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Civilian Personnel

OVERSEAS ALLOWANCES, BENEFITS AND ENTITLEMENTS

This regulation supersedes Eighth Army Pamphlet 690-4, dated 12 October 1994 and Eighth Army Regulation 690-10, dated 6 July 1999.

FOR THE COMMANDER:

LEWIS F. SETLIFF III
COL, GS
Chief of Staff

Official:



GARRIE BARNES
Chief of Publications and
Records Management

Summary. This regulation establishes policies and procedures for appropriated fund civilian employees who are eligible for overseas allowances, benefits and entitlements.

Summary of Changes. This is a new regulation that supersedes EUSA PAM 690-4, EUSA REG 690-10, and command policy memorandums concerning overseas allowances. A full review of its contents is required.

Applicability. This regulation applies to Eighth United States Army (EUSA), its subordinate commands and assigned units, United States Forces Korea (USFK) joint positions occupied by Army employees, and all other Army activities in Korea unless otherwise addressed by appropriate agreements or understandings authorized by Army Regulation 10-87.

Supplementation. Supplementation of this regulation and issuance of command and local forms by subordinate commands is prohibited unless prior approval is obtained from Headquarters (HQ), Eighth Army, Directorate of Human Resources Management (DHRM), Unit# 15236, APO AP 96205-5236.

Forms. AK forms are available at

http://8tharmy.korea.army.mil/g1_AG/Programs_Policy/Publication_Records_Forms.htm

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information System website at

<https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the HQ, Eighth Army, DHRM.

Users may suggest improvements to this regulation by sending a DA Form 2028 (Recommended Changes to Publications and Blank Forms) to DHRM, Eighth Army, Unit # 15236, APO AP 96205-5236.

Distribution. Electronic Media Only (EMO).

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Chapter 1

General

1-1. Purpose

This regulation implements policy for paying overseas allowances, benefits and entitlements to appropriated fund (APF) civilian employees of the U.S. Army in Korea. Employees covered must be:

- a. Serviced by the Civilian Human Resources Agency, Far East Region (CHRA-FE).
- b. Paid by the Defense Finance and Accounting Service (DFAS).

1-2. References

- a. Title 18, United States Code §§ 287 and 1001.
- b. Title 5, Code of Federal Regulations, Part 630, Subpart F, Home Leave.
- c. Department of State Standardized Regulations (DSSR).
- d. Joint Travel Regulations (JTR), Volume II.
- e. Department of Defense (DOD) Regulation 4515.13-R, Air Transportation Eligibility
- f. Department of Defense Instruction (DODI) 1327.06, Leave and Liberty Policy and Procedures
- g. DODI 1400.25, Volume 1250, DoD Civilian Personnel Management System: Overseas Allowances and Differentials, December 1996, administratively reissued 31 Jul 09.
- h. DODI 1400.25, Volume 1260, DoD Civilian Personnel Management System: Home Leave, December 1996, administratively reissued 31 Jul 09.
- i. Memorandum, HQDA, OASA M&RA, DASA-CPP, 20 Mar 00, subject: Delegation of Authority to Approve Certain Foreign Allowances.
- j. Memorandum, HQDA, OASA M&RA, DASA-CPP, 22 Sep 00, subject: Clarification of Delegation of Authority to Approve Certain Foreign Allowances.

1-3. Explanation Of Terms

Abbreviations and terms used in this regulation are explained in the glossary.

1-4. Program Administration

- a. Standard Form (SF) 1190 (Foreign Allowances Application, Grant, and Report), which documents employee eligibility for foreign allowances and differentials and the amount to be paid, will be used to apply for overseas allowances.
- b. To be considered eligible for allowances covered by this regulation, employees must meet the basic eligibility requirements of DSSR, section 031.11 and section 031.12.

c. The Defense Finance and Accounting Service (DFAS) adjusts payments based on fluctuations in currency exchange rates and biweekly rate updates published by the U.S. Department of State.

