

# MS 693 Direct Hire Employment of U.S. Citizens Abroad

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## **1.0 Purpose**

This Manual Section establishes the policies and procedures pertaining to the employment of U.S. citizens residing abroad. The appointments covered in this Manual Section are: resident hire permanent employees, resident hire temporary employees, resident hire experts or consultants, and employees in Foreign Service National/American Family Member (FSN/AFM) positions.

## **2.0 Background**

Resident hire expert or consultant employment is accomplished pursuant to the provisions of section 13(a) of the Peace Corps Act. All other appointments covered in this Manual Section are under the provisions of section 7(a)(2) of the Peace Corps Act. Therefore, employees appointed to positions pursuant to section 7(a)(2) should be aware that once they terminate employment with Peace Corps, they will not be eligible for reappointment by the Peace Corps for a period equal to the time served in Peace Corps under Section 7(a)(2).

See Manual Sections 743 “Personal Services Contracts with Host Country Residents” and 744 “Personal Services Contracts with Non-Host Country Residents” for guidance on contracting for the service of U.S. citizens abroad through personal services contracts.

### **2.1 Coordination with the Department of State**

National Security Decision Directive 38 (NSDD 38) on "Staffing at Diplomatic Missions and Their Constituent Posts", dated 6/2/82, directs the Peace Corps to seek approval of the Chief of Mission on any proposed changes in the size, composition, or makeup of staffing at Peace Corps Posts in coordination with the Department of State. All Peace Corps Foreign Service (FP) and Foreign Service National (FSN) positions are monitored by the Department of State Office of Management-Operations (State/M/MO). If a proposed appointment of a resident hire FP employee will require the establishment of a new position or change the existing staffing pattern in any way, prior approval of the Regional Director, Associate Director for Global Operations, and Associate Director for Management is required.

Once such approval is given, the proposed appointment of a resident hire FP employee shall be submitted to the Office of Human Resource Management (M/HRM), PC/Washington. M/HRM will take the necessary steps to process such requests for a change in staffing and will submit these to the Department of State for clearance. When the clearance is obtained, M/HRM will notify the Post and the Region, in order to initiate the appointment of a resident hire employee.

## **3.0 Policy**

It is the policy of the Peace Corps to appoint qualified candidates to fill the staff needs at overseas Posts by relying on fair and equitable recruitment and selection processes which emphasize the selection of the best qualified individual in a timely manner. All candidates, wherever recruited, will be evaluated on the basis of education, experience, and suitability for the position. Position-specific selection criteria shall be established and uniformly used to evaluate all qualified candidates, in order to select a candidate whose qualifications best match the needs of the overseas program. Once the selection is made for a particular position by the selecting Regional Director and

approved by the Associate Director for Global Operations, the offer of employment will be made by HRM to the selected individual as a resident hire or regular appointment.

A regular appointment is one that requires world-wide service availability on the part of the employee, whereas a resident hire appointment is one that recognizes the limitation of the employee's availability for service only to his or her country of residence. Candidates recruited from within the U.S. are offered regular permanent FP appointments. U.S. citizens residing abroad may be offered either a regular or a resident hire appointment. The determination whether to make a regular or resident hire appointment shall be made by the Director, M/HRM, in accordance with the criteria set forth in paragraph 5.2 below.

NOTE: Country Director positions are not filled by resident hire employees.

## **4.0 Intelligence Background**

Restrictions on employment of persons with intelligence backgrounds, contained in MS 611, are applicable to both permanent and temporary resident hire appointments.

## **5.0 Resident Hire Permanent Employee**

A U.S. citizen residing abroad may become an applicant and be selected for a permanent FP position located in the country of his or her residency. Such an individual's application will be evaluated by the same selection criteria and procedures as those applicable to candidates recruited from within the U.S. However, because of the time and costs involved, a paper assessment and a phone interview may be substituted for a personal interview in the screening process when the individual is residing outside of the U.S.

### **5.1 Application Procedure**

To become a candidate for a permanent FP position overseas, an individual shall submit an application online to the Office of Overseas Recruitment, Selection, and Support (ORSS), Office of Human Resource Management (M/HRM), Peace Corps/Washington. At the time of filing an application, the individual should also submit to M/HRM:

- A signed PC Form 1336 (Intelligence Background Information);
- SF-85 (Security Investigation Data for Non-critical or Non-critical Sensitive Positions); and
- SF-87 (U.S. Office of Personnel Management Finger Print Chart) in triplicate. (To avoid possible additional retakes for proper classification, more copies may be submitted as an added precaution.)

