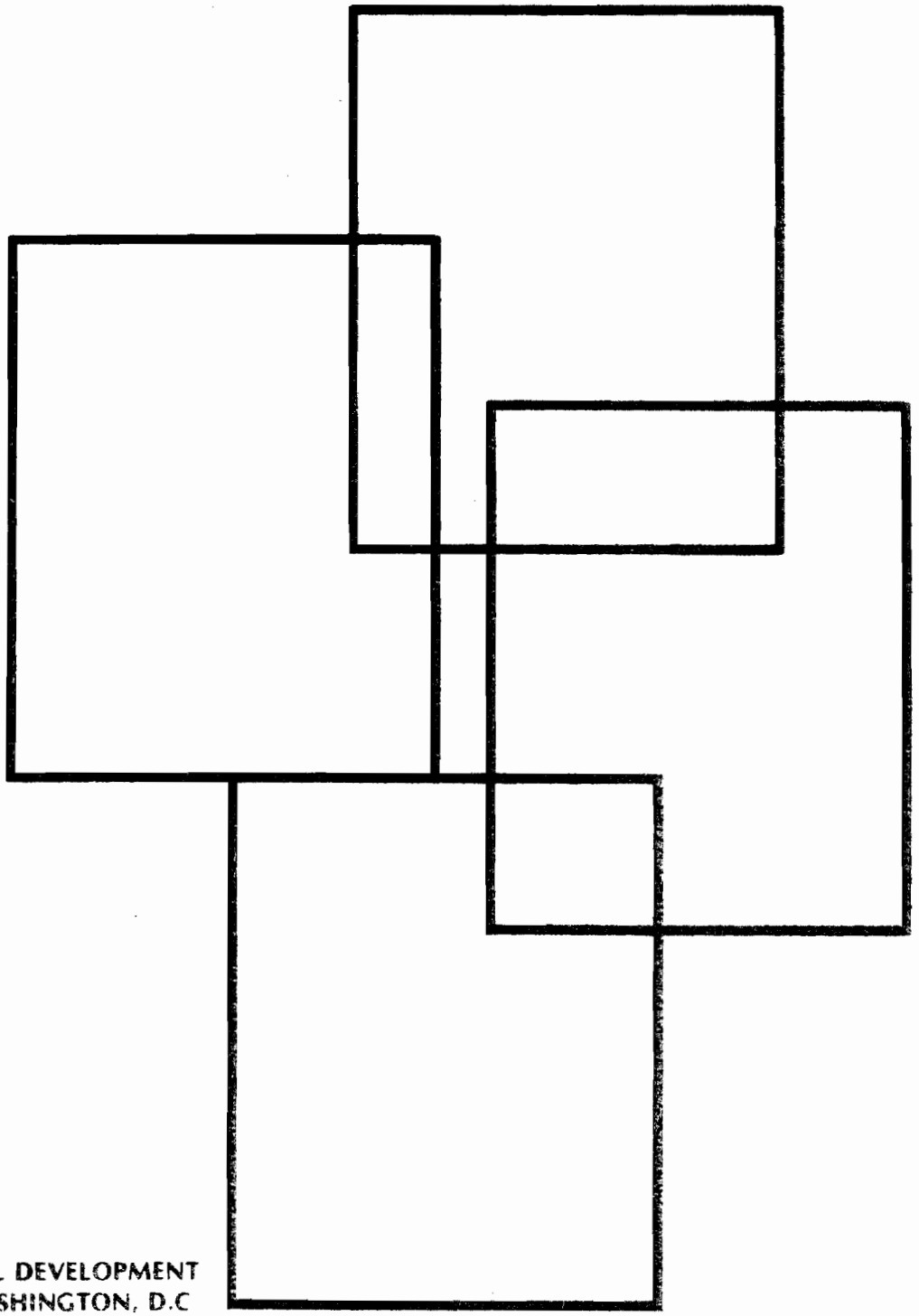
Position Classification, Pay and Allowances



AGENCY for INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C

AGENCY FOR INTERNATIONAL DEVELOPMENT

HANDBOOK TRANSMITTAL MEMORANDUM	DATE August 10, 1992	TRANS. MEMO NO. 26:85

MATERIAL TRANSMITTED:

Handbook 26 - Position Classification, Pay and Allowances

Appendix 13A has been reissued to reflect the updated 3 FAM 310, Allowances (General).

FILING INSTRUCTIONS:

1. REMOVE PAGES: — REPLACEMENT PAGES:

   13A-1 thru 13A-19 (TM 26:74) — 13A-1 thru 13A-20

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HANDBOOK 26
POSITION CLASSIFICATION, PAY AND ALLOWANCES

AUTHOR OFFICE: FA/HRDM/PP

DATE	MATERIAL TRANSMITTED	TM NO.
12-16-74	Complete Handbook	26:1
1-22-76	Note regarding sex-biased language in Handbooks	26:9
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12-31-87	Chapter 5	26:71
10-20-88	New Handbook Index	26:72
Various	Chapter 2	26:73
11-1-89	Pages 2-1 thru 2-8 of Ch. 2	26:75
4-1-90	Pages 13-1 thru 13-15 of Chapter 13	26:76
1-1-90	The Table of Contents; Att. 1B;	26:77
Various	Pages 7-1 thru 7-15 of Ch. 7	26:78
7-1-91	Pages TC-5 and TC-6, Chapter 8 in its entirety	26:81
12-3-91	FEPCA IOP #1 to Circular to Chapter 3	26:82
3-11-92	Attachment 5A, 5B and 5C of Chapter 5	26:83
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AGENCY FOR INTERNATIONAL DEVELOPMENT

HANDBOOK TRANSMITTAL MEMORANDUM	DATE April 2, 1992	TRANS. MEMO NO. 26:84

MATERIAL TRANSMITTED:

Handbook 26 - Position Classification, Pay and Allowances

Circular to Chapter 3 -- This is the second in a series of policies and operating procedures to implement the Federal Employees Pay Comparability Act of 1990.

The Act authorizes federal agencies to pay recruitment and relocation bonuses in order to attract high quality employees and to enable the government to compete with the private sector for talent. Each agency may begin to pay these bonuses when it has policies and procedures in place.

To date, USOPM has issued interim regulations. When final regulations are issued, the interim procedures will be revised as necessary, and incorporated into the handbook.

A Table of Contents for the Circular has been added to make the IOPs easier to find as they are issued.

SUPERSEDES:

Page i of Circular to Chapter 3 (TM 26:82)

FILING INSTRUCTIONS:

1. File IOP Table of Contents at the beginning of the Circular to Chapter 3.
2. File IOP #2 following IOP #1 in the Circular to Chapter 3.
3. File the superseded page as indicated in the above supersedes instruction.
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HANDBOOK 26
POSITION CLASSIFICATION, PAY AND ALLOWANCES

AUTHOR OFFICE: FA/HRDM/PPM/PP

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AGENCY FOR INTERNATIONAL DEVELOPMENT

HANDBOOK TRANSMITTAL MEMORANDUM	DATE March 11, 1992	TRANS. MEMO NO. 26:83

MATERIAL TRANSMITTED:

Handbook 26 - Position Classification, Pay and Allowances

Attachments 5A, 5B and 5C of Chapter 5 are revised to reflect the 1992 Pay Schedule Increases.

SUPERSEDES:

Pages 5A-1, 5B-1 and 5C-1 (TMs 26:80 and 26:77).

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1. Remove superseded material as indicated under SUPERSEDES.
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HANDBOOK 26

POSITION CLASSIFICATION, PAY AND ALLOWANCES
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AGENCY FOR INTERNATIONAL DEVELOPMENT

HANDBOOK TRANSMITTAL MEMORANDUM	DATE December 3, 1991	TRANS. MEMO NO. 26:82

MATERIAL TRANSMITTED:

Handbook 26 - Position Classification, Pay and Allowances

Circular to Chapter 3 -- This is the first in a series of policies and operating procedures to implement the Federal Employees Pay Comparability Act of 1990. For nearly all of these new pay authorities USOPM has only issued interim regulations with the final regulations due in April, 1992.

This circular establishes the requirements for this Interim Operating Procedure (IOP) which provides AID's policies, authorities, responsibilities and procedures for the payment of travel expenses for candidates' pre-employment interviews and travel and transportation expenses to first duty station for new appointees. These regulations are effective until modified or otherwise superseded.

SUPERSEDES:

None

FILING INSTRUCTIONS:

1. File the attached in front of Chapter 3.

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HANDBOOK 26

POSITION CLASSIFICATION, PAY AND ALLOWANCES
AUTHOR OFFICE: HRDM/PPM/PP

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HANDBOOK TRANSMITTAL MEMORANDUM	DATE June 21, 1991	TRANS. MEMO NO. 26:80

MATERIAL TRANSMITTED:

Handbook 26 - Position Classification, Pay and Allowances

Replace Att. 5A, 1991 pay schedule.

SUPERSEDES:

Page 5A-1 (TM 26:77)

FILING INSTRUCTIONS:

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POSITION CLASSIFICATION, PAY AND ALLOWANCES
AUTHOR OFFICE: PFM/PM/PCF

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Various	Chapter 8	26:79
6/21/91	Attachment 5A	26:80

AGENCY FOR INTERNATIONAL DEVELOPMENT

HANDBOOK 26

POSITION CLASSIFICATION, PAY, AND ALLOWANCES

TM 26:1
December 16, 1974

N O T E

Throughout this Handbook, masculine pronouns are to be interpreted as including both men and women, unless the context specifically excludes this interpretation. Future revisions will take into account the AID directive (HB 18, Part I, 2E) of 12/30/75 on the avoidance of sex-biased language.

PREFACE

Early in 1972 the Agency made the decision to convert the AID manual orders to a series of specialized handbooks. In compliance, SER/PM has developed new personnel handbooks to replace existing personnel manual orders. The objectives have been:

-- To condense and simplify directive material.

-- To place, to the extent practicable, all information and instructions of general Agency-wide utility on a given subject in one location.

-- To highlight principal personnel policies, rules, and regulations.

The personnel handbooks include those rules, regulations, and operating procedures which affect more than one Office, Bureau, or Mission. They also incorporate pertinent Uniform State/AID/USIA Regulations and portions of the Federal Personnel Manual. They do not include detailed background information, functional statements, or internal personnel office procedures, unless this information is essential to users generally.

There are ten volumes:

Handbook 24, General Personnel Policy
Handbook 25, Employment and Promotion
Handbook 26, Position Classification, Pay, and Allowances
Handbook 27, Attendance and Leave
Handbook 28, Training and Staff Development
Handbook 29, Employee Relations and Benefits
Handbook 30, Separation and Disciplinary Actions
Handbook 31, Foreign National Personnel
Handbook 32, Personnel Actions, Records, and Reports
Handbook 33, Overseas Position Management
(Existing handbook, formerly an attachment to M.C. 435.4, designated as an AID Handbook)

Each handbook is organized into chapters dealing with a topic within the general subject area indicated by the title. A table of contents is included in each handbook. The Transmittal Memorandum for each handbook will indicate which manual orders and manual circulars it supersedes; concurrently, cancellation notices are distributed to all holders of manual orders.

Personnel Handbooks will not all be distributed at once. Accordingly, there will be an interim period where both manual orders and handbooks in the personnel area will be in Agency-wide use. Manual orders and manual circulars will remain in effect until they are specifically superseded by a handbook and canceled by a Manual Transmittal Letter.

Supervisors, employees, and administrative/executive officers should use the handbooks for general guidance in all matters of personnel to which they pertain. For unusual problems or counseling needs, the appropriate office in SER/PM should be contacted.

HANDBOOK 26

POSITION CLASSIFICATION, PAY AND ALLOWANCES

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CHAPTER 1

POSITION CLASSIFICATION

1A. Agency Authority and Responsibility

The Administrator, AID, is responsible for Agency compliance with applicable statutes, Civil Service rules and regulations, and position classification and job grading standards published by the Civil Service Commission (CSC) and for insuring that the authority delegated within the Agency is carried out effectively. Agency authority includes responsibility for the accurate classification* of all of its General Schedule positions (except those for which the Civil Service Commission assumes authority, including those in, or proposed for, grades GS-16, 17, and 18) and prevailing (wage) rate positions.

1B. Redelegation of Authority

The Administrator has redelegated his authority to carry out the position classification program of the Agency. Employees to whom authority has been delegated have a personal and legal responsibility for maintaining the integrity and soundness of the program for the Administrator.

1C. Guides and Controls

The Agency classification system is subject to:

1. Applicable laws and CSC regulations;

2. Position classification and job-grading standards published by the CSC;

3. Audit of the program by the CSC;

4. Post audit review and acceptance or revision of Agency classification decisions through appeals to or during surveys by the CSC.

1D. Responsibilities

1. Office of Personnel and Manpower

a. Provides advice and assistance to managers in establishing and maintaining a sound and efficient position structure.

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*CSC rules and regulations make reference to the "classification" of positions under the General Schedule and "grading" of positions which are subject to prevailing rates (trade, craft, or manual labor occupations). For convenience, the term classification as used in this chapter includes both.

1D1

b. Classifies Agency positions.

c. Develops supportive material and recommends to the CSC the allocation of supergrade (GS-16, 17, and 18) and other positions for which the CSC retains allocating authority.

d. Interprets classification standards, regulations, and guidelines.

e. Provides advice to employees, managers, and supervisors on classification complaints and appeals.

f. Advises on the preparation of position descriptions.

g. Acts on requests for Classification Administrative Review.

2. Supervisors

a. Establish and maintain an effective position structure consistent with approved programs, manpower authorizations, and administrative authorities.

b. Assign duties to positions, discuss work assignments with subordinates, prepare position descriptions, and certify the accuracy of position descriptions for which accountable.

c. Initiate individual position actions when significant changes have been made in duties, responsibilities, or supervisory relationships.

d. Advise employees of their right to review position classification standards and to appeal a classification decision but not the right to appeal the work assigned.

e. Initiate requests for the review of positions under the Agency's Classification Review procedure.

1E. Establishing Positions

Within the framework of an approved functional statement, organizational structure, and position ceiling, supervisors are responsible for assigning duties to positions in such a way as to provide for the orderly, efficient and economical accomplishment of the functions assigned to the organization. Effective position planning is based upon consideration of such factors as:

1. Delegation of authority commensurate with assigned responsibilities;

2. Establishing a reasonable supervisory span of control (number of people supervised);

2

c. Controls Over Work - Identifies the immediate supervisor and describes the supervisory restrictions and written guidelines under which the incumbent works. Supervisory restrictions include matters referred to the supervisor for advice or decision, purpose and extent of the review of work, etc.

d. Other Significant Factors - Includes special knowledges, skills or abilties required to perform the job, plus any unusual facts which would influence the classification of the position and/or the selection of an incumbent, such as substantial travel, unusual working hours, language requirements, etc. In addition, descriptions of prevailing rate positions include information concerning unusual physical effort and/or disagreeable or hazardous working conditions.

NOTE: Additional guidelines and assistance in the preparation of position descriptions are available from PM/PO/CSP upon request.

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3. Establishing an appropriate balance of skills between the various professional or clerical requirements and between professional and clerical support positions.

4. Distinguishing supervision from production;

5. Making effective use of employee skills;

6. Impact of technological change, systems, and facilities on manpower requirements.

1F. Describing Positions

Once duties and responsibilities are assigned to a position, they must be officially documented on Optional Form 8, Position Description, and classified by Office of Personnel and Manpower (SER/PM).

1G. Availability of Positions

Whenever an employee is appointed, promoted, reassigned, demoted, or transferred, the law requires that there must be a position available which has been described, evaluated, and classified in accordance with the classification system.

1H. Updating Position Descriptions

When the duties, responsibilities, or supervisory relationships of a position have changed significantly, the supervisor is responsible for preparing (preferably in draft) a new or amended position description and requesting (on form AID 4-512, Staffing Pattern Action Request [SPAR]) review of the position by SER/PM. Before submission of the request, supervisors are encouraged to discuss changes in positions with the appropriate Position Classification Specialist. Instructions for preparing the SPAR are contained in RAMPS Employing Office Handbook, M.O. 466.1 (to be incorporated into the Appendix of Handbook 32, Personnel Actions, Records, and Reports).

1I. Distribution of Position Descriptions

Copies of new and updated position descriptions are provided by SER/PM for the employee, the employee's Official Personnel File and the appropriate management office. This applies to all General Schedule and prevailing rate employees except those assigned to one of the Civil Service Recruit Complements pending permanent assignment in the Agency.

1J. Position Classification and Job Grading Standards

1. Classification Concept

Under the Civil Service classification system, it is the position; i.e., the duties and responsibilities assigned by the supervisor, which is classified and not the particular individual who is performing the work of the position. There may be unusual circumstances, however, where the incumbent brings to the position additional usable skills, knowledges, or abilities which change the character of the position such that the description of the work performed requires correction. This in turn may require adjustment in the title, series and/or grade of the position.

2. Mandatory Use of Standards

By law, the Agency is required to classify positions in conformance with, or consistent with, standards published by the CSC. The titles delineated in published standards must be used for personnel, budget, and fiscal purposes. Where there is not published standard, a brief but definitive occupational title is used, which must be consistent with CSC titling practices. Organizational titles may be used only for supergrade (GS/AD-16, 17, and 18) or Executive Level positions. Titles for all prevailing rate occupations have been prescribed by the CSC and must be used.

3. Interpretation of Standards

Each standard must be taken as a whole and without undue emphasis on the presence or absence of any phrase, clause, or adjective. The typical work examples found in some standards are only illustrations and are not intended to be either complete or exclusive. The proper application of the standard in identifying the appropriate series and grade requires the use of judgment rather than a mechanical matching of specific elements, statistics, duties, or projects. This judgment is to be applied in determining the degree to which the specific position being classified meets the intent of the series and grade level definitions.

1K. Employee Rights

An employee is free to discuss with the immediate supervisor the duties and responsibilities of the position to which officially assigned, to review position classification standards or other materials pertinent to the allocation of the position, and to discuss the evaluation of the position as to series, title, and grade with a Position Classification Specialist. If it is necessary for the employee to leave the work location to seek assistance from a Position Classification Specialist, he should obtain prior approval from his supervisor.

1L.

If it is necessary for the employee to leave the work location to seek assistance from a Position Classification Specialist, he/she should obtain prior approval from his/her supervisor.

1M. Classification Appeals

1. An employee may appeal the classification of his/her position either within AID or directly to the OPM - See Chapter 7, Handbook 30, for information concerning appeal procedures.

2. In addition to the formal employee appeal, the head of any Bureau, Office, or Staff may request administrative review of the classification decision made by PM/PO/W concerning any position within their jurisdiction. The request must be in writing, stating the reasons for contesting the original decision, and must be forwarded to the Director, PM, within 5 days of receipt of the original decision. An independent Classification Administrative Reviewer reviews the request, classification audit notes, organizational charts, position classification standards, and other pertinent documents and submits a recommendation to the Director, PM, who makes the final decision on the classification of the position. If the Bureau, Office, or Staff head does not concur in this decision, the Director, PM, may request an advisory allocation from the OPM. The Director, PM, decides the course of action to be taken.

1N. Classification Reviews

Although AID does not have a formalized classification review program, individual action requests, reorganization actions, and followup of positions requiring changes serve essentially the same purpose and results in a program of continuous position audit and review. Under this arrangement all positions 3 years old or older are subject to desk audit review and reclassification as appropriate. The net effect is that approximately one-third of AID/W positions are desk-audited each year including those that are done as a result of individual position action requests. (Note: The above is applicable to all AID/W positions whether incumbered or vacant, Civil Service or Foreign Service.)

1 O. Notification of Classification Action

Upon completion of a desk audit or other classification review when the classification result is not consistent with the expectation of either the employee or the supervisor, PM shall provide a written report which will include an explanation of the classification decision, a copy of the position description, a copy of the

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classifier's formal evaluation statement, and provide the supervisor and/or the employee an opportunity to comment or rebut the decision if he/she wishes to do so. PM considers any rebuttal or comment received and responds in writing advising the supervisor and/or the employee of the final decision and of formal avenues of appeal or review which may be exercised, if appropriate. If an employee is not convinced that the classification is proper, he/she may initiate a formal classification appeal (see 1M).

1P. Factor Evaluation System (FES) of Position Classification

1. The OPM has approved a new concept in position classification called the Factor Evaluation System. New classification standards issued will be designed to accommodate the new FES. An estimated 5 years will be required before complete systems changeover can be effected. In the interim both classification systems will be used depending upon which classification standard has been authorized for use by the OPM in any particular occupation or job.

2. The FES requires a different evaluation technique and a new position description format. The new evaluation technique requires an independent evaluation of each of nine specific factors as follows:

a. Knowledge Required

b. Supervisory Controls

c. Guidelines

d. Complexity

e. Scope and Effect

f. Personal Contracts

g. Purpose of Contracts

h. Physical Demands, and

i. Work Environment

For this reason the position description format will require that each of these nine factors be described separately and point-related individually.

1P

3. Obviously for an extended period of time AID will be using two markedly different position description formats depending upon the appropriate classification system. This may result in some confusion but since the evaluation requirements of the two classification systems are substantially dissimilar, there is no alternative.

ATTACHMENT 1A

GUIDELINES FOR PREPARING A POSITION DESCRIPTION

1. A position description is adequate if it states the principal duties and responsibilities and supervisory relationships of a position with sufficient clarity to provide information necessary for its proper classification when:

a. considered by one generally familiar with the occupation and knowledgeable and experienced in the application of pertinent standards; and

b. supplemented by other readily available information such as organizational lines of authority, functional statements, operating handbooks, and internal procedures.

2. Management is responsible for assuring the accuracy of position descriptions, regardless of who writes them. Normally they are prepared by the supervisor who assigned the duties. However, the revision of an incumbered position may be prepared by the employee or the supervisor in collaboration with the employee. The description generally will contain four major sections.

a. Introduction - Describes the major functions of the organization, usually by referencing the appropriate chapter of the Organizational Handbook, and a brief statement of the purpose of the position. ("The purpose of this position is to serve as Chief of the Division." "The purpose of this position is to provide clerical and typing support for the Branch staff," etc.) This section should never exceed two or three sentences.

b. Duties and Responsibilities - Describes the major duties performed, including supervision exercised (approximate number and kinds of subordinate positions and supervisory responsibilities). Supervisory descriptions should not spell out the duties of subordinate positions but include only those things which the supervisor actually does, such as work planning, assignment and review; personnel management; training and counseling; and technical or professional responsibilities not further delegated.

Duties will normally be listed in descending order of difficulty and importance. Tasks which are performed irregularly, in the absence of other employees, or require less than 10% of an employee's overall time are not included unless they require skills which are not covered in other duties statements. Short, direct duty statements are preferable to long and complex sentences. The percentage of time devoted to certain major duties may be significant in determining the proper series for some positions. The Position Classification Specialist will ask the supervisor or incumbent for that information if it is required.

2

c. Controls Over Work - Identifies the immediate supervisor and describes the supervisory restrictions and written guidelines under which the incumbent works. Supervisory restrictions include matters referred to the supervisor for advice or decision, purpose and extent of the review of work, etc.

d. Other Significant Factors - Includes special knowledges, skills or abilties required to perform the job, plus any unusual facts which would influence the classification of the position and/or the selection of an incumbent, such as substantial travel, unusual working hours, language requirements, etc. In addition, descriptions of prevailing rate positions include information concerning unusual physical effort and/or disagreeable or hazardous working conditions.

NOTE: Additional guidelines and assistance in the preparation of position descriptions are available from PM/PO/CSP upon request.

POSITION DESCRIPTION *(Please Read Instructions on the Back)*

1. Agency Position No.

2. Reason for Submission
☐ Redescription ☐ New
☐ Reestablishment ☐ Other
Explanation *(Show any positions replaced)*

3. Service ☐ Dept'l ☐ Field

4. Employing Office Location

5. Duty Station

6. CSC Certification No.

7. Fair Labor Standards Act ☐ Exempt ☐ Nonexempt

8. Employment/Financial Stmt Required ☐ Yes ☐ No

9. Subject to IA Action ☐ Yes ☐ No

10. Position Status ☐ Competitive ☐ Excepted *(Specify)*

11. Position is ☐ Suprvsry ☐ Managerial ☐ Neither

12. Sensitivity ☐ Critical ☐ Noncritical ☐ Nonsensitive

13. Competitive Level Code

14. Agency Use

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. Civil Service Commission						
b. Department, Agency, or Establishment						
c. Bureau						
d. Field Office						
e. Recommended by Supervisor or Initiating Office						

16. Organizational Title of Position *(if different from official title)*

17. Name of Employee *(if vacancy, specify)*

18. Department, Agency, or Establishment

a. First Subdivision

b. Second Subdivision

c. Third Subdivision

d. Fourth Subdivision

e. Fifth Subdivision

19. Employee Review. *This is an accurate description of the major duties and responsibilities of my position*

Signature of Employee *(optional)*

20. **Supervisory Certification.** *I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.*

a. Typed Name and Title of Immediate Supervisor

Signature | Date

b. Typed Name and Title of Higher-Level Supervisor or Manager *(optional)*

Signature | Date

21. **Classification/Job Grading Certification.** *I certify that this position has been classified/graded as required by Title 5, U. S. Code, in conformance with standards published by the Civil Service Commission or, if no published standards apply directly, consistently with the most applicable published standards.*

Typed Name and Title of Official Taking Action

Signature | Date

22. Standards Used in Classifying/Grading Position

Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the Civil Service Commission. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the Commission.

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee *(optional)*										
b. Supervisor										
c. Classifier										

24. Remarks

25. Description of Major Duties and Responsibilities *(see attached)*

Optional Form 8 (BACK) (Revised 8-77)

INSTRUCTIONS FOR COMPLETING OPTIONAL FORM 8 POSITION DESCRIPTION

In order to comply with the requirements of FPM Chapter 295, subchapter 3, and other provisions of the FPM, agencies must complete the items marked by an asterisk. Agencies may determine what other items are to be used.

*1. Enter position number used by the agency for control purposes. See FPM Ch. 312, Subch. 3.

*2. Check one.

- "Redescription" means the duties and/or responsibilities of an exisiting position are being changed.
- "New" means the position has not previously existed.
- "Reestablishment" means the position previously existed, but had been cancelled.
- "Other" covers such things as change in title or occupational series without a change in duties or responsibilities.
- **The "Explanation" section should be used to show the reason if "Other" is checked, as well as any position(s) replaced by position number, title, pay plan, occupational code, and grade.**

3. Check one. See FPM Ch. 338, Subch. 3, for application of apportionment requirements to positions in the Departmental Service. Agencies may show apportioned positions by placing "A" after "Dept'l."

*4. Enter geographical location by city and State (or if position is in a foreign country, by city and country).

*5. Enter geographical location if different from that of #4.

6. To be completed by the Civil Service Commission for positions at GS-16, -17, and -18, and for Public Law type positions. (See #15a for date of CSC certification.)

*7. Check one to show whether the incumbent is exempt or nonexempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. See FPM Ch. 551.

8. Check one to show whether the incumbent is required to submit a statement of employment and financial interests. See FPM Ch. 735, Subch. 4.

9. Check one to show whether Identical Additional positions are permitted. See FPM Ch. 312, Subch. 4. Agencies may show the number of such positions authorized and/or established after the "Yes" block.

10. Check one. See FPM Ch. 212 for information on the competitive service and FPM Ch. 213 for the excepted service. For a position in the excepted service, enter authority for the exception, e.g., "Sch. A-213.3102(d)" for Attorney positions excepted under Schedule A of the Civil Service Regulations.

11. Check one.

- A "Supervisory" position is one that requires the exercise of at least the level of supervisory responsibility that meets the minimum requirements for application of the "Supervisory Grade Evaluation Guide" for GS positions or for classification in the WS or WN schedules of the Federal Wage System; or, the position meets the standard of minimum supervisory responsibility defined in the job standards of the applicable pay schedule. Agencies may designate first-level supervisory positions by placing "1" or "1st" after "Suprvsry."
- A "Managerial" position is one that has the full range of managerial functions as delineated in the "Definition of Managerial Positions" in the introductory section to the "Supervisory Grade Evaluation Guide" for GS positions.

12. Check one to show whether the position is critical-sensitive, noncritical-sensitive, or nonsensitive for security purposes. See FPM Ch. 732, Subch. 1.

13. Enter competitive level code for use in reduction-in-force actions. See FPM Ch. 351.

14. Agencies may use this block for any additional coding requirement.

*15. Enter classification/job grading action.

- For "Official Title of Position," see the applicable classification or job grading standard. For positions not covered by a published standard, see the General Introduction to "Position Classification Standards," Section III, for GS positions, or FPM Supplement 512-1, "Job Grading System for Trades and Labor Occupations," Part 1, Section III.
- For "Pay Plan" code, see FPM Supplement 292-1, "Personnel Data Standards," Book III, Subch. S1.
- For "Occupational Code," see the applicable standard; or, where no standard has been published, see the "Handbook of Occupational Groups and Series of Classes" for GS positions, or FPM Supplement 512-1, Part 3, for trades and labor positions. **For all positions in scientific and engineering occupations, enter the two digit functional classification code in parentheses immediately following the occupational code, e.g., "GS-1310(14)."** The codes are listed and discussed in the General Introduction to "Position Classification Standards," Section VI.

16. Enter the organizational, functional, or working title if it differs from the official title.

17. Enter the name of the incumbent. If there is no incumbent, enter "vacancy."

*18. Enter the organizational location of the position, starting with the name of the department or agency and working down from there.

19. If the position is occupied, have the incumbent read the attached description of duties and responsibilities. The employee's signature is optional.

*20. This statement normally should be certified by the immediate supervisor of the position. At its option, an agency may also have a higher-level supervisor or manager certify the statement.

*21. This statement should be certified by the agency official who makes the classification/job grading decision. Depending on agency regulations, this official may be a personnel office representative, or a manager or supervisor delegated classification/job grading authority.

22. Enter the position classification/job grading standard(s) used and the date of issuance, e.g., "Mail and File, GS-305, May 1977."

23. Agencies are generally required to review, at least annually, each established position to determine whether the position is still necessary and, if so, whether the position description is adequate and classification/job grading is proper. See FPM Ch. 312, Subch. 4. This section may be used as part of the review process. The employee's initials are optional. The initials by the supervisor and classifier represent recertifications of the statements in items #20 and #21 respectively.

24. This section may be used by the agency for additional coding requirements or for any appropriate remarks.

*25. Type the description on plain bond paper and attach to the form. The agency position number should be shown on the attachment. See appropriate instructions for format of the description and for any requirements for evaluation documentation, e.g., "Instructions for the Factor Evaluation System" in the General Introduction to "Position Classification Standards," Section VII.

FILE in front of page 2-1, Handbook 26; cross-reference to Handbook 23, Ch 5

TRANSITION TO THE FOREIGN SERVICE SCHEDULE ESTABLISHED PURSUANT TO THE FOREIGN SERVICE ACT OF 1980

1. Purpose

This circular establishes transition policies and procedures governing the conversion of AID's Foreign Service employees to the Foreign Service Schedule established pursuant to the Foreign Service Act of 1980. This guidance may differ from that for the other Foreign Affairs agencies because of differences in workforce composition. However, such differences will not affect compensation of employees.

2. Action Required

All actions required by the Circular will be taken by the Office of Personnel Management (PM).

3. Background and Legal Authority

The Foreign Service Act of 1980 establishes a revised personnel system for the Foreign Service effective February 15, 1981. This new system provides for a new Foreign Service Schedule (See Appendix B) of nine classes with fourteen steps in each class. The length of service requirement for within-grade increases is 52 weeks up to the tenth step and 104 weeks for each step thereafter. The highest class in the new Schedule, FS-1, is equivalent to the present FSR-3 and FSS-1, and the lowest class, FS-9, equates to the present FSS-9. Present employees at FSR-2 and above will constitute a new AID Senior Foreign Service (SFS), and pay rates for such personnel are governed by a separate Schedule.

In addition, the Foreign Service Act of 1980 abolishes the categories of Foreign Service Reserve and Foreign Service Staff which were established by the predecessor statute, the Foreign Service Act of 1946. Instead there is a new category called Foreign Service personnel (FS) and current FSR and FSS personnel upon conversion will be designated FS.

Career members of the SFS will be appointed by the President with the advise and consent of the Senate. All other AID Foreign Service employees, including limited appointees to the SFS, will be appointed by the Administrator. All career and career candidate Foreign Service personnel will be obligated to accept availability for worldwide assignment, and Foreign Service appointments will not be made for the purpose of meeting domestic personnel needs.

All new appointments in the Foreign Service will be made under the new system, described above, on and after February 15, 1981. In addition, eligible Foreign Service personnel on the rolls as of that date will be converted to the new category, FS, and the new pay schedule. Under terms of the Act, personnel serving under Foreign Service appointments who are not obligated and needed for worldwide service can be converted to the Civil Service. This provision will have no immediate effect on AID employees because all of AID's Foreign Service personnel have been employed with an understanding of their obligation to serve abroad as required. (See Appendix A for transitional provisions of the Act.)

4. Pay Pending Conversion and After Conversion

Section 2101 of the Act specifies that all current Foreign Service members shall be paid as if converted to the new Foreign Service Schedule effective with the first day of the first pay period beginning after October 1, 1980. (This was reflected in checks for the pay period beginning October 5, 1980.) No further pay adjustment will result from conversions within the Foreign Service since current pay levels are already those of the new FS Schedule. (For changes resulting from the additional steps of the new pay plan, see paragraph 6, below.) Section 2106(a)(1) of the Act assures that "no conversion under this chapter shall cause any individual to incur a reduction in his or her class, grade, or basic rate of salary."

Changes to the new Foreign Service Schedule (which does not include the AID Senior Foreign Service) will be made automatically by PM effective February 15, 1981, and all employees who are converted will receive Forms SF-50 indicating the changes.

5. Conversion Process

a. Initial Determination of Status

All AID Foreign Service employees, except Resident Hires and Foreign Nationals, are deemed to be available for worldwide assignment. No change of status will occur for AID Foreign Service personnel below class FSR-2 under the conversion process, other than assignment to the new class designations. (See Appendix B for conversion table.) Conversion of FSR-1's and FSR-2's will be the subject of a separate circular.

b. Protection of Rights and Benefits

The Foreign Service Act of 1980 (Section 2106) provides comprehensive protections for individuals required to convert

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within three years to the Civil Service under the Act. Those protections (See Appendix A) do not apply to worldwide obligated members of the service who wish to convert voluntarily to the Civil Service.

6. Implementation of Step Increase Provisions of the New Act

a. The new Foreign Service Schedule has 14 steps in each class. Therefore, all U.S. citizen employees of the AID Foreign Service in classes FSR-3/FSS-1 and below will become eligible for a one step increase effective the first pay period after February 15, namely February 22, if they have already served the period of time required under the new Pay Schedule for a step increase (i.e., 52 weeks for those at steps 1 through 9 and 104 weeks at higher steps). For those receiving a step increase on February 22nd, this will become their anniversary date for the purpose of subsequent step increases.

b. Those employees who attain eligibility (i.e., complete 52 or 104 weeks service, as the case may be, since their last step increase) for step increases on or after February 22, 1981, will be advanced to the next step automatically effective with the first pay period following their eligibility dates. This procedure will be followed until regulations are in effect implementing Section 406 of the Foreign Service Act which makes step increases automatic unless they are denied by the action of a Selection Board (Evaluation Panel). These employees will retain their anniversary dates as presently established. Forms 1126 which have been used to initiate step increases are no longer to be used for Foreign Service personnel.

c. Cumulative step increases are not possible; for example, an employee with 108 weeks of service in step 7 of a class as of February 15 may not advance more than one step on February 22nd.

d. Periods of leave of absence without pay (LWOP) are not to be subtracted from the service period. It is calendar weeks which are measured in determining step increases, not periods of active service. (See Section 406 of the Act.)

Appendix A - FSAct of 1980, Title II, Chapter I
Appendix B - Conversion Pay Schedule

APPENDIX A

FOREIGN SERVICE ACT OF 1980
TITLE II
Chapter 1

TITLE II—TRANSITION, AMENDMENTS TO OTHER LAWS, AND MISCELLANEOUS PROVISIONS

CHAPTER 1—TRANSITION

22 USC 4151.

SEC. 2101. PAY AND BENEFITS PENDING CONVERSION.—Until converted under the provisions of this chapter, any individual who is in the Foreign Service before the effective date of this Act and is serving under an appointment as a Foreign Service officer, Foreign Service information officer, Foreign Service Reserve officer with limited or unlimited tenure, or Foreign Service staff officer or employee, shall be treated for purposes of salary, allowances, and other matters as if such individual had been converted under section 2102 or 2103, as the case may be, on the effective date of this Act, except that any adjustment of salary under this section shall take effect—

(1) in the case of an individual who is in the Foreign Service on the date of enactment of this Act, on the first day of the first pay period which begins on or after October 1, 1980, and

(2) in the case of an individual who is appointed to the Foreign Service after the date of enactment of this Act, on the date such appointment becomes effective.

22 USC 4152.

SEC. 2102. CONVERSION TO THE FOREIGN SERVICE SCHEDULE.—(a) Not later than 120 days after the effective date of this Act, the Secretary shall, in accordance with section 2106, convert to the appropriate class in the Foreign Service Schedule established under section 403 of

this Act those individuals in the Foreign Service who are serving immediately before the effective date of this Act under appointments at or below class 3 of the schedule established under section 412 or 414 of the Foreign Service Act of 1946, or at any class in the schedule established under section 415 of such Act, as— 22 USC 867, 869. 22 USC 870.

(1) Foreign Service officers, or

(2) Foreign Service Reserve officers with limited or unlimited tenure, and Foreign Service staff officers or employees, who the Secretary determines are available for worldwide assignment.

(b) Not later than 3 years after the effective date of this Act, Foreign Service Reserve officers and staff officers and employees who the Secretary determines under subsection (a)(2) are not available for worldwide assignment shall also be converted, in accordance with section 2106, to the appropriate class in the Foreign Service Schedule established under section 403 if— *Ante*, p. 2088.

(1) the Secretary certifies that there is a need for their services in the Foreign Service; and

(2) they agree in writing to accept availability for worldwide assignment as a condition of continued employment.

SEC. 2103. CONVERSION TO THE SENIOR FOREIGN SERVICE.—(a) Foreign Service officers and Foreign Service Reserve officers with limited or unlimited tenure who, immediately before the effective date of this Act, are serving under appointments at class 2 or a higher class of the schedule established under section 412 or 414 of the Foreign Service Act of 1946 may at any time within 120 days after such date submit to the Secretary a written request for appointment to the Senior Foreign Service. 22 USC 4153. 22 USC 867, 869.

(b) Except as provided in subsection (d), if a request is submitted under subsection (a) by a Foreign Service Reserve officer with limited tenure, the Secretary shall grant to such officer a limited appointment to the Senior Foreign Service in the appropriate class established under section 402 of this Act.

(c) If a request is submitted under subsection (a) by a Foreign Service officer or, except as provided in subsection (d), a Foreign Service Reserve officer with unlimited tenure, the Secretary shall recommend to the President a career appointment of such officer, by and with the advice and consent of the Senate, to the Senior Foreign Service in the appropriate class established under section 402 of this Act.

(d) If the Secretary determines that a Foreign Service Reserve officer with limited or unlimited tenure who submits a request under subsection (a) is not available for worldwide assignment, an appointment under subsection (b) or a recommendation for appointment under subsection (c) shall be made only if—

(1) the Secretary certifies that there is a need for the services of such officer in the Senior Foreign Service; and

(2) such officer agrees in writing to accept availability for worldwide assignment as a condition of continued employment.

(e) If a Foreign Service officer or a Foreign Service Reserve officer who is eligible to submit a request under subsection (a) submits a written request for appointment to the Senior Foreign Service to the Secretary more than 120 days after the effective date of this Act and before the end of the 3-year period beginning on such effective date, the Secretary (in the case of a Foreign Service Reserve officer with limited tenure) may grant a limited appointment to, or (in the case of a Foreign Service officer or Foreign Service Reserve officer with unlimited tenure) may recommend to the President a career appointment of, the requesting officer to the appropriate class established

under section 402 of this Act, subject to the conditions specified in subsection (d) and such other conditions as the Secretary may prescribe consistent with the provisions of chapter 6 of title I of this Act relating to promotion into the Senior Foreign Service.

(f) Any officer of the Foreign Service who is eligible to submit a request under subsection (a) and—

(1) who does not submit a request under subsection (a), or

(2) who submits such a request more than 120 days after the effective date of this Act and is not appointed to the Senior Foreign Service for any reason other than failure to meet the conditions specified in subsection (d),

may not remain in the Foreign Service for more than 3 years after the effective date of this Act. During such period, the officer shall be subject to the provisions of title I of this Act applicable to members of the Senior Foreign Service, except that such officer shall not be eligible to compete for performance pay under section 405, and shall not be eligible for a limited career extension as described in section 607(b). Upon separation from the Service, any such officer who is a participant in the Foreign Service Retirement and Disability System shall be entitled to retirement benefits determined in accordance with chapter 8 of title I of this Act.

Ante, p. 2088.

Ante, p. 2096.

22 USC 4154.

SEC. 2104. CONVERSION FROM THE FOREIGN SERVICE.—(a) In the case of any individual in the Foreign Service who, immediately before the effective date of this Act, is serving under an appointment described in section 2102(a) or 2103(a) and who is not converted under section 2102 or section 2103 because such individual does not meet the conditions specified in section 2102(b) or 2103(d), the Secretary shall, not later than 3 years after the effective date of this Act, provide that—

(1) the position such individual holds shall be subject to chapter 51 and subchapter III of chapter 53 of title 5, United States Code;

5 USC 5101 *et seq.*, 5331.

(2) such individual shall be appointed to such position without competitive examination; and

(3) such position shall be considered to be in the competitive service so long as the individual continues to hold that position;

except that any such individual who meets the eligibility requirements for the Senior Executive Service and who elects to join that Service shall be converted by the Secretary to the Senior Executive Service in the appropriate rate of basic pay established under section 5382 of title 5, United States Code.

International Communication Agency personnel.

(b) In the case of individuals in the Foreign Service in the International Communication Agency who immediately before the date of enactment of this Act are covered by a collective bargaining agreement between the Agency and the exclusive representative of those individuals, the 3-year period referred to in subsection (a) shall begin on July 1, 1981.

22 USC 4155.

SEC. 2105. CONVERSION OF CERTAIN POSITIONS IN THE DEPARTMENT OF AGRICULTURE.—(a) Not later than 15 days after the effective date of this Act, the Secretary of Agriculture shall—

(1) designate and classify under section 501 of this Act those positions in the Foreign Agricultural Service under the General Schedule described in section 5332 of title 5, United States Code, which the Secretary of Agriculture determines are to be occupied by career members of the Foreign Service, and

(2) provide written notice to individuals holding those positions of such designation and classification of the personnel category under section 103 which will apply to such individual.

Ante, p. 2076.

(b) Each employee serving in a position at the time it is designated under subsection (a) shall, not later than 120 days after notice of such designation, elect—

(1) to accept conversion to the Foreign Service, in which case such employee shall be converted in accordance with the provisions of subsection (c); or

(2) to decline conversion to the Foreign Service and have the provisions of subsection (d) apply.

(c)(1) The Secretary of Agriculture shall recommend to the President for appointment to the appropriate class (as determined under paragraph (2)), by and with the advice and consent of the Senate, those employees who elect conversion under subsection (a)(1).

(2) The Secretary of Agriculture shall appoint as Foreign Service personnel those employees who elect to accept conversion and who are not eligible for appointment under paragraph (1).

(d) Any employee who declines conversion under subsection (b)(2) shall for so long as that employee continues to hold the designated position be deemed to be a member of the Foreign Service for purposes of allowances, differentials, and similar benefits (as determined by the Secretary of Agriculture).

SEC. 2106. PRESERVATION OF STATUS AND BENEFITS.—(a)(1) Every individual who is converted under this chapter shall be converted to the class or grade and pay rate that most closely corresponds to the class or grade and step at which the individual was serving immediately before conversion. No conversion under this chapter shall cause any individual to incur a reduction in his or her class, grade, or basic rate of salary. 22 USC 4156.

(2) An individual converted under section 2104 to a position in the competitive service shall be entitled to have that position, or any other position to which the individual is subsequently assigned (other than at the request of the individual), be considered for all purposes as at the grade which corresponds to the class in which the individual served immediately before conversion so long as the individual continues to hold that position.

(b)(1) Any participant in the Foreign Service Retirement and Disability System who would, but for this paragraph, participate in the Civil Service Retirement and Disability System by virtue of conversion under this chapter shall remain a participant in the Foreign Service Retirement and Disability System for 120 days after participation in the Foreign Service Retirement and Disability System would otherwise cease. During such 120-day period, the individual may elect in writing to continue to participate in the Foreign Service Retirement and Disability System instead of the Civil Service Retirement and Disability System so long as he or she is employed in an agency which is authorized to utilize the Foreign Service personnel system. If such an election is not made, the individual shall then be covered by the Civil Service Retirement and Disability System and contributions made by the participant to the Foreign Service Retirement and Disability Fund shall be transferred to the Civil Service Retirement and Disability Fund. Retirement fund, participant status.

(2) Any Foreign Service Reserve officer with limited tenure who has reemployment rights to a personnel category in the Foreign Service in which he or she would be a participant in the Foreign Service Retirement and Disability System and who would, but for this paragraph, continue to participate in the Civil Service Retirement and Disability System by virtue of conversion under section 2104 may elect, during the 120-day period beginning on the date of such conversion, to become a participant in the Foreign Service

Retirement and Disability System so long as he or she is employed in an agency which is authorized to utilize the Foreign Service personnel system. If such an election is made, the individual shall be transferred to the Foreign Service Retirement and Disability System and contributions made by that individual to the Civil Service Retirement and Disability Fund shall be transferred to the Foreign Service Retirement and Disability Fund.

(c) Individuals who are converted under this chapter shall be converted to the type of appointment which corresponds most closely in tenure to the type of appointment under which they were serving immediately prior to such conversion, except that this chapter shall not operate to extend the duration of any limited appointment or previously applicable time in class.

(d) Any individual who on the effective date of this Act is serving—

(1) under an appointment in the Foreign Service, or

(2) in any other office or position continued by this Act,

may continue to serve under such appointment, subject to the provisions of this Act, and need not be reappointed by virtue of the enactment of this Act.

(e) Any individual in the Foreign Service—

(1) who is serving under a career appointment on the date of enactment of this Act, and

22 USC 1003. (2) who was not subject to section 633(a)(2) of the Foreign Service Act of 1946 immediately before the effective date of this Act,

Ante, p. 2097. may not be retired under section 608 of this Act until 10 years after the effective date of this Act or when such individual first becomes eligible for an immediate annuity under chapter 8 of title I of this Act, whichever occurs first.

22 USC 4157. SEC. 2107. REGULATIONS.—Under the direction of the President, the Secretary shall prescribe regulations for the implementation of this chapter.

22 USC 4158. SEC. 2108. AUTHORITY OF OTHER AGENCIES.—The heads of agencies other than the Department of State which utilize the Foreign Service personnel system shall perform functions under this chapter in accordance with regulations prescribed by the Secretary of State under section 2107. Such agency heads shall consult with the Secretary of State in the exercise of such functions.

22 USC 4159. SEC. 2109. SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES.—(a) Any participant or former participant in the Foreign Service Retirement and Disability System who on February 15, 1981, has a former spouse may, by a spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse under

Ante, p. 2113. section 814(b).

(b)(1) If the participant or former participant has not retired under such system on or before February 15, 1981, an election under this section may be made at any time before retirement.

(2) If the participant or former participant has retired under such system on or before February 15, 1981, an election under this section may be made within such period after February 15, 1981, as the Secretary of State may prescribe.

Ante, p. 2102. (3) For purposes of applying chapter 8 of title I, any such election shall be treated the same as if it were a spousal agreement under

Ante, p. 2120. section 820(b)(1).

(c) An election under this section may provide for a survivor benefit based on all or any portion of that part of the annuity of the participant which is not designated or committed as a base for survivor benefits for a spouse or any other former spouse of the

participant. The participant and his or her spouse may make an election under section 806(b)(1)(B) prior to the time of retirement for the purpose of allowing an election to be made under this section.

Ante, p. 2106.

(d) The amount of the reduction in the participant's annuity shall be determined in accordance with section 806(b)(2). Such reduction shall be effective as of—

(1) the commencing date of the participant's annuity, in the case of an election under subsection (b)(1), or

(2) February 15, 1981, in the case of an election under subsection (b)(2).

(e) For purposes of this section, the terms "former spouse", "participant", and "spousal agreement" have the meanings given such terms in sections 803 and 804.

Definitions.

Ante, p. 2102.

CONVERSION TABLE

RATES EFFECTIVE October 5, 1980 — Authorized by Executive Orders 12248 & 12249

Senior Executive Service Schedule

ES-1 $52247*	ES-3 $55804*	ES-5 $59604*
ES 2 $53996*	ES-4 $57673*	ES-6 $61600**

(SES rates will be established by separate Executive Order using levels of the SES.)

CATEGORY AND GRADE					STEP RATES WITHIN GRADE OR CLASS (DOLLARS)													
GS	FSO	FSR	FSS	FS	1	2	3	4	5	6	7	8	9	10	11	12	13	14
18					71734*													
		1			67536*	69787*	71734*											
17					61204*	63244*	65284*	67324*	69364*									
16					52247*	53989*	55731*	57473*	59215*	60957*	62699*	64441*	66183*					
		2			51867*	53596*	55325*	57054*	58783*	60512*	62241*							
15					44547	46032	47517	49002	50487*	51972*	53457*	54942*	56427*	57912*				
		3	1	1	44547	45883	47260	48678	50138*	51642*	53191*	54787*	56431*	57912*	57912*	57912*	57912*	57912*
14					37871	39133	40395	41657	42919	44181	45443	46705	47967	49229				
		4	2	2	36097	37180	38295	39444	40627	41846	43102	44395	45727	47098	48511	49967	51466*	53010*
13					32048	33116	34184	35252	36320	37388	38456	39524	40592	41660				
		5	3	3	29249	30126	31030	31961	32920	33908	34925	35973	37052	38163	39308	40487	41702	42953
12					26951	27849	28747	29645	30543	31441	32339	33237	34135	35033				
		6	4	4	23701	24412	25144	25899	26676	27476	28300	29149	30024	30924	31852	32808	33792	34800
11					22486	23236	23986	24736	25486	26236	26986	27736	28486	29236				
10					20467	21149	21831	22513	23195	23877	24559	25241	25923	26605				
		7	5	5	19205	19781	20375	20986	21615	22264	22932	23620	24328	25058	25810	26584	27382	28203
9					18585	19205	19825	20445	21065	21685	22305	22925	23545	24165				
		8	6	6	17169	17684	18215	18761	19324	19904	20501	21116	21749	22402	23074	23766	24479	25213
8					16826	17387	17948	18509	19070	19631	20192	20753	21314	21875				
			7	7	15348	15808	16283	16771	17274	17793	18326	18876	19442	20026	20626	21245	21883	22539
7					15193	15699	16205	16711	17217	17723	18229	18735	19241	19747				
			8	8	13721	14133	14557	14993	15443	15906	16384	16875	17381	17903	18440	18993	19563	20150
6					13672	14128	14584	15040	15496	15952	16408	16864	17320	17776				
			9&10	9	12266	12634	13013	13403	13805	14220	14646	15086	15538	16004	16484	16979	17488	18013
5					12266	12675	13084	13493	13902	14311	14720	15129	15538	15947				
4					10963	11328	11693	12058	12423	12788	13153	13518	13883	14248				
3					9766	10092	10418	10744	11070	11396	11722	12048	12374	12700				
2					8951	9163	9459	9712	9820	10109	10398	10687	10976	11265				
1					7960	8225	8490	8755	9020	9175	9437	9699	9712	9954				

*Basic pay is limited by Section 5308 of Title 5 of the United States Code and by Public Law 96-369 to the rate for level V of the Executive Schedule which is $50,112.50.

**The maximum rate payable at this level is $50,112.50 for individuals at this level whose payable salary on September 30, 1980 was $50,112.50 or less, and the maximum rate payable at this level is $52,750 for individuals at this level whose payable salary on September 30, 1980 was $52,750.

ATTACHMENT 1B

OBEY REGULATIONS

This attachment consists of the "Obey Regulations," as contained in the 1990 Code of Federal Regulations (CFR), Title 22, Sections 220 and 222. The regulations will not be included in future CFR issues since they are Agency specific.

Part 220 - General Provisions

A. Sec. 220.01 - Statement of Authority

1. Sec. 401, International Development and Food Assistance Act of 1978
2. Public Law 95-424, 92 Statute 956, as amended by Sec. 503
3. International Development Cooperation Act of 1979
4. Public Law 96-53, 93 Statute 1378

Source: 45 FR 54751, August 18, 1980, unless otherwise noted.

This subchapter of Chapter II is promulgated pursuant to section 401 of the International Development and Food Assistance Act of 1978, October 6, 1978, Public Law 95-424, 92 Statute 956, 22 U.S.C. 2385a, and section 625 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2385.

B. Sec. 220.02 - Purpose

The purpose of this subchapter is to extend the Foreign Service personnel system to all employees of the Agency for International Development (AID) in the United States and abroad who are responsible for planning and implementing AID's overseas development programs and activities, so that those persons will have significant overseas experience or understanding of the overseas development process. An extended application of the Foreign Service personnel system within AID is intended to ensure that -

(a) The employees of AID effectively serve the interests of the United States, both in the United States and abroad;

(b) AID's personnel system can better adjust to frequently changing program and work-force composition requirements;

(c) A framework is provided to meet the particular requirements of AID, including the need to have personnel serve overseas and meet language and technical skill requirements; and,

(d) All employees who work in the United States and abroad within a single structure of positions, and in common endeavor to plan, carry out and directly support AID's overseas program may be brought within a single personnel system.

C. Sec. 220.03 - Definitions

(a) "AID" means the Agency for International Development, or and successor agency primarily responsible for administering programs under part I of the Foreign Assistance Act of 1961, as amended.
(b) "Administrator" means the Administrator of AID

D. Sec. 220.04 - Position Management

(a) Under such regulations as he may prescribe, the Administrator may, notwithstanding the provisions of Chapter 51 of Title 5 of the United States Code, classify positions in AID, and establish such positions in relation to the grades provided for the Foreign Service of the United States; provided, that such actions shall be carried out in a manner consistent with the purposes of this subchapter and with the principles of position classification established in Chapter 51 of Title 5 of the United States Code.

(b) As of the effective date of this subchapter, each position in AID shall be reviewed and redesignated, if necessary, as to the service in which the incumbent should serve. A position shall be designated as a General Schedule position rather than a Foreign Service position only if the position is in the United States, and if it is determined (1) that the functions of such positions are primarily of a clerical, administrative or program support character and can be performed without significant overseas experience or understanding of the overseas development process; or (2) that such positions require continuity of incumbency and specialized knowledge and skill to the extent that it is not practicable for incumbents of such positions to be assigned abroad. Any person aggrieved by the designation made pursuant to this section of a position in which he or she is serving may appeal the designation to the Administrator. Such designation shall remain in effect pending the appeal provided for herein and pending any other appeal an employee may make, and shall be set aside only if arbitrary or capricious.

(c) A position designated as a Foreign Service position in accordance with paragraph (b) of this section which becomes vacant may be occupied thereafter only by a Foreign Service employee; provided, however, that:

(1) A position in AID/Washington which is designated as Foreign Service may be filled by a non-Foreign Service employee as long as the number of non-Foreign Service employees filling such Foreign Service designated positions does not exceed 20 percent of the number of such positions. Prior to filling a Foreign Service bargaining unit position under this subsection, the Agency will give full consideration to the availability of Foreign Service employees in the bargaining unit for the position. Full consideration will include, but not to be limited to, observing the applicable position advertising requirements; it may, at the Agency's discretion, include supplemental direct advertising for difficult to fill Foreign Service positions. Final decisions on assignments will be made by the Agency based on its determination of the needs of the Agency.

(2) In order to avoid a reduction in force, the director of the Office of Personnel Management, AID is authorized to assign a General Schedule employee to a vacant position which has been designated as a Foreign Service position;

(3) Up to fifteen Foreign Service designated positions may be filled on a time-limited appointment basis by non-Foreign Service personnel. These exceptions will be approved personally by the Administrator on a case-by-case basis.

(d) A position designated as General Schedule in accordance with paragraph (b) of this section may be temporarily designated Foreign Service whenever the Administrator deems it advisable in order to administer properly the rotation policies provided for in section 221.02 of this subchapter; provided, that only vacant General Schedule positions may be so redesignated.

(e) In furtherance of the policy of this subchapter, as provided in section 220.02, to the extent consistent with law, regulation, and staffing and promotion policies generally applicable to AID employees, the Administrator shall encourage employees who are not in the Foreign Service, who serve or wish to serve in positions designated as Foreign Service positions, and who are qualified for appointment in the Foreign Service, to convert to the Foreign Service.

(45 FR 54751, August 18, 1980, as amended at 46 FR 42842, August 25, 1981; 49 FR 44631, November 8, 1984.)

Part 222 - Miscellaneous Provisions

A. Sec. 222.01 - Authority: Sec. 4011, International Development and Food Assistance Act of 1978, Public Law 95-424, 92 Stat. 956, as amended by Sec. 503, International Development Cooperation Act of 1979, Public Law 96-53, 93 Stat. 378.

Source: 45 FR 54752, Aug. 18, 1980, unless otherwise noted.

B. Sec. 222.01 - Implementing Regulations

(a) Nothwithstanding the provisions of this subchapter, existing rules and regulations of or applicable to employment in AID, to the extent not inconsistent with the provisions of this subchapter, shall remain in effect until revoked or until modified or superseded by implementing regulations promulgated in accordance with the provisions of paragraph (b) of this section.

(b) The Administrator may prescribe such administrative, implementing regulations as are necessary and desirable in order to carry out the provisions of this subchapter (and such authority may be delegated as he deems necessary). Such implementing regulations may not revoke, suspend, supersede, or otherwise modify this subchapter.

C. Sec. 222.02 - Construction

If any provision of this subchapter or the application of any provision to any circumstance or persons shall be held invalid, the validity of the remainder of this subchapter and the applicability of such provision to other circumstances or persons shall not be affected thereby.

CHAPTER 2

PAY UNDER THE FOREIGN SERVICE SALARY SCHEDULE

2A. Purpose

This chapter provides the policies, regulations and procedures that govern pay for employees compensated under the Foreign Service Salary Schedule.

2B. Applicability

1. This chapter applies to AID Foreign Service (FS) direct-hire career, career-candidate and non-career employees, including resident-hire employees, in classes FS-01 and below.

2. This chapter does not apply to:

a. Senior Foreign Service employees (see HB 25:38, "Senior Foreign Service");

b. Employees compensated under the Chief of Mission salary schedule (see HB 25:39, "Executive Level Assignments - AID Foreign Service");

c. American Family Member (AFM) employees (see HB 25:34A, "American Family Members Appointments"); or

d. Foreign national employees (see HB 31, "Foreign National Personnel").

2C. Authorities and References

1. Sec. 403, "Foreign Service Schedule," Foreign Service Act of 1980 (FSA), as amended

2. Title 5, U.S.C., Chapter 53, "Pay Rates and System"

3. HB 27, "Attendance and Leave"

4. HB 19:14, "Foreign National Personal Service Contractors Payrolled by State Department's RAMCs"

5. HB 32:2, Periodic Step Increases

6. Equal Pay Act of 1963, Title VII, as amended.

2D. Definitions

1. Rate of Basic Compensation. Compensation rates fixed by law or administrative action for the classes under the Foreign Service Salary Schedule (see HB 26:5, "Pay Schedules").

2. Employing Office. As used in this chapter, employing office means:

a. Foreign Service Personnel Division (PFM/PM/FSP) for all employees in classes FS-01 and below, except as provided in 2D2b and c below;

b. The Executive Personnel Management Staff (PFM/PM/EPM) for employees in classes FS-01 and below who are assigned to executive positions (see HB 25:39, "Executive Level Assignments - AID Foreign Service"); and,

c. The Office of Administration of the Inspector General (IG/ADM) for employees in classes FS-01 and below who are in BS-08, Audit and Inspection.

2E. Policies

1. Rates of basic compensation are fixed and adjusted in accordance with 5 U.S.C., Chapter 53, "Pay Rates and Systems."

2. Personnel actions effected in accordance with this chapter shall be made without regard to race or national origin, color, creed, religion, marital status, political affiliation, sex, age, or mental or physical handicap.

3. If an employee is entitled to more than one pay change at the same time, the changes will be processed in the order most beneficial to the employee.

2F. Responsibilities

1. Office of Recruitment (PFM/PM/R)

a. Determines initial rates of pay in accordance with applicable regulations and established procedures.

2. Inspector General/Office of Administration (IG/ADM)

a. IG/ADM determines initial rates of pay for BS-08 appointees.

2F

3. Employing Office

a. Ensures that appropriate personnel actions are initiated and processed to authorize pay actions. Such documentation will be maintained in each employee's Official Personnel Folder (see HB 32, Ch. 1, "Official Personnel Files and Records") with copies transmitted to PFM/FM/OS/P on a timely basis.

b. Advises employees, as appropriate, concerning pay adjustments relating to personnel actions.

4. Office of Financial Management (PFM/FM/OS/P)

a. Ensures that all salary and related payments are processed in accordance with applicable laws and regulations, and internal policies and procedures.

b. Processes requests for chargè pay in accordance with established procedures.

2G. General

1. Rank System

a. FS employees are compensated based on rank in person rather than rank of position, as is the case for Civil Service employees.

2. Pay Plan Codes

a. Four different pay plan codes (see chart) are used in the AID personnel (RAMPS) and payroll (NAPS) automated information systems (see HB 32:2, "Revised Automated Manpower and Personnel Systems") for employees compensated under the Foreign Service Salary Schedule. These codes correspond to particular appointment categories and appear on various employment documents; e.g., Notification of Personnel Actions (SF 50s), Employee Data Records (EDRs) and Statements of Earnings and Leave (SELs).

RAMPS	NAPS	Appointment Category
FP	FP	Foreign Service (career, non-commissioned)
FP L	FP	Foreign Service Limited (non-career and career candidate)
FP R	FP	Foreign Service Resident-Hire (temporary, limited)
FO	FO	Foreign Service Officer (career, commissioned)

2H. Initial Rates of Pay

1. The Chief, Recruitment (PFM/PM/FSP/R), or designee, makes all class and salary determinations for Foreign Service appointees, other than BS-08 appointees.

2. The Director, IG/ADM makes all salary determinations for BS-08 Foreign Service appointees.

3. Rate of pay determinations are made in accordance with established procedures, which are based on the appointee's qualifications and experience. Once the class level of appointment is ascertained, then salary history, superior qualifications and/or additional years of experience are criteria that may be used for step determination. If additional years of experience are used, each year of relevant experience at the appointment grade level could be counted as one salary step.

* In the case where an applicant had earned a higher salary for one full year during the last three years, and has the qualifications and work experience commensurate with the higher salary, the employee may be offered the grade or step that will match their qualifications and experience.

The minimum qualifications standards for determining grade and step are:

Foreign Service Officers

Rank	Qualifications Standards
7/1	All candidates, except those meeting the higher qualifications for grade 6 and above; B.A. with no salary history and/or experience
6/1	B.A. with three years of relevant experience; M.A. with zero years of relevant experience
5/1	B.A. plus seven years of relevant experience; M.A. plus three years of relevant experience
5/2	Ph.D degree with zero years of relevant experience
4/1	B.A. plus eight and one-half years of relevant experience; M.A. plus four and one-half years of relevant experience; Ph.D. plus one year of relevant experience *

* Revised

2H3

Foreign Service Secretaries

* Rank	Qualifications Standards
3/1	B.A. plus nine years of relevant experience; M.A. plus 7 years of relevant experience; Ph.D. plus four and one-half years of relevant experience
2/1	B.A. plus eleven years of relevant experience; M.A. plus nine years of relevant experience; Ph.D./J.D. plus six years of relevant experience
9/1	High School degree
8/1	High School degree plus 3 years of relevant experience, or any combination of college and experience equaling 3 years
7/1	B.A. degree with no salary history or relevant experience *

4. Salary calculations for AID reemployment considerations for limited appointment officers are in accordance with the established policies stated in HB 25:32 and 5 USC 3597, which state that "an employee of any agency who accepts...a limited appointment in the Foreign Service...is entitled...upon reemployment...to any within-grade increase in pay which the employee would have received if the employee had remained in the former position in the agency."

5. For all other employees who resigned from the Foreign Service, reemployment should be in accordance with 3 FAM 125.1, which states that these employees "will be given an opportunity for reentry into the Foreign Service at a class commensurate with their qualifications if there is a need for their services and if they meet current conditions of employment." Salary determinations for these employees are based on the criteria outlined in 2H of this chapter.

6. Contractual employment must have been for at least a period of ninety consecutive days in order for this employment to be credited as relevant experience. The contractual employment salary should not include overseas per diems, allowances or bonuses. Only the base salary stated on the employee's IRS 1040 tax form, pay stub and/or statement from the payroll office will be accepted as the yearly salary.

7. Individuals who are paid commissions will only be allowed to use commissions actually received. Commissions can be used if they are for 12 consecutive months during the previous 36 months of the applicant's employment history.

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* Revised

8. Salary offers that are not in accordance with established policy require PFM/PM/OD or IG approval. The only reason for offers not being in accordance with policy should be previously identified critical skill category to hire an employee in order to meet the needs of the Agency, and candidates with unusually high or unique qualifications. In no circumstance, however, should this provision disrupt the pay alignment of the Agency and thereby create a substantial pay inequity.

9. Once the applicant and the AID authorizing official have signed and agreed to the hire salary, there will be no appeal or review of the salary offer.

