

MS 601 Administration of the Peace Corps Direct Hire Personnel System

Effective Date: March 31, 2020

Responsible Office: Office of Human Resources (HR)

Supersedes: 03/13/19; 09/27/18; 02/12/16; 06/24/15; 04/09/14; 03/01/13; 01/07/13; 05/25/12; 02/02/11; 07/27/10; 07/15/98; 05/10/84; 06/08/67

Issuance Memo (07/27/2010)

Issuance Memo (07/08/2011)

Issuance Memo (09/13/2011)

Issuance Memo (05/25/2012)

Issuance Memo (01/07/2013)

Issuance Memo (03/01/2013)

Issuance Memo (04/09/2014)

Issuance Memo (06/24/2015)

Issuance Memo (02/12/2016)

Issuance Memo (09/27/2018)

Issuance Memo (03/13/2019)

Issuance Memo (03/31/2020)

Table of Contents

- 1.0 Purpose
- 2.0 Peace Corps Direct Hire Personnel System
 - 2.1 General
 - 2.2 Foreign Service Members
 - 2.3 General Schedule
 - 2.4 Time Limits
 - 2.5 Unlimited Status
 - 2.6 Country Directors
 - 2.7 Foreign Nationals
 - 2.8 Senior Foreign Service
 - 2.9 Experts and Consultants
- 3.0 Policy
 - 3.1 General
 - 3.2 Human Resource Council
 - 3.3 Compatibility with the Foreign Service System
 - 3.4 Equal Employment Opportunity
 - 3.5 Political Discrimination
 - 3.6 Negotiated Agreement
 - 3.7 Veterans Preference
 - 3.8 Basic Qualifications for Peace Corps Employment -- U.S. Staff
 - 3.9 Overseas Service
- 4.0 Recruitment and Selection
 - 4.1 Overseas Employees

- 4.2 Full-Time Positions in the United States
- 4.3 Temporary Positions and Confidential/Policy Making Positions
- 5.0 Appointments
 - 5.1 Foreign Service (U.S. Citizen) (FP)
 - 5.2 Foreign Service (U.S. Citizen) Temporary
 - 5.3 Foreign Service National (FSN)
 - 5.4 Presidential Appointments
 - 5.5 Experts and Consultants
- 6.0 Salary Determination
 - 6.1 Applicants not Currently Employed by the U.S. Government
 - 6.2 Applicants Transferring from Another Federal Agency
 - 6.3 Eligibility for Periodic Step Increases
- 7.0 Non-competitive Eligibility
 - 7.1 Peace Corps Employees
 - 7.2 Returned Peace Corps Volunteers (RPCVs)
 - 7.3 Peace Corps Response Volunteers (PCRVs)
 - 7.4 VISTA Volunteers
 - 7.5 Non-Competitive Hiring for People with Disabilities
 - 7.6 Use of Non-Competitive Selection Process
- 8.0 Non-Competitive Eligibility for Returned Peace Corps Volunteers
 - 8.1 Definitions
 - 8.2 Eligibility
 - 8.3 Application Process
 - 8.4 Selection Process
- 9.0 Promotions
- 10.0 Termination of Appointments
- 11.0 Effective Date

Reference: Executive Order 13583, August 18, 2011, subject: Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce

Attachments

Attachment A - Human Resource Council Charter and By-laws

Attachment B – Veterans’ Preference Passover Guidance

Attachment C – Country Director Selection Process Guidance

1.0 Purpose

This Manual Section describes the overall policies and authorities of the Peace Corps Direct Hire personnel system. The basic authority for the Peace Corps personnel system is Section 7 of the Peace Corps Act, which authorizes the Peace Corps to use the Foreign Service personnel system contained in the Foreign Service Act of 1980 as its exclusive personnel system for all Direct Hire employees except the Director, Deputy Director, and experts and consultants. This Manual Section does not apply to the selection of a personal services contractor position.

