

MS 642 Conditions of Service for U. S. Overseas Staff

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MS 642 Conditions of Service for U.S. Overseas Staff Procedures

Table of Contents

- 1.0 Purpose
- 2.0 Authority
- 3.0 Allowances and Benefits
 - 3.1 Non-Resident USDH Employees
 - 3.2 Resident-Hire Permanent USDH Employees
 - 3.3 Resident-Hire Temporary USDH Employees
- 4.0 DSSR Allowances
 - 4.1 Quarters Allowance: Living Quarters Allowance and Temporary Lodging Allowance
 - 4.2 Post Allowance (Cost of Living Allowance – COLA)
 - 4.3 Rest and Recuperation Travel
 - 4.4 Education Allowance and Education Travel
 - 4.5 Separate Maintenance Allowance (SMA)
 - 4.6 Home Service Transfer Allowance (HSTA)
- 5.0 Duty-free Privileges
- 6.0 Commissary and Post Exchange (PX) Facilities
 - 6.1 Commissary Facilities
 - 6.2 Post Exchange (PX) Facilities
 - 6.3 Pouch and Military Postal Service
- 7.0 Requirements for Overseas Tour of Duty
 - 7.1 Failure to Complete One Full Year of Service or Tour of Duty
 - 7.2 Exceptions
- 8.0 Effective Date

Attachments

Attachment A – Conditions of Employment with Peace Corps Outside the Continental U.S.

Attachment B – Peace Corps Overseas Mobility Agreement

1.0 Purpose

This Manual Section sets out the "conditions of service" benefits for overseas U.S. citizen direct hire (USDH) employees, including overseas allowances, import privileges, use of U.S. Government facilities in countries of assignment, change in family status, and related topics.

2.0 Authority

- (a) The Peace Corps Act, 22 USC 2501, et seq.
- (b) Department of State Standardized Regulations (DSSR)

3.0 Allowances and Benefits

The basic philosophy of Peace Corps emphasizes the importance of modest, non-ostentatious styles of living and working in relation to the host culture for Peace Corps Volunteers, who are expected to live simply and non-ostentatiously at the level of the people with whom they live and work. Because overseas Peace Corps staff members are charged with leading Volunteers, it is important that they live in a manner that is compatible with the basic philosophy of the Peace Corps. It would be inconsistent to compensate its U.S. citizen employees based upon any standard suggesting that difficult or notably unhealthy conditions or excessive physical hardships, differing substantially from those in the U.S., warrant special allowances or benefits for such employees. For these reasons, the Peace Corps limits allowances and differentials under the Department of State Standardized Regulations (DSSR) and other authorities otherwise available to US citizen overseas employees.

3.1 Non-Resident USDH Employees

As described in this Manual Section and in MS 812 *Peace Corps Staff Travel and Transportation*, non-resident USDH employees have access to the following benefits:

- (a) Peace Corps–provided housing or DSSR quarters allowances;
- (b) DSSR education allowance and education travel;
- (c) DSSR separate maintenance allowance (SMA);
- (d) DSSR SMA travel;
- (e) DSSR home service transfer allowance (HSTA);
- (f) Duty-free privileges;
- (g) Commissary privileges;
- (h) Post Exchange (PX) access;
- (i) Department of State Pouch usage;

- (j) Military Postal Service (MPS) access;
- (k) Department of State Medical and Health Program;
- (l) Embassy health unit;
- (m) MS 812 Employment and Assignment Travel;
- (n) MS 812 Family Travel;
- (o) MS 812 Home Leave Travel;
- (p) MS 812 Medical Travel;
- (q) MS 812 Directed Departure; and
- (r) MS 812 Staff Emergency Visitation Travel.

3.2 Resident-Hire Permanent USDH Employees

Resident-hire permanent USDH employees may receive the following:

- (a) Peace Corps provided housing or DSSR quarters allowances when the Country Director determines that an employee must reside in Peace Corps provided housing for safety or other reasons.
- (b) Normal embassy health unit services during business hours at Post.

In addition, the Associate Director of Global Operations may authorize additional allowances and benefits that are provided under 3.1 for a resident-hire USDH employee who is appointed to a position that requires worldwide availability (WWA) (subject to assignments anywhere) or in other special circumstances.

3.3 Resident-Hire Temporary USDH Employees

Resident-hire temporary USDH employees receive normal embassy health unit services during business hours at Post.

4.0 DSSR Allowances

4.1 Quarters Allowance: Living Quarters Allowance and Temporary Lodging Allowance

The Peace Corps provides housing or a housing allowance under the DSSR.

