

GENERAL SERVICES ADMINISTRATION
Washington, DC 20405

HRM 9301.1A
December 13, 2023

GSA ORDER

SUBJECT: Overseas Employment: Staffing, Pay, Leave and Benefits in Foreign Areas

1. Purpose. This Order outlines policies for the recruitment and hiring of job candidates for positions placed within foreign areas, meaning, outside of the continental U.S., Alaska, Hawaii, and U.S. territories and possessions.

2. Background. The General Services Administration (GSA) periodically authorizes positions in overseas foreign areas to conduct work for the U.S. government in support of the U.S. Department of Defense (DoD), State Department or other federal agencies. Often these GSA employees are co-located on military installations or U.S. embassies or consulates within the foreign country. In most circumstances (not all) the personnel costs of the support activities are reimbursed to GSA via Memorandum of Agreement (MOA), Treasury Form 7600A/B, or other support agreement (such as a "note verbale" for employees stationed at State Department embassies or consular offices). Such employees are subject to the terms of the MOA (or equivalent) between the agencies involved as well as the "Status of Forces Agreement" international treaty between the U.S. and the host country. This Order discusses the different recruitment and placement methods available to GSA to satisfy this international and cross-agency business need as well as certain compensation and leave authorities.

In all circumstances overseas positions are filled by the Office of Human Resources Management (OHRM) in compliance with Title 5, including 5 U.S.C. § 2301 (merit systems principles) and § 2302 (prohibited personnel practices). GSA policy in this area is limited to Title 5 and does not include principles from Title 10 since Title 10 does not apply to the GSA.

3. Scope and applicability.

a. This Order applies to all job candidates or GSA employees that may be appointed (or placed) into overseas positions in foreign areas under the provisions of Title 5 of the U.S. Code.

b. This Order does not apply to the Office of Inspector General (OIG) because it has independent personnel authority. See Section 6 of the Inspector General Act of 1978, (5 U.S.C. App. 3), as amended (Inspector General is authorized “to select, appoint, and employ, such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General”) and GSA Order ADM P 5450.39D, *GSA Delegations of Authority Manual (Delegations Manual)*, Chapter 2, Part 1 (“the Inspector General has independent authority to formulate policies and make determinations concerning human capital issues within the [OIG] and GSA determinations/delegations do not limit that authority”). Similarly, GSA specifically recognizes that the Inspector General has independent authority to formulate policies and make determinations concerning training, employee development, and career management.

4. Cancellation. GSA Order HRM 9301.1, *Overseas Employment*, dated July 25, 2018, is canceled.

5. Nature of revision. This Order is being revised to:

a. Provide guidance on the different kinds of appointments and placements that may be used within the civil service to staff positions in foreign overseas locations;

b. Establish roles and responsibilities;

c. Confirm medical clearance as a condition of employment;

d. Inform that the agency uses the civil service authority of 5 C.F.R. § 335.102 to efficiently reassign staff from the U.S. (typically from the Continental U.S.) to, and back from, foreign areas due to mission needs;

e. Discuss changes to overseas employment forms to facilitate efficient operation of this program area;

f. Discuss the establishment of security clearance designations for positions as well as resulting drug testing requirements; and

g. Ensure that employees are non-competitively reassigned (under 5 C.F.R. § 335.102) to an equivalent position (meaning the same General Schedule grade in the same or different occupational series) upon the conclusion of their final overseas tour, or when that tour is canceled and an employee is returned for service in the U.S. before the conclusion of the final tour, for situations outside of reduction in force.

h. Correct the policy language to clarify that GSA is considered only a Title 5 agency for civil service staffing purposes and that DoD’s competitive service rotation statute (10 U.S.C. 1586) does not apply to GSA. Because GSA recruits and selects positions in accordance with Title 5 alone, depending on the method selection and the resulting type of appointment, competitive selection often confers permanent legal rights to a particular

grade, even if that position is overseas. Within Title 5, one exception to this general rule (used to support subsequent demotions) concerns positions specifically advertised as temporary promotion opportunities. Temporary promotions are limited to 5 years (see 5 C.F.R. § 335.102(f)).

6. Implementation. Implementation of this Order will be carried out in accordance with applicable Federal laws (Title 5 of the U.S. Code) and regulations (Title 5 of the Code of Federal Regulations (C.F.R.) and the Department of State Standardized Regulations (DSSR)) as well as any collective bargaining agreements that may apply.

7. Signature.

/S/ _____

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OHRM 9301.1A Policy and Procedure for Overseas Employment

1. Introduction.

This policy provides guidance for the appointment of U.S. General Services Administration (GSA) employees to positions in overseas foreign areas. Staffing policies, practices, and decisions should comply with all applicable civil service laws, rules and regulations.

2. References.

- a. 5 U.S.C. Subpart E, Chapter 63 (Paid Leave)
- b. 5 U.S.C. Subpart D, Chapter 59 (Foreign Allowances)
- c. 5 U.S.C. Subpart D, Chapter 57 (Travel and Relocation)
- d. 5 CFR Subchapter A (Parts 1 - 10)
- e. 5 CFR Subchapter B (Parts 300 - 362, 550, 551, 591, and 630)
- f. [Federal Travel Regulations \(FTR\), 41 CFR Parts 300, 301 and 302](#)
- g. [Department of State Standardized Regulations \(DSSR\)](#)
- h. [ADM P 5450.39D](#), *GSA Delegations of Authority Manual*
- i. [OAS 5730.1](#), *GSA Relocation Allowances*
- j. [OAS 5775.1](#), Change 2. *Foreign Travel Policy*
- k. [ADM P 5400.1A](#), *Meetings with Representatives of Foreign Governments or Foreign Industry, Foreign Travel, and Foreign Contacts*
- l. Office of Personnel Management, *Workforce Reshaping Handbook*, March 2017
- m. [U.S. State Department, Foreign Affairs Manual](#)

3. Definitions.

- a. Continental United States (CONUS) – As used in 5 U.S.C. 5721, the *Overseas Differentials and Allowances Act of 1960*, means the 48 contiguous states and the District of Columbia, but excluding Alaska and Hawaii.
- b. Displaced Overseas Employee – An employee working in an overseas area, who may be displaced as a result of an action taken that affects the encumbered overseas position.
- c. Foreign Areas – Any area or country outside the 50 states, District of Columbia, the Commonwealths of Puerto Rico, the Northern Mariana Islands, Guam, and other U.S. territories and possessions.
- d. GSA Employee Sponsor – A federal employee of another agency who is designated by the agreement to be a liaison between the GSA employee and the agency that is sponsoring the overseas position.
- e. Home Leave – A period of approved absence with pay authorized by 5 U.S.C. §

6305(a) for employees stationed in foreign areas. Home leave is used for the employee to periodically return to his or her place of actual residence, which can be within a U.S. state, District of Columbia, or a U.S. territory or possession.

- f. Memorandum of Agreement (MOA) – An agreement between two or more parties outlining the terms and details of an agreement, including each parties' requirements and responsibilities.
- g. Non-foreign (OCONUS) Overseas Area – The States of Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, Guam, and other U.S. territories and possessions. See further 5 CFR Part 591 Subpart B.
- h. Overseas Tour of Duty – In the context of this Order, an overseas tour of duty means a non-permanent assignment to a post of duty in a foreign area, in other words, a country outside the CONUS, Alaska, Hawaii, or U.S. territories or possessions. Examples include working in Germany or South Korea. See also 41 CFR § 302-3.210. An Overseas Tour of Duty begins upon arrival at the overseas duty station (or the entry on duty (EOD) date with GSA if hired overseas) and terminates upon departure due to permanent change of station.
- i. Place of actual residence – As used in multiple authorities, such as 41 CFR Subpart A, and 5 U.S.C. § 5722(a)(1) or 5 U.S.C. § 5724(d), means the place of general abode (i.e. his principal, actual dwelling place in fact, without regard to intent) in CONUS or U.S. territories or possessions at the time of assignment overseas by GSA or a prior overseas employer(s), as used in 8 U.S.C. § 1101(a)(33).
- j. Renewal Agreement Travel (RAT) – As discussed in 41 CFR §§ 302-3.209 to 302-3.224, and 41 CFR §§ 302-3.513 to 302-3.515, from the *Administrative Expenses Act of 1946* (60 Stat. 806), means travel from an foreign area position of assignment back to the actual place of residence when the employee has agreed to accept another tour of duty in the foreign location. RAT is intended to provide expenses of round-trip travel and subsistence expenses (including per diem) for the employee and their immediate family members to their actual place of residence for the purpose of taking home leave (or other paid leave) between successive tours of duty and prior to the new tour of duty (5 U.S.C. § 6305(a)). See GSA Order OAS [5730.1](#) for more information.
- k. United States – As found within 5 U.S.C. § 5721, means the 50 states, including Alaska, Hawaii and the District of Columbia. It does not apply to U.S. territories or possessions.