1-5. Delegation Of Authority

Reference 1-2i delegated authority to Major Army Commands (MACOMS) to approve foreign allowance requests under certain circumstances as required in references 1-2c and 1-2g. This delegation of approval authority supports efforts to streamline business processes by providing for expedited decisions on waiver determinations.

a. Foreign Transfer Allowance (FTA). The Director, Human Resources Management (DHRM) is delegated authority to extend FTA for additional days for employees transferring from the Continental United States (CONUS) when unusual circumstances cause an employee or family member to be unable to travel to the foreign post of assignment within the allowable 10-day limit. All requests for extended FTA from Eighth Army units will be sent to the DHRM for determination of eligibility. This authority may not be further delegated.

b. Separate Maintenance Allowance (SMA). DHRM is delegated authority to approve requests for SMA. All requests for both involuntary and voluntary SMA from Army commands in Korea, with the exception of IMCOM, will be sent to the DHRM for determination of eligibility.

c. Living Quarters Allowance (LQA) and Temporary Quarters Subsistence Allowance (TQSA). Activity Commanders are delegated authority to approve LQA and TQSA simultaneous payment for up to five days after vacating residence quarters because of heavy cleaning required by the real estate agent and/or contractor. This authority may not be delegated below Activity Commander level. The Chief of Staff, Eighth Army is the approving authority for employees assigned to headquarters staff offices.

d. DHRM is delegated authority to approve LQA for locally hired US citizen employees when one of the situations below exist:

- (1) Death of the sponsoring spouse.
- (2) Sponsoring spouse becomes physically or mentally incapable of continuing employment with the government.
- (3) Divorce or legal separation.
- (4) Spouses could not maintain a common dwelling due to the relocation of either spouse's work place.
- (5) Sponsoring spouse left post or area permanently.
- (6) The employee is an incumbent of a position designated as emergency essential in accordance with Department of Defense Directive 1404.10. This waiver is effective for the period during which a crisis is declared to exist by the President or his designee.
- (7) Other unusual circumstances. In determining what constitutes unusual circumstances, the individual must meet the basic eligibility requirements for LQA as defined by references 1-2c

and 1-2g. If an individual, who was otherwise eligible, has been denied LQA due to some administrative oversight, administrative delay, misinformation, or some reason not related to the issue of eligibility, consideration will be given for approval of a waiver request. This authority may not be re-delegated.

e. Requests for SMA and LQA waiver approval must be forwarded through the appropriate chain of command and must include adequate documentation to justify the waiver being requested. The servicing CPAC will add any pertinent information, determine eligibility and forward their recommendation for approval or disapproval to DHRM for Eighth US Army employees, and DCG, IMCOM for IMCOM employees. Requests for LQA should only be submitted when there is documented evidence that the employee was initially eligible but was denied due to administrative oversight, administrative delay, misinformation, or some reason not related to the issue of eligibility.

1-6. Responsibilities

a. Commanders, managers and supervisors will –

(1) Take an active role in providing their incoming employees with sufficient time and incentive to aggressively seek housing by monitoring their progress and providing assistance as needed to minimize time in temporary lodging;

(2) Ensure that the employee reports to the housing office within 3 workdays after reporting to duty;

(3) Allow the newly arrived employee to maintain contact with the housing office until adequate housing has been obtained (an employee is not completely in-processed until housing has been obtained); and

(4) Provide a viable sponsorship program, which includes prior coordination with the Housing Division to determine housing availability.

b. The Servicing Civilian Personnel Advisory Center (CPAC) will –

(1) Determine the employee's eligibility for overseas benefits before the employee is appointed.

(2) Advise employees about eligibility, entitlements, and submission of required documents.

(3) Give employees advice and assistance on how to complete SF1190.

(4) Review the employee's SF 1190 and receipts for allowances to ensure the form is complete and enter the information into the Defense Civilian Personnel Data System (DCPDS).

(5) Send waiver requests, cases that are precedent setting, and cases where special conditions are met to DHRM for final determination.

c. The DHRM will –

(1) Review and make final determinations on precedent setting requests.

(2) Review and make final determinations on requests for waivers. Waivers for IMCOM employees will be determined by HQs, IMCOM.

(3) Make eligibility determinations on individual cases when special conditions are met.

(4) Review and determine eligibility for separate maintenance allowance (SMA) for Army commands in Korea, with the exception of IMCOM. Eligibility for IMCOM employees will be determined by HQs, IMCOM.

