Summary. This supplement provides policy and procedures for employing U.S.-citizen civilians in the European theater.

Applicability. This supplement applies to appropriated fund U.S.-citizen civilian employees serviced by the Civilian Human Resources Agency, Europe Region (CHRA-E).

Supplementation. Organizations will not supplement this supplement without USAREUR G1 (AEAGA-CE) approval.

Forms. This supplement prescribes AE Form 690-300.301A, AE Form 690-300.301B, AE Form 690-300.301C, and AE Form 690-300.301D. AE and higher level forms are available through the Army in Europe Publishing System (AEPUBS).

Records Management. Records created as a result of processes prescribed by this supplement must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management website at https://www.arims.army.mil.

Suggested Improvements. The proponent of this supplement is the USAREUR G1 (AEAGA-CE, DSN 375-2539). Users may suggest improvements to this supplement by sending DA Form 2028 to the USAREUR G1 (AEAGA-CE), Unit 29351, APO AE 09014-9351.

Distribution. B (AEPUBS).

AR 690-300.301, 15 October 1979, is supplemented as follows:

Contents. Add the following:

5-1.1. Ordinary Resident Status
5-1.2. Application and Selection Procedures
5-1.3. Home Leave

This supplement is available at https://www.aeaim.hqusareur.army.mil/library/.
Paragraph 1-1a, Coverage. Add the following:

This supplement provides policy for employing U.S.-citizen civilians in appropriated fund (APF) positions in the European theater.

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

   e. Pre-Employment Checks.

      (1) The civilian misconduct action authority (CMAA) or the commander, as appropriate, will notify the Civilian Human Resources Agency, Europe Region (CHRA-E), civilian personnel advisory center (CPAC) of local bars. A bar made under CMAA authority is separate from a suitability determination made under the provisions of part 731, title 5, Code of Federal Regulations (5 CFR 731).

      (2) As part of the pre-employment process, CHRA-E will—

         (a) Check local and U.S. Forces-wide bar lists to determine if applicants tentatively selected for employment are barred from the area of prospective employment because of misconduct.

         (b) Notify the selecting official if a selected candidate is barred from prospective employment.

         (c) Annotate the request for personnel action (RPA) with the bar-list date and the date the bar list was screened.

         (d) Initiate criminal history checks for candidates selected for childcare services positions and for medical positions that involve delivering healthcare to children.

         (e) When family-member travel is authorized at Government expense, ensure selectees complete DA Form 5863. This applies to persons hired for overseas positions from CONUS, other overseas locations, or within the theater. It also applies to non-family member local hires. DA Form 5863 must be completed even if the selectee has no family members. If the selectee has family members with medical or educational needs, DD Form 2792 and DD Form 2792-1 must be completed and forwarded to the United States Army Europe Regional Medical Command (ERMC) and Department of Defense Dependents Schools (DODDS). The selectee may not be given a final offer of employment until—

            1. ERMC and DODDS (when applicable) have reviewed the form and informed CHRA-E of their recommendation.

            2. The selectee has been provided information about the resources and services that are available.

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

   d. Termination of Appointment Authority.

      (1) The Office of Personnel Management (OPM) rescinded the use of overseas limited (OSL) appointment authority in all locations, occupations, and grade levels in Europe, including temporary, term, and indefinite appointments. All current Army OSL employees may remain employed as OSL employees at management’s discretion. Employees serving on OSL appointments may be noncompetitively reassigned, demoted, transferred, or promoted based on additional duties and responsibilities to any Army position within Europe as long as they remain on an OSL appointment without a break in service.

      (2) Every attempt should be made to convert all OSL employees to career-conditional appointments using competitive procedures or through noncompetitive procedures using any special appointing authority for which the employee is eligible (for example, veterans recruitment appointment (VRA), 30-percent or more disabled veteran, severely handicapped).
(a) When converting OSL employees, managers and supervisors will—

1. Coordinate with the servicing CPAC.

2. Consider mission requirements when making a decision to convert an OSL employee to ensure the duties of the position will still be required after the incumbent is converted.

3. Inform OSL employees of management’s intent to convert them to career-conditional employment.

4. Inform employees that they must apply for the position when advertised through delegated examining (DE) procedures and that failure on their part to comply with conversion procedures may result in the termination of their employment or non-extension of their current appointment. Employees on OSL appointments have no status eligibility, no reemployment rights to positions in CONUS, no eligibility to apply for vacant positions advertised under merit promotion procedures, and no eligibility to register in the Priority Placement Program (PPP).

5. Request the OSL employee by name when submitting the RPA to convert the employee to a career-conditional appointment. If the employee is not “within reach for selection” on the referral list, the organization will not be obligated to select from the list and may request that the RPA be canceled. If this happens, management will be required to wait 3 months before submitting another request to fill the position through DE procedures.