2I. Pay Adjustments

1. Comparability Increases

a. The salary rates established under the statutory pay systems, which includes the Foreign Service Salary Schedule, are reviewed annually and may be adjusted in accordance with 5 U.S.C. 5305, "Annual Pay Reports and Adjustments." Comparability increases are processed automatically and are reflected in the Statements of Earnings and Leave for the pay period in which the increase is effected.

2. Promotion

a. An employee who is promoted will be paid at the lowest rate of the class to which promoted that exceeds the employee's existing rate by at least two within-class increases. If this exceeds the maximum rate of the class to which promoted, the employee will be paid at the maximum scheduled rate of the class to which promoted.

3. Within-Class Increases

a. Except as provided in 2I3b, employees will be automatically advanced to the next higher step of their class at the beginning of the first pay period following completion of the applicable waiting period:

- Steps 1 through 9 - 52 calendar weeks of service
- Steps 10 through 13 - 104 calendar weeks of service

b. The next scheduled within-class increase of an employee referred to a Performance Standards Board (PSB) will be withheld for one year from the date the increase was scheduled if the PSB determines that the employee's performance did not meet the standards of his/her class during the rating period. The denial and the date the employee is

eligible for the next within-class increase will be documented with an official personnel action (SF-50). This denial of a within-class increase applies to IDI's who have not met the standards of their class during the rating period as determined by the IDI Review Panel.

c. An IDI who has been extended in training status in AID/W by the IDI Review Panel or IDI Graduation Panel due to a demonstrated need for improved skills and/or work exposure, will not be eligible for his/her next regularly scheduled within-class increase.

d. A waiting period begins:

(1) Upon an initial appointment in the foreign service.

(2) After a break in service in excess of 52 calendar weeks. As used in this section, a calendar week is a period of any seven calendar days. (The waiting period will be extended by a break in service of more than three calendar days but less than 52 calendar weeks.)

(3) Upon receiving an equivalent increase, i.e., an increase(s) in basic pay equal to or greater than the amount of the within-class increment of the class in which the employee is serving (e.g., a promotion, a within-class increase or a change in pay systems).

e. Credit is granted for all leave without pay which does not exceed six months in the aggregate in any calendar year, except that full credit is allowed for an employee who:

(1) accepts an assignment with an international or other organizations as provided in HB 25:44, "Details and Transfers to International Organizations," or,

(2) is on approved leave without pay to serve as a full-time paid employee of a Member or office of the Congress.

f. Meritorious Step Increases (MSIs) are not considered equivalent increases in compensation for within-class increase purposes (see 2I3c3). However, if an MSI places an employee in the 10th step of the class, the waiting period for a regular within-class increase is extended by 52 weeks.

g. When an MSI and the regular within-class increase are due to take effect on the same date and the employee is at step 9, the two actions will be sequenced in the following order: 1. regular within-class increase; 2. MSI - outside of the coincidence of events mentioned above, an MSI will not be sequenced or delayed. Panels and supervisors are urged to consider granting a cash increase in lieu of an MSI when employees are in step 9 in order to provide an appropriate recognition of the employee's performance.

2J. Chargè D'Affaires Pay

1. General

AID commissioned officers are eligible to receive chargè pay in accordance with the procedures outlined in 3 FAM 228 (see Att. 2A) and the Agency-specific procedures provided below.

2. Agency-specific Procedures

a. Upon completion of the 28-day waiting period and submission of the required documentation, employees may be compensated on a bi-weekly basis for the duration of the period they serve as principal officer.

b. Employees must complete and submit a Request for Chargè Pay (see sample format in Att. 2B) along with copies of the notification(s) of transfer of office to the AID Controller or administrative officer at post. The AID officer will obtain the certification of the State Department administrative officer and, upon receipt of such certification, will sign and date the Request for Chargè Pay and submit it along with all documentation to PFM/FM/OS/P.

c. Chargè pay will be included in the regular bi-weekly pay.

d. Inquiries concerning payment of chargè pay should be directed to PFM/FM/OS/P; inquiries concerning this policy should be directed to the Personnel Policy Branch, (PFM/PM/PCF/PP).

2K. Grievance Rights

1. Grievance Rights relating to FS salary schedule pay is contained in HB 29:4A, "Grievances/Foreign Service Personnel."

2. Employees may file a complaint of discrimination based on any of the factors listed in 2E2 for denial of financial benefits under applicable laws or regulations (see HB 24:5, "The AID Equal Opportunity Program").

ATTACHMENT 2A

228 CHARGÉ D'AFFAIRES PAY (TL:PER-20 3-15-85)

228.1 Chargé D'Affaires Ad Interim Pay

228.1-1 Legal Authority

Sections 421 and 422 of the Foreign Service Act of 1946, as amended (22 U.S.C. 876-877), authorize compensation in addition to basic salary for chargés d'affaires ad Interim and officers temporarily in charge of consulates general and consulates respectively. The Office of the Legal Adviser (L) has interpreted section 422 of the Act to include U.S. Interests Sections.

228.1-2 Definition

"Chargé pay" means the additional compensation payable to a Foreign Service officer or any other officer with the appropriate commissioned title, including a Foreign Service information officer, serving as chargé d'affaires ad interim at a diplomatic mission or to a Foreign Service officer or consular officer who is not a Foreign Service officer servng as the acting principal officer of a consulate general, a consulate, or a U.S. Interests Section.

228.1-3 Eligibility Requirements

a. Transfer of Office

To be eligible for chargé pay an officer must be serving in charge of a post in an acting capacity pursuant to a permanent or temporary transfer of office executed in accordance with 2 FAM 164 or pursuant to assignment to a newly established mission as chargé d'affaires ad interim.

b. Notification to Department

An officer shall not be eligible for chargé pay unless the notification of transfer of office is transmitted to the Department pursuant to 2 FAM 164. A notification to the Department is required each time an officer assumes or relinquishes charge of a post. A copy of this notification must also be sent to the Regional Finance Center servicing the post of assignment.

c. Waiting Period

Before becoming eligible for chargé pay at any post, an officer must serve a waiting period of 28 calendar days in charge at that post, computed in accordance with section 228.1-4. Chargé pay does not accrue during the 28-day waiting period. An officer is required to serve only one waiting period at a post while on assignment there before becoming eligible for chargé pay at that post. If an officer is detailed from one post to be in temporary charge of another post, it will be necessary for that officer to complete a 28-day waiting period at the detail post before becoming eligible for chargé pay there. For purposes of this section an officer shall be considered to be on assignment at a post until transferred to another post. Periods of home leave or detail to other posts, including the Department, will not require an officer to begin a new, or to serve another, 28-day waiting period. Service as chargé by a Foreign Service Reserve officer is creditable toward the waiting period if the officer is subsequently appointed as a Foreign Service officer and thereafter becomes eligible for chargé pay.

d. At New Mission

Chargé pay may not be earned for any period of service between the date a mission is first established and the date it is first classified for salary purposes, pursuant to section 441 of the Foreign Service Act of 1946, as amended; however, such period, if it is 7 days or longer, is creditable toward completion of the 28-day waiting period requirement prescribed in section 228.1-3c.

e. At New Consular Posts or U.S. Interests Sections

Chargé pay may not be earned for any period of service at a newly established consular post or U.S. Interests Section prior to the arrival of the first principal officer since there is no provision for such pay in section 422 of the Foreign Service Act of 1946, as amended. However, such period, if it is 7 days or longer, is creditable toward completion of the 28-day waiting period prescribed in section 228.1-3c.

f. At a Mission Where the Chief of Mission is Assigned to Two or More Countries

Creditable service toward completion of the 28-day waiting period as well as chargé pay may be earned, subject to the other applicable provisions of this section, for any period of service as chargé d'affaires ad interim while the chief of mission assigned to the post is not present in the country in which the post is located and whether or not that officer is present in another country to which also assigned. A chief of mission, for example, might be assigned to countries A, B, and C, while maintaining residence in A. When the chief of mission is present in country A, creditable service toward the minimum waiting period and chargé pay may be earned at the missions in countries B and C. When absent from A, but present in B, creditable service and chargé pay could be earned at the missions in countries A and C. An officer shall not be assigned to serve as chargé d'affaires ad interim for more than one mission concurrently; thus, for example, the chargé d'affaires ad Interim in the country of the chief of mission's residence shall in no case have chargé responsibility for the other countries to which the chief of mission is also assigned.

228.1-4 Creditable Chargé Service

Only periods of 7 or more consecutive calendar days in charge shall be counted toward completion of the 28-day waiting period or toward eligibility for chargé pay after completion of the waiting period. In computing chargé service, the day an officer assumes charge of a post shall be counted, but the day that officer relinquishes charge shall not be counted. The following example illustrates the computation of creditable chargé service:

Assumption of Charge	Relinquishment of Charge	Creditable Chargé Service
December 12	January 1	20 days
February 10	February 16 (less than 7 days)	---
March 10	March 24	14 days
	Total	34 days
May 5	May 16	11 days

In this example, the officer would be entitled to chargé pay for each of the officer's basic workdays from May 5 through 15, inclusive. The officer would not be entitled to any chargé pay for the period in March following completion of the 28-day waiting period on March 18, because it was less than

7 days from March 19 through March 24. See 4 FAM 542.7 for method of computing chargé pay.

228.1-5 *Rate of Chargé Pay*

a. Regular Rate

The regular rate of chargé pay shall be one-half the difference between the basic salary (section 221) of the officer acting temporarily in charge and the basic salary provided for the position of chief of mission at a diplomatic mission, or the basic salary of the principal officer most recently in charge at a consular post or U.S. Interests Section. At missions where the chief of mission is assigned to two or more countries, the basic salary provided for the chief of mission for the country in which the officer is serving as chargé shall be the basis of computation; for example, if the officer serves in country B as chargé and the chief of mission has residence in country A, the rate of pay shall be one-half the difference between the basic salary of the officer serving as chargé and the basic salary provided for the chief of mission position in country B. Officers entitled to chargé pay shall earn it at the regular rate unless a special rate or a reduced rate is authorized or directed by the Department in accordance with section 228.1-5b or c.

b. Special Rate

(1) The Deputy Assistant Secretary for Personnel (DGP/PER) may, upon a recommendation submitted through the Office of Position and Pay Management (PER/PPM) by the appropriate regional bureau, authorize a special rate of chargé pay in lieu of the rate provided in section 228.1-5a for an officer serving in charge of a post in an acting capacity and discharging for a continuous period of at least 90 calendar days, responsibilities comparable to the following: In charge during periods of unusual political stress or carrying out abnormally complicated coordinating responsibilities.

(2) The special rate may be determined to be either 3/4 of the difference or the full difference between the basic salary of the officer temporarily in charge and the basic salary established for the chief of mission or the basic salary of the principal officer most recently in charge at the post as appropriate.

(3) The special rate shall not be authorized unless the officer is currently acting in charge of a post and has been so serving for at least 90 consecutive calendar days.

(4) If a special rate of chargé pay is authorized, it shall become effective at the beginning of the first pay period following the authorization. It shall continue in effect for as long as the officer serves in temporary charge of the post, during the absence of the principal officer.

(5) If, after the principal officer returns and the acting principal officer relinquishes charge, the latter again serves as chargé d'affaires ad interim or as acting principal officer at the post, that officer will be entitled only to the regular rate of chargé pay (section 228.1-5a) if the officer again becomes eligible in accordance with section 228.1-3.

c. Reduced Rate

(1) For countries where the assigned chief of mission (or if there be none, the former chief of mission) maintains residence in another country to which also assigned, the appropriate regional bureau may recommend to the Deputy Assistant Secretary for Personnel through PER/PPM that the chargé pay rate be reduced by one-half of the full amount. Such request is made when either of the following factors, or similar factors, are present:

(a) Designation, because of compelling circumstances, of a chargé d'affaires ad interim with such junior rank that the officer cannot carry out all of the duties and responsibilities of the position.

(b) Supervision of the chargé d'affaires ad interim in the country in question by the chargé d'affaires ad interim in the country where the chief of mission maintains residence.

(2) After considering the bureau's request and the recommendation of PER/PPM, the Deputy Assistant Secretary for Personnel decides whether the rate shall be reduced.

(3) Orders prescribing a reduced rate of chargé pay shall not be made effective before the beginning of the first pay period following the date of the order. Such orders shall be valid, unless remanded, for the duration of the assignment of the officer serving as chargé d'affaires ad interim in the country at the time the order becomes effective. A chargé pay rate reduced by one-half shall be computed by determining the normal annual rate of chargé pay (section 228.1-5a) in accordance with 4 FAM 542.7 and dividing this rate by one-half; daily, weekly, and biweekly rates shall then be computed as required. In the absence of an order reducing the chargé pay rate, an officer entitled to such pay shall be entitled to the regular rate (section 228.1-5a) or, when it is authorized, the special rate (section 228.1-5b).

228.1-6 *Adjustments in Chargé Pay*

Since chargé pay is computed as a percentage of the difference between two basic salary rates, whenever either of the rates changes, the amount of chargé pay to which an officer is entitled shall change as of the effective date of the aforementioned salary rate change, except as follows:

If a principal officer at a consular post or U.S. Interests Section receives a within-class or class promotion, effective subsequent to relinquishing charge, the acting principal officer shall receive a corresponding adjustment in chargé pay only if the first officer returns and resumes charge of the post..

228.2 *Pay for Chargé D'Affaires Assigned by the President*

A chargé d'affaires assigned by the President, in accordance with section 501(b) of the Foreign Service Act of 1946, as amended, shall receive pay at the rate established for that post in accordance with section 411 of the Foreign Service Act of 1946, as amended, since in fact such a chargé d'affaires is a chief of mission as defined in section 121(9) of the Foreign Service Act of 1946, as amended (also see sections 111 and 612.2, and 2 FAM 043.1).

End State Only Regulations.

229 (Unassigned)

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[1] *This results from a decision by the U.S. District Court for the District of Columbia in the case of AFSA vs. Haig, December 4, 1981.*

164.2 Temporary Transfer

The only formal action which the Department requires in the case of a temporary transfer is the appropriate notification prescribed in section 164.4 and any necessary briefing as prescribed in section 164.3. This does not preclude the execution of the certificate of transfer when at the discretion of either officer the circumstances warrant such action. The procedures required for a temporary transfer is followed at the time the principal officer relinquished charge and again at the time that officer resumes charge.

164.3 Briefing of Successor

The officer relinquishing charge of an office in all cases assures that the successor has been adequately briefed on all pending or anticipated problems which require the successor's attention. The briefing should include, in addition to briefing on substantive program activities and matters of protocol at the post, a summary of post organization, assignments of responsibility, supervisory relationships, budget plans, and inspectors' recommendations. Those functional responsibilities vested in the principal officer by regulation or exercised by that officer at the post are transferred to the successor in accordance with pertinent regulations.

164.4 Notifications to Department

164.4-1 Reports Regarding Arrival and Recognition of New Chief of Mission

The *appropriate geographic bureau and PER/FCA/PAS in the Department are* notified promptly of the date(s) on which an appointed chief of mission first enters the country of assignment and arrives at post. The *same Department offices are notified again* when the chief of mission has been formally recognized by the host government. A copy of the notification is sent to missions in any other countries to which the chief of mission is also assigned if there are officers in residence there.

164.4-2 Reports of Departure Under Orders

The departure of a chief of mission from the country of assignment under Department orders is reported to the *appropriate regional bureau* at the time of such departure. A copy of the notification is sent to missions in any other countries to which the chief of mission is also assigned if there are officers in residence there. A copy of this notification is also sent to the Regional Finance Center servicing the post of assignment. The report contains the effective date of transfer of office and the name of the chargé d'affaires ad interim in the chief of mission's assigned country of residence.

164.4-3 Requests for Permission to Leave Country (This section applies also to a chargé d'affairs ad interim)

A chief of mission desiring to be absent fro the country (countries) of assignment requests permission from the *appropriate assistant secretary in the* Department reasonably in advance of proposed departure. Each request contains anticipated dates of departure and return, name of the officer who will assume charge, and address(es) where the chief of mission may be reached in an emergency. If permission is granted and the chief of mission proceeds as planned, no other notification to the *appropriate geographic bureau in the* Department regarding transfer of office is required until the chief of mission returns and resumes charge. A copy of the notification to the *appropriate geographic bureau in the* Department of departure and return is forwarded to missions in any other countries to which the chief of mission is also assigned if there are officers in residence there.

In certain geographical areas where travel to neighboring countries does not place the chief of mission beyond easy rapid communication with the Department or post, the chief of mission may request standing permission from the *appropriate geographic bureau in the* Department to perform such short trips as may be necessary.

164.4-4 Reports on Travel Within Country (Countries) of Assignment

Absences from the capital by the chief of mission traveling within the country (countries) of assignment, which place that officer beyond easy, rapid communication with the Department and/or the post, are reported to the *appropriate geographic bureau in the* Department. If is within the discretion of the chief of mission whether a particular absence fro the capital will warrant notifying the *appropriate geographic bureau in the* Department. Reports of such absences should contain the following information as appropriate: anticipated dates of departure and return, address(es) where the chief of mission may be reached in an emergency, and (if the chief of mission is proceeding to another country to which also accredited) the name of the officer who will assume charge in the country of residence.

163.4-5 Reports of Return to Capital

Whenever the chief of mission returns to the capital after a reported absence, the date of arrival and the effective date of any transfer of office are reported to the *appropriate geographic bureau in the* Department.

164.4-6 Reports Regarding Transfers of Consular Offices

The *appropriate geographic bureau in the* Department is notified promptly of every permanent transfer of office occurring at a consular post (only the embassy is notified of a temporary transfer of office). The notification includes the following data, as appropriate: effective date of transfer of office, names and dates of arrival and/or departure of officers involved in transfer of office, and (if temporary absence) anticipated period of absence.

164.4-7 Method of Transmission

The notifications to the *appropriate geographic bureau in the* Department required under section 164.4–1 through 164.4–6 are transmitted in the manner deemed most suitable by the post in each case.

164.4-8 Related Reports

The reports required by this section are in addition to those prescribed in 3 FAM 482 (leave) and 6 FAM 126 (travel messages).

164.5 Notifications to Host Government

The host government and, as appropriate, representative of third countries are notified, in accordance with local protocol or custom, of any transfer of office.

165 through 169 Unassigned

542.7 Charge Pay

In computing charge pay, the annual basic salary rate of the employee temporarily in charge is subtracted from the annual basic salary rate provided for the position of chief of mission at missions, or the basic salary rate of the principal officer at other posts, for whom employee is substituting. The biweekly, daily, and hourly rates are determined by applying the rules contained in section 541.1 to one-half, three-quarters, or the full amount of the difference in annual salaries (see 3 FAM 228).

(See section 552, Standardized Regulations, for ceiling on post differential when charge pay is payable.)

ATTACHMENT 2B

REQUEST FOR CHARGE PAY

FROM: AmEmbassy _____ **DATE:** _____

_____
(Name of Officer-in-Charge) (Social Security Number)

Left post and relinquished duties from _____ to _____
(date of departure) (date of return)

_____
(Name of Officer-in-Charge) (Social Security Number)

assumed charge during this period. The 28 calendar days waiting period at present post was accomplished as shown below:

FROM	TO	Number of Days	Telegram Message Reference Number

CERTIFICATION

_____ _____
(State Dept. Administrative Officer) (Date)

_____ _____
(AID Controller/Admin. Officer) (Date)

FEPCA Interim Operating Procedures

The FEPCA Interim Operating Procedures are a series of policies and operating procedures to implement the Federal Employees Pay Comparability Act of 1990. For nearly all of these new pay authorities, USOPM has only issued interim regulations with the final regulations due in April 1992.

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FEPCA INTERIM OPERATING PROCEDURE #1

TRAVEL EXPENSES FOR CANDIDATES;
TRAVEL AND TRANSPORTATION EXPENSES FOR NEW APPOINTEES

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FEPCA INTERIM OPERATING PROCEDURE #1

TRAVEL EXPENSES FOR CANDIDATES; TRAVEL AND TRANSPORTATION EXPENSES FOR NEW APPOINTEES

I. Purpose

This Interim Operating Procedure (IOP) provides AID's policies, authorities, responsibilities and procedures for the payment of travel expenses for candidates' pre-employment interviews and travel and transportation expenses to first duty station for new appointees. These regulations are effective until modified or otherwise superseded.

II. Authorities And References

A. The Federal Employees Pay Comparability Act of 1990--FEPCA (P.L. 101-509).
B. Title 5, U.S.C., 5706b "Interview Expenses."
C. Title 5, U.S.C., 5723 "Travel and Transportation Expenses of New Appointees and Student Trainees"
D. 5 CFR, Part 572, "Expanded Authority To Pay Travel Expenses for New Appointments and Interviews."
E. Federal Personnel Manual (FPM) Chapter 572.
F. GSA's Federal Travel Regulation (FTR) (41 CFR, Chapters 301-304).
G. AID Handbook 22.

III. Coverage

A. This IOP covers civil service appointees and candidates (GS and GM), Administratively Determined (AD) appointees and candidates, Schedule C appointees and candidates, all candidates and appointees to the Senior Executive Service and Presidential appointees and candidates.

B. This IOP does not provide coverage for:

1. Foreign Service personnel. (Travel and transportation expenses for FS appointees and interviewees are covered in AID Handbook 22.)

2. Experts and consultants;

3. Members of National Advisory Councils or Advisory Committees; or

4. Individuals detailed to positions in AID under the Intergovernmental Personnel Act (IPA).

IV. Definitions

A. "Commuting area" means the geographic area that normally is considered one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities where people live and reasonably can be expected to travel back and forth daily to work.

B. "Candidate" or "interviewee" means an individual who has applied for (or is being considered for) a position in the competitive or excepted service in AID who:

1. Has never worked for the Federal government;

2. Has worked for the Federal government in the past; or

3. Is currently employed by the Federal government, in an agency outside of the Washington, D.C. commuting area, regardless of the type of appointment.

C. "New appointee" refers to an individual who is "newly appointed" or to whom the Agency has made a written offer of employment for a new appointment. "Newly appointed" means an individual's first appointment in the Federal Government or an appointment following a break in service. The appointment must be such that the appointee can complete the twelve (12) month service agreement.

D. "Involuntarily separated" means a separation initiated by the Agency against the employee's will and without his or her consent for reasons other than cause on charges of misconduct or delinquency. An involuntary separation includes a separation resulting from the employee's actual inability to do the work following genuine efforts to do so, but does not include a separation under 5 CFR 752 or an equivalent procedure for reasons that involve culpable wrongdoing on the part of the employee.

E. "Service agreement" means a written agreement initiated by AID and signed by a newly appointed employee, under which the employee agrees to remain employed with the Federal government for twelve months in return for payment of travel and transportation expenses.

F. "Requesting Official" means a supervisor or manager who has the authority to select an individual to fill a vacant position.

G. "Approving Officials" are:

1. Chief, FA/HRDM/SCD, with the concurrence of the Chief, FA/HRDM/RD, for all positions GS/GM-15 and below for which FA/HRDM/SCD is recruiting (through the Merit Promotion program and other programs);

2. Chief, FA/HRDM/EMD, for all AD positions, Schedule C positions, Senior Level positions, SES positions, and positions filled by Presidential appointment.

V. Policies

A. FA/HRDM may determine which candidates are eligible for payment of pre-employment interview travel expenses. FA/HRDM may pay some, none, or all of a candidate's pre-employment interview travel expenses.

B. FA/HRDM may determine which positions qualify for the payment of a new appointee's travel and transportation expenses to the first post of duty, considering the factors in VII. B., below. New appointees include student trainees who are assigned to permanent positions upon completion of college work. FA/HRDM may pay all or part of a new appointee's travel and transportation expenses when it is determined that such payment is appropriate.

C. Payment of the travel and/or transportation expenses will be in accordance with AID Handbook 22 and Chapters 301 and 302 of the FTR. Payment will be centrally funded and managed by FA/HRDM.

D. Payment of travel expenses for a candidate or travel and transportation expenses for a new appointee will be at the discretion of FA/HRDM. However, determinations concerning whether or not to pay travel and/or transportation expenses shall be made without regard to race, color, creed, national origin, sex, non-disqualifying handicap, marital status, age, religious affiliation, or membership or non-membership in a political party or employee organization.

E. A decision made in connection with one specific vacancy does not require a like decision in connection with future vacancies.

F. Payment of candidates' travel expenses or new appointees' travel and transportation expenses will be limited to individuals outside the metropolitan Washington, D.C. commuting area.

VI. Procedures To Pay Candidates' Pre-employment Interview Travel Expenses

A. Requesting officials are those supervisors who are working with FA/HRDM to fill vacant positions. These officials will prepare a request for payment with a short justification which addresses items 2, 3 and 4 in section VI. B. below. The request shall be sent through the

EMS/Administrative Office to the appropriate approving official (See IV. G., above).

B. In deciding whether to approve requests for payment of candidates' interview travel expenses, the approving officials shall consider the following factors:

1. Funds availability;

2. Whether the position is critical to Agency/Bureau/Office needs;

3. Prior experience in filling such positions and whether payment of interview travel expenses would be needed to aid in recruitment; and/or

4. Whether sufficient information for determining the candidate's qualifications, or adaptability for employment in a particular area can be obtained from information on his/her application, or by telephone conversations with the individual and there is a reasonable expectation of employing the candidate.

C. Travel Order Preparation--Interviews

1. Following approval, the appropriate division in FA/HRDM (SCD or EMD) will prepare the Travel Authorization (T/A) in accordance with the guidance in Handbook 22, and the FTR. The T/A may cover the same travel expenses to which a Government employee travelling on official business would be entitled. Allowable expenses may include personal transportation, meals, incidental expenses, and lodging (travel, lodging, and per diem).

2. FA/HRDM is also responsible for communicating the relevant portions of the Government travel rules and procedures to interviewees (in writing).

3. In the case of disapproval, FA/HRDM must inform the requesting official (in writing).

4. Advances of travel funds are not authorized for interviews.

D. Records of payments--candidates pre-employment interview travel expenses

1. USOPM requires that the Agency must keep records of payments made under this authority for each position for which interview expenses are paid. The records shall be maintained two years or until evaluated by USOPM (whichever comes first). Therefore, the appropriate divisions in FA/HRDM shall establish and maintain records of all such payments.

2. These records shall be made available to USOPM upon request, and shall contain:

a. Title, series, pay plan, and grade (or level) of the position and how the position was filled (e.g. selection from Merit Promotion certificate, lateral transfer, reassignment, selection from USOPM certificate);

b. How the decision to pay expenses met the criteria in VI. B., above; and

c. The number of candidates for whom expenses were paid and the result of each interview (i.e., selection, nonselection).

VII. Procedures To Pay New Appointees' Travel And Transportation Expenses

A. Requesting officials are those supervisors who are working with FA/HRDM to fill vacant positions. These officials will prepare a request for payment with a short justification which addresses items 2 through 6 in section VII. B., below. The request shall be sent through the EMS/Administrative Office to the appropriate approving official (See IV. G, above).

B. In deciding whether to approve requests for payment of travel and transportation expenses, the approving officials shall consider the following factors:

1. The availability of funds;

2. Whether the position is critical to Agency/Bureau/Office needs and/or is in a "shortage category";

3. Whether the appointee's qualifications are of such high value to the Agency/Bureau/Office as to warrant payment of the expenses;

4. Prior experience in filling such positions and whether payment of travel and transportation expenses would be needed to aid in recruitment.

5. The desirability of offering a recruiting incentive to a particular candidate; and/or

6. How travel and transportation payments relate to recruitment bonuses, salary above the minimum rate, and other incentives available and being considered for this particular appointee.

C. Since this authority is to be used as an incentive for recruitment, when it is known in advance that travel and transportation expenses will

likely be paid, this should be stated on the merit promotion vacancy announcement.

D. Because new appointees usually lack experience in Government procedures, once a decision has been made to pay travel and transportation expenses, the appropriate Division in FA/HRDM will prepare the T/A and provide the appointee with full information concerning the travel and transportation benefits. Special care shall be taken to inform appointees of the limitations on these benefits (which expenses are allowed and which are not). This information must be in writing.

E. In implementing this policy, actual payment must be in accordance with chapters 301 and 302 of the FTR, and AID Handbook 22.

F. Written Service Agreement (Attached)

1. No payment for otherwise allowable expenses or for an advance of funds shall be made unless the appointee has signed an agreement to remain in Government service for 12 months following the effective date of appointment or assignment. If the individual violates the agreement, the money spent by the Agency for travel and transportation expenses is recoverable from the individual as a debt owed the United States. Repayment may be waived by the Director, FA/HRDM (or designee) under circumstances set forth in Section "G" below.

2. The Standard Form 50-B (Notification of Personnel Action) which documents the employee's appointment must also show that a 12 month service agreement was begun.

G. Separation before completing 12 months of service

1. When an employee for whom travel and transportation expenses have been paid under this IOP leaves the Government service within 12 months following the date of appointment, the Director, FA/HRDM (or designee) must determine whether repayment of these expenses is required.

2. Repayment may be waived when the employee leaves for reasons beyond his/her control which are acceptable to the Agency. An example of such reasons is serious personal illness.

3. Repayment shall be waived when an employee is involuntarily separated. (See IV. D.)

4. If an employee transfers from AID to another Federal agency before the expiration of his/her service obligation, the remainder of the service obligation (in months) is transferred to the receiving agency.

5. When repayment is required, it shall be on a pro rata basis. The amount to be repaid shall be determined by providing credit for each full month of employment completed by the employee under the service agreement.

H. Records of payments--new appointees' travel and transportation expenses

1. USOPM requires that the Agency must keep records of payments made under this authority for each position for which an appointees' travel and transportation expenses are paid. The records shall be maintained two years or until evaluated by USOPM (whichever comes first). Therefore, the appropriate divisions in FA/HRDM shall establish and maintain records of all such payments.

2. These records shall be made available to USOPM upon request, and shall contain:

a. Title, series, pay plan, and grade (or level) of the position and how the position was filled (e.g. selection from Merit Promotion certificate, lateral transfer, reassignment, selection from USOPM certificate);

b. How the decision to pay expenses met the criteria in VII B, above; and

c. A copy of the signed agreement to remain in Government service; and

d. A copy of the approved travel authorization.

3. The employee's Official Personnel Folder (OPF) shall contain a copy of the signed Service Agreement.

SERVICE AGREEMENT
TRAVEL AND TRANSPORTATION EXPENSES

Title 5 U.S.C. 5723 provides for payment of travel expenses of a new appointee to any position in the 50 States and the District of Columbia. It also provides for transportation of immediate family and household goods and personal effects from place of residence at the time of selection or assignment to first duty station. These expenses may not be paid by the Government until after the individual selected signs the agreement set forth below:

NAME (Last, first, middle initial)	Place of Actual Residence at time of Appointment (City and State)

I understand and agree that:

1. I will remain in the Government service for a period of 12 months beginning with the effective date of my appointment, unless separated for reasons beyond my control and acceptable to the Agency for International Development.

2. If I fail to fulfill the terms of this agreement, I will repay to the United States Government any monies expended from Federal funds for travel, transportation, and related allowances, unless separated for reasons beyond my control and acceptable to the Agency.

3. At the conclusion of the 12 month period of service, I will not be eligible for return travel and transportation for myself, my dependents and household goods to my place of residence at the time of my appointment.

Signature of Employee _____ Date Signed _____

Date Reported for Duty: _____

(This date must be recorded by FA/HRDM on the Original)

Distribution of Copies:

Original	-	Official Personnel Folder
1 copy	-	Employee
1 copy	-	Travel Voucher
1 copy	-	FA/HRDM Records for USOPM

FEPCA INTERIM OPERATING PROCEDURE #2

RECRUITMENT AND RELOCATION BONUSES

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FEPCA INTERIM OPERATING PROCEDURE #2

RECRUITMENT AND RELOCATION BONUSES

I. Purpose

This Interim Operating Procedure (IOP) provides the Agency's policies, authorities, responsibilities and procedures for the payment of recruitment and relocation bonuses.

II. Authorities And References

A. Section 208 of the Federal Employees Pay Comparability Act of 1990 (FEPCA) [Public Law 101-509, November 5, 1990]
B. 5 U.S.C. 5753
C. 5 CFR Part 575 (March 28, 1991).

III. Policies

A. The Agency will:

1. Use recruitment and relocation bonuses in unusual cases when necessary to attract high quality candidates for key positions;

2. Use the least costly incentive or combination of incentives necessary in each case;

3. Authorize bonuses only if funds are available; and

4. Authorize these bonuses before the employee enters on duty in the new position. (No bonuses will be approved after entry into the new position).

B. Each determination to pay a recruitment or relocation bonus, including the amount of such bonus, shall be reviewed and approved by an official of the Agency who is at a higher level than the official who made the initial decision, unless there is no official at a higher level in the Agency.

C. Determinations about recruitment and relocation bonuses will be made without regard to race, color, creed, national origin, sex, non-disqualifying handicap, marital status, age, religious affiliation, or membership or non-membership in a political party or employee organization.

D. Recruitment and relocation bonuses should not be viewed as a benefit to which employees with similar duties and qualifications are entitled.

IV. Coverage

A. The following positions are covered by this IOP:

1. General Schedule (GS) positions, including GM positions;

2. Senior Executive Service (SES) positions;

3. Law enforcement officer positions within the meaning of 5 U.S.C. 8331(20) or 8401(17) without regard to whether the position is classified or paid under the General Schedule; and

4. Positions filled by Presidential appointment.

B. The following positions are excluded from coverage [See 5 CFR 575.102 (a) and (b), and 575.202 (a) and (b)]:

1. The Administrator or a position to which an employee is appointed in the expectation of receiving an appointment as the Administrator;

2. Personal Services Contractors (PSCs);

3. Foreign Service positions; and

4. Administratively Determined (AD) positions. (AID has sent a request to the U.S. Office of Personnel Management [USOPM] for FS and AD positions to be covered.)

V. Definitions

A. Approving authorities. The Administrator, Deputy Administrator, AA/FA, or Director, FA/HRDM. (See Section VI below).

B. Commuting area. The geographic area that normally is considered one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities where people live and reasonably can be expected to travel back and forth daily to work.

C. Employee.

1. For recruitment bonuses--an individual who is "newly appointed" or to whom the Agency has made a written offer of employment for a new appointment. "Newly appointed" refers to an individual's first appointment in the Federal Government or an appointment following a break in service of at least one year. The appointment must be without time limitation or for a minimum period of two (2) years or more. This means that an employee who is given a temporary appointment not to exceed one year may not receive a recruitment bonus, even if the Agency expects to renew the appointment at the end of one year.

2. For relocation bonuses--a current employee of the Federal government in a different agency and in a commuting area outside of metropolitan Washington, D.C., who will be appointed or assigned, without time limitation and without a break in service of any length, to AID/Washington. Relocation bonuses do not apply to overseas assignments.

D. Involuntarily separated. A separation initiated by the Agency against the employee's will and without his or her consent for reasons other than cause on charges of misconduct or delinquency. An involuntary separation includes a separation resulting from the employee's actual inability to do the work following genuine efforts to do so, but does not include a separation based on misconduct or an equivalent procedure for reasons that involve culpable wrongdoing on the part of the employee.

E. Rate of basic pay. The rate of pay fixed by law or administrative action for the position to which the employee will be newly appointed, or to which the employee is being relocated, before deductions and exclusive of additional pay of any kind, such as locality-based comparability payments under 5 USC 5304 or interim geographic adjustments under section 302 of the FEPCA.

F. Recruitment bonus. The dollar amount paid only to newly appointed employees as an inducement to accept an offer of employment from the Agency.

G. Relocation bonus. The dollar amount paid only to current Federal employees as an inducement to relocate from a different agency in a different commuting area to AID/Washington (without a break in service).

H. Selecting Official. A supervisor or manager with authority to select an individual for a new appointment or for a transfer from another Federal agency involving relocation.

I. Service agreement. A written agreement between AID and a newly appointed or relocated employee, under which the employee agrees to remain employed with AID in the new position or at the new location for at least twelve (12) months in return for payment of a recruitment or relocation bonus.

VI. Procedures and Responsibilities

A. Selecting Official. Prepares a written request for payment of a recruitment or relocation bonus and forwards it to the EMS/Administrative Office for review. The request must include:

1. The name, position title, pay plan, and grade level of the vacant position;

2. The percentage bonus requested; and

3. A complete justification for the request which, to the extent possible, includes all of the factors in sections VII A and B below.

B. EMS/Administrative Office:

1. Provides day-to-day advice and guidance to managers and supervisors on the use of recruitment and relocation bonuses and on the preparation of justification packages;

2. Decides whether the selecting official's justification meets the requirements. If requirements are not met, returns package to selecting official for re-write.

3. Forwards complete packages to Bureau/Office Head; and

4. Serves as the Bureau/Office liaison to FA/HRDM. Keeps the selecting official and Bureau/Office Head apprised of the status of the request for recruitment/relocation bonuses.

C. Bureau/Office Head:

1. Reviews requests for payment of recruitment/relocation bonuses for all positions;

2. Judges the merits of the requests, and

a. Disapproves unreasonable requests and returns them to the EMS/Administrative Office, or

b. Approves reasonable requests and forwards to the appropriate Division Chief in FA/HRDM.

D. Chief, FA/HRDM/SCD:

1. Reviews each request at GS/GM-15 and below (or equivalent) and assures that it conforms to the regulatory requirements. Consults with Chief, FA/HRDM/RD as appropriate;

2. Makes an initial recommendation, verifies with the Director, FA/Budget, that funds are available, and forwards the request (including written recommendation) to the Director, FA/HRDM, for final approval/denial;

3. For approved requests, uses the approval letter from the Director, FA/HRDM, together with the recruitment/relocation bonus authorization letter from the Director, FA/Budget, to prepare the Request for Personnel Action (SF-52). The SF-52 is the vehicle to direct payment of the recruitment/relocation bonus.

4. Forwards all decisions back to the EMS/Administrative Office;

5. Ensures that all documentation provided in the justification is forwarded to the FA/HRDM file room for inclusion in the employee's OPF; and

6. Maintains the listing of approved bonuses (see Section XI B.)

E. Chief, FA/HRDM/EM:

1. Reviews each request above GS/GM-15 or equivalent, and assures that it conforms to the regulatory requirements;

2. Makes an initial recommendation, verifies with the Director, FA/Budget, that funds are available, and forwards the request through the Director, FA/HRDM:

a. To the AA/FA, for final approval/denial of all SES (or equivalent) positions within the FA Directorate and Operations Directorate (except those in the immediate office of the AA/O of AA/FA), or

b. Through the AA/FA, to the Deputy Administrator (or Administrator) for final approval/denial of all positions filled by Presidential appointment and all SES (or equivalent) positions in the staff offices of ES, GC, XA, LEG, EOP, OSDBU, Policy Staff, and immediate offices of AA/FA and AA/O.

3. For approved requests, uses the approval letter together with the recruitment/relocation bonus authorization letter from the Director, FA/Budget, to prepare the Request for Personnel Action (SF-52). The SF-52 is the vehicle to direct payment of the recruitment/relocation bonus.

4. Forwards all decisions to the EMS/Administrative Office;

5. Ensures that all documentation is forwarded to the FA/HRDM file room for inclusion in the employee's OPF; and

6. Maintains the listing of approved bonuses (see Section XI B.)

F. Chief, FA/HRDM/PSPE:

1. Submits reports of recruitment/relocation bonuses as part of AID's regular submission to USOPM's Central Personnel Data File (CPDF). (See Section XI); and

2. Prepares periodic Agency-wide evaluations (based on input from FA/HRDM/SCD and FA/HRDM/EM) which discuss overall effectiveness of the Agency's plan, and adherence to USOPM regulations. (See Section XII).

G. Director, FA/HRDM:

1. Approves/denies all requests for recruitment/relocation bonuses for GS/GM-15 and below (or equivalent) based on the "Criteria for Payment" in Section IX.;

2. Approves/denies all requests for waiver of repayment of recruitment/relocation bonuses (See Section X) for GS/GM-15 and below (or equivalent);

3. Forwards all other requests (with recommendation) to the AA/FA or through the AA/FA to the Deputy Administrator or Administrator, (see VI E., above); and

4. Advises top management on appropriateness of recruitment/relocation bonuses.

H. Director, FA/Budget:

1. Determines whether funds are available to pay recruitment/relocation bonuses.

2. Issues written notifications to the Chief, FA/HRDM/SCD or FA/HRDM/EM for:

a. Funds available at level requested;

b. Funds available below level requested; or

c. No funds available.

3. Where funding is less than the level requested, states amount in terms of percent of employee's salary. HRDM then notifies EMS/Administrative office of percentage that can be offered within funding constraints.

4. Where funding is available, the letter will serve as the "recruitment/relocation bonus authorization letter," and will mandate preparation of the Request for Personnel Action (SF-52) as the vehicle to direct payment of the recruitment/relocation bonus.

I. Administrator or Deputy Administrator:

1. Approves/denies requests to grant recruitment/relocation bonuses for employees in the Senior Executive Service, Senior Foreign Service, Senior Level, and Presidential Appointees.

2. The Administrator shall be the requesting official and approving official for a request for recruitment/relocation bonus for the Deputy Administrator. The request shall be sent to FA/HRDM/EM.

VII. Criteria For Payment

A. Each determination to pay a bonus shall be:

1. Made on a case-by-case basis;

2. Based on a written determination that, in the absence of such a bonus, the Agency would encounter difficulty in filling the position with a high-quality candidate; and

3. Made before the employee actually enters on duty in the position for which he/she was recruited or to which he/she is being considered for relocation.

B. In determining whether a recruitment/relocation bonus should be paid and the amount to be paid, the Director, FA/HRDM, (for positions at GS/GM-15 or equivalent and below) or the Deputy Administrator (for all positions above GS/GM-15 or equivalent) shall consider the following factors in the written justification:

1. The success of recent efforts to recruit high-quality candidates for similar positions, including (to the extent available) indicators such as offer acceptance rates, the proportion of positions filled, and the length of time required to fill similar positions;

2. Recent turnover in similar positions;

3. Labor market factors that may affect the ability of the Agency to recruit high-quality internal or external candidates for similar positions now or in the future (may include such factors as salary ranges of comparable positions, scarcity of skills, emerging technology, etc.);

4. Special qualifications needed for the position;

5. Availability of funding to pay for such bonuses;

6. Impact on the morale of current employees;

7. The percentage of recruitment/relocation bonus that would be needed as an inducement for the individual to accept an offer of employment from the Agency;

8. The urgency of filling the position; and

9. In the case of recruitment bonuses only, the practicality of using an "appointment above the minimum rate" in lieu of a recruitment bonus, or in combination with a smaller recruitment bonus.

VIII. Payment Of Bonuses

A. All recruitment or relocation bonuses will be calculated as a full percentage of the employee's rate of basic pay (not to exceed 25 percent) and will be paid in a lump-sum. In the case of a relocation bonus for an employee entitled to grade or pay retention, the amount of the bonus is based on the employee's retained rate of pay. Otherwise, a relocation bonus is based on the rate of basic pay of the position to which relocated. The rate of basic pay for purposes of computing a recruitment or relocation bonus does not include additional pay of any other kind, e.g., it does not include interim geographic adjustments. A recruitment or relocation bonus is not a part of the employee's rate of basic pay for any purpose, (i.e,. retirement, life insurance, etc.). Similarly, these bonuses are not used in determining an employee's "total remuneration" and "straight time rate of pay" for purposes of the Fair Labor Standards Act. However, these bonuses are considered to be covered wages for purposes of the Federal Insurance Contributions Act (FICA), provided the individual's employment is otherwise subject to FICA deductions. Further, these bonuses are considered earnings for Federal, State and local tax purposes.

B. A law enforcement officer within the meaning of 5 USC 8331(20) or 8401(17) may receive a relocation bonus of up to $15,000 or 25 percent of the officer's rate of basic pay, whichever is greater.

C. Recruitment/relocation bonuses may be authorized for an employee (or a prospective employee) even if such a bonus will, when added to the annual rate of all other payments (as defined in 5 CFR 530.202) to which the employee is then entitled, cause the annual rate of all payments to exceed the rate then payable for level I of the Executive Schedule. Such excess, however, must be carried over to the next calendar year (5 CFR 530.203(d)).

IX. Service Agreements

A. Recruitment bonuses. An employee may not receive a recruitment bonus until after he/she has signed a written agreement to continue working for AID for twelve months.

B. Relocation bonuses. An employee may not receive a relocation bonus until after he/she has signed a written agreement to complete a specified number of months with AID at the new duty station. Except as provided in paragraph "C" of this section, the period of employment to be established under a service agreement for a relocation bonus shall be twelve months.

C. In the case of a temporary change in duty station for less than 12 months, a service agreement may provide for a shorter minimum period of employment. The minimum period of service will not be for less than the projected duration of the temporary relocation. Any determination made under this paragraph shall be documented in writing and shall include a description of the reasons for the determination. It is expected that this provision will be used rarely in AID. It may not be applied to overseas assignments.

D. The presence or absence of a service agreement in connection with a recruitment or relocation bonus will not be a consideration in actions under the Agency's Merit Promotion Program.

X. Repayment Of Bonuses

A. An employee who fails to complete the period of employment established under a service agreement for either a recruitment or relocation bonus will be indebted to AID and will be required to repay the bonus on a pro rata basis. The amount to be repaid will be determined by providing credit for each full month of employment completed by the employee under the service agreement. For example, if the service agreement is for 12 months and the employee leaves after 8 months, the employee is entitled to keep 8/12s of the bonus (two-thirds). The employee must repay one-third of the bonus to AID.

B. Amounts owed by an employee will be recovered from the employee under 5 U.S.C. 5514 and 5 CFR 550, Subpart K.

C. An employee is not obligated to repay a recruitment or relocation bonus if he/she:

1. Fails to complete a period of employment established under a service agreement because he/she is involuntarily separated; or

2. Is promoted or reassigned to a similar position in the Agency and at the same commuting location (for relocation bonus). However, the service agreement will be transferred with the employee and if he/she fails to complete the remainder of the service agreement, he/she must repay the Agency.

D. The right of recovery of an employee's debt may be waived in whole or in part by the Administrator, Deputy Administrator, AA/FA, or Director FA/HRDM, if he/she determines that recovery would be against equity and good conscience or against the public interest.

XI. Records

A. The Agency shall maintain the documentation in the OPF of each determination on recruitment/relocation bonuses and make such documentation available for review upon request by USOPM.

B. The Agency shall maintain a record which includes the name, social security number, percentage of salary, and date of approval for each bonus granted.

C. FA/HRDM/PSPE shall promptly submit a report of each determination as a part of its regular submission to USOPM's Central Personnel Data File.

XII. Evaluation And Reports

A. On or before December 31 of each year, FA/HRDM/PSPE shall prepare a written report on the Agency's use of recruitment and relocation bonuses during the previous fiscal year. Each report shall include the following:

1. The number of employees to whom a bonus was offered during the fiscal year;

2. The percentage of salary offered in each case;

3. The number of employees who accepted bonus offers during the fiscal year; and

4. An evaluation of the overall effect of the payment of recruitment/relocation bonuses on the Agency's ability to fill key positions with high- quality candidates.

B. FA/HRDM/PSPE shall make these reports available for review upon request by USOPM and shall maintain such other records and submit to USOPM such other reports and data as USOPM shall require.

RECRUITMENT BONUS
SERVICE AGREEMENT

Title 5 U.S.C. 5753 provides for payment of a recruitment bonus to an individual who is newly appointed to a position in the Federal government. The bonus may not be paid until after the individual selected signs the agreement set forth below:

Print Name and Address:
(First, M.I., Last) _____

(Street number and name) _____

(City, State, Zip Code) _____

I understand and agree that:

1. I will remain in the service of the Agency for International Development (AID) for a period of twelve (12) months beginning with the effective date of my appointment, unless separated for reasons beyond my control and acceptable to AID.

2. If I voluntarily fail to complete the twelve (12) months of service, or if I am separated from AID before completion of the twelve (12) months for cause on charges of misconduct or delinquency, I shall repay the bonus to AID on a pro rata basis.

3. The recruitment bonus is not considered "basic pay" for any purpose (i.e., retirement, thrift savings plan, life insurance, etc.) The bonus is not used in determining my "total remuneration" and "straight time rate of pay" for purposes of the Fair Labor Standards Act. The bonus is considered to be covered wages for purposes of the Federal Insurance Contributions Act (FICA) if my employment is subject to FICA deductions. Further, the bonus is considered earnings for Federal, State and local tax purposes.

_____ Signature of Employee

_____ Date Signed

Date Reported for Duty:

_____

(This date must be recorded by FA/HRDM on the Original).

Distribution of Copies: Original - Official Personnel Folder
1 copy - Employee
1 copy - Travel Voucher
1 copy - FA/HRDM Records for USOPM

RELOCATION BONUS SERVICE AGREEMENT

Title 5 U.S.C. 5753 provides for payment of a relocation bonus to a current Federal employee who must relocate to accept a position in the Agency for International Development (AID). The bonus may not be paid until after the individual selected signs the agreement set forth below:

Print Name
(First, M.I., Last): _____

Old Address: _____ New Address: _____

I understand and agree that:

1. I will remain in the service of the AID for a period of twelve (12) months beginning with the effective date of my appointment, unless separated for reasons beyond my control and acceptable to AID.

2. If I voluntarily fail to complete the twelve (12) months of service, or if I am separated from AID before completion of the twelve (12) months for cause on charges of misconduct or delinquency, I shall repay the bonus to AID on a pro rata basis.

3. The relocation bonus is not considered "basic pay" for any purpose (i.e., retirement, thrift savings plan, life insurance, etc.) The bonus is not used in determining my "total remuneration" and "straight time rate of pay" for purposes of the Fair Labor Standards Act. The bonus is considered to be covered wages for purposes of the Federal Insurance Contributions Act (FICA) if my employment is subject to FICA deductions. Further, the bonus is considered earnings for Federal, State and local tax purposes.

_____ _____
Signature of Employee Date Signed

Date Reported for Duty: _____

(This date must be recorded by FA/HRDM on the Original).

Distribution of Copies: Original - Official Personnel Folder
1 copy - Employee
1 copy - Travel Voucher
1 copy - FA/HRDM Records for USOPM

CHAPTER 3

PAY UNDER THE GENERAL SCHEDULE

3A. Determining Rates of Basic Pay

1. Responsibility

The Office of Personnel and Manpower, SER/PM, makes all salary determinations in accordance with law, and Civil Service Commission (CSC) regulations.

2. General Provisions

a. New Appointments

(1) General

Salary for a new appointment is made at the minimum rate of the grade to which the employee has been appointed; or where a higher minimum rate has been established, at the new minimum rate for the class.

(2) Superior Qualifications Appointments

A superior qualifications appointment means new appointment or reemployment to a position in Grade 11 or above of the General Schedule at a rate above the minimum rate of the appropriate grade. It must be made only with the prior approval of the CSC because of the superior qualifications of the candidate.

b. Position or Appointment Changes

(1) General

When an employee's position or appointment changes, the employee is to be paid at any rate of the grade which does not exceed his highest previous rate (except for salary retention); however, if the highest previous rate falls between two rates of the grade, the higher rate is authorized.

(a) Highest Previous Rate

The highest previous rate refers to the highest rate of basic pay previously paid to an individual while employed in a position in the Federal Government, regardless of whether or not the position was subject to the General Schedule.

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(2) Simultaneous

When an employee becomes entitled to two pay changes at the same time, SER/PM will process the changes in the order which gives the employee the maximum benefit.

c. Promotions

An employee who is promoted to a higher grade is entitled to basic pay at the lowest rate of the higher grade which exceeds employee's existing rate of basic pay by not less than two step increases of the grade from which promoted.

d. Classification Appeal Decision

When a classification decision is made effective retroactively, SER/PM shall treat the corrective personnel action affecting the employee concerned as a cancellation or correction, as the case may be, of the original action of demotion, and the employee is entitled to retroactive pay in accordance with the terms of the corrective action.

3. Special Rates for Recruitment and Retention

a. Responsibility

The CSC may establish special rates of pay for one or more grades, occupational groups, series, or classes in one or more areas of locations when it is considered necessary to overcome significant handicaps in the recruitment and retention of well-qualified personnel which result from pay rates in private enterprise being substantially above those of General Schedule employees. The Agency may propose to the CSC the establishment of special rates if there is a need. SER/PM will prepare the necessary documentation to be forwarded.

b. Limitations

(1) A special minimum pay rate may not exceed the maximum pay rate prescribed by law for the grade or level.

(2) Special rates for all positions in a grade or level in a given geographic area may not be established by the CSC unless the average pay rate in private enterprise for equivalent work levels in that area is at least 10 percent above the fourth statutory rate of the grade or level and recruitment and retention cannot be achieved without establishment of higher rates.

c. Entitlement

When a special rate is authorized all agencies must pay the rate to employees who are working in the specific occupation, grade, and the area or location to which it applies.

d. Travel and Transportation Expenses

(1) An appointee who is assigned to a General Schedule position which the CSC has determined, at the time of appointment, to be in a manpower shortage category, is entitled to travel and transportation expenses to the first post of duty in the United States. Student trainees assigned upon completion of college work may be paid travel and transportation expenses to their first post of duty in the United States, if such expenses were not paid when they were appointed as trainees.

(2) The appointee receiving travel and moving expenses must agree, in writing, to remain in the Federal Service for 12 months following appointment. If the employee does not fulfill this agreement, the expenses allowed must be repaid to the Government except when separation is for reasons beyond the control of the employee and is acceptable to SER/PM.

e. Determining Employee Rates

(1) When an employee is in a position to which a special rate range becomes applicable, SER/PM fixes employee's rate in the special rate range at the numerical rank in the special rate range for the grade/class which corresponds to employee's existing numerical rank in the rate range for the grade/class.

(2) When an employee is reassigned at the same grade/class under the same pay system to a position to which special rate range applies, SER/PM fixes employee's rate in the special rate range at the numerical rank in the special rate range for employee's grade which corresponds to employee's existing numerical rank in the rate range for employee's grade/class.

(3) When an employee in a position to which a special rate range does not apply is promoted to a position to which a special rate range applies, SER/PM determines first employee's numerical rank in the higher grade/class without regard to the special rate range and then fixes employee's rate at the corresponding numerical rank in the special rate range for the position to which promoted.

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(4) When an employee not entitled to a retained rate (salary retention benefits) is demoted to a position to which a special rate range applies, SER/PM determines the numerical rank in the lower grade without regard to the special rate range and then fixes the rate at the corresponding numerical rank in the special rate range for the position to which demoted.

(5) SER/PM determines the rate of basic pay for an individual receiving an initial appointment (or an appointment after a break of 1 workday) to a position to which a special rate range applies in the grade/class of the position without regard to the special rate range and uses the numerical rank thus determined to fix the employee's rate at the corresponding numerical rank in the special rate range.

f. Discontinuing Special Rates

When the special rates for a position are discontinued, SER/PM determines the rate of basic pay for an employee as follows:

(1) If the employee is receiving a rate of basic pay equal to one of the rates in the regular rate range for employee's grade/class, that rate is used.

(2) If the employee is receiving a rate of basic pay at a rate between two rates in the regular rate range of employee's grade/class, the higher of the two rates is used.

(3) If the employee is receiving a rate of basic pay at a rate in excess of the maximum rate for the regular rate range for employee's grade/class, the existing rate of pay is used. The employee then is entitled to retain this rate so long as employee remains in the position or until employee becomes entitled to a higher rate.

3B. Within-Grade Increases

1. Responsibility

SER/PM shall administer the determination of an employee's entitlement to within-grade increases in accordance with law and CSC regulations.

2. Employee Coverage

Within-grade increases apply to both full-time and nonfull-time employees who occupy permanent positions subject to the General Schedule and Administratively Determined Schedule who are paid on an annual basis.

3B

3. Waiting Period

a. A waiting period begins:

(1) Upon a new appointment in the Federal service.

(2) After a break in service, or a nonpay status, in excess of 52 calendar weeks. For purposes of this section, a calendar week is a period of any 7 calendar days.

(3) Upon receiving an equivalent increase. An equivalent increase is defined as an increase or increases in basic pay equal to or greater than the amount of the within-grade increment of the grade in which the employee is serving. Examples are promotion, a within-grade increase, or a change-in-pay systems.

b. For Full-time and Nonfull-time Employees with a Prearranged Regularly Scheduled Tour of Duty

(1) Steps 2, 3 and 4 - 52 calendar weeks of creditable service.

(2) Steps 5, 6 and 7 - 104 calendar weeks of creditable service.

(3) Steps 8, 9 and 10 - 156 calendar weeks of creditable service.

c. For Nonfull-time Employees without a Prearranged Regularly Scheduled Tour of Duty

(1) Steps 2, 3 and 4 - 260 days in a pay status over a period of not less than 52 calendar weeks.

(2) Steps 5, 6 and 7 - 520 days in a pay status over a period of not less than 104 calendar weeks.

(3) Steps 8, 9 and 10 - 780 days in a pay status over a period of not less than 156 calendar weeks.

4. Creditable Service

a. Continuous creditable service in any branch of the Federal Government is considered creditable service in the computation of a waiting period.

b. For full-time and nonfull-time employees with a prearranged regularly scheduled tour of duty, time in a nonpay status is creditable service in the computation of a waiting period when it does not exceed:

(1) Two workweeks in the waiting period for Steps 2, 3 and 4.

3B4b

(2) Four workweeks in the waiting period for Steps 5, 6 and 7.

(3) Six workweeks in the waiting period for Steps 8, 9 and 10.

c. When an employee has time in a nonpay status in excess of the above, employee must make it up with creditable service before the next within-grade increase is effected.

d. When an employee has time in a nonpay status in excess of 52 calendar weeks creditable service begins at the time employee returns to a pay status.

5. Acceptable Level of Competence

a. An acceptable level of competence is performance of the duties and responsibilities of a position according to the standards understood by the supervisor and the employee.

b. The Director, SER/PM, shall make effective use through supervisors of his authority to stimulate optimum performance among employees and caution supervisors:

(1) Not to award within-grade increases to employees who do not clearly meet the statutory standard for such award, recognizing that for these increases performance must be of sufficient level to merit a pay increase, not just adequate for retention on the job; and

(2) To award within-grade increases to employees when they do clearly meet that standard and meet the other requirements of this section.

c. Responsibility of Supervisors

(1) Approximately 90 days before the within-grade increase is due, supervisors will receive the SF 1126, Payroll Change Slip, to complete. Attached to the SF 1126 will be a Supervisor's Guide for Step Increase Approval which outlines factors to be considered in determining whether or not the employee meets an acceptable level of competence.

(2) The supervisor in determining whether an employee's work is of an acceptable level of competence shall:

(a) Base the determination on the essential requirements of the employee's position.

(b) Make the determination as of the completion of the waiting period.

3B5c(2)

(c) Base the determination on the employee's preformance during the waiting period.

(3) To insure that employees are currently aware of the level of their performance supervisors shall:

(a) Keep their employees periodically advised of their performance and point out any defects which should be corrected.

(b) At least 60 days in advance of the date on which an employee will complete waiting period, shall inform the employee of any factor that raises a question about the employee's work being of an acceptable level of competence.

(4) A failure on the part of the supervisor to inform or timely inform an employee under this section does not delay or otherwise affect the determination required to be made by law.

(5) When an employee's performance meets acceptable level of competence, the supervisor places an "X" and initials in Block 16, and enters name and title in Block 12 of the preprinted SF 1126, Payroll Change Slip. This slip is processed in accordance with the RAMPS Employing Office Handbook.

(6) If the supervisor determines that an employee's work is not of an acceptable level of competence (hereinafter referred to as a negative determination), the supervisor shall inform the employee in writing, not later than the completion of the waiting period:

(a) of the basis for the negative determination; and

(b) of the employee's right to secure reconsideration of the negative determination and of the time limits within which the employee may request reconsideration.

(7) Failure on the part of the supervisor to inform an employee of a negative determination may not be the basis for changing the negative determination.

(8) In order to avoid procedural errors, supervisors when they are considering withholding a within-grade increase will consult Employee Relations Branch (PM/PS/ER) who will advise supervisors on the proper course of action to be taken. Supervisors will furnish to PM/PS/ER copies of all corresponsence to and from the employee.

6. Reconsideration

a. As outlined in the letter of negative determination the employee shall be given an opportunity to reconsideration.

3B6

b. The request is to be submitted within 15 calendar days of employee's receipt of the negative determination in writing and addressed to the official who is considered to be at the second level of supervision above the person who made the initial determination. The employee is entitled to the following:

(1) A representative of choice to present the request.

(2) The opportunity to discuss the matter with the official responsible for reconsideration and present information in writing.

(3) Freedom from restraint, interference, coercion, discrimination, or reprisal in connection with the presentation of the request.

(4) Up to 4 hours of official time for presentation of the request.

c. The official reconsidering the case will review all information submitted by the employee and/or employee's representative, as well as documentary evidence (including formal and/or informal records) maintained by the supervisor.

d. The official reconsidering the case will make a prompt review and give the employee a written decision.

e. If the determination is favorable to the employee, it will supersede the earlier negative determination. Payment of the step increase will be made as of the date of eligibility.

f. When the decision sustains the original negative determination, the notice of decision will inform the employee of right of appeal to the CSC.

g. When an employee files a request for reconsideration, the official reconsidering the case will establish an employee reconsideration file which will contain all pertinent documents relating to the negative determination and the request for reconsideration, including copies of the written negative determination and the basis therefor; the employee's written request for reconsideration; the report of investigation when an investigation was made; the written summary or transcript of any personal presentation made; and the Agency's decision on the request for reconsideration. The file shall not contain any documents that have not been made available to the employee or his representative with an opportunity to submit a written exception to any summary of the employee's personal presentation.

3B

7. Appeal to the *Office of Personnel Management* (OPM)

a. An employee may appeal to the OPM the decision by AID sustaining the negative determination. The appeal shall be in writing to the Federal Employees Appeals Authority (FEAA), U.S. *Office of Personnel Management*, Washington, D.C. 20415. It must be submitted not later than 15 calendar days after receipt of the AID decision.

b. The FEAA makes its decision on the record established in the reconsideration proceedings in the Agency.

c. The decision of the FEAA is final and compliance with its recommendations for corrective action is mandatory. See Chapter 7 of Handbook 30 for further information on Appeals.

8. Effect of Negative Determination on Eligibility for New Determination

a. When a determination is made that an employee's work is not of an acceptable level of competence and this determination is final, either because the employee has not filed a timely appeal or because appeals have been exhausted, the supervisor will make a new determination within 52 calendar weeks of the end of the waiting period to which the negative determination applied. This new determination may be made any time during the 52-week period when the supervisor ascertains the employee meets the required standards.

b. If the determination is favorable, the effective date of the within-grade increase will be the first day of the first pay period that begins on or after the date of the new determination.

c. If the determination is negative, the procedures outlined in 3B5 above will be followed.

9. Administrative Oversight, Error, or Delay

When a determination is not made on a timely basis through administrative oversight, error, or delay, the determination when made:

a. shall be based on the employee's performance during the period that would have been covered had the determination been timely made; and

b. is considered to have been made as of the date it would have been made were it not for the administrative oversight, error, or delay.

3B

10. Effective Date

a. A within-grade increase is effective on the first day of the first pay period following completion of the required waiting period and compliance with the other conditions of eligibility.

b. When the effective date of a within-grade increase and the effective date of a personnel action occur at the same time, PM shall process the actions in the order that gives the employee the maximum benefit.

11. Corrective Action

When an improper personnel action is corrected in accordance with a mandatory statutory or regulatory requirement, the waiting period is not extended and begins on the date it would have begun had the improper action not occurred.

3C. Quality Increases

* Quality increase is an additional within-grade step increase granted in recognition of continued high quality and meritorious performance above that ordinarily expected of an employee in a specific position. Handbook 29, Chapter 5, provides policy and procedural guidance for this type of increase. *

* Revised

CHAPTER 4

PAY UNDER PREVAILING RATES SYSTEMS

4A. Purpose

This chapter outlines the policies and procedures governing pay for prevailing rate (wage) employees. For information on performance and special awards, see HB 29, Ch. 5, AID Awards Program.

4B. Applicability

This chapter applies to AID direct hire employees who are:

- in a recognized trade or craft;
- in an unskilled, semi-skilled or skilled manual labor occupation;
- paid under "WG" and "WS" non-supervisory and supervisory wage schedules; and
- paid under pay plans "XP" and "XS", non-supervisory and supervisory lithographic wage schedules (see HB 26, Chapter 5 for pay schedules).

4C. Authorities and References

5 USC 5341-5349, 5544-5546
5 CFR 532.101-532.801
FPM Chapter 530, Supplement 532-1

4D. Policies

1. Rates of pay are fixed and adjusted in accordance with 5 USC 5341.

2. An employee detailed to a position other than that to which appointed shall be paid at the rate of the position to which appointed.

3. The Agency's prevailing rate policy will be implemented without regard to race, sex, color, religion, age and mental or physical handicap.

4E. Responsibilities

1. Position Management and Classification Division (M/PM/PMC)

a. Classifies positions;

b. Reviews all positions on a periodic basis to assure classification standards are current;

4E1

c. Processes classification appeals; and

d. Maintains a record of all classification appeals.

2. Civil Service Personnel Division (M/PM/CSP)

a. Assesses qualifications of candidates and refers well-qualified candidates for selection consideration;

b. Establishes rates of pay; and

c. Processes all personnel actions related to wage employees.

3. Supervisor

a. Establishes and maintains an effective position structure consistent with approved authorities;

b. Assigns duties to positions, discusses work assignments with employees, prepares position descriptions, and certifies the accuracy of position descriptions for which accountable;

c. Initiates position actions when significant changes have been made in duties, responsibilities or supervisory relationships; and

d. Advises employees of their right to review position classification standards and to appeal a classification decision.

4. Employee

a. Submits to M/PM/PMC a written request for review if the employee believes the position is erroneously graded; and

b. Furnishes such facts as may be requested by M/PM/PMC to ensure that a request for review is processed in a timely manner.

4F. Establishing Rates of Pay

1. A new appointment is made at the minimum rate of the authorized grade. A new appointment at a rate above the minimum rate may be made in recognition of special qualifications, e.g., skills and experience of an exceptional or highly specialized nature, or for hard to fill positions.