2.0 Peace Corps Direct Hire Personnel System

2.1 General

The Peace Corps Direct Hire personnel system, while it uses the Foreign Service Act of 1980 as its source of authority, is unique. Section 7(a)(2) (22 USC 2506(a)(2)) of the Peace Corps Act authorizes the President to "utilize such authority contained in the Foreign Service Act of 1980 relating to members of the Foreign Service and other United States government officers and employees as the President deems necessary to carry out functions under this Act..." The characteristics that make the Peace Corps system unique are that, with few exceptions, its U.S. citizen employees 1) are appointed for limited periods of time, and 2) may not be reemployed until a period of time equal to the time they were employed by the Peace Corps has elapsed. Since Peace Corps appointments are of limited duration, those provisions of the Foreign Service Act that apply exclusively to career or career candidate Foreign Service Officers do not apply to Peace Corps employees.

2.2 Foreign Service Members

Except as provided below, all Peace Corps employees other than the Director and Deputy Director and experts and consultants, are appointed members of the Foreign Service and receive time-limited non-career appointments using authority contained in Section 7(a)(2) of the Peace Corps Act and Section 303 of the Foreign Service Act of 1980 (22 USC 3943). U.S. citizen Foreign Service appointments are designated "FP" appointments.

The Peace Corps also has a rarely used authority under Section 7(a)(1) to appoint or assign individuals to overseas positions in the Peace Corps. Use of this authority requires the specific authorization of the Director and consultation with the Office of the General Counsel.

2.3 General Schedule

The Peace Corps does not have authority to use the General Schedule authorities contained in title 5, United States Code. The Peace Corps does not, therefore, make appointments in the competitive Civil Service or excepted service appointments under schedules A, B, and C.

2.4 Time Limits

Except as noted in Section 2.5, appointments of United States citizens to the Foreign Service by the Peace Corps shall generally be for a term of five years. In special circumstances where the agency's need for the position is greater than one year, but less than five years, the appointment may be made for less than five years, subject to Office of Human Resources (HR) approval. For appointments of one year or less, see the provisions on temporary appointments in Section 4.3. For experts and consultants see Section 2.9. Appointments are only for the time specified and automatically expire at the end of that time, unless extended under applicable provisions of the Peace Corps Act.

The Peace Corps Act generally limits Peace Corps employment to five years; authorizes the Director to extend appointments up to 30 months beyond five years, subject to certain restrictions, and up to 12 months under special circumstances to achieve specified statutory

purposes; and prohibits an employee whose appointment has terminated from receiving another appointment until the passage of a period of time equal to the prior length of service. An extension of an appointment is at the discretion of the Peace Corps and is not an employee right.

2.5 Unlimited Status

Certain Peace Corps employees are not subject to the time limits on Peace Corps employment. These employees include:

- (a) employees whose General Schedule appointments were at grade GS-8 or below prior to the repeal of Peace Corps' General Schedule appointment authority in October, 1965;
- (b) individuals whose appointment or assignment, such as safety and security officers, involves the safety of Peace Corps Volunteers;
- (c) the Inspector General and officers and employees of the Office of Inspector General;
- (d) the Victim Advocate and any additional victim advocates; and,
- (e) employees who held such appointments when they were involuntarily transferred to the Foreign Service from ACTION effective December 29, 1981, pursuant to Section 601(a) of Public Law 97-113.

2.6 Country Directors

Peace Corps Country Directors are appointed under authority of Section 7(c) of the Peace Corps Act. In general, their appointments are subject to the terms and conditions described in Section 7(a)(2) of the Peace Corps Act, except that their appointments may be terminated at the discretion of the Director at any time without notice, notwithstanding any other provision of law or this Manual.

2.7 Foreign Nationals

Foreign nationals may be appointed to the Foreign Service only for service abroad. Their appointments are not subject to the time limitations contained in Section 7(a)(2) of the Peace Corps Act. Foreign nationals may not be appointed to positions in the United States. See MS 602, "Foreign Service National (FSN) Personnel Administration."

