

Civilian Personnel

Overseas Employment

15 June 1999

---

**\*This supplement supersedes USAREUR Supplement 1 to AR 690-300.301, 31 May 1994; USAREUR Regulation 690-333, 1 July 1996; USAREUR Regulation 690-630.6, 5 April 1995; and USAREUR Regulation 690-630.12, 6 April 1995.**

---

For the Commander:

B. B. BELL  
*Major General, GS*  
*Chief of Staff*

Official:



JOHN P. CAVANAUGH  
*Brigadier General, GS*  
*Deputy Chief of Staff,*  
*Information Management*

---

**Summary.** This supplement explains policy for employing U.S.-citizen civilians in USAREUR.

**Applicability.** This supplement applies to appropriated fund, U.S.-citizen civilian employees in USAREUR.

**Supplementation.** Commanders will not supplement this supplement without CG, USAREUR/7A (AEAGA-CE), approval.

**Forms.** This supplement prescribes AE Form 690-300.301A-R (Rotation Agreement for Family Members Who Lose Family-Member Status While Employed Overseas), AE Form 690-300.301B-R (Overseas Tour Extension, Request for Decision), AE Form 690-300.301C-R (Administrative Tour Extension), and AE Form 690-300.301D-R (Application for Terminal Leave Without Pay (T-LWOP)). Only -R forms may be reproduced locally on 8½- by 11-inch paper through the servicing forms management office. Other forms will not be reproduced; they will be ordered by the unit or organization publications officer from the United States Army Publications and Distribution Center, Europe, or as stated in the prescribing directive.

**Suggested Improvements.** The proponent of this supplement 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 supplement on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander, USAREUR/7A, ATTN: AEAGA-CE, Unit 29351, APO AE 09014.

**Distribution.** This supplement is available only in the Electronic Library of USAREUR Publications and AE Forms. The policy and procedures in this supplement apply down to division level.

AR 690-300.301, 10 October 1979, is supplemented as follows:

**Contents.** Add the following:

- Appendix E.** Veterans Preference Pass-Over Approving Authorities
- Appendix F.** Home Leave
- Appendix G.** Guidance for Making Tour-Extension Decisions
- Appendix H.** Processing Exceptions to and Restoration of Military-Spouse and Family-Member Preference
- Appendix I.** Processing Criminal-History Checks on Individuals in Child-Care Service Positions
- Appendix J.** References
- Glossary**

**Paragraph 1-1, Scope.** Add subparagraph e as follows:

**e. Pre-Employment Checks.**

(1) As part of the pre-employment process, civilian personnel advisory centers (CPACs) will--

- (a) Check local and USAREUR-wide bar lists to determine if applicants tentatively selected for employment are barred from the area of prospective employment because of misconduct.
- (b) Notify the selecting official if a referred candidate is barred from prospective employment.
- (c) Annotate personnel-action requests to indicate the bar-list date and the date the bar list was screened.

(2) The civilian misconduct action authority (CMAA) or the commander, as appropriate, will notify CPACs of local bars. A bar made under CMAA authority is separate from a suitability determination made under the provisions of part 731, title 5, Code of Federal Regulations (5 CFR 731).

**Paragraph 1-1a, Coverage.** Add the following:

This supplement provides USAREUR policy for employing U.S.-citizen civilians in appropriated fund (APF) positions overseas.

**Paragraph 2-2, Authority to Appoint.** Add subparagraph d as follows:

**d. Termination of Appointment Authority.**

(1) Overseas limited (OSL) appointments are not authorized by the Office of Personnel Management in any department, location, occupation, or grade level in Europe. This policy includes temporary, term, and indefinite appointments.

(2) Employees serving on indefinite or term OSL appointments, or on appointments limited by the DOD rotation policy, may be demoted, promoted, reassigned, or transferred to any position within DOD in Europe on the OSL appointment if there is no break in service. When an employee serving on an OSL appointment is demoted, promoted, reassigned, or transferred to another position within DOD, the action will be processed as a conversion to an OSL appointment.

**Paragraph 3-2a, Membership in the Civilian Component.** Add subparagraphs (1) through (4) as follows:

(1) U.S. citizens seeking employment in positions paid from APFs may be employed only under U.S. laws and employment conditions.

(2) In Germany, if a non-U.S. citizen family member employed under local national (LN) conditions gains U.S. citizenship, the family member may choose one of the following options:

- (a) The family member may continue to be employed under LN conditions.

(b) If qualified, the family member may be given a Schedule A 213.3106(b)(6), excepted-service, family-member appointment to the same indirect-hire position without competition. Under this option, the family member must resign from employment under LN conditions and be appointed under U.S.-citizen conditions.

(3) In Germany, a family member who is not qualified or does not meet the regulatory requirements for a Schedule A 213.3106(b)(6), excepted-service, family-member appointment will continue to be employed under LN conditions.

(4) U.S. citizens who are also citizens of another country (dual citizenship) other than Italy may apply for employment based only on their U.S. citizenship. U.S. citizens who also have Italian citizenship may not be employed in Italy under U.S. conditions.

**Paragraph 5-1a, Coverage.** Add subparagraphs (1) and (2) as follows:

**(1) Family Members.** In USAREUR, employees on rotation agreements (for example, employees hired in the continental United States (CONUS), local hires, family members on career appointment who lose family-member status) who later obtain family-member status in the overseas area do not become exempt from rotation.

**NOTE:** Temporary and term employees are not exempt from the 5-year limit on overseas rotation; they are not, however, required to sign a rotation agreement since their appointments expire in less than 5 years.

**(2) Residence Restrictions.** No residence restrictions will be used for recruitment in USAREUR except for--

(a) Schedule A 213.3106(b)(6), excepted-service appointments.

(b) Persons with ordinarily resident status (para 5-1.1).

**Paragraph 5-1, General.** Add subparagraph d as follows:

**d. Coordination With Transportation Agreements.**

(1) Changes in an employee's status overseas may affect the employee's eligibility for renewal-agreement travel. The Joint Travel Regulations (JTR), volume II, require employees to be eligible to complete a 24-month tour in addition to having completed the current tour requirement under the most-recent transportation agreement.