(5) Provide guidance on interpretation of this regulation.

d. Employees will –

(1) Report to the Housing Division within 3 workdays after reporting to their permanent duty station.

(2) Aggressively seek off-post quarters by contacting the Housing Division at least twice weekly to obtain information on availability of off-post quarters.

(3) Submit to the CPAC a list of private rental housing visited during each 15-day period, along with reasons for non-acceptance (information may be sent via Fax or email);

(4) Comply with all instructions issued by the supervisor and the servicing CPAC;

(5) Provide copies of their rent or lease agreements to the CPAC with an SF 1190 to initiate a claim for LQA.

(6) Provide copies of receipts and an SF 1190 to the CPAC at the end of periods of temporary quarters subsistence allowance (TQSA).

(7) Provide copies of utility bills (if applicable) when required by the CPAC for reconciliations.

(8) Inform the CPAC when significant changes in costs or family status occur and when the employee moves to a new residence.

(9) Make payments on time according to the contract with the landlord or property owner. Failure to do so may be grounds for terminating LQA and recouping the amount of LQA already paid. Nonpayment of obligations documented on SF1190 while drawing LQA may be construed as misuse of LQA. Proven misuse of LQA may result in disciplinary action against the employee (including separation from Federal service).

1-7. Application For Overseas Allowances

Standard Form (SF) 1190 (FOREIGN ALLOWANCES APPLICATION, GRANT, AND REPORT) will be used to apply for overseas allowances.

a. COMPLETION OF SF 1190. Copies of the SF 1190 and instructions for completion will be provided to the employee by the servicing CPAC in order to initiate action for allowance entitlements.

b. SUBMISSION OF SF 1190. In order to claim authorized allowances, a completed SF 1190

must be submitted to the servicing CPAC along with the documents (e.g., lease, receipts, canceled checks, etc.) required to substantiate the expenses for the particular allowance claimed.

c. **PENALTY FOR FALSE CLAIM.** A fine of not more than \$10,000 or imprisonment of up to 5 years, or both, is authorized under Title 18 U.S. Code (USC) 287 and 1001, as a penalty for presenting a false or fraudulent claim. Falsification of an item in a claim may result in forfeiture of the entire claim as provided by Title 28, USC 2514. In addition, individuals may also be subject to administrative action.

Chapter 2 Allowances, Benefits and Entitlements

2-1. Temporary Quarters Subsistence Allowance (TQSA)

TQSA is designed to assist in covering the reasonable cost of quarters, meals and laundry expenses incurred by the employee and family members for up to 60 days following the employee's arrival in Korea and not to exceed 30 days immediately preceding the employee's departure from Korea, after vacating his/her permanent residence. Only actual subsistence expenses incurred, which are reasonable in amount and incident to the occupancy of temporary quarters, will be reimbursed.

a. Employees eligible for LQA are generally also eligible for TQSA.

b. TQSA for incoming employees may be extended for an additional 30 days, up to a total of 90 days, with approval from the first O-6 (or equivalent) official in the chain of command, after consultation with the Housing Division and the CPAC.

c. TQSA may only be extended over 90 days if it is determined by the head of agency that there are compelling reasons beyond the control of the employee. These requests will be forwarded through the activity commander and DHRM to the head of agency for approval on a case-by-case review. An employee's request for extension will be fully documented and justified based on compelling reasons beyond the control of the employee.

d. Extensions will not be approved when-

(1) The employee fails to aggressively seek permanent quarters;

(2) Suitable or adequate housing is refused for other than health or safety reasons;

(3) The employee refuses to use available U.S. Government-owned loaner furniture or cooking and eating utensils, pending arrival of household goods (HHG) or hold baggage;

(4) The employee delays the delivery of HHG or hold baggage for personal convenience, after permanent quarters are obtained; or

(5) It is determined that an employee has not substantially complied with the applicable requirements in this policy or has failed to submit acceptable reasons for noncompliance.

e. Any false statements made regarding TQSA are subject to criminal penalties (including fines and imprisonment) under 18 U.S.C. 287 and 1001 and/or civil penalties under 31 U.S.C. 3729 or administrative penalties under 31 U.S.C. 3802.