2.8 Senior Foreign Service

Peace Corps appointments to the Senior Foreign Service are not subject to the five percent limitation on such appointments established by Section 305(b) of the Foreign Service Act of 1980. The Director reserves the right to make appointments or assignments to Senior Foreign Service positions on a competitive or non-competitive basis. (See MS 620 *Direct Hire Merit Selection and Promotion*, Section 7.2 Senior Foreign Service Announcements)

2.9 Experts and Consultants

Experts and consultants are appointed under authority of Section 13 of the Peace Corps Act.

3.0 Policy

3.1 General

Peace Corps personnel policy is set forth in the Peace Corps Manual and in those provisions of the Foreign Affairs Manual (FAM) and the Standardized Regulations (Government Civilians, Foreign Areas) applicable to the Peace Corps or adopted by reference in the Peace Corps Manual, and such other laws and regulations as may be applicable to federal employees generally, e. g., the Privacy Act and provisions of law relating to health benefits, severance pay, and equal employment opportunity, among others. In the absence of applicable provisions in those authorities, HR may refer to rules and policies promulgated by the Office of Personnel Management for general guidance.

The goal of the Peace Corps personnel policy is to create, within the parameters of applicable law, a personnel framework in which employees can work to their fullest capacity and contribute to the mission of the Peace Corps.

The Peace Corps is committed to the equitable and consistent application of personnel policy for all employees. Every effort should be made to inform all Peace Corps employees of the rules and regulations affecting their employment with the Peace Corps. Individual employees share the responsibility for keeping themselves informed of personnel policies and procedures.

Peace Corps is committed to realizing the goal of using the talents of all segments of society. Peace Corps must continue to challenge itself to enhance its ability to recruit, hire, promote, and retain a more diverse workforce.

3.2 Human Resource Council

The Senior Policy Committee (SPC) of the Peace Corps (see MS 002 *Peace Corps Manual: Authority and Revision Process*) has chartered the Human Resource Council (HRC) to serve as a forum for discussion of personnel matters, approval of procedures implementing certain personnel policies, and making personnel policy recommendations to the SPC. See Human Resource Council Charter and By-laws.

3.3 Compatibility with the Foreign Service System

In accordance with Sections 203 and 205 of the Foreign Service Act of 1980 the Peace Corps personnel system is administered, to the extent practicable, in a manner that ensures maximum compatibility with the other agencies authorized by law to use the Foreign Service personnel system and in conformity with the general policies and regulations of the government.

3.4 Equal Employment Opportunity

The Peace Corps provides equal employment opportunity regardless of race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, gender identity, gender expression, marital status, status as a parent, political affiliation, union membership, or history of participation in either the equal employment opportunity process or any grievance procedure in the recruitment and appointment of employees, and in all subsequent personnel actions. See MS 653 *Equal Employment Opportunity and Affirmative Employment*, and MS 655 *Employee Grievance Procedure*, for applicable complaint procedures.

3.5 Political Discrimination

The Peace Corps prohibits the application of political tests or political qualifications in appointment, promotion, or any other personnel action affecting personnel assigned to positions abroad, or to positions in the United States that are not confidential, policy making, policy determining, or policy advocating.

3.6 Negotiated Agreement

Certain Peace Corps employees (members of the "bargaining unit") are covered by the Negotiated Agreement between the Peace Corps and the Peace Corps Employees Union, which affects certain aspects of the Peace Corps personnel system as it relates to covered employees.

3.7 Veterans Preference

3.7.1 Applicability

Peace Corps' policy is to grant Veterans Preference in the open competitive examination process involving applicants from outside the Peace Corps, but not to grant Veterans Preference in a competitive process involving solely internal candidates, in the merit promotion process, or in the selection process of the following:

- (a) Appointments in the Senior Foreign Service except as provided in Section 7.2 of MS 620 *Direct Hire Merit Selection and Promotion*;
- (b) Positions designated as confidential and/or policy-making under the authority of the Peace Corps Director;
- (c) Appointments with an expected duration of less than 1 year;
- (d) Expert consultant positions authorized by Section 13 of the Peace Corps Act;
- (e) Participants in student programs;
- (f) Attorney positions;
- (g) Country Director positions;
- (h) Information security and cybersecurity positions;

- (i) Diagnostic Radiologic Technologist;
- (j) Medical Officer;
- (k) Nurse;
- (l) Pharmacist; and
- (m) Any other job series granted Direct Hire Authority by statute or the Office of Personnel Management (OPM).