(2) When the transportation agreement and the rotation agreement do not match, management may extend the employee's tour under the rotation program as necessary to match the employee's eligibility for travel. This situation may occur because of a change in exemption status (para 5-5g) or reassignment to a different overseas location (JTR, vol II, para C4005-3h(2)).

**Paragraph 5-1, General.** Add paragraphs 5-1.1, 5-1.2, and 5-1.3 as follows:

**5-1.1. ORDINARILY RESIDENT STATUS**

a. A person with ordinarily resident status is a U.S. citizen to whom one of the following applies:

(1) The person obtained a work permit during current residency in the host country.

(2) The person resided in the host country for the time shown below without status as a member of the U.S. Forces or civilian component as defined by the NATO Status of Forces Agreement:

(a) In Germany: 1 year.

(b) In Italy: 6 months.

(c) In Belgium: U.S. citizens may be hired regardless of the length of their residency. After 90 days' residency, however, they will not be eligible for benefits from the Supreme Headquarters Allied Powers Europe (for example, vehicle registration, fuel rations, alcohol and tobacco rations) when they are hired.

(d) In The Netherlands: 24 hours. Military members who apply for a position before separation and are hired within 90 days after separation are exempt from the 24-hour restriction.

**NOTE:** The above definition of ordinarily resident status applies in all countries unless a different definition has been agreed on with the host country. A period of 1 year or more of continuous residence in the United States is required as proof of establishing residency outside the host country where the person is determined to be ordinarily resident.

b. If a person's ordinarily resident status is based on the person's residence in the country for more than 1 year, the commander may request a review of the person's case. In no case may the residency be for more than 18 months. An exception to the ordinarily resident restriction will not be granted if the person has been issued a work permit or has already been employed on the economy.

c. Commanders may use flexibility when applying the ordinarily resident status rule to applicants who--

(1) Have passed the 1-year residency point since the dates of application, referral, and selection for employment.

(2) Have been present as students or in another nonpermanent status.

(3) Are traveling on business or vacation from a point of origin outside Germany.

(4) Have been out of the country for substantial periods of time. Substantial periods of time will be determined on an individual basis.

(5) Are present without a local job and have applied for civilian-component jobs (for example, former members of the U.S. military who retired locally and were barred from U.S. Government employment for 180 days after retirement).

d. Commanders may request a review of ordinarily resident status to determine whether or not an applicant may be employed in an APF position. Requests for review must be sent through the chain of command to the Civilian Personnel Division, Office of the Deputy Chief of Staff, Personnel, HQ USAREUR/7A (ODCSPER), and include the following:

(1) Proof that the applicant meets one of the criteria in paragraph c(1) through (5) above.

(2) An explanation of the need for the applicant's skills for a particular vacancy and the difficulty in filling the vacancy.

## **5-1.2. APPLICATION AND SELECTION PROCEDURES IN USAREUR**

**a. Applications.** Applicants will submit complete résumé packages according to USAREUR RESUMIX Résumé Job Kit instructions available at <http://www.chrma.hqusareur.army.mil/resumix>.

(1) The Civilian Personnel Operations Center (CPOC) will accept applications from active-duty military personnel no earlier than 120 days before their separation or retirement date. This restriction does not apply to applicants for Junior Reserve Officer's Training Corps instructor positions.

(2) The CPOC and CPACs will not accept applications from persons with ordinarily resident status in the host country.

### **b. Order of Referral and Selection.**

(1) Eligible applicants who meet appointment requirements will be referred for temporary, not to exceed (NTE) 1 year appointments outside the register in the following order of precedence for U.S. positions:

(a) Veterans-preference applicants.

(b) Military-spouse and family-member preference applicants.

(c) Applicants without preference.

- (2) Applicants without preference or family-member status will be selected only when--
  - (a) There are no applicants in higher priority groups.
  - (b) Passing over or not selecting applicants in higher priority groups has been authorized.
- (3) Active-duty military personnel will not be appointed until one of the following conditions is met:
  - (a) The military member is on terminal leave.
  - (b) The military member has been separated from the service.
  - (c) A waiver has been obtained to appoint the military member within 180 days after retirement.

**c. Passing Over Veterans-Preference Applicants.** CPAC chiefs must justify passing over an applicant with veterans preference according to appendix E.

### **5-1.3. HOME LEAVE**

a. U.S. Government employees who were originally recruited in the United States or U.S. territories or possessions and who transfer to a foreign area are eligible for home leave. These employees also must--

(1) Be employed under conditions that provide for return transportation to the United States or its territories or possessions.

(2) Have been in substantially continuous employment by one of the following before being transferred:

- (a) Another U.S. Government agency.
- (b) A U.S. firm, interest, or organization.
- (c) An international organization in which the United States participates.
- (d) A foreign government.

b. Family members who accept a position in a foreign area before traveling to the foreign area are eligible for home leave. These family members are eligible for home leave even if they travel as family members on the orders of another family member.

d. Active-duty military personnel who are offered and accept a local position before being discharged may be eligible for home leave. CPACs must determine eligibility on a case-by-case basis. Clear evidence of a formal commitment to employment before the military discharge is required for eligibility.

e. Appendix F provides more information on home leave.

**Paragraph 5-3, Tour Extensions.** Add subparagraph c as follows:

#### **c. Administrative Tour Extensions.**

(1) Civilian employees whose overseas tour expires while they are deployed to support official missions will have their overseas tour administratively extended for 6 months from the date they return from deployment. This extension will allow time for their registration in the DOD Priority Placement Program. A tour-extension decision will be made during this 6-month period. AE Form 690-300.301C-R (Administrative Tour Extension) will be used to process administrative tour extensions.

(2) Civilian employees who take military leave, annual leave (AL), or leave without pay (LWOP) from their civilian position and whose overseas tour expires while they are on active duty will have their overseas tour administratively extended for 6 months from the date they return to their civilian position. This extension will allow time for their registration in the DOD Priority Placement Program. A tour-extension decision will be made during this 6-month period.

