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Training

WHAT'S AHEAD?

FAMILY MEMBER ELIGIBILITY FOR NONCOMPETITIVE APPOINTMENT UNDER EXECUTIVE ORDER 12721

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Summary. This publication explains family member eligibility requirements for noncompetitive appointments in the United States under Executive Order 12721.

Applicability. This publication applies to U.S. citizen family members.

Interim Changes. Interim changes to this publication are not official unless authenticated by the Deputy Chief of Staff, Information Management, USAREUR. Interim changes will be destroyed on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. The proponent of this publication is the Office of the Deputy Chief of Staff, Personnel, HQ USAREUR/7A (AEAGA-CE, 370-8623/8781). Users may send suggestions to improve this publication on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander in Chief, USAREUR, ATTN: AEAGA-CE, Unit 29351, APO AE 09014.

Distribution. Distribute to CPOs.

***This publication supersedes USAREUR Pamphlet 690-10, 31 March 1988.**

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SECTION I GENERAL

1. PURPOSE

This publication provides information concerning noncompetitive appointments in the United States under Executive Order 12721.

2. REFERENCES

a. Executive Order 12721, Eligibility of Overseas Employees for Noncompetitive Appointments.

b. Federal Personnel Manual 315.6-13, Appointment of Former Overseas Employees.

3. EXPLANATION OF ABBREVIATIONS AND TERMS

The glossary explains abbreviations and terms used in this publication.

4. SUMMARY OF EXECUTIVE ORDER 12721

On 30 July 1990, President George Bush signed Executive Order (EO) 12721. The following text is an extract from EO 12721:

Section 1. A United States citizen who is a family member of a Federal civilian employee, of a nonappropriated fund employee, or of a member of a uniformed service and who meets the qualifications and other requirements established by the Director of the Office of Personnel Management, including an appropriate period of satisfactory service under one or more overseas appointments in the excepted or competitive civil service, may be appointed noncompetitively to a competitive service position in the executive branch within the United States (including Guam, Puerto Rico, and the Virgin Islands). The employing agency in the United States may waive a requirement for a written test for an individual appointed under this order if the agency determines that the duties and responsibilities of the position occupied overseas were similar enough to those of the position to which the individual is being appointed under this order to make the written test unnecessary.

Section 2. The Director of the Office of Personnel Management shall prescribe such regulations as may be necessary to implement this order.

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Section 3. To the extent there is any conflict between this order and Civil Service Rule 8.2 (5 CFR 8.2), the provisions of this order shall control.

**SECTION II
ELIGIBILITY**

5. REQUIREMENTS

a. According to EO 12721, section 1, former overseas employees meeting the following eligibility requirements can apply for noncompetitive appointment to positions in the United States. The employees must—

(1) Have been appointed to an overseas position under local hire procedures while residing in the overseas area.

(2) Have accumulated 52 weeks of creditable overseas service in an appropriated fund position in any 10-year period beginning after 1 January 1980.

(3) Have received a satisfactory or better performance rating for the period of creditable overseas service (2 above).

(4) Have been a family member of an appropriate sponsor (a Federal civilian employee, a nonappropriated fund employee, or a member of a uniformed service) while serving in the overseas area.

(5) Have accompanied the sponsor on official assignment to an overseas post of duty while serving in the overseas position.

(6) Be a citizen of the United States or owe permanent allegiance to the United States.

(7) Meet the qualification requirements for the position for which applying.

(8) Be appointed before 1 January 1994 or within 3 years of returning to the United States.

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b. The Office of Personnel Management (OPM) may approve waivers of up to 26 weeks of the 52-week service requirement because of an emergency situation that requires relocating family members to the United States. Emergency situations include conflicts or other conditions (such as terrorism in the overseas area where the family members are employed) or deployment of the family member's spouse (or parents) to an area of conflict. Emergencies do not include ill health or individual interest in relocating.

6. SPECIAL QUESTIONS AND SITUATIONS

Appendix A provides answers to the family member eligibility questions employees most often ask.

SECTION III APPLICATION PROCEDURES

7. HOW TO APPLY

a. Employees may apply to the civilian personnel office (CPO) of any agency in the Executive Branch of the Federal Government. They may apply in person or by mail to the CPO in the area where they will be living. A USAREUR CPO will not apply for employees. A USAREUR CPO may help employees locate CPO addresses and give them information about the areas where the employee may be returning. Employees should contact a USAREUR CPO for an appointment to get information.

b. Any department or agency in the Executive Branch of the Federal Government can use this special noncompetitive hiring authority to fill their vacancies. This is not exclusively a DOD program. There are a number of large non-DOD activities that employ people in a wide spectrum of white collar and blue collar jobs. For instance, the Veterans Administration employs over 212,000 people; Treasury over 150,000; Health and Human Services over 117,000; and Agriculture over 109,000. Many non-DOD agencies have installations or facilities located in commuting distance of a sponsor's new duty station.

c. Besides contacting a USAREUR CPO, employees can find out where other Federal agency offices are and how to contact them by writing, calling, or visiting an OPM Federal Job Information Center (FJIC) near where they will be relocating. OPM has a network of FJICs throughout the United States. These centers can provide address listings and telephone numbers of DOD and non-DOD Federal employers in their service area.

