



DEPARTMENT OF THE ARMY
UNITED STATES ARMY EUROPE
UNIT 29351
APO AE 09014-9351

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AEPE-CB

MEMORANDUM FOR HQ USAREUR Staff Principals and Commanders of USAREUR Major Subordinate Commands

SUBJECT: Foreign Area Employment and Overseas Tours – Implementing Guidance

1. References:

- a. DOD Instruction 1400.25, Vol 1230, Employment in Foreign Areas and Employee Return Rights, 26 July 2012.
- b. DAPE-CPZ Memorandum, Subject: Foreign Area Employment – Overseas Tours, 30 August 2012.
- c. Army in Europe Supplement 1 to AR 690-300.301, Overseas Employment, 17 March 2006.

2. Purpose. This memorandum provides USAREUR implementing guidance for DODI 1400.25, Volume 1230, dated July 26, 2012 pending revision of reference c.

3. Applicability. This guidance applies to HQ, USAREUR and USAREUR Major Subordinate Commands (MSC).

4. This implementing guidance takes precedence over any conflict with any other applicable part of AE Supplement 1 to AR 690-300.301, 17 March 2006. This guidance amends the AE Supplement, currently pending revision, as follows.

- a. Paragraph 5-3b(1): Delete the first sentence of subparagraph (a), and delete subparagraphs (c) and (d).
- b. Paragraph 5-3c: Delete subparagraphs (1), (2) except for the first sentence, and (3)
- c. Paragraph 5-5e: Delete the first sentence of subparagraph (2); in the first sentence of subparagraph (3) delete the phrase “When the initial rotation agreement is complete,” and change the residency requirement from one year to two years.
- d. Paragraph 5-5f: Change the residency requirement in subparagraph (2) from one year to two years.

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e. Paragraph 5-5g: Delete the second sentence of paragraph (1); delete subparagraph (3); delete “24-month” in the last sentence of subparagraph (4); and in subparagraph (5) delete the phrase “When the initial period of time in the rotation agreement is complete,” from the first sentence and change the residency requirement from one year to two years.

f. Appendix G: Delete the first sentence of paragraph G-2 (the NOTE remains); change the words “normally do” to “will” in the second sentence in subparagraph G-3e; delete the words “to 1 year” from subparagraph G-3e(3); and delete subparagraph G-3f

5. Reference a. establishes policies and procedures for (a) employing United States citizens in foreign areas, (b) rotating DoD civilian employees from foreign areas, and (c) granting return rights of DoD civilian employees in foreign and non-foreign areas. It limits civilian employment in the competitive service in foreign areas to a period of five continuous years, unless interrupted by at least two years of physical presence in the United States or a non-foreign area. Further, it allows career and career conditional DoD employees in the competitive service, regardless of component, who are employed in the United States or a non-foreign area and accept a DoD assignment in a foreign area or a non-foreign area different from their current non-foreign area to be granted statutory return rights for a period of five years if continuously employed in a foreign area or non-foreign area. Reference b. provides Department of the Army Implementing Guidance.

6. Organizations will ensure that they are aware of an applicant’s status regarding the five-year limitation before extending employment offers during the normal recruitment process. If a tour extension is required for a current foreign area employee, the gaining organization is responsible for obtaining approval of a tour extension by the appropriate official before a final job offer may be made.

7. Two year physical presence in the United States.

a. Guidance in AEPE-C Memorandum, Subject: Policies and Procedures for Requesting Approval for a Shorter than 2 Year Physical Presence in the United States or Non-foreign areas when Recruiting for USAREUR Positions – Interim Guidance, 22 August 2012, remains in effect.

b. Selections made and submitted electronically to the servicing CPAC prior to 26 July 2012 are unaffected by this two year physical presence requirement. To account for the impact that shorter periods of physical presence can have on other overseas allowances or transportation entitlements, USAREUR policy is that waivers will be considered only for qualifying candidates who have completed at least one year of physical presence in the United States or a non-foreign area.

8. Tour Extensions.

a. Tour extension approval authority.

(1) Authority to approve tour extensions up to the five-year limit remains as outlined in reference c, paragraph 5-3a(1).

(2) The USAREUR Deputy Commanding General (DCG) has authority to approve initial tour extensions that take the employee beyond five years and up to a total of no more than seven years.

(3) The USAREUR Commanding General (CG) retained authority to approve any subsequent extension(s) after the initial two year tour extension beyond five years (i.e., any extension that takes the employee beyond a total of seven years or more).

(4) Tour extensions beyond five years, of USAREUR U.S. citizen employees, that were approved prior to 26 July 2012, are unaffected by reference a.