**Paragraph 5-3a, Extensions Beyond the Initial Overseas Tour.** Add subparagraphs (1) and (2) as follows:

(1) Employees completing an initial overseas tour may have their tours extended for up to 24 months. Tour extensions may be approved by commanders of USAREUR commands (UR 10-5, app B), HQ USAREUR/7A staff principals (referred to throughout this supplement as “staff principals”) or equivalents, and assistant staff principals.

(a) The approving authority must ensure that the organization can continue to employ the individual for the length of the extension.

(b) If the position occupied by the employee is not expected to continue for at least 2 years, the approving authority may grant an extension of less than 24 months to meet operational requirements. If it is later determined that the position occupied by the employee will continue for at least 2 years, the original extension decision may be amended to allow for a full 24-month extension.

(2) Appendix G provides guidance for making tour-extension decisions. AE Form 690-300.301B-R (Overseas Tour Extension, Request for Decision) will be used to process tour extensions.

**Paragraph 5-3b(1), Authority.** Add subparagraphs (a) through (d) as follows:

(a) Only a general officer or senior executive service equivalent, commanders of USAREUR commands, and staff principals or their equivalents may approve tour extensions beyond 5 years or authorize a position to be exempt from rotation.

(b) Approving authorities will follow the guidance in appendix G when making tour-extension decisions.

(c) When making a decision to designate a position exempt from rotation, DOD criteria must be met. According to this criteria, positions may be designated exempt from rotation if the position requires “frequent contact with officials of the host nation and a detailed knowledge of the culture, mores, laws, customs, or government processes of the host nation, which usually cannot be acquired outside the host nation. A position shall not be placed in this category unless the position description clearly specifies that the above duties and special knowledges are required.”

**NOTE:** A requirement to speak the host-country language is not sufficient reason to designate a position exempt from rotation.

(d) When a position is designated exempt from rotation by the approval authority in (a) above, the exemption criteria will be documented in the job description. A statement that “the position is exempt from rotation” will be placed in the job description.

**Paragraph 5-5, Termination of Overseas Tours.** Add subparagraphs e through i as follows:

**e. Locally Hired Family Members.**

(1) Locally hired family members on career or career-conditional appointments who lose family-member status must inform the CPAC of the status change. These employees become subject to rotation and must sign AE Form 690-300.301A-R (Rotation Agreement for Family Members with Career or Career-Conditional Status Who Lose Family-Member Status While Employed Overseas).

(2) The rotation agreement for family members who lose family-member status is for 24 months. The rotation-agreement effective date is the status-change effective date.

**f. Veterans Readjustment Appointments (VRAs).** When an employee accepts a VRA, the rotation-agreement effective date is the VRA effective date.

(1) Rotation agreements will be for at least 30 months. This agreement will allow 24 months for conversion to career or career-conditional appointment, plus 6 months following conversion. For example, an employee with 3 months DOD APF service in a foreign area at the time of the VRA will be given a 33-month rotation agreement. An employee with 7 months or more DOD APF service in a foreign area will be given a 30-month rotation agreement.

(2) VRA employees are subject to the 5-year limit on conversion to career or career-conditional appointment. Periods of DOD APF employment not interrupted by 1 year's residence in the United States will be used to compute the 5-year limit. If the 5-year limit is met at the time of conversion, the employee may be subject to immediate rotation.

(3) If the employee has no DOD APF service in a foreign area, the rotation agreement will be for 36 months. If the employee has DOD APF service in a foreign area, up to 6 months of this service will be counted against a 36-month tour.

(4) Family members who receive VRAs and who accompanied their military or civilian sponsor to the overseas area are not subject to tour limits as long as they remain a family member. These personnel are not required to sign an AE Form 690-300.301A-R.

(5) Employees exempt from the 5-year limit who receive a VRA will continue to be exempt from rotation if they meet the following criteria:

(a) They have been in GS-06 or lower-grade positions, or nonsupervisory wage-grade positions, since before the revised DOD 1400.25-M was implemented on 24 August 1988.

(b) They remain in GS-06 or lower-grade positions, or nonsupervisory wage-grade positions.

**g. Change in Appointment or Exemption Status.**

(1) The effective date of the rotation agreement for an employee whose position status changes from exempt to nonexempt from rotation is the status-change effective date. The rotation agreement for these employees is for 24 months.

(2) The rotation agreement for nonappropriated fund (NAF) employees converted to APF employment is for 36 months.

(3) The rotation agreement for employees on temporary, term, or OSL NTE appointments converted to a career or career-conditional appointments is for 24 months. The career or career-conditional appointment constitutes approval of a 2-year tour extension. When the rotation agreement is completed, the CPAC will use periods of APF employment in the foreign area not interrupted by 1 year's residence in the United States to compute the 5-year limit.

(4) Employees in grades GS-6 or lower, or in nonsupervisory wage-grade positions, who were exempt from the 5-year limit before 24 August 1988 will continue to be exempt from rotation if they remain continuously employed at these grade levels. If an employee leaves a position at a grade level that is exempt under this provision, the exemption no longer applies, even if the employee is later employed again at this level.

(a) Employees on career or career-conditional appointment will sign a rotation agreement for 24 months that is effective the date of the employee's status change. When the expiration date is reached, periods of APF employment not interrupted by 1 year's residence in CONUS will be used to compute the 5-year limit.

(b) Employees on OSL appointments without a time limit whose status changes from exempt to nonexempt will be converted to an OSL appointment NTE 2 years. When the expiration date is reached, periods of APF employment not interrupted by residence in CONUS will be used to compute the 5-year limit.

**h. Termination and Extension of OSL Appointments.** Locally hired employees on an OSL appointment NTE 5 years will be terminated when the tour is completed unless management decides to keep the employee for another tour. In these cases, a new OSL appointment of 2 years or less is made. Paragraph 5-3b(1)(a) lists approving authorities for extending OSL appointments beyond 5 years.