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d. OPM Form CE-22 (Office of Personnel Management Federal Job Information/Testing Offices), which is available at USAREUR CPOs, provides the addresses and telephone numbers of OPM FJICs. FJICs are also listed in both the white and yellow pages of stateside telephone directories under "U.S. Government Agencies."

8. WHAT TO TAKE

Not every CPO will require all the documents listed in a through g below, but employees should have them just in case. Employees should carry these documents with them when they travel. These documents will be needed to apply for work in the United States. These documents should not be packed in household goods or luggage. A USAREUR CPO will prepare DA Form 5433-R (Verification of Overseas Employment for Noncompetitive Appointment Under EO 12362) (f below) and SF 75 (Request for Preliminary Employment Date) (g below). EO 12362 is now EO 12721. Employees should request that the servicing CPO prepare these documents (f and g below) at least 30 days before their last day of work in the overseas area.

a. At least two Standard Forms (SFs) 171 (Application for Federal Employment).

b. The military or civilian travel orders that brought the employee to the overseas area and the orders that returned him or her to the United States (if applicable).

c. Performance appraisals covering the 52 weeks of service the employee claims under EO 12721 and the employee's most recent performance appraisal.

d. Copies of SF 50 (Notification of Personnel Action) showing your appointments in the overseas area and your most recent SF 50.

e. Most recent HQ AE Form 37-105A (Civilian Employees Earnings and Leave Statement).

f. A DA Form 5433-R. AR 690-300, chapter 301, prescribes DA Form 5433-R.

g. An SF 75. This form gives an overview of the employee's official personnel folder (OPF).

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9. OFFICIAL PERSONNEL FOLDERS

For 30 to 45 days after employees resign or are terminated from overseas employment, the USAREUR CPO will keep their OPF. The OPF is Government property; employees may not take it with them when they return to the United States. If a CPO in the United States does not request employee records from the USAREUR CPO, the OPFs will be sent to the National Federal Records Center in St. Louis, Missouri. OPFs are kept at the National Federal Records Center until a CPO in the United States processes a person for employment and requests that person's OPF.

SECTION IV

EMPLOYEES NOT ELIGIBLE UNDER EXECUTIVE ORDER 12721

10. WHAT TO DO

Family members who do not meet the eligibility criteria for noncompetitive appointment under EO 12721, as described in this pamphlet, must apply for competitive service positions through OPM. On return to the United States they should—

a. Contact the nearest OPM FJIC or CPO for job announcements.

b. Inform the offices in a above that they have been overseas as a family member, tell how long they were overseas, and ask what announcements are available or may be reopened for their application.

11. WHAT TO TAKE

Employees should take the documents listed below with them when they apply for positions in the United States. Employees should not pack these documents in their household goods or luggage.

a. SF 171.

b. SF 50s showing their appointments in the overseas area and their most recent SF 50.

**APPENDIX A
MOST-ASKED QUESTIONS**

The following are questions employees most often ask concerning family member eligibility:

A-1. May I apply under Executive Order (EO) 12721 to any Federal agency?

No. EO privileges may be used only when applying to agencies in the Executive Branch of the Federal Government. The agencies must be in the United States (incl Guam, Puerto Rico, and the Virgin Islands) and the application must be for competitive service positions.

A-2. Did I acquire competitive status when I was locally hired overseas?

No. You did not acquire competitive status because you competed with other candidates only in the local area. You did not compete through the normal competitive procedures required to be hired into Federal service while living in the United States.

A-3. Do I have reinstatement eligibility for Federal service jobs in the United States?

No. You do not have reinstatement eligibility because you do not have competitive status. If you meet the requirements of EO 12721, you may be appointed to Federal service in the United States without having to compete through the Office of Personnel Management (OPM).

A-4. Must I have been a U.S. citizen while serving in the overseas area?

No. You must, however, be a U.S. citizen when you apply for a Federal service job in the United States.

A-5. Does work as a local national appropriated fund employee count toward the 52 weeks of service?

Yes. But you must be a U.S. citizen when you apply for a Federal service job in the United States.

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A-6. Does work in a NAF position count toward the 52 weeks of service?

No. NAF employment is not counted as part of the 52 weeks.

A-7. Must I have been command sponsored when coming to the overseas area?

No. If you meet all other requirements, it does not matter whether the Government paid to move you here with your sponsor or you paid your own way.

A-8. Must I have been a family member during the whole time I have been in the overseas area?

No. However, you must have been a family member during the 52 weeks of service you are claiming under EO 12721. No credit may be given for service when you were not a family member, whether it occurred before or after the 52 weeks you were a family member.

A-9. Do I have to be a family member when I apply for a job in the United States?

No. You must have been a family member only during the 52 weeks of service in the overseas area.

A-10. May any part of the 52 weeks of service be waived?

Yes, but only under the conditions described in paragraph 5b, basic pamphlet.

