DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-1
300 ARMY PENTAGON
WASHINGTON, DC 20310-0300

30 August 2012

DAPE-CPZ

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Foreign Area Employment – Overseas Tours

1. References:

a. Department of Defense Instruction (DoDI) Number 1400.25-Volume 1230, 26 July 2012, subject: DoD Civilian Personnel Management System: Employment in Foreign areas and Employee Return Rights.

b. Army Regulation 690-300, 15 October 1987, Chapter 301, Overseas Employment, Subchapter 5.

2. Purpose. This memorandum provides further clarification of subjects covered in my email message dated 17 August 2012, subject: DoDI 1400.25-V1230 - Employment in Foreign Areas and Employee Return Rights, dated 26 July 2012.

3. Applicability. This guidance applies to all appropriated fund positions and employees in the competitive service located in foreign areas unless excluded by reference a.

4. Two Year Physical Presence Requirement. Selections of employees made prior to 26 July 2012 are unaffected by the two year physical presence requirements of reference a, paragraph 4.h. Such selections must, however, have been submitted electronically to the servicing Civilian Advisory Personnel Center prior to reference a's effective date. Army Commands, Army Service Component Commands, the Administrative Assistant to the Secretary of the Army, and Direct Reporting Units Commanders and equivalent Commanders (designated Senior Commanders), in foreign areas or managing civilian employees in foreign areas, may approve exceptions to the requirement that employment in the competitive service in foreign areas shall be limited to a period of 5 continuous years unless interrupted by at least 2 years of physical presence in the United States or nonforeign area.

a. Until new delegations are effected, the authority to approve shorter periods of intervening physical presence in the United States or non-foreign areas may not be further delegated.

b. Approving officials should take into account existing DoD, Joint, and local policy and/or regulations and may consider how such approval of shorter periods of physical

residence will impact the employee's eligibility for certain overseas allowances and/or transportation entitlements.

5. Tour Extensions. As described in reference b, subchapter 5-3, local Commanders may continue to approve extensions of an initial overseas tour up to a maximum of five years.

a. Tour extensions beyond five years of U.S. Citizen employees in foreign areas that were approved prior to 26 July 2012 are unaffected by reference a.

b. Extensions beyond five years.

(1) *Initial two year extension beyond the five year limitation.* Under the authorities that were previously granted in reference b., para 5-3 b., designated Senior Commanders or Officials, or other previously designated officials, have the authority to approve initial two year extensions beyond five years. This authority to approve extensions may be further delegated to subordinate commanders. Approving officials shall adhere to the requirements in reference a, para 4.h.(3), which provides that an extension shall contain a written rationale for retaining the employee in the overseas location and shall provide a workforce succession plan for replacing the employee by the end of the two year extension.

(2) *Any subsequent extensions after the initial two year extension beyond five years.* In accordance with the authority delegated in reference b., para 5-3 b., designated Senior Commanders or the Command G-1, if previously designated in accordance with reference b., para 5-3 b., have authority to approve subsequent extensions beyond the initial two year extension following the five year assignment. This authority may not be further delegated. Approving officials shall adhere to the requirements in reference a, para 4.h.(4), which provide that such extensions shall address unanticipated events or circumstances that resulted in the failure of the workforce succession plan that was included in the approval package for the first extension.

(3) Deployments: There is no authority to exempt employees who deploy from foreign areas from the five year limitation on foreign employment. Extensions for employees who are in a temporary duty status, and whose position of record is located in the foreign area, must be coordinated and approved by the appropriate official as described in para 5. b., (1) and (2) above.

(4) Previously Exempt. Employees who are in positions that are no longer exempt in accordance with reference a., should be placed on an overseas rotation agreement effective on this date.

a. For a previously exempt employee who has not completed five years of employment in the foreign area, previous time in a competitive service position not interrupted by at least two years of physical presence in the United States or a non-foreign area shall be included in the computation of the five year period.

b. Employees who have already completed five continuous years in a competitive service position must also sign an overseas rotation agreement and may be extended in accordance with para 6.b.(1) or (2) above.

6. My point of contact is Daniel Hester, telephone (703) 806-3850, DSN 656-3850 or e-mail: Daniel.J.Hester4.civ@mail.mil.

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