**i. Improperly Extended Tours.** Commanders authorized to approve tour extensions may correct improperly extended tours. The employee must be told why the tour-expiration date is being corrected. Improperly extended tours include tours approved—

- (1) Without management first determining that the position would continue for the length of the approved extension.
- (2) Based on an incorrect date eligible for return from overseas (DEROS).

**Paragraph 7-1, General.** Add subparagraph c as follows:

**c. Loss of Preference.** Family-member preference and military-spouse preference are designed to help family members obtain initial employment at the sponsor's new duty station. Once preference is used to gain initial employment or lost because of declination of a job offer or job interview, the family member has no preference entitlement until after the sponsor's next permanent change of station (PCS) move.

**Paragraph 7-2, Military-Spouse Preference.** Add subparagraphs a through i as follows:

a. Military-spouse preference--

- (1) May not be used if it violates laws or regulations related to veterans preference or nepotism.
- (2) May be used once after each PCS move.
- (3) May not be used after a PCS move if the military sponsor is retiring or separating from the military.
- (4) May not be used when one member of a dual-military couple retires or separates from the military (voluntarily or involuntarily) and seeks Federal employment in the same commuting area.
- (5) Applies to the commuting area of the military sponsor and is based on how far the applicant is willing to travel for employment each day as indicated on the employment application.
- (6) Applies if the sponsor and spouse are married before the sponsor's reporting date at the new duty station.
- (7) Applies when the spouse arrives in the overseas area.
- (8) Applies if the spouse is among the candidates referred on a competitive-referral list.
- (9) May be used for initial employment in a continuing position. This includes temporary positions expected to last 1 year or longer.
- (10) May be terminated if the spouse refuses to follow established competitive-recruitment procedures.

**NOTE:** Applicants need not be selected for permanent, continuing positions if they have less than 6 months remaining in the area.

b. Commanders of USAREUR commands and equivalent-level positions may approve exceptions to military-spouse-preference selections. Locally developed criteria for granting exceptions must be in writing. Criteria will be developed by the CPAC with the appropriate approving authority. Without this criteria, exceptions will not be granted.

c. The Civilian Personnel Division, ODCSPER, may approve restoration of military-spouse preference. Appendix H provides procedures for processing exceptions to and restoration of military-spouse and family-member preference.

d. Regardless of their competitive status, military spouses selected for LN positions will be appointed under Schedule A 213.3106(b)(6) authority. Veterans preference does not apply to positions designated for LN occupancy.

e. Military spouses with competitive status will be given competitive appointments if the position is restricted to U.S. citizens. A spouse with competitive status serving in an LN position under a Schedule A 213.3106(b)(6) family-member appointment who is selected for a U.S. position will be processed as a conversion to reinstatement.

f. Military spouses who are not U.S. citizens will be given the same consideration as U.S.-citizen spouses for LN vacancies.

g. Military spouses selected under 5 CFR 333 procedures for temporary employment will be appointed using the Schedule A 213.3106(b)(6) appointment authority.

h. Military-spouse preference will be applied as follows:

(1) Military-spouse preference applies when the selecting official decides to select from a competitive list.

(2) Candidates with military-spouse preference, including those on LWOP and external candidates, who are referred for selection will block the selection of candidates without military-spouse preference when a selection is made from a competitive-referral list.

(3) Military-spouse-preference candidates do not block the selection of a veteran with preference from a source where veterans preference is applied (for example, delegated examining unit, temporary or term appointments).

(4) Noncompetitive sources may be used to fill a position without regard to military-spouse preference (for example, VRAs, 30-percent (or more) disabled veterans, transfers, DOD and OPM interchange-agreement eligibles). Status applicants eligible for reinstatement may normally be appointed without competition. In this situation, however, the Office of the Secretary of Defense has prescribed that military-spouse-preference requirements apply.

i. Military-spouse preference ends when a spouse obtains or declines a continuing APF or NAF position (including employment with Army and Air Force Exchange Service, Europe (AAFES-Eur), and the Stars and Stripes).

(1) A continuing position is a position expected to last 1 year or longer regardless of the work schedule (full-time, part-time, and intermittent).

(2) If a spouse obtains a temporary position that is expected to last 1 year or longer (either through initial appointment or extension), the spouse preference is used.

**Paragraph 7-3, DOD Family Member Employment Preference.** Add subparagraphs a through j as follows:

a. In the absence of a military spouse entitled to preference, family members will be given preference in employment when filling positions competitively through external-placement procedures at the GS-1 through GS-15 and equivalent levels.

b. Regardless of competitive status, family-member employees selected for LN positions will be appointed under Schedule A 213.3106(b)(6) authority.

c. Family members with competitive status will receive competitive appointments if the position is restricted to U.S. citizens. A family member with competitive status serving in an LN position under a Schedule A 213.3106(b)(6) family member appointment who is selected for a U.S. position will be processed as a conversion to reinstatement.

d. Family members selected under 5 CFR 333 procedures for temporary employment will be appointed using the Schedule A 213.3106(b)(6) appointment authority.

e. Family members of NAF-instrumentality employees recruited from CONUS will receive the same family-member preference for employment as family members of APF employees.

f. Family-member preference ends when a family member obtains or declines a continuing APF or NAF position (including employment with AAFES-Eur and the Stars and Stripes). A continuing position is a position expected to last 1 year or longer regardless of the work schedule (full-time, part-time, and intermittent). Family members who obtain temporary positions expected to last 1 year or longer (either through initial appointment or extension) use their family-member preference.

g. The phrase “residing with” used in the definition of family member relates to both the spouse and the dependent children of the sponsor.

h. Family-member preference--

(1) Applies to the commuting area of the sponsor.

(2) Is based on how far the applicant is willing to travel each day for employment as indicated on the employment application.

i. Dependent children who are temporarily away from home attending school or college but who meet the rest of the DOD definition of family member will be considered family members for employment purposes. These applicants will be included in the minimum area of consideration, even when they are away from home.