3.7.2 Veterans Preference Ratings and Certificates

Veterans Preference is applied using the numerical rating and ranking of applicants based on their qualifications and includes additional points (based on a 100-point scale) based on Veterans Preference status, according to the following:

- (a) CPS Candidate – a 10-point Veterans Preference is provided to an eligible applicant, based on having a disability greater than 30%, who has provided HR a completed SF-15, along with the documentation required by the SF-15 demonstrating that the applicant is entitled to CPS status.
- (b) CP Candidate – a 10-point Veterans Preference is provided to an eligible applicant, based on a disability of at least 10% but less than 30%, who has provided HR with a completed SF-15, along with the documentation required by the SF-15 demonstrating that the applicant is entitled to CP status.
- (c) XP Candidate – a 10-point Veterans Preference is provided to an eligible applicant who has provided HR with Department of Defense documentation demonstrating that the applicant is entitled to XP status, as covered by the terms of 5 USC 2108.
- (d) TP Candidate – a 5-point Veterans Preference is provided to an eligible applicant who has provided HR with Department of Defense documentation demonstrating that his or her service is covered by the terms of 5 USC 2108.
- (e) SSP Candidate – a 0-point Veterans Preference is provided to an eligible applicant who has provided HR with Department of Defense documentation demonstrating that his or her service is covered by the terms of 5 USC 2108.

No other preference will be given to CPS, CP, XP, TP or SSP Candidates in compiling the Certificate.

If a position is advertised at multiple grades, Veterans Preference will be applied separately at each grade so that a CPS, CP, XP, TP or SSP Candidate who applies for only one grade will not appear on a Certificate for one of the other grades regardless of that applicant's Veterans Preference status. The Selecting Official will not be advised of the number of veterans on a Certificate before receiving that Certificate.

A Selecting Official who selects someone other than a CPS, CP, XP, TP or SSP Candidate from a Certificate must state in the selection memorandum why each CPS, CP, XP, TP or SSP Candidate on that Certificate is substantially less qualified than the person selected. The selection memorandum shall be in accordance with Peace Corps procedures regarding pass over of preference eligible. (See MS 620 *Merit Selection and Promotion*, Sections 6.2(g) and 9.1.)

3.8 Basic Qualifications for Peace Corps Employment - U.S. Staff

3.8.1 Applications for Employment

All applicants for Peace Corps employment shall submit such signed application or other information as may be prescribed from time to time by the Chief Human Capital Officer for HR. The information provided will be used to determine the applicant's qualifications for employment. Providing false information in connection with obtaining employment by the Peace Corps is grounds for non-selection or dismissal after appointment; and may be punishable by fine or imprisonment. (See MS 620 *Direct Hire Merit Selection and Promotion*.)

3.8.2 U.S. Citizenship

Employees of the Peace Corps, other than experts, consultants, and foreign national employees employed at Posts abroad, must be United States citizens.

3.8.3 Intelligence Background

See MS 611 *Eligibility for Peace Corps Employment or Volunteer Service of Applicants with Intelligence Backgrounds* for restrictions on employment of applicants who have been employed by intelligence agencies or otherwise associated with intelligence activities.

3.8.4 Security Investigations

As required by section 22 of the Peace Corps Act, all applicants for employment must undergo such investigations as may be prescribed by the Director.

4.0 Recruitment and Selection

The Peace Corps continues to seek outstanding candidates for its staff from all walks of life. Because Returned Peace Corps Volunteers (RPCVs) provide a vital and continuing source of well qualified candidates who are especially knowledgeable about the Peace Corps goals and operations, particular emphasis is given to the recruitment and selection of these applicants.

Peace Corps' hiring officials are responsible to ensure that selection panels are diverse and comply with the spirit and intent of Executive Order 13583, August 18, 2011, subject: Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce. When interview panels are used, hiring officials must consider the diversity of panel membership, including but not limited to race, gender, work experience, and national origin. All panels must also include at least one person (subject matter expert) whose professional background qualifies them to assess the technical qualifications of each interviewee.

