ADS Chapter 478

Payments to Missing Employees

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ADS Chapter 478 – Payments to Missing Employees
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This chapter has been revised in its entirety.

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ADS Chapter 478 – Payments to Missing Employees

478.1 OVERVIEW

Effective Date: 04/16/2015

This chapter applies to individuals who have been appointed into the Civil Service or Foreign Service (permanent, temporary, or term), who are citizens or nationals of the United States or aliens with U.S. permanent resident status, and who are in active Federal service and are officially determined to be in a missing status, as defined in section **478.6**. The policies in this chapter do not apply to part-time, intermittent, or Foreign National Employees except where it is determined by the Administrator or designee that such employees' missing status is the proximate result of employment by the Agency (see **5 U.S.C. 5561**, **3 FAM 7718, Compensation of Imprisoned Aliens**, and the **Foreign Service Act of 1980, as amended, Section 410**).

This chapter does not cover employees who are officially determined to be absent from their post of duty without authority.

This chapter sets forth the regulations and procedures for the continuation of pay, allowances, and allotments until the Agency makes a determination of death or finding of death, or until the employee returns to the controllable jurisdiction of the Agency.

478.2 PRIMARY RESPONSIBILITIES

Effective Date: 04/16/2015

a. The **USAID Mission Director** or **USAID Principal Officer (PO)** at post is responsible for:

(1) Informing the Chief of Mission (COM) or Principal Officer of the U.S. Diplomatic Mission when an unaccounted-for USAID employee may be missing because of hostile action.

(2) Providing the COM or Principal Officer of the U.S. Diplomatic Mission the full details, including action taken by the USAID Mission to contact the employee.

(3) Notifying the Office of Human Capital and Talent Management (HCTM) immediately (by cable if overseas) of an employee's missing status.

b. **The Department of State** in the exercise of its discretion may report the incident to the host government, and formally request the host government to employ all means available to assist in locating the missing employee.

c. The **Office of the General Counsel, Ethics Administration (GC/EA)** is responsible for making recommendations to the Chief Human Capital Officer (CHCO) regarding the missing employee's status and entitlement to pay and benefits.

d. The **Chief Human Capital Officer (CHCO), Office of Human Capital and Talent Management (HCTM)**, or designee, working closely with the Office of the General Counsel, is responsible for:

(1) Keeping the case of an employee in a missing status under active review for twelve (12) months when no official report of death or circumstances of the employee's continued absence has been received.

(2) Conducting a full review of the missing employee's case to determine the continuance of the employee's missing status (if the employee can be presumed to be living) or to make a finding of death.

(3) Authorizing payments to be made for a period not to extend beyond the date of the receipt of evidence that the missing employee has returned to the controllable jurisdiction of the Agency or is deceased.

(4) Making all determinations necessary to administer the provisions outlined in this ADS chapter.

(5) Making a finding of death upon receipt of information that establishes a reasonable presumption that the missing employee is dead.

(6) Determining entitlement of an employee in a missing status to pay and allowances, including credits and charges in the employee's account.

(7) Changing or modifying a previous determination when circumstances warrant such change.

(8) Authorizing travel of eligible family member(s) and transportation or other disposition of household effects.

(9) In consultation with the Office of the General Counsel, keeps the Mission apprised of the administrative actions taking place in USAID/Washington on behalf of the missing employee, and any actions that may be required of the Mission.

e. The **Bureau for Management, Chief Financial Officer (M/CFO)**, or designee, is responsible for waiving the recovery of erroneous payments or overpayments of allotments to eligible family member(s) when recovery is deemed to be against equity and good conscience.

f. The **employee** is responsible for electing in writing, within 90 days following cancellation of missing status, whether he or she desires payment for leave, or credit for the leave.

478.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

Effective Date: 04/16/2015

The Agency follows the policies and procedures in **5 U.S.C. Part III, Subpart D, Chapter 55, Subchapter VII-Payments to Missing Employees (§§ 5561-5570)**.