2-2. Living Quarters Allowance (LQA)

LQA is a quarters allowance granted to an employee for the annual cost of suitable, adequate, living quarters for the employee and his/her family when government quarters are not provided free of charge. Costs covered may include rent, heat, gas, electricity, water, taxes levied by the Korean government and required by law or custom to be paid by the lessee and, in some cases, garage and furniture rental, up to the established maximum allowance. In addition, employees who occupy personally owned quarters may receive LQA for a portion of their original purchase price (up to 10%) in lieu of rent for a period not to exceed ten years. Ownership of real estate is allowed by Korean law under very limited circumstances. Before entering into any arrangement involving purchase of living quarters, employees should consult their local legal assistance office. LQA will not be paid if an employee resides in U.S. Government quarters.

a. **ELIGIBILITY.** LQA is authorized for civilian employees who resided permanently in the U.S. from the time they applied for employment until and including the date he or she accepted a formal offer of employment in a foreign area. Certain employees, such as military members who retire or separate locally in the overseas area, who were recruited outside of the U.S. may also be eligible when the criteria outlined in references 2c and g are met. LQA will not be offered or paid for any positions GS-8 or equivalent (e.g. WG-10, WL-8, and WS-4) and below. Positions filled at the GS-8 or equivalent and below levels that have a target grade of at least GS-9 are eligible for LQA (e.g., positions filled as a GS-7 with non-competitive promotion potential to a target GS-12 level). Further information regarding this provision may be obtained from the servicing CPAC.

b. **LOCALLY HIRED EMPLOYEES.** LQA for locally hired employees may be granted under the following conditions:

(1) The position is announced worldwide and the position has been pre-determined to be hard-to-fill as defined by CHRA-FE and DHRM, and;

(2) The employee meets basic eligibility requirements to receive LQA as defined by the DSSR, section 031.12a and b, and;

(3) The employee did not previously accept a position for which LQA was not offered.

c. **MANAGEMENT DIRECTED MOVES.** Employees not currently receiving LQA who are relocated by management to other areas on the Korean peninsula will not be granted LQA.

d. **APPLICATION AND PAYMENT PROVISIONS.**

(1) After locating and negotiating rental of off-post permanent quarters, employees must submit a completed SF 1190 to the servicing CPAC with supporting documentation of expenses, including lease or rental agreements. All lease or rental agreements must be approved by the housing office.

(2) The LQA may be paid bi-weekly in the employee's paycheck or the employee may receive an advance LQA payment for required advance rent of up to 24 months depending on the terms of the lease or the rental agreement. Each new lease or rental agreement should include an option for a 12 month extension if the employee is on a 36-month tour. For maximum protection, leases should contain a 30-day cancellation clause, provide for refund of the remaining portion of the prepaid rent to the lessee in case of cancellation, and provide for the payment of rent in local currency. Refundable security deposits, key money, and agent's fees cannot be included in advance LQA payments.

(3) Applications and lease agreements for advance payment of LQA should be submitted to the servicing CPAC. Adequate time must be allowed for LQA to be approved and paid by DFAS before the commencement date of a lease agreement. Employees should contact their servicing CPAC to determine how far in advance applications for advance LQA must be submitted.

e. ESTABLISHMENT OF LQA RATES. The LQA rates are established by the Department of State based on annual reports of expenses submitted for all employees receiving LQA. Rates vary by duty station, employee's grade, family size, and for some grades, length of service.

f. AUTHORIZED LQA RATES. The amount of LQA authorized is determined by the size of the family, location and currency exchange rates.

(1) For employees authorized LQA at the "with family" rate, it is important for the servicing CPAC to be kept informed of any changes in family status from those listed on the orders, since the LQA is tied to actual expenses and number of family members. The CPAC must be notified when one of the following events occurs since these changes could affect the amount of LQA to which the employee is entitled:

(a) There is a loss or gain in the number of dependents residing with the employee.
NOTE: Family members who are temporarily absent from the post, due to attendance at school or college, may be considered to be residing at the post to determine the appropriate "with family" rate.

(b) The employee moves from one set of rented quarters to another.