4.1 Overseas Employees

4.1.1 Medical Clearance

U.S. citizen overseas employees and their dependents must be medically cleared. The Peace Corps' medical clearance program is administered by the Department of State's Office of Medical Services. See 16 FAM 120 for details of the medical clearance program.

4.1.2 Country Directors

The Director of the Peace Corps makes final selection decisions for all Country Directors, as they serve at the discretion of the Director. The selection process is as prescribed by the Director.

4.1.3 Other United States Citizen Overseas Employees

The selection of U.S. citizen employees, other than Country Directors and American Family Member employees, for service abroad is coordinated by HR. The Regional Director responsible for the country of assignment has final approval authority.

4.1.4 Foreign Service Nationals

See MS 602 *Foreign Service National (FSN) Personnel Administration*.

4.2 Full-time Positions in the United States

For positions filled through the competitive process, applicants must file an application with HR within the prescribed time period in order to be considered for the position in question. HR conducts a review of the applications and ensures compliance with the selection policies and procedures. Selection is made as provided in MS 620 *Direct Hire Merit Selection and Promotion*.

4.3 Temporary Positions and Confidential/Policy Making Positions

Temporary positions, experts and consultants, and confidential, policy making/policy determining/policy advocating positions are not required to be recruited competitively and are not subject to the merit selection and promotion procedures. No confidential/policy making/policy determining/policy advocating position may be established without the written approval of the Chief of Staff.

5.0 Appointments

5.1 Foreign Service (U.S. Citizen) (FP)

5.1.1 Probationary Period

Employees receiving Foreign Service appointments for a period of more than one-year, other than employees excepted in MS 613 *Trial Period Procedures for Foreign Service Employees*, are subject to a probationary period. The probationary period provided in MS 613 equals 20 percent

of an employee's initial tour length, except for U.S. direct hires assigned overseas as employees of the Office of Global Operations who will have an initial probationary period equaling 30 percent of the employee's initial tour length. The length of the applicable probationary period will be specified in the vacancy announcement for the position.

5.1.2 FP Employees

Peace Corps staff, other than Presidential appointees, experts and consultants, receive appointments as members of the Foreign Service under authority of Section 7 of the Peace Corps Act and the Foreign Service Act of 1980.

5.1.3 Extensions within the Five-year Period

Appointments made for less than five years, in accordance with Section 2.4, other than temporary appointments, may be extended for one or more additional periods but may not exceed a total of five years except as provided in Section 5.1.4. If an appointment is not to be extended beyond its expiration date, the employee will receive a 30 day advance notice in writing. Employees who provide HR evidence of reemployment rights to other federal agencies will receive 60 days advance notice in writing. Failure to give the required notice entitles the employee to an extension for the period necessary to give the required notice. Employees whose appointments expire because they have reached the five-year limit on employment, or the expiration date of an appointment beyond the five-year limit, are not entitled to an extension because of the Peace Corps' failure to give timely notice of the expiration date of the appointment.

5.1.4 Extensions Beyond Five Years

- (a) **One-year extension:** The Director of the Peace Corps has the authority to approve personally, on an individual basis, an extension of appointment not to exceed one year beyond the five-year limitation. Exercise of this authority is limited by law to "special circumstances." This authority may not be re-delegated.
- (b) **Two and one half year extension:**
 - (1) The appointment of an employee whose performance has been exceptional may be extended by the Director for not more than an additional two and one-half years to achieve one or more of the following purposes:
 - (i) To permit individuals who have served at least two and one half years abroad to serve in the United States.
 - (ii) To permit individuals who have served at least two and one-half years in the United States to serve abroad.
 - (iii) To permit individuals who have served at least two and one-half years in a recruitment, selection, or training activity to serve in an activity other than the one to which they have most recently been assigned.