4. Responsibilities.

a. Office of Human Resources Management (OHRM). The OHRM is responsible for the development of this Order, as well as the development of GSA forms that are used in

the administration of staffing positions in foreign areas. OHRM staff are responsible for:

(1) Developing GSA policies and procedures that comply with civil service laws and regulations to facilitate proper and efficient overseas recruitment and continued employment in accordance with GSA Internal Directives standards;

(2) Advising and assisting hiring officials in the recruitment and selection of candidates to positions that involve an overseas tour of duty;

(3) Completing parts of the *Overseas Processing Employment Checklist* (GSA [Form 5045](#)) and providing it to the current Supervisor or Hiring Manager and the candidate/employee before departure overseas;

(4) Establishing, collecting and maintaining overseas-related documents and forms in the "Overseas" folder of the eOPF application. (Note that the OPM *Guide to Personnel Recordkeeping* considers these documents as agency-specific and are not to be transferred to subsequent agencies, similar to how most "temporary" documents are handled with regard to the official personnel file);

(5) Providing advice and assistance to hiring managers and the Overseas Employment Program Manager on personnel-related matters;

(6) Determining (in accordance with the Overseas Program Manager) the compensation and benefits eligibility of job candidates for: (a) post allowance, (b) living quarters allowance, (3) the 45-day annual leave accrual ceiling, and (4) home leave;

(7) Completing the GSA Forms 5040 and [5042](#) with the assistance of the hiring official and the job candidate;

(8) Retaining a copy of the DS-1843 and DS-1622 medical forms and documents in the agency's approved Medical File System, in Medical Folders ([Standard Form SF-66-D](#)), per the OPM [Guide to Personnel Recordkeeping](#), Medical folders also include the results of the agency's drug testing program under [Executive Order 12564](#). For more information, see [GSA Order 9700.3](#), *GSA Drug-Free Workplace Program*, 5 C.F.R. Part 293, Subpart E, *Employee Medical File System Records*, and 5 C.F.R. § 297.205. For more information on Medical File recordkeeping, see [75 FR 35099 \(June 21, 2010\)](#); and

(9) Signing the *Authorization for Medical Examination* (DS-Form 3069), which is the agency's authorization for the job candidate to undergo a pre-employment medical exam and medical clearance by the State Department.

b. Office of the Chief Financial Officer (OCFO). The OCFO staff:

(1) Certify that funds are available on the [SF-1190](#) and sign the SF-1190 Form as the Certifying Official:

(2) Manually processes foreign allowances in the Payroll system based on the information recorded in the [SF-1190](#), *Foreign Allowances Application, Grant and Report*, which authorizes allowances in accordance with applicable regulation and policies;

(3) Conducts annual living quarters allowance (LQA) reconciliations of actual expenses to salary payments;

(4) Pro-rates foreign post allowance payments when employees use home leave while on travel from foreign areas to the U.S.; and

(5) Collects Government debts from employees, due to overpayments of salary, allowances or differentials.

c. Office of Mission Assurance (OMA). OMA will:

(1) Grant security clearances for GSA employees;

(2) Coordinate visit requests for GSA employees using [GSA Form 6102](#), *Passing Visit Authorization Letter/Request*;

(3) Conduct travel briefings prior to foreign travel;

(4) Conduct a security debriefing upon completion of foreign travel; and

(5) Conduct accountability of overseas stationed employees in the event of a disaster incident impacting their location, in coordination with Federal Acquisition Service and Overseas Program Management Office.

d. Office of Administrative Services (OAS). Staff from OAS will:

(1) Establish foreign travel and relocation policy, and provide oversight, for GSA employees and other individuals authorized to relocate at the agency's expense;

(2) Process "no fee" passports and visas for GSA employees assigned overseas. An official Government or diplomatic passport is required for GSA employees assigned to a foreign country. See this [Link](#) for more information or email passportservices@gsa.gov. Job candidates must be GSA employees before the supervisor can request the official Government or diplomatic passport. This typically means that in certain cases selectees will have a period of time within CONUS (typically weeks or a few months) before they are finalized for overseas service; and

(3) Provide assistance to employees and the Overseas Program Manager with questions regarding travel, passports or relocation policy.

e. Heads of Services and Staff Offices (HSSOs). The Heads of SSOs shall:

(1) Ensure proper position management strategy for overseas positions and placement of employees who return to the United States following completion of their final overseas tour. This includes the senior specialist in charge of the organization's staffing plan working with current overseas supervisors to determine vacant but authorized positions available for reassignment of foreign area employees when foreign-related work has reached a conclusion and the employee is returned to CONUS;

(2) In collaboration with OHRM staff, submit and facilitate the approval of all hiring forms required for administration of this program area;

(3) Process and coordinate all required documentation with the OCFO to approve and certify the payment of foreign allowances and differentials authorized by GSA policy and governing regulations;

(4) Work with the Travel Office within the Office of Administrative Services to process permanent change of station (PCS) relocation travel and renewal agreement travel authorizations; and

(5) Tracking the period of overseas employment and notifying the employee, and their supervisor, when he or she is eligible for home leave and/or RAT travel, under 5 U.S.C. § 6305(a) and 5 CFR Part 630, Subpart F. Note that transportation and per diem costs for RAT travel are paid for by the Government under the Federal Travel Regulations (FTR) (see 41 C.F.R. §§ 302-3.209 through 3.224) and only when the overseas employee has signed a renewal of their overseas employment service agreement. The HSSO, or their designee, is responsible for tracking the start and end date of each overseas tour, as well as sending reminders to each overseas supervisor 12 months before the expiration date of each tour to facilitate workforce planning.

f. Overseas Program Management Office. Serves as the Program Management Office. Serves as a liaison between all overseas employees and supervisors, the Approving Official, the servicing budget office, OHRM and the OCFO. The Overseas Program Manager shall have the following responsibilities:

(1) Work with the OHRM Policy Office concerning overseas employment policy development and overseas employment operations;

(2) Work with overseas employees and supervisors to answer questions or to provide referrals to offices responsible for the policy or program area of interest;

(3) Review foreign allowance requests for eligibility, accuracy and completeness and to ensure that the [SF-1190](#) is signed by the proper Approving Official and Certifying Officials including all appropriate supporting documentation. The Program Manager shall return packages to employees or supervisors for additional documentation, exchange rate information or requests that exceed agency limitations;

(4) Perform periodic review of foreign allowance payments to ensure eligibility,

accuracy, completeness and the timeliness of payments. Any findings will be communicated to the overseas employee and supervisor as well as the appropriate staff office for corrections; and

(5) Conduct quarterly accountability testing under the GSA's National Alert and Accountability System (NAAS) for all overseas employees in a foreign area.

g. Job Candidates or Employees. For approval requests to be adjudicated and processed in a timely manner, employees must:

(1) Work with the appropriate HR Specialist to ensure that his or her security clearance has been modified (if necessary) to meet the position's requirements (see [GSA Order 9732.1E](#), *Personnel Security and Suitability Program Handbook*);

(2) Work with the OAS Passport Services Office to procure an official (or diplomatic) passport prior to departure. (See also [OAS 5775.1](#), *Foreign Travel Policy*, Change 2 for more information);

(3) Submit all required documentation necessary to request and support the payment of foreign allowances and differentials authorized by GSA policy and governing regulations. (See [HRM 9592.1A](#), *Foreign Allowance and Differential*, and Chapter 2 of [ADM 5450.39D CHGE 1](#), *GSA Delegations of Authority Manual*);

(4) Sign the [GSA Form 5040](#), *Overseas Employment Service Agreement* or [5042](#), *Overseas Service Agreement For Overseas Tour Extension and Renewal Agreement Travel*, as a condition of overseas employment;

(5) Undergo a pre-employment medical clearance (by obtaining a physical exam, documented on the State Department forms) as a condition of overseas employment;

(6) Report foreign travel. GSA employees with a confidential, secret, or top secret security clearance are required to provide notice to the Threat Management Office, OMA (threat-management-office@gsa.gov) of all foreign travel, conducted for either official or personal purposes, at least 2 weeks in advance of travel. Such employees may be required to receive a travel briefing prior to foreign travel and may be subject to a security debrief upon completion of foreign travel. (See [ADM 5400.1A](#) for more details.) Please see the organization's [website](#) for further instructions;

(7) Undergo pre-employment drug testing if the security clearance is Tier 5, Top Secret; and

(8) Complete the [GSA Form 5039](#), *Living Quarters Eligibility Questionnaire*.

h. Office of the Chief Information Officer (GSA IT). GSA IT provides direction and guidance on the deployment of computer workstations, mobile devices, and more for

GSA employees, regardless of geographic location, using the support requests described in [CIO 1260.4B Provisioning of Information Technology \(IT\) Devices](#). Questions may be directed to the GSA Service Desk at ITServiceDesk@gsa.gov or 1-866-450-5250. See also GSA Order 9900.1A, [Government Furnished Information Technology \(IT\) Equipment for Use Outside GSA Agency Worksites](#).

i. [Office of the General Counsel](#). The staff of the Office of the General Counsel provides advice on questions of a legal nature.