2. An authorization to appoint above the minimum rate is automatically cancelled when a new regular wage schedule for the area is issued unless

4F2

the conditions that warrant the authorization continue and the new schedule continues that authorization. Before any authorization is cancelled, discussions must be held with the employee representative (see HB 24, Ch. 4, Labor-Management Relations).

3. Subject to sections 4G1 and 4H, an employee who is reemployed, reassigned, transferred, promoted or changed to a lower grade is paid at a rate that does not exceed the employee's highest previous rate. If the employee's highest rate falls between two step rates of the new grade, the higher rate is paid.

4. When an employee's type of appointment is changed in the same job, pay may be continued at the existing scheduled rate or may be paid at any higher rate of the grade which does not exceed the employee's highest previous rate. If the highest previous rate falls between two step rates of the grade, the higher rate is paid.

The highest previous rate is based on a regular tour of duty under an appointment of 90 days or more, or for a continuous period of at least 90 days under one or more appointments without a break in service. The highest previous rate may be based on pay received during a temporary promotion provided it is not used to circumvent the required period for within-grade pay increases.

4G. Pay Adjustments

1. Promotion

An employee who is promoted will be paid at the lowest scheduled rate of the grade to which promoted which exceeds the employee's existing rate by at least four percent; or, if this exceeds the maximum rate of the grade to which promoted, to the existing rate of pay or the maximum scheduled rate of the grade to which promoted, whichever is higher.

2. Multiple Pay Changes

If an employee is entitled to more than one pay change at the same time, the changes will be processed in the order most beneficial to the employee.

3. Within-Grade Increases

An employee with a performance rating of satisfactory or better will be automatically advanced to the next higher rate within the grade at the beginning of the first applicable pay period on completion of the following required waiting periods:

4G3

a. To rate 2: 26 calendar weeks of creditable service in rate 1.
b. To rate 3: 78 calendar weeks of creditable service in rate 2.
c. To rates 4 and 5: 104 calendar weeks of creditable service in each of rates 3 and 4.

4H. Grade and Pay Retention

Grade and pay retention provisions apply to wage employees placed in a lower grade as a result of reduction-in-force procedures or whose positions are reduced in pay and who otherwise meet the provisions of 5 USC 5361-5366 and 5 CFR Part 536 (also see HB 26, Ch. 9, Salary Retention).

4I. Job Grading Review and Appeal Process

1. An employee may at any time appeal, through a written request for review, the occupational series, grade or title to which assigned. The request for review should be submitted to M/PM/PMC through the employee's supervisor. M/PM/PMC will process the request for review and advise the employee in writing of the outcome of the review, including an analysis of the job.

2. The employee may appeal a decision by M/PM/PMC to the U.S. Office of Personnel Management (OPM). The appeal must be filed within 15 calendar days after receipt of M/PM/PMC's decision.

3. The employee has the right to be represented and advised by a representative of his/her choosing during the appeal process.

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CHAPTER 5

PAY SCHEDULES

5A. GENERAL

This chapter provides the current pay rates for the Agency's various compensation systems (Att. 5A).

5B. TYPES OF PAY SCHEDULES

1. General Schedule (GS)

The GS Schedule applies to all positions covered by 5 U.S.C. Chapter 53, Subchapter III (Att. 5A).

2. Administratively Determined (AD)

The AD Schedule applies to positions established in accordance with section 625(b), Foreign Assistance Act of 1961, as amended. AD employees are appointed and removed by the Administrator, without regard to the provisions of any other law and are compensated at rates of pay found in the GS (Att. 5A).

3. Senior Executive Service (SES)

The SES Schedule applies to positions covered by 5 U.S.C. Chapter 53, Subchapter VIII. The SES is a gradeless system with six rates of pay, ES-1 through ES-6. The lowest rate of pay is not to be less than the minimum rate of pay for GS-16, and the highest rate does not exceed the rate for Level IV of the Executive schedule. Payment of these rates is not subject to the pay limitations imposed on the GS and Foreign Service schedules or the limitations on pay fixed by administrative action (Att. 5B).

4. Foreign Service (FS)

The Foreign Service Schedule applies to positions covered by section 403, Foreign Service Act of 1980, as amended. The maximum salary rate for the highest class is designated FS-1 and may not exceed the maximum rate of basic pay prescribed for GS-15 (Att. 5A).

5. Senior Foreign Service (SFS)

The SFS Schedule applies to positions covered by section 402, Foreign Service Act of 1980, as amended. SFS pay levels are equivalent to those authorized for the SES, ES-1 through ES-6, and is comprised of three classes: Career Minister (FECM); Minister Counselor (FEMC); and Counselor (FEOC) (Att. 5B).

6. Executive (EX)

The EX schedule applies to positions covered by 5 U.S.C. Chapter 53, Subchapter II. An Executive Level position is any office or position in the Civil Service having a rate of pay equal to or greater than the rate of basic pay payable for position under 5 U.S.C. 5316. The EX schedule consists of five pay levels, Level I through Level V. The legislatively established Executive Level positions in the Agency are: Administrator, A.I.D., Level II; Deputy Administrator, Level III; and the various Assistant Administrators, Level IV (Att. 5B).

7. Foreign Compensation (FC)

The Foreign Compensation schedule applies to positions covered by section 625(d), Foreign Assistance Act of 1961, as amended. Compensation is tied to the GS schedule, as follows: FC-1 is equivalent to GS-4; FC-2 is equivalent to GS-5; FC-3 is equivalent to GS-6; and so forth with FC-14 being equivalent to GS-17 (Att. 5A).

8. Expert and Consultant Pay Rates

The Expert and Consultant Pay Rates apply to positions authorized by 5 U.S.C. 3109. Payment of daily rates are as specified in Chapter 14 of this handbook. Normally, the work to be performed must be equivalent to the grade-level of the rate selected, as determined by reference to applicable or related position classification standards, and must warrant grade-level equivalent of at least GS-13 (Att. 5C).

5B

10. Federal Wage System Schedules

a. Prevailing Rate Schedule (WG) (WL) (WS)

The Prevailing Rate Schedules apply to positions covered by 5 U.S.C. Chapter 53, Subchapter IV. Positions under these schedules include any recognized trade or craft, or other skilled mechanical craft, or those in an unskilled, semiskilled, or skilled manual labor occupation. Pay rates are fixed and adjusted from time to time to be as near prevailing rates of pay in the local area as is consistent with the public interest. (See Attachment 5F.)

b. Special schedules for Printing and Lithographic occupation in the D.C. Area: (XP) (XL) (XS) (XD) (XN)

The Printing and Lithographic Wage Rate Schedules apply to all positions covered by 5 U.S.C. Chapter 53, Subchapter IV, and administered in accordance with FPM Letter 532-119. (See Attachment 5G.)

Attachments: 5A - 5G

ATTACHMENT 5A

AGENCY FOR INTERNATIONAL DEVELOPMENT

Executive Order No. 12786 Dated December 24, 1991, Effective January 12, 1992

GENERAL SCHEDULE

Grade or Class			STEP RATES WITHIN GRADE LEVEL OR CLASS													
GS/AD	FS	FC	1	2	3	4	5	6	7	8	9	10	11	12	13	14
		14	86.519	89.404	92.288	95.172	98.056									
		13	75.335	77.846	80.357	82.868	84.815	86.170	88.633	91.096	93.558					
15		12	64.233	66.374	68.515	70.656	72.797	74.938	77.079	79.220	81.361	83.502				
	1		64.233	66.160	68.145	70.189	72.295	74.464	76.698	78.998	81.368	83.502	83.502	83.502	83.502	83.502
14		11	54.607	56.427	58.247	60.067	61.887	63.707	65.527	67.347	69.167	70.987				
	2		52.048	53.609	55.218	56.874	58.580	60.338	62.148	64.012	65.933	67.911	69.948	72.047	74.208	76.434
13		10	46.210	47.750	49.290	50.830	52.370	53.910	55.450	56.990	58.530	60.070				
	3		42.174	43.439	44.742	46.085	47.467	48.891	50.358	51.869	53.425	55.028	56.678	58.379	60.130	61.934
12		9	38.861	40.156	41.451	42.746	44.041	45.336	46.631	47.926	49.221	50.516				
	4		34.174	35.199	36.255	37.343	38.463	39.617	40.806	42.030	43.291	44.589	45.927	47.305	48.724	50.186
11		8	32.423	33.504	34.585	35.666	36.747	37.828	38.909	39.990	41.071	42.152				
10		7	29.511	30.495	31.479	32.463	33.447	34.431	35.415	36.399	37.383	38.367				
	5		27.691	28.522	29.377	30.259	31.166	32.101	33.065	34.056	35.078	36.130	37.214	38.331	39.481	40.665
9		6	26.798	27.691	28.584	29.477	30.370	31.263	32.156	33.049	33.942	34.835				
	6		24.755	25.498	26.263	27.050	27.862	28.698	29.559	30.446	31.359	32.300	33.269	34.267	35.295	36.354
8		5	24.262	25.071	25.880	26.689	27.498	28.307	29.116	29.925	30.734	31.543				
	7		22.130	22.794	23.478	24.182	24.908	25.655	26.424	27.217	28.034	28.875	29.741	30.633	31.552	32.499
7		4	21.906	22.636	23.366	24.096	24.826	25.556	26.286	27.016	27.746	28.476				
	8		19.784	20.378	20.989	21.619	22.267	22.935	23.623	24.332	25.062	25.814	26.588	27.386	28.207	29.053
6		3	19.713	20.370	21.027	21.684	22.341	22.998	23.655	24.312	24.969	25.626				
5		2	17.686	18.276	18.866	19.456	20.046	20.636	21.226	21.816	22.406	22.996				
	9		17.686	18.217	18.763	19.326	19.906	20.503	21.118	21.752	22.404	23.076	23.769	24.482	25.216	25.972
4		1	15.808	16.335	16.862	17.389	17.916	18.443	18.970	19.497	20.024	20.551				
3			14.082	14.551	15.020	15.489	15.958	16.427	16.896	17.365	17.834	18.303				
2			12.905	13.212	13.640	14.003	14.157	14.573	14.989	15.405	15.821	16.237				
1			11.478	11.861	12.242	12.623	13.006	13.230	13.606	13.986	14.003	14.356				

EXECUTIVE LEVEL I, $143,800; II, $129,500; III, $119,300; IV, $112,100; V, $104,800. SENIOR EXECUTIVE SERVICE: ES-1, $90,000; ES-2, $94,400; ES-3, $98,600; ES-4, $104,000; ES-5, $108,300; ES-6, $112,100. SENIOR FOREIGN SERVICE: COUNSELOR, ES-1, $90,000; ES-2, $94,400; ES-3, $98,600; MINISTER COUNSELOR, ES-4, $104,000; ES-5, $108,300; CAREER MINISTER, ES-6, $112,100. The Senior Level Pay Band (SL) created by Congress has replaced GS grades 16 through 18. The minimum SL pay is $77,080. Maximum SL pay is $112,100. A.I.D. pay rates within the SL band will be published at a later date.

ATTACHMENT 5B

SENIOR EXECUTIVE SERVICE AND SENIOR FOREIGN SERVICE PAY SCHEDULE

Senior Executive Service	Senior Foreign Service	Rate Payable
ES-1	FE-1 OC	$ 90,000
ES-2	FE-2 OC	$ 94,400
ES-3	FE-3 OC	$ 98,600
ES-4	FE-4 OC/MC	$104,000
ES-5	FE-5 MC	$108,300
ES-6	FE-6 CM	$112,100

EXECUTIVE SCHEDULE PAY RATES

Pay Levels	Payable Rates
Level I	$143,800
Level II	$129,500
Level III	$119,300
Level IV	$112,100
Level V	$104,800

Executive Order 12786 was signed on December 24, 1991. These rates of pay became the rates for positions in the Executive Schedule (or positions paid at rates equal to the rates for Executive Schedule positions).

ATTACHMENT 5C

EXPERT AND CONSULTANT PAY RATES

LEVEL	RECOMMENDED RATE
GS-15/10	$273 per day
GS-15/09	$266 per day
GS-15/08	$259 per day
GS-15/07	$252 per day
GS-15/06	$245 per day
GS-15/05	$238 per day
GS-15/04	$231 per day
GS-15/03	$224 per day
GS-15/02	$217 per day
GS-15/01	$210 per day
GS-14/10	$232 per day
GS-14/09	$226 per day
GS-14/08	$220 per day
GS-14/07	$214 per day
GS-14/06	$208 per day
GS-14/05	$202 per day
GS-14/04	$196 per day
GS-14/03	$190 per day
GS-14/02	$184 per day
GS-14/01	$178 per day
GS-13/10	$196 per day
GS-13/09	$191 per day

EXPERT AND CONSULTANT PAY RATES (Cont.)

LEVEL	RECOMMENDED RATE
GS-13/08	$186 per day
GS-13/07	$181 per day
GS-13/06	$176 per day
GS-13/05	$171 per day
GS-13/04	$166 per day
GS-13/03	$161 per day
GS-13/02	$156 per day
GS-13/01	$151 per day

Due to budget constraints and until further notice, the pay rates for experts and consultants are fixed at the rates indicated above. This is in accordance with the authority provided 5 U.S.C. 5307 and FPM Ch. 304.

ATTACHMENT 5D

EXPERT AND CONSULTANT PAY RATES

GS-15 equivalent	- highest	$250.00 per day
	- mid level	$231.00 per day
	- lowest	$211.00 per day
GS-14 equivalent	- highest	$212.00 per day
	- mid level	$196.00 per day
	- lowest	$180.00 per day
GS-13 equivalent	- highest	$180.00 per day
	- mid level	$166.00 per day
	- lowest	$152.00 per day

Due to budget constraints and until further notice, the pay rates for experts and consultants are fixed at the rates indicated above. This is in accordance with the authority provided by 5 U.S.C. 5307 and FPM Chapter 304.

ATTACHMENT 5E

FOREIGN AFFAIRS SCHEDULE

Effective January 6, 1985, the payable rates for Chiefs of Missions were established as follows:

Chief of Mission at Class I Missions	$75,100
Chief of Mission at Class II Missions	$73,600
Chief of Mission at Class III Missions	$72,300
Chief of Mission at Class IV Missions	$68,700

Except as provided in Section 302(b) of the Foreign Service Act of 1980, Chiefs of Missions receive salaries, as determined by the President, at one of the annual rates payable for Levels II through V of the Executive Schedule as defined under Sections 5313 through 5316 of Title 5, U.S.C.

ATTACHMENT 5F

FEDERAL WAGE SYSTEM WAGE RATE SCHEDULES FOR THE WAGE AREA OF WASHINGTON, DISTRICT OF COLUMBIA

WG WL-WS GRADE	WG-RATES 1	2	3	4	5	WL-RATES 1	2	3	4	5	WS-WD-WN RATES 1	2	3	4	5	WD-WN PAY LEVEL
1	5.69	5.93	6.16	6.40	6.64	6.26	6.52	6.77	7.03	7.30	9.12	9.51	9.88	10.27	10.65	
2	6.31	6.57	6.84	7.11	7.36	6.93	7.22	7.51	7.81	8.11	9.62	10.02	10.42	10.82	11.24	
3	6.81	7.10	7.37	7.65	7.94	7.48	7.81	8.13	8.43	8.74	10.12	10.54	10.96	11.38	11.80	1
4	7.42	7.72	8.02	8.35	8.65	8.16	8.49	8.83	9.18	9.53	10.72	11.16	11.62	12.06	12.51	2
5	8.00	8.35	8.69	9.01	9.35	8.81	9.18	9.55	9.91	10.28	11.33	11.79	12.26	12.75	13.22	3
6	8.62	8.98	9.34	9.69	10.07	9.48	9.88	10.28	10.68	11.07	11.93	12.43	12.92	13.43	13.92	4
7	9.21	9.60	9.98	10.38	10.76	10.14	10.56	10.99	11.40	11.84	12.51	13.03	13.54	14.07	14.59	5 1
8	9.79	10.18	10.59	11.01	11.40	10.78	11.21	11.66	12.13	12.56	13.05	13.58	14.12	14.68	15.22	6 2
9	10.30	10.74	11.16	11.60	12.03	11.34	11.80	12.27	12.76	13.23	13.57	14.13	14.70	15.27	15.83	7 3
10	10.84	11.31	11.76	12.21	12.66	11.93	12.43	12.92	13.43	13.92	14.10	14.69	15.27	15.85	16.45	8 4
11	11.38	11.87	12.34	12.81	13.29	12.52	13.05	13.57	14.09	14.62	14.49	15.09	15.69	16.30	16.90	9 5
12	11.93	12.43	12.92	13.43	13.92	13.10	13.65	14.21	14.74	15.29	14.99	15.61	16.23	16.86	17.48	10 6
13	12.46	12.97	13.49	14.02	14.53	13.70	14.28	14.85	15.42	15.99	15.61	16.26	16.91	17.56	18.21	11 7
14	12.99	13.53	14.07	14.61	15.17	14.30	14.90	15.49	16.08	16.69	16.35	17.03	17.71	18.39	19.07	8
15	13.53	14.09	14.66	15.22	15.78	14.91	15.52	16.15	16.76	17.39	17.20	17.92	18.64	19.35	20.07	9
										WS-16	18.17	18.93	19.69	20.44	21.20	
										WS-17	19.27	20.07	20.87	21.68	22.48	
										WS-18	20.48	21.33	22.18	23.04	23.89	
										WS-19	21.80	22.71	23.62	24.53	25.44	

The schedules have been established under authority of DOD Directive 5120.39, dated April 24, 1980, subject to the limitations contained in FPM Bulletin 532-61, dated December 10, 1984. Effective the first day of the first pay period beginning on or after January 12, 1985.

ATTACHMENT 5G

FEDERAL WAGE SYSTEM SPECIAL PRINTING SCHEDULES FOR PRINTING AND LITHOGRAPHIC OCCUPATIONS IN THE WAGE AREA OF WASHINGTON, DISTRICT OF COLUMBIA

XP XL-XS GRADE	XP-RATES 1	XP-RATES 2	XP-RATES 3	XL-RATES 1	XL-RATES 2	XL-RATES 3	XS-XD-XN RATES 1	XS-XD-XN RATES 2	XS-XD-XN RATES 3	XD-XN PAY LEVEL
1	6.12	6.38	6.64	6.74	7.02	7.30	9.82	10.23	10.65	
2	6.80	7.08	7.36	7.48	7.80	8.11	10.37	10.80	11.24	
3	7.32	7.63	7.94	8.06	8.40	8.74	10.89	11.35	11.80	1
4	7.97	8.31	8.65	8.79	9.16	9.53	11.54	12.02	12.51	2
5	8.63	8.99	9.35	9.48	9.88	10.28	12.21	12.72	13.22	3
6	9.29	9.68	10.07	10.20	10.63	11.07	12.97	13.51	14.05	4
7	10.06	10.48	10.90	11.06	11.52	11.99	14.13	14.72	15.31	5 1
8	11.22	11.70	12.17	12.35	12.87	13.39	15.29	15.93	16.57	6 2
9	12.38	12.89	13.41	13.62	14.18	14.75	16.44	17.12	17.82	7 3
10	13.52	14.08	14.64	14.87	15.49	16.11	17.58	18.31	19.04	8 4
11	14.66	15.27	15.89	16.14	16.80	17.47	17.79	18.53	19.27	9 5
12	15.81	16.47	17.12	17.39	18.12	18.84	18.07	18.82	19.57	10 6
13	16.96	17.66	18.38	18.66	19.43	20.21	18.40	19.17	19.94	11 7
14	18.11	18.86	19.61	19.92	20.75	21.57	18.81	19.59	20.37	8
15	19.24	20.04	20.85	21.16	22.04	22.93	19.28	20.08	20.88	9
						XS-16	19.81	20.64	21.47	
						XS-17	20.76	21.62	22.48	
						XS-18	22.05	22.97	23.89	
						XS-19	23.48	24.46	25.44	

The schedules have been established under authority of DOD Directive 5120.39, dated April 24, 1980, subject to the limitations contained in FPM Bulletin 532-61, dated December 10, 1984. Effective the first day of the first pay period beginning on or after January 12, 1985.

CHAPTER 6

SCHEDULE OF PAY PERIODS

6A. Schedules

Attachment 6A shows the beginning and ending dates for each payroll period for the 1987 through 1994 leave years.

6B. Paydays

For A.I.D. the date for making payment for each payroll period (payday) is generally established as the second Tuesday following the ending date of the payroll period. When the regular payday falls on a U.S. holiday, salary allotment of paychecks are released the day before the holiday.

6C. Extra Leave Accruals

Employees who are in the 6-hour annual leave category will be credited with 10 hours for the last biweekly pay period in the year.

6D. Annual Leave Reduction

An employee's annual leave balance is fixed at close of business of the last weekday of pay period 26, when a determination is made that excess accrued annual leave will be forfeited. Forfeited annual leave will be reflected in the Statement of Earnings and Leave of the first pay period of the new leave year.

ATTACHMENT 6A

SCHEDULE OF PAYROLL PERIODS

Leave Year 1987

PP#	Begin/Date		End/Date	
1	January	4 --	January	17
2	January	18 --	January	31
3	February	1 --	February	14
4	February	15 --	February	28
5	March	1 --	March	14
6	March	15 --	March	28
7	March	29 --	April	11
8	April	12 --	April	25
9	April	26 --	May	9
10	May	10 --	May	23
11	May	24 --	June	6
12	June	7 --	June	20
13	June	21 --	July	4
14	July	5 --	July	18
15	July	19 --	August	1
16	August	2 --	August	15
17	August	16 --	August	29
18	August	30 --	September	12
19	September	13 --	September	26
20	September	27 --	October	10
21	October	11 --	October	24
22	October	25 --	November	7
23	November	8 --	November	21
24	November	22 --	December	5
25	December	6 --	December	19
26	December	20 --	January	2

Leave Year 1988

PP#	Begin/Date		End/Date	
1	January	3 --	January	16
2	January	17 --	January	30
3	January	31 --	February	13
4	February	14 --	February	27
5	February	28 --	March	12
6	March	13 --	March	26
7	March	27 --	April	9
8	April	10 --	April	23
9	April	24 --	May	7
10	May	8 --	May	21
11	May	22 --	June	4
12	June	5 --	June	18
13	June	19 --	July	2
14	July	3 --	July	16
15	July	17 --	July	30
16	July	31 --	August	13
17	August	14 --	August	27
18	August	28 --	September	10
19	September	11 --	September	24
20	September	25 --	October	8
21	October	9 --	October	22
22	October	23 --	November	5
23	November	6 --	November	19
24	November	20 --	December	3
25	December	4 --	December	17
26	December	18 --	December	31

Leave Year 1989

PP#	Begin/Date		End/Date	
1	January	1 --	January	14
2	January	15 --	January	28
3	January	29 --	February	11
4	February	12 --	February	25
5	February	26 --	March	11
6	March	12 --	March	25
7	March	26 --	April	8
8	April	09 --	April	22
9	April	23 --	May	6
10	May	7 --	May	20
11	May	21 --	June	3
12	June	4 --	June	17
13	June	18 --	July	1
14	July	2 --	July	15
15	July	16 --	July	29
16	July	30 --	August	12
17	August	13 --	August	26
18	August	27 --	September	9
19	September	10 --	September	23
20	September	24 --	October	7
21	October	8 --	October	21
22	October	22 --	November	4
23	November	5 --	November	18
24	November	19 --	December	2
25	December	3 --	December	16
26	December	17 --	December	30
** 27	December	31 --	January	13

Leave Year 1990

PP#	Begin/Date		End/Date	
1	January	14 --	January	27
2	January	28 --	February	10
3	February	11 --	February	24
4	February	25 --	March	10
5	March	11 --	March	24
6	March	25 --	April	7
7	April	8 --	April	21
8	April	22 --	May	5
9	May	6 --	May	19
10	May	20 --	June	2
11	June	3 --	June	16
12	June	17 --	June	30
13	July	1 --	July	14
14	July	15 --	July	28
15	July	29 --	August	11
16	August	12 --	August	25
17	August	26 --	September	8
18	September	9 --	September	22
19	September	23 --	October	6
20	October	7 --	October	20
21	October	21 --	November	3
22	November	4 --	November	17
23	November	18 --	December	1
24	December	2 --	December	15
25	December	16 --	December	29
26	December	30 --	January	12

** In 1989 there are 27 "leave accrual periods." PP 27 is for leave only, not pay.

SCHEDULE OF PAYROLL PERIODS

Leave Year 1991

PP#	Begin/Date		End/Date	
1	January	13 --	January	26
2	February	27 --	February	9
3	February	10 --	February	23
4	February	24 --	March	9
5	March	10 --	March	23
6	March	24 --	April	6
7	April	7 --	April	20
8	April	21 --	May	4
9	May	5 --	May	18
10	May	19 --	June	1
11	June	2 --	June	15
12	June	16 --	June	29
13	June	30 --	July	13
14	July	14 --	July	27
15	July	28 --	August	10
16	August	11 --	August	24
17	August	25 --	September	7
18	September	8 --	September	21
19	September	22 --	October	5
20	October	6 --	October	19
21	October	20 --	November	2
22	November	3 --	November	16
23	November	17 --	November	30
24	December	1 --	December	14
25	December	15 --	December	28
26	December	29 --	January	11

Leave Year 1992

PP#	Begin/Date		End/Date	
1	January	12 --	January	25
2	January	26 --	February	8
3	February	9 --	February	22
4	February	23 --	March	7
5	March	8 --	March	21
6	March	22 --	April	4
7	April	5 --	April	18
8	April	19 --	May	2
9	May	3 --	May	16
10	May	17 --	May	30
11	May	31 --	June	13
12	June	14 --	June	27
13	June	28 --	July	11
14	July	12 --	July	25
15	July	26 --	August	8
16	August	9 --	August	22
17	August	23 --	September	5
18	September	6 --	September	19
19	September	20 --	October	3
20	October	4 --	October	17
21	October	18 --	October	31
22	November	1 --	November	14
23	November	15 --	November	28
24	November	29 --	December	12
25	December	13 --	December	26
26	December	27 --	January	9

Leave Year 1993

PP#	Begin/Date		End/Date	
1	January	10 --	January	23
2	January	24 --	February	6
3	February	7 --	February	20
4	February	21 --	March	6
5	March	7 --	March	20
6	March	21 --	April	3
7	April	4 --	April	17
8	April	18 --	May	1
9	May	2 --	May	15
10	May	16 --	May	29
11	May	30 --	June	12
12	June	13 --	June	26
13	June	27 --	July	10
14	July	11 --	July	24
15	July	25 --	August	7
16	August	8 --	August	21
17	August	22 --	September	4
18	September	5 --	September	18
19	September	19 --	October	2
20	October	3 --	October	16
21	October	17 --	October	30
22	October	31 --	November	13
23	November	14 --	November	27
24	November	28 --	December	11
25	December	12 --	December	25
26	December	26 --	January	8

Leave Year 1994

PP#	Begin/Date		End/Date	
1	January	9 --	January	22
2	January	23 --	February	5
3	February	6 --	February	19
4	February	20 --	March	5
5	March	5 --	March	19
6	March	20 --	April	2
7	April	3 --	April	16
8	April	17 --	April	30
9	May	1 --	May	14
10	May	15 --	May	28
11	May	29 --	June	11
12	June	12 --	June	25
13	June	26 --	July	9
14	July	10 --	July	23
15	July	24 --	August	6
16	August	7 --	August	20
17	August	21 --	September	3
18	September	4 --	September	17
19	September	18 --	October	1
20	October	2 --	October	15
21	October	16 --	October	29
22	October	30 --	November	12
23	November	13 --	November	26
24	November	27 --	December	10
25	December	11 --	December	24
26	December	25 --	January	7

CHAPTER 7

SALARY ALLOTMENTS AND DEDUCTIONS

7A. Purpose

This chapter outlines salary allotment and deduction procedures for all AID employees. The attached 4 FAM 556 (Attachment 7D), which is a Uniform State/AID/USIA Regulation, sets forth the policy and procedures for Allotments of Pay -- Foreign Service.

7B. Definitions

For the purpose of this chapter, the following terms are defined as follows:

1. Allottee -- the person or institution to whom an allotment is paid.

2. Allotter -- the employee from whose compensation the allotment is made payable.

3. Allotment -- voluntary authorization for the recurring payment of all or a portion of the compensation of a civilian employee to an allottee. Unless otherwise specified, allotments are revocable at the will of the allotter. Allotment records will not be disclosed without the written consent of the employee, unless disclosure is required on an official basis, such as by the IRS or a court order.

4. Deduction -- mandatory or voluntary item that reduces the net amount paid to an employee, e.g. Civil or Foreign Service retirement, tax withholdings, purchase of U.S. Savings Bonds (see 4 FAM 551).

5. Basic Salary for Foreign Service National (FSN) employees -- that portion of gross salary shown on the approved local compensation plan which is considered to be exclusive of the value of all fringe benefits (offsets for local government welfare programs, severance pay, family allowance, bonuses, etc.) included in the gross rate.

6. Combined Federal Campaign -- the collective term for an organization of voluntary health and welfare agencies authorized under the provisions of Executive Order 10927 to solicit charitable contributions in a local area.

7B

7. Compensation -- (1) for American employees: the net salary due an employee after all mandatory deductions (such as retirement or FICA, and Federal tax withholding) have been made; (2) for FSN employees: the basic salary due an employee less any mandatory deductions (for example, retirement contributions under a mandatory program).

8. Exclusive Employee Representatives -- the American Federation of Government employees (AFGE) for nonsupervisory Civil Service employees, the American Foreign Service Association (AFSA) for Foreign Service employees.

9. Net Pay -- the salary or wages due an employee after all payroll deductions and authorized allotments. It may include allowances and other expenses paid through the payroll system or otherwise included in the employee's paycheck.

7C. Purposes for Which Allotments May Be Made*

1. By American Employees Stationed Overseas

Employees who are serving under appointments of more than six months may make (without charge) biweekly allotments of all or a portion of their net compensation. Form FS-479, Allotment of Pay, Application and Authorization to Make, Change, or Discontinue (see copy in 4 FAM 556), is used to authorize these allotments:

a. For the support of relatives or dependents of the allotter.

b. For fixed amounts to checking and/or saving accounts (an allotment of net pay need not indicate a specific amount).

c. For payment of insurance premiums.

d. For installment payments on the purchase of an automobile.

e. For payment to the State Department Federal Credit Union (SDFCU), the Lafayette Federal Credit Union (LFCU), and the American Foreign Service Protective Association (AFSPA).

*Allotments are not required for mandatory deductions such as retirement contributions and/or FICA (or Medicare portion).

7C1

f. For payment to lawfully appointed attorneys.

g. For the purchase of prior years of service credit in the Foreign Service or Civil Service Retirement Systems.

h. For allotments delineated in 7C3b.

i. For other similar purposes, not specifically prohibited and when approved by the authorized certifying officer.

2. By FSN Employees

a. For checking and savings accounts.

b. For the support of relatives or dependents of the allotter.

c. For group insurance in a private company underwritten by an American insurance company or one not underwritten by an American insurance company when approved by the post administrative officer.

d. For purchase of prior years of service credit under the Civil Service Retirement System.

e. For any purpose approved jointly by the heads of agencies in a country and authorized jointly by headquarters agencies participating in the interagency compensation agreement published in 3 FAM 931.3.

3. By Employees in the United States (Foreign Service and Civil Service)

a. For credit to savings accounts with financial organizations. The Department of the Treasury prescribes a service charge of 6 cents for each payroll deduction plus 12 cents for each payment. The service charge is deducted from the amount paid to each financial organization. SF 1198, Request by Employee for Allotment of Pay for Credit to Savings Account with a Financial Organization (Attachment 7A), is used to authorize this allotment.

b. For Combined Federal Campaigns, dues for exclusive employees representatives (AFGE and AFSA), United States Savings Bonds, state or D.C. income tax withholdings (see 7H6), and others under basic authority in 4 FAM 556.2-1.

c. For net pay to a checking account. (See 7H2.)

7D. Purpose for Which Allotments May Not Be Made

1. By American Employees (Foreign Service and Civil Service)

a. For contributions to charities other than through the Combined Federal Campaign.

b. For payment of dues to civic, fraternal, or other organizations except AFGE or AFSA.

c. For payment of indebtedness, except as specifically provided in 7C1.

2. By FSN Employees

a. For contribution to charities.

b. For payment of dues to civic, fraternal, or other similar organizations.

c. For purchase of United States Savings Bonds.

d. For payment of indebtedness, except as specifically provided in 7C2.

e. For payment of taxes or other assessments levied by foreign governments against FSN employees except where authorized by U.S. Statute, Treaty, or Executive Agreement.

f. For any other purposes for which a payroll deduction is prohibited.

7E. Authorized Allottees

An allotment may be made to any allottee specifically designated in writing by the allotter within the limitations set forth in 7C. Allotters make all necessary arrangements with their banks or other allottees prior to making an application for an allotment of pay.

7F. Limitations on All Allotments

1. Allotments will be made on a pay period basis only.

2. Allotments must be for four or more pay periods, with the exception that an employee may have an allotment of pay for a lesser period to make final interest payments in connection with the purchase of prior service credit under the Civil Service or Foreign Service Retirement Systems.

7F

3. Not more than three allotments of pay of the types described in 7C1 or 7C3a, whichever is applicable, will be permitted to run simultaneously for an employee.

4. An employee may not have more than one allotment of pay payable to the same allottee at the same time. (Exception--allotment to a bank for credit to a savings account, and allotment to same bank for credit to a checking account.)

7G. Cancellation or Discontinuance of Allotments

1. Upon Change of Assignment

When a Foreign Service employee enters on rotational assignment in Washington, or otherwise becomes ineligible to authorize allotments under authority of the Foreign Service Act of 1980, as amended, allotments of pay for purposes other than those described in 7C3 must be canceled. Allotments of pay for credit to savings accounts with financial organizations become subject to the service charge described in 7C3.

2. At Request of Allotter

An allotment of pay will be discontinued upon written application on FS 479 or in the form of a memorandum from the allotter to M/FM/ESD. The employee is responsible for notifying the financial organization.

3. By Certifying Officer

Allotments may be discontinued by the certifying officer who possesses the employee's pay records, without the signature of the allotter, under the following circumstances:

a. On the retirement, death, or separation from the services of the allotter.

b. On the death of the allottee or when allottee's whereabouts becomes unknown.

c. On instructions from the principal officer of the applicable agency.

d. When the circumstances under which the allotments are permitted (7C) no longer exist.

e. When, for any reason, such as leave without pay, the next pay due the employee for a biweekly pay period is less than the amount of employee's allotment for the same period (allotment resumes automatically when sufficient pay is available unless allotment has been cancelled).

f. The allotments of an employee in a "missing status," as defined in 5 U.S.C. 5561, may be continued, suspended, and/or otherwise modified as provided in 5 U.S.C. 5563.

7H. Special Allotments and Deductions

1. Upon Evacuation

Allotments may be authorized, for one of the purposes permitted by 7C, to become effective when an order of evacuation is issued. Payment of allotments so authorized may not be made until the issuance of such evacuation order.

2. Net Pay

a. To Financial Institutions

An employee may elect to receive full net pay, on a regular recurring basis, by deposit in a financial institution of choice for credit to the employee's account, in lieu of a check drawn to the employee's order. The account to be credited may be any account (single or joint), the title of which includes the name of the employee. The employee prepares SF 1199A, Authorization for Deposit of Federal Recurring Payments, in triplicate, obtains the signature of an authorized employee or official of the financial institution to whom the check will be mailed, and forwards the original to M/FM/ESD. The employee and the financial institution each retain a copy. (See copy in 4 FAM 556.)

b. To Designated Mailing Address

An employee may elect to receive full net pay on a regular recurring basis in the form of a check drawn to employee's order and mailed to a designated mailing address. The employee sends a signed memorandum to M/FM/ESD authorizing the mailing of the check to the designated address.

3. Allotment of Pay for Credit to Savings Account

a. Eligibility

An employee whose place of employment is within the United States may authorize an allotment of pay for a savings account, provided:

(1) the allotment is a fixed amount, in whole dollars (no cents), to be deducted in each successive payroll.

(2) not more than two such specific allotments (to savings accounts) for the employee are in effect at any time . (Employee may also have a net pay allotment to a checking account.)

(3) allotments of pay are not otherwise available to the employee under Subchapter III of Chapter 55 of Title 5 of the United States Code.

b. Procedure

(1) The employee provides a written request on SF 1198 for an allotment of pay for a savings account. SF 1198 serves as the required written authorization and evidence (by endorsement thereon by the financial organization), that the financial organization is willing to act in this respect as agent of the employee and to accept, at its expense, the related service charge.

(2) The name of the employee must be exactly the same as it appears on the Statement of Earnings and Leave. The title of the savings account to be credited must include the name of the authorizing employee. A financial organization may credit an account which carries the employee's name with minor differences from the name on the payments record (e.g., one or the other does not contain a middle initial). The employee's depositor account number is required on SF 1198.

(3) The financial organization identification number (a nine-digit employer identification number assigned by the Internal Revenue Service) is inserted in Block 5B on SF 1198 by the financial organization. If the financial organization requires payments at individual branch offices, a three-digit branch code uniformly applicable to each branch office is shown as a parenthetical suffix to the established nine-digit employer identification number.

4. Exclusive Employee Representatives (AFGE and AFSA)

a. An employee who is a member of the bargaining unit and is identified to the Agency by AFGE or AFSA as a member of the organization in good standing may make an allotment for dues to that organization.

b. An employee who wishes to make this allotment must complete and submit to the organization SF 1187, Request for Payroll Deductions for Labor Organization Dues. Dues withholding will be effective at the beginning of the first full pay period after the SF 1187 is received in the payroll office. SF 1187 can be obtained from AFGE or AFSA.

c. An employee who wishes to revoke this allotment must submit to the organization a memorandum or SF 1188, Cancellation of Payroll Deductions for Labor Organization Dues. Revocation of the allotment will be effective the first full pay period following March 1 or September 1, whichever date occurs first after the revocation is received in the payroll office.

d. The Agency shall discontinue paying an allotment when the dues withholding agreement between AID and the organization is terminated or ceases to be applicable to the employee.

5. Combined Federal Campaign

a. An employee may make an allotment for charitable purposes only to the Combined Federal Campaign.

b. The allotment shall be made for a term of one year beginning the first pay period which begins in January and ending the last pay period which begins in December.

c. An equal amount of not less than 50 cents may be deducted each pay period. The amount to be deducted may not be changed during the term of the allotment but may be voluntarily discontinued by the employee by sending a memorandum to M/FM/ESD. The discontinued allotment may not be reinstated.

d. Allotments will be discontinued automatically upon expiration of the one year withholding period or upon termination of Federal Service. If an allotter transfers to another federal agency during the term of allotment, the allotment authorization will be transferred unless canceled.

6. State or District of Columbia Income Tax Allotment/Deduction

a. An employee may make an allotment for the payment of State or District of Columbia income taxes when employed outside of, but is an official resident of a State (or the District of Columbia) with which the Secretary of the Treasury has entered into an agreement to withhold such taxes (Attachment 7B). If an employee's official residence and regular place of employment is in the same State (or in the District of Columbia) and if the above referenced agreement has been entered into, such taxes will be a mandatory deduction.

b. Deduction for Maryland or Virginia State Income Taxes

Employees who are official residents of Maryland or Virginia and who complete Form MW 507, Employee's Maryland Withholding Certificate, or Form VA.-4, Virginia Exemption Certificate, as appropriate, thereby indicate the number of exemptions claimed. Once filed, a withholding exemption certificate takes effect immediately and remains in effect until an amended certificate is furnished. A new certificate may be filed at any time if the number of withholding exemptions to which the employee is entitled changes. Instructions for completion of Form MW 507 and Form VA.-4 are printed on the back of the forms. Withholding of taxes pursuant to agreements between the Secretary of the Treasury and the States and D.C. is a mandatory deduction. Maryland and Virginia taxes will be deducted on the basis of one exemption until the withholding certificate is received.

c. Allotments of Compensation for District of Columbia Income Taxes

Employees who are residents of the District of Columbia but are employed outside of the District of Columbia may voluntarily agree to have D.C. taxes withheld.

d. Every AID/W employee who is not a resident of D. C. and is not having State tax withheld, must file Form D-4-A, Certificate of Non-Residence in the District of Columbia. Otherwise, D.C. taxes will be withheld as a mandatory deduction from the employee's earnings.

7. United States Savings Bonds

a. Authorization

A U.S. citizen employee wishing to begin, change or cancel participation in the Payroll Savings Plan completes SF 1192, Authorization for Purchase and Request for Change, United States Series EE Savings Bonds, (Attachment 7C). A separate form must be completed for each bond of a different denomination or registration (ownership, beneficiary, etc.). The completed form is to be forwarded to M/FM/ESD, Room 506, SA-12, AID/W. Authorizations to initiate, cancel, or change bond purchases may be made at any time.

b. Amounts of Deductions

(1) Deductions are made on a pay period basis and are authorized in amounts which, in a given number of pay periods, will exactly equal the purchase price of the bond.

7H7b

(2) Payroll deductions each pay period may be applied to up to five separate bonds. The minimum amount deductible is $3.75 per bond.

c. Registrations

(1) The employee may name another person as owner of any or all bonds. However, the employee may not alternate bond registrations from one pay period to the next. An employee wishing to have bonds with different registrations should authorize the purchase of more bonds with smaller deductions. Four types of bond registrations are possible.

(a) Sole owner -- no co-owner or beneficiary designated; e.g., John A. Smith.

(b) Co-owner; e.g., John A. Smith and Mary E. Smith.

(c) Beneficiary -- party to whom the bond is payable on death of the owner; e.g., John A. Smith, payable on death to Mary E. Smith.

The Treasurer of the United States may be designated as co-owner or beneficiary of a savings bond for the purpose of making a gift to the United States.

(d) Fiduciary, private or public--treated as sole owner in that no co-owner or beneficiary can be named; e.g., National Multiple Sclerosis Society.

NOTE: A married woman must show her given name in all cases; e.g., Mary E. Smith, not Mrs. John A. Smith.

(2) Bonds of all employees payrolled by AID/W are delivered by mail. Employees should assure that the mailing address is correct. All new and revised bond authorizations by overseas employees must provide the address in one of the following forms:

(a) The employee's name followed by a complete U.S. address in conventional form including a Zip code. This is the recommended alternative due to potential delays in receipt or loss of time when transferring to another post;

(b) The employee's name followed by the address as prescribed by the Agency for personal mail (see Handbook 21, Part II, App. 1A) at the employee's post.

Missions shall remind newly arrived personnel of the need to promptly update addresses by filing new SF 1192 forms if they are to receive bonds at post.

7H7c(2)

(c) Protecting Against Loss

As the employee receives the bonds from the Department of the Treasury, the employee should keep a record of the bond's denomination, serial number, and issue date. The SF 1192, "Authorization for Purchase and Request for Change, United States Series EE Savings Bonds," has a detachable record for this purpose (see Attachment 7C). In the event a bond is lost, damaged, stolen, or incorrect, the employee should advise the Department of the Treasury in a letter, stating the situation and providing the above information. If the serial number of the missing bond cannot be established (with the help of M/FM/ESD), the employee's social security number should be provided. If the bond has been mutilated or defaced, all available pieces or parts of the bond, in whatever form, should be included in the letter as supporting evidence. The letter should be mailed to:

Bureau of the Public Debt.
200 Third Street
Parkersburg, West Virginia 26101

A copy of the letter should be sent to M/FM/ESD.

A substitute bond bearing the original issue date will be issued by the Department of the Treasury in approximately six months.

(d) Disposition of Unapplied Bond Balance

When a bond authorization is canceled by an employee, any unapplied balance remaining in the bond account is refunded on a current payroll. In those cases where the employee separates from the Agency, or is terminated, the balance remaining in the employee's bond account is included in the employee's final check.

(e) Cashing Bonds Overseas

Mission employees may present their savings bonds for cashing through the appropriate U.S. Embassy, to the Disbursing Officer serving the Mission.

8. United States Federal Income Tax Withholding Deduction

Attachment 7E sets forth the policy and procedure for the Federal Income Tax Withholding Deduction.

7H

9. FICA (Social Security) Tax

a. Employees excluded from the Foreign Service Retirement and Disability System (FSRDS) or the Civil Service Retirement System (CSR), but subject to FICA Tax

The employer's contribution and the deduction made from the employee's compensation for the full FICA tax are computed at the percentages shown below on compensation paid up to the wage ceiling.

Calendar Year	Employer Contributions	Employee FICA Deduction	Wage Ceiling	Maximum Annual Deduction
1984	7.00%	6.70%	$37,800	$2,532.60

b. Employees hired on or after January 1, 1984, Subject to FICA (Social Security) and Modified CSR or FSRDS.

All active employees not subject to the FICA tax are subject to the medicare portion of the FICA tax. If eligible for either the Foreign Service or Civil Service Retirement System, the following percentages of basic salary paid beginning January 1, 1984, are contributed and deducted respectively.

Calendar Year	Employer Contribution	Employee FICA Deduction	Employee FSRDS or CSR Deduction
1984	7.00%	6.70%	1.30%

The employee FICA deduction is limited by the wage ceiling and resulting maximum annual deduction set forth in a, above.

c. Employees Hired before January 1, 1984, and Serving Under Civil or Foreign Service Retirement Systems, Hospital Insurance Portion of FICA Tax (Medicare)

On compensation paid on or after January 1, 1983, the employer's contributions and the employee's deductions for FSRDS or CSR, and for the Hospital Insurance portion of the FICA tax, are as follows:

7H9c

Calendar Year	FSRDS or CSR	Tax Rate	Medicare Wage Ceiling	Maximum Annual Deduction or Contribution
1983	7%	1.3%	$35,700	$464.10
1984	7%	1.3%	37,800	491.40
1985	7%	1.35%		(To be determined)

d. Applicability - Active Employees

The above rates are applicable to compensation paid each employee or Personal Services Contractor subject to the tax within each calendar year. When the wages taxable limitation has been reached (that is, when the maximum annual tax has been deducted for each employee in each calendar year) no further deductions are made. Taxable compensation consists of basic salary, premium pay, language incentive payments, differentials, danger pay, physicians' comparability, and awards paid in a calendar year. Also taxable are lump-sum annual leave payments made to employees who have FICA withholding at time of separation for leave earned after calendar year 1950.

e. Separating Employees

FICA tax is deducted from lump-sum annual leave payments made to employees subject to FICA withholding at time of separation, for leave earned after January 1, 1951, within the ceilings specified above.

f. Deceased Employees - Final Payment

The unpaid salary and unused annual leave of deceased employees are subject to FICA taxes within the amounts specified above, if paid in the same calendar year. If paid after the year of death, FICA taxes are not applicable.

7I. Garnishment

* 1. Authority

5 CFR 581, Processing Garnishment Orders for Child Support and/or Alimony. *

* Revised

✱ 2. Policies

a. Employees, excluding personal services contractors, can have their pay garnished for child support or alimony; a **court order** or other **legal process** must be provided.

b. Requests for garnishment of retirement or similar benefits to former or retired employees must be served on the Agency administering the benefit program (for Foreign Service employees, Department of State; for Civil Service employees, U.S. Office of Personnel Management).

3. Moneys Subject to Garnishment

Generally speaking only base, overtime and danger pay are subject to garnishment. Post differentials and allowances are not subject to garnishment. Certain moneys normally withheld from amounts paid to an employee, such as social security, retirement, health and basic life insurance premiums, and Federal, state and local taxes, also are excluded.

4. Procedures

a. The court order or other legal process via **certified or registered mail, return receipt requested, or by personal service,** to Assistant General Counsel, Employees & Public Affairs, NS 6892, Washington, DC 20523.

b. If known, the legal process should be accompanied by the full name of employee; employee's date of birth; employee's social security number; and employee's official duty station.

c. Within 15 days of receipt, GC/EPA will send to the employee at his/her duty station or last known address, a written notice:

--that such process has been served, including a copy of all documents served on the agency;

--of the maximum garnishment limitations with a request that the employee submit supporting affidavits or other documentation necessary for determining the applicable percentage limitation;

--that by submitting supporting affidavits or other necessary documentation, the employee consents to the disclosure of such information to he garnisher;

--of the percentage that will be deducted if he/she fails to submit the documentation; and ✱

✱ Revised

7I4c

* --that the Agency does not represent the interest of the employee in the pending legal proceeding.

Attachments:

7A. SF 1198, Request by Employee for Allotment of Pay for Credit to Savings Account with a Financial Organization
7B. State Tax Withholding Agreement List
7C. SF 1192, U.S. Savings Bond Accounts regulations
7D. SF 1199A, Allotments of Pay
7E. Form W-4, Income Tax Withholding *

* Revised

Standard Form 1198
(Rev. September 1978)
Department of the Treasury
I TFRM 3-9000

REQUEST BY EMPLOYEE FOR ALLOTMENT OF PAY FOR CREDIT TO SAVINGS ACCOUNT WITH A FINANCIAL ORGANIZATION

(TO BE SUBMITTED BY EMPLOYEE TO EMPLOYING AGENCY)

TO BE INITIATED BY EMPLOYEE (IN TRIPLICATE) AND COMPLETED BY THE FINANCIAL ORGANIZATION (See Item No. 7)

(1) NAME OF EMPLOYEE (AS STATED ON PAYROLL)	(2) SOCIAL SECURITY NUMBER (OR OTHER EMPLOYEE NUMBER USED BY AGENCY)
(3) HOME ADDRESS	All information on the form, including the Social Security Account Number where necessary, is required under 31 U.S.C. 492; 31 CFR 209 and/or 210; and EO 9397. The information is confidential and is needed to provide entitlement to the benefits of the financial arrangement authorized by the authority cited. The information will be used to process the payment data from the Government agency to the financial organization and/or its agent. Failure to provide the information requested may affect the entitlement to such benefits.
(4) AGENCY (INCLUDE BUREAU, DIVISION, BRANCH, OR OTHER DESIGNATION)	

You are hereby authorized, in accordance with 31 CFR Part 209, subject to all the conditions stated on this document, to take the action requested below with respect to deductions from salaries or wages due me in the amount specified below which are for remittance to the financial organization designated below, for credit to my savings account. Action will be effective with the next full pay period and deductions will continue until canceled by me in writing.

(5) FINANCIAL ORGANIZATION DESIGNATED (TO RECEIVE REMITTANCE)	
(5A) NAME	(5B) EMPLOYER IDENTIFICATION NUMBER
(5C) ADDRESS	
	(6) EMPLOYEE'S ACCOUNT NUMBER IN THE FINANCIAL ORGANIZATION
(7) ACTION REQUESTED (CHECK ONE) ☐ NEW ALLOTMENT ☐ INCREASE ALLOTMENT ☐ DECREASE ALLOTMENT ☐ CANCEL ALLOTMENT An authorization for a new or decreased allotment must be completed by the financial organization. An authorization to increase or cancel an allotment should be submitted directly to employing agency.	(8) AMOUNT OF ALLOTMENT $
(9) SIGNATURE OF EMPLOYEE	(9A) DATE SUBMITTED TO AGENCY

TO BE COMPLETED BY FINANCIAL ORGANIZATION (for return of original and copy to employee and retention of a copy)

We, the above-designated financial organization, hereby agree to act as agent of the above-named Government employee in the capacity indicated and to accept, as our expense, such service charge, at the rate established in regulations of The Department of the Treasury, as will be deducted from the amount remitted to us. Our complete account number for the savings account to be credited is inserted in Block No.(6), so as to be included on records accompanying remittances.

THE FINANCIAL ORGANIZATION WILL CHECK WHICHEVER OF THE FOLLOWING PROVISIONS IS APPLICABLE:

☐ The address in Block No. (5C) is the single point in this financial organization which is to receive remittances for all allotments of pay of Government employees designating this financial organization. Our "employer identification number" is inserted in Block No. (5B).

☐ We can agree to act as agent of the above-named person in the capacity indicated only if remittances are forwarded to our respective branch offices where the savings accounts are maintained. The related branch office for this allotment of pay is identified by the parenthetical suffix inserted with our "employer identification number" in Block No. (5B), coordinate with the address shown in Block No. (5C).

AUTHORIZED SIGNATURE	TITLE	DATE

FOR SPECIAL ATTENTION OF EMPLOYEE (AND FOR INFORMATION OF THE FINANCIAL ORGANIZATION)

Agency payroll offices and disbursing offices operate within rigid time schedules to assure timely delivery of checks for net pay on the established payday—and there will be no change in this emphasis. As requested above, the amount allotted will be deducted from your salaries or wages and will be remitted by the disbursing office, as soon as practicable, to the designated financial organization. *It should be understood that such remittance may be received in the financial organization later than the regular payday—possibly 3 or 4 business days later.*

STATE TAX WITHHOLDING AGREEMENT LIST

Section 5517 of Title 5 of the United States Code, and Executive Order 10407, dated November 6, 1952, provide for withholding State and Territorial income taxes from the compensation of Federal employees if an agreement has been entered into between the Secretary of the Treasrry and the proper offical of the State or Territory. Pursuant to Section 5516 of Title 5 of the United States Code (47 D.C. Code 1586g) and Executive Order 10672, dated July 9, 1956, the Secretary of the Treasury and the Commissioners of the District of Columbia entered into an agreement for the withholding of the District of Columbia (D.C.) income taxes from the compensation of Federal employees. Up to December 1971, agreements have been reached with each of the following states for the withholding of State income tax by Federal agencies from the compensation of employees of the United States whose regular place of employment is within the State:

STATE CODE

01 Alabama
50 Alaska
02 Arizona
03 Arkansas
04 California
05 Colorado
07 Delaware
08 District of Columbia
10 Georgia
11 Idaho
12 Illinois
13 Indiana
14 Iowa
15 Kansas
16 Kentucky
17 Louisiana
18 Maine
19 Maryland
20 Massachusetts
21 Michigan
22 Minnesota
23 Mississippi
24 Missouri
25 Montana
26 Nebraska
30 New Mexico
31 New York
32 North Carolina
34 Ohio
35 Oklahoma
36 Oregon
37 Pennsylvania
38 Rhode Island
39 South Carolina
43 Utah
44 Vermont
45 Virginia
47 West Virginia
48 Wisconsin
52 Hawaii

The agreements entered into by the Secretary of the Treasury and the respective States constitute the basis on which Federal agencies, including AID, withhold the State income tax from the compensation of their employees. The agreements contain the general provisions required by Executive Orders 10407 and 10672 as well as certain specific provisions providing conformity, as nearly as practicable, with usual fiscal practices of Federal agencies.

The heads of agencies or their designees comply, subject to the provisions in the agreement, with the State laws with respect to withholding the tax, filing the returns, and paying the tax. Agencies deal directly with the respective tax authorities, obtaining from the appropriate authority the needed forms, instructions, etc., making returns, and paying the tax.

UNIFORM STATE/AID/USICA REGULATIONS

554 U.S. Energy Savings Bonds

554.1 Employees Eligible to Participate

The payroll deduction plan for the purchase of U.S. Energy Savings Bonds is available to employees of the United States. However, Energy Savings Bonds may not be issued to civilian employees of the United States who are not citizens of the United States and who reside in a country designated as an excess or near-excess currency country by the Secretary of the Treasury.

554.2 Authorization

a. Preparation of SF-1192

All requests to initiate, change, or cancel a bond deduction are documented on Form SF-1192, Authorization For Purchase and Request for Change United States Series EE Energy Savings Bonds. The form is prepared in an original only by the employee and submitted to the payroll office having custody of the employee's pay record. (See Exhibit 554.2 for additional instructions.)

b. Bond Denominations

The purchase prices and maturity values of Series EE bonds which may be purchased through the payroll deduction plan are as follows:

Purchase Price	Maturity Value
$ 25.00	$ 50.00
37.50	75.00
50.00	100.00
100.00	200.00
250.00	500.00
500.00	1,000.00
2,500.00	5,000.00
5,000.00	10,000.00

c. Permissible Bond Deduction Amounts

An allotment should be an aliquot part (an amount which divides equally into the whole without a remainder) of the total purchase price of a single bond or a combination of two or more bonds. Subject to the minimum allotment, i.e., $3.75, allotments in whole dollar amounts may be made.

554.3 Registration and Delivery of Bonds

The following limitations and conditions concerning the issuance of U.S. Energy Savings Bonds must be met:

a. One of the following forms of registration must be elected:

(1) Sole owner; e.g., John A. Smith.

(2) Coowner; e.g., John A. Smith or Mary E. Smith.

(3) Beneficiary; e.g., John A. Smith, payable on death to Mary E. Smith.

(4) In the above examples, Mary E. Smith is the correct inscription. The inscription "Mrs. John Smith" would be incorrect. Issuances should be made in the names of natural persons in their own right.

b. Purchasers may elect one of the following methods for the disposition of their bonds:

(1) Delivery to them at their post of assignment.

(2) Delivery by mail to any designated individual, concern, or address in the United States.

c. The SF-1192 must contain the Social Security Number of the owner and should contain the Social Security Number of any coowner or beneficiary of the bonds to be purchased. This information will appear on any bond issued and is applicable to minors who must have an SSN prior to being named as owner.

PAGE NO.	EFFECTIVE DATE	TRANS. MEMO NO.	AID HANDBOOK
7C-2	December 20, 1984	26:56	26, Att 7C

UNIFORM STATE/AID/USICA REGULATIONS Exhibit 554.2 (p.1)

SF-1192 AUTHORIZATION FOR PURCHASE AND REQUEST FOR CHANGE UNITED STATES SERIES EE SAVINGS BONDS

Keep Your Bonds in a Safe Place

Keep This Record Apart From Your Bonds

MAINTAIN SEPARATE RECORD FOR EACH BOND PLEDGE

Denomination	SERIAL NUMBER	Date Issued	Date Redeemed	Amount Received

Increase your allotment today and watch your savings grow even more rapidly in the future

REPORT LOST, STOLEN, MUTILATED OR DESTROYED BONDS TO:

Bureau of the Public Debt
200 Third Street
Parkersburg, West Virginia 26101

REPLACEMENT WILL BE EXPEDITED BY INCLUDING THE ABOVE INFORMATION

Standard Form 1192
Revised March 1979
Department of the Treasury
I TFRM 3-6000—1192-102

AUTHORIZATION FOR PURCHASE AND REQUEST FOR CHANGE
UNITED STATES SERIES EE SAVINGS BONDS

FOR AGENCY USE

DATE 9/1/79

PRINT IN INK OR TYPE

EMPLOYEE'S NAME	(First Name)	(Initial)	(Last Name)	SOC. SEC. OR EMP. PAYROLL NO.
1 2	Ralph	H.	Sims	123-45-6789 8

DEPARTMENT OR AGENCY	BUREAU OR OFFICE	LOCATION
State Department	Foreign Service	3 La Paz, Bolivia

A. NEW ALLOTMENT XX 4 B. INCREASE ALLOTMENT ☐ C. CHANGE DENOMINATION ☐ D. CHANGE INSCRIPTION ☐ E. OTHER ACTION (Describe on reverse) ☐

(If you checked A, B, or C above, complete the following) → AMOUNT TO BE ALLOTTED EACH PAY PERIOD $ 6.25 See attached card for authorized allotments

BOND DENOMINATION $50 ☒ $75 ☐ $100 ☐ $200 ☐ $500 ☐ $1000 ☐

BOND INSCRIPTION (If you checked A or D above, complete the following)

OWNER'S NAME	(First Name)	(Middle Name or Initial)	(Last Name)	SOCIAL SECURITY NO.
	Ralph	H.	Sims	123-45-6789

5 ADDRESS (Number and Street): American Embassy

(City or Town): La Paz (State): Bolivia (ZIP Code):

(CHECK ONE)	(First Name)	(Middle Name or Initial)	(Last Name)	SOCIAL SECURITY NO.
CO-OWNER ☒ BENEFICIARY ☐	6 Josephine	M.	Sims	234-56-7890 8

NSN 7540-00-026-0004 Previous edition not usable

(See page 3 of Exhibit for Item 7)

Standard Form 1192
Revised March 1979
Department of the Treasury
I TRM 3-6000—1192-102

AUTHORIZATION FOR PURCHASE AND REQUEST FOR CHANGE

UNITED STATES SERIES EE SAVINGS BONDS

FOR AGENCY USE

DATE

PRINT IN INK OR TYPE

EMPLOYEE'S NAME (*First Name*) (*Initial*) (*Last Name*) SOC. SEC. OR EMP. PAYROLL NO.

DEPARTMENT OR AGENCY BUREAU OR OFFICE LOCATION

A. NEW ALLOTMENT ☐ B. INCREASE ALLOTMENT ☐ C. CHANGE DENOMINATION ☐ D. CHANGE INSCRIPTION ☐ E. OTHER ACTION (Describe on reverse) ☐

(If you checked A, B, or C above, complete the following) → AMOUNT TO BE ALLOTTED EACH PAY PERIOD $ _____ *See attached card for authorized allotments*

BOND DENOMINATION $50 ☐ $75 ☐ $100 ☐ $200 ☐ $500 ☐ $1000 ☐

BOND INSCRIPTION (If you checked A or D above, complete the following)

OWNER'S NAME (*First Name*) (*Middle Name or Initial*) (*Last Name*) SOCIAL SECURITY NO.

ADDRESS (*Number and Street*)

(*City or Town*) (*State*) (*ZIP Code*)

(CHECK ONE) CO-OWNER ☐ BENEFICIARY ☐ (*First Name*) (*Middle Name or Initial*) (*Last Name*) SOCIAL SECURITY NO.

NSN 7540-00-926-0074 Previous edition not usable

The furnishing of social security numbers is required by the regulations governing savings bonds, Department of the Treasury Circular, Public Debt Series, Number 3-80 (31 CFR 353). The numbers are used to maintain ownership records of the bonds. Other information requested by this form is also required under the above regulations to establish the rights, authority and/or entitlement of the signers. Failure to furnish any of the required information may prevent completion of the transaction.

E. OTHER ACTION (Explain)

AVERAGE DATING:

Bonds of $75 or greater denomination will be dated as of the first day of the month in which the end of a pay period falls and at least half of the purchase price is accumulated.

I hereby authorize the foregoing allotment from my pay with the understanding that U.S. Savings Bonds will be issued as requested. This authorization is to remain in effect until canceled by me in writing or termination of my Federal employment.

EFFECTIVE ON FIRST PAYROLL PERIOD AFTER

_____, 19____

Employee's Signature (Must be same as shown on payroll)

Exhibit 554.2 (p. 2)

UNIFORM STATE/AID/USICA REGULATIONS

GUIDE FOR PREPARATION OF SF-1192

1. Mr., Mrs., Miss designation not required.
2. Name of employee as it appears on the payroll.
3. Regular post of assignment.
4. Check appropriate box to indicate action required.
5. Show address where bonds are to be delivered. If bonds are to be mailed to some address in the United States, indicate "By Mail" in Block E Other Action on reverse side and show the place to which the employee wishes the bonds mailed, e.g., "c/o Josephine M. Sims, 6839 Selkirke Drive, Bethesda, Maryland 20014."
6. Indicate the given name at all times (e.g., Josephine M. Sims, not Mrs. Ralph H. Sims).
7. Date must be the same or subsequent to the date shown at top.
8. Show social security number of owner and of coowner or beneficiary.

ADDITIONAL INSTRUCTIONS

A. Bond authorizations may be canceled by:

1. SF-1192 prepared by the employee;
2. Letter from the employee; or
3. Death, retirement, separation from the Service, or for administrative reasons.
4. Cable, followed by SF-1192 or confirmation letter.

B. The bond authorization (SF-1192) is filed with the payroll records so long as it remains in effect. When an employee transfers to a post serviced by another payroll office or to the Department, bond information will be forwarded to the new payroll office via telegraphic means.

Exhibit 554.2 (p. 3)

UNIFORM STATE/AID/USICA REGULATIONS

SF-1192, AUTHORIZATION FOR PURCHASE AND REQUEST FOR CHANGE UNITED STATES SERIES EE SAVINGS BONDS (Reverse)

The furnishing of social security numbers is required by the regulations governing savings bonds, Department of the Treasury Circular, Public Debt Series, Number 3-80 (31 CFR 353). The numbers are used to maintain ownership records of the bonds. Other information requested by this form is also required under the above regulations to establish the rights, authority and/or entitlement of the signers. Failure to furnish any of the required information may prevent completion of the transaction.

E. OTHER ACTION (Explain)

AVERAGE DATING:

Bonds of $75 or greater denomination will be dated as of the first day of the month in which the end of a pay period falls and at least half of the purchase price is accumulated.

I hereby authorize the foregoing allotment from my pay with the understanding that U.S. Savings Bonds will be issued as requested. This authorization is to remain in effect until canceled by me in writing or termination of my Federal employment.

EFFECTIVE ON FIRST PAYROLL PERIOD AFTER 7 September 8, 19 79

Ralph H. Sims

Employee's Signature (Must be same as shown on payroll)

PURCHASE PRICE OF BOND	$25	$37.50	$50	$100	$250	$500
FACE VALUE OF BOND	$50	$75	$100	$200	$500	$1000
Allotment Each Pay Period	Number of Allotments Required to Purchase Bonds					
$ 3.75		10				
5.00	5		10	20		
6.25*	4	6	8	16		
7.50		5				
10.00			5	10		
12.50	2	3	4	8	20	
18.75		2				
20.00				5		
25.00	1		2	4	10	20
31.25					8	16
37.50		1				
50.00			1	2	5	10
62.50					4	8
100.00				1		5
125.00					2	4
250.00					1	2
500.00						1

*MINIMUM ALLOTMENT FOR THOSE EMPLOYEES PAID MONTHLY

* GPO : 1979 O - 280-453 (125A)

UNIFORM STATE/AID/USICA REGULATIONS

554.4 Maintenance of Individual Bond Accounts

a. Form Used and Manner of Posting

The payroll office is responsible for maintaining an Individual Bond Account Record for each employee participating in the payroll deduction plan for the purchase of U.S. Energy Savings Bonds. All deductions for bonds, bond issuances, unapplied balances and refunds must be shown in this record. While this data may be maintained in automated files, a printout similar to that shown in Exhibit 554.4a (p. 1) must be produced biweekly at the time the bond voucher is prepared.

b. Controls

Adequate internal controls to assure a balance between payroll vouchers, bond vouchers, and individual accounts, must be a part of the automated system. Predetermined controls of unapplied balances beginning and end of period, current pay period deductions, bond issuances and refunds, must be established. (Exhibit 554.4b). This record will be used to assure the overall accuracy of the data shown in the Individual Bond Account Record (554.4a(p. 1)).

c. Year-End Reporting

In order that proper countrol may be exercised by the Department and other agencies over deductions made from the salary of employees for the purchase of U.S. Energy Savings Bonds and the issuance of those bonds, each payroll center making bond deductions and issuances is required to report annually on such activity. Reporting must include the unapplied balance brought forward from the previous calendar year, current year net deductions (deductions less refunds), issuances and the unapplied balance at the end of the current calendar year. (See Exhibit 554.4c for sample report.) This report is to be transmitted to the headquarters office of each serviced agency. For State: M/COMP/FO.