(b) If the manager or supervisor is unable to convert an OSL employee on a time-limited appointment to a career-conditional appointment before the employee’s not to exceed (NTE) date, the employee may be extended on the current OSL appointment. This is authorized only if the employee has complied with the conversion procedures and applied for his or her position through DE procedures but was not “within reach for selection” on the referral list.

(c) If an OSL employee does not apply under the applicable DE announcement when management initiates recruitment or if the employee fails in any other way to cooperate in the conversion process, the manager or supervisor should not continue to extend the employee in the OSL appointment.

(d) OSL employees who are exempt from rotation by DOD 1400.25-M, chapter 301, subchapter 4, will continue to be exempt after conversion to a career or career-conditional appointment as long as the exemption criteria are met.

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

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

2. LN employees seeking U.S. citizenship should contact their CPAC for advice before obtaining U.S. citizenship.

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

1. Family Members. Employees who sign a rotation agreement as a condition of their overseas appointment (for example, employees hired from CONUS, local hires, family members on career or career-conditional appointment who lose family-member status) and later obtain family-member status do not become exempt from rotation.

2. Residence Restrictions. No residence restrictions will be used for recruitment in theater except for the following:

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

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

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

d. Coordination With Transportation Agreements.

1. Changes in an employee’s status overseas may affect the employee’s eligibility for renewal agreement travel. The Joint Travel Regulations (JTR), volume II, requires employees to be eligible to complete a 24-month overseas tour in addition to having completed the current overseas tour requirement under their most recent transportation agreement.
(2) When the transportation agreement and the rotation agreement do not match, management may extend the employee’s overseas tour under the rotation program as necessary to match the employee’s eligibility for travel. This situation may occur because of a change in exemption status (para 5-5g) or reassignment to a different overseas location (JTR, vol II, para C4005.C.5).

Subchapter 5, Overseas Employment and Rotation of U.S. Citizens. Add paragraphs 5-1.1 through 5-1.3 (after para 5-1) as follows:

5-1.1. ORDINARILY RESIDENT STATUS

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

1. Before 1 January 2005, the person obtained a work permit or worked in the local job market without NATO Status of Forces Agreement (SOFA) status while residing in the host country.

2. After 1 January 2005, the person obtained a residence permit and engaged in a business activity or was employed in the local job market while residing in the host country. This includes a person who has requested a residence permit for working purposes or to pursue gainful employment.

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

   a. In Belgium: 90 days.
   b. In Germany: 1 year.
   c. In Italy: 1 year. If a person has physically resided in Italy for less than 1 year without affiliation with the U.S. Forces, he or she is ordinarily resident if either of the following is true:
      1. The person registered as a residente in the municipal register (Ufficio Anagrafe) of the town where residing.
      2. The person has taken other affirmative steps to avail himself or herself of permanent resident benefits.
   d. In the Netherlands: 24 hours. Military members who apply for a position before separation and are hired within 90 days after separation are exempt from the 24-hour restriction.
   e. In the United Kingdom: 1 year.

NOTE: The above definition of ordinarily resident status applies in all countries unless a different definition has been agreed on with the host country. To no longer be considered ordinarily resident, the individual and applicable family members (spouse and dependent children) must form an affiliation with another country and establish a bona fide resident status in that country for the minimum amount of time required by the former country’s rules to terminate ordinarily resident status in that specific country.

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

c. Commanders may use flexibility when applying the ordinarily resident status rule to applicants who have passed the 1-year residency point but have not reached the 18-month point since the dates of application, referral, and selection for employment, and have met one or more of the following:

1. Have been present as students or in another nonpermanent status.

2. Are traveling on business or vacation from a point of origin outside Germany (applies only in Germany).
(3) Have been out of the country in which they were allegedly ordinarily resident for substantial periods of time. Substantial periods of time will be determined on an individual basis and will include an examination of all connections retained with the host country.

(4) Are present without ever having held a local (non-SOFA status) job and have applied for civilian-component jobs during that time (for example, former members of the U.S. military who retired locally and were barred from U.S. Government employment for 180 days after retirement).

d. When commanders determine that one of the criteria in c above may apply, they must request a review of ordinarily resident status to determine whether or not an applicant may be employed in an APF position under U.S. employment conditions. Requests for review must be sent through the chain of command to the civilian personnel advisory center (CPAC) and include the following:

   (1) Proof that the applicant meets one of the criteria in c(1) through (4) above.

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

5-1.2. APPLICATION AND SELECTION PROCEDURES

a. Applications. Applicants will submit a résumé according to the instructions in the Army Job Application Kit at http://www.cpol.army.mil.

   (1) Applications will not be accepted from persons with ordinarily resident status in the host country where the vacant position exists.