5. [General provisions](#).

a. Existing GSA employees are sometimes selected for overseas assignments through negotiation between GSA and a sponsoring agency, such as the State Department or the DoD. GSA may provide a reassignment to a position in a foreign area by using the authority within 5 C.F.R. § 335.102. In some circumstances GSA instead issues vacancy announcements for competitive selection, using Title 5 rules. The scope of competition may be worldwide under merit promotion and may involve applicants eligible for agency transfer and not be limited to “Internal to the Agency.” For GSA employees assigned to DoD bases, they are typically provided with zero compensation (“non-comp”) dual appointments, in order to have full civilian access to base facilities and services (such as the base exchange, gas station, the Housing office, etc.).

b. The number of GSA positions overseas (i.e. staffing billets) is determined by the HSSO’s Staffing Plan, based in part upon the amount and type of support provided by supported agencies. Some GSA positions overseas are not on a reimbursable basis. Many overseas positions fall under the provisions of the Status of Forces Agreement (SOFA) (a type of international treaty) pursuant to the particular host country because generally appointees do not have independent work authorization within the foreign country. This is true of positions that are assigned to DoD installations. In other cases, when the positions are attached to the State Department diplomatic mission, the positions instead fall under Chief of Mission authority.

c. The authorization and reimbursement of benefits for overseas GSA positions are outlined within a MOA between GSA and the sponsoring U.S. agency, such as DoD, or a “note verbale” (a type of diplomatic letter) from the Department of State.

d. GSA employees working in overseas locations may receive applicable pay and foreign allowances and differentials as outlined in applicable laws and regulations (generally 5 U.S.C. Chapter 59). Guidance on pay and allowance incentives are addressed in the [GSA Order HRM 9592.1A](#), *Allowance and Differentials Payable in Foreign Areas*.

e. The OAS Passport Services Office provides assistance to GSA employees applying for an official U.S. Government (no fee) or diplomatic passport, if applicable, for the employee and any family members in accordance with OAS 5775.1 CHGE 2, [Foreign Travel Policy](#). Official passport applications must be accompanied by a copy of the MOA

(or Note Verbale), or other agreement or appropriate documentation between GSA and the sponsoring agency.

f. The [Guide to Processing Personnel Actions \(GPPA\)](#) is used as a guide to documenting overseas employment by notifications of personnel actions (SF-50).

g. GSA employees stationed at U.S. embassies or foreign consular offices fall under Chief of Mission authority (see 22 U.S.C. § 3927). This authority allows the State Department to coordinate the activities, and safety, of all Federal employees working at a certain location abroad.

h. GSA employees stationed at DoD foreign military bases should follow the directions of the appropriate military department's Chief of Staff as related to orders and requirements imposed on DoD civilians at that installation. If evacuation occurs, for example (under 5 U.S.C. §§ 5522 and 5523), GSA staff should follow the directions provided by the military Chief of Staff and designated subordinate commanders at that foreign base of employment.

i. For every foreign area vacancy, OHRM staff, in conjunction with the hiring manager, should carefully consider whether or not it is appropriate to fill the vacancy through non-competitive reassignment, or through competitive selection. Particular consideration should be given to whether or not the vacancy announcement should be posted as a temporary promotion (not to exceed 5 years). Position classification and workforce planning considerations should yield a strategy for the selected candidate upon conclusion of the final overseas tour.

6. Overseas Tours of Duty.

a. Background. Civil service law considers overseas assignments non-permanent and characterized by an "overseas tour of duty." The legal origin for this premise is Section 14 of the Rogers Act of 1924, Pub. L. 68–135, 43 Stat. 140. Today, the administration of overseas tours serves to satisfy multiple legal requirements, in particular: the 45-day leave accrual ceiling (5 U.S.C. § 6304(b)) home leave (5 U.S.C. § 6305(a), living quarters allowance (5 U.S.C. § 5923(a)(2)), renewal agreement travel (5 U.S.C. § 5728) and permanent change of station travel and relocation allowances (see further: 5 U.S.C. §§ 5722(a), 5724 and 5724a).

The overseas tour of duty is described and recorded with the [GSA Form 5040](#) for the first tour, and by the [Form 5042](#) for subsequent tours.

b. Tenure Status. The overseas tour of duty does not affect the appointment's tenure status (meaning, whether the civil service appointment is permanent or non-permanent). The tenure status is determined by the type of appointment leveraged and the method of selection.

c. Renewals of Overseas Tours of Duty. While there is no limit on the number of

overseas tour renewals, employees must be covered by a current overseas employment service agreement (i.e., [GS Form 5040](#), the initial tour's agreement, or [GSA Form 5042](#), the agreement used for renewals) in order for the agency to comply with various authorities. These authorities include: 45-day leave accrual, 5 U.S.C. § 6304(b), living quarters allowance, 5 U.S.C. § 5923(a)(2), and home leave, 5 U.S.C. § 6305. These forms also contain the service agreements related to permanent change of station (5 U.S.C. § 5722) and renewal agreement travel (5 U.S.C. § 5728).

d. Determination of the "Actual Place of Residence in the U.S." The statutory requirements of 5 U.S.C. §§ 5722 and 5724(d) (governing PCS benefits) and 5728(a) (renewal agreement travel) require that the employing agency (e.g. the head of staff or service office, see GSA Order ADM P 5450.39D, [GSA Delegations of Authority Manual \(Delegations Manual\)](#), Chapter 2) in certain situations make an administrative determination concerning the employee's "actual place of residence in the U.S." This administrative determination is also required by the Federal Travel Regulations (FTR), 41 CFR §§ 302-3.209 to 3.224 (renewal agreement travel) and 41 CFR 302-2.16 (PCS OCONUS). To comply with these authorities, GSA follows 8 U.S.C. § 1101(a)(33) as supplemented by the guiding principles and recommendations from the Comptroller General (CG) standard under *Rafael Arroyo*, B-197205, May 16, 1980. Under Title 8, "residence" means the place of general abode (the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent). The CG opinion recommends that agencies determine the residence by evaluating the below types of administrative evidence:

- (1) Physical residence,
- (2) Residence provided in agency records,
- (3) Residence according to employment history,
- (4) Individual or family association with an area, and
- (5) Exercise of privileges and duties, such as voting, and income tax and property tax.

e. Release from a Service Agreement. In certain rare situations an employee may be recalled from the overseas foreign post, for example a medical emergency. This results in a cancellation of the overseas tour. The cancellation process, as well as criteria for cancellation, is based upon the policy within [GSA Order 5730.1](#) (because the underlying legal authority is 5 U.S.C. §§ 5722 and 5724). Under this Order, cancellation (and release from the service agreement) can be arranged by a supervisor due to:

- (1) Physical disqualification;
- (2) Mental incapacitation;
- (3) Disqualification due to lack of skill to perform the duties for which recruited (or other duties that might be assigned); or
- (4) Reduction-in-force.

In addition, the employee may in the alternative request that the overseas tour be canceled (and release from the service agreement) due to:

- (1) Illness not incurred by misconduct;
- (2) Enlistment or call to active duty in the Armed Forces; or
- (3) Exercise of statutory reemployment rights [under Uniformed Services Employment and Reemployment Rights Act (USERRA), see 38 U.S.C. § 4312, within a time limitation which precludes completion of the required service.

Note: Any other reasons for release from an overseas service agreement should be referred to the OAS Travel Policy Office for guidance.

7. Annual Leave Accrual.

a. Accrual Leave Accrual Ceiling in Foreign Areas. General Schedule employees normally have an annual leave accrual ceiling of 30 work-days (240 hours). However, employees stationed outside of the United States (such as in territories or in foreign areas) may have a higher ceiling, at 45 work-days (360 hours). Under statute, employees eligible for this higher ceiling (under 5 U.S.C. § 6304(b)(2)(A)) must have been:

(a) Originally recruited from the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment;

(b) In substantially continuous employment by other agencies of the United States, United States firms, interests, or organizations, international organizations in which the United States participates, or foreign governments; and

(c) Subject to conditions of employment that provided for their return transportation to the United States (or its territories or possessions, including the Commonwealth of Puerto Rico).