(1) Students will designate in writing someone in the overseas area to accept or reject job offers on their behalf until they arrive home.

(2) Positions need not be held open to accommodate lengthy delays in returning.

j. Unmarried dependent children who reside with their sponsor and are appointed on a Schedule A 213.3106(b)(6) family-member appointment before reaching age 23 may keep their position beyond age 23.

(1) Unmarried dependent children may continue their employment under the Schedule A 213.3106(b)(6) appointment until their sponsor departs from the duty station commuting area or completes the overseas tour they are serving before the unmarried child reaches age 23. The appointment will end on the date of the event that causes the termination to occur unless it expires earlier.

(2) Extension of the sponsor's tour does not extend the appointment of the unmarried dependent child who has reached age 23.

(3) If an unmarried dependent child's sponsor is exempt from rotation requirements, the child may continue employment until the earliest date the sponsor is eligible for renewal-agreement travel after the child reaches age 23.

**Paragraph 7-4, Local National Positions.** Add subparagraphs a through c as follows:

a. Family members of locally hired APF and NAF employees will receive consideration for LN positions. These family members will not receive family-member preference.

b. Family-member preference for employment applies to external recruitment for LN positions. U.S.-citizen family members will be recruited to fill LN positions according to 5 CFR 316, 332, and 333 (for external recruitment); 5 CFR 335 (for inservice placement); AR 690-300; and this supplement.

c. Non-U.S. family members are entitled to family-member preference when filling LN positions.

**Paragraph 7-5, Providing Information.** Add subparagraph c as follows:

**c. Investigative Requirements.** U.S.-citizen family members on Schedule A 213.3106(b)(6) family-member appointments in nonsensitive positions, except for positions designated with automatic-data-processing clearance requirements, are exempt from national-agency-check requirements. If commanders determine that a check is necessary, a check will be made of local provost marshal, United States Army Criminal Investigative Division Command, and customs office records and files.

**NOTE:** This exemption does not include individuals assigned to positions involved in providing child-care services to children under age 18 (for example, child protective services; social services; health and mental health care; child (day) care; educational services; foster care; residential care; recreational or rehabilitative programs; detention, correctional, or treatment services). Appendix I provides procedures for criminal-history checks on individuals in child-care-service positions.

**Paragraph 7-6, Time Limits on Schedule A Excepted Appointments.** Add subparagraphs a through d as follows:

a. Appointments under the Schedule A 213.3106(b)(6) authority generally do not have a specific expiration date unless the position is temporary. Employees may work up to 2 months after their sponsor's tour ends or after the employee loses family-member status.

b. Commanders of USAREUR commands; staff principals (or equivalent); and assistant staff principals may approve an extension of a Schedule A 213.3106(b)(6) family-member appointment for up to 1 year beyond the sponsor's tour. There is no provision for further extending a family-member appointment beyond this 1-year period.

(1) Appointment extensions--

(a) Must be for the employee's current position.

(b) Must be based on a need to keep the employee's skills.

(c) Will include the 2 months past the date of the sponsor's transfer or separation, or after the employee's loss of family-member status.

(d) Will be processed and approved before the expiration of the initial 2-month period.

(2) Approved appointment extensions will be forwarded to the CPAC for verification that regulatory requirements have been met. The CPAC will forward approved appointment extensions to the CPOC for coding into the Defense Civilian Personnel Data System.

c. Extending employees under b above will reduce the employee's terminal leave without pay (T-LWOP) period. When combined, the length of the extension and the T-LWOP may not exceed 1 year.

d. For unmarried dependent children who have reached age 23, the 1-year period (b above) will be reduced by the period worked beyond their 23d birthday (para 7-3j).

**Paragraph 7-7b, Leave Without Pay.** Add subparagraphs (1) through (5) as follows:

(1) USAREUR policy is to support the continued Federal employment of family-member employees relocating with their sponsors to CONUS. Family members who have competitive status or are eligible for noncompetitive appointment under Executive Order 12721 may request T-LWOP under the USAREUR T-LWOP program.

(2) Agencies have administrative discretion in approving requests for LWOP. Supervisors may approve requests for LWOP if the leave is in the best interest of the U.S. Government. USAREUR grants T-LWOP to support the continued Federal employment of family members relocating with their sponsors.

(a) Supervisors will grant 1 year of T-LWOP to eligible employees relocating to CONUS who apply for T-LWOP. Eligible employees requesting T-LWOP will complete AE Form 690-300.301D-R (Application for Terminal Leave Without Pay (T-LWOP)).

(b) The approved T-LWOP and the family member in the T-LWOP status are not affected when the employee's job or activity is abolished.

(c) Employees granted T-LWOP are not entitled to return to duty at the overseas location.

(d) Employees on T-LWOP are not counted against endstrength. The CPOC and CPACs will not issue reduction-in-force notices to employees on T-LWOP, because these employees cannot return to their overseas positions.

(e) Employees on temporary appointments are not eligible for T-LWOP.

(3) Family-member employees without competitive status may request T-LWOP when the sponsor relocates to another European location. The T-LWOP will be normally for less than 90 calendar days or until the employee's appointment expiration date, whichever is earlier. Management may grant extensions for the employee to find employment at the new location.

(4) AL used immediately before going on T-LWOP is not considered terminal leave. This AL is authorized if granted by the employee's leave-authorizing official. An employee's T-LWOP entitlement will be reduced by the amount of time the employee continues to be employed after the sponsor leaves the duty station, or after the employee loses family-member status for employment purposes. AL used immediately before entering a T-LWOP status while the sponsor continues to remain at the overseas duty station does not reduce the employee's T-LWOP entitlement.

(5) AL will not be granted after the employee has entered a T-LWOP status. Personnel actions will not be processed for the purpose of returning an employee to duty solely to use AL and then return to a nonpay status. Employees who wish to receive compensation for their accrued AL after entering a T-LWOP status will be informed that they must resign to do so.