Unapplied bond balances at the end of the calendar year are consolidated in the Department of State or respective agency and this consolidated amount is compared with the Department of Treasury balance in the General Ledger Accounting Branch or in the administrative accounting office of the other agencies. Any differences are then identified and reconciled.

554.5 Issuance of Bonds

a. Dating of Bonds

A $50.00 U.S. Energy Savings Bond is dated as of the first day of the month in which total deductions equal the purchase price of the bond (that is, $25.00). If the denomination is $75.00 or larger (purchase price of $37.50 or more), the bonds are dated as of the first day of the month in which one-half or more of the purchase price is accumulated in the employee's account.

b. SF-1183, Subscriber List for Issuance of U.S. Savings Bonds and Accompanying Inscription Data Lists

At the close of each payroll period, a review of individual bond accounts determines to whom bonds are to be issued. This review may be a manual or automated operation. An SF-1183, manual or automated, (Exhibit 554.5b (pp. 1 and 2)) is prepared for each bond denomination and issue month.

Supporting each SF-1183 will be a listing (Inscription Data List) containing complete inscription data for each bond to be issued. (See Exhibit 554.5b (pp. 3 and 4)). Issuance of bonds may be an automated process, however, the SF-1183 and the Inscription Data List should be prepared to support action by the disbursing officer.

The SF-1183 and accompanying Inscription Data List are forwarded under cover of the SF-1166 (see section 554.5c) to the disbursing officer.

Exhibit 554.4a (p.1)

SAMPLE FORMAT INDIVIDUAL BOND ACCOUNT RECORD

INDIVIDUAL BOND ACCOUNT RECORD

AGENCY: State (1) BUREAU: (1) PAYROLL OFFICE: RAMC, Paris

PAY PERIOD # 25 FROM: 12/3 TO: 12/16/78

Employee Name	SSN	Unapplied Bal B/F	Withholdings	Issuances	Refunds	Unapplied Bal End of Period
John Abel	111-22-3333	25.00	25.00	100.00		
Mary Baker	222-33-4444	18.75	18.75			
Carl Cain	333-44-5555	6.25	6.25			12.50
Mark Dee	444-55-6666	12.50			12.50	
TOTAL		112.50 (2)	50.00	100.00	12.50	50.00 (3)

Exhibit 554.4a (p. 2)

UNIFORM STATE/AID/USICA REGULATIONS

GUIDE FOR PREPARATION OF INDIVIDUAL BOND ACCOUNT RECORD

(1) A separate Record must be maintained for each Agency/Bureau.

(2) This amount must agree with the Unapplied Bal End of Period figure shown on the Individual Bond Account Record for the immediate prior pay period.

(3) This amount must equal the Ending Unapplied Balance on the Predetermined Bond Control Record for the same pay period.

SAMPLE FORMAT FOR
PREDETERMINED U.S. ENERGY SAVINGS BONDS CONTROL RECORD

PREDETERMINED U.S. ENERGY SAVINGS BONDS CONTROL RECORD

AGENCY: State (1) BUREAU: (1) PAYROLL OFFICE: RAMC, Paris CALENDAR YEAR: 1978

Pay Period No.	Net Deductions SF-1166 Sch No	Net Deductions Amount (2)	Issuances SF-1166 Sch No	Issuances Amount	Ending Unapplied Balance	Signature/Initials of Verifier
Balance Forward From 1977					75.00 (3)	(5)
01	80101	50.00	3712	75.00	50.00	
02	80201	75.00	3850	18.75	31.25	
25	82501	37.50	4213	100.00	50.00 (4)	
		1,175.00		1,200.00	50.00	

Exhibit 554.4b (p. 2)

UNIFORM STATE/AID/USICA REGULATIONS

GUIDE FOR PREPARATION OF PREDETERMINED
U.S. ENERGY SAVINGS BONDS CONTROL RECORD

(1) A separate Control Record must be maintained for each Agency/Bureau.

(2) Amounts in this column are taken from the payroll voucher (SF-1166). Amounts shown are deductions less refunds. The amount should equal the Withholdings minus Refunds amounts shown on the total line of the related Individual Bond Account Record for the corresponding pay period. (See figures in Exhibit 554.4a(p. 1).)

(3) Unapplied Bond balance brought forward from previous year.

(4) Amount must agree with the Total line Unapplied Balance End of Period column of the related Individual Bond Account Record produced by the automated system.

(5) Verifier will sign or initial opposite each pay period's Ending Unapplied Balance after verification. Any discrepancy must be reconciled. Signature or initials certifies that the automated Individual Bond Account Record is in agreement with the manually prepared Predetermined Bond Control Record.

SAMPLE FORMAT U.S. ENERGY SAVINGS BONDS YEAR END SUMMARY REPORT

U.S. ENERGY SAVINGS BONDS YEAR END SUMMARY REPORT

AGENCY: State BUREAU: _____ PAYROLL OFFICE: RAMC, Paris

CALENDAR YEAR: 1977

Unapplied Bond Bal. Beg. of 1977:	$75.00
Net Deductions (Deductions less Refunds):	$1,175.00
Issuances:	$1,200.00
Unapplied Bond Bal. End of 1977:	$50.00

Note: Figures shown must agree with verified totals from Predetermined U.S. Energy Savings Bonds Control Report.

SAMPLE FORMAT FOR SF-1183 SUBSCRIBER LIST FOR ISSUANCE OF UNITED STATES SAVINGS BONDS

Standard Form No. 1183
(Rev. 12/79)
Dept. of the Treasury
I TFRM 3-6000

SUBSCRIBER LIST FOR ISSUANCE OF UNITED STATES SAVINGS BONDS

D.O. Symbol: 6207 (3)

VALIDATING DATE (For use by D.O. only): (4)

DEPARTMENT: State (1)

BUREAU OR OFFICE: AmEmbassy London

AGENCY ALC CODE: (2)

Schedule No.: 14 5

Subscriber List No.: 19 (6)

DESIGNATED AGENT'S NAME, TITLE, AND ADDRESS:
John Doe, USDO (7)
RAMC, Paris (8)

Bond Denomination: $50.00

Unit Purchase Price: $25.00

Issue Month*: July 19XX

No. of Bonds: 9

BOND NUMBERS

FROM | TO

Total Purchase Price $ 225.00

SAVINGS BONDS SHOULD BE ISSUED IN ACCORDANCE WITH INFORMATION HEREON, AND ON THE ATTACHED—

- ☐ Listing of subscriber numbers (or inscription data).
- ☐ "Finder" magnetic tape records or punched cards.
- ☐ Bond issuance magnetic tape records or punched cards.

(9)

*Leave blank when issue month is included on magnetic tape records.

☐ Out of sequence "From and To" numbers shown on reverse.

© U.S. GOVERNMENT PRINTING OFFICE : 1980 O—[illegible]

UNIFORM STATE/AID/USICA REGULATIONS

GUIDE FOR PREPARATION OF SF-1183

1. Separate requests are prepared for each agency/bureau.

2. Leave blank.

3. Enter symbol of the Regional Disbursing Officer or the checking account symbol of the bond center.

4. For use of the Disbursing Officer issuing the bonds.

5. Enter the number of the covering SF-1166. (See Exhibit 554.5c.)

6. Subscriber List numbers begin with No. 1 and run consecutively throughout the fiscal year for each agency/bureau.

7. A separate schedule is prepared for each denomination of bonds; that is, $50.00 and $75.00 bonds may not be listed on the same schedule.

8. Separate forms SF-1183 prepared when bonds are to be dated for different months. (See section 554.5a.)

9. Check box indicating media by which issuance data is being provided. Where disbursing officer is a part of the payroll center and bond issuances are an automated process, the media will be the Inscription Data Lists that accompany the SF-1183 and the first box will be checked.

Exhibit 554.5b (p. 3) UNIFORM STATE/AID/USICA REGULATIONS

SAMPLE FORMAT FOR INSCRIPTION DATA LISTING

BOND DENOMINATION: (1) 50.00

ISSUE MONTH: (2) July 19XX

SCHEDULE NO: (3) 14

SUB LIST NO: (4) 19

NUMBER OF BONDS: (5) 9

PAGE 1 OF 2

(6) William T. Brown (8)
(7) American Embassy
London, England

(9) or Martha N. Brown (10)

Richard A. Jones
1215 Skyline Drive
Harrisonburg, Virginia 22835

(11) p.o.d. Jane L. Jones (12)

John A. Lawrence
c/o Jacob Lawrence
4465 16th Street
Winchester, Virginia 22164

(13) (14) or Marian P. Lawrence

Cheryl L. Potter
c/o Miss Rose A. Lee
145 Butte Avenue
Denver, Colorado 80203

p.o.d. Rose A. Lee

Andrew B. Struther
American Embassy
London, England

p.o.d. Jacob A. Struther

Ruby M. Roberts
4020 North Sixth Street
Wildwood, New Jersey 08332

p.o.d. Mary A. Roberts

Exhibit 554.5b (p. 4)

UNIFORM STATE/AID/USICA REGULATIONS

GUIDE FOR PREPARATION OF INSCRIPTION DATA LISTING

ATTACHMENT TO SF-1183 SUBSCRIBER LIST FOR ISSUANCE OF UNITED STATES ENERGY SAVINGS BONDS

1. A separate listing is prepared for each Bond Denomination of bonds; that is, $50.00 and $75.00 bonds may not be on the same listing.
2. A separate listing is prepared for each Issue Month within a Bond Denomination for those denominations of $75.00 or more.
3. Enter the number of the covering SF-1166. (See Exhibit 554.5c.)
4. Subscriber List numbers begin with No. 1 and run consecutively throughout the fiscal year for each agency/bureau.
5. Show number of bonds to be issued as shown by data inscriptions listed.
6. Name of Owner.
7. Address of Owner.
8. Social Security Number of Owner.
9. Name of Coowner, if applicable.
10. Social Security Number of Coowner, if applicable.
11. Name of Beneficiary, if applicable.
12. Social Security Number of Beneficiary, if applicable.
13. Coowner is designated by "or".
14. A married woman's own given name is used, not that of her husband. For example, "Marian P. Lawrence" not "Mrs. John A. Lawrence". Mr., Mrs., or Miss are not to be shown on the bond inscription.

c. SF-1166, Voucher and Schedule of Payments

Form SF-1166, Voucher and Schedule of Payments, is prepared for each agency/bureau reflecting issuances for the pay period (Exhibit 554.5c). This SF-1166 with related SF-1183's and Inscription Data Lists is forwarded to the disbursing officer for processing.

The disbursing officer should receive the original and one copy of the SF-1166 and the payroll office should retain one copy for control and record purposes. Additional copies as required by the center's internal control are to be determined and documented by the center.

d. Action by the Disbursing Officer

Upon receipt of a properly certified SF-1166 with supporting SF-1183 and Inscription Data List, the disbursing officer will issue and distribute bonds in accordance with this documentation.

554.6 Cashing of U.S. Energy Savings Bonds

Instructions regarding the cashing of U.S. Energy Savings Bonds are contained in section 823 and in 7 FAM 255.

554.7 Disposition of Unapplied Bond Balance

a. Transfer of Employee

When an employee has been reassigned to another post, the Department, or other agency the current SF-1192 authorizing bond deductions continues in effect unless the employee requests cancellation. If employee does not request cancellation, the bond information will be transmitted to the new payroll center telegraphically along with other data contained in the transfer of authority to pay. Any unapplied balance remaining in the employee's bond account is refunded on a current payroll voucher.

b. Cancellation of Bond Deductions

When an employee discontinues bond deduction or is being separated from the agency, any unapplied balance remaining in employee's bond account is refunded. If the amount of the refund exceeds the amount of the deductions for the agency for the period, the transaction is recorded as a payment on SF-1221.

c. Deceased Employees

Refund of unapplied bond balances due the estates of deceased American employees is handled in accordance with the instructions in section 482. The estate of a Foreign Service National employee will receive unapplied balances due in accordance with local law.

554.8 Missing or Damaged Bonds

a. Receipt of Bonds in Multilated or Defaced Condition

If the U.S. Energy Savings Bonds returned to the post by the issuing office are in mutilated or defaced condition when received by the post, the bonds are returned to the issuing office supported by Treasury Department Form TFS-258, Request for Reissuance or Cancellation of U.S. Energy Savings Bonds.

More than one bond may be listed on a single TFS-258, when the bonds are to be canceled, or when they are registered to one owner and are to be reissued. (See Exhibit 554.8a.)

b. Nonreceipt of Bond

The following procedures are followed when bonds are missing:

(1) When U.S. Energy Savings Bonds are missing, the individual or post writes directly to the disbursing office which issued the bonds giving as much information as possible about the missing bonds. This communication includes the name of the bond owner and the authorized inscription. In addition, the serial number of the bond, if known, is given.

SAMPLE FORMAT FOR SF-1166 VOUCHER AND SCHEDULE OF PAYMENTS

Standard Form No. 1166
7 GAO 5000
1166-118

VOUCHER AND SCHEDULE OF PAYMENTS

(1) DEPARTMENT OF STATE
(DEPARTMENT OR ESTABLISHMENT)

(2) Schedule No. 14
Sheet 1 of 1

BUREAU OR OFFICE: American Embassy

LOCATION OF TRANSMITTING OFFICE: RAMC, Paris

AGENCY STATION NO.: 19-00-6207 (3)

APPROPRIATION SUMMARY: 19X6050 $806.25

Payroll Period: 7/16/78 - 7/29/78 (6)

PAID BY (4)

VOUCHER NO.	PAYEE, AND IF NECESSARY, ADDRESS, INVOICE NO. OR OTHER IDENTIFICATION	AMOUNT	D.O. CHECK NO.
(5)	Federal Reserve Bank of Richmond, VA Bonds - Series EE Bond Schedule — Amount 19 — $225.00 20 — 337.50 21 — 250.00 22 — 250.00	806.25	
	GRAND TOTAL	$806.25	

Pursuant to authority vested in me, I certify that the items listed herein are correct and proper for payment from the appropriation(s) designated hereon or on supporting vouchers.

July 28, 19XX
(Date)

Morris K. Sharp
(Authorized certifying officer)
Morris K. Sharp

Original
(Disbursing Officer)

☆ GPO : 1965—775-534

Exhibit 554.5c (p. 2)

UNIFORM STATE/AID/USICA REGULATIONS

GUIDE FOR PREPARATION OF SF-1166

1. Separate schedules in accordance with payroll center's procedures are prepared for each agency/bureau.

2. Number consecutively in accordance with payroll center's voucher numbering system.

3. Each agency/bureau serviced has been assigned an 8-digit acccunting station symbol which is to be shown here. The number shown here must agree with the number shown on the related payroll SF-1166.

4. To be completed by the disbursing officer issuing the bonds.

5. All bond vouchers will show "Federal Reserve Bank of Richmond, Virginia," except those for issuance by the Treasury Regional Disbursing Office, Manila, which will use "Federal Reserve Bank of San Francisco, California".

6. Show pay period inclusive dates.

ADDITIONAL INSTRUCTIONS

Only one SF-1166 need be prepared covering all SF-1183's for the agency/bureau by pay period.

TREASURY DEPARTMENT TFS-258, REQUEST FOR REISSUANCE OR CANCELLATION OF U.S. ENERGY SAVINGS BONDS

DEPARTMENT OF THE TREASURY
FISCAL SERVICE
BUREAU OF GOVERNMENT FINANCIAL OPERATIONS
DIVISION OF DISBURSEMENT
FORM NO. TFS-258 (REV. 6/74)

Date September 4, 1971

REQUEST FOR REISSUANCE OR CANCELLATION OF U. S. SAVINGS BONDS

TO: DISBURSING OFFICER

(Location) RAMC, Paris

1

XX REISSUE: Reason No. (see reverse) List below for reissue only bonds registered to one owner. 6

2 CANCEL: Reason No. (see reverse) For cancellation bonds for different owners may be listed.

BOND SERIAL NUMBER	ISSUE MONTH	VALIDATION DATE	BUREAU SCH. NO.	SUBSCRIBER LIST NO.	IF REISSUED INSERT SERIAL NUMBER OF REISSUE
K 14 297 129 E	July 1971	July 9, 1971	20	31	
K 14 389 141 E	July 1971	Aug. 7, 1971	21	34	

REISSUE THE ABOVE LISTED BOND(s) WITH THE FOLLOWING REGISTRATION

7 William T. Brown
American Embassy
Ottawa, Canada

P.O.D. Martha M. Brown

CANCEL BONDS LISTED ABOVE. (List bond serial number only)

Credit to: 3 X6050 (4)
Agency Station Code

U. S. SAVINGS BONDS 8
(Department) (Bureau)

5 and send certificate of deposit to:

(FOR USE OF DISBURSING OFFICE ONLY)

This request is within the scope of the regulations and the information given is correct. Credit Checking Account Symbol:

Place D. O Validating Stamp Here

James Schmidt
(Authorized Certifying Officer)

Department of State
(Department)

AmEmbassy, Ottawa
(Bureau)

(OVER)

Exhibit 554.8a (p. 2)

UNIFORM STATE/AID/USICA REGULATIONS

GUIDE FOR PREPARATION OF TFS-258

1. Show location of issuing disbursing officer.
2. Check appropriate box to indicate action to be taken.
3. Insert applicable agency code when action is cancellation of bond.
4. Leave blank.
5. See section 554.9b(3) for method of recording the amount refunded for a canceled bond into the payroll and disbursing records.
6. More than one bond may be listed on the same form under conditions specified here.
7. When action to be taken is reissuance, show the correct registration here.
8. If the cancellation action is taken for another agency, show here the name of the Department and bureau being serviced.

TFS-258, REQUEST FOR REISSUANCE OR CANCELLATION OF U.S. ENERGY SAVINGS BONDS
(Reverse)

REASONS FOR REQUESTED ACTION

☐ REISSUE

(1) Issue month inscribed_____ ☐ As Certified
☐ Error of Issuing Office

Correct issue month is_____

(2) To correct an error in registration.
(Please submit S.F. No. 1177 to correct addressograph plate)

(3) Incorrect plate was printed due to:

☐ (a) Agency certified incorrect employee number.

☐ (b) Disbursing office pulled incorrect plate.

☐ CANCEL

(4) Purchase price has not been accumulated and bond allotment has been canceled.

(5) Purchase price will not be accumulated until pay period

ending_____

(6) Owner requested bonds of a different denomination.

If reason for reissue or cancellation of bond is not listed, add to list shown here; e.g. "(7) Bond received in mutilated condition." (See section 554.8a.)

SUBMIT THE ORIGINAL AND TWO (2) COPIES

(2) If the issuing disbursing office determines that the bond was inscribed and then lost prior to receipt by the owner, Treasury Department Form PD-3062, Claim for Relief On Account of Inscribed United States Savings Bonds Lost, Stolen or Destroyed Prior to Receipt by Owner, Coowner or Beneficiary, is forwarded to the individual or post for completion and returned to the disbursing office. A substitute bond bearing the original issue date will be issued in approximately 6 months after receipt of the notice of loss. The substitute bond will be delivered in accordance with the instructions on Form PD-3062. (See Exhibit 554.8b.)

c. Bonds Which are Missing or Damaged After Delivery to Owner

If a U.S. Energy Savings Bond is lost, stolen, or damaged after delivery to the employee, the employee should notify the Bureau of the Public Debt. The authorized registration, the serial number of the bond, and all pertinent facts which may be of assistance in supporting and processing the case should be included. If the serial number of the missing bond cannot be established with the help of the payroll office, it will be necessary to list all bonds (by serial number) which have been issued to the employee and all bonds (by serial number) which the employee still has in employee's possession. From this information, the Bureau of the Public Debt can establish the serial number of the missing bond. If the bond has been mutilated or defaced, all available pieces or parts of the bond, in whatever form, should also be submitted as supporting evidence. The notification should be addressed to:

Bureau of Public Debt
200 Third Street
Parkersburg, West Virginia 26101

Upon receipt of the notification, the Bureau of Public Debt will supply the necessary application form for completion by the employee. A substitute bond bearing the original issue date will be issued by the Treasury Department in approximately 6 months after receipt of the notification.

554.9 Incorrect or Erroneously Issued Bond

a. Reasons for Incorrect or Erroneously Issued Bonds

Incorrect issuance of bonds may occur in three general ways: (1) the bond may contain an error made by the issuing officer; (2) the SF-1183 may have incorrect information; and (3) the information printed on the bond may have become incorrect after printing and before delivery to the employee due to some change in the status of the person or persons who are designated as owner, coowner, or beneficiary.

b. Action Required by the Post

(1) If the only error on the bond is the address of the owner, the bond need not be returned for reissuance. The owner should be advised to indicate the owner's current address when requesting payment.

(2) Erroneously issued bonds are returned to the issuing officer supported by TFS-258, either for cancellation or reissue, depending on the nature of the error.

(3) If the action required by item (2) above involves cancellation of the bonds, the entries in the payroll records, bond records and SF-1221 should reflect credit or reduction entries of the bond issuances.

555 Commissary and Mess Service Deductions

When posts are specifically authorized to render commissary or mess service financed from appropriated funds, one means of making payment for services rendered will be by payroll deductions. In such instances, written authority to make deductions is obtained from the employees concerned before any charges are incurred.

FORM PD-3062

FORM PD 3062
Dept. of the Treasury
Bur. of the Public Debt
(Rev. Feb. 1977)

CLAIM FOR RELIEF ON ACCOUNT OF INSCRIBED UNITED STATES SAVINGS BONDS LOST, STOLEN OR DESTROYED PRIOR TO RECEIPT BY OWNER, COOWNER OR BENEFICIARY

IMPORTANT: Any person who makes a claim or statement on this form which he knows to be false, fictitious, or fraudulent may be fined $10,000 or imprisoned for five years, or both.

To: Federal Reserve Bank or Branch at _____
(Enter name of FRB which supplies your stock of bonds)

PART I – TO BE COMPLETED BY ISSUING AGENT

The undersigned issuing agent reports the loss, theft or destruction of the following-described United States Savings Bonds which were { ☐ inscribed, validated and accounted for: ☐ properly inscribed but not validated:

SERIES	DENOMINATIONS (Face Amount)	SERIAL NUMBERS	ISSUE DATE	INSCRIPTION (Name or names with connecting words and address exactly as inscribed on bonds – USE SEPARATE FORMS WHENEVER INSCRIPTIONS DIFFER)

The above-described bonds were issued on _____, 19____, upon application

of _____ (Name of purchaser), for delivery

to _____ (Name)

Address _____ (Number and street or rural route) (City or town) (State) (ZIP code)

The circumstances of the custody, handling and dispatch of the bond(s) are as follows:

(Note to Issuing Agent: Part II and, if pertinent, Part III/Part IV must be completed before the following recommendation for replacement bonds is completed.)

The undersigned issuing agent, on the basis of the above statements and the certifications, requests and agreements in Part II and, if pertinent, Part III/Part IV, recommends that bonds in replacement of those described above be issued and

delivered to _____ (Name)

Address _____ (Number and street or rural route) (City or town) (State) (ZIP code)

The undersigned issuing agent agrees that should the missing bonds ever come into its possession, it will surrender such bonds to the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101.

(SEAL OR ISSUING AGENT'S VALIDATING STAMP)

_____ (Name of issuing agent)

_____ (Address)

Date _____ By _____ (Signature and title of officer)

Exhibit 554.8b (p. 2)

UNIFORM STATE/AID/USICA REGULATIONS

GUIDE FOR PREPARATION OF PD-3062

A. Part I will be completed by the issuing disbursing officer and signed by the Issuing Agent upon receipt of this form with Part II and, if pertinent, Part III/Part IV completed and signed by the required individuals.

B. Data required is self-explanatory.

REVERSE OF FORM PD-3062 (PARTS II, III AND IV)

NOTE: THE FURNISHING OF (TAXPAYER IDENTIFYING) NUMBERS IS REQUIRED BY THE REGULATIONS GOVERNING SAVINGS BONDS I.E. DEBT CIR. NO. 1310 CIR. REV. THE NUMBERS ARE USED TO MAINTAIN OWNERSHIP RECORDS OF THE BONDS. OTHER INFORMATION REQUESTED BY THIS FORM IS ALSO REQUIRED UNDER THE ABOVE REGULATIONS TO ESTABLISH THE RIGHTS, AUTHORITY, AND OR ENTITLEMENT OF THE SIGNERS. FAILURE TO FURNISH ANY OF THE REQUESTED INFORMATION MAY PREVENT COMPLETION OF THE TRANSACTION.

PART II – TO BE COMPLETED BY OWNER, COOWNERS OR BENEFICIARY

Each of the undersigned certifies that the United States Savings Bonds described in Part I of this form have not been received by him, that to the best of his knowledge and belief the bonds have not been received by anyone for his account, and that he does not know what happened to them. If the address of the owner, coowner or beneficiary to whom delivery was requested has changed since delivery instructions were given, that person further certifies that he has inquired at his former address to which delivery was requested, and that he was unable to locate the bonds. Each of the undersigned requests that other bonds, inscribed in the same manner, be issued to replace the bonds described in Part I and, in consideration of the granting of such request, agrees that should the missing bonds ever come into his possession, he will surrender them to the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101.

(Signature of owner or one of coowners)	(Signature of other coowner or beneficiary)
(Number and street or rural route)	(Number and street or rural route)
(City or town) (State) (ZIP code)	(City or town) (State) (ZIP code)
(Date)	(Date)

(Complete Part IV if one of the persons named on the bond is a minor not under legal guardianship and not of sufficient competency and understanding to sign this form and comprehend the nature of the transaction.)

PART III – TO BE COMPLETED BY CONSIGNEE (OTHER THAN OWNER, COOWNER OR BENEFICIARY)

The undersigned consignee certifies that it has not received the United States Savings Bonds described in Part I of this form, that it has no knowledge that the bonds were received by anyone for its account, and that it has no information as to the disposition of the bonds. The undersigned consignee agrees that should the missing bonds ever come into its possession, it will surrender such bonds to the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101.

(Name of individual or organization)

(Address)

Date _____ By _____
(Signature and title of officer)

PART IV – CERTIFICATION ON BEHALF OF MINOR NOT UNDER GUARDIANSHIP

To be executed by both parents if living, and in the event the minor does not reside with either parent, also by the person who furnishes his chief support.

I/We certify that _____, age ____, on whose behalf I/we are signing, is not of sufficient competency and understanding to sign this form and that

(Check applicable block.) { ☐ he (she) is my child and resides with me.
☐ he (she) does not reside with either parent and receives his (her) chief support from me.

(Signature of father)	(Signature of mother)

(Signature of person who furnishes minor's chief support)

556 Allotments of Pay

556.1 Definitions

For the purposes of this section, the following terms have the meanings as stated:

a. "Allottee" is the person or institution to whom the allotment is made payable.

b. "Allotter" is the officer or employee from whose compensation the allotment is made.

c. "Allotment" is an allotment of all or a portion of the compensation of a civilian employee which is authorized to be paid to an allottee.

d. "Continental United States" means the several States and the District of Columbia, but excluding Alaska and Hawaii.

e. "Compensation" (1) for American employees is the net salary due an employee after all authorized deductions (such as retirement or FICA, Federal withholding tax, and others, when applicable) have been made; and (2) for local employees is the basic salary due an employee less any authorized deductions (for example, Civil Service retirement).

f. "Basic salary" for local employees is that portion of gross salary (the rate shown on the approved local compensation plan) which is considered to be exclusive of the value of all fringe benefits (offsets for local government welfare programs, severance pay, family allowance, bonuses, etc.) included in the gross rate shown on the approved local compensation plan.

Example:

Gross rate.....	1,000 local currency units
Fringe benefits	200 units (25% of base salary in area as determined in local salary survey)
Base pay	800 units (maximum allotment if no other authorized deductions)

g. "Net pay" is defined by the Department of the Treasury as the net amounts of salaries or wages due employees after all payroll deductions. For purposes of the uniform procedure for deposit of net pay in banks in the United States, using the SF-1189, "net pay" herein means the net amount on the payroll due the employee after all payroll deductions and allotments of pay for savings accounts and other purposes (for which overseas employees may make allotments) are subtracted from gross amount due. It may include allowances and other expenses paid through the payroll system or otherwise included in the employee's paycheck.

556.2 General Policy

556.2-1 Authority for Allotments of Pay

The regulations prescribed in this section will govern allotments of pay under the basic authority in 5 U.S.C. 5525; regulations issued in the Federal Personnel Manual (Basic) chapter 550, subchapter 3, and in Federal Personnel Manual Supplement 990-1, book III, part 550, subpart C, pursuant to Executive Order 10982, December 25, 1961; and Treasury Fiscal Requirements Manual, part III, chapters 6000 and 7000.

556.2-2 Meaning and Effect of Allotments of Pay

Making an allotment of pay is a voluntary act of an employee which carries no corresponding obligations on the part of the U.S. Government and requires no administrative adjudication to become effective. Allotments are revocable at the will of the allotter and invest no property rights in the allottee unless and until they have been paid to the allottee. Allotment records are for official use only and are not to be disclosed without the written consent of the employee.

556.3 Regulations Governing Allotments of Pay

556.3-1 Authorized Allotters

Employees who are serving under appointments not limited to 6 months or less and who are stationed in foreign areas may make biweekly allotments of all or portions of their net compensation and may provide for payment of amounts so allotted to designated payees. Employees desiring to allot their entire net salary need not indicate a specific amount. (See Exhibit 556.4-1 (p. 2, item 8).)

556.3-2 Purposes for Which Allotments May Be Made

Allotments may be made for the following purposes:

a. By American Employees Overseas

(1) For the support of relatives or dependents of the allottees.

(2) For fixed amounts to checking and savings account (other than net pay to banks).

(3) For payment of insurance premiums.

(4) For installment payments on the purchase of an automobile.

(5) For payment to the State Department Federal Credit Union, the Lafayette Credit Union, and the American Foreign Service Protective Association (AFSPA).

(6) For payment to lawfully appointed attorneys.

(7) For the purchase of prior years of service credit in the Foreign Service Retirement System.

(8) For other similar purposes, not specifically prohibited and when approved by the authorized certifying officer.

b. By Local Employees

(1) For checking and savings accounts.

(2) For the support of relatives or dependents of the allotter.

(3) For group insurance in a private company underwritten by an American insurance company.

(4) For group insurance in a private company not underwritten by an American insurance company, when approved by the post administrative officer.

(5) For purchase of prior years of service credit under the Civil Service Retirement System. (See section 573 for method of payment.)

(6) For any purpose approved jointly by the heads of agencies in a country and authorized jointly by headquarters agencies participating in the interagency compensation agreement published in 3 FAM Exhibit 931.3.

c. By Employees in the United States (Washington)

(1) For credit to savings accounts with financial organizations (use SF-1198).

(2) For Combined Federal Campaigns; dues for labor organizations or associations of management officials and supervisors, with which the agency has agreed in writing to deduct allotments for payment of members' dues; State or D. C. income tax withholdings; and other under basic authority in section 556.2-1.

556.3-3 Purposes for Which Allotments May Not Be Made

Allotments may not be made for the following purposes:

a. By American Employees

(1) For contributions to charities, except through a Combined Federal Campaign.

(2) For payment of dues to civic, fraternal, or other organizations, except to labor organizations or associations of management officials and supervisors, with which the agency has agreed in writing to deduct allotments for payment of members' dues.

(3) For payment of indebtedness, except as specifically provided in section 556.3-2a.

(4) For any other purpose for which a payroll deduction is prohibited.

b. By Local Employees

(1) For contribution to charities.

(2) For payment of dues to civic, fraternal, or other similar organizations.

(3) For payment of indebtedness, except as specifically provided in section 556.3-2b.

(4) For payment of taxes or other assessments levied by foreign governments against local employees except where authorized by U.S. statute, treaty, or Executive agreement.

(5) For any other purpose for which a payroll deduction is prohibited.

556.3-4 Authorized Allottees

So long as an allotment is for one of the purposes permitted by section 556.3-2 it may be made to any allottee specifically designated in writing by the allotter. Application for allotments of pay are made on FS-479, Allotment of Pay, Application and Authorization to Make, Change, or Discontinue. Allotters make all necessary arrangements with their banks or other allottees for the disposition of allotment checks prior to making an application for an allotment of pay.

556.3-5 Limitations on Allotments

The following limitations apply to the making or approving of allotments:

a. Allotments of pay will be made on a pay period basis only.

b. Allotments of pay must be for four or more pay periods , with exception that an employee may have an allotment of pay for less than four pay periods to make final interest payments in connection with the purchase of prior service credit under the Civil Service or Foreign Service Retirement System, as applicable.

c. Not more than three allotments of pay will be permitted to run simultaneously for an employee.

d. An employee may not have more than one allotment of pay payable to the same allottee at the same time.

556.3-6 Discontinuance of Allotment

An allotment of pay will be discontinued at the request of the allotter upon written application on FS-479. Allotments may be discontinued by the certifying officer who possesses the employee's pay card, without the signature of the allotter, under the following circumstances:

a. On the retirement, death, or separation from the service of the allotter.

b. On the death of the allottee or when allottee's whereabouts becomes unknown.

c. On instructions from the Department, other agency, or the principal officer of the applicable agency.

d. When the circumstances under which allotments are permitted under section 556.3-1 no longer exist.

e. When, for any reason, such as leave without pay, the net pay due the employee for a biweekly pay period is less than the amount of employee's allotment for the same period. Exception to this provision is made in the case of "Total Net Pay Balance" allotments of pay (see section 556.3-1).

556.3-7 Special Allotments

Allotments may be authorized, for one of the purposes permitted by section 556.3-2, to become effective when an order of evacuation is issued. Payment of allotments so authorized may not be made until the issuance of such evacuation order.

556.4 Guide for Employees, Certifying Officers, and Payroll Offices

556.4-1 Application to Make, Change, or Discontinue an Allotment of Pay

FS-479, Allotment of Pay, Application and Authorization to Make, Change, or Discontinue, is used for employees stationed at a post overseas. It is completed as illustrated in Exhibit 556.4-1. If executed by the employee when employee is absent from post of assignment, the white, green, and blue copies are forwarded to the post which is payrolling employee. This form may be executed by the certifying officer to discontinue an allotment of pay under the circumstances outlined in section 556.3-6.

556.4-2 Recording Allotments of Pay

After the FS-479 has been approved and distributed, the payroll office should record the information contained thereon, in the space provided on the employee's pay card, if operating under a manual system, or as provided in the post operating manual, if under a mechanized system. All subsequent changes in allotments are recorded when effective. Allotments of local employees may be recorded on the reverse of the employee's pay card, or as otherwise provided by the payrolling post.

556.4-3 Vouchering Allotments of Pay

FS-480, Foreign Service List for Allotment of Pay, will be used for vouchering allotments of pay. (See Exhibits 556.4-3a and b.)

UNIFORM STATE/AID/USIA REGULATIONS

FS-479, ALLOTMENT OF PAY

Exhibit 556.4-1 (p. 1)

Form approved by Comp. Gen., U.S. December 9, 1955

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA
ALLOTMENT OF PAY
APPLICATION AND AUTHORIZATION TO MAKE, CHANGE, OR DISCONTINUE

1. U. S. DEPARTMENT OR AGENCY (Insert name of agency)	2. BUREAU OR SERVICE (leave blank)
3. NAME OF ALLOTTER (Last Name, First Name, Initial) Becker, Herman A.	4. TITLE FSS-4
5. DUTY STATION (City) New Delhi, (Country) India	

1 6. NATURE OF ACTION REQUESTED

☐ REGULAR ALLOTMENT ☐ EMERGENCY EVACUATION ALLOTMENT

A. FROM: (Use for change only)		B. TO:
$ 2	ALLOTMENT EACH PAY PERIOD	$90.00 8
3 TO END:	EFFECTIVE: (Inclusive Dates of Pay Period(s)) 9	TO BEGIN: 1/10-1/23/71 TO END: Indef. 10
4	NAME AND ADDRESS OF ALLOTTEE	Dorothy R. Becker 79 East 102 St. New York, N. Y. 10021
5	ACCOUNT TO BE CREDITED IF PAYABLE TO A BANK	11

7. AUTHORIZATION BY ALLOTTER 12

I hereby request and authorize a regular allotment to be [X] made, ☐ changed, ☐ discontinued, subject to approval, to be effective as indicated above until altered by me in writing; or, an ☐ emergency evacuation allotment to be effective when countersigned by me, or if absent from the Post at time of evacuation, by the Post Administrative Officer; and I hereby release whatever claim to payment of salary I would otherwise have for the amount of this allotment and I also relinquish all right, privilege, and power to make a further allotment of the amount presented by this allotment once the United States has issued a check payable to the allottee for this allotment.

A. DATE January 5, 1971	B. SIGNATURE OF ALLOTTER IN FULL (Sign original only) Herman A. Becker Herman A. Becker 13
C. DATE	D. COUNTERSIGNED BY (Allotter - Administrative Officer) 14

8. ADMINISTRATIVE ACTION

A. APPROPRIATION 6 1910113 2099-100128-000-1112	B. DATE January 6, 1971
APPROVED, RECORDED, AND FORWARDED	
C. TITLE OF OFFICER RESPONSIBLE FOR PREPARATION OF PAYROLL 7 Budget and Fiscal Officer	D. SIGNATURE OF OFFICER RESPONSIBLE FOR PREPARATION OF PAYROLL (Type name and sign all copies) 15 Harry Holmes Harry Holmes

FORM 5-62 FS-479 Previous Editions are Obsolete ORIGINAL - To be used as support documentation for the Disbursing Officer's monthly accounts.
GPO 929335

Exhibit 55o. 4-1 (p. 2)

GUIDE FOR PREPARATION OF FS-479

1. Check appropriate block.

2. When application is made to change or discontinue an allotment, state the amount of present allotment in U.S. dollars or local currency, as applicable.

3. When application is made to change or discontinue an allotment, indicate the ending date of present allotment as "after pay period (inclusive dates)".

4. When allotment is discontinued show allottee here; if there is a change show old name and address.

5. When there is a change in the account to be credited, show old account here.

6. Account structure will be the same as for regular salary of employee.

7. Indicate post of approving officer beneath the title when a post other than the regular post of assignment of the employee effects a change in an allotment of pay.

8. Indicate the amount of the new allotment in U.S. dollars or local currency as applicable. If approved for net salary, insert "Net salary, after all other authorized deductions, including any other allotments, have been made."

9. Indicate the beginning date for the new allotment as "with pay period (inclusive dates)". Leave blank, if allotment is for emergency evacatuion purposes. Complete when allotment becomes effective.

10. Indicate discontinuance date as "upon notification" or "after pay period (inclusive dates)".

11. If allotment is to a bank be sure to indicate the account to be credited.

12. Indicate action with an "X" in the appropriate place and amend line 5 of the authorization as indicated.

13. Signature of employee must appear on the application for allotment. When signature cannot be obtained, cite the regulation authorizing the discontinuance.

14. Countersign when emergency evacuation is ordered if allotment is to become effective.

15. Original FS-479 will be signed by the payroll certifying officer who possesses the employee's pay and allowance card. Copies of FS-479 may be stamped with the signature of the certifying officer.

ADDITIONAL INSTRUCTIONS

A. Distribution of FS-479

Original (white) - For GAO. Submit to the Department or other agency with monthly accounts.
Duplicate (green) - For office preparing rolls.
Triplicate (blue) - For certifying officer.
Quadruplicate (pink) - For the employee.
Quintuplicate (white) - For payroll office making payment of special emergency evacuation allotment.

Exhibit 556.4-1(p. 3)

B. When allotting funds for the purchase of prior years' service credit in the Foreign Service retirement system the following will be indicated in the allottee block:

Department of State
Cr: (name of employee)
Purchase of F.S.R. prior service credits.

C. When a State Department or USIA employee is transferred from one post to another, a copy of each Allotment of Pay (FS-479) which continues in effect will be attached to the DSL-941, Authority to Pay Document, for transmission to the gaining post.

D. When a State Department employee is transferred to the Department payroll, all allotments of pay will be canceled.

E. When a USIA employee is transferred to Washington or to a post in the Continental United States, all allotments of pay will be canceled.

F. When an AID employee is transferred to another post or to Washington, all allotments of pay will be canceled.

Exhibit 556. 4-3a(p. 1)

FOREIGN SERVICE LIST FOR ALLOTMENT OF PAY-FS-480

(When Used to Voucher Allotments Other Than for Third-Country Nationals)

FORM FS-480
FORM APPROVED BY
COMP. GEN., U.S.
AUG. 14, 1956

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA
AGENCY (Insert name of agency)
FOREIGN SERVICE LIST FOR ALLOTMENT OF PAY

PAGE NO. 1 of 1

DESIGNATION OF POST	LOCATION OF POST	PERIOD OF PAYROLL	PAY PERIOD NO
(Insert designation)	New Delhi, India	1/6 -1/19/63	15

NAME AND ADDRESS OF ALLOTTEE	NAME OF ALLOTTER	AMOUNT (9)	CHECK NO.
(1) State Department Federal Credit Union Room 1827 Washington, D.C.	(2) Herman A. Becker 10.00 Norman I. Fields 100.00 Robert R. Roe 60.00 170.00	$170.00	
Dorothy R. Becker 79 East 102 St. New York, N.Y.	Herman A. Becker	90.00	(5)
(4) McLachlen Banking Corp. CR Victor E. Sires 10 & G Sts., N.W. Washington, D.C.	Victor E. Sires	80.00	
Riggs National Bank CR Robert R. Roe or Jane A. Roe (6) 17 & G Sts., N.W. Washington, D.C.	Robert R. Roe	120.00	
Security Bank CR Norman I. Fields 9th & G Streets, N.W., Washington, D.C.	Norman I. Fields	100.00	
Riggs National Bank (7) CR Robert R. Way 17 & G Sts., N.W. Washington, D.C.	Robert R. Way	100.00	
	TOTAL (8)	$660.00	

GPO-860755

Exhibit 556.4-3a(p.2)

GUIDE FOR PREPARATION OF FS-480
(When Used to Voucher Allotments Other Than for Third-Country Nationals)

1. Delete all entries except the ones for this allotment, on the extra copy.

2. One check may be prepared to cover the total amount of all allotments to the State Department Federal Credit Union; the American Foreign Service Protective Association; or the Lafayette Credit Union.

3. All entries on the list covering American payrolls will be in U.S. dollars.

4. FS-480 will be typed with each allottee's name and address being separated by one space as illustrated. Under a mechanized payroll system a machine listing may be substituted for the FS-480.

5. When payroll voucher is paid insert applicable check numbers. Each check will show name and address of the allottee as recorded on the FS-480.

6. Special care must be exercised to prevent error or omissions in the names and addresses of allottees. In each instance where the allottee is a bank, corporation, association, or other similar concern, the name of the allotter or other identification of the account to be credited must be shown as a part of the allottee's address.

7. Abbreviate and shorten address and other information when possible (i.e., 17 for 17th, CR for credit, etc.).

8. Total of all allotment payments for State Department and USIA employees will be transcribed to line two of the summary section of the corresponding payroll vouchers. Total allotment payments for AID employees will be transcribed to the applicabed SF-1166, Voucher and Schedule of Payments.

ADDITIONAL INSTRUCTIONS

A. Prepared from information recorded on American employee pay cards; from the FS-479 submitted by local employees; or from the file of allottee cards under the mechanized system.

B. When two or more allotments are payable to the State Department Federal Credit Union, the American Foreign Service Protective Ass'n. or the Lafayette Credit Union, and one check is being written for the total amount payable to each, they shall constitute a separate entry as shown. List allotters alphabetically and show the amount of their individual allotments. An extra copy of FS-480 shall be prepared and transmitted to the allottee with the Treasury check (see section 556.4-4). Entries on the extra copy which do not apply to the allottee will be deleted. If preferable, such allotments may be entered on separate pages.

C. When allotments of pay are approved for local employees payable to the same allottee, the FS-480 for submission with the monthly accounts may be prepared as indicated under Item B above, with amounts shown in local currency units. Individual arrangements may be made between the USDO and the allottee relative to the furnishing of additional information.

Exhibit 556.4-3a(p. 3)

D. When allotments are approved for local employees payable to allottees in another country, the FS-480 should be prepared in accordance with Exhibit 556.4-3b.

E. Prepare in as many copies as required. The original will be attached to the original payroll voucher and a copy to the duplicate payroll voucher. Additional copies, as applicable, will be submitted to the State Department Federal Credit Union, the Lafayette Credit Union, and the American Foreign Service Protective Association.

Exhibit 556.4-3b(p. 1)

FOREIGN SERVICE LIST FOR ALLOTMENT OF PAY (FS-480)
(When Used to Voucher Allotments of Pay for Third-Country Nationals)

FORM FS-480
FORM APPROVED BY
COMP. GEN., U.S.
AUG. 14, 1960

DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA
AGENCY (Insert name of agency)

PAGE NO. 1 of 1

FOREIGN SERVICE LIST FOR ALLOTMENT OF PAY

DESIGNATION OF POST	LOCATION OF POST	PERIOD OF PAYROLL	PAY PERIOD NO.
(Insert designation)	Kabul, Afghanistan	1/6-1/19/63	15

NAME AND ADDRESS OF ALLOTTEE	NAME OF ALLOTTER		AMOUNT	CHECK NO.
(1) Indira Dev 33 Bhagwandas Road New Delhi, India	P. K. Dev	(2) Afghanis Equiv. $	690.00 15.00	191,604 Rs. 71.25 (3)
(4) State Bank of India CR Som Nath Menon Connaught Circle New Delhi, India	Som Nath Menon	Afghanis Equiv. $	920.00 20.00	191,605 Rs. 95.00
	(5) Total Total	Afghanis Equiv. $	1610.00 35.00	(6)

Exhibit 556.4-3b(p.2)

GUIDE FOR PREPARATION OF FS-480
(When Used to Voucher Allotments of Pay for Third-Country Nationals)

1. FS-480 will be typed with each allottee's name and address being separated by one space as illustrated. Under a mechanized payroll system a machine listing may be substituted for the FS-480.

2. Payrolling office inserts the amount of the allotment in local currency and the U.S. dollar equivalent.

3. Paying office inserts the local depositary check number and amount (in units of the currency of the country where paid) (See para. 556.4-4c). Each local depositary check drawn will show name and address of allottee as recorded on FS-480.

4. Special care must be exercised to prevent error or ommisions in the names and addresses of allottees. In each instance where the allottee is a bank, the name of the allotter or other identification of the account to be credited must be shown as a part of the allottee's address.

5. Total local currency amount should be in agreement with total amount indicated on payroll or payroll control register. Total of all allotments of pay for State Department and USIA employees will be transcribed to line two of the summary section of the corresponding payroll vouchers. Total allotment payments for AID employees will be transcribed to the applicable SF-1166, Voucher and Schedule of Payments.

6. Payrolling Office draws one dollar check, payable to the Treasurer of the U.S. for each country to which a remittance is to be made.

ADDITIONAL INSTRUCTIONS

Prepare in as many copies as required. Separate FS-480's will be prepared for each country to which a remittance is to be made. In each instance original will be attached to the original payroll voucher and a copy to the duplicate payroll voucher. Two copies of FS-480 will be forwarded to the USDO in the country in which payment is to be made with the covering Treasury check (see para. 556.4-4c).

556.4-4d

d. Checks Requiring Special Handling

When the address of the allottee is other than the United States, its Territories or possessions, the allotment check is enclosed in a regular Foreign Service envelope. Franked Treasury Department envelopes will not be used. The post determines the proper method of forwarding to the addressee. In case of doubt, instructions may be requested from the Department or USIA by OM, subject: COMMUNICATIONS (Courier and Pouch) or from AID, by airgram. The post makes sure that restrictions placed by Treasury in 31 CFR 211 on mailing checks to certain specified countries (Albania, Bulgaria, Communist-controlled China, Czechoslovakia, Estonia, Hungary, Latvia, the Union of Soviet Socialist Republics, the Russian Zone of Occupation of Germany, the Russion Section of Occupation of Berlin, Germany, and North Korea) are observed. In addition, checks are not mailed to any other country where the postal transportation, banking facilities, or local conditions in general are such that the post believes there is not a reasonable assurance that a payee in those areas will actually receive the check and be able to negotiate the same for full value.

UNIFORM STATE/AID/USIA REGULATIONS

556.5 Union/Organization Membership Dues Withholding (To be published)

556.6 Deposit of Net Pay in U.S. Banks

In addition to making allotments of pay, an employee may have employee's net salary and allowance check (if drawn in U.S. dollars) deposited in a bank of employee's choice in the United States. This will be done on a uniform basis which will eliminate the need of preparing additional authorizing forms when the employee moves to another post or to the United States.

556.6-1 Request by Employee for Payment of Salaries or Wages by Credit to Account at a Financial Organization

Form SF-1189, Request by Employee for Payment of Salaries or Wages by Credit to Account at a Financial Organization, will be used worldwide for requesting and authorizing the deposit of an employee's net salary and allowances in the bank of employee's choice. See Exhibit 556.6-1 for illustration of the three-part form. Form SF-1189 may be requisitioned from the appropriate GSA Regional Office listed in 6 FAH, Appendix A, following the procedures outlined in 6 FAH H-212.

For an employee overseas wishing direct credit to an account in a financial organization within the United States, the form (partially executed by the employee) may be sent with the first check with a request that the financial organization complete it and return it to the agency payrolling office.

The RFC-338 and WFC-338, Mailing of Net Salary and Allowances Check, will continue to be used for those employees presently using them for deposit of net pay and allowances in banks in the United States. The RFC/WFC-338 will also be transferred with the DSL-941, Authority to Pay, when the employee is transferred to a post not serviced by the Finance Center or to Washington. At the new station, the employee may be asked to execute the uniform SF-1189 to replace the RFC/WFC-338 at the earliest practicable time. For new employees and those employees having their net pay and allowances deposited in banks in the United States for the first time, the SF-1189 will be used.

The employee may cancel the authorization at any time by so advising employee's payroll office in writing. No special cancellation form is prescribed; it may be accomplished by memorandum from the employee. Any question as to cancellation advice to the financial organization is a matter between the employee and the financial organization. If the employee moves to another location, the financial institution should be furnished the new address.

556.6-2 Determination of Amount To Be Deposited

The amount to be deposited will be the gross pay and allowances, less the deductions for retirement, life insurance, health insurance, taxes, savings bonds, and allotments of pay. Should the net pay vary because of salary increases, changes in tax withholdings, or other variables the net amount of pay will continue to be forwarded for deposit. It will not be necessary to execute a new SF-1189 because of these changes.

556.6-3 Forwarding of Individual Checks or a Deposit List to Banks

a. If individual checks are prepared for each depositor, such checks in the net amount due the employee shall be inscribed with the following information in the order indicated (as provided by the SF-1189):

(1) The name of the financial organization as the payee;

(2) The address of the financial organization, which can be any branch office as stated on the SF-1189;

(3) The name of the employee to be credited, which should be stated in exactly the same way as carried in the agency's payroll records; and

(4) The employee's (depositor) account number at the financial organization.

b. It is possible that there may be some variance in the format of the depositor's name as it appears on the check, when compared to the name appearing in the records of the financial organization. It is essential, therefore, that the account number, as stated on the check, be accurate.

UNIFORM STATE/AID/USIA/REGULATIONS

c. In those cases where several employees on the same payroll have designated the same financial organization, a single (composite) check may be prepared in favor of the financial organization, accompanied by a remittance record which indicates:

(1) The name and address of the remitting post and payroll office;

(2) The name and address of the financial organization; followed by

(3) A listing of payees showing:

(a) The name of the depositor;

(b) The depositor's account number;

(c) The amount to be credited to the depositor's account; and

(d) At the end of the listing, the total of all deposits, which must agree with the attached composite check.

In addition to the remittance record and accompanying check, a cover sheet entitled "Summary Sheet--Remittance Record for Net Pay to Financial Organization" is prepared for Washington Departmental and WFC payrolls. Until such time as the summary sheet is prescribed as a standard form, the payroll office will reproduce the form locally.

Checks drawn in favor of financial organizations pursuant to this section will be released by disbursing offices under the same policy applicable to checks drawn in favor of the employees; namely, sufficiently in advance of the check-issue date to have reasonable assurance of delivery to the financial organization on the check-issue date.

Standard Form 1199A (Rev. 1-78)
Department of Treasury—Fiscal Service
Treasury Dept. Cir. 1076

AUTHORIZATION FOR DEPOSIT OF FEDERAL RECURRING PAYMENTS

RECIPIENT (PAYEE) TO COMPLETE ITEMS A THROUGH J

I (we) authorize and request the below indicated program agency to direct the set amount of the below indicated Federal recurring payment for crediting to my (our) account indicated at the financial organization designated below. This authorization is not an assignment of my (our) right to receive payment and revokes all prior payment direction notifications applicable to these payments. I (we) understand that the financial organization designated reserves the right to cancel this agreement by notice to me (us); however, this authorization will remain in effect with the program agency until canceled by notice from me (us).

A CLAIM OR FILE NUMBER			B PROGRAM AGENCY	C TYPE OF PAYMENT
PREFIX (for CSC & RRB)	CLAIM NUMBER (for all payments)	SUFFIX OR PAYEE NO (if applicable)		

D NAME(S) OF RECIPIENT(S) OF FUNDS	E TYPE AND NUMBER OF DEPOSITOR ACCOUNT TO BE CREDITED Enter "C" if Checking Account or "S" if Savings Account DEPOSITOR ACCOUNT NUMBER
F MAILING ADDRESS OF RECIPIENT(S) (Street Number and Name) (City, State and Zip Code) ☐ Place an "X" in the box if address is different from the address to which your check is currently directed	G NAME OF PERSON(S) FOR WHOM PAYMENT IS MADE (The person(s) entitled to payment) H IF SURVIVOR ANNUITANT, GIVE NAME OF DECEASED (CSC only) I TELEPHONE NUMBER OF RECIPIENT(S)

J SIGNATURE(S) OF RECIPIENT(S) OR WITNESSES (See Instructions on Reverse)		DATE
SIGNATURE	SIGNATURE	

FINANCIAL ORGANIZATION TO COMPLETE BELOW THIS LINE

We, the below designated financial organization, hereby agree to receive and deposit sums for the payee(s) named herein, in accordance with 31 CFR Parts 240, 209, and 210. We understand that our account number shown for the payee(s) named herein will be included on individual payment credits to his (her) account. We understand that the payee(s) named above has (have) the right to cancel this authorization and we reserve the right to cancel this agreement by notice to the payee(s).

ROUTING NUMBER	CHECK DIGIT	NAME AND ADDRESS OF FINANCIAL ORGANIZATION
☐☐☐☐–☐☐☐☐	☐	
TYPE AND NUMBER OF DEPOSITOR ACCOUNT TO BE CREDITED Enter "C" if Checking Account or "S" if Savings Account DEPOSITOR ACCOUNT NUMBER		
DEPOSITOR ACCOUNT TITLE		BRANCH DESIGNATION, IF APPLICABLE TELEPHONE NUMBER
AUTHORIZED SIGNATURE OF FINANCIAL ORGANIZATION OFFICER	TITLE	DATE

NOTARIZATION OPTIONAL NOTARIZATION SPACE IS PROVIDED IF REQUIRED. THERE IS NO FEDERAL NOTARIZATION REQUIREMENT

The payee(s) whose signature(s) appears above personally appeared before me, presented satisfactory identification, and, after being duly sworn, acknowledged this to be his (her) (their) freely given act and deed.

Notary Public _____ Date _____ Seal _____

All information requested, including the Social Security Account Number where necessary, is required under 31 U.S.C. 492, 31 CFR 209 and/or 210, and EO 9397. The information will be used to process the payment data from the Government agency to the financial organization and/or its agent. Failure to provide the information requested may affect the entitlement to such benefits.

1199-202

PROGRAM AGENCY COPY

Form **W-4**
(Rev. January 1983)

Department of the Treasury—Internal Revenue Service

Employee's Withholding Allowance Certificate

OMB No. 1545-0010
Expires 8-31-85

1 Type or print your full name

2 Your social security number

Home address (number and street or rural route)

City or town, State, and ZIP code

3 Marital Status ☐ Single ☐ Married
☐ Married, but withhold at higher Single rate
Note: If married, but legally separated, or spouse is a nonresident alien, check the Single box.

4 Total number of allowances you are claiming (from line F of the worksheet on page 2) . . . . . .

5 Additional amount, if any, you want deducted from each pay . . . . . $

6 I claim exemption from withholding because (see instructions and check boxes below that apply):

a ☐ Last year I did not owe any Federal income tax and had a right to a full refund of ALL income tax withheld, AND

b ☐ This year I do not expect to owe any Federal income tax and expect to have a right to a full refund of ALL income tax withheld. If both a and b apply, enter the year effective and "EXEMPT" here . . ▶ Year

c If you entered "EXEMPT" on line 6b, are you a full-time student? . . . . . ☐ Yes ☐ No

Under the penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate, or if claiming exemption from withholding, that I am entitled to claim the exempt status.

Employee's signature ▶ Date ▶ , 19

7 Employer's name and address (Employer: Complete 7, 8, and 9 only if sending to IRS)

8 Office code

9 Employer identification number

Detach along this line. Give the top part of this form to employer; keep the lower part for your records.

Privacy Act and Paperwork Reduction Act Notice.—If you do not give your employer a certificate, you will be treated as a single person with no withholding allowances as required by IRC sections 3402(f) and 3401(e). We ask for this information to carry out the Internal Revenue laws of the United States. We may give the information to the Dept. of Justice for civil or criminal litigation and to the States and the District of Columbia for use in administering their tax laws.

Purpose.—The law requires that you complete Form W-4 so that your employer can withhold Federal income tax from your pay. Your Form W-4 remains in effect until you change it or, if you entered "EXEMPT" on line 6b above, until February 15 of next year. By correctly completing this form, you can fit the amount of tax withheld from your wages to your tax liability.

If you got a large refund last year, you may be having too much tax withheld. If so, you may want to increase the number of your allowances on line 4 by claiming any other allowances you are entitled to. The kinds of allowances, and how to figure them, are explained in detail below.

If you owed a large amount of tax last year, you may not be having enough tax withheld. If so, you can claim fewer allowances on line 4, or ask that an additional amount be withheld on line 5, or both.

If the number of withholding allowances you are entitled to claim decreases to less than you are now claiming, you must file a new W-4 with your employer within 10 days.

The instructions below explain how to fill in Form W-4. Publication 505 contains more information on withholding. You can get it from most IRS offices.

For more information about who qualifies as your dependent, what deductions you can take, and what tax credits you qualify for, see the Form 1040 instructions.

Line-By-Line Instructions

Fill in the identifying information in boxes 1 and 2. If you are married and want tax withheld at the regular rate for married persons, check "Married" in box 3. If you are married and want tax withheld at the higher Single rate (because both you and your spouse work, for example), check the box "Married, but withhold at higher Single rate" in box 3.

Line 4 of Form W-4

Total number of allowances.—Use the worksheet on page 2 to figure your allowances. Add the number of allowances for each category explained below. Enter the total on line 4.

If you are single and hold more than one job, you may not claim the same allowances with more than one employer at the same time. If you are married and both you and your spouse are employed, you may not both claim the same allowances with both of your employers at the same time. To have the highest amount of tax withheld, claim "0" allowances on line 4.

A. Personal allowances.—You can claim the following personal allowances:

1 for yourself, 1 if you are 65 or older, and 1 if you are blind.

If you are married and your spouse either does not work or is not claiming his or her allowances on a separate W-4, you may also claim the following allowances: 1 for your spouse, 1 if your spouse is 65 or older, and 1 if your spouse is blind.

B. Special withholding allowance.—Claim the special withholding allowance if you are single and have one job or you are married, have one job, and your spouse does not work. You may still claim this allowance so long as the total wages earned on other jobs by you or your spouse (or both) is 10% or less of the combined total wages. Use this special withholding allowance only to figure your withholding. Do not claim it when you file your return.

C. Allowances for dependents.—You may claim one allowance for each dependent you will be able to claim on your Federal income tax return.

Note: *If you are not claiming any deductions or credits, skip D and E, add lines A, B, and C, enter the total on line F and carry the total over to line 4 of W-4.*

Before you claim allowances under D and E, total your non-wage taxable income (interest, dividends, self-employment income, etc.) and subtract this amount from estimated deductions you would otherwise enter in D1. If your non-wage income is greater than the amount of estimated deductions, you cannot claim any allowances under D. Moreover, you should take one-third of the excess (non-wage income over estimated deductions) and add this to the appropriate "A" value in Table 1 if determining allowances under E.

D. Allowances for estimated deductions.—If you expect to itemize deductions, you can claim additional withholding allowances. See Schedule A (Form 1040) for deductions you can itemize.

You can also count deductible amounts you pay for (1) alimony (2) qualified retirement contributions including Keogh (H.R. 10) plans (3) moving expenses (4) employee business expenses (Part I of Form 2106) (5) the deduction for two-earner married couples, (6) net losses shown on Schedules C, D, E, and F (Form 1040), the last line of Part II of Form 4797, and the net operating loss carryover, (7) penalty on early withdrawal of savings, and (8) direct charitable contributions. **Note:** Check with your employer to see if any tax is being withheld on moving expenses or IRA contributions. Do not include these amounts if tax is not being withheld: otherwise, you may be underwithheld. For details see Publication 505.

The deduction allowed two-earner married couples is 10% of the lesser of $30,000 or the qualified earned income of the spouse with the lower income. Once you have determined these deductions, enter the total on line D1 of the worksheet on page 2 and figure the number of withholding allowances for them.

E. Allowances for estimated tax credits.—If you expect to take credits like those shown on lines 41 through 48 on the 1982 Form 1040 (child care, residential energy, etc.), use the table on the top of page 2 to figure the number of additional allowances you can claim. Include the earned income credit if you are not receiving advance payment of it, and any excess FICA tax withheld. Also, if you expect to income average, include the amount of the reduction in tax because of averaging when using the table.

Line 5 of Form W-4

Additional amount, if any, you want deducted from each pay.—If you are not having enough tax withheld from your pay, you may ask your employer to withhold more by filling in an additional amount on line 5. Often married couples, both of whom are working, and persons with two

or more jobs need to have additional tax withheld. You may also need to have additional tax withheld because you have income other than wages, such as interest and dividends, capital gains, rents, alimony received, etc. Estimate the amount you will be underwithheld and divide that amount by the number of pay periods in the year. Enter the additional amount you want withheld each pay period on line 5.

Line 6 of Form W–4

Exemption from withholding.—You can claim exemption from withholding only if last year you did not owe any Federal income tax and had a right to a refund of all income tax withheld, and this year you do not expect to owe any Federal income tax and expect to have a right to a refund of all income tax withheld. If you qualify, check boxes 6a and b, write the year exempt status is effective and "EXEMPT" on line 6b, and answer Yes or No to the question on line 6c.

If you want to claim exemption from withholding next year, you must file a new W–4 with your employer on or before February 15 of next year. If you are not having Federal income tax withheld this year, but expect to have a tax liability next year, the law requires you to give your employer a new W–4 by December 1 of this year. If you are covered by FICA, your employer must withhold social security tax.

You may be fined $500 if you file, with no reasonable basis, a W–4 that results in less tax being withheld than is properly allowable. In addition, criminal penalties apply for willfully supplying false or fraudulent information or failing to supply information requiring an increase in withholding.

Your employer must send to IRS any W–4 claiming more than 14 withholding allowances or claiming exemption from withholding if the wages are expected to usually exceed $200 a week. The employer is to complete boxes 7, 8, and 9 only on copies of the W–4 sent to IRS.

Table 1—For Figuring Your Withholding Allowances For Estimated Tax Credits and Income Averaging (Line E)

Estimated Salaries and Wages from all Sources	Single Employees (A)	Single Employees (B)	Head of Household Employees (A)	Head of Household Employees (B)	Married Employees (When Spouse not Employed) (A)	Married Employees (When Spouse not Employed) (B)	Married Employees (When Both Spouses are Employed) (A)	Married Employees (When Both Spouses are Employed) (B)
Under $15,000	$ 100	$160	$ 50	$160	$ 80	$120	$ 0	$120
15,000–25,000	150	250	0	250	90	180	360	180
25,001–35,000	200	320	0	320	130	260	840	230
35,001–45,000	390	370	0	370	180	340	1,590	260
45,001–55,000	1,120	370	0	370	250	360	2,300	350
55,001–65,000	2,150	370	670	370	560	370	3,130	350
Over 65,000	3,320	370	1,640	370	1,110	370	4,000	370

Worksheet to Figure Your Withholding Allowances to be Entered on Line 4 of Form W–4

A Personal allowances . . . . . ▶ A

B Special withholding allowance (not to exceed 1 allowance—see instructions on page 1) . . . . . ▶ B

C Allowances for dependents . . . . . ▶ C

If you are not claiming any deductions or credits, skip lines D and E.