- (iv) To promote the continuity of functions in administering the Peace Corps.
- (2) The number of appointments exceeding five years made under this authority (two and one half year extension beyond five years) may not at any time exceed fifteen percent of the total of all FP appointments of United States citizens currently in effect.

5.1.5 In/Out Rule

In accordance with the provisions of Section 7(a)(2) of the Peace Corps Act, Peace Corps U.S. citizen FP employees appointed under that section may not be reappointed before the expiration of a period of time equal to the amount of time served under a preceding appointment. "Preceding appointment" means the total consecutive period of FP employment of the individual by the Peace Corps, including all extensions or appointments to new positions. Time spent in positions within the Office of Inspector General or other positions excepted by statute from the provisions set forth in Section 7(a)(2) and Section 7(a)(5) of the Peace Corps Act shall count as time out of the Peace Corps for purposes of Section 7(a)(2)(B).

5.2 Foreign Service (U.S. Citizen) Temporary

Temporary Peace Corps employees, other than Foreign Service Nationals, receive appointments under Section 7(a)(2) of the Peace Corps Act for periods of one year or less. Exceptions to this limitation may be granted by the Chief Human Capital Officer for HR when continuation of a temporary appointment is determined to be necessary and in the best interest of the Peace Corps. At the termination of the temporary appointment or, if converted to a full-time appointment, the employee may not be reappointed before the expiration of a period of time equal to the amount of total time served under the temporary and any full-time appointment.

5.3 Foreign Service National (FSN)

See MS 602 *Foreign Service National (FSN) Personnel Administration*, Sections 5.1 and 6.0.

5.4 Presidential Appointments

The Director and Deputy Director of the Peace Corps are appointed by the President by and with the advice and consent of the Senate.

5.5 Experts and Consultants

In accordance with Section 13 of the Peace Corps Act, the Peace Corps may hire experts and consultants. An expert position is one that requires the services of a specialist to perform work on a temporary and/or intermittent basis. A consultant position is one that requires providing advice, views, opinions, alternatives, or recommendations on a temporary and/or intermittent basis on issues, problems, or questions presented by a federal official. Employment of experts or consultants must be approved by the Deputy Director or Chief of Staff (see MS 114 *Delegation of Authority*, Attachment F).

5.5.1 Expert Definition

An expert is a person who is specially qualified by education and experience to perform difficult and challenging tasks in a particular field, beyond the usual range of achievement of competent persons in that field. An expert is regarded by other persons in the field as an authority or practitioner of unusual competence and skill in a professional, scientific, technical, or other activity.

5.5.2 Consultant Definition

A consultant is a person who can provide valuable and pertinent advice generally drawn from a high degree of broad administrative, professional, or technical knowledge or experience or a person who is affected by a particular program and can provide useful views from personal experience.

5.5.3 Restrictions

An expert or consultant may not be appointed:

- (a) To do work performed by the agency's regular employees or to fill in during staff shortages.
- (b) To perform managerial or supervisory work (although an expert may act as team leader or director of the specific project for which he/she is hired), to make final decisions on substantive policies, or to otherwise function in the agency chain of command (e. g., to approve financial transactions, personnel actions, etc.).
- (c) To a position requiring Presidential appointment. This does not preclude appointing an individual as an expert or consultant while he/she awaits final action on a President appointment (subject to the conditions set forth in 5 CFR part 304) or final clearance on appointment to a senior level confidential, policy making, policy determining, and/or policy advocating position.

5.5.4 Reappointment Limits

An expert or consultant may be employed on an intermittent, part-time, or full-time work schedule. Expert and consultant appointments may not exceed one service year in length. A service year is the calendar year that begins on the date of the individual's initial appointment. Renewal is accomplished by "reappointment." An individual may be reappointed to an expert or consultant position without any limitation on the number of such reappointments.

6.0 Salary Determination

The Office of Human Resources is responsible for determining the grades and salaries offered to prospective Foreign Service and Senior Foreign Service employees, and to experts and consultants. The maximum rate of basic pay payable to Peace Corps SFS employees may not exceed level III of the Executive Schedule. The salary at the time of the initial appointment with

the Peace Corps will be at the first step of the grade appointed, except in those cases where the applicant's experience, education, salary history, or other relevant factors support a higher step. The Chief Human Capital Officer for HR may authorize the higher step where warranted. Verification of salary history may be requested, including copies of tax forms or other evidence of salary history, as appropriate.