   (2) Family members in foreign areas may be appointed to temporary and term positions using the Schedule A 213.3106(b)(6) appointment authority using outside the register (OTR) procedures. All non-family members hired in the overseas area in temporary or term positions must be hired either through competitive service DE procedures or through individual noncompetitive appointment eligibility. Noncompetitive term and temporary appointments must be made in accordance with 5 CFR 316.302(b).

   (3) When considering family-member applicants through OTR procedures for term positions, the following apply:

      (a) For U.S. positions, veterans must be given an opportunity to apply when agencies consider applicants external to the agency. In these cases, the minimum area of consideration must include the following sources of applicants: individuals eligible for family-member appointment, VRA and 30-percent disabled veterans, and individuals eligible for reinstatement. Management has the option of considering veterans and other candidates through competitive DE procedures.

      (b) For LN positions, the minimum area of consideration should include applicants eligible for a family-member appointment. There is no requirement to include VRA and 30-percent disabled veteran applicants since these appointments can be made only when filing U.S. positions. Veterans preference does not apply.

b. Order of Referral and Selection.

   (1) Eligible applicants who meet appointment requirements for U.S. positions will be referred for temporary appointments NTE 1 year in the following order:

      (a) Veterans-preference applicants.

      (b) Military spouse preference (MSP) and family member preference (FMP) applicants.

      (c) Applicants without preference.

   (2) Applicants without preference or family-member status will be selected only when—

      (a) There are no applicants in higher priority groups.

      (b) Passing over or not selecting applicants in higher priority groups has been authorized (c below).
(3) Active-duty military personnel will not be appointed until one of the following conditions is met:

(a) The military member is on terminal or transitional leave.

(b) The military member has been separated from the military.

c. Passing Over Veterans-Preference Applicants. Management must justify passing over an applicant with veterans preference. CPACs will review the justification and concur or nonconcur according to the procedures in appendix E.

5-1.3. HOME LEAVE
Appendix F provides policy and procedures for home leave.

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

(1) Employees subject to a rotation agreement who complete their initial overseas tour may have their overseas tours extended for up to 24 months. Extensions may be approved by general officers, senior executive service personnel, commanders of USAREUR major subordinate and specialized commands (AE Reg 10-5, app A), HQ USAREUR/7A staff principals and their equivalents, and assistant staff principals.

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

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

NOTE: If a supervisor or manager in the employee’s chain of command disapproves the extension based on the employee or position not meeting DOD or locally developed criterion and the criteria in (a) above, the request should not be forwarded to the approving authority in (1) above.

(2) Appendix G provides guidance for making extension decisions. AE Form 690-300.301B will be used to process requests for extensions.

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

(a) Only general officers, senior executive service personnel, commanders of USAREUR major subordinate and specialized command, and HQ USAREUR/7A staff principals and their equivalents may approve tour extensions beyond 5 years or authorize a position to be exempt from the DOD overseas rotation policy. 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.

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

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

1. Frequent contact involves frequent (almost daily) interaction with host country representatives by telephone, by e-mail, in person, or in writing. Positions that do not meet this definition are those that merely require frequent contact with host country representatives but the contacts are not of a sensitive, mission critical, or diplomatic nature.

2. Official of the host nation is an individual publicly recognized by or an authoritative representative of a host country institution; discipline; or local, state, or federal government.
3. **Current detailed knowledge** is demonstrable intellectual grasp of particulars about present host country issues within the employee’s area of responsibility and level of authority.

4. **Usually cannot be acquired outside the host nation** refers to information other than that which is gained through personal rapport or familiarity with procedural or unwritten intricacies and that cannot be acquired through classroom, Internet, or other sources. The key word is *usually*.

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

(d) When a position is designated exempt from rotation by an approval authority in (a) above, the exemption criteria must be documented in the position description by the statement: “This position is exempt from rotation per DOD 1400.25-M, subchapter 4-2a(1)(a).” Employees occupying exempt positions are not bound by provisions of the DOD overseas rotation policy and do not sign a rotation agreement.

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

**c. Administrative Tour Extensions.**

(1) Civilian employees whose overseas tours expire while they are deployed to support official missions (temporary duty (TDY) or temporary change of station (TCS)) will have their overseas tour administratively extended for 12 months after the date they return from deployment. This extension will allow time for management to make a tour-extension decision and enable the employee to register in the DOD PPP. AE Form 690-300.301C will be used to process administrative tour extensions.