D Allowances for estimated deductions:

1 Enter the total amount of your estimated itemized deductions, alimony payments, qualified retirement contributions including Keogh (H.R. 10) plans, deduction for two-earner married couples, business losses including net operating loss carryovers, moving expenses, employee business expenses, penalty on early withdrawal of savings, and direct charitable contributions for the year . . . . . ▶ 1 $

2 If you do not plan to itemize deductions, enter $500 on line D2. If you plan to itemize, find your total estimated salaries and wages amount in the left column of the table below. (Include salaries and wages of both spouses.) Read across to the right and enter the amount from the column that applies to you. Enter that amount on line D2 . . . ▶ 2 $

Estimated salaries and wages from all sources	Single and Head of Household Employees (only one job)	Married Employees (one spouse working and one job only)	Employees with more than one job or Married Employees with both spouses working *
Under $15,000	$2,800	$3,900	40% of estimated salaries and wages
15,000–35,000	2,800	3,900	23% of estimated salaries and wages
35,001–50,000	9% of estimated salaries and wages	3,900	20% of estimated salaries and wages
Over $50,000	11% of estimated salaries and wages	8% of estimated salaries and wages	18% of estimated salaries and wages

3 Subtract line D2 from line D1 (But not less than zero) . . . . . ▶ 3 $

4 Divide the amount on line D3 by $1,000 (increase any fraction to the next whole number). Enter here . . ▶ D

E Allowances for estimated tax credits and income averaging: use Table 1 above for figuring withholding allowances

1 Enter estimated tax credits, excess FICA tax withheld, and tax reduction from income averaging and tax withheld on interest and dividends . . . . . $

2 Enter the column (A) amount for your salary range and filing status (single, etc.) However, enter 0 if you claim 1 or more allowances on line D4. . . . . $

3 Subtract line 2 from line 1 (If zero or less, do not complete lines 4 and 5) . . . . . $

4 Find the column (B) amount for your salary range and filing status . . . . . $

5 Divide line 3 by line 4. Increase any fraction to the next whole number. This is the maximum number of withholding allowances for estimated tax credits and income averaging. Enter here . . . . . ▶ E

Example: A taxpayer who expects to file a Federal income tax return as a single person estimates annual wages of $12,800 and tax credits of $650. The $12,800 falls in the wage bracket of under $15,000. The value in column (A) is 100. Subtracting this from the estimated credits of 650 leaves 550. The value in column (B) is 160. Dividing 550 by 160 gives 3.4. Since any fraction is increased to the next whole number, show 4 on line E.

F Total (add lines A through E). Enter total here and on line 4 of Form W–4 . . . . . ▶ F

* If you earn 10% or less of your total wages from other jobs or one spouse earns 10% or less of the couple's combined total wages, you can use the "Single and Head of Household Employees (only one job)" or "Married Employees (one spouse working and one job only)" table, whichever is appropriate.

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UNIFORM STATE/AID/USICA REGULATIONS

553.6 Computation

There are two methods of computation: the wage bracket withholding method; and the percentage withholding method.

553.6-1 Wage Bracket Withholding Method

Posts use the wage bracket withholding method for all biweekly payments made to regular or contract employees with the exception provided in paragraph d of this section. (See Exhibit 546 (pp. 14 through 17) for the tax withholding tables.)

a. Regular or Partial Biweekly Period

Tax withholding deductions from salaries paid for a full or partial pay period are determined from the biweekly tax withholding tables.

b. Two or More Regular Biweekly Periods

When a payment of regular salary is being made for two or more pay periods, tax withholding deductions are computed individually for each pay period or partial pay period and combined into a single amount of tax withholding for the combined periods.

c. Additional Compensation with Regular Pay

Tax withholding deductions from additional compensation (see section 542) paid as a part of the biweekly salary, are computed on the aggregate gross payment for the pay period.

d. Additional Compensation Separate From Regular Pay

Tax withholding deductions, from additional compensation (see section 542) paid separately from the regular biweekly salary, are computed at the flat rate of 20 percent, without allowance for exemptions and without reference to any regular pay of wages.

553.6-2 Percentage Withholding Method

Where payrolls are prepared by the use of data processing equipment, tax withholdings will be calculated by use of the formulas given in Exhibit 553.6-2. Posts not preparing payrolls through the use of data processing equipment will use the percentage method for all payments other than biweekly, using the formulas in Exhibit 553.6-2. In unusual circumstances, wage bracket tables may be used as explained in section 553.6-2d.

a. Withholding Exemption Values

The formulas given in Exhibit 553.6-2 are for use after an employee's gross salary (wages) has been reduced by the following applicable amount for each exemption claimed:

Payroll Period	Amount of One Withholding Exemption
Weekly	*$19.23*
Biweekly	*38.46*
Semimonthly	*41.66*
Monthly	*83.33*
Daily or miscellaneous (per day of such period)	*2.74*

b. Steps in Computing Tax

The steps in computing the income tax to be withheld are:

(1) Multiply the amount of one withholding exemption (see section 553.6-2a) by the number of exemptions claimed by the employee.

(2) Subtract the amount thus determined from the employee's gross taxable compensation.

(3) Determine amount to be withheld from appropriate table (see Exhibit 553.6-2).

c. Example

An unmarried employee has a biweekly payroll period for which he is paid $250.00, and has in effect a withholding exemption certificate claiming one exemption and the special withholding allowance:

(1) Total wage payment.....$250.00
(2) Amount of one exemption.$38.46
(3) Number of exemptions claimed on form W-4 (including the special withholding allowance).... 2
(4) Line 2 multiplied by line 3.....$76.92
(5) Amount subject to withholding (line 1 minus line 4).....$173.08
(6) Tax to be withheld on $173.08 from table 2, Exhibit 553.6-2: Tax on first $127.00.....$10.80
Tax on remainder $46.80 at 18%..... $8.29
Total to be withheld.....$19.09*

d. Exception

It is assumed few payments will be made on a weekly basis. If, however, a post has a large volume of taxable payments other than biweekly, the appropriate wage bracket tables contained in Treasury Department, Internal Revenue Service, Publication No. 15, Employer's Tax Guide (Circular E) Rev November 1978, should be requested from the Department (BF/OF).

553.7 Wage and Tax Statement

Each post is responsible for preparing a Treasury Department Form W-2, Wage and Tax Statement, for Federal taxes withheld from compensation paid by the post. (See Exhibit 553.7 for details.)

Exhibit 553.6-2(p.1)

Tables for Percentage Method of Withholding

(For Wages Paid After June 1983 and Before January 1985)

(Revised for AID purposes)

TABLE 1—If the Payroll Period with Respect to an Employee is Weekly

(a) SINGLE person—including head of household:

If the amount of wages is: Not over $27 — *The amount of income tax to be withheld shall be:* 0

Over—	But not over—		of excess over—
$27	—$79	12%	—$27
$79	—$183	$6.24 plus 15%	—$79
$183	—$277	$21.84 plus 19%	—$183
$277	—$423	$39.70 plus 25%	—$277
$423	—$535	$76.20 plus 30%	—$423
$535	—$637	$109.80 plus 34%	—$535
$637		$144.48 plus 37%	—$637

(b) MARRIED person—

If the amount of wages is: Not over $46 — *The amount of income tax to be withheld shall be:* 0

Over—	But not over—		of excess over—
$46	—$185	12%	—$46
$185	—$369	$16.68 plus 17%	—$185
$369	—$454	$47.96 plus 22%	—$369
$454	—$556	$66.66 plus 25%	—$454
$556	—$658	$92.16 plus 28%	—$556
$658	—$862	$120.72 plus 33%	—$658
$862		$188.04 plus 37%	—$862

TABLE 2—If the Payroll Period With Respect to an Employee is Biweekly

(a) SINGLE person—including head of household:

If the amount of wages is: Not over $54 — *The amount of income tax to be withheld shall be:* 0

Over—	But not over—		of excess over—
$54	—$158	12%	—$54
$158	—$365	$12.48 plus 15%	—$158
$365	—$554	$43.53 plus 19%	—$365
$554	—$846	$79.44 plus 25%	—$554
$846	—$1,069	$152.44 plus 30%	—$846
$1,069	—$1,273	$219.34 plus 34%	—$1,069
$1,273		$288.70 plus 37%	—$1,273

(b) MARRIED person—

If the amount of wages is: Not over $92 — *The amount of income tax to be withheld shall be:* 0

Over—	But not over—		of excess over—
$92	—$369	12%	—$92
$369	—$738	$33.24 plus 17%	—$369
$738	—$908	$95.97 plus 22%	—$738
$908	—$1,112	$133.37 plus 25%	—$908
$1,112	—$1,315	$184.37 plus 28%	—$1,112
$1,315	—$1,723	$241.21 plus 33%	—$1,315
$1,723		$375.85 plus 37%	—$1,723

TABLE 3—If the Payroll Period With Respect to an Employee is Semimonthly

(a) SINGLE person—including head of household:

If the amount of wages is: Not over $58 — *The amount of income tax to be withheld shall be:* 0

Over—	But not over—		of excess over—
$58	—$171	12%	—$58
$171	—$396	$13.56 plus 15%	—$171
$396	—$600	$47.31 plus 19%	—$396
$600	—$917	$86.07 plus 25%	—$600
$917	—$1,158	$165.32 plus 30%	—$917
$1,158	—$1,379	$237.62 plus 34%	—$1,158
$1,379		$312.76 plus 37%	—$1,379

(b) MARRIED person—

If the amount of wages is: Not over $100 — *The amount of income tax to be withheld shall be:* 0

Over—	But not over—		of excess over—
$100	—$400	12%	—$100
$400	—$799	$36.00 plus 17%	—$400
$799	—$983	$103.83 plus 22%	—$799
$983	—$1,204	$144.31 plus 25%	—$983
$1,204	—$1,425	$199.56 plus 28%	—$1,204
$1,425	—$1,867	$261.44 plus 33%	—$1,425
$1,867		$407.30 plus 37%	—$1,867

TABLE 4—If the Payroll Period With Respect to an Employee is Monthly

(a) SINGLE person—including head of household:

If the amount of wages is: Not over $117 — *The amount of income tax to be withheld shall be:* 0

Over—	But not over—		of excess over—
$117	—$342	12%	—$117
$342	—$792	$27.00 plus 15%	—$342
$792	—$1,200	$94.50 plus 19%	—$792
$1,200	—$1,833	$172.02 plus 25%	—$1,200
$1,833	—$2,317	$330.27 plus 30%	—$1,833
$2,317	—$2,758	$475.47 plus 34%	—$2,317
$2,758		$625.41 plus 37%	—$2,758

(b) MARRIED person—

If the amount of wages is: Not over $200 — *The amount of income tax to be withheld shall be:* 0

Over—	But not over—		of excess over—
$200	—$800	12%	—$200
$800	—$1,598	$72.00 plus 17%	—$800
$1,598	—$1,967	$207.66 plus 22%	—$1,598
$1,967	—$2,408	$288.84 plus 25%	—$1,967
$2,408	—$2,850	$399.09 plus 28%	—$2,408
$2,850	—$3,733	$522.85 plus 33%	—$2,850
$3,733		$814.24 plus 37%	—$3,733

Exhibit 553.6-2 (p. 2)

UNIFORM STATE/AID/USICA REGULATIONS

TABLE 5. QUARTERLY Payroll Period

(a) SINGLE person—including head of household:

If the amount of wages is:		*The amount of income tax to be withheld shall be:*	
Not over $355		0	
Over—	But not over—		of excess over—
$355	—$825	15%	—$355
$825	—$1,700	$70.50 plus 18%	—$825
$1,700	—$2,550	$228.00 plus 21%	—$1,700
$2,550	—$3,550	$406.50 plus 26%	—$2,550
$3,550	—$4,300	$666.50 plus 30%	—$3,550
$4,300	—$5,625	$891.50 plus 34%	—$4,300
$5,625		$1,342.00 plus 39%	—$5,625

(b) MARRIED person—

If the amount of wages is:		*The amount of income tax to be withheld shall be:*	
Not over $600		0	
Over—	But not over—		of excess over—
$600	—$1,650	15%	—$600
$1,650	—$2,725	$157.50 plus 18%	—$1,650
$2,725	—$3,750	$351.00 plus 21%	—$2,725
$3,750	—$4,800	$566.25 plus 24%	—$3,750
$4,800	—$5,900	$818.25 plus 28%	—$4,800
$5,900	—$7,225	$1,126.25 plus 32%	—$5,900
$7,225		$1,550.25 plus 37%	—$7,225

TABLE 6. SEMIANNUAL Payroll Period

(a) SINGLE person—including head of household:

If the amount of wages is:		*The amount of income tax to be withheld shall be:*	
Not over $710		0	
Over—	But not over—		of excess over—
$710	—$1,650	15%	—$710
$1,650	—$3,400	$141.00 plus 18%	—$1,650
$3,400	—$5,100	$456.00 plus 21%	—$3,400
$5,100	—$7,100	$813.00 plus 26%	—$5,100
$7,100	—$8,600	$1,333.00 plus 30%	—$7,100
$8,600	—$11,250	$1,783.00 plus 34%	—$8,600
$11,250		$2,684.00 plus 39%	—$11,250

(b) MARRIED person—

If the amount of wages is:		*The amount of income tax to be withheld shall be:*	
Not over $1,200		0	
Over—	But not over—		of excess over—
$1,200	—$3,300	15%	—$1,200
$3,300	—$5,450	$315.00 plus 18%	—$3,300
$5,450	—$7,500	[illegible]02.00 plus 21%	—$5,450
$7,500	—$9,600	$1,132.50 plus 24%	—$7,500
$9,600	—$11,800	$1,636.50 plus 28%	—$9,600
$11,800	—$14,450	$2,252.50 plus 32%	—$11,800
$14,450		[illegible]00.50 plus 37%	—$14,450

TABLE 7. ANNUAL Payroll Period

(a) SINGLE person—including head of household:

If the amount of wages is:		*The amount of income tax to be withheld shall be:*	
Not over $1,420		0	
Over—	But not over—		of excess over—
$1,420	—$3,300	15%	—$1,420
$3,300	—$6,800	$282.00 plus 18%	—$3,300
$6,800	—$10,200	$912.00 plus 21%	—$6,800
$10,200	—$14,200	$1,626.00 plus 26%	—$10,200
$14,200	—$17,200	$2,666.00 plus 30%	—$14,200
$17,200	—$22,500	$3,566.00 plus 34%	—$17,200
$22,500		$5,368.00 plus 39%	—$22,500

(b) MARRIED person—

If the amount of wages is:		*The amount of income tax to be withheld shall be:*	
Not over $2,400		0	
Over—	But not over—		of excess over—
$2,400	—$6,600	15%	—$2,400
$6,600	—$10,900	$630.00 plus 18%	—$6,600
$10,900	—$15,000	$1,404.00 plus 21%	—$10,900
$15,000	—$19,200	$2,265.00 plus 24%	—$15,000
$19,200	—$23,600	$3,273.00 plus 28%	—$19,200
$23,600	—$28,900	$4,505.00 plus 32%	—$23,600
$28,900		$6,201.00 plus 37%	—$28,900

TABLE 8. DAILY or MISCELLANEOUS Payroll Period

(a) SINGLE person—including head of household:

If the wages divided by the number of days in such period are:		*The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:*	
Not over $5.50		0	
Over—	But not over—		of excess over—
$5.50	—$12.70	15%	—$5.50
$12.70	—$26.20	$1.08 plus 18%	—$12.70
$26.20	—$39.20	$3.51 plus 21%	—$26.20
$39.20	—$54.60	$6.24 plus 26%	—$39.20
$54.60	—$66.20	$10.24 plus 30%	—$54.60
$66.20	—$86.50	$13.72 plus 34%	—$66.20
$86.50		$20.62 plus 39%	—$86.50

(b) MARRIED person—

If the wages divided by the number of days in such period are:		*The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:*	
Not over $9.20		0	
Over—	But not over—		of excess over—
$9.20	—$25.40	15%	—$9.20
$25.40	—$41.90	$2.43 plus 18%	—$25.40
$41.90	—$57.70	$5.40 plus 21%	—$41.90
$57.70	—$73.80	$8.72 plus 24%	—$57.70
$73.80	—$90.80	$12.58 plus 28%	—$73.80
$90.80	—$111.20	$17.34 plus 32%	—$90.80
$111.20		$23.87 plus 37%	—$111.20

Exhibit 553.7 (p.1)

(Revised for AID purposes)

W-2, WAGE AND TAX STATEMENT

1 Control number		OMB No. 1545-0008		
2 Employer's name, address, and ZIP code		3 Employer's identification number	4 Employer's State number	
		5 Stat. employee ☐ Deceased ☐ Legal rep ☐ 942 emp ☐ Sub-total ☐ Void ☐		
		6 Allocated tips	7 Advance EIC payment	
8 Employee's social security number	9 Federal income tax withheld	10 Wages, tips, other compensation	11 Social security tax withheld	
12 Employee's name, address, and ZIP code		13 Social security wages	14 Social security tips	
		16		
		17 State income tax	18 State wages, tips, etc.	19 Name of State
		20 Local income tax	21 Local wages, tips, etc.	22 Name of locality

Wage and Tax Statement 1983

Copy 1 For State, City, or Local Tax Department
Employee's and employer's copy compared. ☐

UNIFORM STATE/AID/USIA REGULATIONS

ADDITIONAL INSTRUCTIONS FOR W-2

When Prepared: A W-2 is prepared during the calendar year for each employee removed from the payrolls by transfer or termination. A W-2 is prepared at the end of the calendar year for each employee on the post payrolls at that time.

Correction: If it becomes necessary to correct a W-2 after it has been given to an employee, a new statement must be issued. Corrected W-2's are clearly marked "Corrected by Employer."

Reissue: In case a withholding statment is lost or destroyed, a substitute copy clearly marked "Reissued by Employer" is furnished to the employee.

DISTRIBUTION

To Employee: Copies B, C, and one copy of Earnings Statement are furnished to the employee: (1) within 30 days, when the form is issued during the calendar year; (2) by January 31 of the following year, when the form is issued at the end of a calendar year.

To Employing Agency: Copy A and one copy of Earnings Statement are forwarded to the appropriate agency annually, in accordance with section 590.

To Post: Copy D is retained in the post files.

Destroy: If no need is found locally for the remaining copy, the post destroys it.

ATTACHMENT 7F

UNIFORM STATE/AID/USICA REGULATIONS

557.4 Collections and Adjustments of Salary Overpayments

a. Prior Fiscal Year

When a payroll deduction cannot be made from the compensation of an employee to recover a salary overpayment, a cash collection is affected. Such recovery for a salary indebtedness incurred during a prior fiscal year is handled in the manner illustrated in Exhibit 557.3a, item 5. In making such recoveries the net overpayment is recovered from the employee direct. The net recovery from the employee is entered on FS-465 and reported on SF-1221 as a credit to the appropriation charged with the original payments. (See section 323.1-1.) The balance of the overpayment is recovered on a current payroll by adjustment (i.e., credit entries) in the deduction columns in which the overdeductions occurred. The total of these credit adjustments is recorded as a debit entry in the "other deduction" column of FS-275, and included in the payroll deduction portion of the certification and summary section of FS-275 as a credit to the appropriation which was charged with the original payments. Such credits are taken up as collections on FS-465 and reported on SF-1221.

b. Same Fiscal Year

When a collection is made from an employee for salary overpayment incurred during the same fiscal year, the net recovery from the employee is entered on FS-465 and reported on SF-1221 as a credit to the appropriation which was charged with the original payments. (See section 323.1-1.) The balance of the overpayment is recovered by adjusting the appropriate deduction accounts, and thereby reducing the gross charge to the appropriation. (See Exhibit 557.3a, item 7.)

557.5 Income Tax Levies Served by U.S. District Directors of the Internal Revenue Service

a. Authority

Section 6331 of the Internal Revenue Code of 1954 (26 U.S.C. 6331) states in part that a tax levy may be made upon the salary or wages of an employee of the United States by serving a notice of levy on the employer of such employee. The term "levy" as used in this Code includes the power of distraint and seizure by any means. The Commissioner of Internal Revenue Service has established a policy that, in the absence of specific instructions to the contrary, tax levies will be made against the "take-home pay," that is, the net wages due after making deductions for normal payroll purposes. Allowances are not to be construed as salaries or wages in computing the amount for net wages (take-home pay) for tax levy purposes; however, any amounts due the employee may be withheld to apply on the levy. A levy on wages or salary is continuous from the date of levy until the liability out of which the levy arose is satisfied. The levy attaches to both salary or wages earned but not yet paid at the time of levy, and salary or wages earned and becoming payable subsequent to the date of the levy, until the levy is released by the Internal Revenue Service.

b. Service of Tax Levy

A notice of levy, Internal Revenue Service Form 668-A, is served upon and receipted by a designated official at Department or agency headquarters. The Department or agency immediately notifies the post and payroll office, usually by telegram, to initiate collection action and gives the name of the employee, the amount and date of receipt of the levy, as well as the address of the District Director of Internal Revenue, and forwards the levy notice to the post. After a notice of levy has been served, take-home pay is not to be decreased by the device of increasing allotments (such as those for bonds and allotments of pay) in an effort to avoid tax levy on the net wage.

UNIFORM STATE/AID/USICA REGULATIONS

c. Dependent Exemption

Certain amounts payable to or received by a taxpayer as wages, salary or other income are exempt from levy. Wage and salary amounts exempt from levy are determined by the number of persons claimed by the taxpayer as dependents. No amount prescribed as being exempt from levy for each person who is claimed as a dependent will be so exempt, unless a claim for dependent exemption is submitted to the employer. A claim for a dependent exemption is made by the taxpayer in a written statement to the payroll office, identifying, by name and relationship, each person for whom an exemption is claimed. The statement is signed by the taxpayer and must include a declaration clause that it is made under the penalties of perjury.

A dependent for the purpose of an exemption from the levy must meet the same requirements as one used for normal income tax exemption with the exception that there will be no additional exemptions allowed for age or disability. The taxpayer is not counted as dependent for this purpose.

The taxpayer must submit the claim for dependent exemption so that it reaches the payroll office at least three workdays prior to the end of the pay period. This may require telegraphic notification to the payroll office with the signed statement to follow. Failure on the part of the taxpayer to submit a timely claim for dependent exemption will result in the loss of the dependent exemption for the applicable pay period. If none of the salary or wages of a taxpayer are exempt from levy, the District Director of the Internal Revenue Service shall notify the employer.

d. Determination of Exempt Amount

Amounts payable to the taxpayer as wages and salary for each payroll period are exempt from levy as follows:

1) If the payroll period is biweekly: $100, plus $30 for each person who is claimed as a dependent.

2) If the payroll period is not biweekly, a proportionate amount based upon the sum of an annual exemption of $2,600 plus a proportionate amount of annual exemption of $780 for each person who is claimed as a dependent.

e. Collection of Tax Levy

After establishing the amount to be recovered and paid to the U.S. District Director of Internal Revenue collection of this amount may be made by any of the usual methods of recovery of indebtedness to the United States (see Exhibit 557.5d (pp. 1 - 4) such as payroll deductions, voluntary cash payment, and inscription of undelivered checks as well as deductions from amounts otherwise payable to the employee. If directed by the Internal Revenue Service that the entire proceeds of a check are to be used to pay the levy, the face of the check, directly below the payee's name, is inscribed as follows:

"Not negotiable by payee. For deposit by the Director of Internal Revenue, pursuant to levy under the Internal Revenue Code."

A check which exceeds the amount to be recovered may be canceled and separate checks drawn for delivery to the employee and the U.S. District Director of Internal Revenue as shown in Exhibit 557.5d (pp. 5 and 6).

UNIFORM STATE/AID/USICA REGULATIONS

f. Remittances to U.S. District Directors of Internal Revenue

Any remittance in satisfaction of a tax levy is made by means of a Treasury check drawn to the order of or inscribed for payment to a U.S. District Director of Internal Revenue. Upon receipt of voluntary cash (or personal check) payment to satisfy a tax levy, the post takes up the amount in its accounts and draws a Treasury check to the order of the U.S. District Director of Internal Revenue.

Checks in satisfaction of a tax levy are sent by letter to the District Director of Internal Revenue shown on the tax levy notice. A copy of the letter is sent to the Department, Attention: M/COMP/FO. (See Exhibit 557.5e.)

For AID:

If voluntary cash or personal check payment method is selected by the employee, the Controller at post should cable ESD of the action to be taken by the employee so that net pay will not be garnished. AID/W employees should notify ESD in writing of intent to satisfy debt by voluntary cash or personal check. ESD should then forward a copy of the cable or written notice to the U.S. District Director of Internal Revenue.

Checks in satisfaction of a tax levy are drawn to the order of and are accompanied by letter to the District Director of Internal Revenue shown on the tax levy notice. A copy of the letter is sent to AID/FM/ESD. (See Exhibit 557.5e.)

CHAPTER 8

PREMIUM COMPENSATION

8A. Purpose

This chapter and accompanying 3 FAM 230, Premium Compensation, uniform State/AID/USIA/Agriculture/Commerce regulations, provide the policies, authorities, regulations and procedures for premium compensation, including premium pay and overtime compensation.

8B. Applicability

This chapter applies to most U.S. citizen, direct-hire Foreign Service and Civil Service employees, except as specified in 3 FAM 230.

8C. Authorities and References

1. 5 U.S.Code Ch. 55, Subch. V, Premium Pay; Ch. 61, Subch. 1, General Provisions

2. CFR 550, Pay Administration, and 610, Hours of Duty

3. FPM 550, Pay Administration (General), and 610, Hours of Duty

4. Foreign Service Act of 1980, as amended, sec. 408

5. Fair Labors Standards Act of 1938, as amended

8D. Definition

Authorizing Officer. The Executive Management Staff or Administrative Office representative or Executive Officer responsible for approving overtime work and for overseeing other technical aspects of premium compensation.

8E. Policies

1. Irregular or occasional overtime work may be authorized only as an emergency measure to avoid unusual backlogging of regular work or to meet unforeseen circumstances.

2. Overtime pay or compensatory time off will be authorized for employees, as appropriate, for hours of work officially ordered or approved in excess of eights hours in a day or 40 hours in any regularly scheduled administrative workweek.

3. Overtime pay or compensatory time off may NOT be authorized for an employee who has used paid time off during the week that was scheduled

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and approved in advance until additional actual work exceeds paid hours of nonwork and is in excess of eight hours in a day or 40 hours of actual work, as appropriate, in the workweek. Paid time off includes holidays, annual or sick leave, compensatory time or other excused absence of pay.

8E. Responsibilities

1. Supervisors

a. Make certain that work assignments are accomplished on a timely basis through the efficient management of assigned personnel without the use of premium compensation unless absolutely essential.

b. Submits a written request, including justification, for overtime (AID 430-3) to the authorizing officer prior to ordering an employee to work overtime.

c. Makes certain that nonexempt (see 3 FAM 230) employees work only during their scheduled tour of duty if he/she does not intend for overtime work to be performed.

2. Authorizing Officers

a. Determine whether requested overtime is fully justified, that the request is in compliance with Agency policy and that overtime costs can be met within the requesting office's or post's budget.

b. Authorize compensatory time off in lieu of overtime pay to the maximum extent feasible.

c. Determine whether basic and administrative workweeks that differ from those specified in Handbook 27 should be authorized when there is a continuing need for overtime.

d. May issue, revise or terminate an overtime order without consulting the affected employee in advance, but must promptly notify the employee of any change.

e. Establish and enforce procedures to authorize, record, monitor and control the use of overtime.

f. Provide timekeeper with signed originals of approved overtime documents.

g. Alert employee's supervisor when advised by a nonexempt employee that overtime work has been performed.

3. Timekeepers

a. Maintain documentation that the overtime work was ordered and approved, and obtains instruction from the requesting supervisor for preparation of time and attendance report of participating employee. Documentation must remain on file for six years for audit purposes.

b. Review emergency overtime orders issued by supervisor.

4. Employees

a. Recognize the circumstances that require overtime work when in a position for which additional hours of work cannot be administratively controlled.

b. Maintain overtime records for each pay period and submit to supervisor for certification and transmittal to timekeeper.

5. Office of Personnel Management (PFM/PM)

Advises bureau and office administrative staffs of the status (exempt or nonexempt) of their employees.

8F. Attachments

App. A, 3 FAM 230, Premium Compensation
Att. A, AID 430-3, Overtime Authorization and Report

APPENDIX 8A

230
PREMIUM COMPENSATION

231 GENERAL POLICY

TL:PER-16 2-15-85)
(Effective date: 3-31-85)
(Uniform State/AID/USIA/Commerce/Agriculture)

231.1 Applicability

This subchapter governs premium compensation for most members of the Foreign Service (FS) in State, AID, USIA, Commerce and USDA both in the United States and abroad but does not apply to Foreign Service National employees. It also governs premium compensation for General Schedule (GS) and most other domestic employees of State with the exceptions listed in section 231.2.

United States-based employees of USIA, both Foreign Service and domestic, should also refer to USIA's Manual of Operations and Administration, V-A and V-B, for regulations on premium compensation.

231.2 Eligibility for Premium Pay

All employees of the foreign affairs agencies are eligible for the premium pay established under subchapter V, chapter 55, title 5, United States Code, unless otherwise stated in this subchapter, except:

a. An employee whose rate of basic pay equals or exceeds the maximum payable rate of basic pay for GS-15 (for example, chiefs of mission, ambassadors, Executive Schedule officials);

b. A member of the Senior Foreign Service;

c. A member of the Senior Executive Service;

d. Commissioned Foreign Service officers;

e. Foreign Service National employees (see 3 FAM 935);

f. Experts and consultants (see 3 FAM 231.5-3 and 3 FAM 1514);

g. Consular agents (see 3 FAM 990); and

h. Federal Wage System and other employees whose pay is fixed by prevailing rates (see 3 FAM 1234).

Although commissioned Foreign Service officers are excluded from premium pay under title 5, United States Code, they may qualify for three types of special compensatory time off under 3 FAM 232.6, and for a special allowance in lieu of overtime pay for substantial amounts of extra work under 3 FAM 238. (See 230, Appendix A.)

231.3 Definitions

a. "Administrative workweek" means a period of 7 consecutive calendar days beginning on a day and hour established in advance under 3 FAM 400, Attendance and Leave.

b. "Basic rate of pay" means the rate of pay fixed by law or administrative action for the position or rank held by an employee before any deductions and exclusive of additional pay of any kind.

c. "Basic workweek" for full-time employees means the 40-hour workweek established under 3 FAM 400 within each administrative workweek (for example, Monday through Friday, 8:15 a.m. to 5:00 p.m., with a 45-minute meal period).

d. "CFR" means the Code of Federal Regulations.

e. "Compensatory time off" means, generally, the granting of time off instead of payment for an equal amount of time spent performing irregular or occasional overtime work. Under this subchapter, there are four kinds of compensatory time off:

(1) Regular compensatory time off;

(2) Special compensatory time off at isolated posts and certain other designated posts in foreign areas;

(3) Special compensatory time off for Foreign Service officers; and

(4) Special compensatory time off for religious observances.

f. "CG" is used to cite published decisions of the Comptroller General of the United States.

g. "Comp. Gen." is used to cite unpublished decisions of the Comptroller General of the United States.

h. "Exempt employee" means an employee not covered by FLSA.

i. "FLSA" means the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.). FLSA applies to overtime work performed in the United States and in certain nonforeign areas only. A nonexempt employee is covered by FLSA while an exempt employee is not covered by FLSA. Nonexempt employees are usually covered by title 5 premium pay and if so must be paid the greater of the two overtime benefits.

j. "Foreign Service officer" or "FSO" means a member commissioned by the President and holding an "FO" pay plan designation.

k. "FPM" means the Federal Personnel Manual published by the U.S. Office of Personnel Management (OPM).

l. "Irregular or occasional overtime work" means overtime work that is not scheduled in advance as a part of an employee's regularly scheduled administrative workweek.

m. "Nonexempt employee" means an employee covered by FLSA.

n. "Post" means any Foreign Service establishment abroad of State, AID, USIA, Commerce, or Agriculture.

o. "Premium pay" means additional pay authorized under chapter 55 of title 5, United States Code, for overtime, night, holiday, or Sunday work and for standby duty or administratively uncontrollable work.

p. "Regular rate" is an FLSA employee's hourly rate of pay that is used only for calculating FLSA overtime entitlements. The regular rate is calculated by dividing the total includable remuneration paid to an employee in a workweek by the total number of hours of work in the workweek for which such remuneration was paid. (See section 232.4-2b for further details.)

q. "Regularly scheduled administrative workweek" means the time period employees are regularly scheduled to work within the administrative workweek.

(1) For full-time employees, it includes the basic workweek plus regular overtime work, if any, that is required (for example, Monday through Saturday, 8:15 a.m. to 5:00 p.m., with a 45 minute meal period); or

(2) For part-time employees, it includes the officially prescribed days and hours during which they are regularly scheduled to work.

r. "Regularly scheduled overtime" means overtime work that is scheduled in advance as part of an employee's regularly scheduled administrative workweek.

s. "Regularly scheduled work" means work that is scheduled in advance of an administrative workweek pursuant to 3 FAM 400.

t. "Title 5" when used in this subchapter without reference to a specific chapter or section of the law and unless otherwise specified means the premium pay benefits provided by 5 U.S.C., chapter 55, subchapter V, as opposed to the overtime benefits provided by the Fair Labor Standards Act.

u. "Tour of duty" means the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that make up an employee's regularly scheduled administrative workweek.

v. "U.S.C." means United States Code.

231.4 Authorizing and Recording Work

231.4-1 Authorization

a. An authorizing official as defined below has the full authority and responsibility to order overtime, night, holiday, and Sunday work performed by employees in the official's organization within the limits of funds available for premium pay under published agency policies. The following are authorizing officials: a principal officer of a Foreign Service post, an executive director of a bureau and designated comparable or higher officials in headquarters offices, an allottee responsible for administering funds of a foreign affairs agency, and a designee of any of the above.

b. Overtime, night, holiday, and Sunday work should be ordered and scheduled in advance of an administrative workweek to the extent possible. Authorizing officials and supervisors should consider the personal circumstances and wishes of affected employees but when necessary due to an unusual or unforeseen business necessity may issue, revise, or terminate such an order without consulting the employee. However, the employee must be notified promptly of any change. These changes in schedule should not occur on a routine basis.

c. In emergencies, a supervisor who is not an authorizing official may order an employee to perform up to 8 hours per pay period of premium compensation work. That order must subsequently be reviewed and signed by the authorizing official as soon as possible. Supervisors who order overtime work on a continuing basis shall consult with their authorizing official for a delegation of authority to approve such overtime within limits established by the authorizing official."

d. To be paid under 5 U.S.C., all overtime, night, holiday, Sunday, and standby duty work must, among other things, be ordered or approved in writing by an authorizing official. The signed original of the approved document shall be furnished to the timekeeper who shall retain it for audit purposes (see section 232.7).

231.4-2 Recording Work

a. The Time and Attendance Handbook issued by the payroll office serving the organization contains detailed instructions for recording overtime, night, holiday, and Sunday work, and regular compensatory time off. Also, see section 232.7 for approval and recording procedures applicable to overtime work and regular compensatory time off as well as 4 FAM, Financial Management. (For AID, see Handbook 26, chapter 8.) Authorizing officials shall assure that detailed records are maintained of all premium pay work performed by employees in their respective organizations. See section 232.7-3 for special responsibilities of employees for recording and reporting overtime work they perform.

b. Supervisors who approve Time and Attendance Reports shall follow the instructions of the Time and Attendance Handbook to assure accuracy and to prevent fraud or abuse.

231.4-3 Verification

Executive directors and designated comparable officials shall inform managers of overtime and other premium pay charged to their respective organizations as reflected in periodic management reports to ensure it is for work properly authorized as required under this subchapter.

231.5 General Rules

Compensation for overtime work is provided under two statutes: title 5 of the United States Code and the Fair Labor Standards Act (FLSA). Some employees may be covered by both, one or none of these statutes. The definition and calculation of overtime work and pay are different under each statute and the following rules and procedures should be followed. (See also section 232.1-1 for further information.)

231.5-1 Maximum Limitation on Compensation

a. Overtime Under Title 5

An employee may receive premium pay under title 5 only to the extent that the premium pay does not cause the employee's aggregate rate of pay (that is, basic rate of pay plus premium pay) for any biweekly pay period to exceed the biweekly maximum payable basic rate of pay for GS-15 (5 U.S.C. 5547). This maximum limitation applies to any eligible employee, even if that employee is subject to a pay schedule other than the General Schedule, such as the Foreign Service pay schedule. Under this limitation, regular compensatory time off cannot be granted for any overtime worked which, if compensated, would cause the employee's aggregate rate of pay to exceed the maximum payable basic rate of pay for GS-15.

b. Overtime Under FLSA

Although overtime is calculated under both title 5 and FLSA for nonexempt employees, the title 5 maximum limitation does not apply to overtime pay earned by a nonexempt employee under FLSA. Employees covered by both title 5 and FLSA are entitled to the greater overtime entitlement but may not be paid twice for the same work. Any FLSA overtime actually paid during a pay period is not counted when determining the maximum amount of premium pay an employee may receive under title 5 for additional non-FSLA overtime work and for Sunday, holiday, night work, and standby duty during that pay period.

231.5-2 Counting Certain Periods as Work Under Title 5

(TL:PER-114 10-26-88)
(Uniform State/AID/USIA/Commerce/Agriculture)

a. Applicability

This section explains rules common to overtime, night, Sunday, and holiday premium pay calculations under 5 U.S.C. (The rules in this section do not apply to computations of pay or hours of work under FLSA except as specifically stated.)

b. Training

Premium pay under title 5 is not authorized for an employee engaged in training by, in, or through Government facilities or non-Government facilities except as specifically authorized by the U.S. Office of Personnel Management (OPM) by regulation. The following are the authorized exceptions which are stated in the Code of Federal Regulations (CFR) published by OPM in 5 CFR 410.602:

(1) An employee given training during a period of duty for which the employee is already receiving premium pay for regularly scheduled overtime, night, holiday, or Sunday work. However, this exception does not apply to an employee assigned to full-time training at institutions of higher learning;

(2) An employee given training at night because situations which the employee must learn to handle occur only at night;

(3) An employee given training on overtime, on a holiday, or on a Sunday because the costs of

the training, premium pay included, are less than the costs of the same training confined to regular work hours;

(4) An employee receiving premium pay on an annual basis for standby duty or administratively uncontrollable overtime may continue to be paid premium pay on an annual basis:

(a) For a period of not more than 10 consecutive prescribed workdays on temporary assignment to other duties in which conditions do not warrant payment of premium pay on an annual basis, and for a total of not more than 30 workdays in a calendar year while on such a temporary assignment; and

(b) For an aggregated period of not more than 60 prescribed workdays on temporary assignment to a formally approved program for advanced training duty directly related to duties for which premium pay on an annual basis is payable.

(5) When a special exception on a case-by-case basis is authorized by OPM.

(See 5 CFR 550.162(c) and 3 FAM 232.5-9 for rules governing payment of overtime under FLSA for a period of training.)

c. Travel Away From Duty Station

This section explains when time spent traveling away from a duty station outside of the basic workweek is counted as work for determining eligibility for premium pay under title 5. When possible, travel should be scheduled within an employee's regular work hours. However, situations will develop when travel away from the official duty station will be required outside of an employee's regular work hours. If the travel meets the criteria for one of the four conditions described below, the travel time will be considered hours of work and payable at premium pay rates. If not, the travel time is not payable and the reasons for requiring the travel during those hours (that is, outside of the basic workweek) must be recorded.

Any travel which forms a basis for overtime pay or other premium pay under title 5 must be ordered or approved by an authorizing official. Time in travel status away from the official duty station of an employee is counted as hours of work for purposes of overtime, night, and Sunday premium pay when it is within the employee's regularly scheduled administrative workweek. Time in a travel status during an employee's regularly scheduled administrative workweek is not counted for purposes of holiday premium pay unless the travel meets one of the four conditions specified below.

Actual time spent traveling is counted as work for purposes of overtime, night, Sunday, and holiday premium pay when the travel (1) involves the performance of work while traveling, (2) immediately precedes or follows travel that involves the performance of work while traveling, (3) is carried out under such arduous and unusual conditions that the travel is inseparable from work, or (4) results from an event which could not be scheduled or controlled administratively *including travel by an employee to such an event and the return of such employee from such event to his or her official duty station (5 USC 5542(b)(2))*. Examples of these four types of activities are as follows:

(1) Work while traveling generally means the type of work which can be performed only while traveling, such as a courier traveling with a pouch--but not some other employee carrying a pouch or documents as an incidental part of a trip, the primary purpose of which is for a different reason (51 CG 727). Other examples of work while traveling would be an employee who is escorting foreign dignitaries or a security officer who is escorting a prisoner to a distant prison. Performance of work which is ordinarily performed at the office or other work site but which is officially ordered or approved in advance and in writing by an authorizing official to be performed while traveling is also counted as hours of work. Premium pay, if otherwise warranted, is limited to pay for the time actually spent performing such work. Therefore, performing such work while traveling does not convert the entire period of travel and waiting time to worktime.

(2) Travel that immediately precedes or follows travel that involves the performance of work while traveling is deadhead travel which must be compensated as hours of employment. Deadhead travel means either traveling to a destination to board a mode of transportation upon which the employee will be performing work while traveling, or, having performed work while traveling, returning to the employee's official duty station. Entitlement under this condition is limited to the situation where the work performed while traveling is work which can be performed only while traveling. This traveling still must be a requirement of being away from the

official duty station to be counted as hours of employment.

Examples of travel meeting this condition are a courier traveling on a return trip back to the official duty station immediately after having performed work while traveling (and which could have been performed only while traveling) or a truck driver traveling away from the official duty station to a certain destination to obtain a truck which the employee would then drive to another destination.

An example of travel not meeting this condition would be initial travel of an employee to a certain destination to hold a hearing when on the return trip, the employee is required to review the hearing transcript. Although the work performed on the return trip would be compensable as overtime work, it would not be the kind of work which can only be performed while traveling. Thus, the travel time of the initial trip would not be paid as overtime.

(3) Travel under arduous conditions means travel under such unusual conditions that it is inseparable from work such as travel by other than a common carrier over unusually adverse terrain or during severe weather conditions--as distinguished from travel over hard-surfaced roads or when no unusually adverse weather conditions are encountered (41 CG 82). In addition, the time of travel (whether to be performed during day or night), distance traveled, or amount of time in a travel status, is not ordinarily considered in determining whether the travel is performed under arduous conditions.

(4) An event which cannot be scheduled or controlled administratively means an event outside the control of the foreign affairs agencies or any Executive Branch agency. Travel to such an event outside the employee's regularly scheduled workweek, *including return travel after the event*, counts as hours of work for premium pay when it cannot be scheduled during the regularly scheduled basic workweek because emergencies occur, or when events cannot be controlled realistically by authorizing officials.

Although an "event" is anything which necessitates an employee's travel, an employee's presence at the distant work site is normally not considered an uncontrollable event. (Comp. Gen. B-163654, April 19, 1968, and 59 CG 95.) Travel outside the regularly scheduled basic workweek merely to avoid a layover of 2 days or more is not, by itself, an uncontrollable event that would permit counting the travel time as worktime. (Comp. Gen. B-198385, B-198386, and B-198400, September 10, 1981.) If, for reasons of economy, an employee is directed to travel by military aircraft, boat, etc., although commercial transportation is available within the employee's regularly scheduled basic workweek, the hours of travel are not hours of work. Thus, the availability or limitation on travel funds does not constitute an administratively uncontrollable event.

For further details, see FPM Supplement 990-2, Book 550, Subchapter S1-3, "Overtime Pay," but note that some decisions of the Comptroller General are of more recent date than pages of the FPM and are thus controlling.

d. Traveling Time

When deciding the amount of time in a travel status which counts as hours of employment for premium pay, an employee is in a travel status only for those hours actually traveling between the official duty station and the point of destination, or between two temporary duty points, and for usual waiting time which interrupts the travel.

Generally, when traveling by common carrier, time in travel status begins with the scheduled time of departure from the common carrier terminal, and ends upon arrival at the common carrier terminal located at the destination. Thus, travel from station, wharf, or other common carrier terminal to either place of business or residence (including temporary place of business or residence) and from either place or business or residence to station, wharf, or other common terminal does not count as time in travel status. An exception to this rule is when the employee spends 1 hour or more in travel between the common carrier terminal and place of business or residence; then the entire time traveling between the carrier terminal and place of business or residence (that is, actual time traveling, exclusive of waiting time at the terminal prior to the scheduled departure time) counts as hours of employment when the travel meets one of the 4 criteria in section 231.5-2c above.

e. Waiting Time

When travel away from the duty station is compensable, usual waiting time between segments of a trip or at common carrier terminals which occurs outside the regularly scheduled basic workweek under section 231.5-2c counts as worktime for premium pay up to the following maximums: up to 3 hours in unusually adverse circumstances (for example, holiday air traffic, severe weather), except

that employees with split workdays, such as diplomatic couriers, may count up to 6 hours between arrival and departure on split workdays when two separate trips or trip segments are scheduled on the same day (50 CG 519; 57 CG 43; Comp. Gen. B-170409, October 15, 1970).

All time waiting to travel during the regularly scheduled basic workweek counts as worktime for premium pay, except waiting time on a holiday does not count as work for holiday premium pay unless the travel meets one of the four conditions stated in section 231.5-2. In any event, waiting time creditable for holiday premium pay is limited to the 3 and 6 hour maximum stated above.

f. Eating and Sleeping Time

Bona fide eating and sleeping periods do not count as hours of work for calculating overtime, night, holiday, or Sunday premium pay under title 5 or overtime under FLSA. However, an employee in standby duty status under section 236.2 may eat or sleep when not required to perform actual work. When an employee is required to be on duty (traveling continuously) for 24 hours or more, authorized sleeping periods of not more than 8 hours may be deducted from hours worked, provided adequate sleeping facilities are furnished and the employee can usually enjoy an uninterrupted period of sleep. However, if the sleeping period is interrupted by a call to duty, the interruption counts as hours worked, and if the employee cannot get at least 5 hours' total sleep during the sleeping period, the entire time is working time. When an employee is completely relieved from duty long enough to use the time effectively for the employee's own purpose, this off-duty period does not count as hours worked. For example: a driver of an automobile ends travel at 6 p.m. to obtain lodging for the night and begins travel at 8 a.m. the next morning; or a security specialist guarding classified equipment in transit aboard a train is relieved from duty at 6 p.m. and is not scheduled to report for duty until 6 a.m. the next morning.

g. Absence on Court, Military, or Funeral Leave

Under title 5, paid absence from a period of regularly scheduled overtime night or Sunday work on court, military, or funeral leave authorized by 5 U.S.C. 6321, 6322, 6323, and 6326 counts as work and paid at the same rate as if the employee had worked. (27 CG 353; 49 CG 233.) (See also 3 FAM 461.4-4 and 462.3-7.)

231.5-3 Experts and Consultants

TL:PER-16 2-15-85)
(Effective date: 3-31-85)
(Uniform State/AID/USIA/Commerce/Agriculture)

Experts and consultants are not entitled to overtime or other premium pay. Also, as a general rule, experts and consultants do not receive pay for holidays when they do not work on such days. However, agencies may authorize pay for nonworked holidays for experts and consultants on a regular tour of duty when such an arrangement is specifically provided for in the contract of employment. Experts and consultants receive straight time pay for work on holidays. (Comp. Gen. B-131259, January 23, 1976; 28 CG 727; see also 3 FAM 1514.)

231.5-4 Official Time Change

When time is officially changed (as from standard to daylight saving) during an employee's working hours, the employee shall be credited with the actual amount of overtime, night, holiday, and Sunday work, if any, performed during that period. If the employee loses a nonovertime hour, the employee shall be charged leave unless the authorizing official approves an employee's request to work an extra hour to avoid the involuntary charge to leave. (See 57 CG 429 and 53 CG 292.)

231.5-5 Special Tours of Duty for Educational Purposes

Premium pay is not payable to an employee on a special tour of duty for educational purposes (see 5 U.S.C. 6101(a)(4)) solely because the special tour of duty results in the employee working on a day or at a time of day for which premium pay is otherwise payable. An official authorized to establish hours of work under 3 FAM 400 (Attendance and Leave) may establish a special tour of duty of not less than 40 hours to permit an employee to take one or more courses in a college, university, or other educational institution when it is determined that:

a. The courses being taken are not training under chapter 41 of title 5, United States Code;

b. The rearrangement of the employee's tour of duty will not appreciably interfere with the accomplishment of the work required to be performed;

c. Additional costs for personal services will not be incurred; and

d. Completion of the courses will equip the employee for more effective work in the agency.

231.6 Claims for Unpaid Compensation

Employees who have claims for premium compensation may submit such claims to their authorizing officials for adjudication. If there are questions about the validity of the claims, they should be forwarded with full documentation to the Committee on Compensation Claims, Office of the Comptroller, M/COMP, for State; M/FM/ESD for AID; M/PPS or B/PS for USIA; FCS Personnel Officer, OP/ITA, for DOC; and FAS Personnel Division for DOA.

231.7 Waiver For Overpayments

Rules for waiver of claims of overpayment of salary, premium pay, and recoupment of excess compensatory time off are in 5 U.S.C. 5584 and Part 91, title 4, Code of Federal Regulations.

232 OVERTIME

232.1 General Overtime Provisions

232.1-1 Authorities and Concepts

Compensation for overtime is provided under two statutes: section 5542 of title 5 of the United States Code and the Fair Labor Standards Act of 1938, as amended, (FLSA) as codified in 29 U.S.C. 201 et seq. FLSA overtime benefits do not apply to employees in foreign areas and, generally, not to Foreign Service officer-level personnel. The definition and calculation of overtime work and pay are different under each law, and this fact greatly complicates overtime rules and procedures. One major difference is that overtime work is not payable under title 5 unless it is ordered or approved by an authorizing official, whereas under FLSA, overtime work is payable if it is "suffered or permitted" by the employee's supervisor. (See section 231.3 for definitions and sections 232.1-2 and 232.1-3 for further instructions.)

An employee eligible for overtime pay under FLSA is termed "nonexempt". An employee not eligible for overtime under FLSA is termed "exempt". Regulations on overtime issued by OPM under title 5 are in 5 CFR Part 550 and under FLSA are in 5 CFR Part 551. In the event of a conflict between regulations issued by OPM and the uniform regulations of this subchapter, those issued by OPM shall take precedence.

232.1-2 Definitions

a. Overtime Under Title 5

Under title 5, overtime work is work performed by a covered employee in excess of 8 hours in a day or 40 hours in an administrative workweek, that is officially ordered or approved in writing by an authorizing official. To avoid duplication of payment, hours of work in excess of 8 in a day are not included again in computing hours of work in excess of 40 hours in an administrative workweek. Employees with part-time, intermittent, or temporary (PIT) appointments may also be eligible for overtime pay for work performed in excess of 8 hours in a day or 40 hours in an administrative workweek. For example, an employee who usually works 8 hours on Monday, Wednesday, and Friday, for a total of 24 hours, would not be paid overtime for 8 additional hours of work performed on Tuesday. However, if that employee worked 10 hours on Tuesday, the last 2 hours would qualify as overtime work.

An exception exists for those few designated employees for whom the first 40 hours of duty in an administrative workweek is the basic workweek and whose basic pay exceeds the minimum rate for GS-10 or who are engaged in professional or technical engineering or scientific activities. Such employees are eligible for overtime compensation only for work in excess of 40 hours in an administrative workweek; that is, they are not eligible for overtime compensation for work in excess of 8 hours in a day unless they complete more than 40 hours that week.

b. Overtime Under FLSA

Under FLSA, overtime work is work "suffered or permitted" to be performed by the employee's supervisor in excess of 40 hours in an administrative workweek.

c. Suffered or Permitted

"Suffered or permitted" work means any work performed by an employee for the benefit of an agency, whether requested or not, provided the employee's supervisor knows or has reason to believe that work is being performed and has an opportunity to prevent the work from being performed.

d. Work

Rules on the activities and periods that count as work when calculating whether 40 hours of work have been performed in an administrative workweek differ under title 5 and FLSA. For example, absences on paid leave or holiday count under title 5, but do not count under FLSA. (See sections 231.5-2 and 232.5.)

232.1-3 Eligibility for Overtime Compensation

a. Title 5

All employees of the foreign affairs agencies (including part-time, intermittent, and temporary) who are eligible for premium pay under section 231.2 are eligible for overtime pay under title 5 as provided in this section.

b. Fair Labor Standards Act

All employees of the Department and agencies are eligible for overtime pay under FLSA except for the following groups who are exempt:

(1) Those who work for the entire workweek in a foreign area or in a territory under the jurisdiction of the United States, other than the major territories and areas listed in 5 CFR 551.204 are exempt (that is, a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Islands as defined in the Outer Continental Shelf Lands Act (67 Stat. 462), American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, and Johnston Island).

(2) Executive, administrative, and professional employees who meet the criteria in Subpart B of Part 551, 5 CFR, are permanently exempt. Both employees covered by the Fair Labor Standards Act (nonexempt employees) and employees not covered (exempt employees) are designated by their personnel office— PER/PPM for State. The designation is included on the employee's position description, personnel actions fixing salary (for example, SF-50, Notification of Personnel Action), the Statement of Earnings and Leave (DS-1216) and except for AID, on the Time and Attendance Card.

232.1-4 Mandatory Compensation

Eligible employees who perform overtime work which is payable under title 5 of FLSA are required by law to be paid in one of the ways specified in this subchapter. An FLSA "nonexempt" employee is usually eligible for overtime pay under title 5 and so must be paid under the statute which provides the greater overtime pay entitlement for the workweek (5 CFR 551.513).

232.2 Objectives and Responsibilities

It shall be the objective of the foreign affairs agencies when managing employee worktime to take into account employees' rights under the law and management's obligation to operate the Department and the agencies efficiently and without excessive cost. Managers and supervisory personnel should be judicious in their use of overtime and seek to devise alternative methods of dealing with a recurring need for work beyond 40 hours a week or 8 hours a day. Specific management responsibilities include:

a. Rescheduling the workweek to make more efficient use of an employee's time. However, an employee's basic work hours should not be changed from week to week, except on rotating shifts, unless there is a genuine need for the employee's services outside the employee's normal working hours and, conversely, there is no requirement for the employee's services during normal working hours.

b. Eliminating nonessential activities and improving supervisory planning and scheduling of work during regular working hours;

c. Scheduling leave during normal or slack work periods to avoid leave and overtime on the same day;

d. Informing employees of their rights as well as the conditions and limitations of overtime authorization and compensation;

e. Preserving management options in authorizing overtime work and resultant compensation. Supervisors should exercise care not to "suffer or permit" nonexempt employees to perform work which is payable under FLSA without obtaining authorization under section 231.4-1 (see section 232.1-2c);

f. Facilitating supervisory decisions on overtime in emergency work situations;

g. Resolving differences between supervisors and employees or between supervisors and an authorizing official;

h. Recognizing supervisors' efforts and results by a post, bureau, or office in the effective management of employee working time; and

i. Recognizing supervisors' accomplishments, particularly those resulting from an exempt employee's choice to voluntarily devote extra time and effort without additional compensation.

232.3 Types of Overtime Work

232.3-1 General Policy

Under title 5, a distinction is made between overtime work which is (a) regularly scheduled and (b) irregular or occasional. It is necessary to distinguish between "regularly scheduled" and "irregular or occasional" overtime because different rules apply. For example, regular compensatory time off may be

granted under title 5 only for irregular or occasional overtime work, but not for regularly scheduled overtime work. Also, time spent in a travel status during regularly scheduled overtime periods, but not irregular periods, is automatically payable at overtime rates.

232.3-2 Regularly Scheduled Overtime

a. Regularly scheduled overtime work means overtime work that is scheduled in advance as part of an employee's regularly scheduled administrative workweek under an agency's procedures for establishing workweeks (see 3 FAM 400). Under the definition of the term "regularly scheduled," it is the employee who must be scheduled to perform the work, including nightwork, and the work must be scheduled in advance of the administrative workweek as part of the employee's regularly scheduled administrative workweek to be considered "regularly scheduled".

b. Omitting regular overtime from the scheduled tours of duty does not automatically make such overtime occasional or irregular. Failure to schedule employees in a way that realistically reflects the actual work requirements is a violation of title 5 regulations warranting a payment of premium pay for "regularly scheduled" work. Before any corrective payment may be made, 5 CFR 610.121 requires a determination that the authorizing official: (1) Had knowledge of the specific days and hours of the work requirement in advance of the administrative workweek and (2) had the opportunity to determine which employee had to be scheduled, or rescheduled, to meet the specific days and hours of that work requirement.

232.3-3 Irregular or Occasional Overtime

Irregular or occasional overtime is overtime work that is not scheduled in advance as part of an employee's regularly scheduled administrative workweek.

232.3-4 "Duty Overtime"

"Duty Overtime," an informal term, is the hours an employee is required to report to the office or other work place outside the employee's basic workweek on a periodic basis, such as every fourth Saturday morning. "Duty overtime" is considered regularly scheduled if it is scheduled in advance of the administrative workweek as a part of an employee's regularly scheduled administrative workweek. If not scheduled in advance for a particular employee, it is treated as occasional overtime.

232.3-5 Unpaid Overtime

Unpaid overtime is (1) work performed outside an employee's basic workweek by an employee ineligible for overtime pay; or (2) work performed by an employee exempt from FLSA which is not officially ordered or approved; or (3) work which for any other reason does not meet the definition of overtime work in section 232.1-2.

232.4 Compensation for Overtime Work

232.4-1 Overtime Pay or Regular Compensatory Time Off

Eligible employees are entitled to overtime pay for all regularly scheduled overtime work they perform which is payable under this subchapter. If the overtime work is irregular or occasional, eligible employees are entitled to either overtime pay or regular compensatory time off. This section describes when an eligible employee may choose overtime pay or compensatory time off, when an agency may choose to grant compensatory time off instead of overtime pay, and when there is no choice so that overtime pay must be paid.

a. Overtime Pay at Option of Employee

An employee eligible for title 5 overtime pay who performs irregular or occasional overtime work which meets the definition of overtime and whose basic pay is at or below the maximum rate for GS-10 may choose either overtime pay or regular compensatory time off under section 232.6-1. An exception occurs for an employee covered by FLSA when the overtime pay entitlement for a workweek under FLSA is greater than under title 5. In such a case, regular compensatory time off is not authorized for a nonexempt employee and overtime pay is mandatory.

b. Regular Compensatory Time Off at Option of Agency

Consistent with 5 U.S.C. 5543(a)(2), it is the policy of the foreign affairs agencies that an employee eligible for title 5 overtime pay, who performs irregular or occasional overtime work that meets the definition of title 5 overtime, and whose basic pay exceeds the maximum rate for GS-10, shall be granted regular compensatory time off under section 232.6-1 instead of overtime pay. However, in a rare circumstance if the same employee is also covered by FLSA, and the FLSA overtime entitlement for a workweek is greater than title 5, regular com-

pensatory time off is not mandatory, and overtime must be paid.

In extraordinary circumstances, and when greater FLSA overtime benefits do not apply, an exception to mandatory regular compensatory time off may be made by an authorizing official with reasons stated in writing and attached to Form JF-56, Authorization and Compensation for Irregular or Occasional Overtime, or attached to a comparable form (see section 232.7). For State, an exception to this policy may also be authorized by M/COMP/FO at the request of an Executive Director for specific units whose personnel are frequently required to perform irregular overtime work. For AID, there are no exceptions to this policy.

c. Overtime Pay Mandatory

For employees eligible for title 5 overtime, overtime pay is mandatory and regular compensatory time off may not be granted under section 232.6-1 for (1) regularly scheduled overtime work, including "duty overtime" which qualifies as regularly scheduled; (2) overtime work for which an employee is entitled to more pay under FLSA than under title 5; and (3) any type of work that qualifies as overtime work under FLSA but does not so qualify under title 5 (for example, certain time traveling as described in section 231.5-2c).

232.4-2 Overtime Pay Rates

a. Title 5

Overtime pay under title 5 is calculated as follows (see 4 FAM 540, Computation of Pay and Allowances, for further instructions and examples of calculations):

(1) Basic Pay at the Minimum Rate of GS-10 or Less

For employees whose basic pay is at a rate not in excess of GS-10, step 1, the overtime hourly rate is one and one-half times their basic hourly rate of pay, rounded to the nearest cent.

(2) Basic Pay Over the Minimum Rate of GS-10

For employees whose basic pay is at a rate in excess of GS-10, step 1, but less than the maximum payable rate of basic pay for GS-15, the hourly overtime rate of pay is the same as the hourly overtime rate for GS-10, step 1(that is, one and one-half times the basic rate of basic pay of GS-10, step 1).

(3) Basic Pay Equal To or Greater Than the Maximum Payable Rate for GS-15.

For employees whose basic pay is at a rate equal to or greater than the maximum payable basic rate of pay for GS-15, 5 U.S.C. 5547 prohibits any additional salary for any overtime work performed.

(4) Maximum Limitations

Even though employees may be eligible for an overtime hourly rate in paragraphs (1) and (2) above, overtime pay under title 5 is limited to the amount which can be paid under the maximum limitation rules on premium pay stated in section 231.5-1(that is, the aggregate rate of basic pay for any biweekly pay period may not exceed the biweekly maximum payable basic rate of pay for GS-15).

(5) Special Rule for Tours of Duty in Excess of 8 Hours a Day

In rare circumstances when not covered by an "Alternative Work Schedule" (see Book 620 of FPM Supplement 990-2), if an employee's basic 40 hour workweek includes a daily tour of duty of more than 8 hours in a day (thus qualifying for regularly scheduled overtime within the basic 40 hour workweek) and the employee's hourly rate of basic pay is higher than the corresponding hourly rate of overtime pay, the employee must be paid the hourly rate of basic pay for each hour of the daily tour within the employee's basic 40 hour workweek that exceeds 8 hours per day. (Ref: 5 CFR 550.111(e))

b. FLSA

Overtime pay under FLSA is computed as follows:

(1) Work Exceeds 40 Hours per Week

Overtime entitlement under FLSA does not begin until the employee has completed 40 hours of actual work in a workweek. For example, an employee who has any paid time off during the week (holiday, annual leave, sick leave, compensatory time off, or other excused absence with pay) will not receive any entitlement to overtime pay under FLSA until additional actual work exceeds the paid hours of nonwork, and is in excess of 40 hours of actual work in the week.

(2) FLSA Overtime Hourly Rate

If a nonexempt employee performs more than 40 hours of work in the administrative workweek, the employee's overtime hourly rate under FLSA equals one and one half times the employee's hourly regular rate. The title 5, GS-10, step 1 hourly rate limitation does not apply to FLSA. (See section 232.4-2b(3), below, for instructions on calculating the FLSA regular rate.)

(3) Regular Rate

The regular rate, which is used as the nonexempt employee's overtime hourly rate under FLSA, is determined in accordance with 5 CFR 551.511. (Agen-

cies should also consult FPM Letter 551-1, attachment 5, as revised by FPM Letter 551-2 of May 1974, for guidance and examples of this calculation.) An FLSA employee's hourly regular rate of pay is calculated by dividing the total remuneration paid to an employee in a workweek by the total number of hours of work in the workweek for which such pay was received.

For purposes of FLSA, remuneration is a legal term meaning the basic rate of pay; night shift differential; Sunday premium pay; environmental differential (for Federal Wage System employees); hazard pay differential authorized by 5 CFR 550.901 (for General Schedule employees); and certain other pay in rare circumstances. Examples of typical payments not included as remuneration are: additional pay under title 5 for overtime work in excess of 8 hours in a day or 40 hours per week; payments for periods of nonwork such as sick, annual, or other paid leave; payments for periods of nonwork on a holiday (do not include pay for not working on the holiday; if an employee works on a holiday, include only the straight-time pay); cash awards; travel and per diem expenses; clothing or uniform allowances; call-back overtime payments for hours not actually worked (for example, if an employee is guaranteed 2 hours' pay for call-back work, but works only 1 hour, include only the 1 hour's pay, at straight time, in the FLSA regular rate); and any other payments which are not for actual hours of employment.

(4) No Maximum Limitation

Overtime pay under FLSA is not governed by the GS-15 maximum premium pay limitation stated in section 231.5-1. A nonexempt employee who performs overtime work that meets the criteria in both section 232.1-2a and b is entitled to overtime pay under title 5 or FLSA, whichever is higher. This is true even when the entitlement is higher under FLSA solely because the maximum premium pay limitation in section 231.5-1 applies to title 5 and not to FLSA.

c. Reemployed Civil Service Annuitants

Overtime pay calculations for reemployed Civil Service annuitants use basic salary rate for the position, even though the rate paid to the annuitant is reduced because of the employee's annuity.

232.5 Calculation of Overtime Hours

232.5-1 General Policy

Rules on whether an activity counts as work for purposes of deciding whether 8 hours in a day or 40 hours of work have been performed in an administrative workweek (and consequently, whether overtime pay is due) differ under title 5 and FLSA. The differing rules and criteria are explained below.

232.5-2 Absence During Basic Workweek

a. Under title 5, holiday, or compensatory time off, during the basic workweek is counted as employment and does not reduce entitlement to pay for overtime work performed during the same administrative workweek.

b. Under FLSA, overtime pay is not paid until more than 40 hours of actual work have been performed in the employee's administrative workweek. That is, an equal amount of work outside an employee's basic 40-hour workweek must be substituted at straight time rates for all absences on leave, holidays, compensatory time off, or other time off during the 40-hour basic workweek before overtime pay is due.

232.5-3 Leave Without Pay

For leave without pay (LWOP), the same rule applies under title 5 and FLSA. For any period of leave without pay taken during an employee's basic 40-hour workweek or 8-hour workday, an equal amount of work must be performed during the same administrative workweek or workday and paid for at the nonovertime rate of pay before any remaining work can be paid for at the overtime rate or be credited toward compensatory time off. Example: An employee on leave without pay for the first 2 hours of the day, who works the remaining 6 hours of the workday, plus 2 additional hours, is entitled only to straight time pay for 8 hours.

232.5-4 Credit Hours

Credit hours earned under an alternative work schedule are not overtime hours under title 5 or FLSA. (See "Alternative Work Schedules," Book 620, FPM Supplement 990-2.)