A-11. Do temporary jobs count toward completion of the 52 weeks of service that is required?

Yes. You need not have been employed in a permanent job.

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A-12. Must the 52 weeks of service have been served without interruption and in only one job?

No. You may have had one or several different jobs and you may have had some breaks in service. You may have had these jobs on more than 1 tour with your sponsor in the overseas area, but at least some part of the 52 weeks you are claiming must have been served on your most recent tour. The periods of time when you were not working may not be counted toward completion of the 52 weeks.

A-13. Must I have worked a full-time work schedule?

No. If you worked a part-time schedule, you will get the same credit as for working a full-time schedule. If you worked an intermittent schedule, only the days you were in a pay status will be credited.

A-14. Does service as a Family Member Youth Part-Time (FMYPT) employee count toward completion of the 52 weeks of service required?

Yes. FMYPT service counts.

A-15. Will I be limited in the types of positions for which I may apply in the United States?

Yes and No. You may apply for any position for which the civilian personnel office (CPO) in your new area is accepting applications. You must meet the qualification requirements and you will be subject to time-in-grade restrictions as they apply to the grade you held while in the overseas area. How you receive referral consideration will be determined by each CPO.

A-16. Does EO 12721 guarantee me a job when I return to the United States?

No. EO 12721 eliminates the need for you to apply through competitive procedures (through OPM). You will be applying much as you did when you applied in the overseas area. If you wish to apply through OPM, you may still do so.

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A-17. If I receive a career-conditional appointment in the United States, will the time I served in the overseas area count toward completing the 3 years required to gain career tenure?

Yes, but only under certain conditions. You should check with your new CPO in the United States when you are appointed under the EO.

A-18. Will I have to serve a 1-year probationary period on a new job in the United States?

Yes. Even if you served a trial period in the overseas area, you will serve a 1-year probationary period when receiving a permanent appointment in the United States under EO 12721.

A-19. Must I return to the United States immediately after earning 52 weeks of eligibility?

No. You have until 1 January 1994 or 3 years from the date you return to the United States to be appointed to Federal service. You will need to provide the CPO where you apply in the United States proof of the exact date you left the overseas area and returned to the United States.

GLOSSARY

**SECTION I
ABBREVIATIONS**

| | |
|---------|--------------------------------|
| CPO | civilian personnel office |
| DOD | Department of Defense |
| EO | Executive Order |
| FJIC | Federal Job Information Center |
| FMYPT | Family Member Youth Part-Time |
| NAF | nonappropriated fund |
| OPF | official personnel folder |
| OPM | Office of Personnel Management |
| SF | standard form |
| U.S. | United States |
| USAREUR | United States Army, Europe |

**SECTION II
TERMS**

appropriated fund employee

An employee paid from funds appropriated by Congress each year. Appropriated fund employees generally will be designated as general schedule (GS), general merit (GM), or prevailing rate (wage grade (WG), wage leader (WL), wage supervisor (WS), or wage board (WB)) employees.

career-conditional appointment

A competitive appointment given to people when they enter Federal service, normally while living in the United States. This appointment lasts for 3 years. On completing the appointment, the appointee acquires career tenure. If a career-conditional appointee breaks service with the Federal Government, the appointee normally must return to service within 3 years to retain status, unless the appointee is a veteran. The 3-year period is the period of reinstatement eligibility. If the employee does not return within the 3-year period, he or she must re compete for employment.

career tenure

The tenure acquired by a Federal employee who successfully completes 3 years of service under an appointment that leads to career tenure. An employee who has career tenure and who leaves Federal service, may return to service by applying directly to a civilian personnel office. The period of reinstatement eligibility for a career employee is not limited.

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competitive status

The status an employee gains after having competed for a Federal service position, normally while residing in the United States. Employees in the United States normally compete in a larger area of consideration than the one used in the overseas areas for local-hire appointments. Most people hired into Federal service while in the United States applied with the Office of Personnel Management and competed with a large number of other applicants.

family member employee

Under Executive Order 12721, an employed spouse or unmarried child (under 23 years old) of a sponsor who is either an appropriated fund or a nonappropriated fund civilian employee or a service member. It is not necessary that the family member has lived with the sponsor at all times or has traveled with the sponsor to and from the overseas area.

local-hire appointment

An appointment made in the local area that is not actually or potentially permanent. Candidates for such appointments competed with other candidates only in the local area, so the area of consideration is limited. Candidates did not have to compete under the same procedures required of people applying for Federal service jobs while living in the United States. Most local-hire appointments are designated as excepted service appointments or overseas limited appointments.

nonappropriated fund employee

An employee of the Army and Air Force Exchange Service, Navy Ship's Stores Ashore, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or other instrumentalities of the United States paid from nonappropriated funds. Nonappropriated fund employees generally will be designated as follows:

- a. Nonsupervisory trade, crafts, and labor occupations (NA).
- b. Leader positions in trade, crafts, and labor occupations (NL).
- c. Supervisory positions in trade, crafts, and labor occupations (NS).
- d. Managerial, supervisory, administrative, clerical, secretarial, and sales and service occupations (NF).