For more information, see further below, under Section 8, *Home Leave*, which contains a more detailed explanation.

Note: When positions are established in HR Links in overseas areas the current Payroll system automatically establishes leave ceiling eligibility. If previous federal service does not satisfy the conditions of 5 U.S.C. § 6304(b) explained above, the 45-day leave ceiling indicator can be **manually overridden** by the OCFO Payroll Office.

For additional information, see GSA Order 6010.1B, [Time and Leave Administration Policy](#).

8. Home Leave.

Home leave is a leave category pursuant to 5 U.S.C. § 6305(a) that is available to employees assigned to an overseas area who were originally recruited from the United

States (including its territories or possessions), have been in substantially continuous employment by other agencies of the United States, and whose overseas service is documented by a return transportation agreement. See further 5 U.S.C. § 6304(b), described below. Civil service regulations for the home leave authority are found within 5 C.F.R. Part 630, Subpart F.

a. Eligibility. Per 5 C.F.R. § 630.606, an employee is entitled to take home leave only upon completion of a **one-time basic service period of 24 months** of continuous service abroad. This basic service period is terminated by: (i) a break in service of 1 or more workdays, or (ii) an assignment (other than a detail) to a position in which an employee is no longer overseas.

This basic service period, which relates to the first overseas tour, only needs to be satisfied once. This basic service period **can be satisfied while at a prior Federal agency**, for example when GSA hires an employee already working in a foreign area.

Per 5 C.F.R. § 630.603, service abroad towards the 24-month continuous service in overseas location:

(1) Begins on the date of the employee's arrival at a post of duty outside the United States, or on the date of his entrance on duty when recruited abroad;

(2) Ends on the date of the employee's departure from the post for separation or for assignment in the United States, or on the date of his separation from duty when separated abroad; and

(3) Includes: (i) absence in a non-pay status up to a maximum of 2 workweeks within each 12 months of service abroad, (ii) authorized leave with pay, (iii) time spent in the Armed Forces of the United States which interrupts service abroad (but only for eligibility, not leave-earning purposes), and (iv) a period of detail. In computing service abroad, full credit is given for the day of arrival and the day of departure.

NOTE: Due to 5 C.F.R. § 630.602, employees are **only** eligible for home leave if they satisfy the eligibility criteria of 5 U.S.C. § 6304(b), which is the authority for 45-day annual leave accrual ceiling. Under this authority, an employee is **only** eligible for home leave and 45-day leave accrual authorities if he or she was:

(1) Directly recruited or transferred by the Government of the United States from the United States or its territories or possessions including the Commonwealth of Puerto Rico for employment outside the area of recruitment, or from which transferred, or,

(2) Employed locally (i.e., already overseas) but was: (i) originally recruited from the United States (or its territories or possessions, including the Commonwealth of Puerto Rico but outside the area of employment), (ii) has been in substantially continuous employment by other agencies of the United States, United States firms, interests, or organizations, international organizations in which the United States participates, or foreign governments, and (iii) has had conditions of employment that provided for their return transportation (i.e. return PCS) to the United States or its territories or possessions including the Commonwealth of Puerto Rico.

A special provision in this statute also allows individuals employed locally to be declared eligible for home leave and the 45-day annual leave accrual ceiling who: (i) were, at the time of employment, temporarily absent (for the purpose of travel or formal study) from the United States, or from their respective places of residence in its territories or possessions including the Commonwealth of Puerto Rico; and (ii) during the temporary absence, maintained residence in the United States (or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment).

b. Earning Rates. Per 5 C.F.R. § 630.604, for each 12 months of service abroad, an employee earns home leave at the following annual rate, which is dependent in many cases on the amount of the post (hardship) differential applicable to the country of assignment (see further: DSSR 500 and U.S.C. § 5925(a)). For an employee:

(1) Who accepts an appointment to, or occupies, a position for which the agency has prescribed the requirement that the incumbent accept assignments anywhere in the world as the needs of the agency dictate – 15 days.

(2) Who is serving with a U.S. mission to a public international organization – 15 days.

(3) Who is serving at a post for which payment of a foreign or non-foreign differential of 20 percent or more is authorized by law or regulation – 15 days.

(4) Not included in paragraph (b)(1), (2), or (3) of this section who is serving at a post for which payment of a foreign or territorial (but not a tropical) differential of at least 10 percent but less than 20 percent is authorized by law or regulation – 10 days.

(5) Not included in paragraph (b)(1), (2), (3), or (4) of this section – 5 days. [For example, countries such as Germany which have a zero percent post (hardship) differential.]

(6) Included under (b)(1) through (5) of this section whose civilian service abroad is interrupted by a tour of duty in the Armed Forces of the United States, for the duration of such tour – 0 (zero) days.

c. Crediting of Home Leave. GSA credits home leave to an employee's leave account, as earned, in multiples of 1 day (reported on the time card as 8 hours a day).

d. Leave Accumulation and Transfer. There is no limit on how much home leave an eligible employee can accumulate. When taking another assignment overseas with GSA (or another agency), home leave that was earned from a previous overseas assignment with another agency may be credited to your leave account. This is accomplished by providing the Payroll Services Branch with your last leave and earning statement from your previous overseas assignment or the SF 1150 from your prior agency upon transfer.

e. Granting Home Leave. Home leave, when granted, is for use in the United States, or its territories or possessions. While there is no limit on the amount that can be earned, it cannot be used as terminal leave or as a basis for a lump sum payment.

f. Using Home Leave. As long as the employee has completed at least 24-months of continuous service in a foreign area, at GSA or a prior agency, the employee may use home leave under the following circumstances:

- (1) Between tours when the employee will complete a subsequent tour,
- (2) During a tour when the reason for the need for the leave is well documented and supported, or
- (3) Upon completion of the final overseas tour within the first 6 months (see further below).

Home leave is at the employee's own travel cost unless the home leave occurs **between 6 months before the expiration of the overseas tour of duty and 6 months after the expiration of the overseas tour of duty**. Home leave taken within these parameters is eligible for travel reimbursement as "**renewal agreement travel**" as regulated through 41 C.F.R. Parts 302-2 and 302-3, as well as under [GSA Order 5730.1](#). While home leave and renewal agreement travel are separate legal authorities (i.e. 5 U.S.C. § 6305(a) versus 5 U.S.C. § 5728(a)), the actual cost of the home leave trip is not paid by GSA unless the home leave satisfies the requirements of that law and GSA's renewal agreement travel policy.

Under the original provisions of Section 15 of the Rogers Act of 1924 (Pub. L. 68-135), home leave (known as “statutory leave of absence”) was combined with what today we know as the renewal agreement travel authority (5 U.S.C. § 5728(a)). Traditionally, due to this original Congressional intent, home leave has usually only been used in conjunction with renewal agreement travel and therefore traditionally taken only between overseas tours. This traditional rule is found today within the wording of the current civil service regulations under 5 C.F.R. § 630.606(c). Under these regulations, exceptions to this traditional use rule must be evaluated and documented by the leave approving official on a case-by-case basis. Examples of qualifying circumstances during the middle of a tour include: a return to the U.S. for medical treatments, checking on the leased CONUS family dwelling, and family holidays or family events, such as weddings, funerals or graduations.

All grants of home leave are at the discretion of the leave approving official. GSA may grant home leave in combination with other types of leaves of absence (e.g., annual leave). In addition, periods of duty (i.e., Regular Time) may be permitted during the period of home leave as the needs of the agency require, following consultation between the employee and his or her supervisor.

Home Leave Following Final Tour: Most overseas assignments will result in an incumbent being returned to the United States through reassignment and return PCS at the conclusion of the final overseas tour of duty. Under the civil service regulations found within 5 C.F.R. § 630.606(e)(3), the final balance of home leave can be used for a paid absence upon that return without incurring a monetary debt to the agency. At GSA, use of the final home leave balance upon return to the U.S. should be used by the employee within the first 6 months following the return, as dated according to the effective date of the (CONUS) reassignment personnel action (SF-50). Any residual balance of home leave hours is kept in abeyance in the event the employee returns overseas at some future date.

g. Refund of Home Leave. The civil service regulation at 5 C.F.R. § 630.606(e) provides some narrow circumstances in which an employee who uses home leave will later incur a monetary debt for the value of home leave if he or she fails to return to overseas duty. Under this regulation, generally a debt will occur if the employee is scheduled by the agency to return overseas but fails to do so for certain personal reasons, such as resignation from Federal service or agency transfer.