(2) Civilian employees who entered on active duty (AD) and took military leave or leave without pay (LWOP) from their civilian positions will have their overseas tour dates (both current tour enddate and, if the employees had not worked 5 years overseas before serving on AD, the 5-year tour date) administratively extended for the equivalent of the entire period they served on AD. If civilian employees are placed on AD and participate in contingency operations for a period of 180 days or more and if the adjusted tour date is sooner than 18 months from the date of return, an additional adjustment will be made to extend the tour enddate to 18 months from the date of return to civilian duty. This will ensure the employee has at least 1 year before being required to register in PPP (6 months before the expiration of their current tour) or to exercise re-employment rights. The tour, however, may be curtailed if the employee requests this and management agrees.

(3) The adjustment to tour dates in (1) and (2) above does not change the 5-year time limit for statutory return rights to an employee’s former position in the United States. Only the organization that granted the return rights has the authority to extend those rights beyond the original 5-year date.

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

**e. Locally Hired Family Members.**

(1) Locally hired family members on career or career-conditional appointments who lose family-member status must inform the CPAC of the status change. Management may allow these employees to remain employed overseas and be subject to a rotation agreement by signing of AE Form 690-300.301A.

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

(3) When the initial rotation agreement is complete, all periods of APF employment in a foreign area not interrupted by 1 year’s residence in a nonforeign area will be used to compute the 5-year limit on overseas employment. If the 5-year limit is met at the completion of the rotation agreement, the employee may be immediately subject to rotation to the United States.

**f. VRAs.** When an individual accepts a VRA, the rotation-agreement effective date is the VRA effective date.

(1) Rotation agreements will be for a minimum of 30 months and a maximum of 36 months. This agreement will allow 24 months before conversion to career or career-conditional appointment and at least 6 months after conversion. For example, an employee with 3 months DOD APF service in a foreign area on the effective date of the VRA will be required to sign a 33-month rotation agreement. An employee with 7 months or more DOD APF service in a foreign area will be required to sign a 29-month rotation agreement. An employee with no DOD APF service in a foreign area will be required to sign a 36-month rotation agreement.
(2) VRA employees are subject to the 5-year limit for working in an overseas area after their conversion to a career or career-conditional appointment. Periods of DOD APF employment not interrupted by 1 year’s residence in the United States will be used to compute the 5-year limit. If the 5-year limit is met at the time of conversion, the employee may be immediately subject to rotation to the United States.

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

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

(a) They have been in GS-6 or lower grade positions or in nonsupervisory wage-grade positions since before the revised DOD 1400.25-M was implemented on 24 August 1988.

(b) They remain in GS-6 or lower grade positions or nonsupervisory wage-grade positions.

g. Change in Appointment or Exemption Status.

(1) The effective date of the rotation agreement for an employee whose position status changes from “exempt from rotation” to “covered under the DOD rotation policy” will be the status-change effective date. The rotation agreement for these employees will be 24 months.

(2) The rotation agreement for nonappropriated fund (NAF) employees who are converted to APF employment will be 36 months.

(3) The rotation agreement for employees subject to the provisions of the DOD rotation policy who are on temporary, term, or OSL NTE appointments who are subsequently converted to career or career-conditional appointments will be 24 months.

(4) Employees in grades GS-6 or lower or in nonsupervisory wage-grade positions—regardless of the type of appointment they occupy—who were exempt from the DOD rotation policy before 24 August 1988 will continue to be exempt from rotation if they remain continuously employed at these grade levels. If an employee leaves a position at a grade level that is exempt under this provision, the exemption no longer applies even if the employee is later employed at this level. Employees on career or career-conditional appointments will sign a 24-month rotation agreement that will be effective the date of the employee’s status change.

(5) When the initial period of time in the rotation agreement is complete, all periods of APF employment not interrupted by 1 year’s residence in the United States will be used to compute the 5-year limit. If the 5-year limit will be met at the completion of the rotation agreement, the employee may be immediately subject to rotation to the United States.

h. Curtailment and Improperly Extended Overseas Tours. Persons authorized to approve extensions beyond the initial overseas tour (para 5-3a(1)) may—

(1) Curtail overseas tours. The employee must be informed in writing of the reason for the curtailment. Reasons to curtail tours include the following:

(a) Change in the organization’s mission.

(b) Major restructuring of the organization.

(c) Downsizing within the organization.

(2) Correct improperly extended overseas tours. The employee must be informed in writing why the tour-expiration date is being corrected. Improperly extended tours include those that were approved—

(a) Without management first determining that the position would continue for the length of the approved extension.

(b) Based on an incorrect date eligible for return from overseas (DEROS).
Paragraph 7-1, General. Add subparagraph c as follows:

   c. Loss of Preference. FMP and MSP are designed to help family members obtain initial employment at the sponsor’s new duty station. Family members and military spouses will lose their employment preference when they gain initial employment in a continuing position with any APF or NAF DOD activity, including AAFES-Eur, Navy Exchange, the Stars and Stripes, and other DOD components. Family members and military spouses will lose their employment preference if they decline an offer of a continuing position, decline a management request for a job interview, or state that they are no longer available for a position at the time the selecting official (or his or her representative) inquire about their availability. Once preference is used to gain initial employment in a continuing position or lost, the family member or military spouse will have no preference entitlement until after the sponsor’s next permanent change of station (PCS) move.