The Post where the FP position is located may submit a recommendation concerning the individual based on direct knowledge and assessment of his or her qualifications to ORSS and/or the Regional Director.

## 5.2 Determination of Resident Hire Appointment

Upon receiving an application from an individual residing abroad, ORSS shall advise the applicant on the conditions of employment should he or she be selected. The determination whether an applicant is to receive a resident hire permanent FP appointment, as opposed to the regular permanent FP appointment, shall be made by the Director, M/HRM.

The individual shall be offered a resident hire appointment when he or she is available for employment with the Peace Corps only in the country where he or she has established residence. Conversely, an individual will be offered a regular permanent FP appointment if he or she provides written assurance of his or her availability for assignment worldwide.

## 5.3 Appointment Procedures

Once the individual is selected for permanent FP resident hire appointment, M/HRM will:

- Initiate a security investigation, and
- Coordinate the medical clearance of the applicant through the Department of State.

### **5.3.1 Clearance Requirement**

An individual may not be hired as an employee until the security investigation has been successfully completed, security clearance granted, and the requested medical clearance granted for service in the country of assignment.

## 5.4 Conditions of Service

The conditions of service for a resident hire permanent FP employee are set forth in Manual Section 642

“Conditions of Service for Overseas U.S. Citizen Direct-Hire Employees.”

## 5.5 Five Year Limitation on Peace Corps Employment

Appointments of resident hire permanent U.S. citizen employees are subject to the 5 year limitation on Peace Corps employment and the "in and out" rule (see MS 601, "Administration of the Peace Corps Personnel System").

## **6.0 Resident Hire Temporary Employee**

Temporary (not more than 90 days) staff needs overseas may sometimes be met by obtaining the services of U.S. citizens already residing in the country. Family members of employees of other U.S. foreign affairs agencies or other qualified U.S. citizens may be employed for a short period to perform staff functions in support of the overseas program. A Post shall establish fair and equitable recruitment/selection processes to ensure that all qualified candidates receive equal consideration for the position. (See Manual Section 694 *Employment of Family Members* for guidance and

policies for applicants who are relatives of Peace Corps employees or members of a Peace Corps employee's household.)

## 6.1 Appointment Procedures

A Post may recommend a U.S. citizen residing at Post for a resident hire temporary appointment. A proposed appointment which will affect in any way the existing staffing pattern at Post needs prior approval of the Regional Director, Associate Director for Global Operations, and Associate Director for Management, and State Department clearance, in accordance with paragraph 2.1. of this Manual Section, before a personnel action may be initiated.

The Country Director shall send a request for such appointment to the Regional Director for approval and to the Associate Director for Global Operations for concurrence. The Standard Form 52 (Request for Personnel Action), containing the title of the position to be filled, the proposed class, the proposed salary rate, and justification for appointment for temporary needs, shall be prepared to document such needs. The request for a resident hire temporary FP appointment must be accompanied by:

- A signed and completed copy of the online application of the proposed appointee;
- PC Form 1336 (Intelligence Background Information);
- A completed SF-85 (Data for Non-sensitive or Non-critical-Sensitive Position); and
- SF-87 (OPM Finger Print Chart) prepared in triplicate.

If the proposed action involves the establishment of a new position, a description of the scope of work assignments, duties and responsibilities, and the supervision and guidance received must be submitted to M/HRM, PC/Washington for classification of the position.

If approved by the Regional Director and concurred with by the Associate Director for Global Operations, the request for appointment of a resident hire temporary FP employee shall be forwarded to M/HRM.

Upon receipt of the SF-52 and the necessary documents, M/HRM will initiate the appropriate security investigation.

### **6.1.1 Security Clearance**

An individual may not be hired as a resident hire temporary FP employee until the security investigation has been successfully completed and the security clearance has been granted.

### **6.1.2 Medical Clearance**

A pre-employment medical clearance is not required of a proposed resident hire temporary employee.

### **6.1.3 Notification**

M/HRM shall inform the proposed appointee of the official personnel action by email and notify the Region and the Post.

## 6.2 Maintenance of Personnel File

The Official Personnel File (OPF) of the employee will be maintained in M/HRM.

## 6.3 Extensions of Temporary FP Appointments

An extension of the temporary FP appointment must receive prior approval of the Regional Director and concurrence of the Associate Director for Global Operations. The SF-52 requesting such extension shall be forwarded to M/HRM for administrative clearance. The temporary appointment may not exceed one year of service.