9. Evacuations from Foreign Areas.

The Evacuation Act of 1961 (i.e., the Act of September 26, 1961, 75 Stat. 662) provides an ability for the Federal government to provide for advance payments (see 5 U.S.C. § 5522), to continue the payment of compensation during evacuation status, and to provide

for reimbursement of expenses for evacuation travel as well as subsistence expenses (i.e., lodging, meals and incidentals) at a designated safe haven (see 5 U.S.C. § 5523). The State Department's regulations (see DSSR Chapter 600) apply to the evacuation of foreign areas, such as countries in Europe and Asia. GSA Order ADM 2405.1, [Payments and Leave Benefits for Employees Authorized to Evacuate During Disaster or Other Emergency Situations](#), provides procedures and approval policy for U.S. and territorial evacuations.

10. Official and Diplomatic Passports.

The OAS, Office of Travel and Charge Card Services (H1CT), is responsible for GSA's "no-fee" passport program. There are different types of U.S. passports (see 22 C.F.R. § 51.3), known as "Official" or "Diplomatic." OAS has a [website](#) that should be consulted for further information, resources, and a description of the overall process to obtain an Official Passport. The request for a passport starts with the employee submitting a [Passport Request Letter](#) (from a template) to passportservices@gsa.gov. For more information, see Section 2 of [GSA Order 5775.1 CHGE 2](#).

Note: The State Department requires signed travel orders for the employee and his or her family members before it will complete the processing of Official or Diplomatic passports. GSA supervisors can apply for passports, but the State Department requires signed travel orders.

11. Overseas Employment Agreement.

a. Overseas employment is associated with various special allowances and differentials and rules which are not applicable to positions within the United States. Many of the allowances and differentials (such as educational allowance and living quarters allowance) are used as types of recruitment incentives to make temporary overseas employment more palatable for the job candidate.

In the common circumstances of permanent change of station (PCS) moves to a foreign area due to appointment (5 U.S.C. § 5722) or reassignment (5 U.S.C. § 5724), a written service agreement is required by the Federal Travel Regulations (FTR) under 41 CFR §§ 302-3.503 through 3.506 as well as by 5 U.S.C. § 6305 and 5 C.F.R. Part 630, Subpart F, *Home Leave*.

If the employee does not fulfill the terms of his or her GSA Overseas Employment Service Agreement (initial or renewal), the employee may be indebted to the Federal Government for relocation expenses and/or renewal agreement travel expenses that have been reimbursed to the employee or that have been paid directly by the U.S. Government.

b. GSA Form 5040. GSA Form 5040, [Overseas Employment Service Agreement](#), should be signed by all job candidates and selecting officials, as part of final offer acceptance. The GSA Form 5040 serves as the original employment agreement between the Employee and GSA for overseas duty. This form serves to define overseas service as

a type of “tour of duty” for the purposes of administering home leave and PCS benefits. The GSA Form 5040 is also required for internal reassignments or promotions to a foreign duty station within GSA.

c. Overseas Tour Renewal. Overseas tours can be renewed if a renewal is supported by the needs of GSA and/or terms and conditions of any underlying MOA between GSA and the sponsoring agency (for example, DoD) or a Note Verbale (for State Department support). One year (12 months) in duration is the minimum tour length for an overseas tour, with a maximum period of service renewal of 3 years (36 months). Tour renewal also requires the agreement of the GSA supervisor and the overseas employee. Rather than using a GSA Form 5040 for the tour renewal, a shorter form, [GSA Form 5042](#), *Overseas Service Agreement For Overseas Tour Extension and Renewal Agreement Travel*, should be used to document that situation. The Form 5042 excludes the questions on allowances and benefits because those authorities are considered extended to the renewed tour.

d. Changed circumstances during a tour of duty. In some situations, an employee may receive a promotion while still remaining overseas. In other cases, the employee may have a change in family size, for example, due to birth or marriage. Such changes affect the value of certain benefits provided in foreign areas. In these types of circumstances a new [SF 1190](#) foreign allowance payment authorization may need to be submitted and approved.

12. Renewal Agreement Travel (RAT) Service Agreement.

To support the use of home leave, agencies under 5 U.S.C. § 5728(a) and 41 CFR § 302-3 et. seq. are able to pay for the cost of travel (for the employee and family) and subsistence (e.g., employee’s per diem for lodging, meals and incidentals on day of departure and return only) while at the place of actual residence for rest, recuperation and acclimation. As documented in [GSA Form 5042](#), the employee is required to remain with the agency for a minimum of 12 months following payment for RAT travel and return to the overseas location. When an employee fails to satisfy that period of subsequent service, GSA may create a debt to recover the monies used to pay for the renewal agreement travel unless those circumstances are outside of the employee’s control and the form 5042 (containing that service agreement) is formally canceled. See OAS 5730.1, [GSA Relocation Allowances](#) policy for additional guidance on tour renewal travel.

13. Recruitment Options for Filling Overseas Positions.

There are a variety of recruitment strategy methods available to successfully fill overseas positions at GSA. Because GSA positions overseas are typically requested by a sponsoring agency (such as DoD or the State Department), the method used for recruitment ideally should match the expected short-term and long-term needs for both GSA and the sponsoring agency.

a. Merit Promotion. Merit promotion procedures may be used to fill overseas positions through competitive selection of status candidates (**Note**: “status candidates”

refers to those individuals who are current or former Federal civilian employees who hold or held non-temporary appointments in the competitive service). When an announcement is open to applicants outside of GSA, consideration may also be given to applicants eligible under a non-competitive or special hiring authority. The vacancy announcement should clearly state the geographic and/or organizational area of consideration, such as the country and city, world-wide, GSA-only, HSSO-only (such as “FAS-only”) or all status candidates. Such job candidates are typically hired into positions annotated as Tenure Group 1 (Career) or 2 (Career-Conditional).

b. Delegated Examining and Direct Hire. In situations in which prior knowledge of Federal Government practices is not of particular concern, positions may be open to the public under delegated examining authority. For certain job series and grades, “direct hire” authority may be an option. The Office of Personnel Management (OPM) can give Direct Hire Authority to Federal agencies for filling vacancies when a critical hiring need or severe shortage of candidates exists. Direct Hire authority allows selection of candidates without the application of veteran’s preferences, the “rule of three,” or category ranking. See further 5 C.F.R. Part 337.

c. Overseas Limited Appointments. Under Executive Order 10641 (October 26, 1955), Civil Service Rule 8.2 and 5 CFR §§ 301.201 - 203, U.S. Citizens who are overseas, who are not currently Federal employees, can be non-competitively hired for an indefinite period, term appointments (not to exceed 5 years), or for temporary appointments (not to exceed one year, with a one year possible extension) when there are temporary workforce needs. Typically such job candidates are family members who are “sponsored” by U.S. citizens already stationed overseas (in the Civil Service or uniformed services). Such job candidates recruited who meet the position’s qualification standards are given “overseas limited appointments.” Generally these positions are considered non-status, non-career appointments. Such appointments are of temporary (i.e., one year or less, which can be extended one additional year), term, or of indefinite duration. To use this special type of non-career appointment, there must be a shortage of eligible applicants (as defined at 5 C.F.R. § 337.202) resulting from a prior competitive announcement that was open to applicants in the local overseas area. (See further 5 C.F.R. § 301.201 and Civil Service Rule 8.2). Upon completion of 1 year of overseas service, such appointees who wish to continue Federal Service are often eligible for non-competitive conversion to a permanent career-conditional appointment under 5 C.F.R. § 315.608 and E.O. 12721 (July 30, 1990).

For a more thorough description of how overseas limited appointments can be provided, see **Attachment 4** at the end of this order. This Attachment also discusses how U.S. citizens living in CONUS can be appointed under this authority during “unusual” or “emergency” circumstances, 5 C.F.R. § 301.202.

d. Non-competitive reassignments. Under 5 C.F.R. § 335.102, the agency may process a non-competitive reassignment (same grade) to a vacant position in a foreign area.

e. Temporary Promotions. Temporary promotions may be used to accomplish project work, fill positions temporarily pending reorganization or downsizing, or meet other temporary needs for a specified period of not more than 5 years. Under 5 C.F.R. § 335.102(f), temporary promotions that exceed 120 days must be associated with a competitive selection process. See further 5 C.F.R. § 335.103. Vacancy announcement language that supports a temporary promotion may be appropriate when an overseas position in a foreign area is classified at a grade higher compared to a similar position within the United States. Extensions to the usual 5 year limit must be approved by OPM.

f. Non-Competitive Re-promotions. Under civil service regulation at 5 C.F.R. 335.103(c)(3)(iv), the agency is permitted, at its discretion, to non-competitively re-promote an employee to a grade previously held on a permanent basis in the competitive service from which an employee was separated or demoted for other than performance or conduct reasons.