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

   a. MSP—

      (1) May not be used if it violates laws or regulations related to veterans preference or nepotism.

      (2) May be used after each PCS move without limit for noncontinuing positions until eligibility is lost due to acceptance or declination of an offer of a continuing position, declination of a management request for a job interview, or statement by the spouse that he or she is no longer available for a position when a selecting official (or his or her representative) inquires about the spouse’s availability. A continuing position is a position to which appointment may be made without time limitation and that requires a fixed work schedule (part-time or full-time).

      (3) May not be used after a PCS move if the purpose of the move is for the military sponsor’s separation or retirement from the military.

      (4) May not be used when one member of a dual-military couple retires or separates from the military (voluntarily or involuntarily) and seeks Federal employment in the same commuting area. However, the individual separating or retiring is eligible for FMP.

      (5) Applies to the commuting area of the military sponsor and is based on how far the applicant is willing to travel for employment each day.

      (6) Applies if the sponsor and spouse are married before the sponsor’s reporting date at the new duty station.

      (7) Applies when the spouse arrives in the overseas area.

      (8) Applies if the spouse is determined to be best qualified and referred on a competitive referral list.

      (9) May be used for initial employment in a continuing position.

      (10) Will not be lost when MSP candidates accept temporary time-limited appointments or permanent intermittent positions.

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

   b. The persons listed in paragraph H-2a may approve exceptions to MSP selections. Locally developed criteria for granting exceptions must be in writing. This criteria will be developed by the CPAC with the appropriate approving authority. Exceptions to MSP selection will not be granted without this written criteria.

   c. The CPAC may approve restoration of MSP. Appendix H provides procedures for processing exceptions to and restoration of MSP and FMP.

   d. Regardless of personal competitive status, a U.S.-citizen military spouse selected for an LN position will be appointed under Schedule A 213.3106(b)(6) authority. Veterans preference does not apply to positions designated for LN occupancy.
e. Military spouses with competitive status will be given competitive appointments if the position is restricted to U.S. citizens. A spouse with competitive status serving in an LN position under a Schedule A 213.3106(b)(6) family-member appointment who is selected for a U.S. position will be processed as a “conversion to reinstatement.”

f. Military spouses who are not U.S. citizens will be given the same consideration as U.S.-citizen spouses for LN vacancies. This applies to all foreign areas except where host-nation agreements or treaties provide otherwise.

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

h. MSP will be applied as follows:

(1) MSP applies when the selecting official decides to select from a competitive list.

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

(3) MSP candidates do not block the selection of a veteran with preference from a source in which veterans preference is applied (for example, DE, temporary, term appointment).

(4) Noncompetitive sources may be used to fill a position without regard to MSP (for example, persons eligible for VRA, 30-percent or more disabled veteran, reinstatement, transfer, DOD reassignment, change-to-lower grade, OPM interchange-agreement).

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

a. In the absence of a military spouse entitled to preference, family members* will be given preference in employment when filling positions competitively through external-placement procedures at the GS-1 through GS-15 and equivalent levels. A “family member” is defined by Department of Defense Instruction (DODI) 1400.23 as “the spouse, or unmarried dependent children, including stepchildren, adopted children, and foster children not more than 23 years of age residing with a member of the U.S. Armed Forces or a U.S. citizen civilian employee of a U.S. Government Agency, including nonappropriated fund activities whose duty station is in a foreign area. Once appointed, unmarried dependent children may be retained until their sponsor departs from the commuting area of his or her duty station or completes current period of service requirement, whichever occurs first.” When an AD member of a dual military couple either separates or retires from military service overseas and applies for civilian employment as a family member, he or she is considered a family member with preference. A person who gains family-member status while in the overseas area and applies for civilian employment as a family member is also considered a family member with preference.

*NOTE: Per DODI 1400.23, family members of locally hired civilian employees are not entitled to FMP.

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

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

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

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

f. FMP ends when a “family member” obtains or declines a continuing APF or NAF position (including employment with AAFES-Eur, Navy Exchange, Stars and Stripes, and other DOD components). A continuing position is a position expected to last 1 year or longer regardless of the work schedule (full-time, part-time, and intermittent). Family members who obtain temporary positions expected to last 1 year or longer use their FMP at the time of the initial appointment or on the effective date of the extension.
g. The phrase “residing with” used in the definition of “family member” (a above) relates to both the spouse and the dependent children of the sponsor. Family-member status need not be established before the sponsor’s transfer to an overseas assignment.

h. FMP—

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

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

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

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

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

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

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

(2) Extension of the sponsor’s tour does not extend the appointment of the unmarried dependent child who has reached his or her 23d birthday.