## 6.4 Reappointment Limitations

Under Section 7(a) (2) of the Peace Corps Act, a resident hire temporary FP employee is not eligible for reappointment to Peace Corps for a period equal to the time served in the Peace Corps once he or she terminates employment.

## 6.5 Conditions of Service

The conditions of service for a resident hire temporary FP employee are set forth in Manual Section 642 "Conditions of Service for Overseas U.S. Citizen Direct-Hire Employees."

## 6.6 Termination of Appointment

A resident hire temporary FP appointment may be terminated at any time at the discretion of the Peace Corps. Such an appointment will automatically terminate on the last date of appointment unless the extension personnel action has been approved and processed. (See Manual Section 671 "Separation Process for Peace Corps Employees" for guidance.)

# **7.0 Resident Hire Expert or Consultant**

Temporary needs for expert or consultant service may be obtained by hiring a qualified U.S. citizen already residing at Post. An expert position is one which requires the services of an individual with excellent qualifications and a high degree of attainment in a professional, scientific, technical, or other field. Those services include duties that cannot be performed satisfactorily by someone not an expert in that field. An expert or consultant position is one which primarily requires performance of advisory or consultant services, rather than performance of operating functions. An expert or a consultant may not be used to perform staff functions which are normally performed by a permanent FP employee.

## 7.1 Duration of Employment

Experts and consultants appointed under Section 13(a) of the Peace Corps Act are not covered by the "out-as-long-as-in" rule of Peace Corps. Consequently, they may be re-employed by Peace Corps at any time, provided their service does not exceed the time limitation listed above.

## 7.2 Employment Procedures

A Post may nominate a U.S. citizen residing at Post for employment as a resident hire expert or consultant by submitting a request for employment to the Regional Director. Such a request, once approved by the Regional Director and concurred with by the Associate Director for Global Operations, shall be forwarded to M/HRM, PC/Washington, with a SF-52 containing the proposed daily rate of compensation, justification for employment of the expert or consultant, approximate duration of service needed, and a brief proposed statement of the work. It must be accompanied by the following:

- A complete and signed application;
- SF-87 prepared in triplicate;
- SF-85;
- PC Form 1336; and
- PC Form 1258 (Confidential Statement of Employment and Financial Interests- for use by special government employees).

Upon receipt of the SF-52 and the necessary documents, M/HRM will initiate the security investigation.

### **7.2.1 Security Clearance**

An individual may not be hired as a resident hire expert or consultant until the security investigation has been successfully completed and security clearance granted, and the OGE Form 450: "Confidential Financial Disclosure Report" has been reviewed and cleared by the Office of the General Counsel.

### **7.2.2 Medical Clearance**

Preemployment medical clearance of an expert or consultant is not required.

### **7.2.3 Notification**

M/HRM will notify the proposed appointee of the official personnel action and inform the Region and the Post of the action.

## 7.3 Maintenance of the Personnel File

The Official Personnel File of the expert or consultant will be maintained in M/HRM.

#### 7.4 Conditions of Service

The conditions of service for the resident hire expert or consultant are the same as those set forth in Manual Section 642 "Conditions of Service for Overseas U.S. Citizen Direct-Hire Employees" for resident hire USDH employees.

As an expert or consultant, the expert or consultant is not eligible for any annual or sick leave.

#### 7.5 Termination Procedures

A resident hire expert or consultant appointment may be terminated at any time at the discretion of the Peace Corps. Such appointments will automatically terminate on the last date of the fiscal year. (See Manual Section 671 "Separation Process for Peace Corps Employees" for guidance.)

### **8.0 Employee in Foreign Service National/American Family Member (FSN/AFM) Position**

A family member of a U.S. Government employee assigned overseas may be hired temporarily to fill certain Foreign Service National positions at Post. Such an appointment may be authorized when there are no qualified FSN candidates and the temporary nature of the appointment is not deemed to have a negative impact on the effective implementation of the Peace Corps program. Peace Corps follows the procedure and guidelines for the appointment of American family members to FSN positions as set forth in the Foreign Affairs Manual 3 FAM 8200, Manual Section 694, "Employment of Family Members", and Manual Section 641, "Standards of Conduct for Peace Corps Employees".

### **9.0 Effective date**

This Manual Section takes effect on the date of issuance.