14. Pre-Employment Medical Clearances.

Under 5 C.F.R. Part 339, and in partnership with the State Department's medical program established through 22 U.S.C. § 4084 and 16 FAM (Foreign Affairs Manual) Parts 100 and 200, as a condition of foreign employment, all job candidates must satisfy pre-employment medical clearance in order to be appointed, transferred, promoted or reassigned to a position in an overseas foreign area. This condition of employment should be mentioned in the vacancy announcement as well as in the position description. GSA applies these principles to its Title 5 workforce via the civil service regulations found within 5 C.F.R. Part 339 and E.O. 10577 (1954). See also 5 C.F.R. § 2.1. While the major and minor duties of the overseas positions typically do not involve minimum physical standards, GSA operates a medical evaluation program under 5 C.F.R. § 339.104 to minimize the occupational risk of future medical evacuation.

GSA has an agreement with the State Department that allows the State Department's Medical Bureau to review medical information and determine a medical categorization for the purposes of foreign employment. See 16 FAM § 211.2 for the various types of medical classifications that the State Department can assign. If the job candidate is assigned Class 5, *Domestic Only*, then the job candidate is considered to have failed the condition of employment and is declared unsuitable for foreign service by appointment, transfer, promotion or reassignment. The medical clearance process is initiated by the job candidate working with his or her family physician to complete the State Department form [DS-1843](#), *Medical History and Examination For Individuals Age 12 and Older*. This form is submitted to the State Department's Medical Bureau by email to MEDMR@state.gov (preferred), or by fax to the Medical Records Department at (202) 647-0292. The DS-1843 must be completed and the State Department must render a medical classification determination before a final offer is tendered to the job candidate. This process may take 60 days.

So that OHCS staffing specialists can track the progress of the medical clearance, it is recommended that the job candidate provide the [DS-1843](#) and [DS-1622](#) forms to the

staffing specialist and the staffing specialist submit it to the email address listed above.

Note on the DS-3069 process: The Form DS-3069 is used to authorize the job candidate to receive a medical examination under 5 C.F.R. Part 339 and 16 FAM Chapter 200. The staffing specialist from OHRM should sign this authorization form and this form should be included with the completed DS-1843 and/or DS-1622 along with the Insurance Benefits Statement and resulting medical charges submitted to the State Department for processing.

Note on Reimbursement for medical clearance cost: GSA understands that the cost of pre-employment medical clearances are excluded by health insurance policies under the Federal Employee Health Benefits (FEHB) program. As a result, job candidates should work with their primary health provider to determine the cost of this physical exam and if there is any discount fee schedule applicable from the provider because the cost of the exam is not covered by medical insurance.

For the reimbursement of the out-of-pocket costs of the exam:

As part of the Federal Travel Regulations' "permanent change of station" provisions (41 C.F.R. § 302-16.1), job candidates can claim a lump sum payment, on the back of the form OF-1012, *Travel Voucher*. Place in the description: "Miscellaneous Expense Allowance" and indicate the dollar amount. If you are itemizing your expenses (Actual Method), you must itemize each expense on an OF 1012, Travel Voucher. Be sure to attach your original receipts and submit the package to your approving official for signature.

Note on the Completion of Medical Clearance: Pursuant to 5 C.F.R. Part 339, employees must satisfy the medical qualification requirement before a final offer letter can be provided to the employee. The State Department has indicated that this process may take up to 60 calendar days. While this causes a processing delay, it serves to minimize the risk of future medical evacuation. While medical clearance is in process, job candidates who are currently GSA employees (i.e., and will be reassigned or promoted abroad) are able to start the process to procure the Official or Diplomatic passport. For more information see the [Passport Services](#) webpage.

Note on ICASS Subscriptions: All GSA employees overseas in foreign areas that support the State Department are enrolled in the International Cooperative Administrative Support Services (ICASS) contract between GSA and the State Department. Employees stationed and co-located with the Department of Defense are not currently enrolled in ICASS. This is due to the extremely high cost of the ICASS subscription.

15. Advance of Pay.

Under 5 U.S.C. § 5927 and DSSR 850, up to three months' salary (minus certain deductions as designated by the agency) may be advanced when an employee is assigned from the U.S. to a foreign post or between foreign posts, however not between a

foreign post and the U.S. Repayment terms at GSA will mirror the State Department's maximum, which is 18 pay periods (i.e., 9 months). See DSSR 850 for further information.

The advance of pay authority has many uses, such as allowing the employee to pay for certain utility and rental deposits that are often required as part of foreign property leases. This authority is also authorized for medical emergencies when employees are hospitalized in a foreign country and that foreign hospital requires prepayment. Unlike domestic hospitals in the U.S., foreign hospitals typically require pre-payment even if the foreign hospital is willing to bill American insurance policies. Not all foreign hospitals accept policies from the Federal Employee Health Benefits (FEHB) program.

Note 1: For information on allowances and differentials that apply to foreign areas, see the separate [GSA Order 9592.1A HRM](#), *Allowance and Differentials Payable in Foreign Areas*.

Note 2: Repayment of the advance may be through salary offset. See 5 U.S.C. § 5514 and 5 C.F.R. Part 550, Subpart K.

a. The GSA Administrator or designee in writing, may provide for the advance payment of up to three months pay to (or for the account of) a United States citizen employee as defined in DSSR 040i:

(1) Proceeding or upon his or her arrival at a post of assignment in a foreign area;

(2) When the employee, or an eligible family member residing in the foreign area, suffers a medical emergency as defined by the head of agency or designee; and

(3) When the employee is located outside the country of employment pursuant to United States Government authorization and suffers a medical emergency.

b. Subject to adjustment of the account of the employee under DSSR 853b, the advance of pay is at the rate of pay currently authorized for the employee on the date the advance payment is made under agency procedure governing advance payments.

c. An advance of pay under DSSR 852a is recoverable by the United States Government from the employee or his/her estate by:

(1) Set-off against accrued pay, amount of retirement credit, or other amount due to the employee from the United States Government; or

(2) Any such other method as is provided under law.

d. The GSA Administrator may waive in whole or in part a right of recovery of an advance of pay under DSSR 852a, if it is shown that the recovery would be against equity and good conscience or against the public interest.

16. Documentation and recordkeeping.

a. The servicing HR Services Center will establish and maintain an individual folder for each employee. Include the following overseas employment documents in the HR Services Center folder:

- (1) Copy of the SF-50, Notification of Personnel Action;
- (2) Copy of the position descriptions;
- (3) Copy of the SF-50; Notification of Personnel Action - "No Dollar" Dual Appointment from DoD;
- (4) Copy of the Overseas Employment service Agreement (i.e. Forms 5040 and [5042](#));
- (5) Copy of the applicable GSA/Client Agency MOA, "Notes Verbale" (i.e. informal diplomatic memoranda) or similar joint agreement and extensions;
- (6) Any documentation changing the classification of, or abolishing, the position;
- (7) Any other document or item determined to be of benefit in ensuring the employee's entitlement to return placement is honored.

NOTE: Medical clearance forms (such as the DS-1843) pursuant to 5 C.F.R. Part 339, 16 FAM 120 and 210 should be retained within GSA's Medical File System, pursuant to 5 C.F.R. Part 293, Subpart E, *Employee Medical File System Records*. The documents should be placed into the Employee Medical Folder (form SF-66-D) or its digital equivalent.

b. In addition, the HR Services Specialist in Processing and Personnel Records Management (PPRM), will establish and maintain the electronic overseas personnel folder, (eOPF, Overseas Tab), in accordance with Office of Personnel Management (OPM) guidelines regarding allowable documents in the eOPF.

c. The records and documentation for overseas appointments will be maintained for a minimum of 6 years after the employee's return to a U.S. position, due to the Barring Act, 31 U.S.C. § 3702 and 5 C.F.R. Part 178. This documentation will be made available for review upon request by OPM or authorized GSA Agency officials (e.g. as part of a Delegated Examining Unit audits and/or HR Office and program reviews) or to be provided in response to special requests from OPM or other oversight agency. In addition, agency overseas employment records shall be shared with the employee upon their request.