(3) If an unmarried dependent child’s sponsor is exempt from rotation requirements, the child may continue employment until the earliest date the sponsor is eligible for renewal agreement travel after the child reaches his or her 23d birthday.

Paragraph 7-4, LN Positions. Add subparagraphs a through c as follows:

a. Family members of locally hired APF and NAF employees will receive consideration for LN positions; however, these family members will not receive FMP. This applies to all foreign areas except where host-nation agreements or treaties provide otherwise.

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

c. Non-U.S.-citizen family members will be given the same consideration as U.S.-citizen family member for LN vacancies.

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

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

b. General officers, senior executive service personnel, commanders of USAREUR major subordinate and specialized commands; HQ USAREUR/7A staff principals and their equivalents, and assistant staff principals may approve an extension of a Schedule A 213.3106(b)(6) family-member appointment for up to 1 year after the sponsor’s tour ends or after the employee loses family-member status. There is no provision for further extending a family-member appointment beyond this 1-year period.
(1) Appointment extensions—

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

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

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

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

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

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

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

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

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

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

(a) Supervisors will grant 1 year of T-LWOP to eligible employees relocating to CONUS who apply for T-LWOP. Eligible employees will complete AE Form 690-300.301D to request T-LWOP.

(b) The approved T-LWOP and the family member in the T-LWOP status will not be affected if the employee’s job or activity is abolished.

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

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

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

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

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

(5) AL will not be granted after the employee has entered a T-LWOP status. Personnel actions will not be processed to return an employee to duty solely to use AL and then return to a nonpay status. Employees who wish to receive compensation for their accrued AL after entering a T-LWOP status will be informed that they must resign to do so.
Paragraph 7-7c, Remaining in Foreign Area. Add the following:

Family members who remain in the area after losing family-member status may apply for continued employment as external, non-family-member applicants for direct-hire U.S. positions under any source for which they are eligible until such time as they become ordinarily resident (para 5-1.1). Family members eligible to continue employment are those on a career or career-conditional appointment in a position that is either subject to rotation policy or exempt from rotation requirements.

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

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

To pass over an applicant with veterans preference, the civilian personnel advisory center (CPAC) must obtain approval according to this appendix.

**NOTE:** The glossary explains the abbreviations.

<table>
<thead>
<tr>
<th></th>
<th>Excepted Service</th>
<th>Career Appointment/</th>
<th>Temporary</th>
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<tr>
<td></td>
<td>CFR 302</td>
<td>Term 5 CFR 316 and 332</td>
<td>5 CFR 332</td>
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<td>Family Member, VRA</td>
<td>Direct Hire, DE</td>
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<td>5-Point Veteran</td>
<td>Approved Authority</td>
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<td>Chief, CPAC (note 1)</td>
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<td>5 CFR 332.406(b)</td>
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<td></td>
<td></td>
<td>5 CFR 339.306(b)</td>
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<td>Chief, CPAC (note 1)</td>
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<td></td>
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<td>OPM (note 2)</td>
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<td>5 CFR 302.401(b)</td>
<td>5 CFR 332.406(b)</td>
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<td></td>
<td></td>
<td>5 CFR 339.306(b)</td>
<td>5 CFR 339.306(b)</td>
</tr>
<tr>
<td>30-Percent (or more) Disabled Veteran</td>
<td>Approved Authority</td>
<td>Chief, CPAC (note 1)</td>
<td>OPM</td>
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<tr>
<td></td>
<td></td>
<td>OPM (note 2)</td>
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<td></td>
<td>Reference</td>
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<td>5 CFR 332.406(b)</td>
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<td></td>
<td></td>
<td>5 CFR 339.306(b)</td>
<td>5 CFR 339.306(b)</td>
</tr>
</tbody>
</table>

**NOTES:**
1. For qualification or suitability issues.
2. For medical disqualification.
APPENDIX F
HOME LEAVE

F-1. GENERAL

a. U.S. Government employees who were originally recruited in the United States or U.S. territories or possessions and who transfer to a foreign area are eligible for home leave (45-day maximum annual leave accumulation as documented on their SF 50-B). Employees must serve 24 months of continuous service outside of the United States to be eligible for home leave.* Continuous service in positions (such as teaching positions) under a different employee-leave system will be included as part of the 24 months. These employees also must—

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

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

(a) Another U.S. Government agency.

(b) A U.S. firm, interest, or organization.

(c) An international organization in which the United States participates.

(d) A foreign government.