**Paragraph 7-7c, Remaining in Foreign Area.** Add the following:

Family members who remain in the area after losing family-member status may apply for continued employment as external, nonfamily-member applicants for direct-hire, U.S. positions under any source for which they are eligible.

**Paragraph 7-7, Separation and Rotation.** Add subparagraph d as follows:

**d. Separation of Family Members on Schedule A 213.3106(b)(6) Appointments.** A family member whose sponsor is relocating may receive a termination action when the sponsor receives PCS orders. A family member without competitive status who is employed under Schedule A 213.3106(b)(6) appointment authority and who wants to separate before receiving the sponsor's orders must resign.

**APPENDIX E**  
**VETERANS PREFERENCE PASS-OVER APPROVING AUTHORITIES**

To pass over an applicant with veterans preference, civilian personnel advisory centers must obtain approval according to table E-1. Use the AE Abbreviations Index to find definitions of abbreviations used in this table.

		Excepted Service 5 CFR 302 Family Member, VRA	Career Appointment/Term 5 CFR 316 and 332 Direct Hire, DEU	Outside the Register 5 CFR 333 Temporary
5-Point Veteran	Approving Authority	Chief, CPAC (note 1) Office of Personnel Management (note 2)	Chief, CPOC (note 1) Office of Personnel Management (note 2)	Chief, CPAC (note 1) Office of Personnel Management (note 2)
	Reference	5 CFR 302.401(b) 5 CFR 339.306(b)	5 CFR 332.406(b) 5 CFR 339.306(b)	5 CFR 333.203 5 CFR 339.306(b)
10-Point Veteran	Approving Authority	Chief, CPAC (note 1) Office of Personnel Management (note 2)	Chief, CPOC (note 1) Office of Personnel Management (note 2)	Chief, CPAC (note 1) Office of Personnel Management (note 2)
	Reference	5 CFR 302.401 (b) 5 CFR 339.306(b)	5 CFR 332.406(b) 5 CFR 339.306(b)	5 CFR 333.203 5 CFR 339.306(b)
30 Percent (or more) Disabled Veteran	Approving Authority	Chief, CPAC (note 1) Office of Personnel Management (note 2)	Office of Personnel Management	Office of Personnel Management
	Reference	5 CFR 302.401(b) 5 CFR 339.306(b)	5 CFR 332.406(b) 5 CFR 339.306(b)	5 CFR 333.203

**NOTES:** 1. For qualification or suitability issues.  
2. For medical disqualification.

**Table E-1. Veterans Preference Pass-Over Approving Authorities**

## **APPENDIX F HOME LEAVE**

### **F-1. GENERAL**

a. Employees who meet the requirements for a 45-day maximum annual leave accumulation as documented on their SF 50-B (Notification of Personnel Action) may take home leave. Employees must serve 24 months of continuous service outside of the United States to be eligible for home leave. Continuous service in positions (such as teaching positions) under a different employee-leave system will be included as part of the 24 months.

**NOTE:** This requirement does not apply to subsequent overseas tours. After the basic 24-month service requirement has been met, an employee may take home leave at any time. This includes leave taken in conjunction with renewal-agreement travel, temporary duty travel, and personal business.

b. Home-leave approval is discretionary. The employee will submit an SF 71 (Request for Leave or Approved Absence) to request home leave and indicate their leave destination. The employee's supervisor is the leave-approving authority and must approve the leave in advance. Only time spent in the United States or in U.S. territories or possessions may be charged as home leave.

c. Employees should normally have 6 months remaining on their tour after completing home leave. The second-level supervisor may make exceptions to the 6-month service period on a case-by-case basis. Home leave may not be used as terminal leave (leave taken immediately before leaving the service).

### **F-2. LEAVE-FREE TRAVEL**

Employees who are authorized home leave are entitled to leave-free travel time when they take home leave. This entitlement is limited to one leave period for each overseas tour.

a. Leave-free travel time--

(1) May not be longer than the time required for common carriers to travel the most direct, commonly traveled route. During leave-free travel time, employees will be reported as being in a duty status on time and attendance reports.

(2) Is credited when the employee performs renewal-agreement travel under the Joint Travel Regulations, volume II. The employee may request, in writing, to use leave-free travel when planning to use home leave at another time. The employee must be notified of the limit of one leave-free travel opportunity for each tour.

b. For personnel on worldwide mobility agreements, home leave may be granted enroute to an assignment in the continental United States (CONUS) if another foreign-area tour is expected immediately after completing the U.S. assignment.

### **F-3. HOME LEAVE DURING BASE CLOSURE AND REALIGNMENT**

a. To provide continued employment during base closures and realignments, employees eligible to take home leave may do so to seek employment in CONUS. This employment may be with either a Government or a non-Government employer.

b. Management may approve home leave for an employee to seek future employment regardless of the 6-month-remaining-service requirement (para F-1c). Approval will be based on management's knowledge of the potential reductions and the effect of reduction on the employee's ability to remain employed.

## **APPENDIX G GUIDANCE FOR MAKING TOUR-EXTENSION DECISIONS**

### **G-1. POLICY**

a. DOD policy on overseas employment of civilian employees limits overseas tours to 5 years. Extensions beyond 5 years are designed to provide management flexibility to meet defined mission requirements that cannot otherwise be met.

- (1) Extensions beyond 5 years may be granted in extremely rare situations.
- (2) To be eligible for extensions beyond 5 years, the employee must--
  - (a) Be rated at least fully successful.
  - (b) Have the knowledge, skills, and abilities required for the position.
  - (c) Have successfully adapted to the foreign work and cultural environment.

b. Employees have no right to tour extensions. HQ USAREUR/7A recognizes, however, that tour extensions beyond the 5-year limit may sometimes be necessary. A decision to extend an employee must be supported by resource and mission requirements and be in the best interest of the command. This appendix provides guidance on making tour-extension decisions.

### **G-2. APPROVING AUTHORITIES**

Only general officers and senior-executive-service equivalents, commanders of USAREUR commands (UR 10-5, app B), and HQ USAREUR/7A staff principals or their equivalents may approve extensions beyond 5 years.