17. Use of Overseas Employment Forms.

There are various GSA Forms that facilitate the smooth operation of overseas staffing and position management. This section describes the forms, and their purposes.

a. **GSA Form 5039**, *Living Quarters Eligibility Questionnaire*. This form is completed by the job candidate located overseas and is used by the staff or service office to determine whether or not the individual is legally eligible for living quarters allowance, under 5 U.S.C. § 5923(a)(2) and DSSR 130 and 031.

b. **GSA Form 5040**, *Overseas Employment Service Agreement*. This form is completed by the job candidate and is used by staff or service offices to administer the legal authorities of home leave (5 U.S.C. § 6305(a)) and permanent change of station benefits (5 U.S.C. §§ 5722, 5724 and 5724a). The GSA Form 5040 replaces the following forms:

(1) **GSA Form 5041**, *Overseas Employment Agreement Assignment to a Foreign Area (Without Return Rights)*, is canceled because its purpose was merged into Form 5040.

(2) **GS Form 5043**, *Overseas Employment Transportation Agreement (For Employee Returning to the Same Post of Duty Following Leave)*, is canceled because its purpose has been merged into Form 5040, in section 14, Certification. Employees who are completing a subsequent overseas tour at the same location have completed the service obligation required by the Federal Travel Regulations concerning the original permanent change of station relocation expenses but still certify (using a new copy of the Form 5040) that they are only eligible for payment, or reimbursement, of return PCS relocation if they complete the overseas tour.

(3) **GSA Form 5044**, *Overseas Employment Transportation Agreement (For Employee Returning to a Different Post of Duty Following Leave)*, is canceled because its purpose has been merged into the Form 5040. Employees who experience a relocation following renewal agreement travel should complete the Form 5040 in its entirety because the new duty station has changed. Employees are subject to a new 1-year service agreement period because GSA has used agency funds to pay for, or reimburse, a new permanent change of station relocation.

c. **GSA Form 5042**, *Overseas Service Agreement: Home Leave and Renewal Agreement Travel*, is used for subsequent overseas tours of duty once the first one has been completed. This form is much shorter than the GSA Form 5040 and can be used because the existing benefits and allowances are considered continued from the first overseas assignment.

d. **GSA Form 5045**, *Overseas Employment Processing Checklist*. This checklist is used as a human resources tool by OHRM, in support of the hiring manager, to ensure

that all aspects of the recruitment action are addressed and that all pertinent documents are stored within the "Overseas" tab within the electronic official personnel file (eOPF).

18. Positions Requiring Security Clearances and Drug Testing.

National Security Clearances, and resulting pre-employment and random drug testing requirements, are determined by the position classification process. When classification specialists work with the hiring manager to develop the position description, certain duties, responsibilities, and interactions with customers and clients will result in a requirement for a National Security clearance (Top Secret/Secret). The determination for a National Security clearance is often due to the position's incumbent working with Classified materials and/or needing access to Classified work areas. Positions that are determined to need National Security Clearances will be subject to both pre-employment and random drug testing. The GSA drug testing program is fully described within [GSA Order 9700.3](#), *GSA Drug Free Workplace Program*.

More information is provided in **Attachment 2** concerning whether or not job applicants can be placed into a position pending the finalization of a pending security clearance.

19. Return of Employees to the United States.

Due to the authorities such as Article X of the 1951 NATO Status of Forces Agreement, overseas employees cannot remain overseas indefinitely. For employees attached to the State Department, the foreign delegation or diplomatic activities may also reach certain periods of conclusion. At some point, OCONUS employees in foreign areas are returned to the United States. This can occur for a variety of reasons, under a variety of circumstances. Under 5 C.F.R. § 335.102, the agency has the authority under Civil Service regulations to non-competitively reassign employees to positions within the U.S. or its territories or possessions. Using this authority, employees should be returned via reassignment to a position of the same grade and same step as the position vacated overseas. Due to *Goodwin v. Dept. of Transp.*, 106 MSPR 520 (2007), *Fouks v. Department of Veterans Affairs*, 122 M.S.P.R. 483 (2015) and 5 U.S.C. § 7512, employees should not be placed into lower-graded positions (i.e. a reduction in grade, also known as a demotion) outside of the Reduction in Force context (see further 5 C.F.R. Part 351, and 5 U.S.C. §§ 1302, 3315 and 3501 - 3504).

In some circumstances, an overseas position is abolished due to lack of funds or other reasons that lead to the expiration, or cancellation, of the underlying MOU between GSA and the sponsoring agency (when a reimbursable position). When this situation occurs, the function is considered either terminated or transferred, and reduction in force procedures must be followed. When an employee on a retention register is reached for release, GSA may offer the employee a position within the U.S. at the same or lower

grade under the regulations found within 5 C.F.R. Part 351 and the OPM [Workforce Reshaping Operations Handbook](#). When that offer is accepted, if that position is at a lower grade, the employee is entitled to grade retention, under the provisions of 5 U.S.C. § 5362(a) and 5 C.F.R. Part 536.

Attachment 1: Responsibilities of GSA Components

OHRM Responsibilities

OHRM: Office of Human Resources Management

HCPP: Human Capital Policy and Programs Division

PPRM: Personnel Processing and Records Management Division

OHCS: Office of Human Capital Services

Activity	OHRM Division
Write and update GSA Order 9301	HCPP
Write and update the GSA Forms for this program area	HCPP
Coordinate with FAS Overseas Program Manager for FAS Overseas Stakeholders's policy review and responses	HCPP and OHCS
Advising hiring officials concerning filling overseas vacancies	OHCS
Works with the job candidate and hiring managers to ensure that the GSA Form 5045 , <i>Overseas Employment Processing Checklist</i> is completed.	OHCS
Collecting and filing into the Overseas Tab of the eOPF all prior service agreements (e.g., DOD Form 1617) as well as all GSA Forms used (i.e., GSA Forms 5039, 5040, 5042 and 5045).	OHCS and PPRM
Create (or revise) a position description for the vacancy announcement	OHCS
Work with the hiring manager to develop selection questions and the vacancy announcement language, including language regarding overseas employment; post the vacancy announcement on USA Jobs	OHCS
Receive applications from job candidates; rate and rank candidates; provide the hiring official with a selection certificate	OHCS
Write a tentative offer letter to the selected candidate	OHCS
Write a final offer to the selected candidate, which includes an eligibility determination of the: 45-day annual leave ceiling, home	OHCS

leave, living quarters allowance, and post allowance.	
Receive SF-75, <i>Request for Preliminary Employment Data</i> , from the losing agency for agency transfer actions	OHCS
Receive and process TSP loan information from a losing agency during agency transfer and provide to OCFO Payroll	OHCS
Coordinate security clearances with the GSA security office (OMA)	OHCS
Provide an SF-75, <i>Request for Preliminary Employment Data</i> , to the appropriate DoD personnel office when DoD notifies GSA that it intends to process a non-compensation dual appointment.	OHCS
<p>As part of the onboarding process, and the creation of the final offer letter, determines the compensation and benefits eligibility for: (a) living quarters allowance, (b) post allowances, (c) the 45-day leave accrual ceiling and (d) home leave,</p> <p>Note: Once eligibility has been determined, it is the decision of the Head of Staff or Service Office (HSSO) whether or not such allowances should be granted, since these allowances are discretionary and have a budget impact. See further Chapter 2 of GSA Order 5450.39D ADM CHGE 1.</p>	OHCS

Other GSA Component Responsibilities

Activities	GSA Component
Process Relocation employee "Fact Sheet" to estimate relocation costs; calculate actual cost; create travel authorization package; process PCS payments and reimbursements; calculate and process payments for TQSA/TQSE	OCFO
Process hiring manager/supervisor official passport request for candidate/employee	OAS

Coordinate with client agency (e.g, DoD) for a MOA/Reimbursable Agreement for new overseas employee	HSSO
Once eligibility for foreign allowances for a job candidate has been determined by OHCS, it is the responsibility of the HSSO (or designee) to determine whether or not such allowances should be granted, since they are discretionary and have a budget impact. See further Chapter 2 of GSA Order 5450.39D ADM CHNG 1 .	HSSO

Attachment 2: Security Clearance and Placement Into Position Decision Table

The material in this table was provided by the Office of Mission Assurance and originates from Chapter 4 of the Order 9732.1E ADM, *Personnel Security and Suitability Program Handbook*. The clearance type of Top Secret SCI is also known as “Special Sensitive.” The Tier 5 Top Secret clearance below that level is often referred to as Top Secret “Critical Sensitive.”

Under this Order, applicants applying to Top Secret positions can be given a “waiver” by OMA that allows them to be hired, and even engage in permanent change of station, while the Top Secret clearance is being processed. The waiver results in an interim (temporary) clearance which is a Secret level (not Top Secret).