232.5-5 Call-Back Overtime

a. Under title 5, any unscheduled overtime performed by an employee on a day when no work was

scheduled, or for which the employee is required to return to the work site (call-back overtime), shall be treated as at least 2 hours in duration for pay purposes or for regular compensatory time off. The 2-hour minimum applies to each period of overtime performed under the above circumstances, even if the employee is called back again within 2 hours from the time the employee was first called back.

b. FLSA does not have a call-back overtime provision. Only time actually worked counts under FLSA.

232.5-6 Absence During Overtime Periods

a. Under title 5, except as stated in sections 232.5-7, 232.5-8, and 232.5-9, a time period counts as overtime work only when the employee is engaged in activity counted as work during the time period or is taking special compensatory time off under section 232.6 from a regularly scheduled overtime period.

b. Under FLSA, with the exceptions stated in sections 232.5-8 and 232.5-9, a period counts as overtime work only when the employee is engaged in an activity counted as work during the period.

232.5-7 Absence on Court, Military, or Funeral Leave

a. Under title 5, absence from a period of regularly scheduled overtime work on court, military or funeral leave counts as work (see 3 FAM 231.5-2f, 461.4-4, and 462.3-7).

b. Under FLSA, such absences do not count as work.

232.5-8 Travel

a. Under title 5, travel under certain circumstances counts as work for premium pay. Rules for making this determination under title 5 are in sections 231.5-2c and 231.5-2d. When any portion of travel time outside the regularly scheduled basic workweek of an employee otherwise eligible for overtime pay will not be payable as overtime work, the authorizing official, if the employee so requests, must explain the reasons for scheduling such travel outside of the workweek in writing and give the employee a copy. (See 5 CFR 610.123 and 51 CG 727.)

b. Under FLSA, all time traveling for official purposes during the employee's regularly scheduled basic workweek counts as work. In addition, the following periods count as work: (1) Time traveling either as a driver or as a passenger within the limits of the official duty station before or after regular working hours which is directly associated with the performance of a given job assignment; and (2) time traveling away from the official duty station (a) when the travel involves the performance of work (and under FLSA, driving a vehicle is considered work), (b) as a passenger on a public or private conveyance on a one day trip, or (c) during regular working hours on workdays and during corresponding hours on nonwork days as a passenger on a public or private conveyance on a trip which requires spending at least one night away from home. Travel during other hours as a passenger on overnight trips does not count as work. Normal waiting time at common carrier terminals counts as worktime.

The following periods do not count as worktime under FLSA: (1) normal home to work and return travel time; (2) bona fide eating and sleeping periods (see section 231.5-2e); and (3) time outside the regularly scheduled administrative workweek while an employee is in official travel status, not actually traveling, and is completely relieved from duty for a period long enough to enable the employee to use the time effectively on personal activities. (For further information, see 5 CFR 551, Subpart D; FPM Letter 551-10 of April 30, 1976; and FPM Letter 551-11 of October 4, 1977.)

232.5-9 Training

a. Under title 5, the limited circumstances when overtime may be paid for a period of training are explained in section 231.5-2b.

b. Under FLSA, overtime may be paid for a period of training only as authorized below:

(1) Time in training by a nonexempt employee counts as hours of work if it (a) falls within the employee's regularly scheduled basic workweek or (b) outside such workweek provided, (i) the employee is directed to participate in the training by the employing agency, and (ii) the purpose of the training is to improve the employee's performance of the duties and responsibilities of the employee's current position.

"Directed to participate" means that the training is required by the agency and the employee's performance or continued retention in the employee's current position will be adversely affected by nonenrollment in such training.

Training "to improve the employee's performance...of the employee's current position" is distinguished from upward mobility training or development training to provide an employee the knowledge of skills needed for a subsequent position in the same career field.

(2) Time spent in apprenticeship or other entry level training, internship, or other career-related work study training, or training under the Veterans Readjustment Act (5 CFR Part 307) outside regular working hours shall not count as hours of work, provided no productive work is performed for the agency during such periods.

(3) Time spent performing work for the agency during a period of training shall count as hours of work.

(See 5 CFR 551.423 and FPM Letter 551-17 of January 28, 1981, for further information.)

232.5-10 Night, Sunday, and Holiday Work

Under both title 5 and FLSA, hours of night, Sunday, and holiday work for which premium pay is received shall also be included in determining the total hours of work in the same administrative workweek or workday. Work on a Sunday or holiday during hours other than those scheduled in the employee's 40-hour basic workweek is overtime work and is paid the same as overtime work on other days.

232.5-11 Work When Others Are Excused

Nonovertime work performed by an employee during basic workweek hours at times when other employees are excused, such as during bad weather or on local holidays, is not overtime work for that employee.

232.5-12 Other Rules

See section 231.5 for general rules on the exclusion of eating and sleeping time (section 231.5-2e) and effect of official time changes (section 231.5-4). For the application of FLSA overtime principles domestically for time spent (1) attending a lecture, meeting, or conference; (2) adjusting grievances or performing representational functions; (3) receiving medical attention; (4) in charitable activities; and (5) on standby duty or in an on-call status, see 5 CFR Part 551, Subpart D. Also see FPM Letters and Bulletins in the 551 series published from time to time by the Office of Personnel Management (OPM).

232.6 Compensatory Time Off

232.6-1 Regular Compensatory Time Off

a. Definition

Regular compensatory time off under 5 U.S.C 5543 means time off from work during the employee's basic workweek, including during regularly scheduled overtime periods, in exchange for performing an equal amount of irregular or occasional overtime work which is officially ordered or approved (see sections 232.6-2, 232.6-3, and 232.6-4 for other types of special compensatory time off). Since the law authorizes regular compensatory time off for irregular or occasional overtime work only, regular compensatory time off may not be granted for regularly scheduled overtime work.

b. Eligibility

All employees of the foreign affairs agencies are eligible for regular compensatory time off under subchapter 230 except:

(1) Commissioned Foreign Service officers;

(2) An employee whose actual rate of basic pay equals or exceeds the maximum payable rate for GS-15 (for example, chiefs of mission, ambassadors, Executive Schedule officials);

(3) Members of the Senior Foreign Service;

(4) Members of the Senior Executive Service;

(5) Foreign Service National employees (see 3 FAM 935.2d);

(6) Experts or consultants;

(7) Federal Wage System employees;

(8) Consular agents; and

(9) Non-exempt FLSA employees (if the FLSA overtime entitlement is greater than the title 5 entitlement; see subsection "d" below).

c. Regular Compensatory Time Off or Overtime Pay

When eligible employees perform irregular or occasional overtime work that meets the title 5 definition of work (for example, ordered and approved), they are entitled to either overtime pay or regular compensatory time off. See section 232.4-1 for rules on when (1) employees whose basic pay is at or below the maximum rate for GS-10 may choose either overtime pay or regular compensatory time off; (2) employees whose basic pay exceeds the maximum rate of GS-10 are required to take regular compensatory time off instead of overtime pay, and; (3) employees who perform regularly scheduled overtime must be paid overtime and may not be granted regular compensatory time off.

d. FLSA

If for a nonexempt employee the FLSA overtime entitlement is greater than the title 5 overtime entitlement, compensatory time off may not be substituted for overtime pay (see FPM Letter 551-6 of June 12, 1975).

e. Maximum Limitation

Because of the maximum limitation on premium pay imposed by 5 U.S.C. 5547 (that is, the GS-15, limitation), regular compensatory time off cannot be granted for any overtime worked which, if paid, would cause an employee's aggregate rate of basic pay for any biweekly pay period to exceed the biweekly maximum payable basic rate of pay for GS-15. (See section 231.5-1.)

f. Requirements for Use

An employee who is eligible to receive regular compensatory time off and who requests to perform overtime work in exchange for regular compensatory time off, may not later demand overtime pay instead of regular compensatory time off (58 CG 1). (See section 232.6-1h for time limit and liquidation rules.)

g. Scheduling

Time periods granted as compensatory time off are those requested by the employee and approved by the employee's supervisor. Employees must request compensatory time off by submitting Form SF-71, Application for Leave. Supervisors must ensure that, to the extent possible, all compensatory time off requested by employees is granted and taken within the 16-week period described in section 232.6-1f or liquidated as prescribed below.

h. Time Limit and Liquidation Rules

Regular compensatory time off must be used within 16 weeks from the end of the pay period during which it is earned, or liquidated as follows:

(1) For employees exempt from FLSA:

(a) Regular compensatory time off remaining to the credit of an employee at the end of the 16-week period, or at the time of resignation or transfer to another agency during the 16-week period, shall be forfeited if the employee has not requested the time off prior to such date by submitting Form SF 71, Application for Leave; or

(b) Regular compensatory time off remaining to the credit of an employee at the end of the 16 week period, or at the time of resignation or transfer to another agency within such period, shall be liquidated by payment at overtime rates determined under section 232.4-2, if (i) the employee originally requested and was authorized compensatory time off under section 232.4-1, through the use of a Form SF-71, Application for Leave; or (ii) the Form SF-71 requesting regular compensatory time off had been disapproved by the employee's supervisor, and the supervisor had not subsequently scheduled the time off. If it is necessary to disapprove a Form SF-71, a copy showing the disapproval shall be provided the timekeeper to support a payment for the overtime if the compensatory time off is not subsequently rescheduled or used during the remainder of the 16-week period.

(2) For employees not exempt from FLSA:Compensatory time off for which they had any entitlement to pay under FLSA may not be forfeited. If for any reason such compensatory time off is not used within the 16-week period, it shall be liquidated by payment at title 5 rates (see section 232.4-2).

i. Transfers

The liquidation of regular compensatory time off at the time of transfer is subject to the following rules:

(1) Unless an exception is granted under paragraph 2 below, accumulated regular compensatory time off must be used or be liquidated before the effective date of an employee's transfer to another post, to the United States, or domestically to another organization within an employee's agency, or it will be forfeited. Unless an exception is granted, regular compensatory time off requested by the employee but not granted before an employee's transfer must be paid;

(2) When an employee transfers from one post to another, or to or within the United States, accumulated credit for regular compensatory time off is usually liquidated but may be transferred in exceptional circumstances if specifically authorized by the personnel office of the agency headquarters (the organization gaining the employee for State, with review at the request of the employee by PER/PPM; M/PM/OS for AID, M/PF or B/PF in USIA). The authorization request must set forth the pertinent circumstances and must be accompanied by a certification by the authorizing official at the post of the hours of overtime worked, on a pay period basis. A copy of this certification must be attached to the individual leave card. For AID, a copy of the certification should be forwarded to the new post of assignment.

j. Use While on Home Leave

If an employee has credit for unused regular compensatory time off under this paragraph at the time of departure from the post on home leave orders, such compensatory time off may be granted in lieu of annual leave if specifically authorized by the personnel office of the agency headquarters. Approvals are granted by PER/FCA for State; M/PM/OS for AID; M/PF or B/PF for USIA; and by FCS/OPA for Commerce. As a general rule, the period of combined

leave and compensatory time off will not exceed the amount cited in 3 FAM 454.

232.6-2 Special Compensatory Time Off at Isolated Posts and Certain Other Designated Posts in Foreign Areas

a. Definition

"Special compensatory time off at isolated posts and certain other designated posts in foreign areas" means time off from work during the employee's basic workweek, including a regularly scheduled overtime period, for an equal amount of regularly scheduled overtime work at specified foreign posts. (See section 232.6-1 concerning the regular type of compensatory time off for performance of irregular or occasional overtime.)

b. Authority and Background

5 U.S.C. 5926 permits U.S. Government employees who are U.S. citizens to be granted, at their request, special compensatory time off instead of overtime pay for regularly scheduled overtime work in certain limited situations abroad. Chapter 800, Standardized Regulations (Government Civilians, Foreign Areas) implements this provision.

c. Eligibility

Any individual employed in the civilian service of the foreign affairs agencies who is a citizen of the United States; officially stationed in a foreign area on a full-time, part-time, or temporary duty status; and receiving basic compensation, including FSN/AFM employees and USIA resident secretaries, is eligible for special compensatory time off at isolated posts and certain other posts in foreign areas.

Thus, ambassadors, Senior Foreign Service members, Foreign Service officers and others who are exempt from title 5 premium pay, including regular compensatory time off, may receive special compensatory time off under this paragraph.

d. Special Compensatory Time Off at Isolated Posts

Employees serving at designated isolated posts are allowed special compensatory time off as follows:

(1) Benefit: On request of an employee serving at an isolated post who performs functions required to be maintained on a substantially continuous basis (at least 16 hours a day, 7 days a week), an authorizing official may grant the employee special compensatory time off for an equal amount of time spent in regularly scheduled overtime work.

(2) Purpose: This benefit permits employees assigned to isolated posts an opportunity to use accumulated special compensatory time off to travel to places which offer relief from the harsh conditions of the assignment.

(3) Designation of Isolated Post:

(a) To qualify as an "isolated post" for this purpose, a post must be a remote and desolate area and operate as a self-contained community, where access to alternative sources of social contact is limited by physical barriers of distance and/or restrictions of the post, and where some or all functions are required to be maintained on a substantially continuous basis—at least 16 hours per day, 7 days a week.

(b) The chief of the diplomatic mission, or head of a special purpose mission or office, in consultation with representatives of other foreign affairs agencies at the post, may recommend to the State Bureau of Personnel (M/DGP), through the appropriate State regional bureau, that the post be designated as an isolated post. The Bureau sends its recommendation, together with the post's justification, through the Office of Position and Pay Management (PER/PPM) to the Deputy Assistant Secretary for Personnel (DGP/PER) for decision. That official, after clearing with other foreign affairs agencies with employees stationed at the post, and acting for them, makes the decision to approve the designation of an isolated post.

(4) Limitations:

(a) Special compensatory time off earned at an isolated post shall be for use only while the employee is assigned to the post where it is earned. Any such compensatory time off not used at the time the employee is reassigned to another post shall be forfeited. The date of reassignment to another post for this purpose shall be the date of the employee's arrival at that post.

(b) If an employee has unused special compensatory time off credited at the time of departure from post on home leave orders, such compensatory time off may be approved for use during home leave, if authorized by the personnel office of the agency headquarters, PER/FCA for State; M/PF or B/PF for USIA.

(5) Payment for Regularly Scheduled Overtime: Employees as defined in section 231.2 who are eligible for overtime pay and who perform regularly scheduled overtime work under this paragraph may elect to receive compensation under

the overtime rates prescribed in section 232.4-2 instead of special compensatory time off, if they so choose in writing during the pay period in which such overtime is scheduled. The choice for that pay period may not be later changed.

e. Special Compensatory Time Off at Certain Other Designated Posts

(1) Benefit: On request of an employee serving at a post in a locality that customarily observes irregular hours of work, or where other special conditions are present, an authorizing official may grant the employee special compensatory time off for an equal amount of time spent in regularly scheduled overtime work for use during the pay period in which it is earned.

(2) Purpose: This benefit applies at designated posts in foreign areas where special local conditions make it desirable to schedule the workweek on other than the usual five 8-hour days. Such scheduling will permit closer conformity to local practices. It should also improve morale by allowing the scheduling of alternative workweeks, where dictates of the Service permit, in conformity with the wishes of employees. The following example is included in the legislative history of this provision:

In countries where stores are open only a few days each week and where one must go to a half dozen or more speciality stores to obtain the week's groceries, it may be desirable to allow employees one afternoon off each week to do their shopping in order to avoid the necessity to queue up in long lines at numerous stores every Saturday morning. This benefit permits the agencies to address such special problems by scheduling alternative workweeks consisting, for example, of four 9-hour days and one 4-hour day, or some similar schedule using compensatory time off in lieu of premium pay.

(3) Authority for Implementation: The principal official at each post abroad approves the scheduling of workweeks involving the use of this provision.

(4) Limitations: The law (5 U.S.C. 5926) provides that credit for special compensatory time off earned under this paragraph shall not be converted to overtime pay. This is because special compensatory time off under this paragraph only amounts to a rescheduling of the 40-hour basic workweek and overtime pay is not warranted. In addition, special compensatory time off earned under this paragraph shall be for use only while the employee is assigned to the post where it is earned and must be used during the pay period in which it is earned. Any such special compensatory time off not used at the time the employee is reassigned to another post shall be forfeited.

f. Exemption From Maximum Limitation

There is no ceiling on the amount of special compensatory time off that may be credited to an employee under this paragraph (that is, section 232.6-2) because the limitation on regular compensatory time off stated in section 232.6-1d, based on 5 U.S.C. 5547, does not apply.

g. Scheduling

(1) Both management and employees have responsibility for the planning and effective scheduling of special compensatory time off to avoid its loss at the end of an assignment to an isolated post (see section 232.6-2d) or at the end of the pay period in which earned for assignment at certain other posts (see section 232.6-2e).

(2) An employee does not have the right to take special compensatory time off without regard to the needs of the Service, but on the other hand, a supervisor may not arbitrarily deny such time off.

(3) Supervisors should plan work schedules well in advance to include employees' plans for use of special compensatory time off with the scheduling and use of other leave and absences from duty.

(4) Employees at an isolated post should ask supervisors for special compensatory time off as far in advance as possible of its proposed use as possible to enable supervisors to minimize problems in granting such time off and to avoid its possible loss.

h. Time and Attendance Records

When employees earn special compensatory time off at isolated posts or certain other posts under this paragraph, the following rules shall apply:

(1) Timekeepers shall maintain a record of special compensatory time off earned and taken under section 232.6-2. This record, however, will be separate from the normal time and attendance recording and reporting process and will not be transmitted to payroll offices. Administration of the two types of special compensatory time off authorized under this paragraph will be the responsibility of the post. Approval and certification required of normal time and attendance data are also required on these special compensatory time off (worked and used) records.

(2) Actual hours worked, annual leave, sick leave, and other absences now reported, for which regular earnings are paid, will continue to be reported to the payroll centers. Also, any premium pay or regular compensatory time earned under the other premium compensation regulations in section 230 will continue to be reported through the normal

time and attendance reporting procedures and provided to payroll offices.

(3) The appropriate payroll office will provide detailed instructions to timekeepers at isolated posts regarding maintenance of records and reporting procedures.

(4) For timekeepers at posts scheduling irregular workweeks (see section 232.6-2e) the following example is provided: If an employee works 9 hours on Monday, Tuesday, Thursday, and Friday, and 4 hours on Wednesday, the post should report 8 hours regular duty worked on each day, Monday through Friday, to the payroll office, with a total of 80 regular duty hours for the pay period. The time and attendance report to the payroll center will not show any special compensatory time hours. The special compensatory time record maintained at the post will show the earning of 1 hour of compensatory time off on 4 days and the use of 4 hours of compensatory time on Wednesday.

(5) For full-time employees, if the total time worked is less than 80 hours in any pay period, the difference shall be charged to leave or compensatory time off (if available), as the case may be. At posts using irregular workweeks under section 232.6-2e, if earned special compensatory time off is not taken when scheduled under these regulations, work performed during the scheduled time-off period may be reported as overtime work for which regular compensatory time off or overtime pay is due if the employee qualifies for title 5 overtime under 3 FAM 232.1-3a; or with respect to Foreign Service Officers such work may be reported as overtime work for which special compensatory time off for FSO's is due under section 232.6-3.

l. Availability of Funds

Funds do not have to be made available to cover monetary compensation for overtime worked under this paragraph unless eligible employees elect to receive premium pay in lieu of special compensatory time off under section 232.6-2d(5) or unless the post does not grant the special compensatory time off. (See section 232.6-2h(5).)

232.6-3 Special Compensatory Time Off for Foreign Service Officers

a. General Policy

Special compensatory time off for Foreign Service officers means time off from work during the basic workweek in exchange for performing an equal amount of overtime work or holiday work which is officially ordered or approved in writing on Form JF-56 by an authorizing official. Special compensatory time off is recorded on an agency authorized time and attendance report form, submitted to payroll and later used for time off from work at the request of the officer and with the approval of the supervisor. After 26 weeks following the pay period in which the overtime was worked, any unused special compensatory time off is forfeited since the law does not permit converting such compensatory time off to salary.

b. Authority

Section 412(c) of the Foreign Service Act of 1980 (22 U.S.C. 3972) provides authority for granting compensatory time off to FSO's assigned in the United States or abroad notwithstanding the provisions of 5 U.S.C. 5541(2)(xiv) and (xv) which prohibit FSO's and members of the Senior Foreign Service from receiving premium pay, including compensatory time off, under the authority of title 5 (as described elsewhere for other employees in the premium pay regulations of this subchapter).

c. Eligibility

FSO's who perform regular or irregular overtime work that meets the definition of overtime work under title 5 as described in section 232.1-2a (that is, officially ordered and approved in writing by an authorizing official) but who themselves are ineligible for overtime pay or regular compensatory time off under title 5, or perform officially ordered or approved work on an American holiday for which they are also ineligible for holiday premium pay under title 5, shall be approved to take an equal amount of special compensatory time off, subject to the limitations of subparagraphs (d) and (e) below. However, the following are not authorized special compensatory time off under this paragraph:

(1) Senior Foreign Service members are not eligible for special compensatory time off;

(2) FSO's who are authorized the special allowance for regular overtime work in substantial excess of normal hours under section 238 may not earn special compensatory time off nor be granted special compensatory time off under this paragraph while authorized to receive a special allowance, even if the overtime hours worked are in excess of those required to meet the minimum criteria for the special allowance; or

(3) If it should occur that an FSO in the United States (and certain of its territories) is entitled to overtime pay under FLSA, that FSO shall be paid for the overtime work performed and will thus not be eligible for special compensatory time off. (Informa-

tion on FLSA overtime is in section 232.1. Item 10 of Standard Form 50, Notification of Personnel Action, indicates an employee's FLSA coverage status.)

d. Limitations

(1) Special compensatory time off for FSO's granted under this paragraph must be used within 26 weeks following the pay period in which it is earned. There are no exceptions to the 26-week limitation.

(2) Special compensatory time off earned by FSO's must be used or it shall be forfeited; such compensatory time off shall not be converted to salary.

(3) Special compensatory time off for FSO's may be earned only to the extent that if the work performed were compensable under title 5, the additional overtime payment would not cause an officer's aggregate rate of pay (that is, basic pay plus overtime) for any 2-week pay period to exceed the maximum payable rate of basic pay for GS-15. (Stated another way, special compensatory time off under this paragraph can not be granted for any overtime work which, if compensable in salary, would cause an officer's aggregate rate of pay to exceed the maximum payable rate of basic pay for GS-15.)

(4) Special compensatory time off for FSO's may not be granted in exchange for overtime work for which an officer has been credited with another type of special compensatory time off such as at isolated posts or for religious observances. (See sections 232.6-2 and 232.6-4.)

e. Crediting and Scheduling Requirements

Both management and FSO's have responsibility for the planning and effective scheduling of special compensatory time off to avoid its forfeiture. An FSO does not have the right to take special compensatory time off without regard to the needs of the Service, but on the other hand, a supervisor may not arbitrarily deny such time off. Specifically, Foreign Service officers and their supervisors have the following responsibilities:

(1) Credit for special compensatory time off earned under this paragraph must be documented by Form JF-56 at the time the covered overtime work is performed.

(2) The FSO must initiate the request to schedule special compensatory time off based on available credit by submitting Form SF-71, Application for Leave. (For USIA employees assigned in the United States, see MOA VII 520 for instructions on the submission of the SF-71 with the Time and Attendance Report.) Requests to take time off should be made as far as possible in advance of its proposed use to enable supervisors to minimize problems in granting such time off and to avoid its possible loss.

(3) Supervisors should plan work schedules well in advance to include employees' plans for use of special compensatory time off in conjunction with the scheduling and use of other leave and absences from duty.

(4) The supervisor should approve the time off to be granted or propose a time period off that is mutually acceptable to the FSO and the supervisor. Special compensatory time off must not be unreasonably withheld and normally should be approved, if requested, prior to the date of its forfeiture. If a mutually acceptable time cannot be agreed upon, the supervisor may direct when the special compensatory time off must be taken. If time off cannot be scheduled during the 26-week period due to work requirements, such time off shall be forfeited.

f. Time and Attendance Records

Authorizing officials must order and approve regular and irregular or occasional overtime work and any holiday work in writing using Form JF-56 at the time the work is performed in order for the overtime or holiday work to qualify for special compensatory time off for FSO's. The supervisor is responsible for complying with the limitations associated in the regulations with the granting of special compensatory time off and shall assure that timekeepers report special compensatory time off on the official time and attendance card which is submitted to payroll. (For State, timekeepers must record the number of overtime hours worked to the "CT WK" (Compensatory Time Worked) column on the DS-1194. When the special compensatory time is used, the timekeeper must record the number of hours used to the "CT USED" (Compensatory time used) column of the DS-1194.) After 13 pay periods (26 weeks), the special compensatory time off will automatically be dropped from the payroll records. Timekeepers shall not request and supervisors shall not approve the conversion of special compensatory time off to salary in order to prevent forfeiture after the 26-week period.

g. Transfers

Special compensatory time off for FSO's that is still available for use because the 26-week limit has not expired transfers automatically with the FSO to the next post or assignment through the payroll system in the same manner as annual and sick leave. If an employee has credit for unused special compen

satory time off under this paragraph at the time of departure from the post on home leave orders, such compensatory time off may be granted in addition to home leave to extend the employee's stay in the United States if specifically authorized by the personnel office of the agency headquarters, and approved by the supervisor if the employee is returning to the same post. Approvals are granted by PER/FCA for State; M/PM/OS for AID; M/PF or B/PF for USIA; and FCS/OPA for Commerce. As a general rule, the period of continued leave and special compensatory time off will not exceed the amount cited in 3 FAM 454.

232.6-4 Special Compensatory Time Off for Religious Observances

a. Definition

Special Compensatory time off for religious observances is time off from work during the employee's basic workweek (which includes regularly scheduled overtime) for religious reasons in exchange for performing an equal amount of irregular or occasional overtime work.

b. Authority

The legal authority for this provision is 5 U.S.C. 5550a as implemented by OPM regulations in 5 CFR 550.1001-1002.

c. Eligibility

All employees covered by this subchapter (see section 231.2) and all other employees of the foreign affairs agencies except Foreign Service National employees and consular agents are eligible for special compensatory time off for religious observances.

d. Scheduling Requirement

The scheduling of special compensatory time off for religious observances is subject to the following scheduling requirements:

(1) To the extent that changes in work schedules necessary to accommodate employees do not interfere with the efficient accomplishment of Service requirements, the supervisor shall in each instance give the employee the opportunity to work compensatory overtime and in each instance shall grant special compensatory time off to an employee requesting such time off for religious observances when the employee's personal religious beliefs require that the employee abstain from work during certain periods of the workday or workweek. If no productive overtime is available to be worked at the time an employee may initially request, alternative times should be arranged for the performance of the compensatory overtime work.

(2) With the approval of the supervisor, employees may work compensatory overtime before or after actually taking the special compensatory time off.

(3) If it is necessary to disapprove an employee's request for special compensatory time off for religious observances, that decision shall be made in writing by an authorizing official stating the reasons for the refusal.

(4) Employees should request special compensatory time off for religious observances from their supervisors more than 1 week in advance to permit scheduling the compensatory overtime work, whenever possible, during the same pay period as the time off is taken.

e. Limitations

Special compensatory time off for religious observances is subject to the following limitations:

(1) Special compensatory overtime work performed under this paragraph may not be converted to overtime pay or any other type of compensatory time off;

(2) Special compensatory overtime work should be completed, if possible, during the same administrative workweek, and in any event, within a reasonable period before or after the time off is taken; and

(3) The limitation on the amount of regular compensatory time off that may be earned under section 232.6-1d or on the amount of special compensatory time off for FSO's in section 232.6-3 does not apply to special compensatory time off for religious observances.

f. Time and Attendance Records

Timekeepers shall maintain a record of special compensatory time off for religious observances earned and used. This record, however, will be kept separate from the normal time and attendance recording and reporting process and will not be transmitted to payroll offices. For AID, refer to Handbook 27, Appendix 27-8.

232.7 Recording Overtime

232.7-1 Forms

Form JF-56, Authorization and Compensation for Irregular or Occasional Overtime, is used by State worldwide and by USIA abroad to record the authorization and liquidation of irregular or occasional overtime. USIA uses Form 1A-101 in the United States and AID uses Form AID 430-3 worldwide for this purpose.

232.7-2 Responsibility of Supervisors

Supervisors are responsible for maintaining records of overtime and special compensatory time off and for reporting on liquidation of compensatory time off on Form JF-56.

232.7-3 Responsibility of Employees

Each employee is responsible for maintaining an individual record of the overtime work the employee performs during each pay period and submitting it to the employee's supervisor for certification and transmittal to the administrative officer.

232.7-4 Other References

See section 231.4-2 for references to other instructions.

233 HOLIDAY PAY

233.1 Authority

Holiday premium pay is authorized by 5 U.S.C 5546. Governing regulations are in 5 CFR 550.131-132 and 5 CFR Part 610, Subpart B.

233.2 Pay Entitlement

233.2-1 Absence on Holiday

Employees to whom this subchapter applies (see section 231.2) who have a scheduled tour of duty but who are excused from duty because of a holiday falling within their basic workweek are entitled to basic compensation for basic work hours off provided they are in a pay status immediately preceding or following the holiday. Employees may be excused during their entire tour of duty that falls within any 24-hour period, whether falling entirely within the calendar day of the holiday or not. (Distinguish this from the rule in section 233.2-2 for shift work on holidays.)

233.2-2 Work on Holiday

An employee eligible for premium pay (see section 231-2) who performs work authorized under section 231.4 on an American holiday or day designated to be observed as a holiday under 3 FAM 414 (Holidays) is entitled to (a) pay at the employee's basic rate of pay plus (b) additional holiday premium pay at a rate equal to the rate of basic pay for work during basic work hours that fall on the holiday. If an employee's daily tour of duty (shift) spans the hour of midnight on a holiday, the employee is only entitled to holiday premium pay for work during the hours of the tour that fall on the holiday (Comp. Gen. B-194035, June 18, 1979).

233.3 Special Eligibility Rules

233.3-1 Experts and Consultants

Experts and consultants are generally not entitled to holiday premium pay (see section 231.5-3).

233.3-2 First 40-Hour Employees

The holiday for a full-time employee whose basic workweek is the first 40 hours of duty performed on 6 out of 7 days of the administrative workweek is determined as follows:

a. If a holiday occurs on Sunday, the authorizing official shall designate in advance either the Sunday or Monday as the employee's holiday.

b. If a holiday occurs on Saturday, the authorizing official shall designate in advance the Saturday or the preceding Friday as the employee's holiday.

c. If a holiday occurs on any other day of the week, that day shall be the employee's holiday.

Such an employee's basic workweek 40-hour tour of duty shall be deemed to include 8 hours on the designated holiday and pay entitlement is then determined under section 233.2 (see FPM Supplement 990-2, Book 610, Chapter S2, and Executive Order 11582 of February 11, 1971).

233.4 Payment Rules and Limitations

233.4-1 Eight-Hour Limit

An employee may not be paid holiday premium pay for more than 8 hours even if the employee's basic work day is longer than 8 hours.

233.4-2 Maximum Limitation

In determining the amount of holiday premium pay, all employees are subject to the GS-15 maximum premium pay limitation in section 231.5-1.

233.4-3 Overtime Work on Holiday

Work performed outside of basic workweek hours on a holiday is overtime work and is paid under section 232.

233.4-4 Two-Hour Minimum

An eligible employee who performs any work on a holiday is entitled to pay for at least 2 hours even though the actual duty period is shorter. If call-back duty on a holiday overlaps the beginning or ending of basic work hours, the employee shall be paid a minimum of 2 hours overtime pay under section

232.5-5, and holiday premium pay for work that falls during basic work hours on the holiday (37 CG 1).

233.4-5 Travel

Eligible employees who are in an official travel status on a holiday during basic workweek hours are entitled to holiday premium pay while traveling and for usual waiting time provided the travel (a) involves the performance of work while traveling, (b) immediately precedes or follows travel that involves the performance of work while traveling, (c) is carried out under arduous conditions, or (d) results from an event which could not be scheduled or controlled administratively, and provided the travel and related work are approved under section 231.4-1. See sections 231.5-2c and 231.5-2d for elaboration of these rules (50 CG 519).

233.4-6 Relationship to Overtime, Night, and Sunday Pay

Holiday premium pay is in addition to overtime, night, and Sunday premium pay. Overtime, night, and Sunday pay shall not be included in the rate of basic pay in calculating premium pay for holiday duty, except in the case of Federal Wage System employees. For the latter, see 3 FAM 1243.

233.4-7 Local Holidays

American personnel are not entitled to holiday premium pay for work performed on local holidays.

233.5 Compensatory Time Off

FSO's are eligible for special compensatory time off under section 232.6-3 for holiday work authorized under the procedures outlined in section 231.4-1. No other type of compensatory time off may be granted to any employee for holiday work.

234 NIGHT-PAY DIFFERENTIAL

234.1 Definition and Authority

Night-pay differential is premium pay for night work at the rate of 10 percent of the employee's basic rate of pay. It is authorized by 5 U.S.C. 5545(a) and (b). Governing regulations are in 5 CFR 550.121-122.

234.2 Hours Constituting Night Work

a. Nightwork is regularly scheduled work performed by an employee between the hours of 6 p.m. and 6 a.m. Nightwork includes any nightwork performed by an employee as part of a regularly scheduled administrative workweek. It is the employee who must be scheduled to perform the nightwork and the nightwork must be scheduled in advance of the administrative workweek as part of the employee's regularly scheduled administrative workweek to be considered "regularly" scheduled.

b. Authorizing officials may specify by written order a time after 6 p.m. and a time before 6 a.m. as the beginning and ending, respectively, of nightwork at a post abroad where the customary hours of business extend into the hours between 6 p.m. and 6 a.m. Times designated shall correspond reasonably with the customary hours of business in the locality.

c. An employee is entitled to a night pay differential when temporarily assigned during the administrative workweek to a new daily tour of duty that includes nightwork. This temporary change in a daily tour of duty within the employee's regularly scheduled administrative workweek is distinguished from a period of irregular or occasional overtime work in addition to the employee's regularly scheduled basic workweek (see 5 CFR 550.122).

d. For a change in tour of duty, OPM regulations (5 CFR 610.121(b)) require that the head of the agency, as delegated, notify an employee of a change in tour of duty and annotate the employee's time card or document the change on other internal agency forms for recording work. The change of an employee's regularly scheduled administrative workweek to meet a different work requirement in an ensuing workweek need not be documented on an SF-50, Notification of Personnel Action (unless the employee's work schedule is changed from part-time to full-time, or vice versa, or the total number of hours that a part-time employee will work is changing). (See FPM Bulletin 61-37, of February 17, 1983, for further information.)

234.3 Eligibility

All employees of the foreign affairs agencies eligible for premium pay under section 231.2 are entitled to night-pay differential when assigned to a tour of duty that includes hours constituting night work as described above.

234.4 Computation of Night-Pay Differential

234.4-1 Limitation

Payment of night-pay differential is subject to the GS-15 maximum premium pay limitation in section 231.5-1.

234.4-2 Absence on Holidays or in Travel Status

Payment of night-pay differential is authorized during periods when the employee is excused from night work on a holiday or another nonworkday, and for all night hours of the employee's regularly scheduled administrative workweek while in official travel status, whether performing actual duty or not.

234.4-3 Absence on Leave or Compensatory Time Off

Payment of night-pay differential is not authorized during periods when an employee is on leave, except that an employee may be paid a night-pay differential for periods of paid leave during any pay period in which the employee's total paid leave, including both night and day hours, is less than 8 hours. However, when an employee's hours of duty permit payment of night-pay differential as part of the regularly scheduled administrative workweek, the employee is entitled to night-pay differential during periods that the employee is on military leave, court leave, or funeral leave as described in section 231.5-2f. Night-pay differential is not authorized during periods an employee is absent on any type of compensatory time off.

234.4-4 Relation to Overtime, Holiday, and Sunday Pay

An eligible employee whose hours of duty include night work shall receive night-pay differential in addition to any overtime, holiday, or Sunday premium pay to which the employee may be entitled. The night-pay differential shall not be included in the rate of basic pay in computing any overtime, Sunday, or holiday premium pay to which an employee may be entitled, except in the case of Federal Wage System employees (see 3 FAM 1243).

235 SUNDAY PAY

235.1 Authority

Sunday premium pay is authorized by 5 U.S.C. 5546. Governing regulations published by OPM are in 5 CFR 550.171.

235.2 Pay Entitlement

Any full-time employee eligible for premium pay under section 231.2 whose basic workweek includes any worktime on Sunday is entitled to pay at the employee's rate of basic pay plus premium pay at a rate equal to 25 percent of the rate of basic pay for each hour of Sunday work which is not overtime work and which is not in excess of 8 hours for each regularly scheduled tour of duty which begins or ends on Sunday. Examples: (1) an employee whose basic 40-hour workweek includes work between the hours of 8 a.m. and 1 p.m. on Sunday is entitled to 5 hours of Sunday premium pay; (2) an employee whose basic 40-hour workweek includes work from 11 p.m. Sunday to 8 a.m. Monday, with 1 hour for eating at 3 a.m., is entitled to 8 hours of Sunday premium pay; and (3) when an employee has two separate tours of duty on Sunday (such as a tour of duty that begins on Saturday and ends on Sunday and another tour of duty that begins on Sunday and ends on Monday), the employee is entitled to premium pay for Sunday work not to exceed 8 hours for each tour of duty. (Comp. Gen. B-189040, July 7, 1978.)

235.3 Maximum Limitation

Sunday premium pay is subject to the GS-15 maximum premium pay limitation in section 231.5-1).

235.4 Absence

235.4-1 Absence on Annual or Sick Leave, Holiday, Nonworkday, or Compensatory Time Off

Sunday premium pay is not payable for any portion of the day that an employee is on annual or sick leave, taking compensatory time off, or is excused on a holiday or other nonworkday. Examples: An employee has an 8-hour day which begins at 8 p.m. on Sunday and ends at 5 a.m. on Monday with 1 hour off at 2 a.m. for eating.

a. If on leave for the entire day, the employee is not entitled to premium pay for Sunday since no work was performed on Sunday.

b. If the employee is on leave from 8 p.m. to midnight Sunday and works from midnight Sunday to 5 a.m. Monday (the remainder of tour), the employee is not entitled to premium pay for Sunday work since no work was performed on Sunday.

c. If the employee is on leave from 8 p.m. to 11 p.m. and works from 11 p.m. to 5 a.m. with an hour off at 2 a.m. (the remainder of the tour), the employee is entitled to Sunday premium pay for 5 hours, since work was performed on Sunday.

235.4-2 Absence on Court, Military, or Funeral Leave

When an employee's hours of duty permit payment of Sunday premium pay on a regular basis, the employee is entitled to Sunday pay while excused on military, court, or funeral leave as described in section 231.5-2g (Comp. Gen. B-160622, January 13, 1967).

235.5 Special Eligibility

235.5-1 First 40-Hour Employees

An employee whose basic workweek consists of the first 40 hours of work on 6 of 7 days of the administrative workweek, who works on Sunday as one of the 6 days, is entitled to Sunday premium pay for up to 8 hours of such work which is not overtime work (57 CG 43).

235.5-2 Nonstandard Tours

Sunday premium pay is not payable for more than 8 hours of any one tour of duty. A full-time employee with a tour of duty of less than 8 hours of basic work hours, any part of which falls on Sunday, is entitled to Sunday premium pay for the hours of that tour (Comp. Gen. B-159950, October 19, 1966).

235.6 Relation to Overtime, Night, and Holiday Pay

Premium pay for Sunday work is in addition to premium pay for holiday, overtime, or night work and is not included in the rate of basic pay used to calculate the pay for holiday, overtime, or night work.

236 PREMIUM PAY ON AN ANNUAL BASIS

236.1 Authority

The authority for payment of premium pay on an annual basis for standby duty or for administratively uncontrollable overtime is 5 U.S.C 5545(c). Governing regulations issued by OPM are in 5 CFR 550.141-164.

236.2 Standby Duty

a. Authority

Premium pay is authorized for standby duty under 5 U.S.C. 5545.

b. Definitions

(1) "Regularly scheduled standby duty" means a requirement for standby duty on a fixed schedule over a 3-month cycle.

(2) "Standby pay" means premium pay on an annual basis for regularly scheduled standby duty.

(3) "Standby status" means a state of readiness to immediately answer a call to work, during which the member is free to eat, sleep, listen to the radio, or engage in similar pursuits. The member's whereabouts are narrowly limited and activities are substantially restricted. The member is not free to leave the designated duty station except in an emergency.

(4) "Regularly scheduled weekly tour" means the basic non-overtime workday not exceeding 8 hours which are scheduled for 5 days during the administrative workweek.

c. Eligibility

Full-time U.S. citizen members of the Service in State, AID, USIA, and Commerce, assigned abroad are eligible for standby pay under this subchapter 230 subject to premium pay regulations in section 231.2. FSO's, FSO career candidates, and medical officers eligible for the special physicians allowance under 5 U.S.C. 5948 are not eligible for standby pay.

d. Approval

(1) Criteria:

The administrative officer or other designated authorizing officer at post must certify:

(a) That there is a current post need to place a member in standby status;

(b) That there is an expectation the need will continue for at least 3 months; and

(c) That the post's requirements cannot be met by placing the member in on-call status under section 237.

(2) **Procedure:**

(a) The administrative officer or other designated authorizing officer at post who wishes to establish regularly scheduled standby duty must request approval from:

(i) State: The executive director of the appropriate regional bureau;

(ii) AID: The Assistant Administrator for the appropriate regional bureau;

(iii) USIA: The Director, Office of Personnel (MGT/P); or

(iv) Commerce: The Director, Office of Personnel Administration, FCS.

(b) The request for approval must contain:

(i) The name and position of the member;

(ii) A detailed justification for the standby requirement, explaining why circumstances at the post meet the criteria in section 236.2-d(1).

(iii) The member's regular duty hours, including regularly scheduled overtime and Sunday work, if any;

(iv) The member's regularly scheduled weekly standby duty schedule;

(v) The anticipated total number of hours of scheduled standby duty during the period that will not be served because of leave or other absences, and, in requests for reapproval, the actual number of such hours in the previous 6-month period;

(vi) The percentage of premium pay sought; and

(vii) The name of the authorizing officer at post.

(c) A member's premium pay on an annual basis begins on the date that member begins duty for basic pay purposes, and ends on the date the member ceases to be paid basic pay in that position.

(d) The approving official in paragraph (1) above makes the decision and notifies the post by telegram. Such approval shall be valid for up to 6 months.

e. Requirements

To establish regularly scheduled standby duty, the following requirements must be met:

(1) A member must be officially ordered to remain within the confines of the member's duty station in a standby status. The duty station may be designated as:

(a) The member's regular or temporary duty station;

(b) Quarters provided by the agency; or

(c) The member's living quarters.

The member cannot leave the designated duty station and arrange to be contacted by telephone, radio, or beeper system during the standby duty, except in emergency;

(2) The hours of standby duty must be stated in writing;

(3) The requirement for standby duty must be associated with the regularly assigned duties of the member's jobs. This includes secretaries who as part of their work requirements perform standby duty as back-up communicator; and

(4) The member must have a basic workweek requiring full-time performance of actual work and be required, in addition, to perform standby duty on certain nights or on certain days not included in the member's basic workweek.

f. Hours of Duty and Rates of Pay

(1) Duty Schedule

A member may receive premium pay on an annual basis at one of the following percentages of that part of the member's rate of basic pay. The total of such pay received may not, however, exceed the minimum rate of basic pay for GS-10 if:

(a) The member is assigned to a position in which the member has a basic workweek requiring full-time performance of actual work, and is required, additionally, to remain in standby status on regular workdays or extending into a non-workday in continuation of a period of duty within the basic workweek for an average over the entire period, taking anticipated leave and all other absences into account, of:

(i) 14 to 18 hours per week: 15 percent;

(ii) 19 to 27 hours per week: 20 percent; or

(iii) 28 or more hours per week: 25 percent.

(b) The member is assigned to a position in which the member has a basic workweek requiring full-time performance of actual work, and is required, additionally, to remain in standby status on one or more of the member's regular weekly non-workdays for an average over the entire period, taking anticipated leave and all other absences into account, of:

(i) 7 to 9 hours per week: 15 percent;

(ii) 10 to 13 hours per week: 20 percent; or

(iii) 14 or more hours per week: 25 percent.

(c) The member is assigned to a position in which the member has a basic workweek requiring full-time performance of actual work, and is required, additionally, to remain in standby status on a combination of regular workdays or regular non-workdays each week, a number of hours which considered together qualify for one of the annual premium pay percentages described in paragraph 1 above. In making this calculation, 1 hour of standby duty worked on a regular non-workday is equivalent to 2 hours of standby duty worked on a regular workday unless the hours worked on the non-workday fall within paragraph (a).

(2) **Adjustment for Sunday Work**

When a member receives one of the rates authorized in section 236.2f(1)(a) or (b), the rate shall be increased by adding:

(a) Two and one-half percent of the rate when the member is required to perform Sunday work on an average of 20 to 40 Sundays over a 1-year period; or

(b) Five percent to the rate when the member is required to perform Sunday work on an average of 41 or more Sundays over a year's period. However, the maximum rate, including any increase adjustment for Sunday work, is 25 percent.

(3) **Approval of Alternate Duty Schedule**

Other schedules may be established which require more or less than 40 hours per week of regular work coupled with additional hours of standby duty. Such schedules may not be established without prior approval from the Director General of the Foreign Service (M/DGP) for State; the Director, Office of Personnel (M/PM), for AID; or the Director, Office of Foreign Service Personnel for Commerce. Those officers will consult and obtain prior approval from the Office of Personnel Management for any alternate schedule.

(4) **Recalculation**

At the end of each 3-month period during which a member has received standby duty pay, or whenever the requirement for standby duty changes, whichever occurs first, the administrative officer at the post shall recalculate the requirements for standby duty to determine whether standby pay should be continued and, if so, at what rate. The rate of standby pay is based on the average number of hours of standby duty performed per week during the entire period, taking into account anticipated leave and other absences that prevent performance of scheduled duty. The number of scheduled standby duty hours that it is estimated will not be performed due to leave or other absence during any 3-month period shall not be less than the actual number of such hours during the previous 3-month period. The post shall immediately notify the appropriate payroll office of any change in the standby pay rate in order to avoid over-payment or under-payment to the member. Posts shall obtain approval from the appropriate executive director's office under section 236.2d to continue standby pay for each 6-month period.

(5) **TDY Assignment**

If the post has established a standby duty position, and the incumbent of that position leaves post and is replaced temporarily by a member sent on temporary detail duty (TDY) to the post to fill the position, the member in TDY status may receive the same standby duty pay as the normal incumbent if that member works the same standby duty hours as were established for the regular incumbent.

g. Relationship to Other Types of Premium Pay

A member receiving additional pay on an annual basis as described herein for regularly scheduled standby duty may not be paid any other premium pay or compensatory time off for night, Sunday, holiday, or regularly scheduled overtime under this section during pay periods the member receives standby pay. However, the member may be paid additional premium pay for irregular or unscheduled overtime duty in excess of the member's regularly scheduled weekly tour, including, but not limited to call-back duty, which occurs outside the standby duty hours.

h. Limitations

(1) Two members with the same specialization at a post will not be scheduled for standby duty simultaneously to perform the same function except in extraordinary circumstances.

(2) Standby duty premium pay may be paid only if that premium pay, over a period appropriate to reflect the full cycle of the member's duties and the full range of conditions in the member's position, would be:

(a) More than the premium pay which would otherwise be payable for the hours of actual work customarily required in the position, excluding standby time during which the member performs no work; and

(b) Less than the premium pay which would otherwise be payable for the hours of duty required in the position, including standby duty

time during which the member performs no work.

(3) The principle behind paragraph (1) above is that the member must not earn less by performing standby duty within the designated standby duty timeframe than the member would earn through premium pay (that is, Sunday, night, holiday, overtime) when actually working during any hours within the same timeframe. The principle behind paragraph (2) above is the standby duty pay on a percentage basis must be less than other forms of hourly premium pay (that is, night, Sunday, overtime, holiday) would be if other forms of premium pay were paid for all the hours when the member is assigned to standby duty.

For example: A member at an annual salary rate of $13,721 is placed on standby duty an average of 30 hours per week on regularly scheduled workdays. This schedule qualifies for the 25 percent rate. Twenty-five percent of $13,721 is $3,430. There was no irregular overtime work outside the standby duty period. Overtime work during the standby duty period averages 5 hours per week.

The overtime rate is approximately $9.90 per hour. Two questions have to be answered in the affirmative (prospectively) before standby duty pay applies:

(a) Is $3,430 more than the annualization of 5 hours of overtime per week (5 x $9.90 x 52 weeks - $2,574)? Answer: yes.

(b) Is $3,430 less than the annualization of 30 hours standby duty per week (30 x $9.90 x 52 weeks - $15,444)? Answer: yes.

Thus, both essential conditions above are met and standby premium pay may be applied to the upcoming period of service. The member will make $856 ($3,430 minus $2,574) more per year under the standby formula approach than if receiving pay for 5 hours overtime per week. The example illustrates that the premium pay formula is determined and applied prospectively. If, during the period of contemplated service under that arrangement, it becomes clear that standby pay will no longer give the member greater income than the regular approach, the post must terminate standby duty, allowing the member to receive regular premium pay for those hours actually worked. In such event, posts should follow procedures in section 236.2i(3). Posts should not, however, recalculate prior weeks and amend standby duty pay status or overtime status retroactively.

l. Accounting and Payment

(1) After receiving approval from headquarters under section 236.2d(2), the post will immediately notify the appropriate payroll office via telegram of a member's eligibility for standby duty pay. Included in this telegram will be the member's name, employee number or social security number, effective date, and standby duty pay percentage rate. The effective date in the telegraphic notification to the payroll office must be the first day of that pay period. The American Salaries allotment will not be charged with these costs. Rather, standby duty pay will be charged to the appropriate post allotment symbol. For State, the sub-object class to be charged is 1137, Other Premium Pay; for USIA, the Washington-held allotment 1006, Function Code L-0000, Resource Code 11034.

(2) Eligibility for standby duty pay ceases when:

(a) The member leaves the post;

(b) The member is reassigned to other duties at that post or another post other than temporarily for less than 10 days; or

(c) Conditions warranting standby duty pay cease to exist with respect to the member's position. The post shall relieve the member of standby duty at the end of the pay period prior to any of the above events, except in emergencies.

(3) The post is responsible for notifying the appropriate payroll office that a member is no longer eligible for standby duty pay. This notification will be via telegram and must contain the member's name, employee number or social security number, and ending eligibility date. This notification must be timely to avoid overpayment.

(4) Timekeepers are required to maintain a record of the member's hours on regularly scheduled standby duty, including hours spend in regularly scheduled overtime, night, holiday, or Sunday work. This record, however, will be kept separate by the post and not transmitted to the payroll office. Normal time and attendance recording and reporting for the basic workweek, including annual leave, sick leave, and other absences, and any irregular, unscheduled overtime duty, including call-back duty, outside of standby duty hours will continue to be processed by the appropriate payroll office.

236.3 Administratively Uncontrollable Work

236.3-1 Requirement

An agency may pay premium pay on an annual basis, instead of overtime pay for irregular or occasional overtime work under section 232 (overtime), to an employee eligible for premium pay under 3 FAM 231.2 in a position in which the hours of duty cannot be controlled administratively and which requires substantial amounts of irregular or occasional overtime work with the employee generally being responsible for recognizing, without supervision, circumstances which require the employee to remain on duty. Premium pay under this section is determined as an appropriate percentage, not less than 10 percent nor more than 25 percent, of that part of the employee's rate of basic pay which does not exceed the minimum rate of basic pay for GS-10.

236.3-2 Limitation

An agency may pay premium pay only if that premium pay, over a period appropriate to reflect the full cycle of the employee's duties and the full range of conditions of the position, would be less than the premium pay which would otherwise be payable under this subchapter for the hours of duty required in the employee's position, exclusive of regular overtime work. The requirement in OPM regulations, 5 CFR 550.151, that a position be one in which the hours of duty cannot be controlled administratively is inherent in the nature of such a position. A typical example of a position which meets this requirement is that of an investigator of criminal activities whose hours of duty are governed by what criminals do and when they do it. The hours on duty and place of work depend on the behavior of the criminals or suspected criminals and cannot be controlled administratively. In such a situation, the hours of duty cannot be controlled by such administrative devices as hiring additional personnel; rescheduling the hours of duty (which can be done when, for example, a type of work occurs primarily at certain times of the day); or granting compensatory time off from duty to offset overtime hours required. (For further information, see 5 CFR 550.151-154.)

236.3-3 Authorization

Payment of premium pay under section 236.3 (administratively uncontrollable work) may not be used unless procedures have been specifically authorized for a particular office or post by the Director General of the Foreign Service (M/DGP). Offices or posts wishing to initiate such a program should submit a request to M/DGP through the Office of Position and Pay Management (PER/PPM).

237 ON-CALL STATUS

a. Definition

"On-call status" means a requirement to be available to return to duty on short notice during off-duty hours.

b. Criteria

The restrictions on the member's freedom of movement are not as constraining as "standby status" (see section 236.2). While in on-call status, a member may move about so long as the member can be reached by telephone, electronic beeper, or similar device and, if so ordered, return within 1 hour to the office or duty station to perform urgent work.

c. Not Mandatory

A declination to volunteer will not be considered in the annual member evaluation report, acceptable level of competence determination, and the employer will not impose any restraint or coercion on the basis that a member did not volunteer.

d. Extra Pay Not Authorized

A member is not entitled to premium or other extra pay for on-call availability, under either title 5, U.S. Code, or the Fair Labor Standards Act (see FPM Letter 551.14, dated May 15, 1978). When a member is called to return to duty, the member is entitled to premium pay or compensatory time off for the duty period, if eligible under this subchapter 230.

e. Authorizing On-Call Status

An administrative officer or other authorizing officer shall request volunteers for on-call availability status. In the absence of sufficient volunteers in the requisite functions, the administrative officer or other authorizing officer may assign on-call status and it will be on a rotating basis among members who have the requisite skills.

(End Uniform State/AID/USIA/Commerce/Agriculture Regulations)

238 SPECIAL DIFFERENTIAL FOR SUBSTANTIAL AMOUNTS OF EXTRA WORK

(TL:PER-103 7-11-88)
(Effective Date: 6-19-88)
(Uniform State/USIA)

238.1 Purpose

The section provides regulations and procedures for granting a special differential to certain Foreign Service officers (FSOs) in recognition of requirements to perform additional work on a regular basis in substantial excess of normal requirements and the fact that FSOs are not eligible to receive premium pay. The special differential is not intended to cover voluntary or occasionally required additional work.

238.2 (Deleted)

238.3 Authority

a. Legal Authority

Section 412 of the Foreign Service Act of 1980, as amended, provides that "The Secretary may pay special differentials, in addition to compensation otherwise authorized, to Foreign Service Officers who are required because of the nature of their assignments to perform additional work on a regular basis in substantial excess of normal requirements."

b. To Certify Positions

The following officials are authorized to certify positions to which the special differential applies:

(1) (State) The Director General of the Foreign Service and Director of Personnel (M/DGP) (hereafter referred to as the Director General) or designee;

(2) (USIA) The Director, Office of Personnel (M/P) or designee.

238.4 Applicability

This section applies to eligible FSOs in classes FO-02 through FO-06, who are required by their supervisors to perform additional work on a regular continuing basis in substantial excess of normal requirements, under the requirements and criteria of this section, when occupying a position which has been certified for the special differential.

238.5 Ineligibility

The following employees are not eligible to receive the special differential:

a. FSOs in class FO-01;

b. FSOs of any class working in the immediate office of principal officers in the Department, the United States Information Agency (USIA) or the Agency for International Development (AID) paid at Executive Levels I, II, or III. Chiefs of Mission are not principal officers of the Department within the meaning of this section;

c. FSOs eligible to receive overtime pay under the Fair Labor Standards Act (FLSA), as indicated on their SF-50, Notification of Personnel Action. Eligibility under FLSA is restricted to junior officers during assignments to positions in the United States which primarily are intended to provide on-the-job training;

d. Foreign Service employees in classes FP-01 through FP-09;

e. Senior Foreign Service members; and

f. Civil Service employees.

238.6 Requirements

To meet the minimum requirements to perform additional work on a regular basis in substantial excess of normal requirements, an officer in class FO-02 through FO-06 must be assigned or detailed to a position which requires one of the following:

a. Hours

Requires an average of at least 55 hours of work per week for a period of 6 consecutive months; or

b. Combination Shift Work and Hours

Requires for a period of 6 consecutive months work performed, for reasons of convenience to the Government, on a rotational 24-hour shift basis, including evenings, Sundays, and holidays, (State Only) or a rotational duty schedule combining 16 hour shift coverage in the Department with 24 hour shift coverage overseas (End State Only), plus an average of at least 45 hours of work per week as necessary to meet the operational needs of the unit to which assigned; or

c. Shift Work

Requires for a period of 6 consecutive months work performed, for reasons of convenience to the Government, on a shift basis, with over 50 percent of the hours scheduled on workdays between 6:00 p.m. and 6:00 a.m., or on Sundays and holidays.

An officer working in an isolated post entitled to compensatory time off pursuant to section 232.6-2 can earn special compensatory time off only for hours worked in excess of the minimum hours prescribed in section 238.6a and b.

238.7 Rate of Special Differential

a. The rate of special differential to be paid for the three categories of requirements listed in section 238.6 is as follows:

Category A: 18 percent of the basic compensation earned during the pay period;

Category B: 13 percent of the basic compensation earned during the pay period; and

Category C: 10 percent of the basic compensation earned during the pay period.

b. The special differential is not subject to the following limitations:

(1) Section 552, Standardized Regulations (Government Civilians, Foreign Areas) which limits post differential payments to employees; and

(2) 5 U.S.C. 5547, which places the maximum limitation on premium pay, at GS-15, step 10.

238.8 Relation to Taxes, Retirement Contributions and Lump-Sum Payments

The special differential is taxable income for Federal, State, and other U.S. locality purposes. It is not used for retirement or Thrift Savings Plan (TSP) purposes. An FSO who receives a special differential at the time of separation from the Foreign Service may have the special differential included in the lump-sum annual leave payment. The inclusion of special differential as part of the lump-sum payment is not limited to 21 days because of the provisions of section 238.10g. (Comptroller General Decision B-227716, dated March 23, 1988)

238.9 Maximum Number of Positions Certified

a. The Department will certify up to approximately 100 positions at any one time in which incumbent FSOs will receive the special differential, plus up to 12 positions for the Multinational Force Organization (formerly the Sinai Field Mission).

b. USIA will certify up to approximately 30 positions at any one time in which incumbent FSOs will receive the special differential, plus up to 2 positions for the Multinational Force Organization (formerly the Sinai Field Mission).

238.10 Administrative Procedures

a. Information To Be Submitted

Each recommendation must contain the following information on a special format to be furnished to all Executive Directors (State) and Executive Officers (USIA):

(1) Position title, class level, and number; name and class of present incumbent;

(2) The required working hours scheduled or anticipated for an incumbent in the position during the 6 consecutive months following the date of submission; and

(3) A justification that these work requirements are essential for the conduct of official business. Executive Directors (State) and Executive Officers (USIA) must rank all recommendations which they submit in an order of priority for positions within their jurisdiction.

b. Recertification or New Certifications

Every position certified for the special differential must be reviewed semi-annually for recertification. Recommendations for recertifications and certifications for new positions shall be submitted by Executive Directors (State) and Executive Officers (USIA) in time to be received in M/DGP and M/P respectively by September 1 and March 1. Recommendations for recertifications shall be accompanied by a statement of the average number of hours worked in the positions during the past 6 months. (See section 238.10g concerning treatment of leave in computing average hours for purposes of the special differential.)

c. Effective Dates

Effective dates for 6-month certification and recertification periods are as follows:

(1) The beginning of the first full pay period commencing on or after April 1 through the last pay period commencing in September; and

(2) The beginning of the first full pay period commencing on or after October 1 through the last pay period commencing in March.

Officers assigned to a position certified for a special differential during the 6-month period may begin to receive the special differential for the first full pay period after entry on duty in the position. The special differential will be terminated for officers reassigned out of a special differential position or promoted to class FO-01 during the 6-month period at the end of the pay period during which the officer departed duty or the promotion became effective.

d. Review Panel

(1) (State) M/DGP will forward all proposed positions to a Review Panel composed of the Deputy Director of Management Operations (M/MO); Director, Office of Budget and Planning (M/COMP/BP); and the Director of Foreign Service Career Development

and Assignments (PER/FCA). The review panel will establish a list of positions on a priority basis recommended for certification by the Director General. The Director General may certify up to approximately 100 positions at any one time.

(2) (USIA) M/P will forward all proposed positions to a Review Panel composed of the Chief, Office of Program Coordination and Development (P/D); Chief, Budget Operations Division (M/CB); and Chief, Foreign Service Personnel Division (M/PF). The review panel will establish a list of positions on a priority basis recommended for certification by the Director, Office of Personnel (M/P). The Director may certify up to approximately 30 positions at any one time.

e. Criteria

In determining recommendations and priorities for certification, the Review Panel will consider:

(1) Congressional intent in establishing the special differential;

(2) The extent of excess work requirements beyond normal requirements;

(3) The operational requirements of the Department or USIA; and

(4) The need to assure that all eligible FSOs assigned to the same positions and performing the same excess work requirements within an office or organization receive similar treatment.

f. Notifications

(1) The Director General (State) and the Director, Office of Personnel (USIA) will forward to Executive Directors (State) and Executive Officers (USIA) as appropriate a copy of all certifications and decertifications of positions in their jurisdiction.

(2) Executive Directors and Officers and Administrative Officers in the field will be responsible for notifying appropriate Payroll Offices or Centers of the names and Social Security numbers of employees working in certified positions who are eligible for the special differential, and the period of entitlement.

(3) Executive Directors and Officers and Administrative Officers in the field will also be responsible for notifying appropriate Payroll Offices or Centers of decertifications and termination dates of special differential payments. All notifications must include the name and Social Security number of affected individuals. All notifications should be provided to Payroll Offices or Centers in advance of effective dates to allow for timely processing.

(4) Any decrease in working requirements of a certified position during the certified period will be promptly reported by the Executive Directors (State) and Executive Officers (USIA) to:

(a) The Director General (State) or the Director, Office of Personnel (USIA) who will decertify the position, and

(b) To the Payroll Office or Center which will terminate the special differential.

(5) When extraordinary circumstances impose additional work requirements for a position not certified for a special differential, Executive Directors (State) or Executive Officers (USIA) may submit recommendations under the above procedures and requirements at any time during a certification period for consideration by the Review Panel. If approved by M/DGP (State) or M/P (USIA), the positions will be certified only for the remainder of the certification period in which they were submitted.

g. Suspension or Forfeiture of Special Differential

(1) An officer drawing the special differential who expects to take leave from a designated position for any reason for more than 21 consecutive calendar days, or who for reasons of emergency or illness was absent beyond 21 calendar days, should immediately notify the appropriate Executive Director or Officer or Administrative Officer in the field. The Executive Director, Officer, or Administrative Officer in the field will then notify the appropriate Payroll Office or Center to suspend or forfeit the special differential for periods of absence in excess of 21 calendar days and to continue the suspension until notified that the officer has returned to duty.

(2) In the event that a position is decertified during a 6-month period because of a change in the work requirements of the position, the incumbent will not forfeit any special differential already paid, even if average requirements were not met over the 6-month period.

h. Records, Auditing, and Inspections

(1) (State) Time and Attendance reports sent to Payroll Centers will not record special differential hours. However, time and attendance clerks will maintain for all officers drawing the special differential a record of work hours performed on a duplicate copy of the officer's Time and Attendance Report, which will be certified by the supervisor. These Time and Attendance reports will be audited periodically by Executive Directors and Administrative Officers to assure that all requirements for entitlement to the special differential have been or will be fulfilled, including the average work hours and shift work requirements. Hours and shift work scheduled during

periods of leave will be considered as having been performed for the purpose of computing whether average requirements over a 6-month period have been or will be met.

During its Domestic and Full Conduct-of-Relations Inspections of bureaus and posts, the Office of the Inspector General (OIG) will review the necessity of excess requirements and make recommendations, as appropriate, for the decertification and certification of positions, and the efficiency of procedures for administering the special differential.

(2) (USIA) Time and attendance clerks will maintain for all officers drawing the special differential a record of work hours performed on a duplicate copy of the officer's Time and Attendance Report. These Time and Attendance reports will be audited periodically by Executive Officers and Administrative Officers to assure that all requirements for entitlement to the special differential have been or will be fulfilled, including the average work hours and shift work requirements. Hours and shift work scheduled during periods of leave will be considered as having been performed for the purpose of computing whether average requirements over a 6-month period have been or will be met.

During its inspections of overseas posts, the Office of Inspections (M/I) will review the necessity of excess requirements and make recommendations, as appropriate, for decertification and certification of positions, and the efficiency of procedures for administering the special differential.

238.11 Accounting for Special Differential Costs

a. (State)

Special differential costs will be charged to the appropriate domestic office or post allotment symbol. The American Salaries allotment will not be charged with these costs. The sub-object class to be charged for special differential costs is 1136—Special Differential for Foreign Service Officers.

b. (USIA)

The cost of the special differential for personnel assigned to overseas mission posts will be charged to Washington-held allotment 1006, Function Code L0000, American salaries, Resource Code 11020, Special Differential for Foreign Service Officers. Costs for all other USIA personnel will be charged to the appropriate domestic allotment.

End Uniform State/USIA Regulations.

239 (Unassigned)

ATTACHMENT 8A
(TM 26:79)

OVERTIME AUTHORIZATION AND REPORT

INSTRUCTIONS:
1. See HB 26, Chap. 8 for instructions.
2. Prepare an original and 2 copies.
3. Timekeeper is to retain completed form for 6 years for audit purposes.