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

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

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

d. Home-leave approval is discretionary. The employee will submit an OPM Form 71 to request home leave and indicate the leave destination. The employee’s supervisor is the leave-approving authority and must have approved the leave before it was taken. Only time spent in the United States or in U.S. territories or possessions may be charged as home leave.

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

F-2. LEAVE-FREE TRAVEL
Employees who are authorized home leave are entitled to leave-free travel time when they take home leave. This entitlement is limited to one leave period for each overseas tour.

a. Leave-free travel time—

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

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

b. For personnel on worldwide mobility agreements, home leave may be granted for use en route to an assignment in CONUS if another foreign area tour is expected immediately after completing the U.S. assignment.
F-3. HOME LEAVE DURING BASE CLOSURE AND REALIGNMENT

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

b. Management may approve home leave for an employee to seek future employment regardless of the 6-month remaining service requirement (para F-1e). Approval will be based on management’s knowledge of the potential reductions and the effect of the reduction on the employee’s ability to remain employed.
APPENDIX G
GUIDANCE FOR MAKING TOUR-EXTENSION DECISIONS

G-1. POLICY

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

   (1) Extensions beyond 5 years may be granted in extremely rare situations.

   (2) To be eligible for extensions beyond 5 years, the employee must—

      (a) Be rated at least fully successful.

      (b) Have the knowledge, skills, and abilities required for the position.

      (c) Have successfully adapted to the foreign work and cultural environment.

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

G-2. APPROVING AUTHORITIES

Only general officers, senior executive service personnel, commanders of USAREUR major subordinate and specialized commands (AE Reg 10-5, app A), and HQ USAREUR/7A staff principals and their equivalents may approve extensions beyond 5 years.

NOTE: If a supervisor or manager in the employee’s chain of command disapproves the extension based on the employee or position not meeting DOD or locally developed criteria, the request should not be forwarded to the approving authority.

G-3. TOUR-EXTENSION DECISIONS

a. The approving authority will consider the following when making tour-extension decisions:

   (1) The organization’s ability to offer continued employment throughout the period of the extension.

   (2) Whether or not the extension will result in the employee’s loss of return rights.

   (3) The effect the extension will have on the ability to place surplus employees within the theater.

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

   (1) Address the availability of surplus employees with substantial time remaining on their tours in their recommendation to the approving authority.

   (2) Evaluate the effect that continued service in the same location or organization would have on the employee’s professional development, competitiveness with peers, and potential for promotion.

   (3) Make a recommendation to the approving authority in writing.

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

   (1) An assessment of the benefits to be gained in terms of the organization’s mission needs.

   (2) Written documentation or the ability to collect documentation to support the decision.

   (3) A comparison of the tour-extension decision with employees in similar situations.
(4) Consistency in the reasons for all tour-extension decisions (d(1) through (5) below).

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

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

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

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

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

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

(5) Simultaneous DEROS of other employees in the same career field.

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

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

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

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

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

(5) To synchronize rotation and transportation agreements.

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

(1) Employees who were considered for tour extensions.

(2) Employees who were extended.

(3) Employees who were not extended.

(4) The reasons for management’s decision to extend or not to extend employees.

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

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

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

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

(4) Base the decision or any part of the decision on the employee’s race, national origin, age, sex, or disability.
APPENDIX H
PROCESSING EXCEPTIONS TO AND RESTORATION OF MILITARY SPOUSE AND FAMILY MEMBER PREFERENCE

H-1. POLICY

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

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

   (1) Inability of management to reach a certain candidate on a referral list.
   (2) Inability of an applicant to be selected because preference has been used.
   (3) Lack of knowledge about MSP or FMP.

H-2. APPROVAL

a. General officers, senior executive service personnel, commanders of USAREUR major subordinate and specialized commands (AE Reg 10-5, app A), HQ USAREUR/7A staff principals and their equivalents, and assistant staff principals may approve an exception to preference when there is a policy in place that provides for approval of exceptions to spouse preference (para 7-2b).

b. Only the civilian personnel advisory centers (CPACs) may approve spouse-preference restoration. Restoration requests and approval files must include supporting documents (para H-3c).

H-3. EXCEPTIONS TO MSP AND FMP

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

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

c. CPACs will send approved exception requests by e-mail to the Civilian Personnel Operations Center (CPOC) with all documentation to support the nonselection of the MSP and FMP candidate. The following documents must be kept in the vacancy announcement case file:

   (1) An annotated referral list documenting interest, availability, and eligibility.
   (2) A current signed copy of the commander’s MSP pass-over policy.
   (3) Written justification from management for reasons for the request.
   (4) Supporting documentation (for examples, résumés, position descriptions, qualification standards, statements from security office verifying difficulties in obtaining a security clearance).
   (5) A copy of the memorandum signed by the head of the organization (or equivalent-level, authorized official as stated in the organization’s MSP pass-over policy) approving or disapproving nonselection of the MSP candidate.