6.1 Applicants not Currently Employed by the U.S. Government

Applicants will normally be offered a starting salary based on such factors as the applicant's special qualifications, salary history, the difficulty of filling the position, geographic cost of living differences, verifiable comparison of benefit package costs, or the employer environment (e.g., a non-profit setting or academia).

6.2 Applicants Transferring from another Federal Agency

6.2.1 Lateral Transfer

Applicants coming directly to the Peace Corps on lateral transfers will receive an initial salary that is closest to, but not less than, the grade and step of their previous position.

6.2.2 Transfer and Promotion

An applicant coming directly to the Peace Corps, who is promoted in connection with the transfer, will receive a salary that is the equivalent of two steps above (rounded to the next higher step) his/her previous salary.

6.3 Expert Rate of Pay

The rate of pay is based on the work to be performed. The requesting office recommends a pay rate to HR for approval and, if approved, HR will communicate the offer to the proposed appointee. The requesting office is not authorized to communicate rate of pay to a proposed expert or consultant.

The rate of pay will be set according to consideration of:

- (a) The level and difficulty of the work to be performed;
- (b) The qualifications of the expert or consultant required to perform the work;
- (c) The pay rates of comparable individuals performing similar work in Federal government or non-Federal government sectors;
- (d) The availability of qualified candidates;
- (e) Locality pay;
- (f) Annual pay adjustment; and
- (g) Duty station.

6.4 Range of Expert Rates of Pay

Experts or Consultants are paid at an hourly rate which normally may not exceed the hourly rate of Executive Level IV. Under special circumstances, the Peace Corps Director may set the hourly rate of pay for an Expert or Consultant up to the hourly rate of Executive Level III.

6.5 Eligibility for Periodic Step Increases

Peace Corps employees are eligible for a Periodic Step Increase, based upon satisfactory performance, 52 weeks after their initial appointment in the Foreign Service personnel system, if the initial appointment is to salary step 1 through 9. They are eligible in 104 weeks if the initial appointment is to step 10 through 13. Service in another federal government agency will count toward the waiting period for individuals appointed by lateral transfer under Section 6.2.1. See MS 622 *Direct Hire within Grade Salary Increases*, for more details on periodic and meritorious increases.

7.0 Non-competitive Eligibility

7.1 Peace Corps Employees

Peace Corps employees appointed under Section 7 of the Peace Corps Act who complete 36 months or more of continuous, satisfactory service are eligible for non-competitive appointment to the competitive service and to established merit systems in the excepted service of U.S. government executive branch agencies after separation from the Peace Corps, in accordance with applicable regulations.

7.2 Returned Peace Corps Volunteers (RPCVs)

Under Executive Order 11103; 28 Fed. Reg. 3571 (1963) and 5 CFR 315.605, Returned Peace Corps Volunteers (RPCVs) who served satisfactorily as Peace Corps Volunteers are eligible for non-competitive selection to a position in the Peace Corps for which they are qualified in accordance with Section 8.0 below.

7.3 Peace Corps Response Volunteers (PCRVs)

Under MS 285, Section 6.0, certain PCRVs who have served satisfactorily as PCRVs are eligible for Non-Competitive selection to a position in the Peace Corps for which they are qualified in the same manner as RPCVs.

7.4 AmeriCorps VISTA Volunteers

VISTA Volunteers who satisfactorily complete at least one year of AmeriCorps VISTA service are eligible for non-competitive appointment in the same manner as RPCVs.

7.5 Non-Competitive Hiring for People with Disabilities

Under Executive Order 13548, 75 Fed. Reg. 45039 (July 30, 2010), the Peace Corps promotes employment opportunities for individuals with disabilities by authorizing the non-competitive appointment of individuals with disabilities.