1. TO *(authorizing officer - Division Chief or Administrative Officer)*	2. FROM *(Supervisor)*	3. OFFICE SYMBOL

4. I hereby request authorization for overtime not to exceed _____ hours, to accomplish the following *(state reason and nature of work to be performed)*.

5. This work is to be performed from _____ *(date)* to _____ *(date)* by the following employee(s).

NOTE: Show, in item 6, any adjustments to item 5 BEFORE certifying in item 8.

NAME OF EMPLOYEE(S)	FLSA*	GRADE(S)	HOURS TO BE PAID OVERTIME	COMPENSATORY HOURS *(equivalent to hours worked)*

6 COMMENTS

**For status under the Fair Labor Standards Act (FLSA), enter 'N' for nonexempt and 'E' for exempt.*

7. I CERTIFY that the work to be performed is essential and that funds are available to cover the overtime work hereby authorized.		8. I CERTIFY that the overtime work as stated above are the actual hours worked under this authorization.	
(Signature of authorizing officer Administrative Officer)	*(Date)*	*(Signature of Supervisor)*	*(Date)*

AID 430-3 (10-80)

CHAPTER 9

SALARY RETENTION

9A. Purpose

This chapter outlines the procedures to be followed administering and computing salary retention benefits for employees whose demotions in General Schedule or Wage Board positions are without personal cause, not at their own request, and not in a reduction-in-force due to lack of funds or curtailment of work.

9B. Entitlement

1. Between General Schedule (GS) Grades

An employee who is demoted from one GS grade to another and also meets the criteria listed under 9C of this chapter.

2. From a Nongeneral Schedule Pay System (Foreign Service or Prevailing Rates)

An employee who is demoted from a grade, class, or position in a pay system other than the General Schedule to a GS grade for which the representative rate of the GS grade is lower than the representative rate in the grade, class, or position from which demoted and also meets the criteria listed under 9C:

a. Who holds a career or career-conditional appointment in the competitive service or an appointment of equivalent tenure in the excepted service (Foreign Service).

b. Each employee in the excepted service having an appointment not limited to 1 year or less is deemed to have tenure equivalent to a career conditional or career appointment in the competitive service.

9C. Eligibility Criteria

In addition to 9B, the employee must meet the following criteria.

1. The reduction in grade must not have been:

   a. For personal cause.

   b. At the employee's request.

9C1

c. Effected in a reduction-in-force due to lack of funds or curtailment of work.

d. With respect to a temporary promotion to a higher grade.

2. Immediately before the reduction in grade the employee must have served with AID for 2 continuous years:

a. In one or more positions under the same pay system for which the grade, class, or pay level is higher than the one to which employee is demoted; or

b. In one or more grades, classes, or positions for which the representative rate during the 2-year period was greater than the representative rate in the GS grade to which demoted.

3. Work performance during the 2-year period is satisfactory or better.

9D. Definitions

1. Rate of basic pay means the scheduled rate of pay fixed by law or administrative action for the position held by an employee before any deductions and exclusive of separately stated pay of any kind.

2. Representative rate means the fourth step rate in the range for a grade under the General Schedule or Foreign Compensation Schedule or a class under the Foreign Service Reserve or Staff schedules; the prevailing rate for a position under the Federal Wage System; and for other positions, the rate designated by the Office of Personnel and Manpower (SER/PM) as representative of the position.

3. Salary retention period means the period of not to exceed 2 continuous years during which an employee is entitled to salary retention under the law.

4. Retained rate is the rate of pay established after following the procedures outlined in 9E.

5. Equivalent GS Grade is the lowest grade in the General Schedule in which the representative rate is equal to or exceeds the representative rate in the grade, class, or position from which the employee is demoted.

6. Continuous Service is that period of 2 continuous years of service immediately prior to a demotion and includes any period or periods of nonpay status occurring in the 2-year period. Similarly, the salary retention period after demotion includes any period or periods in a nonpay status.

9D

Note: The reader should become familiar with the definitions under 9D of this chapter prior to reading the contents of 9E and 9F.

9E. Establishing Retained Rate Under the General Schedule

1. Except as provided in 9E2, the rate of basic pay to which an employee is entitled is the nearest rate in the equivalent GS grade which is equal to or exceeds employee's existing rate of basic pay (or employee's existing rate if that rate is above the maximum rate in the equivalent GS grade). At the time of any GS pay increase retained rates will be adjusted.

Example:

A Foreign Service Officer, FSR-3, Step 6, $30,100 p.a., is reduced to GS-14. The equivalent GS grade for an FSR-3 is GS-15. Step 3 in GS-15, $30,147 is the employee's retained rate of basic pay because employee's salary as an FSR-3 falls between Step 2 ($29,205) and Step 3 ($30,147) of the GS-15.

2. When an employee is demoted the equivalent of three grades or more under the General Schedule, employee's retained rate of basic pay is the lesser of:

a. Employee's existing rate of basic pay as determined under 9E1; or

b. The sum of--

(1) The minimum rate in the GS grade to which employee is demoted under each reduction in grade to which this subpart applies, and

(2) The difference between employee's rate of basic pay and the minimum rate in the GS grade which is three grades lower than the grade from which employee was reduced under the first of the reduction in grade.

Example:

A Foreign Service Officer, FSR-3, Step 6, $30,100 p.a., is reduced to GS-11. Retained rate is $27,321:

GS-15, Step 3	$30,147
GS-12, Step 1	-17,497
	12,650
GS-11, Step 1	+14,671
	$27,321

9F. Establishing Retained Rate Under Prevailing Rates System

1. Under Same Wage Schedules

a. Reduction Three Grades or Less

An employee's scheduled rate of pay is retained when employee is changed to a lower grade or reassigned to a wage schedule position having an established maximum rate of pay which is less than the employee's existing scheduled rate of pay.

b. Reduction More Than Three Grades

(1) When the maximum scheduled rate of pay is less than the employee's existing scheduled rate of pay, employee shall receive the lesser of --

(a) The existing scheduled rate immediately prior to demotion, or

(b) The sum of the minimum scheduled rate of the grade to which employee is reduced under each reduction in grade and the difference between employee's scheduled rate immediately before the first reduction in grade and the minimum scheduled rate of that grade which is three grades lower than the grade from which the employee is reduced under the first of the reductions in grade.

Example:

Employee in WG-8, Rate 3, reduced to WG-4:

WG-8, rate 3	$4.71 p.h.
WG-5, rate 1	3.71 p.h.
Difference	1.00 p.h.
WG-4, rate 1	3.49 p.h.
Retained rate	4.49 p.h.

2. Under Different Types of Wage Schedules

a. Reduction Three Grades or Less

When the maximum scheduled rate of pay is less than the employee's

9F2a

scheduled rate of pay then the nearest rate in the applicable wage schedule grade that is equivalent to the grade from which the employee is demoted which equals or exceeds employee's existing rate of pay.

b. Reduction More Than Three Grades

The employee's retained rate is the lesser of:

(1) Employee's existing scheduled rate of pay; or

(2) The minimum rate of the applicable wage schedule grade to which the employee is reduced under each reduction in grade; and the difference between employee's existing scheduled rate of pay and the minimum rate of the applicable wage schedule grade which is three grades lower than the grade from which employee is reduced under the first reductions in grade.

Example:

Employee in WS-7, Rate 5, is reduced to WG-10--

WS-7, rate 5	$5.98 p.h.
WG-14, rate 3	5.98 p.h.
(WG-14 is the equivalent WG grade and $5.74 p.h. is the nearest rate in the equivalent WG grade to that from which employee was demoted.)	
WG-11, rate 1	4.68 p.h.
(WG-11 is the grade in the wage schedule which is three grades lower than the highest grade in which the representative rate equals or exceeds the representative rate in the grade from which employee was demoted.)	
Difference	$1.30 p.h.
WG-10, rate 1	4.46 p.h.
Retained Rate	$5.76 p.h.

3. Further Demotion or Reassignment

When, during the retention period, an employee is further demoted under conditions entitling the employee to pay retention, the employee continues for the remainder of the 2-year period to receive

9F3

the same retained rate. At the time, however, of the second demotion a record is made of the retained rate the employee would have been entitled to on the basis of the demotion if the employee had not then been in a retained pay status. At the expiration of the original 2-year period, this new rate is used as the retained pay rate for the remainder of a 2-year period beginning on the date of the second demotion.

4. Termination of Maximum Pay Retention Period

Upon termination of the 2-year period for which pay retention is provided, the employee's rate of pay is adjusted to the maximum established rate for the position occupied.

9G. Rate Determination

1. At the time of an employee's demotion or reassignment, SER/PM shall select a rate in the grade to which the employee is demoted which would have been the employee's rate of basic pay if employee were not entitled to a retained rate.

2. At the time of the employee's demotion or reassignment, SER/PM shall record in the employee's Official Personnel Folder the rate selected in accordance with 9G1 and make all determinations of within-grade increases on this rate during the salary retention period and record these determinations in the employee's Official Personnel Folder.

9H. Retention Period Reassignment

1. When an employee is reassigned to another position at employee's current grade, the reassignment does not terminate employee's retained rate, except as provided in 9H2.

2. When an employee is reassigned to another position at employee's current grade for personal cause, at employee's request, or in a reduction-in-force due to lack of funds or curtailment of work, the reassignment terminates employee's retained rate.

3. When an employee's retained rate is terminated by reassignment, SER/PM shall furnish employee with a written notification of the effective date of the termination of the retained rate and of employee's right to appeal.

9I. Within-Grade or Within-Class Increases

An employee with a retained rate is eligible for within-grade or within-class increases, only in the grade in which employee is serving and at the rate selected in accordance with 9E and 9F.

9J. Pay Adjustment

When an employee's retained rate is terminated because of the expiration of the salary retention period, SER/PM shall adjust employee's rate of basic pay within the grade in which employee is serving to the rate previously selected in accordance with 9F together with any within-grade or within-class increases to which the employee became entitled during the salary retention period.

9K. Appeal to the Civil Service Commission (CSC)

1. General

An employee who is reduced in grade or pay, or reassigned during employee's salary retention period may appeal to the CSC from a decision of AID that employee is not entitled to salary retention or will terminate or adversely affect the salary retention employee is currently receiving. This right of appeal does not in any way restrict an employee's entitlement to appeal to the CSC under any other law or regulation.

2. Notification to Employee

When an employee is reduced in grade or pay, or reassigned during the salary retention period, SER/PM shall inform employee in writing whether or not employee is entitled to salary retention, or the salary retention employee is currently receiving will be terminated or adversely affected. When SER/PM decides that an employee is not entitled to salary retention, or the salary retention an employee is currently receiving will be terminated, SER/PM shall inform employee in writing of employee's right of appeal to the CSC.

3. Time Limit

An employee may submit an appeal to the CSC at any time after receipt of a decision to deny or terminate salary retention but not later than 15 calendar days after employee's demotion or reassignment has been effected. The time limit may be extended by the CSC if the employee can show that he/she was not informed of his/her right to appeal or of the time limitation on the appeal and was not otherwise aware of that right or that time limitation, or that circumstances beyond employee's control prevented employee from filing the appeal within the prescribed time.

9K

4. How Submitted

The appeal shall be in writing and shall set forth the reasons why employee considers the Agency's decision erroneous, with such proof and evidence as employee is able to submit.

5. Agency Action When CSC Recommends Corrective Action

a. It is mandatory that the Agency take all corrective action recommended in the CSC initial decision on an appeal unless it makes a timely appeal to the Board of Appeals and Review.

b. The decision of the Board of Appeals and Review is final and compliance with its recommendation for corrective action is mandatory.

CHAPTER 10

SEVERANCE PAY AND INVOLUNTARY SEPARATION BENEFITS

10A. Purpose

This chapter sets forth the regulations and procedures for the computation and payment of severance pay to U.S. citizen employees of A.I.D. who have been employed for a continuous period of at least twelve months and are involuntarily separated from the service, not by removal for cause on charges of misconduct, delinquency, or inefficiency. The regulations and procedures for payment of severance pay to certain Foreign Service members separated for expiration of time-in-class or for failure to meet the standards of performance for their respective classes are outlined in section 10J of this chapter. Severance pay for Foreign Service Nationals (FSNs) is covered in Handbook 31, section 934.3-3.

10B. Scope

1. This chapter applies to full-time and part-time Agency employees who have a regularly scheduled tour of duty within each administrative workweek and to seasonal employees with a regularly scheduled tour of duty within each administrative workweek during the season for which employed, who are serving under one of the following:

a. a career or career-conditional appointment in the competitive service or its equivalent in the excepted service;

b. an indefinite appointment in the competitive service made under the indefinite appointment system that preceded the career-conditional appointment system;

c. an indefinite appointment without time limitation in the excepted service;

d. a time-limited appointment in the Foreign Service to which the employee was assigned under a statutory authority that entitled the employee to reemployment in his/her former agency, but whose right to reemployment has expired;

e. as a status quo employee, including one who becomes an indefinite employee upon promotion, demotion, or reassignment.

2. This chapter does not apply to:

a. an employee, other than a member of the Senior Executive Service, whose rate of basic pay is fixed at a rate provided for in one of the levels of the Executive Schedule or is in excess of the maximum rate of pay for GS-18;

b. an employee serving under an appointment with a definite time limitation, except one so appointed for full-time employment without a break in service of three days or more, following service under an appointment without time limitation;

c. an alien employee who occupies a position outside the several States, the District of Columbia, and the areas and installations made available to the U.S. under the Panama Canal Act of 1979;

d. an employee who is subject to any retirement system applicable to Federal employees, and who, at the time of separation from the service, is entitled to an immediate annuity. A deferred annuity is considered an immediate annuity only if it commences on the day after separation;*

e. an employee who, at the time of separation, is receiving workmen's compensation, unless the employee is receiving this compensation concurrently with pay or on account of the death of another person;

f. an employee who, at the time of separation, is entitled to receive other severance pay from the Government;

g. an employee who, at the time of separation, is offered and declines to accept a position in the Agency of equal pay, tenure, and seniority, located within the same commuting area;

h. an employee who is offered an opportunity to transfer with the Agency or part thereof when it is transferred to, merged with, or replaced by a non-Federal organization (including a nonappropriated funds instrumentality), when the employee is offered pay, leave, and retirement benefits comparable to those held in Federal employment;

*Exception: If an employee receiving severance pay attains eligibility for a deferred annuity anytime following the day after separation, he/she is entitled to receive severance pay concurrently with the deferred annuity.

i. an employee in the excepted service serving under a Presidential appointment; an SES limited term or emergency appointment other than one which was assigned under a statutory authority that entitled the employee to reemployment in his/her former agency; in the excepted service serving under an appointment by the Administrator, as authorized by section 631(b) of the Foreign Assistance Act of 1961 on or after July 1, 1981*; under an appointment to a position filled by noncareer executive assignment; under an appointment to a Schedule C position; under a Senior Executive Service noncareer appointment; or under a Senior Foreign Service noncareer appointment under section 309 of the Foreign Service Act of 1980.

10C. Definitions

As used in the chapter, the following definitions apply:

1. Basic pay means the rate of pay fixed by law or administrative action for the position held by an Agency employee at the time of separation, including premium pay for standby duty paid to an employee on an annual basis, but excluding other additional pay.

2. Severance pay fund means the total severance pay to which an employee is entitled.

3. Total severance pay means the amount of severance pay payable to an employee, as computed under section 10G of this chapter.

4. Age adjustment allowance is an allowance paid to an employee for each year by which the age of the employee exceeds 40 years at the time of separation.

10D. Authorities

1. 5 U.S.C., sections 5595 and 8311.

2. 5 C.F.R., sections 550.701-550.708 and 831.301.

3. FPM Supplement 990, Chapter 550, subchapter 7, dated May 7, 1981.

4. FPM Supplement 831-1, Subchapter 16, dated September 21, 1981.

5. FPM Letter 550-72, dated August 21, 1980, regarding severance pay upon transfer of agency functions to private organizations.

*Appointees under the AD appointing authority appointed prior to July 1, 1981 are eligible for severance pay. However, those appointed on or after July 1, 1981 are ineligible for severance pay.

6. FPM Letter 550-75, dated August 14, 1981, regarding severance pay after declining a position which would have provided grade and/or pay retention.

7. Civilian Personnel Law Manual, Subchapter III -- Severance Pay and Allowances, 1983.

8. Comptroller General Decision z-2847176, dated March 9, 1984, regarding claim for severance pay upon reassignment directed out of the commuting area.

9. 47 Comp. Gen. 72, regarding deferred annuity effect on resumption of pay; 50 Comp. Gen. 46, regarding payment of severance pay to persons subject to the Civil Service Retirement Act (CSRA).

10. Foreign Service Act of 1980, section 609(b) and 610(b).

11. Foreign Assistance Act of 1961, section 631(b).

12. AID/W Operations Procedure #37-OB, dated May 20, 1981, regarding severance pay coverage for AD employees.

10E. Responsibilities

1. Executive Personnel Management Staff (M/PM/EPM), Foreign Service Personnel Division (M/PM/FSP), or Civil Service Personnel Division (M/PM/CSP), as appropriate

a. Sends a specific notice in writing to the employee stating that the employee is to be involuntarily separated not by removal for cause on charges of misconduct, delinquency, or inefficiency.

b. Sends a general notice of reduction in force by the Agency to the employee which announces that all positions in the employee's competitive area will be abolished or transferred to another commuting area. The employee will have the option to transfer with the function, or resign within one year of the effective date of the abolition or transfer.

c. Sends a notice to the employee proposing to separate the employee for declining to accompany the activity when it is to be moved to another commuting area because of a transfer of function, and when all positions in the employee's competitive area are to be abolished or transferred to another commuting areas within a period of not more than one year.

d. Records the following information in the Remarks space of Standard Form 50 (Official Personnel Action) for each employee involuntarily separated from the service under conditions which entitle the employee to severance pay:

(1) A statement that the employee is or is not entitled to severance pay;

(2) If entitled to severance pay, the total amount of severance pay fund;

(3) The amount of biweekly severance pay;

(4) The number of pay periods it will require to exhaust the fund;

(5) The date payments begin.

Thus, a typical recordation might read "Entitled to $3,500 severance pay fund to be paid at the rate of $220 biweekly over 15 pay periods, plus final payment of $200, beginning December 31, 1984."

2. Employee Services Division, Office of Financial Management (M/FM/ESD)

a. Computes employee's severance pay fund to be effective upon separation and authorizes payment of the same amount of basic pay (as if still employed), along with separation accounting, to be paid for the pay period immediately following separation. Also authorizes payment at regular pay period intervals thereafter at the same level as when employed, until the severance pay fund is about to be exhausted. The final severance payment shall consist of whatever portion of the severance pay fund remains to the employee's credit.

b. Determines severance benefits and payment schedules for funds payable to Foreign Service employees who are mandatorily retired for expiration of time-in-class or for relative performance. Computation of these benefits is outlined in section 10J1.

3. Employee

Submits an acknowledgment to the Employee Services Division, Office of Financial Management (M/FM/ESD) certifying that he/she will repay to the Agency an amount equal to that received for the period from (i) any Federal retirement annuity, (ii) any compensation for employment with the Federal Government, at the time of separation and prior to the first payment, and (iii) will report to M/FM/ESD by the first of each month for which benefits are due any change in Federal retirement annuity or any Federal compensation, from whatever source, received by the employee. Failure to notify M/FM/ESD of any such income (or change in retirement annuity) may result in overpayment of severance pay and liability for refund of such overpayment, including interest or penalty as may be appropriate.

10F. General Policy

1. Twelve months continuous service. Employees may be paid severance pay only if on the date of separation they had been on the rolls of the Agency for at least the preceding twelve calendar months and otherwise meet eligibility requirements specified in paragraph 10B.1.

2. Failure to accept assignment. The separation of an employee who declines to accept assignment to another commuting area is not an involuntary separation by removal for cause on charges of misconduct, delinquency, or inefficiency, unless the employee's position description or other written agreement or understanding, e.g., for Foreign Service members, the obligation of worldwide availability, provides for such assignments.

3. Resignation in lieu of involuntary separation. An employee is deemed to have been involuntarily separated for purposes of entitlement to severance pay if the employee has not declined an offer of an equivalent position, when separated because of resignation (i) after receipt of a specific notice in writing from the Agency stating that he/she is to be involuntarily separated not by removal for cause on charges of misconduct, delinquency, or inefficiency, (ii) after receipt of a general notice of reduction in force from the Agency announcing that all positions in his/her competitive area will be abolished or transferred to another commuting area and the resignation is effective on a date which is not more than one year before the abolition or transfer, and (iii) after receipt of a notice from the Agency proposing to separate the employee for declining to accompany the activity when it is moved to another commuting area because of a transfer of function and when all positions in the employee's competitive area are to be abolished or transferred to another commuting area within a period of not more than one year.

When the facts and circumstances available to the Agency show that a resignation is unrelated to the issuance of one of the notices specified above, separation of the employee by resignation is a voluntary separation.

4. Employee Options

a. CS. Upon separation, an employee may withdraw his/her retirement contribution from the Civil Service Retirement System (CSRS). However, an employee with more than five years of creditable service (excluding military and naval experience - 5 CFR 831.301) may elect to leave his/her retirement contribution in the Fund and receive a deferred annuity when eligible. (FPM Supplement 831-1, subchapter 16, dated September 21, 1981.)

b. FS. Any member of the Foreign Service who is (i) in Class FS-02 or below, (ii) not yet eligible for voluntary retirement under the Foreign Service Retirement and Disability System (FSRDS), and (iii) has at least five years of creditable service (excluding military and naval service), may elect to withdraw his/her retirement contribution from the Fund or receive a deferred annuity commencing at age 60. (Section 609(b) of the Foreign Service Act of 1980.)

c. However, in cases where the Administrator determines that the member's separation was based in whole or in part on the ground of disloyalty to the United States, or if the individual was convicted of certain offenses (Title 5 U.S.C., subchapter 8311 and following), then a deferred annuity could not be allowed. (FSA/80, Section 610(b).)

10G. Computation of Severance Pay (for Foreign Service members, see section 10J below)

1. General. Severance pay consists of two elements -- a basic allowance and an age adjustment allowance.

a. The basic severance allowance is computed on the basis of one week's basic pay at the rate received immediately before separation for each year of civilian service up to and including ten years and two weeks' basic pay at the rate for each year of civilian service beyond ten years for which severance pay has not been received. In computing an employee's total years of creditable civilian service, the Agency shall credit the employee with each full year and 25 percent of a year for each three months of creditable service that exceeds one or more full years.

Example:

An employee age 35 with 15 years and 8 months creditable service and earning $1,000 gross salary per pay period

$500 x 10 yrs.	=	$ 5,000
$1000 x 5 yrs.	=	5,000
1000 x 50%	=	500
Severance Pay	=	$10,500

This employee would therefore receive $1,000 gross severance pay per pay period for the next ten pay periods, plus a final payment of $500.

b. The age adjustment allowance is computed on the basis of 10 percent of the total basic severance allowance for each year by which the age of the recipient exceeds 40 years at the time of separation. In computing years of age over 40, the Agency shall credit the employee with 25 percent of a year for each three months that his/her age exceeds 40.

Example:

An employee age 45 years and 8 months with 22 years creditable service and earning $1,000 gross salary per pay period

$500 x 10 yrs.	=	$ 5,000
$1,000 x 12 yrs.	=	12,000
		17,000
$1,700 x 5 yrs.	=	8,500
1,700 x 50%	=	850
		$26,350

This employee would therefore receive $1,000 severance pay per pay period for the next 26 pay periods. Since severance pay cannot exceed 52 weeks and one year's salary, the maximum severance pay the employee will receive is $26,000, although the employee's severance pay fund is $26,350.

2. Creditable Service. In computing an employee's civilian service, the Agency shall include all service that is creditable for annual leave accrual purposes (including prior military service, if creditable). This includes (i) periods during which an employee was receiving compensation for work injuries (see 5 U.S.C. chapter 81), and (ii) periods of absence due to military duty, provided these periods interrupt otherwise creditable civilian service and the employee resumes Federal employment within the period of statutory or regulatory restoration rights.

3. Limitation. There is a lifetime 52-week limit on the number of weeks an employee can ever be entitled to severance pay. The total severance pay received shall not exceed one year's pay at the rate received immediately before separation (one year's pay means pay for 26 biweekly pay periods). Severance pay shall not be made a basis for payment or computation of any other benefits to which the employee may be entitled, and the period for which severance pay is paid shall not be regarded as a period of Federal service or employment.

4. Retained Rate. If at the time of separation an employee is receiving a retained rate, that rate is the employee's basic pay to be used for purposes of computing severance pay.

10H. Payment of Severance Pay

1. General. Upon separation, the Agency shall pay the employee the same basic pay at the same pay intervals until the severance pay fund is about to be exhausted. The final severance payment shall consist of that portion of the severance pay fund remaining.

If the employee dies before the end of the period covered by payments of severance pay, the payments shall be continued as if the employee were living and shall be paid on a pay period basis to the survivor of the employee in accordance with 5 U.S.C. 5582(b).

For employees who serve in either a position in which they regularly alternate between receiving premium pay on an annual basis for standby duty and not receiving premium pay, between receiving a night differential which is considered part of basic pay and not receiving night differential; or between full-time and part-time tours of duty, basic pay is the average basic pay for the position for the 26 pay periods immediately before separation.

2. Deductions. Unless the employee has outstanding accounts to settle with the Agency, no deductions shall be made from severance pay other than Federal and State income tax withholding, and FICA tax, if the employee was subject to FICA at the time of separation from the position giving rise to severance pay.

3. Suspension of Payments. An employee may accept one or more temporary appointments while receiving severance pay without losing it, but severance pay is suspended during periods of temporary appointments. The periods of service covered by the temporary appointments are not creditable for purposes of computing the severance pay it interrupts.

10I. Recredit of Service

If an employee is reemployed by the Government of the United States or the Government of the District of Columbia before the end of the period covered by payments of severance pay, the payments shall be discontinued beginning with the date of reemployment, and the service represented by the unexpired portion of the period shall be available to the employee for use in any later computations of severance pay. Reemployment that causes severance pay to be discontinued is deemed employment continuous with that serving as the basis for severance pay.

10J. Foreign Service Employees Mandatorily Retired for Expiration of Time-in-Class or for Relative Performance (applies to career members of the Service other than those covered under section 609(a) of the Foreign Service Act)

1. Amount and Computation of Severance Benefits

Severance benefits are computed on the basis of one month's salary (at the employee's base salary rate when separated) for each year (not to exceed twelve) of service in the Foreign Service of the Agency or its predecessors. Any fractions of months in the period are prorated.

2. Limitations

a. The payment of severance benefits is subject to the following limitations:

(1) It may not be deferred at the employee's option.

(2) The guidance provided in section 10H3 of this chapter also applies to Foreign Service employees mandatorily retired for expiration of time-in-class or for relative performance.

3. Payment

a. Severance benefits are divided into three equal installments, such installments to be paid on January 1 of each of the first three calendar years beginning after the employee's separation (except in special cases, the Administrator may combine such payments).

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CHAPTER 11

LUMP-SUM PAYMENT FOR ANNUAL LEAVE

11A. Purpose

This chapter sets forth the regulations and procedures for the lump-sum payment of annual leave accredited to an employee at the time the employee separates from the service. This includes the regular carry-over balance for annual leave from the previous leave year, unused accrued leave for the current leave year and any unused restored leave. For additional information on lump-sum payments, the user should consult the applicable authorities listed under section 11D of this chapter.

11B. Scope

1. An Agency employee is entitled to a lump-sum payment for annual leave upon:

a. separating from the Federal service;

b. entering the Armed Service or transferring to a public international organization and electing not to retain annual leave to his/her credit. However, if an employee elects to have accumulated and current accrued leave remain to his/her credit, any unused restored leave maintained in a separate account must be liquidated by lump-sum payment;

c. transferring to a position not under a leave system to which annual leave may be transferred;

d. changing from a regularly scheduled workweek to an intermittent schedule, i.e., when a regular tour of duty during each administrative workweek has not been established.

2. When separated at a differential post, the employee is entitled to the inclusion of post differential in any lump-sum payment that is due, provided the employee remains at post through the effective date of the separation. If the employee departs the post in a leave (annual leave, sick leave, LWOP) or duty status prior to separation, eligibility for post differential in the lump-sum leave payment is forfeited.

3. A lump-sum payment is not payable to an employee who transfers to a position to which annual leave is transferable, or to a student trainee employed continuously with intermittent duty status. An employee placed in leave without pay status, between tours of duty as a full-time employee, is also ineligible for lump-sum payment.

11C. Definitions

As used in this chapter, the following definitions apply:

a. Accrued leave means leave earned by an employee during the current leave year that is unused at any given time in that leave year.

b. Accumulated leave means the unused leave remaining to the credit of an employee at the beginning of a new leave year.

c. Restored leave means scheduled annual leave which was forfeited at the end of a leave year, but was later restored in a separate account for the employee's use. (See Handbook 27, Chapter 3.)

d. Leave year means the period between the beginning of the first complete pay period in the calendar year and the beginning of the first complete pay period in the following calendar year.

e. Ceiling is the maximum number of hours an employee is authorized to carry forward from the end of one leave year to the beginning of a new leave year (see 11F1c).

f. Post differential is additional compensation (from 0-25% of base salary) paid to employees for service at places in foreign areas where conditions of environment differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive. Conditions at differential posts are reviewed periodically, but at least biennially, to ensure that the payment of post differential shall continue only during the continuance of conditions justifying such payment. As periodic reviews indicate changes in living conditions, rates of differential may increase or decrease. (See Section 920 of the Standardized Regulations for individual post differential rates.)

11D. Authorities

1. 3 FAM 316, 493.

2. FPM Chapter 550, Subchapter 2.

3. Handbook 27, Attendance and Leave, Chapter 3; Handbook 30, Separations and Disciplinary Actions, Chapter 8; Handbook 19, Financial Management, Chapter 14.

4. Title 5 U.S.C., sections 5551, 6301, 6304.

5. Comptroller General Decision B-178428, dated June 28, 1973, relating to inclusion of post differential in lump-sum leave payments incident to separation.

6. Standardized Regulations, Chapter 500.

7. Civilian Personnel Law Manual, 1983.

11E. Responsibilities

1. Employee

a. Completes form AID 7-47A, Employee Accountability Clearance for Separation/Transfer (Att. 11A), before departure from duty station. An employee stationed in AID/Washington must arrange to see his/her Placement Officer (FS or CS, as appropriate) to receive clearance instructions and guidance for completion of all items on form AID 7-47A. An employee separating at post should consult with the Executive/Management Office at post for guidance.

b. Completes the Employee Certification part of Section E and signs the form, which is then forwarded to FM/ESD for final disposition.

2. Executive Personnel Management Division (M/PM/EPM), Foreign Service Personnel Division (M/PM/FSP), Civil Service Personnel Division (M/PM/CSP) or Executive/Management Office at Post (as appropriate)

a. Placement Officer in AID/W or Executive/Management Office at Post

(1) Coordinates the administrative actions associated with an employee's separation by initiating preparation of the form AID 7-47A and assists the employee in completing the clearance process.

(2) Completes and signs the M/PM Certification in Section E of form AID 7-47A, after completion of the clearance cycle in Sections B, C, and D.

3. Clearing Offices (listed on form AID 7-47A) - Completes the necessary action(s) to effect the required administrative and fiscal clearances, relieving the employee of responsibility for accountable items and determining indebtedness, if any, to the Government.

4. Employee Services Division, Office of Financial Management (M/FM/ESD)

a. Determines that all information has been entered correctly, all items have been cleared, indebtedness, if any, resolved, and completes and signs Section F of the form.

b. Releases final lump-sum payment to the employee when all Government funds, property, records, and papers issued or assigned to the employee have been accounted for, and any indebtedness to the U.S. Government has been liquidated. (See Handbook 19, Financial Management, Chapter 14, for guidance on employee accountability.)

c. Sends notice of entitlement to pay to the employee if an administrative error is discovered by the Agency. (See 11F3c.)

11F. General Policy

1. Computation of Lump-Sum Payment

a. The lump-sum payment to which an employee is entitled is equal to the pay that the employee would have received had he/she remained in the service until the expiration of the period of annual leave, excluding pay for holidays falling within that period.

b. Computation of payment is made on the basis of an employee's rights at the time of separation under all applicable laws and regulations existing at that time.

c. No lump-sum payment shall exceed compensation for any period of leave in excess of the employee's ceiling at the time of separation plus any unused leave in the current year's accrual and any unused restored leave. Annual leave not used by an employee during the leave year accrues/accumulates for use in succeeding years until it totals not to exceed 30 days (240 hours) at the beginning of the first complete biweekly pay period occurring in any calendar year. This limitation on ceiling does not apply to an employee with more than 30 days to his/her credit on December 21, 1952 (beginning of the 1953 leave year), nor does it apply to employees who have established and maintained a higher ceiling while serving overseas or to members of the Senior Foreign Service and Senior Executive Service.

For an employee with more than 30 days to his/her credit on December 21, 1952, the total leave credit on that date becomes the maximum accumulation ceiling for future years unless changed after September 18, 1960, by acquiring eligibility to accumulate 45 days of leave. This ceiling cannot be raised but will be lowered during any leave year when more leave is used than is earned.

5 U.S.C. 6304 makes it possible for certain Foreign Service employees stationed outside the United States to accumulate a maximum of 45 days of annual leave (see Handbook 27, Chapter 3, to determine eligibility for the 45-day accumulation). This accumulation may be carried over from one leave year to another and is lowered during any leave year when more leave is used than is earned.

The limitations on accumulation of annual leave do not apply to annual leave accrued by members of the Senior Executive Service (SES) and the Senior Foreign Service (SFS). During the year in which appointed, SES members may carry over the total of their ceiling at the time of appointment, plus hours earned during the remainder of the leave year following appointment. SFS members are entitled to unlimited leave accumulation.

d. The employee does not earn leave during the period covered by the lump sum.

e. Except for purposes of taxation, the lump-sum payment is not regarded as pay and is not subject to retirement deductions.

2. Refunds

a. A refund is required if an employee who has received a lump-sum payment is reemployed prior to the expiration of the period covered by the lump-sum payment. The employee must refund to the employing agency (in U.S. dollars) an amount equal to the pay covering the period between the date of reemployment and the expiration of the period covered by the lump-sum payment.

b. Leave represented by any refund is recredited to the employee. However, restored annual leave included in a lump-sum payment is not subject to refund nor may it be recredited upon reemployment.

c. A refund is not required in the case of reemployment in positions described in 11B1c and 11B1d.

3. Correcting Administrative Errors for Former Employees

a. If an administrative error which resulted in the forfeiture of annual leave is discovered after an employee is separated from Federal employment, and if the separation occurred on or after December 14, 1973, the former employee is entitled to a lump-sum payment for the forfeited annual leave.

b. The administrative error could have occurred at any time during the employment period, but the leave accumulation for error correction purposes is limited to that which otherwise would have been earned after June 30, 1960.

c. The former employee, or someone acting on the employee's behalf, must file a claim for payment with the Controller, M/FM, within three years immediately following the date of discovery of the error. If the error is discovered by the Agency, the Controller, M/FM, sends a notice of entitlement to pay to the former employee, along with instructions on how to file the claim.

Attachment 11A - AID 7-47A, Employee Accountability Clearance for Separation/Transfer

EMPLOYEE ACCOUNTABILITY CLEARANCE FOR SEPARATION/TRANSFER

INSTRUCTIONS
See HB 19, Chap. 14B.

A. EMPLOYEE IDENTIFICATION

1. NAME AND FORWARDING ADDRESS

2. OFFICE

3. LAST DATE ON DUTY

☐ Separation
☐ Transfer

B. ADMINISTRATIVE CLEARANCES

CONTACT	ITEM	ACTION/REMARKS	STATUS (Initials) N/A	O.K.	See D.
AG/SEC	State-AID Identification Card				
	Separation Statement (JF-3)				
TS Control Officer	TX, EXDIS, LIMDIS Documents				
SER/MO	Accountable Property				
	Official Parking Permit				
	Emergency Relocation Pass and Manual				
	Official Passport				
	Dining Room Pass				
Administrative Officer	GTR Accountability				
	All Travel Vouchers Received				
	Files, Records, and Other Documents				
STATE-LR/OPR	Library Materials				
ARC	AID Memory Bank				

C. FISCAL CLEARANCES (SER/FM)

CONTACT	ITEM	ACTION/REMARKS	STATUS (Initials) N/A	O.K.	See D.
FM/CAD	Collections Due/Revoke Certifications				
FM/SSD	Medical Bills for Collection				
FM/ESD	All Travel Vouchers Processed				
	Voucher Exceptions				
	Erroneous Payments				
	Overdrawn Leave				
	Advances				
	Pre-Departure				
	Travel				
	Foreign Transfer Allowance				
	Home Service Transfer Allowance				

D. ITEMS OF INDEBTEDNESS

	VALUE
TOTAL ➤	

E. CERTIFICATIONS

SER/PM CERTIFICATION - This certifies that to the best of my knowledge the above named employee

☐ has cleared the contact points and items on all administrative and fiscal items listed in sections B and C.
☐ should be charged for items of indebtness listed in section D.

SIGNATURE OF SER/PM PLACEMENT OFFICER OR COGNIZANT PROJECT MANAGER

DATE

EMPLOYEE'S CERTIFICATION -

☐ I have accounted for all government property assigned to me and have no known indebtedness to the U.S. Government.
☐ I have accounted for all government property assigned to me except as may be shown above.
  ☐ I approve deduction of $_____ from my final salary payment to cover all indebtedness shown above.
  ☐ I have paid $ _____ to the AID Cashier to cover all indebtedness shown above. Date of receipt: _____
  ☐ I understand that the storage of effects will not exceed 90 days at the governments expense after my last day in pay status. (Applies to FS employees only)

EMPLOYEE'S SIGNATURE

DATE

F. APPROVAL FOR PAYMENT

SER/FM/ESD CERTIFICATION - I certify that I have reviewed the above clearances and find:

☐ all required items are cleared.
☐ items of indebtedness are on record, and
  ☐ payment has been received.
  ☐ deduction is being made.

SIGNATURE

TITLE

DATE

Employee, please strike out 'is' or 'is not' as appropriate.

The Agency is/is not authorized to provide my address or telephone number to anyone requesting this information.

Signature

Date

CHAPTER 12

PAYMENTS TO MISSING EMPLOYEES

12A. Purpose

This chapter sets forth the regulations and procedures for the continuation of pay, allowances, and allotments for Agency employees determined to be in a missing status, as defined in section 12C below, until the Agency makes a determination of death or finding of death, or until the employee returns to the controllable jurisdiction of the Agency. This chapter also authorizes the Agency to provide for the dependents of the missing employee and otherwise protect the employee's interests, by directing payment of new allotments from the employee's pay or adjusting existing allotments, providing transportation benefits for dependents and household goods, and deferring the filing of returns and payment of the employee's Federal income tax.

12B. Scope

This chapter applies to Agency employees who are in active Federal service and are officially determined to be in a missing status.

12C. Definitions

As used in this chapter, the following definitions apply:

1. Employee means an employee of AID (including direct hire and Participating Agency Staff (PASA)) who is a citizen or national of the United States, or an alien who has been admitted to the United States for permanent residence. This does not include a part-time or intermittent employee or native labor casually hired on an hourly or daily basis.

An employee who:

a. enters a missing status inside the continental United States; or

b. is a resident at or in the vicinity of his/her place of employment in a territory or possession of the United States or in a foreign country and who was not living there solely as a result of his/her employment;

is an employee for the purposes of this chapter only upon determination by the Director, Office of Personnel Management (Director, M/PM), or designee, that this status is the proximate result of employment by the Agency.

2. Dependent includes a spouse (as defined by the employee's state of official residence), 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 Director, M/PM, or designee.

3. Active service means active Federal service by an employee.

4. Missing status means the status of 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/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.

5. Pay and allowances means 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 ninety days.

6. Allotment means a recurring specified deduction for a legal purpose from pay authorized by an employee to be paid to an allottee. The Director, M/PM, may establish procedures under which each employee of the Agency is permitted to make allotments and assignments out of his/her pay for such purposes as the Director considers appropriate.

12D. Authorities

1. 5 U.S.C. section 5561.

2. FPM Supplement 910-1, subchapter 556.

3. Civilian Personnel Law Manual, June 1983.

4. 55 Comp. Gen. 147 (1975).

5. Comptroller General Decisions B-206443, dated May 5, 1982, regarding computation of overtime for employees held hostage; and B-159399, dated October 14, 1981, regarding entitlement to allowances under the Missing Persons Act.

6. Handbook 5, Delegations of Authority - Delegation of Authority No. 27 to AA/M; Redelegation of Authority No. 27.3 to Director, M/PM.

7. Handbook 23, Overseas Support, Chapter 12.

8. Public Law 98-259, April 10, 1984, which amends the Internal Revenue Code of 1954 to exempt from Federal income taxes certain military and civilian employees of the U.S. dying as a result of injuries sustained overseas.

12E. Responsibilities

1. Principal AID Officer

a. If a Principal AID Officer believes that an unaccounted-for AID employee may be missing as a result of hostile action, he/she informs the Principal Officer of the U.S. Diplomatic Mission, providing full details, including action taken by the AID Mission to contact the employee. The Principal Officer will 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.

b. The Principal AID Officer notifies M/PM immediately (by telegram if overseas) of an employee's missing status, furnishing the following information:

(1) Details and circumstances surrounding the absence of the employee.

(2) Number, age, and relationship of dependents at post.

(3) Name, address, and relationship of dependents not at post, if such information is known.

(4) The employee's payroll status immediately prior to his/her absence, including current allotments of pay and allowances and the amount of accrued annual and sick leave.

2. Office of the General Counsel (GC)

On the basis of the information provided above, the Office of the General Counsel makes recommendations to the Director, M/PM, regarding the applicability of the provisions of the Missing Persons Act to the missing employee.

3. Director, M/PM, or Designee

a. Keeps the case of an employee in a missing status under active review for twelve months when no official report of death or the circumstances of the employee's continued absence has been received. After the end of the twelve months in a missing status and after conducting a full review of the missing employee's case, the Director, M/PM, or designee, is authorized to determine the continuance of the employee's missing status (if the employee can reasonably be presumed to be living) or to make a finding of death. When a finding of death is made, it shall include the date upon which death is presumed to have occurred for the purpose of termination of crediting pay and allowances, settlement of accounts, and payment of death gratuities. Such date shall be the day following the expiration of an absence of twelve months, or a later date as determined by the Director or designee. When an employee is continued in a missing status, the employee shall continue to be entitled to have pay and allowances credited, and payments of allotments are authorized to be continued, increased, or initiated. (See 12F.)

b. When it is officially determined that a missing employee is alive and in the hands of a hostile force or is interned in a foreign country, authorizes 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.

c. Makes all determinations necessary to administer the provisions outlined in this chapter, including the fact of dependency as defined in section 12C, any other status covered by this chapter, and an essential date, including a date on which evidence or information is received by the Director, M/PM, or designee, and whether information received concerning the employee is to be construed and acted upon as an official report of death. A court decree or similar legal action, in which an employee in a missing status is declared dead, shall be deemed an official report of death. Determinations by the Director, as provided for by this chapter, are conclusive.

d. Makes a finding of death upon receipt of information which establishes a reasonable presumption that the missing employee is dead. Such a determination may be made after the employee has been reported in a missing status for at least twelve months.

e. Determines entitlement of an employee in a missing status to pay and allowances, including credits and charges in the employee's account.

f. Changes or modifies a previous determination when circumstances warrant such change.

g. Waives the recovery of erroneous payments or overpayments of allotments to dependents when recovery is deemed to be against equity and good conscience.

h. Authorizes travel of dependents, transportation or other disposition of household effects as follows:

(1) The dependents and household and personal effects of an employee who is officially reported as missing, injured, or dead for a period of 30 days or more, may be moved (including packing, crating, draying, temporarily storing, and unpacking of household and personal effects) to the official residence of record for such employee or to the residence of the employee's dependent(s), next of kin, or other person entitled to receive custody of the effects. At the request of the employee (if injured) or his/her dependent(s), next of kin, or other person entitled to the effects under regulations prescribed by the Agency, household and personal effects may be moved to another location determined in advance or later approved by the Director, M/PM, or designee.

(2) Transportation, upon request of a dependent, may be authorized only when there is a reasonable relationship between the circumstances of the dependent and the destination requested.

(3) Instead of providing transportation for dependents under this section, when travel has been completed, the Director, M/PM, or designee, may authorize --

(a) reimbursement for the commercial cost of the transportation; or

(b) a monetary allowance, instead of transportation, as authorized by statute for the whole or that part of the travel for which transportation in kind was not furnished.

Such reimbursement or allowance may be effected only if the travel was authorized by the appropriate post official prior to its being taken.

(4) The Director, M/PM, or designee, may provide for the storage of household and personal effects of an employee until proper disposition can be made. The cost of the storage and

transportation (including packing, crating, draying, temporarily storing, and unpacking) of household and personal effects shall be charged against appropriations currently available to the Agency.

(5) When the Director, M/PM, or designee, in exercising his/her responsibilities under the Missing Persons Act, determines that an emergency exists and that sale of household and personal effects would be in the best interests of the Government, he/she may provide for the public or private sale of motor vehicles and other bulky items of the household and personal effects of an employee officially reported as dead, injured, or absent for 30 days or more. Before a sale, reasonable efforts shall be made, if practicable, to determine the desires of interested persons. The net proceeds from the sale shall be sent to the owner or other person entitled to such net proceeds as determined by the Director, M/PM, or designee. If there is no owner or other entitled person, or if the owner or other person or their addresses are not ascertained within one year from the date of sale, the net proceeds may be transferred to the Treasury of the United States as miscellaneous receipts.

(6) A claim for net proceeds transferred to the Treasury may be filed with the General Accounting Office by the owner, his/her heir(s) or next of kin, or the owner's representative at any time before the end of five years from the date the proceeds are transferred to the Treasury. When a claim is filed, the General Accounting Office shall allow or disallow it. A claim that is allowed shall be paid from the appropriation for refunding money erroneously received and covered. If a claim is not filed before the end of five years from the date the proceeds are transferred to the Treasury, it is barred from being acted on by the General Accounting Office or the courts.

(7) In consultation with GC, keeps the Mission apprised of the administrative actions taking place in AID/Washington on behalf of the missing employee, and any actions that may be required of the Mission in addition to those noted in 12E1.

4. Employee

Elects in writing, within ninety days following termination of missing status, whether he/she desires payment for leave, as defined in 12F1a(1) of this chapter, or credit for the leave, as defined in 12F1a(2) of this chapter.

12F. Procedures

1. Entitlements

a. An employee in a missing status is entitled to receive or have credited to his/her account for the period he/she is in that status, the same pay and allowances to which the employee was

entitled at the beginning of that period or may become entitled to thereafter. An employee in a missing status on or after January 1, 1965, is entitled to:

(1) lump-sum payment for forfeited annual leave which accrued to the employee's account on or after January 1, 1965 due to his/her missing status. Computation will be based upon the employee's basic pay in effect at the time the leave was forfeited; or

(2) have all of such leave restored and credited to a separate leave account in accordance with the provisions of FPM Chapter 630, which outlines the procedure to follow in determining the time limit for use of restored leave.

b. An employee is entitled to overtime compensation based on the amount of overtime compensation received prior to entering a missing status, if such compensation was part of the employee's regularly scheduled pay and allowances and such overtime compensation would have continued throughout the missing status period. This is so even though the office to which the employee is assigned has been abolished. However, where overtime was not a part of the employee's regularly scheduled workweek, the employee is not entitled to overtime compensation unless he/she became entitled to it thereafter. In general, entitlement would be based on the overtime performed by the employee's replacement or the average overtime performed by employees in his/her work unit.

c. Entitlement to pay and allowances shall terminate upon the date of receipt by the Director, M/PM, or designee, of evidence that the employee has returned to the controllable jurisdiction of the Agency or is deceased.

d. Entitlement to pay and allowances does not end upon the expiration of the term of service or employment of an employee while in a missing status, or earlier than receipt of evidence that the employee is dead or is determined to have died while in a missing status, as outlined in section 12 of this chapter.

e. There shall be no entitlement to pay and allowances for any period during which an employee is officially determined to be absent from post of duty without authority (AWOL). Such employee shall be indebted to the Government for any payments for amounts credited to his/her account for such period.

2. Allotments

a. For the period that an employee is entitled to receive or be credited with pay and allowances, any allotments as may have been executed by the employee prior to the beginning of his/her absence may be continued even though the period for which an allotment was executed has expired.

b. The aggregate of all allotments cannot exceed the amount of pay and allowances the absent employee would be permitted to allot under prescribed Agency regulations.

c. Any premium paid by the Government on insurance issued on the life of an employee, which is unearned because it covers a period after the employee's death, shall revert to the Agency.

d. When in the best interests of the employee, the employee's dependents, or the Government, the Director, M/PM, or designee, may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of an allotment from the pay and allowances of an employee in a missing status. In the absence of an allotment or when an allotment is insufficient for a purpose authorized by the Director, M/PM, or designee, such new allotments or increases as circumstances warrant may be authorized, which is payable for the period the employee is in a missing status.

e. Payment or settlement of an account made pursuant to a report, determination, or finding of death may not be recovered or reopened because of a subsequent report or determination which fixes a date of death, unless that date is later than that used as the basis of the prior settlement.

f. Excepting allotments for unearned insurance premiums, any allotments paid for pay and allowances of an employee for the period of the employee's entitlement to receive or have credited such pay and allowances shall not be subject to collection from the allottee or charged against the pay of the deceased employee as overpayments when payment was due to delay in receipt of evidence of death.

(All official actions concerning a missing employee's pay will be transmitted to M/FM/ESD on Standard Form 50 or other similar forms.)

3. Income Tax Deferment

a. Notwithstanding any other provision of law, any Federal income tax return of, or payment of any Federal income tax by, an employee of the Agency who is in a missing status at the time such return or payment would otherwise become due does not become due until the earlier of the following dates:

(1) The 15th day of the third month following the month in which the employee ceases (except by reason of death or incompetency) to be in a missing status, unless prior to that date the employee again is in a missing status; or

(2) The 15th day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

b. Public Law 98-259, dated April 10, 1984, exempts from Federal income taxes certain military and civilian employees of the United States dying as a result of wounds or injuries sustained overseas in a terrorist or military action. This exemption covers taxes for:

(1) the taxable year in which falls the date of the employee's death; and

(2) any taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds or injuries were incurred.

(3) This amendment applies to all taxable years (whether beginning before, on, or after the date of enactment of this Act) of employees dying after December 31, 1979, as a result of wounds or injuries incurred after such date.

(4) Further information on this amendment may be obtained from the Internal Revenue Service. (Reference: Public Law 98-259, dated April 10, 1984.)

CHAPTER 13

ALLOWANCES AND DIFFERENTIALS

13A. Purpose

This chapter presents a general overview of the allowances and differentials available to AID U.S. citizen Foreign Service employees, provides references to the regulations which govern the granting of allowances, and includes AID-specific responsibilities and procedures. For detailed information, the user should consult the applicable section(s) of 3 FAM 300 (Allowances - General), Uniform State/AID/USIA Regulations, which are included as Appendix 13A; the Standardized Regulations (Government Civilian, Foreign Areas); and other AID Handbooks.

The allowances and differentials covered in this chapter, and where information can be found on them in the Standardized Regulations (SR), Foreign Affairs Manual (FAM) and this AID Handbook (HB), are:

Allowance/Differential	SR	FAM	HB
Advance of Pay	851	3:390	19:14C-E; 26:13F.18
Cost-of-Living Allowances	200		26.13F.5
Danger Pay Allowance	651	3:330	26:13F.17
Domestic Relocation Allowance		6:148	26:13F.21; 22:9A
Education Allowance	270		26:13F.11
Educational Travel	280	6:111	26:13F.12
Evacuation/Authorized Departure	600		26:13F.16; 23:12
Foreign Transfer Allowance	240		19:14D; 26:13F.8
Home Service Transfer Allowance	250	3:314.6	19:14D; 26:13F.9
Living Quarters Allowance	130	3:320	19:14C; 26:13F.3
Official Residence Expenses	410	3:350	26:13F.14

13A

Allowance/Differential	SR	FAM	HB
Post Allowances	220		
Post Differential	510	3:370	26:13F.6
Quarters Allowances	110	3:320	26:13F.1
Representation Allowances	310	3:340	26:13F.13
Supplementary Post Allowance	230		26:13F.7
Separate Maintenance Allowance	260	3:314.4	26:13F.10
Temporary Lodging Allowance	120		19:14C; 26:13F.2
Travel Per Diem Allowance	925	6:140	19:14C; 26:13F.20
Unhealthful Post Credit			22:6; 26:13F.19; 30:3
United Nations Mission	150		26:13F.4

13B. Applicability

This chapter applies to AID U.S. citizen Foreign Service employees. Employees may be granted all allowances and differentials applicable to their post, except as follows:

1. Part-time employees may be granted only danger pay.

2. Resident-hire employees may be granted only post allowance and danger pay.

3. No allowances may be granted to employees when they are in non-pay status in excess of fourteen consecutive days. Payment of differential is suspended during all periods an employee is in non-pay status.

4. When both members of a Foreign Service (FS) working couple (also called tandem couple) are employed under FS career or limited (career candidate and noncareer) appointments, each member usually will receive the same allowances and differentials as other FS employees. Specific information concerning exceptions is contained in the Standardized Regulations (SR) section 134.13 and each applicable allowance section of the SR.

13C. Authorities and References

1. Foreign Service Act of 1980, Section 905;

2. Foreign Assistance Act of 1961, as amended;

3. 3 FAM 300; SR section 311.

4. 5 USC 5921-5925

13D. Responsibilities

1. Overseas

The Mission Director or designee may grant, revise, or terminate, in accordance with applicable regulations, the following allowances for employees stationed overseas: temporary lodging, living quarters, post, supplementary post, foreign transfer, danger pay, and education; post differential and educational travel.

2. AID/Washington

a. The Chiefs, Executive Resources Division (PFM/PRM/ERD) and Assignments/Career Development Division (PFM/PRM/ACD), as appropriate, or their designee, and the Assistant Inspector General for Personnel Management (AIG/RM) for BS-08 employees, may in accordance with applicable regulations:

(1) Grant or terminate the allowances and differentials listed in 13D1 for employees claiming payment in AID/W on the basis of prior service overseas; and

(2) Grant Home Service Transfer Allowance for employees transferring to AID/W.

(3) Grant a Separate Maintenance Allowance (SMA) based on special needs or hardship. Only the Director, PFM/PRM/OD, or Inspector General (IG) for BS-08 employees, may disapprove requests based on special needs or hardship. Requests based on health factors are approved by the State Department Medical Unit, M/MED.

b. Reporting waiver issuances to A/ALS in State shall be as follows: for FS employees in grades FS-01 and below, PFM/PRM/ACD; for Senior Foreign Service employees, PFM/PRM/ERD; and for all FS and SFS employees in BS-08, IG/RM.

13D

3. Authority for Personnel of Other Government Agencies

Allowances to employees of other Government agencies must be granted by the head of their agency or a person designated in writing by such head of agency to grant allowances.

13E. Procedures

1. General

a. Application is made using the Foreign Allowance Application, Grant, and Report, form SF-1190, "Foreign Allowances Application, Grant, and Report" (see "Forms and Attachments" for a copy (Att. A) of and instructions in completing this form).

b. In the absence of a member from post, the authorizing officer, when in possession of the pertinent facts, is authorized to submit SF-1190 in the member's behalf.

2. AID-Specific Procedures

a. Overseas

(1) Applications are usually submitted to a Mission office designated to act on such matters.

(2) If an employee is absent from post, the authorizing officer, when knowledgeable of the pertinent facts, may submit an SF-1190 in the employee's behalf.

(3) Applications are reviewed by the authorizing officer to ensure that estimated expenses are based on allowable costs and that the information on the form is correct. The authorizing officer may request receipts or other supporting evidence of expenditures. Except as required by regulation, such documentation will be returned to the employee following review of the application.

b. AID/Washington

(1) Applications, along with any required documentation, are submitted to PFM/PRM/ACD, PFM/PRM/ERD, or IG/RM, as appropriate, through the employee's Personnel Officer (Backstop).

13F. Allowances and Differentials

1. Quarters Allowances

a. Purpose

"The quarters allowance is intended to reimburse an employee for substantially all of his costs for either temporary or residence quarters whenever Government-owned or Government-rented quarters are not provided to him/her at his/her post without charge. Such costs are those incurred for temporary lodging (temporary lodging allowance) or one unit of residence quarters (living quarters allowance) and include rent, plus any costs not included therein for heat, light, fuel, gas, electricity and water. The temporary lodging allowance and the living quarters allowance are never both payable to an employee for the same period of time." (SR, section 100) Quarters Allowances include the Temporary Lodging Allowance, Living Quarters Allowance and the USUN Housing Supplement.

b. Authorities

(1) SR, Chapter 100
(2) 3 FAM 320

2. Temporary Lodging Allowance

a. Purpose

"... a quarters allowance granted to an employee for the reasonable cost of temporary quarters incurred by the employee and his family for a period not in excess of (1) three months after first arrival at a new post in a foreign area or a period ending with the occupation of residence (permanent) quarters, if earlier, and (2) one month immediately preceding final departure from the post subsequent to the necessary vacating of residence quarters." (SR, section 121)

b. Authorities

(1) SR, section 120
(2) HB 19, Ch. 14C

3. Living Quarters Allowance (LQA)

a. Purpose

"...a quarters allowance granted to an employee for the annual cost of suitable, adequate, living quarters for the employee and his/her family." (SR, section 131.1)

13F3

b. Authorities

(1) SR section 130
(2) 3 FAM 320
(3) HB 19, Ch. 14C

4. Housing Supplement for Certain Employees Assigned to the United States Mission to the United Nations (USUN)

a. Purpose

"...reimbursing certain full-time employees with important representational responsibilities for the additional cost of living quarters in the extraordinarily high rent area immediately surrounding the headquarters of the United Nations in New York, New York. The supplement is to compensate for the portion of expenses necessarily incurred by the employee for living quarters in the high rent area which exceeds such expenses normally incurred by typical permanent residents of the metropolitan New York, New York area with comparable salary and family size. No more than 45 employees of all agencies in USUN shall receive the supplement at any one time." (SR, section 141.2)

b. Authorities

(1) SR, section 150

5. Cost-of-Living Allowances (COLA)

a. Purpose

"Cost-of-living allowances are intended to reimburse an employee for certain excess costs, exclusive of any quarters costs, which result from being officially stationed in a foreign area." (SR section 212) Cost-of-Living Allowances include the Post Allowance, Supplementary Post Allowance, Foreign Transfer Allowance, Home Service Transfer Allowance, Separate Maintenance Allowance, Education Allowance and the Educational Travel Allowance.

b. Authorities

(1) SR, Ch. 200

6. Post Allowance

a. Purpose

"...a cost-of-living allowance granted to an employee officially stationed at a post where the cost of living, exclusive of quarters costs, is substantially higher than in Washington, D.C." (SR, section 221)

13F6

b. Authorities

(1) SR, section 220

7. Supplementary Post Allowance

a. Purpose

"...a form of post allowance granted to an employee at his or her post for whom assistance is necessary to defray extraordinary subsistence costs under conditions described in SR 231.a. Extraordinary subsistence costs are defined as those costs which exceed (a) that portion of the employee's salary which he or she would ordinarily spend for food and household expenses while occupying housekeeping quarters, and (b) that portion of his or her post allowances, if any, related to his or her food and household expenses." (SR, section 231.b)

b. Authorities

(1) SR, section 230

8. Foreign Transfer Allowance

a. Purpose

"...an allowance for extraordinary, necessary and reasonable expenses, not otherwise compensated for, incurred by an employee incident to establishing him or herself at any post of assignment in a foreign area, including costs incurred in the United States...prior to departure for such post." (SR, section 241)

b. Authorities

(1) SR, section 240
(2) HB 19, Ch. 14D

9. Home Service Transfer Allowance

a. Purpose

"...an allowance for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, (1) incurred by an employee incident to establishing him/herself at a post of assignment in the United States (SR section 040a) as authorized by 5 USC 5924(2)(B) and Section 901(14) of the Foreign Service Act of 1980." (SR, section 251)

b. Authorities

(1) SR, sections 250 and 942.2
(2) 3 FAM 314.6
(3) HB 19, Ch. 14D
(4) 5 USC 5924(2)(B)
(5) FSA of 1980, Sec. 901(14)

c. AID-Specific Procedures

(1) Employees reporting for assignment in AID/W should contact their Personnel Officer in PFM/PRM/ACD, PFM/PRM/ERD or IG/RM, as appropriate, for application forms and instructions. Approved forms are forwarded by PFM/PRM/ACD, PFM/PRM/ERD or IG/RM, as appropriate, to the Office of Financial Management, PFM/FM/AD for payment. The original copy is retained by PFM/FM/WAOD with a copy forwarded to PFM/PRM/ACD, PFM/PRM/ERD or IG/RM, as appropriate, and a copy to the employee.

10. Separate Maintenance Allowance

a. Purpose

"...an allowance to assist an employee who is compelled or authorized, by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his/her post of assignment in a foreign area, or for the convenience of the Government to meet the additional expense of maintaining his/her dependents elsewhere than at such post." (SR, section 261.1.a.)

b. Authorities

(1) SR, section 260
(2) 3 FAM 314.4
(3) 5 USC 5924(3)
(4) FSA of 1980, Sec. 2307

c. AID-Specific Regulations

(1) An employee whose dependents travel to post on the employee's travel authorization is not eligible to receive SMA for special needs or hardship for the first three months following the employee's arrival at post regardless of whether the dependents depart post during that period at Government expense or at the employee's expense.

13F10c

(2) An employee may change an election of SMA based on special needs or hardship for a dependent only once during a "tour" of duty. For SMA purposes only, a "tour" of duty includes all time continuously assigned to a particular post; e.g., four years at a post with HL/RTP at the end of the first two years is one tour of duty for SMA purposes. The above limitation does not affect an employee's eligibility for SMA when compelled by the Agency to maintain any or all dependents elsewhere than at the post of assignment because of dangerous, notably unhealthful or excessively adverse living conditions, or for the convenience of the Government (SR 262.1). Any change of SMA election, whether requested by the employee or compelled by AID, requires approval of a new SF-1190 by the Chief, PFM/PRM/ACD, Chief, PFM/PRM/ERD or AIG/RM, as appropriate.

(3) If an employee who is stationed overseas is transferred to another overseas post and the transfer is delayed by a TDY in AID/W, the employee's eligibility for SMA is the date of arrival at the new post after completion of the TDY. In addition, whenever there is a delay enroute for personal reasons by an employee or dependents, departure, arrival and/or separation dates, as appropriate, will be recalculated for SMA purposes.

(4) If an employee gives up permanent quarters at the request of the post and moves to temporary quarters, such change of quarters is not to be interpreted as relinquishing quarters for the purpose of SMA regulations. In such cases, the date quarters are relinquished will be the date the employee vacates government subsidized lodging.

d. Procedures

(1) Employees stationed overseas should forward requests to their Personnel Officer in PFM/PRM/ACD, PFM/PRM/ERD or IG/RM, as appropriate, through (1) the Mission or Regional Executive/Administrative office and (2) the Mission or Regional Controller. Employees requesting SMA prior to departure for post should forward requests directly to PFM/PRM/ACD, PFM/PRM/ERD or IG/RM, as appropriate. PFM/PRM/ACD, PFM/PRM/ERD or IG/RM, as appropriate, will provide the appropriate Bureau with an information copy of the action taken on SMA requests. When the employee is changing Bureaus, information copies of the action will be provided to both Bureaus, as appropriate.

(2) Refer to 3 FAM 314.4 for further information on SMA application and disposition, and refer to 3 FAM 314.6 for information on SMA eligibility and "special needs or hardship" (HB 26, Ch. 13A).

13F

11. Education Allowance

a. Purpose

"...an allowance to assist an employee in meeting the extraordinary and necessary expenses, not otherwise compensated for, incurred by reason of his/her service in a foreign area in providing adequate elementary and secondary education for his/her children." (SR, section 271.a.)

b. Authorities

(1) SR, section 270
(2) FSA of 1980, Sec. 2308

12. Educational Travel

a. Purpose

"Educational travel...means travel to and from a school in the United States for secondary education (in lieu of an education allowance) and for college education." (SR, section 281.a)

b. Authorities

(1) SR, section 280
(2) 6 FAM 111.1
(3) HB 22, Ch. 9, Foreign Service Travel

13. Representation Allowances

a. Purpose

This "...allowance is for the purpose of furthering abroad the interests of the United States. Representation allowances are intended to cover allowable items of expenditure by employees including foreign national employees whose official positions entail responsibility for establishing and maintaining relationships of value to the United States in foreign countries and by adult family members acting with or on behalf of these employees..." (SR, section 311).

b. Authorities

(1) SR, Chapter 300
(2) 3 FAM 340

13F13

c. Policies

(1) For AID employees, the Mission Director or designee may authorize use of funds.

(2) Refer to 3 FAM 342.2 (HB 26:13A) for examples of representation expenditures that are prohibited by law, and refer to 3 FAM 344.5 for examples of prescribed limits on representation expenditures.

14. Official Residence Expenses

a. Purpose

"The defraying of official residence expenses is intended to make possible the operation and maintenance of official residences in which principal representatives can properly represent the United States abroad by extending official (as distinct from personal) hospitality to foreign dignitaries and important visitors, by receiving official deputations and callers, and by holding requisite and appropriate ceremonies smoothly and with dignity..." (SR, section 412)

b. Authorities

(1) SR, Ch. 410
(2) 3 FAM 350
(3) HB 23, Circular 23-5, Office and Residential Quarters Abroad

c. Policies

(1) Representation funds made available to a mission may be used at the discretion of the chief of mission for any expenditure, consistent with 3 FAM 341.1.

(2) Official residences are designated by the appropriate AID geographic bureau. Refer to 3 FAM 353 (HB 26, Ch. 13A) for the officers holding positions or ranks that are designated as principle representatives.