H-4. RESTORATION OF FMP
FMP that has been used may be restored for persons on permanent appointments who experience unanticipated displacement less than a year after the appointment date. In these cases, CPACs will submit requests to approve restoration of FMP to the CPOC.
APPENDIX I
MSP AND HIGHEST GRADE PREVIOUSLY HELD

The chart in this appendix must be used to determine military spouse preference (MSP) grade eligibility.

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<thead>
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<th>If applicant is—</th>
<th>Appointment type is—</th>
<th>Type of service is—</th>
<th>Then, MSP eligibility is—</th>
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</thead>
<tbody>
<tr>
<td>Current employee (including those who are on leave without pay)</td>
<td>Permanent or temporary longer than 1 year</td>
<td>Excepted service or competitive service</td>
<td>Highest grade for which applied and determined to be best-qualified.</td>
</tr>
<tr>
<td>Reinstatement eligible</td>
<td>Not applicable</td>
<td>Competitive status</td>
<td>Highest grade for which applied and determined to be best-qualified.</td>
</tr>
<tr>
<td>Not reinstatement eligible (may have had previous career-conditional experience)</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td>Highest grade for which applied and determined to be best-qualified.</td>
</tr>
<tr>
<td>Former employee eligible only for family-member appointment and had more than 52-week break in service</td>
<td>Schedule A, family-member appointment</td>
<td>Excepted service</td>
<td>Highest grade for which applied and determined to be best-qualified.</td>
</tr>
</tbody>
</table>
APPENDIX J
REFERENCES

SECTION I
PUBLICATIONS

NATO Status of Forces Agreement

Executive Order 12721, Eligibility of Overseas Employees for Noncompetitive Appointments

5 USC 2302, Prohibited Personnel Practices

5 CFR 302, Employment in the Excepted Service

5 CFR 316, Temporary and Term Employment

5 CFR 332, Recruitment and Selection Through Competitive Examination

5 CFR 335, Promotional and Internal Placement

5 CFR 339, Medical Qualification Determinations

5 CFR 731, Suitability

Joint Travel Regulations, volume II, Department of Defense Civilian Personnel

DOD Instruction 1400.23, Employment of Family Members of Active Duty Military Members and Civilian Employees Stationed in Foreign Areas


AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 690-300, Employment (Civilian Personnel)

AR 690-700, Personnel Relations and Services (General)

AR 690-950, Career Management

AE Regulation 10-5, HQ USAREUR/7A and Select Commands

SECTION II
FORMS

SF 50-B, Notification of Personnel Action

OPM Form 71, Request for Leave or Approved Absence

DD Form 2365, Overseas Emergency-Essential Position Agreement, DOD Civilian Employee

DD Form 2792, Exceptional Family Member Medical Summary

DD Form 2792-1, Exceptional Family Member Special Education/Early Intervention Summary

DA Form 2028, Recommended Changes to Publications and Blank Forms

DA Form 5863, Exceptional Family Member Program Information Sheet
AE Form 690-300.301A, Rotation Agreement for Family Members With Career or Career-Conditional Status Who Lose Family-Member Status While Employed Overseas

AE Form 690-300.301B, Overseas Tour Extension, Request for Decision

AE Form 690-300.301C, Administrative Tour Extension

AE Form 690-300.301D, Application for Terminal Leave Without Pay (T-LWOP)
<table>
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<tr>
<th>Abbreviation</th>
<th>Definition</th>
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<tr>
<td>AAFES-Eur</td>
<td>Army and Air Force Exchange Service, Europe</td>
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<tr>
<td>AD</td>
<td>active duty</td>
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<tr>
<td>AKO</td>
<td>Army Knowledge Online</td>
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<tr>
<td>AL</td>
<td>annual leave</td>
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<td>APF</td>
<td>appropriated fund</td>
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<td>CCPM</td>
<td>command career program manager</td>
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<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
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<tr>
<td>CG, USAREUR/7A</td>
<td>Commanding General, United States Army, Europe, and Seventh Army</td>
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<td>CHRA-E</td>
<td>Civilian Human Resources Agency, Europe Region</td>
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<td>Department of Defense instruction</td>
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<td>United States Army Europe Regional Medical Command</td>
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<td>FMP</td>
<td>family member preference</td>
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<td>Headquarters, United States Army, Europe, and Seventh Army</td>
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<td>JTR</td>
<td>Joint Travel Regulations</td>
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<td>Priority Placement Program</td>
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<td>United States Army, Europe</td>
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<td>USC</td>
<td>United States Code</td>
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<td>VRA</td>
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