### **G-3. TOUR-EXTENSION DECISIONS**

a. In making tour-extension decisions, the approving authority will consider--

- (1) The organization's ability to offer continued employment throughout the period of the extension.
- (2) Whether or not the extension will result in the employee's loss of return rights.
- (3) The effect the extension will have on the ability to place surplus employees within USAREUR.

b. For employees covered by formal DA career programs (AR 690-950), the approving authority will consult with the appropriate USAREUR command career program manager (CCPM) before approving an extension of an employee's tour beyond 5 years. CCPMs will--

- (1) Address the availability of surplus employees with substantial time remaining on their tours in their recommendation to the approving authority.
- (2) Evaluate the effect that continued service in the same location or organization would have on the employee's professional development, competitiveness with peers, and potential for promotion.
- (3) Make a recommendation to the approving authority in writing.

c. The approving authority is not required to provide reasons for a decision on whether or not to extend an employee's overseas tour. The tour-extension decision must, however, be based on valid, mission-related, nondiscriminatory reasons. The components of successful tour-extension decisions should include--

- (1) An assessment of the benefits to be gained in terms of the organization's mission needs.
- (2) Written documentation or the ability to collect documentation to support the decision.
- (3) A comparison of the tour-extension decision with employees in similar situations.

(4) Consistency in the reasons for all tour-extension decisions (d(1) through (5) below).

(5) Maximum notification to employees whose tour will not be extended.

d. Some situations may warrant extending an employee's tour beyond the 5-year limit. The following reasons may justify approving a tour extension beyond the 5-year limit:

(1) The continued need for an employee's skills or corporate knowledge when there is a documented history of difficulty filling the position.

(2) The need to maintain stability during mandated organizational staff reductions.

(3) The assignment of new missions or tasks to the organization.

(4) A requirement to keep an employee to complete a special project.

(5) Simultaneous dates eligible for return from overseas (DEROSs) of other employees in the same career field.

e. Short-term extensions may be granted by the approving authority for compassionate or personal reasons on an individual basis. These extensions will not normally be more than 6 months. The following are examples of when a short-term extension may be appropriate:

(1) To allow children to complete the school year.

(2) To allow the employee or an employee's family member to continue medical treatment.

(3) To allow the employee to retire after a short-term extension if the employee is eligible for retirement within 6 months to 1 year at the time of the tour extension.

(4) To coincide with the sponsor's tour expiration.

(5) To synchronize rotation and transportation agreements.

f. Tour-extension decisions should be documented on memorandums for record. To ensure consistency when making tour-extension decisions, the approving authority should maintain a roster of employees supervised that identifies--

(1) Employees who were considered for tour extensions.

(2) Employees who were extended.

(3) Employees who were not extended.

(4) The reasons for management's decision to extend or not to extend an employee.

g. When making tour-extension decisions, approving authorities should not--

(1) Base decisions not to extend an individual on the individual's history of filing complaints. This decision may be interpreted as reprisal against the employee. Reprisal is a prohibited personnel practice that justifies disciplinary action up to and including removal (5 USC 2302).

(2) Be intimidated by someone who has filed or plans to file a complaint against them.

(3) Use tour extensions as a substitute for good management practice. Performance and disciplinary problems should be handled through appropriate systems.

(4) Base the decision or any part of the decision on the employee's race, national origin, age, gender, or disability.

**APPENDIX H  
PROCESSING EXCEPTIONS TO AND RESTORATION OF MILITARY-SPOUSE AND FAMILY-MEMBER  
PREFERENCE**

**H-1. POLICY**

a. The primary purpose of military-spouse preference and family-member preference is to help spouses and family members obtain initial employment within the commuting area of the sponsor's duty station.

b. In hardship cases, it may be appropriate to bypass (not select) a person eligible for family-member preference or to restore family-member preference. The following are not valid reasons to bypass a candidate or restore preference:

- (1) Inability of management to reach a certain candidate on a referral list.
- (2) Inability of an applicant to be selected because preference has been used.
- (3) Lack of knowledge about military-spouse and family-member preference.

**H-2. APPROVAL**

a. Only commanders of USAREUR commands (UR 10-5, app B) and HQ USAREUR/7A staff principals or equivalents may approve an exception to preference.

b. Only the Civilian Personnel Division, Office of the Deputy Chief of Staff Personnel, HQ USAREUR/7A, may approve spouse-preference restoration.

**H-3. EXCEPTIONS TO MILITARY-SPOUSE AND FAMILY-MEMBER PREFERENCE**

a. Exceptions to the order of preference on a referral list must be based on hardship to the command or to the individual. Objections to the qualifications or suitability of a preference-eligible candidate must be documented to show hardship to the command. Simply stating that an eligible candidate without preference is better qualified is not enough to warrant approval of an exception.

b. Requests to bypass a preference-eligible person may be considered based on the nature of the hardship.

c. Civilian personnel advisory centers (CPACs) will submit approved exception requests to the Civilian Personnel Operations Center (CPOC).

**H-4. RESTORATION OF MILITARY-SPOUSE OR FAMILY-MEMBER PREFERENCE**

a. Military-spouse or family-member preference that has been used may be restored for persons on time-limited appointments of 1 year or longer who experience unanticipated displacement less than a year after the appointment date.

b. CPACs will submit approved restoration requests to the CPOC.

**APPENDIX I  
PROCESSING CRIMINAL-HISTORY CHECKS ON INDIVIDUALS IN CHILD-CARE SERVICE POSITIONS**

**I-1. POLICY**

a. Although background checks require time and resources to process, they are an essential to protect children in child and youth settings. A comprehensive background-check program helps identify known abusers through a nationwide central system and deters them from applying for child- and youth-service positions.

b. The USAREUR civilian personnel staff will comply with established policy when implementing procedures for performing background investigations. Checks are required on individuals 18 years old or older in DOD involved in providing child-care services.

**I-2. PROCEDURES**

**a. Background Checks.** Line management is responsible for identifying positions and individuals subject to background checks, the type of check required, and funds to be used for background checks.