478.3.1 Entitlements

Effective Date: 04/16/2015

An employee in missing status continues to have pay and allowances credited and continues to receive payment for or have accrued annual leave restored as long as there is a reasonable presumption that s/he is alive. The Agency follows the policies and procedures in **5 USC 5562, Pay and allowances; continuance while in a missing status; limitations** and **5 CFR 630.307**.

478.3.2 Transportation and Household Effects

Effective Date: 04/16/2015

USAID will pay transportation costs for dependents and household and personal effects of employees in active service (without regard to pay grade) who are officially reported as dead, injured, or absent for more than 29 days in a missing status. The Agency follows the policies and procedures in **5 USC 5564**.

478.3.3 Claims

Effective Date: 04/16/2105

In certain cases, USAID may determine that an emergency exists and it would be in the best interest of the U.S. Government to sell, publicly or privately, a missing employee's household and personal effects. The policies and procedures related to claims can be found in **5 USC 5564(h)**.

478.3.4 Allotments

Effective Date: 04/16/2015

Allotments and deductions from salary continue while employees are in missing status. The Agency follows the policies and procedures stated in **5 USC 5563 - Allotments; continuance, suspension, initiation, resumption, or increase while in a missing status; limitations**.

478.3.5 Charging Leave for Employees in Missing Status Resulting from Hostile Action Abroad

Effective Date: 04/16/2015

USAID follows the policies for excused absence in **3 FAM 3464.5, Absence Resulting from Hostile Action Abroad**.

478.3.6 Income Tax Deferment
Effective Date: 04/16/2015

The Agency adheres to the income tax deferment policies and procedures stated in **5 USC 5568**.

478.4 MANDATORY REFERENCES

478.4.1 External Mandatory References
Effective Date: 04/16/2015

a. **3 FAM 3464.5**

b. **3 FAM 7718**

c. **5 CFR 630.307**

d. **5 USC 5561**

e. **5 USC 5562**

f. **5 USC 5563**

g. **5 USC 5564**

h. **5 USC 5564(h)**

i. **5 USC 5565**

j. **5 USC 5568**

k. **Foreign Service Act of 1980, as amended, Section 410**

l. **Public Law 98-259, dated April 10, 1984**

478.4.2 Internal Mandatory References
Effective Date: 04/16/2015

There are no internal Mandatory References for this chapter.

478.5 ADDITIONAL HELP
Effective Date: 04/16/2015

There are no Additional Help documents for this chapter.

478.6 DEFINITIONS
Effective Date: 04/16/2015

The terms and definitions listed below have been incorporated into the ADS Glossary. See the **ADS Glossary** for all ADS terms and definitions.

allotment
A recurring specified deduction for a legal purpose from pay authorized by an employee to be paid to an allottee. (**Chapter 478**)

dependent
A spouse (defined as a partner in any legally-recognized marriage, regardless of the employee's state of residency. The term "spouse" does not include unmarried domestic partners, unless they meet the requirements of being spouses in a common-law marriage in States where such marriages are recognized.), unmarried child (including unmarried dependent stepchild or adopted child) under 21 years of age, a dependent mother or father, a dependent designated in official records, or an individual determined to be a dependent by the Chief Human Capital Officer (CHCO), Office of Human Capital and Talent Management (HCTM), or designee. (**Chapter 478**)

employee
An individual who has been appointed into the Civil Service or Foreign Service (permanent, temporary, or term) who is a citizen or national of the United States or an alien who has been admitted to the United States for permanent residence and who is in active service with USAID. This includes foreign national employees when such employees' missing status is the proximate result of employment by the Agency. (**Chapter 478**)

missing status
An employee who is in active service and is officially determined to be absent in a status of

a. missing;
b. missing in action;
c. interned in a foreign country;
d. captured, beleaguered, or besieged by a hostile force; or
e. detained in a foreign country against his or her will.

This does not include the status of an employee for a period during which the employee is officially determined to be absent from duty post without permission. (**Chapter 478**)

pay and allowances
Basic pay (salary fixed by law or administrative action (SF-50)), special pay (regularly scheduled overtime, standby pay, post differential, danger pay), incentive pay (language pay, special incentive differential), basic allowances for quarters and subsistence, including if applicable, separate maintenance allowance, and post allowance for not more than 90 days. (**Chapter 478**)