4.2 Post Allowance (Cost of Living Allowance – COLA)

Effective October 1, 2018 (Fiscal Year 2019) and pursuant to Section 7(a)(3) of the Peace Corps Act, 22 U.S.C. 2506, the Peace Corps may specify which allowances/differentials and the rates thereof, it authorizes for Foreign Service overseas staff in accordance with 5 U.S.C. 5923-25 and 5941. It is the policy of the Peace Corps to grant COLA consistent with the Department of State

Standardized Regulations Section 220 (DSSR). The Peace Corps will follow the Department of State's Office of Allowances' determination as to the COLA for each overseas post.

The payment of COLA should not be considered a required or ongoing benefit due to Foreign Service overseas staff. It remains at the discretion of the Peace Corps to reduce or eliminate the payment of COLA as circumstances require. Furthermore, Peace Corps' adherence to the DSSR in granting COLA is at the option of the Peace Corps and cannot be construed as a legal or regulatory requirement or an employee entitlement.

4.3 Rest and Recuperation Travel

It is the policy of the Peace Corps to grant Rest & Recuperation (R&R) Travel to overseas Foreign Service in accordance with 3 FAM 3720 and 14 FAM 531.5. The granting of R&R Travel should not be considered a required or ongoing benefit due to Foreign Service overseas staff. It remains at the discretion of the Peace Corps to grant R&R Travel as circumstances require. Furthermore, Peace Corps' adherence to the FAM in granting R&R Travel is at the option of the Peace Corps and cannot be construed as a legal or regulatory requirement or an employee entitlement.

The accrual of R&R Travel for Peace Corps overseas USDH employees shall begin as of January 1, 2018 and the effective date to begin using accrued R&R travel is January 1, 2019 (Calendar Year 2019).

4.4 Education Allowance and Education Travel

The Peace Corps authorizes only one round-trip per year for dependent children between the Post and the U.S. secondary or college institution (see MS 812 Staff Travel and Staff Travel Procedures for specific guidance on education travel).

4.5 Separate Maintenance Allowance (SMA)

It is the policy of the Peace Corps to authorize a separate maintenance allowance only in the following cases:

- (a) Spouse and/or child (children) are directed by the Peace Corps to leave the Post of assignment for reasons of health, safety, or foreign policy; or
- (b) Spouse or child (children) of an employee incur/s an illness or injury at Post which requires the permanent revocation of the individual's medical clearance, and hence, his or her departure from the country of assignment.

The Peace Corps will not authorize a separate maintenance allowance where the employee and family member(s) choose to live apart for their own convenience, or where the employee has personal reasons of special need or hardship to maintain family member(s) elsewhere, including but not limited to career, educational or family considerations for the spouse, or educational consideration for children.

4.5.1 A separate maintenance allowance shall not be paid on behalf of any child during the period covered by the grant of a "school away from Post" education allowance.

4.5.2 A separate maintenance allowance may be granted only in behalf of spouse and/or dependent child or children who have received medical clearance for accompanying the employee to his or her overseas Post of assignment.

4.6 Home Service Transfer Allowance

The Peace Corps will pay its non-resident USDH employees, who are reassigned from an overseas location to a stateside location, a Home Service Transfer Allowance (HTSA) for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred by an employee incident to establishing him/herself at a post of assignment in the United States as follows:

- (a) **Miscellaneous Expense Portion** - A lump sum amount in accordance with DSSR 252.1(a).
- (b) **Subsistence Expense Portion** - Expenses reimbursed according to the actual expense reimbursement method in DSSR 252.3 for the employee and any eligible family members.

4.6.1 The receiving office may authorize the allowance for an initial period not to exceed 30 days. For compelling reasons beyond the control of the employee, HSTA may be extended for a period of not to exceed 60 days.

4.6.2 As a condition for receiving the HSTA, the employee must agree in writing to repay the HSTA unless (i) the employee completes 12 months of United States government service following the effective date of the transfer; (ii) the employee's limited appointment has expired before completing the 12 months of service; or (iii) the employee is separated for reasons beyond the employee's control as determined by the Peace Corps.

5.0 Duty-free Privileges

5.1 In accordance with the terms of Peace Corps country agreements, most host governments have agreed to exempt Peace Corps non-resident U.S. citizen employees from certain customs, duties, and local taxes.

5.2 It is Peace Corps policy to authorize duty free privileges only for the importation of non-luxury commodities not available in the host country at reasonable prices, such as powdered milk or special baby food. Employees may not use the duty-free privilege for personal luxury items such as tobacco and perfume.

