move within the prescribed timeframe.”

(2) AE Form 690-70E must specify the daily rate and the length of time for which payment is authorized. The employee is obligated to submit proof of actual monthly lodging costs. Monthly submission of AE Form 690-68A will prevent possible overpayment. AE Form 690-68A will be completed by the employee and signed by the supervisor. To ensure timely payment, the form together with the proof of lodging costs must be submitted to the servicing CPAC by the third workday of the following month. The servicing CPAC will countersign the request and forward it to the *ADD-LaS* without delay.

(3) Approved monthly trips home in accordance with paragraph 4e(5) will be documented on the same AE Form 690-70E on which the lodging allowance is documented. The employee, however, must account for each trip individually on AE Form 690-99J.

(4) If a commuter's allowance in accordance with paragraph 4f is paid instead of lodging allowance, authorization for reimbursement of travel expenses will be documented on the AE Form 690-70E effecting the transfer or appointment. The employee will submit a monthly request for reimbursement (AE Form 690-99J) certifying travel by common carrier or privately owned vehicle.

d. The timekeeper will forward AE Form 690-99J, together with the originals of the supporting documents, to the *ADD-LaS*.

e. If a rental subsidy (para 4g) was approved, a copy of the rental or purchase contract and the rent table must be forwarded to the CHRA-E Operations Center. The CHRA-E Operations Center will enter the monthly amount of the subsidy and the period of payment on AE Form 690-70E. The net rent will be used to calculate the amount. The monthly rental subsidy or the lump-sum payment in accordance with paragraph 4g(1)(c) will be paid with the earnings for the first full calendar month after the move took place.

f. If lump-sum compensation (para 4h) is approved, the following applies:

(1) The employee will sign the following statement:

*“Ich erkläre, dass ich bei eigener Kündigung oder fristloser Entlassung innerhalb von 12 Monaten nach der Versetzung oder Einstellung die pauschale Aufwandsentschädigung in Höhe von €1.200,- zurückzahlen werde.”*

“I acknowledge that I will refund the lump-sum compensation in the amount of €1,200 if I resign or if my employment is terminated with extraordinary notice within 12 months of transfer or appointment.”

(2) The statement will be submitted through the servicing CPAC to the CHRA-E Operations Center. The CHRA-E Operations Center will prepare AE Form 690-70E and forward it to the *ADD-LaS*.

g. Fund cites for benefits that are granted to USAREUR employees based on a transfer due to a RIF will be obtained from the USAREUR G1 (AEAGA-CM), Unit 29351, APO AE 09014-9351.



## GLOSSARY

### SECTION I ABBREVIATIONS

AAFES-Eur	Army and Air Force Exchange Service, Europe
ADD-LaS	<i>Aufsichts- und Dienstleistungsdirektion, Lohnstelle ausländische Streitkräfte</i> (Controlling and Service Directorate, Foreign Forces Payroll Office)
AE	Army in Europe
AEPUBS	Army in Europe Library & Publishing System
AR	Army regulation
CHRA-E	United States Army Civilian Human Resources Agency, Europe Region
CPAC	civilian personnel advisory center
DA	Department of the Army
HQ USAREUR	Headquarters, United States Army Europe
LN	local national
RIF	reduction in force
RPA	request for personnel action
TV AL II	<i>Tarifvertrag vom 16. Dezember 1966 für die Arbeitnehmer bei den Stationierungstreitkräften im Gebiet der Bundesrepublik Deutschland</i> (Collective Tariff Agreement II)
U.S.	United States
USAFE	United States Air Forces in Europe
USAREUR	United States Army Europe

### SECTION II TERMS

#### **agency**

A publicly funded organization that matches employer to employees.

#### **agency chiefs**

All management representatives responsible for managing an employing organization, regardless of whether or not they have delegated personnel authority.

#### **commuters allowance**

Employer's contribution to additional travel costs resulting from daily commutes to the new duty station.

#### **commuting area**

All communities within a radius of 60 kilometers from the community of the permanent duty station, measured from town center to town center.

#### **employing organization**

The specific part of an organization in which the position of an employee is located.

**household goods**

Furniture and a reasonable amount of other movable items and pets in the possession of or in use by the employee or other persons who on the day before household goods are moved live with the employee in a joint household. Motor vehicles are not included.

**local national employees**

Individuals employed according to the labor law of Germany as modified by the provisions of the Supplementary Agreement to the NATO Status of Forces Agreement, Article 56.

**lodging allowance**

An allowance to partially compensate personnel for additional expenses resulting from dual housekeeping.

**lump-sum compensation**

One-time lump-sum payment to partially cover the daily additional expenses for subsistence and accommodation at the new duty station or for travel between the residence and the new duty station.

**married**

For the purpose of this regulation, an employee is considered to be married if he or she is living with his or her spouse in a joint household.

**quarters**

A closed unit of several rooms in which a household is maintained. Quarters include a kitchen or a room with cooking facilities, a water supply, a sink, and a toilet.

**reimbursement of incidental costs**

One-time lump-sum payment for additional expenses the employee incurs in connection with the move to the new duty station.

**reimbursement of moving expenses**

Reimbursement of expenses for the movement of household goods and broker fees for obtaining housing or living quarters.

**rental subsidy**

Monthly payment to compensate for higher rental charges at the new duty station.

***Tarifvertrag vom 16. Dezember 1966 für die Arbeitnehmer bei den Stationierungs-streitkräften im Gebiet der Bundesrepublik Deutschland (TV AL II) (Collective Tariff Agreement II)***

A tariff agreement providing minimum employment conditions for local national employees of the Sending States Forces in Germany.

**willing to move without limitation**

An employee's willingness to move to a new duty station using all means available to seek housing on arrival at the new duty station. Being willing to move without limitation is evident by not delaying the move because of improper expectations regarding quarters or other noncompelling reasons.