(c) The employee purchases or sells his/her residence.

(d) A portion of the employee's residence is subleased by persons who are not considered dependents for allowance purposes.

(e) There is a significant increase or decrease in the amount of utilities or rent.

(2) Failure to notify the CPAC may result in an overpayment of LQA and a retroactive collection action. Revision, upward or downward, of LQA will be effective at the beginning of the pay period following receipt of evidence of a significant change in living quarters' expenses.

2-3. Separate Maintenance Allowance (SMA)

SMA is an allowance intended to assist an employee who has an additional financial burden of maintaining a separate household for dependent family members when they are prevented from residing at the overseas post with the employee.

a. Involuntary SMA may be granted when area commanders have determined that dependents are not authorized to accompany sponsors due to adverse, dangerous, or notably unhealthy conditions.

b. Voluntary SMA may only be authorized for positions that have been determined to be "hard to fill," as evidenced by the history of past recruitment actions, before the vacancy is announced. It is not an automatic supplement or entitlement. Voluntary SMA is a discretionary incentive for employees who are not able to bring their dependents to an accompanied tour area for the following reasons: a) medical condition of a family member, or b) a short-term transitional situation based on school attendance of a minor dependent. Voluntary SMA, for the convenience of the employee, may be granted to employees who are serving in accompanied (2 or 3 year) tour areas.

c. Eligibility for SMA. The employee must be eligible for LQA under conditions not involving a waiver of the DSSR criteria; the SMA can be granted only on behalf of dependent family members who would normally reside with the employee; and an employee's eligibility for either voluntary or involuntary SMA should be determined before the employee enters a travel status. Continuance of SMA is contingent upon mandatory annual revalidation of basic eligibility.

d. When granted, the SF 1190 authorizing SMA will be initiated by the servicing CPAC. Payment of SMA will be included in the employee's regular bi-weekly paycheck.

2-4. Foreign Transfer Allowance (FTA), Subsistence Expense (SE) Portion

FTA, SE is an allowance granted for the reasonable cost of temporary subsistence for up to 10 days prior to departure from the U.S. for assignment in a foreign area. Expenses include lodging, meals (plus tips), laundry and dry cleaning while occupying temporary quarters. Employees serving under a transportation agreement are eligible for FTA, SE.

2-5. Post Differential (PD)

Post differential is also known as "foreign post differential." An added compensation to base pay, PD is authorized in foreign areas when environmental, physical, security, and living conditions are substantially different from those in the continental U.S.

(a) The PD is generally not authorized in all areas of Korea.

(b) Those eligible are full-time U.S. citizen employees who receive LQA. (See Section II, 2).

(c) In some circumstances, the PD may be terminated when the employee is temporarily absent from the overseas post. Additional information regarding this provision may be obtained from the servicing CPAC.

2-6. Post Allowance (PA)

Post allowance is a cost-of-living allowance that reimburses an employee for certain living costs incurred while stationed in a foreign area where the cost of living, other than quarters, is much higher than in Washington, DC. It is designed to enable the employee to have purchasing power similar to a Federal employee of the same salary level in Washington, DC. Post allowance may vary by location and is paid as a percentage of an employee's spendable income.

(a) The PA is not authorized during any period when an employee or his/her family member is receiving TQSA.

(b) All full-time U.S. citizen employees are eligible who are officially stationed in Korea. Part-time, intermittent, and U.S. dependents summer hire employees are not eligible.

(c) The PA is paid to each eligible employee, even though he/she may not be eligible for the PD or any of the other allowances.

2-7. Advance In Pay

Advance in pay is up to 3 months net pay that may be paid in advance to a full-time employee (including employees on temporary appointments) upon assignment of the employee to a post in a foreign area. This includes assignment from one post to another post in the same foreign country.

a. Advances may be made to current DOD employees during the period 3 weeks before the estimated departure date for assignment to a foreign duty post or up to 2 months after arrival. New

federal employees and current employees of non-DOD agencies may only receive an advance in pay upon arrival at the foreign post.

b. Repayment must be made within 12 months from date of advance payment. It may be made by payroll deductions of up to 26 subsequent pay periods or by lump sum payment.