5.3 Employees are subject to the Chief of Mission procedures under 2 FAM 225.3 on the importation and sale of personal property.

6.0 Commissary and Post Exchange (PX) Facilities

It is the policy of the Peace Corps to encourage non-resident USDH employees to carry out their activities, to the extent practical and possible, relying on the local economy and services and to refrain from patronizing facilities from which host country people are expressly excluded. Subject to the concurrence of the Regional Director, Country Directors may authorize non-resident USDH employees to use the commissary or PX facilities as set out below.

6.1 Commissary Facilities

In determining whether and within what limits non-resident USDH employees may use commissary facilities at a Post, the Country Director should consider the effect of commissary use by such employees.

As much as possible, the use of commissary facilities should be limited to purchasing goods used for representational activities. Under no circumstances should staff depend exclusively on the commissary facilities for daily living when necessary goods and services are available at reasonable cost locally.

6.2 Post Exchange (PX) Facilities

Country Directors may authorize the use of PX facilities maintained for US military only when there is no commissary in country and only when there are no adequate resources available for acquisition of representational activities outside of PX facilities.

The Peace Corps has strived to maintain not only a separation from the U.S. military overseas, but also an appearance of separation. The Country Director shall consider the effect patronizing such military PX establishments may have on the credibility of the Peace Corps program in country.

6.3 Pouch and Military Postal Service

See MS 835 International Mail and Distribution for specific guidance on the use of the pouch and Military Postal Service (MPS).

7.0 Requirements for Overseas Tour of Duty

World Wide Availability (WWA) is the Peace Corps' requirement, based on the employees' ability, to serve in any and all posts served by the Peace Corps, including US (headquarters – Washington, D.C.), as long as required conditions of employment allow and the agency deems the appointment in the best interest of the Peace Corps and the US government. Through this process the employee will agree to be available for assignment/reassignment anywhere in the world based on arising Peace Corps' needs and upon initial appointment the employee will be required to sign a mobility agreement and acknowledge that failure to accept an assignment may lead to termination of his/her appointment with the Peace Corps.

Even though changes in an employee's personnel circumstances may be taken into consideration when determining a new post, nothing shall obligate the Peace Corps to offer or guarantee a specific position, post, or region to a selectee or employee and no entitlement shall exist to such posting based on those circumstances. (See MS 642 *Conditions of Service for U.S. Overseas Staff Procedures* for additional guidance on WWA, as well as MS 642 Attachment B – Peace Corps Overseas Mobility Agreement.)

7.1 Failure to Complete One Full Year of Service or Tour of Duty

7.1.1 An employee who fails to complete one full year of a first overseas tour shall reimburse the Peace Corps for any travel and transportation costs from the home-of-record to the Post for the employee and the employee's dependents, and for household and personal effects costs, and shall also be responsible for paying all return travel and transportation costs.

7.1.2 An employee who fails to complete one full year of a second overseas tour shall reimburse the Peace Corps for all return travel costs from the Post to the employee's home of record.

7.1.3 An employee who fails to complete his or her first prescribed tour of duty at Post shall be responsible for paying all return travel and transportation costs for himself or herself, dependents, and household and personal effects from the Post.

7.1.4 Upon completion of five years of service , whether domestic or overseas or direct-hire or Personal Service Contract employee or a combination therefor, an employee who extends his or her service overseas has no further liability to repay travel or transportation costs.

7.2 Exceptions

An employee who would otherwise be liable to pay or repay for travel and/or transportation, as set out in Section 7.1, will not be responsible for such costs under the following circumstances:

- (a) The failure to complete the period of service is due to involuntary separation initiated by the Peace Corps;
- (b) The resignation is precipitated by the Peace Corps in lieu of termination for reasons convenient to the Peace Corps;
- (c) The employee's departure is determined by the Director or designee to be for reasons beyond the employee's control;
- (d) The employee has been reassigned to a position in the United States and completes not less than six months of service in that or another assignment with the Peace Corps in the United States; or
- (e) The employee and the Regional Director have agreed that it is in both parties' best interest to shorten the length of the employee's prescribed tour of duty by 180 days at a maximum. (Requests for such changes in the duration of the tour of duty shall be submitted in writing, along with the recommendations of the Country Director at Post, to the Regional Director for approval.)

8.0 Procedures

Procedures implementing this manual section may be approved and authorized by the Human Resource Council.

9.0 Effective Date

The effective date of this Manual Section is the date of issuance.