(3) Refer to 3 FAM 358 (HB 26, Ch. 13A) for a list of Official Residence Expense prohibitions.

15. Post Differential

a. Purpose

"Post differential is designed to provide additional compensation to employees for service at places in foreign areas where conditions of environment differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive." (SR, section 512)

b. Authorities

(1) SR, Ch. 500
(2) 3 FAM 370

c. Policies

(1) Post differential shall not be included in any lump-sum leave payment, except for settlement of a deceased Foreign Service employee's accounts, and when an employee is separated at a differential post. Refer to 3 FAM 370 for more information on post differentials.

16. Payments During Evacuation/Authorized Departure

a. Purpose

The applicable regulations provide "...an efficient, orderly, and equitable procedure for the payment of compensation, post differential and allowances in the event of an emergency evacuation or authorized departure of employees or their dependents, or both, from duty stations for military or other reasons of national interest or because of imminent danger to their lives." (SR, section 610.1)

b. Authorities

(1) SR, Ch. 600
(2) HB 23, Ch. 12, Emergencies at Missions

17. Danger Pay Allowance

a. Purpose

"The danger pay allowance is designed to provide additional compensation above basic compensation to all U.S. Government civilian employees, including Chiefs of Mission, for service at places in foreign areas where there exist conditions of civil insurrection, civil war, terrorism or wartime conditions which threaten physical harm or imminent danger to the health or well-being of an employee..." (SR, section 652.a)

13F17

b. Authorities

(1) SR, Ch. 650
(2) 3 FAM 330
(3) FSA of 1980, Sec. 2311
(4) 5 USC, Ch. 59

c. Procedures

(1) The procedures for application of Danger Pay Allowance is made on form AID 760-10 (time card). Information for time card maintenance is contained in HB 27.

18. Advance of Pay

a. Purpose

(1) Up to three months' pay (six bi-weekly pay periods) may be advanced to an employee upon assignment to a post in a foreign area.

(2) An advance may be requested upon receipt of travel orders but not more than 45 days before departure from the U.S. and not more than sixty days after arrival at the overseas assignment.

(3) The maximum advance is computed on the employee's base bi-weekly salary less mandatory deductions. The actual amount advanced will take into account any voluntary allotments and the employee's ability to meet the mandatory repayment schedule (see HB 19, Ch. 14E).

b. Authorities

(1) SR, Ch. 850
(2) HB 19, Ch. 14C-E, Advance of Pay for Overseas Assignments
(3) FSA of 1980, Sec. 2310

19. Unhealthful Post Credit

a. Purpose

(1) Employees who participate in the Foreign Service Retirement and Disability System may elect to receive Extra Service Credit in lieu of post differential for service at posts designated by the Department of State as "unhealthful." Election is irrevocable for the duration of an assignment except when there is a change in benefits, such as removal of the pay ceiling, an increase in post differential, or an increase in rates of pay.

(2) Such credit is used in computing the years of service for retirement purposes, including retirement eligibility. Each year of service at an unhealthful post will count as one and one-half years for retirement purposes; periods of less than one year will be prorated.

(3) Application is made using Optional Form (OF) 140, Election to Receive Extra Service Credit Towards Retirement (see HB 30, Ch. 3).

b. Authorities

(1) HB 30, Ch. 3F.2, Foreign Service Retirement and Disability System

20. Travel Per Diem Allowance

a. Purpose

Travel per diem is a payment made for each day in travel status in lieu of reimbursement for actual subsistence expenses. The maximum per diem allowances are published monthly as a supplement (section 925) to the Standardized Regulations.

b. Authorities

(1) SR, section 925
(2) HB 22, Ch. 6, Per Diem and Actual Subsistence Expenses
(3) HB 22, Ch. 9, Foreign Service Travel
(4) HB 22, App. 9A, 6 FAM 140
(5) HB 19, Ch. 14A3 (Other Treasury Checks)

21. Domestic Relocation Allowance

a. Purpose

(1) This allowance provides reimbursement of certain travel and transportation expenses incident to the relocation of FS personnel (and eligible dependents) between duty stations within the U.S., including assignment to public agencies and institutions and private nonprofit organizations.

(2) While this allowance is not available to new appointees, it is available to employees who transfer to AID from other U.S. Government agencies.

b. Authorities

(1) HB 22, App. 9A, section 148.6, Domestic Relocation Entitlements Allowance

(2) HB 22, App. 10A, Federal Travel Regulations

13G. Forms and Attachments

a. Standard Form 1190 (Rev. 7-78), "Foreign Allowances Application, Grant, and Report"

b. 3 FAM 310, "Allowances (General)"

310
ALLOWANCES (GENERAL)

311 LAWS AND REGULATIONS

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

Post differential, quarters allowances, and cost-of-living allowances for employees of State, AID, Commerce, USIA and USDA authorized by 5 USC 5921-5925, and representation allowances authorized by section 905 of the Foreign Service Act of 1980, as amended (22 USC 1131), shall, subject to the availability of appropriated funds, be granted and paid in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), the Foreign Affairs Manual, and supplemental regulations in the Manual of Operations and Administration (USIA), Handbooks (AID), FAS and APHIS Directives (USDA), and the Foreign Service Personnel Management Manual (Commerce).

312 AUTHORITY FOR REGULATIONS

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

These uniform State/AID/USIA/USDA/Commerce regulations governing the granting and payment of allowances and post differentials are issued under authority of section 013 of the Standardized Regulations (GC, FA).

313 DEFINITIONS

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

Definitions of the following terms appearing in section 040 of the Standardized Regulations (GC, FA) shall, with reference to State, AID, USIA, USDA, and Commerce have the specific meanings indicated below:

a. "Government agency" means State, AID, USDA, Commerce or USIA.

b. "Head of agency" means the Secretary of State, the Administrator of AID, the Director of USIA, Secretary of Agriculture, *or* Secretary of Commerce or any officer designated by them in section 3 FAM 314.1.

c. *"Post" as defined in section 040h of the Standardized Regulations (GC, FA) includes, in the case of multiple assignments, an employee's duty post as shown on the SF-50, Notification of Personnel Action, whether the employee actually resides at that post or at some other authorized point.*

d. "Principal post" means an embassy, ligation, or other diplomatic mission, or a post which is not supervised by another field post (e.g., Hong Kong; Hamilton, Bermuda; Martinique).

e. "Constituent post" means a post which is supervised by another field post.

314 GRANTING ALLOWANCES

(See also section 4 FAM 544.)

314.1 Authority

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

314.1-1 Post Authority

a. For State, the principal or administrative officer, or designee, for a principal post, hereinafter referred to as the "authorizing officer," exercises the authority vested in the head of agency by section 013 of the Standardized Regulations (GC, FA) for granting, revising, or terminating post differential, temporary lodging, living quarters, post, supplementary post, foreign transfer, and education allowances, and educational travel to the United States, to employees who are paid from State appropriations and who are assigned to that post or its constituent posts. The authorizing officer may also exercise other authorities vested in the head of agency by the Standardized Regulations (GC, FA) with respect to post differential, living quarters, post, supplementary post, foreign transfer, and education allowances.

b. For AID, the "authorizing officer" referred to above is the mission director, or designee.

c. For USIA, see MOA V-B 122.3 for delegation of authority to Agency overseas officials to grant, revise, or terminate allowances referred to above.

d. For USDA, the officer of designee indicated in section 3 FAM 314.1-la above for FAS, and *the*

Deputy Administrator, International Services, in Washington for APHIS.

e. For Commerce, the "authorizing officer" is the officer or designee indicated in section 3 FAM 314.1-la.

f. Authorities under this section do not extend to *separate maintenance allowances unless specifically authorized by the parent agency, (see section 3 FAM 314.4), home service transfer allowances* (see section 3 FAM 314.5), or special allowances under section 013 of the Standardized Regulations (see section 3 FAM 314.3C).

g. Details of any waiver granted under *section 113.4* of the Standardized Regulations (GC, FA) shall be reported promptly:

For State, Commerce, and USIA, direct to the Allowances Staff, A/ALS.

For AID, see HB 26, Chapter 13, Sec. 13D2b.

For USDA, the Assistant Administrator, Management, for FAS, and *the Director, Resource Management Support, IS, APHIS.*

314.1-2 Eligibility

Employees who are citizens of the United States are eligible to receive the allowances and post differentials authorized by the Standardized Regulations (GC, FA) as supplemented by these regulations, except as follows:

a. Consular agents, and employees appointed on a part-time basis, are not eligible for any allowances;

b. Resident employees are eligible for post allowances as specified in section 3 FAM 123.17-5. For AID, also see HB 25, Chapter 34, Sec. 34M.

314.1-3 Application for Allowances

(Excluding separate maintenance allowances and home service transfer; see sections 3 FAM 314.4 and 314.5.)

314.1-4 Dates of Submissions

Employees eligible for temporary lodging, living quarters, post, supplementary post, foreign transfer, or education allowances, following arrival at a new post, should complete in original (duplicate at a constituent post), an application for such allowances on SF-1190, Foreign Allowances Application, Grant and Report, and submit the form to the principal or administrative officer. A new SF-1190 is submitted as of:

a. The date of any change in:

(1) Family status, including arrival or departure of dependents affecting amount of any allowance payable;

(2) Salary or personnel classification affecting the amount of any allowance payable, except that a new form will not be required when the amount of a post allowance is changed owing to promotion, a within-class increase, or a pay act salary adjustment for all employees;

(3) Daily rate of expenses for temporary lodging;

b. The date of classification of the post from "0" (zero) to a higher classification for post allowances (changes to a higher or lower classification will be effected without a new SF 1190);

c. The date of other changes affecting eligibility to receive allowances or requiring revision or termination as provided by the Standardized Regulations (GC, FA), except when a living quarters rate is revised (see section 3 FAM 314.1-8 and section 077.31 of the Standardized Regulations (GC, FA)); and

d. Such other dates as the authorizing officer of State, AID, USIA, Agriculture, or Commerce may require.

314.1-5 During Absence of Applicant

In the absence of a member from post, the authorizing officer, when in possession of the pertinent facts, is authorized to submit SF-1190 in the member's behalf.

314.1-6 Examination and Review of Applications

Principal or administrative officers for State and Agriculture, AID mission directors or their designee, and heads of USIA and Commerce overseas establishments should ensure that a careful examination is made of completed SF-1190's. Those officers are responsible for ascertaining that estimates of expenses are based on actual costs and that the information on the form is correct.

At constituent posts, the responsible officers, or their designees, sign in box 28 of SF-1190. At principal posts, a reviewing officer may sign in box 28 if required by the authorizing officer.

Any receipts and other supporting evidence of expenditures that may be requested should be returned to the member after examination of the application.

314.1-7 Disposition of Applications

At constituent posts, the approved original of SF-1190 (see section 3 FAM 314.1-6) is forwarded to the principal post for granting and/or paying of allowances; one copy is retained for post files.

At principal posts, original SF-1190's received from constituent posts as well as those originated at the principal post are used to grant allowances (see section 3 FAM 314.1-10 for disposition of grants).

314.1-8 Authorization of Allowances at Post

Temporary lodging, living quarters, post, supplementary post, foreign transfer, and education allowances to which an employee is entitled are granted to an employee by virtue of the authorizing officer's signature in box 29 on the SF-1190. The authorizing officer is required to sign only the original of SF-1190 provided that, in lieu of signature, the officer's name and title appear on all copies and that they bear the following wording: "True copy of the signed original".

Allowances granted remain in effect unless otherwise revised or terminated under regulations.

314.1-9 Numbering of Grants at Posts

Upon completion of box 29 of SF-1190 by the authorizing officer, the principal post numbers the form in the upper right corner. The grant number consists of:

a. The servicing code (for State, see FM-I; for AID, see Geographic Code Book, Handbook 18, Appendix D; for USIA, use the Agency symbol "USIA"; for Agriculture, use "AGR");

b. The fiscal year (last digit); and

c. A serial number beginning with "1" each fiscal year.

Amended grants are given the same serial number as the original followed by the letter "A" to designate the first adjustment, "B" for the second, etc. For example, the first State grant issued at Rome in FY 1992 on SF-1190 would be numbered 250-2-1; the first amendment thereto would be 250-2-1A. The first AID grant at Rome in FY 1992 would be 145-2-1; the first amendment would be 145-2-1A. The first USIA grant issued in any country in FY 1992 would be USIA-2- 1; the first amendment would be USIA-2-1A.

314.1-10 Disposition of Grants at Posts

When the SF-1190 serves as a grant, the original is forwarded to and retained at the office or post where allowance amounts are computed and processed for payment. Copies are not sent to Washington, except upon request. See sections 072 of the Standardized Regulations.

314.2 Authority for Personnel of Other Government Agencies

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

Allowances to employees of other Government agencies must be granted by the head of their agency or a person designated in writing by such head of agency to grant allowances. State authorizing officers (see section 3 FAM 314.1-1) may be designated by the head of another agency to grant allowances to employees of the officer's agency; without such designation, the State authorizing officer may not grant allowances to employees of other agencies.

314.3 Washington Authority

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

A. General

The appropriate authorizing officer in State, AID, USDA, Commerce or USIA may grant, revise, or terminate allowances specified in section 3 FAM 314.1-1 for employees who claim payment in Washington on the basis of prior service at a post abroad:

For State, the executive directors of IO and the regional bureaus.

For AID, see HB 26, Chapter 13, Sec. 13D.

For USIA, the Chief, Foreign Service Personnel (M/PF), or Chief, Foreign Service Personnel Division (M/PF or B/PF).

For USDA, the Assistant Administrator, Foreign Agricultural Affairs for FAS, and the Deputy Administrator, International Services, in Washington for APHIS.

For Commerce, the Director, Office of Foreign Service Personnel.

State, AID, USDA, Commerce and USIA also grant, revise, or terminate separate maintenance, home service transfer, and special allowances under authority of section 013 of the Standardized Regulations (GC, FA). See sections 3 FAM 314.4 and 314.5 for specific grant authority.

B. Authorization of Allowances in Washington

Use of SF-1190 - Temporary lodging, living quarters, post, supplementary post, foreign transfer, education, and educational travel allowances which are granted in Washington are granted, revised, or terminated by State, AID, USIA, Agriculture, and Commerce on SF-1190.

C. Special Allowance

The Director, Allowances Staff (A/ALS), is authorized to grant, revise, or terminate special allowances for State employees and to authorize AID, USIA, Agriculture, and Commerce to grant special allowances for employees of those agencies in accordance with section 013 of the Standardized Regulations (GC, FA).

314.4 Separate Maintenance Allowance

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

314.4-1 Authority

A. Legal Authority

(1) Section 5924(3) of title 5, U.S. Code, provides general authority for a separate maintenance allowance (SMA).

(2) Section 2307 of the Foreign Service Act of 1980 amended section 5924(3) of title 5, U.S. Code, to provide for a separate maintenance allowance when an employee requests such an allowance because of special needs or hardship involving the employee or the employee's spouse or one or more dependents, including but not limited to career of spouse, psychological or educational needs of dependent.

B. Regulatory Authority

Additional regulatory authority is contained in chapter 260 of the Standardized Regulations. The separate maintenance allowance payment table is found in section 267.1 of the Standardized Regulations (GC, FA).

314.4-2 Application

a. Application for separate maintenance allowance is made on a separate SF-1190 in original and one copy at principal posts and in original and two copies at constituent posts and contains the following:

(1) Reason for separation (if based on health factors, the application is accompanied by a statement from the attending physician); if based on special needs or hardship, the application need only be accompanied by a signed statement from the member certifying the circumstances; see section 264.2 of the Standardized Regulations (GC, FA);

(2) Reference to the particular subsection of the Standardized Regulations (GC, FA) which authorizes separate maintenance allowances for such reason;

(3) Date on which the member was physically separated from the dependent(s) on whose behalf a separate maintenance allowance is requested;

(4) Anticipated duration of the separation; and

(5) If pertinent, the date on which the member commenced official travel under an order of assignment, or the date of assignment if later. (For information on the commencement and continuation of the grant, see section 265 of the Standardized Regulations).

b. Review of Application.- Before granting a separate maintenance allowance, the appropriate authorizing officer in State, AID, USIA, Agriculture, and Commerce (see section 3 FAM 314.3) takes the following action:

(1) Determination of Eligibility

Review the application submitted in accordance with section 3 FAM 314.4-2 to assure that it meets the conditions or situations outlined in section 262 of the Standardized Regulations (GC, FA) and that, if based on health factors, it is accompanied by a statement from the attending physician (section 262.2, Standardized Regulations).

(2) Medical Determination

Notwithstanding any other provision of the Standardized Regulations (GC, FA) or of section 3 FAM 300, no separate maintenance allowance grant shall be made under exceptions (1) and (2) of section 262.3a of the Standardized Regulations unless the requisite medical determinations have been obtained from the Medical Director (M/MED), or designee.

314.4-3 Disposition of Application

a. When authorizing officers have been authorized by their respective foreign affairs agencies to grant, revise, and terminate separate maintenance allowances in specified cases, applications are disposed of as provided in section *3 FAM 314.1-7 and section 070* of the Standardized Regulations.

b. When authorizing officers are not authorized to grant, revise, and terminate separate maintenance allowances, the original of application SF-1190 is forwarded as follows:

For State: To IO or the appropriate regional bureau;

For AID: (See HB 26, Ch. 13, Sec. 13F10);

For USIA: To the Chief, Foreign Service Personnel Division (M/PF) or Chief, *Foreign Service Personnel Division (M/PF or B/PF);*

For Agriculture: To the Assistant Administrator, Management, Foreign Agricultural Service, and Director, *Resource Management Support Staff, IS, APHIS;*

For Commerce: To the Director, Office of Foreign Service Personnel (OFSP).

The application form is transmitted by covering memorandum giving the reason for separation and the post's recommendation, except that post recommendation will not be required in cases of special needs or hardship of the member. Constituent posts submit such applications through the principal post. One copy of the form is retained for the originating post's files.

The Washington officer in each foreign affairs agency designated to authorize the allowance will decide whether to grant the allowance in accordance with subchapter 260 of the Standardized Regulations. (For AID, the original copy is returned to post, a copy is

placed in the employee's official personnel file, and a copy is sent to *FA/FM/CMPD).*

314.4-4 Separate Maintenance Allowance For the Convenience of the Government (Involuntary)

A. Approval Authority

The following officials are authorized to approve a separate maintenance allowance for the convenience of the Government (involuntary) in accordance with subchapter 260 of the Standardized Regulations.

(1) For State: the executive director of IO or the appropriate regional bureau;

For AID, USIA, Agriculture, and Commerce, the following official or their designated representatives are authorized to approve the separate maintenance allowance.

(2) For AID: see HB 26, Chapter 13, Sec. 13F10;

(3) For USIA: the Chief, Foreign Service Personnel Division (M/PF) or Chief, Foreign Service Personnel Division (M/PF or B/PF);

(4) For USDA: the Director, Management Services Division, FAS, and the Director, Resource Management Support, IS, APHIS;

(5) For Commerce: the Director, Office of Foreign Service Personnel (OFSP), for Commerce; or their designated representatives, are authorized to approve the separate maintenance allowance.

B. Redelegation of Authority

In specified circumstances, (with the exception of approvals for SMA for special need or hardship, see section 3 FAM 314.4-5), authorizing officers in AID, USIA, Agriculture, and Commerce may redelegate their authority to authorizing officers at field posts to grant, revise, or terminate separate maintenance allowances.

For USIA regulations implementing section 3 FAM 314.3, see USIA MOA V-B 261 and 262.

314.4-5 Separate Maintenance Allowance for Special Needs or Hardship (Voluntary)

A. Approval Authority

The following officials are authorized to approve a separate maintenance allowance for special needs or hardship (voluntary), under the criteria outlined in chapter 260 of the Standardized Regulations (GC, FA). This authority to approve a separate maintenance allowance for special needs or hardship may not be further delegated.

(1) For State: The executive director of IO or the appropriate regional bureau;

(2) For AID: see HB 26, Chapter 13 Sec. 13D;

(3) For USIA: Chief, Foreign Service Personnel Division (M/PF), or Foreign Personnel Advisor (VOA/PF);

(4) For USDA: Director, Management Services Division, Management FAS; and Deputy Administrator, IS/APHIS;

(5) For Commerce: Director, Office of Foreign Service Personnel (OFSP).

B. Authority to Deny

Only the following officials can disapprove SMA applications for special needs or hardship:

(1) For State: Deputy Assistant Secretary for Personnel;

(2) For AID: See HB 26m Ch 13, See 13D2.

(3) For USIA: Director, Office of Personnel (M/P or B/P);

(4) For USDA: Assistant Administrator, Management/FAS; and Deputy Administrator, IS/APHIS;

(5) For Commerce: The Director General or appropriate Secretarial Officer. (NOTE: Commerce normally will approve a change in SMA for special needs or hardship only where a change will not result in additional cost to the Government.)

An employee will be informed in writing of approval or disapproval within 15 working days of receipt by the approving official.

C. Application Procedures

(1) A member of the Service may request separate maintenance allowance (SMA) for special needs or hardship for any or all of the member's dependents either before commencing a tour of duty or at any time during a tour of duty. The member may also request termination of such SMA at any time during the tour of duty. Only one change of status of such SMA for each family member will be permitted for a single tour of duty except following termination of an authorized/ordered departure (see section 264.2(2) of the Standardized Regulations). However, during the first or last 90 days of such tour no change of status is allowed. (For the AID definition of a tour of duty for SMA purposes, see HB 26, Ch. 13, See 13F10).

(2) To illustrate, the member's decision to take dependents to post or opt for SMA constitutes the initial election. A decision to change this status during the tour, constitutes the one change of status. If the member has elected to take dependents to post, the decision to put dependents on SMA during the tour, traveling at Government expense, would be the one change of status, and no further changes could be made during that

tour. However, SMA is automatically suspended when the dependents visit the post for more than 30 days (see section 266 of the Standardized Regulations). Should such dependents remain at post until the employee departs on reassignment, they may not travel to the U.S. on the employee's travel orders, having already returned to the U.S. under SMA orders. However, dependents may travel on employee's travel orders to the next post of assignment on a cost constructive basis using the SMA point as the basis for such travel.

(3) Alternatively, if the original decision was to opt for SMA, the member could decide during the tour to terminate the SMA and bring the dependents to post at Government expense. This decision would constitute the one change of status, and additional changes would not be allowed during the tour. Under these circumstances, the dependents would be authorized travel from post on the employee's travel orders at the end of the tour.

(4) Transportation of Effects (see section 6 FAM 160)

(5) The following travel benefits will not be granted to those members of a family for whom the separate maintenance allowance described above is payable: visitation travel, home leave travel, educational travel, travel of children of separated parents, and rest and recuperation travel for family members.

(6) Where the application is based on section 262.2 of the Standardized Regulations (GC, FA), it shall include a signed statement from the member certifying the circumstances of special need or hardship and stating that such circumstances do not:

(a) Include voluntary legal separation between member and spouse or separation occurring through a divorce decree, whether limited, interlocutory, or final (A legal separation is deemed to exist at such time as either the employee or spouse shall have initiated action affecting the status of the marriage such as a separate maintenance action, or separation from bed and board short of application for divorce); or

(b) Involve a child whose legal custody is vested wholly, or in part, in a person other than the member, unless joint custody is established. (See section 263.4 of the Standardized Regulations (GC, FA).) Members of the Service should also be aware of the other circumstances where SMA is not warranted (see section 263 of the SR).

D. Grant

When a separate maintenance allowance is approved, an original and two copies of SF-1190 are prepared.

E. Distribution of SF-1190

Original to the member's fiscal-servicing post for obligation and payment, a copy to be placed in the employee's personnel folder and a copy to the employee.

F. Approving Authority to Adjust SMA

Whenever the SMA payment tables (Section 267.1, Standardized Regulations) are adjusted, posts may process the change of amount for a previously approved SMA request without resubmission for approval.

314.5 Home Service Transfer Allowance

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

A. Legal and Regulatory Authority

Section 5924(2)(B) of title 5, U.S. Code, and section 901(14) of the Foreign Service Act of 1980 provide for the payment of a home service transfer allowance. Implementing regulatory authority is contained in chapter 250 of the Standardized Regulations and section 3 FAM 314.

B. Definitions

(1) Home Service Transfer Allowance means an allowance of extraordinary, necessary,and reasonable expenses not otherwise compensated for incurred by an employee incident to establishing him/herself at a post of assignment in the United States (Section 040a of the Standardized Regulations) or in any territory or possession of the United States, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Marina Islands as authorized by 5 USC 5924(2)(B) or Section 901(14) of the Foreign Service Act of 1980.

(2) Transfer means a reassignment that involves travel from a post in a foreign area to a post in the United States or other non-foreign area with an understanding certified (see section 3 FAM 415.5c) to by the employee that he/she will complete twelve months in the U.S. Government service following the effective date of transfer.

C. Certification for Granting Home Service Transfer Allowances

When granting a home service transfer allowance the following certification required by section 3 FAM 314.5b(2) shall be inserted in the Remarks box of SF-1190:

"In order to be eligible for a grant of the home service transfer allowance, I certify that I agree to complete 12 months in the United States Government service following the effective date of my transfer to a post in the United States or other non-foreign area unless separated for reasons beyond my control which are acceptable to my employing agency. Failure to comply will result in my liability for repayment of this allowance."

_____

Employee's Signature

D. Approval Authority

The Director, Office of Fiscal Operations (M/FMP/FO/OFO), for State; for AID, see HB 26, Chapter 13; the Chief, Foreign Service Personnel Division (M/PF or B/PF) for USIA; Assistant Administrator, Foreign Agricultural Affairs/FAS, and the Principal International Programs Officer/APHIS for USDA; and the Director, Office of Foreign Service Personnel (OFSP), for Commerce; or their designated representatives, are authorized to:

(1) Grant home service transfer allowances and to revise or terminate grants of the allowance under subchapter 250 of the Standardized Regulations (GC, FA) or to grant the allowances under section 013 SR as authorized by the Director of the Allowances Staff.

(2) Determine whether a house or an apartment is occupied on a temporary basis as required by section 251.2c of the Standardized Regulations; and

(3) Grant Home Service Transfer Allowance (HSTA) under Section 901 of the Foreign Service Act of 1980 for employees assigned as rovers to Washington, D.C., who meet the criteria of Section 250, Standardized Regulations, except that they are not in the process of establishing themselves in permanent residence at the post of assignment. Once the allowance has been granted for any period of time, this eligibility for reimbursement of a subsistence expense portion of the HSTA terminates upon the employee's departure from the United States on official travel orders.

(4) Certify to the intent as required by section 251.lb of the Standardized Regulations (see also section 077.32c of the SR (GC, FA)).

E. Home Service Transfer Allowance Advance

For home service transfer allowance advance for State, see section 4 FAM 333.3; for AID, see Handbook 19, Ch. 14D; for USIA, see MOA VII-821; for USDA, see section 4 FAM 333.3; and for Commerce, see section 4 FAM 333.3.

F. Procedure for Application

Applications are prepared on SF-1190, Foreign Allowances Application, Grant, and Report (in duplicate) except that Commerce uses the form CD-370, Travel Voucher, for the Home Service Transfer Allowance. The form may be obtained from IO or the appropriate regional bureau in State; from FA/HRDM/SCD, FA/HRDM/EM or IG/RM as appropriate in AID; from the Foreign Service Personnel Division (M/PF) or Foreign Personnel Advisor (VOA/PF) in USIA; from the Director, Management Services Division/FAS, and Chief, Foreign Programs Support Staff/APHIS, in USDA; and from the Director, Office of Foreign Service Personnel (OFSP) for Commerce. The employee must include the following completed endorsement on the appropriate form: "I did/did not receive an advance of funds, which included a home service transfer allowance advance, totaling $." The appropriate form is submitted to the following authorizing officers for review:

For State: The Director, Office of Fiscal Operations (M/FMP/FO/OFO);

For AID: The Office of Financial Management (FA/FM/CMPD) for review and payment;

For USIA: Accounts Payable and Claims Branch, Financial Operations Division (M/CFV);

For USDA: Director, Management Services Division/FAS, and Chief, Foreign Programs Support Staff/APHIS;

For Commerce: The Director, Office of Foreign Service Personnel (OFSP).

G. Review of the Application

Prior to granting a home service transfer allowance, the authorizing officer reviews carefully each submitted SF-1190 (or CD-370, as appropriate) to ensure correctness of statements and costs for the temporary lodging portion and laundry/dry cleaning expenses indicated therein and the inclusion of a certified food expense statement. For this purpose, employees are required to furnish supporting receipts or other appropriate documentation for daily cost of temporary lodging and laundry/dry cleaning (unless coin-operated facilities are used)..

H. Grant of Allowance and Distribution of SF-1190

(1) The home service transfer allowance is granted on SF-1190.

(2) In State, the original is retained in the Office of Financial Operations (M/FMP/FO/OFO) and, upon payment, a copy is sent to the employee.

(3) In AID, the original payment copy is retained by FA/FM/CMPD with a copy forwarded to FA/HRDM/SCD FA/HRDM/EM or IG/RM, as appropriate, and a copy to the employee.

(4) In USIA, the original is forwarded to the Financial Operations Division, (M/CF) Attention: M/CFV,

and the copy is retained in the Foreign Service Personnel Division (M/PF or B/PF).

(5) In USDA, for FAS, the original is forwarded to the Fiscal Operations Branch, Budget and Finance Division, and upon payment a copy is sent to the Personnel Division; and for APHIS, the original is forwarded to the Foreign Programs Support Staff for forwarding to the field servicing office for payment.

(6) In Commerce, the original form CD-370 is forwarded to the Management Service Center, Office of the Secretary (SEC/FO) and upon payment a copy is returned to the Office of Foreign Service Personnel (OFSP).

315 APPLICATION IN WASHINGTON FOR SALARY, ALLOWANCES, AND POST DIFFERENTIAL DUE RETURNING PERSONNEL

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

Foreign Service and other American civilian personnel transferring to the headquarters of the agency, or separating, may be paid (by the agency's Washington fiscal office) any salary and allowances due them from the last date paid by the previous pay rolling office.

A. State

(1) Transferring Employees. Employees reporting to the United States report to the Foreign Service Lounge (A/OPR/FMAA/ESC) where the Form DS-1707, Leave, Travel, and Consultation Status is completed. A/OPR/FMSS/ESC certifies to the correctness of the statements made by the employee respecting the employee's status since receipt of the last payment, through the date for which payment is requested, and forwards the DS-1707 to the Office of Financial Operations *(M/FMP/FO/OFO)*, accompanied by the applicable Federal and State tax withholding tax forms.

(2) Separating Employees. Employees report to the Retirement Division *(PER/RCT/RET)* for completion of the Form DS-1707. *PER/RCT/RET* certifies accuracy of the DS- 1707 and forwards it to *M/FMP/FO/OFO*.

B. USIA

(1) Transferring Employees. Upon arrival of an employee transferring to the United States, the Foreign Service Personnel Division (M/PF) *or the appropriate Administrative Officer for Bureau of Broadcasting employees advises the losing pay rolling office of the arrival of the employee and requests the transfer of pay rolling authority to the Payroll and Leave Branch (M/CFP).*

Upon receipt of notification from CAPPS and the SF-50, Notification of Personnel Action, M/CFP commences payment of the employee's salary from the last date paid as reported by the previous pay rolling office.

(2) Separating Employees. The pay rolling office forwards to Washington the employee's pay card with the TM-8 or memorandum when the employee leaves the post, indicating any allowances due. As soon as they are received, the Payroll and Leave Branch (M/CFP) pays the employee any salary and lump-sum payment due from the last date paid by the previous pay rolling office, plus allowances reported due by the post.

C. AID

For transferring and separating Foreign Service employees, contact the appropriate office as indicated *in HB 26, Chapter 13, Sec. 13D.*

D. Commerce

For transferring and separating employees, contact the Office of Foreign Service Personnel (OFSP).

E. Agriculture

For transferring and separating employees, contact Resources Management Support Staff, IS.

316 ANNUAL REPORT OF LIVING QUARTERS EXPENSES

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

An annual report of living quarters expenses to the Department of State, Allowances Staff, is required by *section 077.2* of the Standardized Regulations. Legible photocopies are acceptable.

317 PAYMENT PROCEDURES AT POST

(TL:PER-192 4-22-92)
(Effective date: 7-1-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

Payment of allowances to employees stationed abroad is normally made by the post responsible for payroll. Relevant fiscal instructions are as follows:

a. Education Allowances:

State: section 4 FAM 423.

AID. (1)

USIA: section 4 FAM 423.
Commerce: section 4 FAM 423.

b. Employees Who May Be Paid:
State: sections 4 FAM 513, 514
AID (1)
USIA: sections 4 FAM 513, 514.
Commerce: sections 4 FAM 513, 514.

c. Allowance Computation and Payment:
State: section *4 FAM 544.*
AID:(1)
USIA: section 4 FAM 544.
Commerce: section 4 FAM 544.

d. Frequency of Payment:
State: section 4 FAM 571.1.
AID:(1)
USIA: MOA VII - 960.
Commerce: section 4 FAM 571.1.

e. Currencies To Be Used:
State: section 4 FAM 572.2.
AID:(1)
USIA: MOA VII - 970.
Commerce: section 4 FAM 572.2

f. Advance Payments:
State: section 4 FAM 572.3.
AID: (1)
Commerce: section 4 FAM 572.3.

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(1) Payment of allowances are made by either the Mission Controller in the field or by the Office of Financial Management in AID/W. Paying officers are to be guided by the Standardized Regulations and AID Handbooks in making all advance payments. AID procedures for making advance payments of Temporary Lodging and Living Quarters Allowances are contained in Handbook 19, Ch. 14.

(2) USDA/APHIS scheduling of payment of allowances is made by the Field Servicing Office after receipt from the Resource Management Support Staff, IS.

318 (Unassigned)

320
LIVING QUARTERS ALLOWANCE

321 EFFECT OF CHARGE

(TL:PER-99; 6-24-88)
(Uniform State/AID/USIA/Agriculture/Commerce)

Under section 132.3d of the Standardized Regulations (Government Civilians, Foreign Areas), the living quarters allowance grant is calculated, if required, as of the date of any change in the salary of an employee who is advanced temporarily from a subordinate position to a position in charge of a post under the provisions of 3 FAM 236.

322 RENTAL CONTROL BOARDS

See 6 FAM 741.1.

323 through 329 (Unassigned)

330
DANGER PAY ALLOWANCE

331 AUTHORITY

(TL:PER-100 6-27-88)
(Uniform State/AID/USIA/Commerce/Agriculture)

Section 2311 of the Foreign Service Act of 1980 amended subchapter III of chapter 59 of title 5, United States Code, to add a new section 5928. Section 5928 provides for granting a danger pay allowance to certain members serving in a foreign area under specified conditions. New regulatory authority is contained in chapter 650 of the Standardized Regulations (Government Civilians, Foreign Areas) (GC, FA).

332 POLICY

a. Danger-pay may be authorized at posts where civil insurrection, civil war, terrorism, or wartime conditions threaten physical harm or imminent danger to the health or well-being of members. It will normally be granted only at posts where the evacuation of dependents and/or nonessential personnel has been authorized or ordered, or at posts at which dependents are not permitted. Under exceptional circumstances, danger pay may be granted at other posts with the approval of the Secretary of State.

b. That part of the hardship post differential rate (chapter 500 of the Standardized Regulations (GC,FA)) at a post which is attributable to political violence shall be reduced to avoid dual crediting for political violence.

c. The regular post differential and any special incentive differential will be reviewed to assure that appropriate rates of each are established concurrent with termination or revision of danger pay.

333 MAKING APPLICATION AND PAYMENT

a. Eligible members of the Departments of State, Agriculture, and Commerce, and of the United States Information Agency make application for danger pay allowance on form SF-1190, "Foreign Allowances Application, Grant, and Report," in Box 26. The post will insert danger pay in the Post Differential block of section 29 of the SF-1190, under the post differential line, following instructions in section 314.3, with authorized percentage and applicable date. The procedures in 4 FAM 542.10 govern payment of the danger pay allowance.

b. For AID, application is made on form AID 760-10 (time card). (see HB 27, Attendance and Leave).

334 through 339 (Unassigned)

340
REPRESENTATION ALLOWANCES

341 GENERAL

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

341.1 Purpose

Representation funds are appropriated to State pursuant to section 905 of the Foreign Service Act of 1980, as amended, and enable the Department and the Foreign Service to provide for the proper representation of the United States, thus furthering foreign policy objectives. This is the only reason for the availability of such funds; hence, this must be the only criterion for their use.

341.2 Control by Chief of Mission

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

Representation funds do not accrue to any officer or employee solely by virtue of rank, title, or position. Rather, they are available for expenses incurred on behalf of the U.S. Government. They are not meant to take care of normal social obligations as members of the community. Entitlement to the use of a specified amount of such funds is granted to individual officers or employees on an ad hoc basis. Authority to approve such expenditures is delegated, within the limits of funds made available, to the chief of mission. Each approval will involve a decision on the part of the chief of mission to use a specified amount of money, in a particular instance, in a certain manner, in order to accomplish a specific objective.

341.3 Applicability to AID, USIA, Commerce, and Agriculture

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

The principles contained in the following sections are to be followed by AID, USIA, Commerce and Agriculture in granting representation allowances allotted for use by employees of their agencies assigned to posts in foreign areas. (For USIA, see MOA V-B 264, for AID see HB 19, and for Agriculture, see 2 FASR 51.) Commerce also has access to hospitality funds which are covered under Department of Commerce regulations.

342 ALLOWABLE EXPENDITURES

342.1 General

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

a. Representation funds made available to a mission may be used at the discretion of the chief of mission for any expenditure, consistent with section 341.1, and not specifically prohibited by law or regulation. However, the chief of mission should take into consideration and attempt to abide by not only the letter, but also the spirit, of the applicable laws and regulations.

b. Entertainment as an allowable expense includes hosted parties, dinners, lunches, breakfasts, sports or cultural events. It must be clearly demonstrated that the purpose is to directly promote U.S. foreign policy interests; that the expenditure is not for personal recreation; and that the expenditure is not otherwise prohibited by these regulations or sections 320 and 330 of the Standardized Regulations (GC, FA).

342.2 Prohibitions

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

a. As indicated in section 330 of the Standardized Regulations (GC, FA), examples of representation expenditures which are prohibited by law follow (these are intended to be illustrative rather than exhaustive):

(1) Hire, purchase, operation, or repair of any motor-propelled, passenger-carrying vehicle, including aircraft (31 U.S.C. 638a and b);

(2) Membership fees or dues in any society, club, or association under any conditions (5 U.S.C. 5946 and 5 U.S.C. 4109);

(3) Expenses of printing or engraving (44 U.S.C. 1102), (See section 330c of the Standardized Regulations for exceptions.);

(4) Printing of Christmas cards, or other types of greeting cards (Decisions of Comptroller General B-1151132, June 17, 1953; B-122515, February 23, 1955; 133991, November 25, 1957; B-142538, February 8, 1961 and B-151167 and B-156724, November 29, 1967);

(5) Compensation for cost of living, quarters expenses, or for assignment under difficult environmental conditions, including expenses of recreation and entertainment solely for employees of the United States Government and their families (5 U.S.C. 5535(b) and 5536).

b. Tangible gifts, including admissions to unhosted events, to any U.S. Executive, Legislative or Judicial Branch employee are prohibited. Expenditures for tangible gifts do not fulfill the single purpose of the representation allowance which is to further U.S. interests abroad. Expenditures for tickets or admissions to unhosted events are a poor use of representation funds and, while not prohibited, are considered allowable only in those instances where the highest levels of host country officials are present and the attending employee has the necessity and opportunity to fulfill the purpose of the representation allowance. For example, expenses for attending fund-raising dinners, concerts, balls, or other strictly social functions normally do not permit an officer to meet the criterion for the representation allowance and are prohibited.

c. Funds cannot be spent solely for the benefit of U.S. Government Executive Branch organizations or entities (e.g., U.S. Marine Guards, American Schools, Recreation Associations, or other groups). Expenditures which encompass or indirectly benefit any such group must further U.S. foreign policy interests and be an allowable expenditure not otherwise prohibited by these regulations or Sections 320 and 330 of the Standardized Regulations (GC, FA).

343 PLANNING, CONTROL, AND DISTRIBUTION OF FUNDS AT POSTS

343.1 Planning and Control by Chief of Mission

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

Development of plans for a country-wide representation program should be the particular responsibility of the chief of mission or the deputy chief of mission. State will make funds available to a mission as a lump-sum allocation. Obtaining optimum benefit from the use of available funds is of such importance to Washington that it is considered necessary for each chief of mission to assume personal control of the direction of representation activities and the use of representation funds available to the mission. This reliance upon the judgment of the chief of mission is designed to eliminate the expensive and time-consuming State review of representation expenditures and the need for elaborate and detailed regulations. It is also designed to reduce, if not eliminate entirely, requests from post or individual officers for additional funds, once the fund level has been established. Thus, it is the responsibility of the chief of mission to tailor a representation program to the level of funds made available to the chief of mission. The chief of mission shall include provision for such events as naval visits or visits of important personages.

343.2 Approval by Chief of Mission

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

The mechanics of granting representation funds to officers and employees must necessarily be determined by each chief of mission to fit conditions peculiar to the post. At small diplomatic missions, it may, indeed, be possible for the chief of mission personally to approve each contemplated expenditure. At large posts, this may be impossible, and it may be necessary to delegate authority for preparing a representation program to a senior subordinate or a group of senior subordinates. In any event, the Department assumes that any voucher properly certified at the post for payment of representation expenses has me t the implicit, if not explicit, approval of the chief of mission.

344 GENERAL GUIDELINES FOR EFFECTIVE USE OF AVAILABLE FUNDS

344.1 Economy and Good Taste

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

A great deal of work which could be called "representation" involves little or no expenditure of money. Further, lavish expenditure is questionable in most circumstances. The wealth of the United States as a nation should not be flaunted and imposes a certain restraint, coupled with the standard of good taste, upon our official representation abroad.

344.2 Informality

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

Many of the more formal or ceremonial aspects associated with the conduct of foreign relations can be simplified without surrendering those elements of tradition worth preserving. Representatives of the United States should try to reduce any emphasis given to purely ceremonial or formal observances.

344.3 Planning and Control

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

Effective use of representation funds entails: (a) a defined policy (i.e., a determination on the part of the chief of mission of the specific objectives to be pursued); (b) a planned program (i.e., the careful weighing of alternatives to arrive at a program best suited to accomplish the policy objectives as established in mission goals and workplans); (c) an allocation of funds (i.e., the assignment of responsibility for implementing the program to individual officers or employees); and (d) a continuing review of representation activities to ensure effective utilization of available funds.

344.4 Guidance

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce).

The ability to make effective use of limited resources is an art that usually must be learned. Thus, it is incumbent upon senior officers, including the chief of mission, to give guidance to those less experienced in the proper use of representation funds. In general:

a. The U.S. presence, official and private should be less than half the total guest list;

b. Smaller events are preferable to large ones;

c. New contacts should be developed, but funds may also be used to deepen existing ones for business purposes, not personal relationships;

d. Local custom should largely be respected in holding representation events in or out of the home;

e. Representation funds may be used to pay for attendance at professional meetings, including associated meal costs which are considered reasonable and customary expenses of such meetings, when a determination is made by the chief of mission or designated representative that an association or professional meeting be attended for representational purposes. Funds may not be used to pay for meals at professional meetings (consular, commercial or other associations) when the primary benefit is to the employee; nor may funds be used to pay membership fees or dues in any society, club or association under any conditions.

344.5 Prescribed Limits

(TL:PER-171 3-27-91)
(Uniform State/AID/USIA/Agriculture/Commerce)

a. In the interest of discouraging ostentation, the chief of mission should establish dollar limits for the various types of approved representation activities.

b. Since representation relationships are established and maintained primarily with host country officials and private citizens, guest lists for representation events should reflect minimum guest ratio guidelines set by the chief of mission for each type of representation function (rarely more than fifty percent USG Executive Branch employees), to ensure representati ve cross-sections are invited.

c. At the discretion of the chief of mission or his/her designee, purchases of representation supplies in advance of a function is limited to the type and quantity necessary due to circumstances at post. Each post should develop written guidelines to cover the specific situations where advance purchases are authorized. For State, representation funds reimbursement or payment, except for invitation cards and American wine, is permitted only event-by-event on the basis of guest (recipient) lists. Bulk purchases to cover several future representation events, even though practical and economical, except for invitation cards and American wine, must be financed by the host or other officer and reimbursed only on an event by event basis. However, if a preliminary guest list for a July 4 reception is ready, for example in April, the Financial Management Officer may start making payments for supplies for that event in April to the extent there is a bona fide need for such early procurement and if the requirements for the event are reasonably specific and foreseeable. If such supplies are not fully consumed because of reduced attendance or other circumstance, the post must maintain an accounting of the excess supplies and document their use, usually for subsequent specific representation events. Reasonable amounts of invitation cards and American wine (not to exceed a year's supply – prior year's usage should be used as a benchmark) may be procured locally and paid for or reimbursed as a bulk purchase in lieu of buying new cards or American wine for each event.

d. American wine, if purchased in bulk from official funds, must be under inventory control of the Accountable Property Officer, and must be accounted for (as a no-reimbursement item) on representation vouchers. In no case, however, is the post authorized to use excess year-end funds to purchase wine, invitations, or other representation supplies and materials which are not a bona fide need of that fiscal year. Employees assigned to post with a consumables allowance may use a part of that allowance for the personal purchase and shipment of American wines, for both personal and representational use.

345 ACCOUNTING FOR EXPENDITURES

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

Instructions covering the vouchering, certifying, payment, and accounting for representation expenditures are contained in 4 FAM 432. State's representation appropriation requests to the Congress are stated in terms of four basic purposes of expenditures as follows:

a. Promotion of U.S. national interests;
b. Protection of U.S. citizens' interests;
c. Promotion of economic activities; and
d. Commemorative and ceremonial requirements.

Thus, when approving representation activities, the chief of mission or designee shall indicate which of the foregoing purposes most accurately describes the activity. The appropriate purpose shall be cited on the payment voucher. (For AID, see HB 19).

346 REQUESTS FOR INCREASES OF ALLOTMENT

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

Since, as stated in section 343.1, it is the responsibility of the chief of mission to tailor the representation program to fit the resources made available, requests from posts for increases in established allotments will normally not be considered. If, however, in the opinion of the chief of mission, the lack of additional funds would seriously hamper the effectiveness of the mission, a request for additional funds may be made by cable. The request should contain a complete justification, including an indication of what effect the lack of such funds will have on the post's substantive ope rations and should explain why the funds already allotted could not be reprogrammed to meet the exigency.

For AID, post requests for additional funds are sent to the appropriate regional bureau in Washington.

347 REPRESENTATION ALLOWANCES FOR FAMILY MEMBERS AND FOREIGN SERVICE NATIONAL EMPLOYEES

347.1 Authority

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

Section 905 of the Foreign Service Act of 1980 authorizes representational allowances for official receptions, entertainment, and other functions to enable the Department and the Foreign Service to provide for the proper representation of the United States and its interests. It authorizes for the first time the payment of expenses for family members acting with or on behalf of employees whose official positions entail responsibility for establishing and maintaining relationships of value to the United States in foreign countries. In addition, on an exceptional basis, Foreign Service National employees may be permitted such payments, where deemed appropriate, and with the approval of the head of agency or agency designee, and consistent with guidelines on representation established by the chief of mission, in accordance with the provisions of sections 341.2 and 341.3. New regulatory authority is contained in section 310 of the Standardized Regulations (Government Civilians, Foreign Areas) (GC, FA).

347.2 Procedures

(TL:PER-150 2-1-90)
(Uniform State/AID/USIA/Agriculture/Commerce)

Current procedures in subchapter 340 shall govern the application of this representation allowance provision.

348 and 349 (Unassigned)

350
OFFICIAL RESIDENCE EXPENSES

351 LAWS AND REGULATIONS

(TL:PER-120 2-24-89)
(Uniform State/AID/USIA/Commerce/Agriculture)

The defraying of official residence expenses at posts in foreign areas, authorized by 5 U.S.C. 5913, shall, subject to the availability of appropriated funds, be governed by chapter 400 of the Standardized Regulations (Government Civilians, Foreign Areas) and these regulations.

352 AUTHORITY

Uniform State, AID, USIA, USDA and Commerce regulations governing the defraying of official residence expenses are issued under authority of section 013 of the Standardized Regulations (GC, FA).

353 DESIGNATION OF PRINCIPAL REPRESENTATIVES

Officers holding the following positions or ranks are designated as principal representatives:

a. Chiefs and deputy chiefs of diplomatic missions, and principal officers in charge of consulates general and consulates;

b. Directors of AID missions, AID representatives, and AID Affairs Officers;

c. Public affairs officers of certain USIA posts of class A and B as designated by USIA;

d. Minister-Counselors of the Department of Commerce, provided funding is available.

e. Officials acting temporarily for all of the above officials; and

f. Such other positions for any agency as are specifically designated by the Director of the Allowances Staff in State.

354 DESIGNATION OF OFFICIAL RESIDENCES

The appropriate regional bureaus in State and AID, the Bureau of International Organization Affairs in State, and the Director, Office of Personnel (M/P or VOA/P), in USIA and the Director, Office of Foreign Service Personnel, in Commerce, shall determine which residences at a post shall be designated as official residences for occupancy by principal representatives. These offices may redelegate this authority: For State, to the chiefs of mission or charge d' affaires; for AID, to the directors or acting directors of AID missions, or AID representatives or acting AID representatives; and for USIA, to the ranking USIA representative in the country.

355 ACCOUNT CHARGEABLE FOR EXPENSES OF AN OFFICIAL RESIDENCE

a. Expenses of operating an official residence are not chargeable solely as an official residence expense. State, AID, USIA and Commerce prefer to supply by purchase such items listed in 6 FAM 762 through 764 as are justified on a continuing basis for Government-held properties. Rental of such items as are required for short periods may be charged as an official residence expense. Refer to 6 FAM 7[illegible] and 760 for regulations covering the usual expenses for operation, maintenance, and repair of Government-held residential quarters and personal property which are chargeable to other expense classifications.

b. Provision may be made for alternative methods of funding for some or all of the expenses identified in Sections 451, 452 and 453 of the Standardized Regulations. Under these circumstances, no reimbursement may be made from Official Residence Expense. (For example, within the Department of State, household furnishings may be provided by the Office of Foreign Buildings.)

c. The amount of annual household expenses that must be borne personally by principal representatives regardless of rank or grade is five percent of salary, plus, with respect to employees serving as Chief of Mission, officer temporarily in charge of the operations of an agency at a post, or in some other similar capacity, any additional compensation they may be authorized to receive while serving in such capacity, but exclusive of all allowances, differentials, or other additional compensation.

Should the household expenses be less than five percent of salary plus any additional compensation (section 355c), the employee may pay only the cost of such expenses and not be subject to the five percent requirement.

356 LIMITATION ON HOUSEHOLD SERVANTS

a. For State, under section 445 of the Standardized Regulations (Government Civilians, Foreign Areas), the appropriate regional bureau and the Bureau of International Organization Affairs shall determine the limitation to be placed on the total number of household servants to be employed in official residences of principal representatives in their respective areas.

b. For USIA, the Director shall determine such limitation.

c. For Commerce, the Office of Planning and Management/USFCS shall determine such limitation.

357 EMPLOYMENT OF HOUSEHOLD SERVANTS FROM OUTSIDE THE HOST COUNTRY

a. The transportation of servants for purposes other than delineated in Section 451 of the Standardized Regulations is prohibited, unless transportation is incorporated into the wage contract due to lack of available qualified personnel at the post. The fact that the servants' wages include travel costs to/from the place where work is to be performed must be clearly stated in the the employment contract or agreement. The amount of the travel expenses must also be separately identified in the work contract. Posts which establish a need to employ a household servant from outside the country (which will also involve travel costs for that individual) must certify in writing that there are no household servants available locally to perform the specific function for which hired.

b. For State, the written certification and other appropriate documentation necessary should then be forwarded to IO or the Regional Bureau Executive Director who is responsible for ensuring that the need has been adequately documented and justified. No international travel expenses can be considered for inclusion in an employee's wages until after the request has been reviewed and approved. The Executive Director will provide an information copy of all documentation regarding the particular request to the Allowances Staff. A copy of the certification and supporting documentation used by the post to establish the need to employ a household servant from outside the host country must also be maintained in the post's file for subsequent review as necessary.

358 PROHIBITIONS

a. No reimbursement may be claimed for expenses prohibited by section 474 of the Standardized Regulations. Those prohibitions include:

(1) Expenditures which are properly borne by representation allowance funds (such as extra waiters for official functions or other allowable items under Section 320 of the Standardized Regulations);

(2) Expenditures properly borne by any other appropriations as specified by acts of Congress or by internal agency regulations;

(3) Expenditures prohibited by law;

(4) Wages and maintenance of household servants who provide a personalized service or are commonly employed by most employees at post who do not have official residence responsibilities (such as a chauffeur, personal maid, personal secretary, nursemaid, or governess);

(5) Transportation of servants for purposes other than delineated in section 451 of the Standardized Regulations, unless transportation is incorporated into the wage contract due to lack of available qualified personnel at the post and approved by head of the agency.

b. Expendable household supplies shall not be included save those authorized by Section 453 of the Standardized Regulations. Those allowed are:

(1) Supplies which are normally consumed in use or lose their identity such as cleaning supplies, paper, light bulbs, linen, nails, and wire;

(2) Supplies which are of insufficient value ($35 or less) to justify maintenance of property accountability records, such as electrical equipment, kitchenware, plumbing supplies, and tools.

359 PAYMENT

Staff employed under official residence expenses (ORE), are employees of the principal representative, not the U.S. Government. Care must be taken in the payment of these employees to assure the maintenance of the employer–employee relationship and to prevent the creation of a de facto obligation of the U.S. Government. Thus, these employees should be paid by the principal representative who will be reimbursed for these expenditures. Embassy employees are normally prohibited from representing the principal representative and making ORE

payments. In cases where the payment of the ORE expenses involves a significant amount of money or of time and difficulty in preparation, the principal representative may receive an advance for the payment of these expenses and the assistance of the Budget and Fiscal Office. However, the residence employees are to be paid personally by the principal representative or household manager. In the absence of the principal representative, the charge' should arrange for and make the payments.

370
POST DIFFERENTIALS

371 MULTIPLE ASSIGNMENTS

(TL:PER-101 6-28-88)
(Uniform State/AID/USIA/Agriculture/Commerce)

For the purpose of these regulations, the "post of assignment" of personnel assigned to more than one post shall be the residence post as shown on SF-50, Notification of Personnel Action.

372 EFFECT ON OTHER PAYMENTS

a. Charge d'Affaires Pay

Post differential shall not be included in compensation for purposes of computing charge d'affaires pay at a differential post, nor shall charge d'affaires pay be considered in determining the amount of post differential.

b. Lump-Sum Payment

Post differential shall not be included in any lump-sum leave payment, except as follows:

(1) For settlement of a deceased Foreign Service employee's accounts;

(2) When an employee is separated at a differential post. In such an instance, the following conditions apply:

(a) The employee must be present at post on the date of separation;

(b) The employee will not be in salary status during travel and will be reimbursed only for those travel expenses allowable under 6 FAM 100;

(c) The employee will not be authorized consultation in the Department or the agency; and

(d) The employee must take a medical examination before the date of separation (see section 684.2c) to be eligible for future medical services under section 688.

373 EFFECT OF "HOME LEAVE - LOOSE PACK" ORDERS

For the purpose of these regulations, home leave orders combined with or accompanied by loose pack orders shall have the same effect as combined home leave and transfer orders. Payment of post differential to employees under "home leave - loose pack" orders shall cease as of the date of departure from the post as prescribed in section 532a of the Standardized Regulations (Government Civilians, Foreign Areas).

374 PAYROLL INSTRUCTIONS

(State Only)

(See 4 FAM 542.6.)

375 EXTRA SERVICE CREDIT

A participant in the Foreign Service Retirement and Disability System who is assigned to a differential post designated as an unhealthful post may elect to receive extra service credit toward retirement in lieu of any post differential (see section 671.5-14). Participants in the Foreign Service Pension (FSPS), are not eligible to elect extra service credit.

376 through 379 (Unassigned)

390
ADVANCE OF PAY UPON ASSIGNMENT TO A POST IN A FOREIGN AREA

391 AUTHORITY

(TL:PER-102 6-29-88)
(Uniform State/AID/USIA/Agriculture/Commerce)

391.1 Legal

Section 2310 of the Foreign Service Act of 1980 amended subchapter III of chapter 59 of title 5, United States Code, to add a new section 5927. That section provides that up to 3 months' pay may be paid in advance to an employee upon the assignment of the employee to a post in a foreign area.

391.2 Regulatory

Chapter 850 of the Standardized Regulations (Government Civilians, Foreign Areas) contains general regulatory authority.

392 MAKING ADVANCE PAYMENT

For State, USIA, Agriculture and Commerce, 4 FAM 548, "Advance of Pay," provides the policy and procedures governing advances of pay upon assignment to a post in a foreign area. For AID, see Handbook 19, chapter 14.

393 through 399 (Unassigned)

CHAPTER 14

UNIFORMS AND PROTECTIVE CLOTHING

14A. Determination

The determination that the duties of an employee require the wearing of a uniform or protective clothing is made by the Director, Office of Management Operations (SER/MO), for AID/W, and the principal officers or their designees at overseas posts.

14B. Applicability

Uniforms may be considered for positions such as chauffeurs, building guards, doormen, elevator operators, and messengers. Protective clothing is allowable only to protect the employee from physical harm.

14C. Issuance

The Director, SER/MO, and the principal officer or his designee overseas, issue, control, and account for uniforms. Wherever possible, uniforms should be purchased locally. Under no circumstances may a cash allowance be made to an employee for such purchases.

14D. Further Details

Further details concerning the criteria, procurement, issuance, custody, and maintenance of uniforms and protective clothing is contained in 6 FAM 240 (Attachment 14A).

ATTACHMENT 14A

UNIFORM FOREIGN AFFAIRS REGULATIONS

These regulations apply to the following agencies:
State/AID/USICA/Commerce/FAS.

240 UNIFORM AND PROTECTIVE CLOTHING

241 Furnishing Uniforms

241.1 Authority

Authority for providing uniforms is contained in the current appropriation act of the Department of State, in 5 U.S.C. 5901, and in the act of August 1, 1956, as amended (22 U.S.C. 2669). *For AID: Foreign Assistance Act of 1961, as amended, Section 636(12).* *For USICA: MOA VII 173.3d(1)* prohibits the purchase from agency funds of uniforms or any item of personal wearing apparel other than protective clothing.

241.2 Applicability

Employees to whom uniforms may be furnished under the above-cited authorities are those whose official duties are determined, in accordance with section 241.3, to necessitate the wearing of a uniform (See 3 FAM 149.4 for Marine Guard clothing.) The following are illustrative, but not all-inclusive, of the categories of personnel to be considered: medical staff, chauffeurs, civilian building guards, doormen, drivers, elevator operators, gateman, messengers, and watchmen.

Furnishing uniforms to the following categories of employees is not authorized by the above-cited authorities:

a. Employees whose official duties may require the wearing of protective clothing (as distinguished from uniforms). (See section 242.)

b. Servants employed at the official residence. (See 3 FAM 350.)

241.3 Determination of Requirement to Wear Uniform

The determination that the duties of an employee, except a medical employee, require the wearing of a uniform is made by principal officers and heads of AID and USICA establishments abroad, or their designees, on the basis of the following criteria: that the duties of the employee involve performing services for, or obtaining services from, the local government, business firms, or the public, and it is necessary for employees to appear in uniforms to facilitate identification with the United States Governent or by reason of local custom.

Determination with respect to the wearing of uniforms by medical personnel is made by the Department.

241.4 Composition of Uniforms

Uniforms may consist of articles of outer clothing, including any necessary insignia. The style, material, and color of the uniform (except for those furnished to medical personnel) shall be determined by principal officers and heads of AID and USICA establishments abroad, or their designees.

241.5 Maximum Amounts

The maximum amount which may be spent annually on uniforms for each authorized employee is $360.

Within this limitation, principal officers and heads of AID establishments abroad, or their designees, are to establish a list of items to be furnished consistent with the employee's duties and with factors of cleanliness, appearance, climatic conditions, and local customs. Such determinations should include initial supply levels and the conditions and frequency of replacements.

242 Furnishing Protective Clothing

242.1 Authority

Authority for the furnishing of protective clothing is contained in 5 U.S.C. 7903.

UNIFORM FOREIGN AFFAIRS REGULATIONS

These regulations apply to the following agencies:
State/AID/USICA/Commerce/FAS.

242.2 Application

Employees to whom protective clothing may be furnished under the above-cited authority are those whose official duties are determined, in accordance with section 242.3, to necessitate the wearing of protective clothing.

242.3 Determination of Requirement To Wear Protective Clothing

If an employee's duties are hazardous and may cause them physical harm, the determination that the employee should wear protective clothing should be made by the principal officer and heads of AID and USICA, or their designees. The fact that the duties of the employee causes damage or excessive dirt or stains to their personal clothing does not justify providing coveralls, smocks, aprons, and so on.

242.4 Composition of Protective Clothing

Protective clothing may consist of articles of outer clothing or equipment (such as safety goggles, shoes, or helmets) to protect the employee from injury.

242.5 Limitation

It is the responsibility of principal officers and heads of AID and USICA establishments abroad, or their designees, to keep to a minimum the number and type of items furnished, both as to initial supply and replacements, consistent with the employee's duties and with factors of safety.

243 Control, Custody, Maintenance and Replacement of Uniforms and Protective Clothing

243.1 Control

All uniforms and protective clothing issued to employees remain the property of the Government. Proper controls and accountability records are to be maintained for all uniforms and protective clothing. Post funds may be used for cleaning and repair of uniforms and protective clothing in storage. However, neither uniforms nor protective clothing may be clean or laundered at Government expense while in the custody of employees whose duties require them to wear such clothing.

243.2 Custody

Upon separation or transfer to duties not requiring a uniform or protective clothing, all such items shall be returned to the post by the employee to whom they were issued.

When seasonal uniforms are furnished, the responsible officer determines whether such uniforms are to be returned to the post for storage during off-seasons or are to be retained and stored by the employee. As a general rule, seasonal uniforms should be returned to the post for storage during off-seasons in order to assure proper storage and accountability. However, when local circumstances warrant, employees may be permitted to retain them.

UNIFORM STATE/AID/USIA REGULATIONS

*243.3 Maintenance

Employees to whom uniforms or protective clothing are issued must assure that they are kept clean and in good repair. If practicable, the uniform is worn only while the employee is at work. However, the post may authorize employees to wear the uniform to and from home if necessary. The cost of cleaning or laundering uniforms and protective clothing and repairing them when damage results from other than normal wear and tear is a personal expense of the employee to whom they are issued.

The responsible officer arranges for storage of clean and repaired uniforms and protective clothing returned by employees. Where through normal wear and tear, or damage, any article of uniform or protective clothing is considered unusable, it may be discarded by the post.

243.4 Replacement

Replacement of any item of uniform or protective clothing is authorized only after a responsible officer is assured through physical inspection that it is so worn or damaged as to be unusable. Generally, no replacements should be required during the first year following the initial furnishing. The articles of uniform or protective clothing for which replacements are issued are to be turned over to the responsible officer for disposition.

244 Procurement

Procurement of uniforms and protective clothing is accomplished in accordance with tne Department of State Procurement Regulations (DOSPR). *

(*) New Material

TRANSMITTAL MEMORANDUM CHECKSHEET

FOR HANDBOOK 26 - POSITION CLASSIFICATION, PAY, AND ALLOWANCES

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INDEX TO THIS HANDBOOK

This index is derived from the Master Index to the AID Handbook series issued under TM HI:2.

The underlying approach to the Master Index is one of unity, with the series of AID Handbooks considered as a single entity in which topics may appear in one, or more than one, of the component volumes.

Each entry in the Master Index that includes a reference to this Handbook is reproduced here in its entirety, thus providing both a guide to this Handbook and useful references to other Handbooks.

The formats for location citations are intended to match their appearance on the Handbook pages. Beyond the standardized Handbook number with its following colon, the citations used in the index reflect the different formats used in the individual Handbooks themselves.

UNDERSTANDING THE CITATIONS

The standard codes and messages that appear throughout the index, and their exceptions, are defined in this section. It is recommended that all users read this section before using the index.

LOCATION CITATIONS

The location citations are grouped in the following pattern:

Handbook number, colon, Chapter number, Paragraph letter, and further breakdown where needed.

The abbreviations such as App. for Appendix; Att. for Attachment; and Sup. for Supplement are also included in the citations wherever necessary.

Special cases and cross reference messages are described on the following page.

An example of the format used is as follows:

AID Financed Export Opportunities 1B:23A2a(3); 15:10C1a(1)

where the term "AID Financed Export Opportunities" is located in Handbook No. 1B, Chapter 23, Section A2a(3); and Handbook 15, Chapter 10, Section C1a(1).

SPECIAL CASES

Although the majority of the location citations follow the pattern described previously, there are these exceptions:

- In some of the Handbooks, a majority of the text is reprinted from the Foreign Affairs Manual (FAM). All FAM citations are marked by a '#' sign before the section number.

- A major portion of Handbook 14 is composed of the Federal Acquisition Regulation (FAR). All citations to this publication are cited as 14:FAR(section number).

- Three Handbook supplements that are basically separate volumes are cited as, 1B: (Procurement Policy), 3A: and 3B: (Project Managers Guidebook).

- In Handbooks which contain both Parts as well as Chapters, the Roman numeral Part number is separated from the Arabic Chapter number by a dash (-). For example: 21:I-2A8, a citation to Chapter 2 of Part I of Handbook 21.

CROSS REFERENCES

These references provide direction for selection of index terms:-

A '<u>see</u>' reference points from an unused term to the one that is used.

'x' is the reverse of <u>see</u> (do not bother to look) and provides a guide to terms that are <u>not</u> used in the index.

'<u>see also</u>' points to terms that are closely related.

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