(5) Each extension may not exceed two years.

b. The five-year foreign area limitation is computed by counting all foreign area service in a DoD position in the competitive service that has not been interrupted by at least two years of physical presence in the United States or a non-foreign area, regardless of the type of appointment.

c. An initial tour extension beyond five years shall be based on written rationale that articulates a clear business case for retaining the employee in the overseas location and provides a credible workforce succession plan for replacing the employee by the end of the extension period. In addition, any subsequent tour extension beyond seven years requires addressing unanticipated events or circumstances that resulted in the failure of the workforce succession plan included in the approval package for the first extension. Responsible officials must consider applicable guidance in appendix G of reference c in making tour extension decisions. Any supervisor or manager in the employee's chain of command may determine the employee or position does not meet either DoD or locally developed criteria and disapprove the extension.

(1) Business Case: Organizations should present a compelling business case for retaining the employee in his/her current position rather than replacing him/her, with detail to support it. The business case should be based on valid, mission-related, nondiscriminatory operational criteria and clearly articulate the specific reason(s) and rationale why the extension is

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necessary, including any serious impact to the organization's ability to accomplish its mission if the extension is not granted.

(a) For example, should the basis for retaining the employee be frequent contact with officials of the host nation, the business case should address the type and level of officials with whom the employee has contact, the purpose for those contacts, the reasons why a detailed current knowledge of the culture, mores, laws, customs, or government processes of the host nation is necessary for those contacts, the basis for asserting that this knowledge cannot be easily gained outside of the host nation, and any negative ramifications that failure to extend the current employee will have on interactions with the host nation.

(b) Organizations should provide a similar detailed explanation when tour extension decisions are based on other situations, such as maintaining stability during mandated organizational staff reductions, relocations or reorganizations; completion of a special project requiring specialized knowledge; assignment of new missions or tasks to the organization requiring detailed knowledge of its interface with current mission; career development of the incumbent as a result of recent promotion or reassignment into a career broadening position; etc.

(c) Organizations should address the critical programs, duties, or mission tasking of the position, including any specialized leadership or technical skills required in the job.

(2) Succession Plan: Organizations should explain in detail the actions they will take to facilitate replacing the current employee by the end of the tour extension period without disrupting mission accomplishment. This should be a living plan which is updated and adjusted as necessary to reach the goal of replacing the employee with another highly qualified employee and avoiding/mitigating any negative impact on the organization's or USAREUR's mission.

(a) For example, if the plan involves training, organizations should address the type of training that will be offered (formal, informal, on-the-job), the areas of training, how/when/where the training will be obtained, and the availability of the desired training and funding to conduct it, as applicable. If recruiting is part of the plan, address when recruitment is expected to begin (for PPP registrants, this may not be until the employee receives a PPP job offer), the recruitment area and options to be used and why it is believed the options and recruitment area will provide an adequate applicant pool of high quality applicants.

(b) Organizations should address back-up plans or internal development strategies (such as cross-training, rotational/developmental assignments, employee self development), as needed, that will prepare current employees to fill in the gaps caused by the rotation of employees who have met the five-year limit and help in the event of unexpectedly prolonged recruitment efforts.

(3) Succession Plan Failure: Organizations should address this only for subsequent tour extension(s) that if approved will take the employee beyond a total of seven years or more. Organizations should explain what/why/how unanticipated events or circumstances caused the initial succession plan and back-up plan to fail, resulting in their inability to replace the current employee.

(a) The explanation should be compelling in that it describes in detail specific events or circumstances that directly impacted the ability to replace the employee. Explain why these events or circumstances reasonably could not have been anticipated and why they had such a negative impact on the initial succession plan and back-up plan.

(b) The new succession plan should address specific strategies or steps to correct or mitigate the events or circumstances that resulted in failure of the previous plan if they may again be a factor, and use those events or circumstances to identify other potential events or circumstances that may negatively impact the new plan.

NOTE: Although supervisors always should have had extension and succession planning in mind, there was no prior requirement to document it. As such, initially there will be instances where failure of a succession plan cannot be addressed. When requesting a tour extension in these initial situations, supervisors should acknowledge the absence of a prior written succession plan, document their business case for retaining the employee, and develop an effective succession plan for replacing him or her by the end of the requested extension.

9. Tour Extensions Requests

a. Tour extensions not exceeding five years overseas: Current organizational procedures remain unchanged.

b. Initial tour extension beyond five years up to a total of seven years: Submit requests using the TMT process for approval by the USAREUR DCG. Requests should include:

(1) A Staff Action Summary in coordination with USAREUR, G1, Civilian Personnel Directorate and USAREUR, G8, Manpower and Management Division.

(2) A memorandum articulating the business case and succession plan using the template at attachment 1 signed by a general officer, senior executive service member, HQ USAREUR staff principal, or equivalent, or MSC commander.

(3) A completed AE Form 690-300.301B, Feb 11, Overseas Tour Extension Request for Decision. The commander or staff principal recommendation must be indicated in Part D, with the appropriate approving authority name and duty telephone number entered in Part E.