A. Current Employees Moving Into Positions With Higher Level of Security

Risk/Sensitivity Level	Required Forms from OHRM	Is Placement into the Position (and Permanent Change of Station Relocation) allowed before Clearance is Complete?
Non-Sensitive, Low-Risk/HSPD-12 Credential, No National Security Sensitivity Tier 1	Transmittal, Position Description, OF-306, GSA Form 3665, must have valid fingerprints on file	Yes
Moderate Risk Public Trust, No National Security Sensitivity Tier 2	Transmittal, Position Description, OF-306, GSA Form 3665, must have valid fingerprints on file	Yes
High-Risk Public Trust, No National Security Sensitivity Tier 4	Transmittal, Position Description, OF-306, GSA Form 3665, must have valid fingerprints on file	Yes
Non-Critical-Sensitive Position and/or Secret/Confidential (moderate) Tier 3	Transmittal, Position Description, OF-306, GSA Form 3665, must have valid fingerprints on file. There must also be a justification for the clearance on agency letterhead	Yes, as long as the preliminary checks are favorable, the employee completes e-QIP (or similar system), and the status tracker reflects “scheduled”
Non-Critical-Sensitive	Transmittal, Position	Yes, as long as the

Position and/or Secret/Confidential (high) Tier 5	Description, OF-306, GSA Form 3665, must have valid fingerprints on file. There must also be a justification for the clearance on agency letterhead	preliminary checks are favorable, the employee completes e-QIP (or similar system), and the status tracker reflects "scheduled"
Critical-Sensitive and/or Top Secret Tier 5	Transmittal, Position Description, OF-306, GSA Form 3665, must have valid fingerprints on file. There must also be a justification for the clearance on agency letterhead	Yes, as long as the preliminary checks are favorable, the employee completes e-QIP (or similar system), and the status tracker reflects "scheduled"
Special-Sensitive and/or Top Secret with Sensitive Compartmented Information (SCI)	Transmittal, Position Description, OF-306, GSA Form 3665, must have valid fingerprints on file. There must also be a justification for the clearance on agency letterhead	No - the employee cannot be placed into the position until granted or cleared for SCI

B. Applicants to GSA (i.e., agency transfers or first appointments to Civil Service)

Risk/Sensitivity Level	Required Forms from OHRM	Is Placement into the Position allowed before Clearance is Complete?
Non-Sensitive and Public Trust Tier 1, 2 and 4	Staffing package includes Transmittal, Position Description, OF-306, GSA Form 3665 and resume	Yes. Initial access is granted based on a favorable preliminary vetting and/or reciprocity
Non-Critical-Sensitive and/or Secret/Confidential (moderate) Tier 3	Staffing package includes Transmittal, Position Description, OF-306, GSA Form 3665 and resume and a justification for clearance on agency letterhead	Yes. Initial access is granted based on a favorable preliminary vetting and/or reciprocity
Non-Critical-Sensitive and/or Secret/Confidential (high)	Staffing package includes Transmittal, Position Description, OF-306, GSA	Yes. Initial access is granted based on a favorable preliminary

Tier 5	Form 3665 and resume and a justification for clearance on agency letterhead	vetting and/or reciprocity
Critical-Sensitive and/or Top Secret Tier 5	Staffing package includes Transmittal, Position Description, OF-306, GSA Form 3665 and resume and a justification for clearance on agency letterhead	Yes. Initial access is granted based on a favorable preliminary vetting and/or reciprocity
Special-Sensitive and/or Top Secret with Sensitive Compartmented Information (SC) Tier 5	Staffing package includes Transmittal, Position Description, OF-306, GSA Form 3665 and resume and a justification for clearance on agency letterhead	No - Applicant cannot EOD until granted or cleared for SCI

Source: Office of Mission Assurance, Personnel Security

Attachment 3: OHRM-OHCS Job Aid for Foreign Area Benefits Eligibility

Benefit	Statutory Basis	If Hired in CONUS	If Hired OCONUS (for example, an agency transfer of a candidate who is already in the foreign area)
<p>45-day (i.e. 360 hour) annual accrual ceiling</p>	<p>5 U.S.C. § 6304(b)</p>	<p>Eligible when directly recruited or transferred by the Government of the United States from the United States or its territories or possessions including the Commonwealth of Puerto Rico for employment outside the area of recruitment or from which transferred.</p>	<p>Only eligible if:</p> <p>(i) originally recruited from the United States or its territories or possessions including the Commonwealth of Puerto Rico but outside the area of employment;</p> <p>(ii) who have been in substantially continuous employment by other agencies of the United States, United States firms, interests, or organizations, international organizations in which the United States participates, or foreign governments; and</p> <p>(iii) whose conditions of employment provide for their return transportation to the United States or its territories or possessions including the Commonwealth of Puerto Rico.</p> <p>Special Exception:</p> <p>The candidate was absent from the U.S. due to formal study (i.e. college) but maintained a permanent residence in the United States</p> <p>Note 1: Check the staffing package (e.g., job history in resume) to verify continuous overseas employment (i.e. no gaps in employment).</p> <p>Note 2: The transportation agreement is documented by agency forms from the losing agency, for example, by</p>

			DoD Form 1617. Not all employment in foreign areas is subject to transportation agreements (i.e. a written commitment by the employer to return the employee to the U.S.). For example, employment by U.S. contractors is often <u>not</u> subject to a transportation agreement, which can preclude eligibility.
Home Leave	5 U.S.C. § 6305(a)	See 45-day leave accrual rules	See 45-day leave accrual rules. The same rules are applied due to 5 C.F.R. § 630.602.
Post Allowance	5 U.S.C. 5924(1)	Eligible, as of the day of arrival on post. See DSSR 220 and Tables	Eligible, as of the day of arrival on post. See DSSR 220 and Tables
Living Quarters Allowance	5 U.S.C. § 5923(a)	Eligible.	<p>The same 3 core rules as compared to the 45-day annual leave accrual ceiling authority.</p> <p>Per DSSR 031.12, only eligible if:</p> <p>(i) the employee was [originally] recruited in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the former Canal Zone, or a possession of the United States, by:</p> <p>(1) the United States Government, including its Armed Forces;</p> <p>(2) a United States firm, organization, or interest;</p> <p>(3) an international organization in which the United States Government participates; or</p> <p>(4) a foreign government,</p> <p>(ii) has been in substantially</p>

			<p>continuous employment by such employer under conditions which:</p> <p>(iii) provided for his/her return transportation to the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the former Canal Zone, or a possession of the United States [i.e. employment was pursuant to a transportation agreement]</p> <p>For more information, please also see the GSA Order 9592.1A, <i>Allowance and Differentials Payable in Foreign Areas</i>.</p>
Education Allowance	5 U.S.C, § 5924(4)	Eligible if approved as an incentive.	Eligible if approved as an incentive.

Attachment 4: Additional Information Concerning Overseas Limited Appointments

When established	October 26, 1955 (Executive Order 10641)
Original Purpose	To facilitate the employment of personnel by Federal agencies for service in foreign countries and to extend the competitive service to Federal positions overseas
Who is recruited?	<ul style="list-style-type: none"> ● OCONUS U.S. citizens already living overseas OR ● CONUS U.S. citizens living in the United States
Competitive or Excepted Service?	Competitive Service
Competitive Selection?	No competitive selection
Competitive Status?	Non-Status Appointments
Trial Period	Requires a 1-year trial period for indefinite or term appointments
Conversion to Status Appointment	A U.S.citizen locally recruited overseas can be noncompetitively converted to a career conditional appointment in the U.S. when that employee was accompanying a spouse overseas (civilian employee or military), under E.O. 12721 and 5 C.F.R. § 315.608.
Restrictions	<p>Can be given to OCONUS U.S. citizens already living, and recruited, overseas only when a prior traditional announcement has produced a “shortage of eligible candidates.” (5 C.F.R. § 301.201)</p> <p>Can be given to CONUS employees when there are “unusual or emergency conditions” that make traditional competitive selection infeasible. (5 C.F.R. § 301.202)</p>
Length of Appointment and Personnel Action Processing	<p>(a) Indefinite Appointment: NOAC 120 or 520, Authority code HNM or HRM</p> <p>(b) Term Appointments, NTE 5 years: NOAC 122 or 522, Authority code HNM</p> <p>(c) Temporary Appointment, NTE 1 Year with option of a 1-year extension: NOAC 122 or 522, Authority code H3M</p>
Authorities	<p>Executive Order 10641</p> <p>Executive Order 12721</p> <p>Civil Service Rule 8.2</p> <p>5 C.F.R. § 301.201 - 203</p> <p>5 C.F.R. § 315.608</p>