7.6 Use of Non-Competitive Selection Process

A selecting official may at any time decide not to use a non-competitive selection authority and request that a position be posted for competitive selection.

8.0 Non-Competitive Eligibility (NCE) for Returned Peace Corps Volunteers

8.1 Definitions

- (a) **Competitive position** means a position for which MS 620 *Direct Hire Merit Selection and Promotion* and implementing procedures apply to selection.
- (b) **Non-competitive position** means a position for which MS 620 *Direct Hire Merit Selection and Promotion* and implementing procedures do not apply to selection.

8.2 Eligibility

8.2.1 Volunteers Eligible

To be eligible for non-competitive selection for a Peace Corps position under this Section, an RPCV must have been certified as eligible by the Country Director under Sections 5.0 and 6.0 of MS 285 *Volunteer Description of Service, Non-Competitive Eligibility and Certificate of Group Health Coverage* or in the case of AmeriCorps VISTA Volunteers, an equivalent certification.

8.2.2 Period of Eligibility

The Peace Corps may non-competitively select an eligible RPCV under this authority for up to one year after the eligible RPCV completes his or her Peace Corps service. The Chief Human Capital Officer for HR may extend this period for two more years to a total of three years if the RPCV is engaged:

- (a) in military service;
- (b) in the pursuit of studies at a recognized institution of higher learning; or,
- (c) in AmeriCorps or other activities which, in the view of the Chief Human Capital Officer for HR, warrant an extension of that period.

8.2.3 Competitive Position

Non-competitive eligibility may only be used for an initial appointment to a Peace Corps competitive position. An RPCV who has been appointed to a Peace Corps competitive position is not eligible to use his or her non-competitive eligibility status for an appointment to another Peace Corps competitive position. An RPCV who has been appointed to a Peace Corps non-competitive position retains his or her non-competitive eligibility for appointment to a Peace Corps competitive position for the period specified in Section 8.2.2.

8.3 Application Process

Peace Corps Volunteers who have completed service or will be completing service within the next sixty days may apply through the RPCV non-competitive process indicating general areas of employment interest.

Applicants may also apply for specific vacancies using the regular application process.

8.4 Selection Process

A selecting official who wants to use the RPCV non-competitive eligibility process for a vacancy must request from HR an RPCV non-competitive eligibility certificate. A selecting official has the option to request that the vacancy also be simultaneously posted for competitive selection under MS 620 *Merit Selection and Promotion*.

The Office of Human Resources will provide the selecting official with an RPCV non-competitive eligibility certificate and, for positions at FP-4 or above, the RPCVs' requests for consideration.

For a position not simultaneously posted for competitive selection, the selecting official must make a selection from the RPCV non-competitive eligibility certificate within 21 days. If no selection has been made, the selecting official must request that the vacancy be posted for competitive selection or cancel the recruitment request. A selecting official may request a seven-day extension from the Chief Human Capital Officer for HR. The request should state the reasons justifying an extension.

The approval of the Chief Human Capital Officer for HR must be received for RPCV non-competitive selections for positions with an entry grade at FP-4 or above.

9.0 Promotions

Eligibility for promotion is subject to the standards contained in Section 11.0 of MS 620 *Direct Hire Merit Selection and Promotion*.

10.0 Termination of Appointments

- (a) Appointments in the Foreign Service may be terminated for misconduct under section 610 of the Foreign Service Act of 1980, as amended (FSA), and at any time for reasons other than misconduct under Section 612 of the FSA.
- (b) Terminations pursuant to MS 613 “Trial Period for Foreign Service Employees”, MS 626 “Direct Hire Performance Appraisal System” or MS 652 “Disciplinary Procedure for Foreign Service Employees” must follow the procedures provided by the applicable Manual Section unless the employee waives his/her rights in writing.
- (c) Employees terminated for misconduct are entitled to the procedures provided by Section 610(a)(2)(B) of the Foreign Service Act of 1980.
- (d) Employees terminated for other reasons not covered by MS 626 or 652 (e. g. abolishment of position) are entitled to 30 days advance notice of termination of their appointments.

11.0 Effective Date

The effective date is the date of issuance.