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(4) Any other information/documentation pertinent to the extension request.

c. Subsequent tour extension beyond five years (i.e., will take the employee beyond a total of seven years or more): Submit subsequent requests using the TMT process for approval by the CG, USAREUR.

(1) Include the documentation described in 9.b. above. The memorandum must also address the unanticipated events or circumstances that resulted in the failure of the succession plan and back-up plan included in the approval package for the employee's initial extension. The new succession plan should correct or mitigate the reasons for failure of the previous succession plan and better position the organization to replace the employee by the end of the extension period. As applicable, in these initial requests, supervisors should acknowledge the absence of a prior succession plan as there was no prior requirement for one and prepare a succession plan at that point.

(2) Extraordinary circumstances may warrant consideration of requests subsequent to this.

10. Administrative Extensions.

a. General officers, senior executive service members, commanders of USAREUR MSCs, HQ staff principals and their equivalents may approve short administrative extensions beyond five years for compassionate reasons or employee personal reasons. These administrative extensions will not exceed a total of six months and will be coordinated with the servicing CPAC. No further administrative extension will be approved at the local or ASCC level. Responsible officials should consider the guidance regarding short-term extensions in appendix G of reference c.

b. Use AE Form 690-300.301C to process administrative extensions. Administrative extensions may be curtailed if the employee requests this and management agrees.

c. A short term extension does not change the five-year time limit for an employee's statutory return rights. Only the organization that granted the return rights may extend those rights beyond the original five-year date.

11. Deployments. There is no authority to exempt employees who deploy from foreign areas from the five-year limitation on foreign employment. Extensions for employees who are in a temporary duty status and whose position of record is a USAREUR position must be coordinated with and approved by the appropriate approving authority as described in paragraph 8.a. above. NOTE: Active duty military service does not count toward the five-year time limit.

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12. PPP registrants. Employees who are not granted a tour extension shall exercise return rights, if applicable, or be rotated from the foreign area in accordance with the provisions of the PPP. When an employee is registered to return under these circumstances, employment in the foreign area will continue until the employee exercises return rights or receives a valid PPP offer.

13. Previously Exempt Employees.

a. Reference a. no longer allows competitive service employees in positions that require frequent contact with officials of the host nation and a detailed current knowledge of the culture, mores, laws, customs, or government processes of the host nation to be exempt from the limitation of five years civilian employment in foreign areas.

b. As a condition of continued employment in the foreign area, these formerly exempt employees must sign an overseas employment agreement that limits employment in the foreign area to a five year period effective 30 August 2012. HQ USAREUR, G1, CPD will issue separate guidance regarding procedures for placing these employees on a tour agreement, and requesting tour extensions as needed.

c. Career or Career-Conditional employees who lose their family member status are no longer exempt from the five-year foreign area employment limitation and should be placed on an overseas rotation agreement effective on the date family member employment eligibility status was lost. All foreign area service in a DoD position in the competitive service, not interrupted by at least two years of physical presence in the United States, is counted in determining whether the five-year limit has been reached. As needed, request tour extension approval from the appropriate authority as described in paragraphs 8 and 9 above.

14. My point of contact at CPD is Mr. Robert Fierro, who can be reached at DSN 370-9495 or at Robert.g.fierro.civ@mail.mil.

Encl



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Attachment 1: Template for Submitting Tour Extension Approval Requests

MEMORANDUM FOR (Appropriate Approving Authority)

SUBJECT: Request for Tour Extension – (Name of Employee)

1. (NOTE: Use the applicable word/words) This employee will have completed ____ years/months of civilian foreign area service in a DoD position in the competitive service without the required interruption by the end of his/her current tour on _____. Request a ____ year/month tour extension, with a new DEROS of _____. The employee will/will not forfeit return rights by accepting the proposed tour extension.

- a. Name:
- b. Position Title, Series, Grade:
- c. Organization:

2. Business Case: Organizations should present a compelling business case for retaining the employee in his/her current position rather than replacing him/her, with detail to support it. It should be based on operational criteria and clearly articulate the specific reason(s) and rationale why the extension is necessary, including any serious impact to the organizations' ability to accomplish its mission if the extension is not granted.

3. Succession Plan: Organizations should explain in detail the actions they will take to facilitate replacing the current employee at the end of the tour extension period (including back-up plan) without disrupting mission accomplishment. This should be a living plan which is updated and adjusted as necessary to reach the goal of replacing the employee with another high quality employee and avoiding/mitigating any negative impact on the organization's or USAREUR's mission.

4. Succession Plan Failure: (Address this only for subsequent tour extension(s) that if approved will take the employee beyond a total of seven years or more). Organizations should explain what/why/how unanticipated events or circumstances caused the initial succession plan and back-up plan to fail, resulting in their inability to replace the current employee.

5. Enclosed is completed AE Form 690-300.301B, Overseas Tour Extension, Request for Decision for this employee.

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