(1) Management will identify positions subject to background checks by placing the following statement on the position description: “Condition of employment: Background check required.”

(2) Based on management action, the Position Management and Classification Division staff at the Civilian Personnel Operations Center (CPOC) will assure that this condition of employment is included in the official position description.

**b. Job Announcement and Application Procedures.** The CPOC will incorporate the following into job announcement and application procedures:

(1) Job announcements must include a statement that national agency check (NAC) investigations or national agency check and written inquiries (NACI), state criminal history repository (SCHR) checks, and installation record checks will be required as a condition of employment for personnel assigned to identified positions.

(2) Applicants must answer the following question on their application:

Have you ever been arrested for or charged with a crime involving a child, a sex crime, a substance-abuse felony, or a violent crime? If yes, provide the date, an explanation of the violation, disposition of the charge, place of occurrence, and the name and address of the police department or court involved.

(3) Job announcements and application materials must state that employees may be permitted to work before background checks are completed if the employee is within line-of-sight supervision (LOSS) of an employee who has successfully completed background checks. The employee may be removed if a background check discovers derogatory information.

(4) Application materials will include—

(a) A statement that applications are signed under penalty of perjury.

(b) The applicable Federal punishment for perjury.

**c. Applicant Referral and Selection.** The program-activity manager and selecting official will certify on referral lists that LOSS will be maintained for the selectee until required checks have been completed. New applicants will not be hired without this statement.

**d. Processing Personnel Actions and Inprocessing.** During inprocessing--

(1) Selectees will sign DA form 7214-R (Applicant Acknowledgement of Employer Obligation) and DA Form 7215-R (Release/Consent Statement).

(2) The selectee's SF 50-B (Notification of Personnel Action) will state "unfavorable adjudicated background-check investigations will be grounds for removal."

(3) CPACs will determine whether employees have had background checks by requesting the CPOC to review employee official personnel folders. The CPOC will determine whether "print-cleared" checks were obtained as a result of previous NAC or NACI investigations.

(a) Successfully processed fingerprints must meet criminal-history-check-fingerprint requirements.

(b) Clearances that were granted based on "name checks" must be reprocessed to obtain print clearance. CPACs will initiate fingerprint checks for these employees and document transactions.

(4) Individuals who have resided overseas for 5 or more consecutive years are not subject to SCHR checks but are required to have a fingerprint check. SCHR requests for individuals to whom these requirements apply will be initiated and processed according to DODI 1402.5.

(5) CPACs will begin the proper paperwork for employees without background checks.

(6) CPACs will document satisfactory checks after receiving "no derogatory information" reports or after 60 days and inform the submitting organization of the results.

(7) When derogatory information on an individual is received, the CPAC will notify the submitting organization and the individual.

(a) Individuals must be informed of their rights to obtain a copy of the criminal-history report, challenge the accuracy and completeness of the report, and provide information on positive mitigating factors for any adverse information presented.

(b) If results from a criminal history background check causes an employee not to be selected for employment, the CPAC will inform the employee of appeal rights and procedures for amending records, obtaining copies of records, and providing statements of disagreement. As appropriate, employees will be advised of other avenues of redress (for example, administrative grievance procedures).

(8) Submitting organizations will convene quality-review-advisory panels to make final determinations. Recommendations to terminate employment will be based on part 731, title 5, Code of Federal Regulations.

(9) Records disposition will be according to procedures for investigations on employees and applicants.

## **APPENDIX J REFERENCES**

### **J-1. FEDERAL PUBLICATIONS**

Crime Control Act, Public Law 101-647

Section 6304(b), title 5, United States Code (5 6304(b) USC)

5 USC 6305

Part 301, title 5, Code of Federal Regulations (5 CFR 301)

5 CFR 302

5 CFR 316

5 CFR 332

5 CFR 333

5 CFR 335

5 CFR 351

Federal Personnel Manual, chapters 301, 332, and 335

Joint Federal Travel Regulations, volume I

Joint Travel Regulations, volume II

### **J-2. DEPARTMENT OF DEFENSE PUBLICATIONS**

DODI 1402.5, Criminal History Checks on Individuals in Child Care Services

DODI 1404.12, Employment of Spouses of Active Duty Military Members Stationed Worldwide

DOD 1400.25-M, Civilian Personnel Management Manual

### **J-3. ARMY PUBLICATIONS**

AR 25-400-2, The Modern Army Recordkeeping System (MARKS)

AR 608-10, Child Development Services

AR 690-300, Employment (Civilian Personnel)

AR 690-300.301, Overseas Employment

AR 690-300.352.8, Statutory Reemployment Rights

AR 690-950, Career Management

### **J-4. USAREUR REGULATION**

UR 690-630.12, USAREUR Terminal Leave Without Pay Program

## GLOSSARY

AAFES-Eur	Army and Air Force Exchange Service, Europe
AL	annual leave
APF	appropriated fund
CCPM	command career program manager
CFR	Code of Federal Regulations
CG, USAREUR/7A	Commanding General, United States Army, Europe, and Seventh Army
CMAA	civilian misconduct action authority
CONUS	continental United States
CPAC	civilian personnel advisory center
CPOC	Civilian Personnel Operations Center
DA	Department of the Army
DEU	Delegated Examining Unit
DEROS	date eligible for return from overseas
DOD	Department of Defense
DODI	Department of Defense instruction
HQ USAREUR/7A	Headquarters, United States Army, Europe, and Seventh Army
JTR	Joint Travel Regulations
LN	local national
LOSS	line-of-sight supervision
LWOP	leave without pay
NAC	national agency check
NACI	national agency check and written inquiries
NAF	nonappropriated fund
NATO	North Atlantic Treaty Organization
NTE	not to exceed
OSL	overseas limited
PCS	permanent change of station
SCHR	state criminal history repository
SF	standard form
T-LWOP	terminal leave without pay
UR	USAREUR regulation
U.S.	United States
USAREUR	United States Army, Europe
USC	United States Code
VRA	veterans readjustment appointment