2-8. Transportation Agreement (TA)

A transportation agreement is an understanding between the Department of the Army and the employee wherein the Department of the Army agrees to furnish transportation and other related allowances in consideration for which the employee agrees to remain in the Federal government service for a specified period. In addition, when assigned in an overseas area, the employee agrees to complete the prescribed tour of duty at the overseas duty station in order to be eligible for return travel, transportation, and other related allowances.

a. An initial agreement provides eligibility for transportation of an employee, his/her dependents, and household goods.

b. A renewal agreement provides eligibility for round trip transportation (i.e., renewal agreement travel) of an employee and his/her dependents for the purpose of taking leave between consecutive periods of overseas employment.

c. Non-temporary, full-time employees, in the following categories, are eligible to negotiate a transportation agreement: hires from the continental U.S., certain employees recruited outside the continental U.S. for overseas duty, and certain local hires. Specifics are delineated in the referenced publications.

2-9. Educational Travel

Educational travel is reimbursement of an employee, serving on an "authorized dependents" tour, for travel expenses incurred to send his/her child for one round trip each year, from either the foreign school or post to a school in the U.S. and return, for the purpose of a college education. Employees who are eligible for LQA are eligible for Educational Travel based on the following criteria:

a. The dependent must be enrolled in school on a full-time basis. The age limit for this benefit extends up to (not including) the 23rd birthday for college education, with further extension authorized if required because education has been interrupted by military service.

b. Educational travel may originate from either the school or the post.

c. Educational travel orders are prepared by the servicing CPAC.

d. Per Diem and transportation of not more than 350 pounds of unaccompanied personal baggage are authorized.

2-10. Forty Five (45) Days Maximum Annual Leave Accumulation

Employees recruited in the U.S., its territories or possessions, and certain local hires, including those discharged from the U. S. Armed Forces, are eligible to accumulate a maximum of 45 days annual leave. Former military members are eligible to accumulate 45 days of annual leave if they have a formal documented offer or commitment of Federal government employment at the time of their discharge from the military service.

2-11. Home Leave (HL)

Home leave is a special category of leave that is earned by an employee serving abroad in addition to his/her annual leave. Generally, an employee is entitled to HL only when he/she has completed the one time basic service period of 24 months of continuous service abroad.

a. Employees who are eligible to accumulate 45 days annual leave are also eligible to accumulate HL. Employees in Korea can accrue from 5 to 15 days of home leave per 12 months of service, depending on the post of duty and any mandatory mobility requirements of the position.

b. The granting of home leave is discretionary. Home leave may only be taken during an employee's continuous period of service abroad and is authorized for use in the U.S. only.

2-12. Environmental And Morale Leave (EML)

a. Department of Defense (DOD) civilian employees and/or their dependents in Korea may travel on military aircraft to designated countries when there is space available on such aircraft.

b. Only DOD employees on approved leave and who are serving under a transportation agreement in Korea are eligible for transportation on military aircraft.

c. Further information regarding EML may be obtained from the servicing CPAC.

**Glossary
Abbreviations**

| | |
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| CofS | Chief of Staff |
| CHRA-FE | Civilian Human Resources Agency, Far East Region |
| CPAC | Civilian Personnel Advisory Center |
| DA | Department of Army |
| DFAS | Defense Finance and Accounting Service |
| DHRM | Directorate of Human Resources Management |
| DSSR | Department of State Standardized Regulations |
| DoD | Department of Defense |
| EML | Environmental and Morale Leave |
| EUSA | Eighth United States Army |
| FTA | Foreign Transfer Allowance |
| HL | Home Leave |
| HQ | Headquarters |
| IMCOM | Installation Management Command-Korea |
| LQA | Living Quarters Allowance |
| NFFE | National Federation of Federal Employees |
| PCS | Permanent Change of Station |
| PA | Post Allowance |
| PAM | Pamphlet |
| PD | Post Differential |
| SE | Subsistence Expense |
| SF | Standard Form |
| SMA | Separate Maintenance Allowance |
| TA | Transportation Agreement |

TQSA Temporary Quarters Subsistence Allowance

U.S. United States (of America)

USFK United States Force Korea