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MEMORANDUM FOR DISTRIBUTION

SUBJECT: Foreign Area Employment – Overseas Tours Frequently Asked Questions

This memorandum issues frequently asked questions (FAQs) about the Department of the Navy's overseas rotation program. The FAQs must be used in conjunction with the Department of the Navy Interim Guidance for Foreign Area Employment – Overseas Tours issued on March 9, 2018.

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A handwritten signature in black ink, reading "Sandra Ringer Mendoza", is positioned above the printed name.

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Frequently Asked Questions: Foreign Area Employment – Overseas Tours

**Department of the Navy
Office of Civilian Human Resources**

July 2018





Foreign Area Employment – Overseas Tours

Frequently Asked Questions

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OVERVIEW

The purpose of this document is to add clarity to the information contained within the Department of the Navy (DON) Interim Guidance for Foreign Area Employment - Overseas Tours, dated March 2018 and the Department of Defense (DoD) Instruction (DoDI) 1400.25, Volume 1230, dated July 12, 2012. Questions are grouped together by topic and answers are meant to assist Human Resources (HR) professionals, overseas managers/hiring officials, and individuals with delegated approval authority for tour extensions and physical presence waivers on how to manage overseas tours of DON employees as required by policy and guidance.

GENERAL TOPICS

Q1. Why are employees limited to five years in the overseas foreign areas?

A1. Limiting overseas foreign area tours to no more than five years is a long standing DoD and DON policy. This policy serves to increase employment opportunities for military spouses and family members and developmental opportunities for employees in the U.S., periodically renew the knowledge and competencies of the overseas workforce, enhance the interoperability of employees, and promote a joint perspective in the workforce. Periodically, the DON re-emphasizes its commitment to that policy through updates made to the overseas employment policy.

Q2. Why are civilian employees not allowed to stay overseas indefinitely? It's easier for activities not to have to retrain people.

A2. The overseas assignment was never intended to be a permanent placement for civilians. The DoD rotation program is designed to increase employment opportunities for military spouses and family members, provide developmental opportunities for employees in the U.S., periodically renew the knowledge and competencies of the overseas workforce, including familiarity with current strategic goals, enhance the interoperability of employees, and promote a joint perspective in the workforce. The DON overseas employment policy strives to promote an overseas perspective for a greater percentage of our workforce and provide employment opportunities for military and civilian family members.

Q3. An employee has been overseas for ten years already. Are those years “grandfathered”?

A3. No. If a command needs to retain this employee, the Command must obtain approval from the appropriate delegated approving authority for any tour extensions. The only exceptions to the overseas rotation program are noted in the DoDI 1400.25-V1230.



Q4. What is meant by a workforce succession plan as required for tour extension requests beyond five years?

A4. Workforce succession planning is the business process that ensures current and future workforce needs are filled by the right employees with the necessary competencies to achieve mission success while preventing unnecessary disruptions in maintaining a steady-state workforce. Workforce succession planning typically involves four basic steps:

- Demand--forecasting workforce requirement (e.g., number of positions, specialty/skill types, frequency of turnover, expiration of current incumbent's tour agreement, etc.)
- Supply--availability of candidates, typically based on results of multiple previous/historic recruitment efforts and submission of a Request for Personnel Action at least 180 days prior to expiration of the current employee's tour
- Gap analysis comparing demand and supply
- Identification of strategies to address those gaps (e.g., special recruitment needs, incentives to be offered, etc.)

OPM provides a complete guide to workforce planning at <https://www.opm.gov/services-for-agencies/hr-line-of-business/migration-planning-guidance/workforce-planning-best-practices.pdf>

Q5. What do overseas commands do with employees who are beyond the five-year limit and have no return rights?

A5. Commands may provide a reassignment opportunity within their Command back to the United States (U.S.) for their employees who have no return rights. Additionally, these employees, if otherwise eligible, may register for placement opportunities through the DoD Priority Placement Program (PPP). There is also a PPP exception that may be used to facilitate the placement of non-displaced overseas employees into positions within the U.S.

Q6. How do we treat employees who are deployed from a foreign area to a forward deployment location?

A6. 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 deployed, and whose position of record is located in a foreign area, must still be coordinated and approved by the appropriate official.

Q7. Are CONUS career-conditional or career employees in the competitive service who take a temporary or time-limited not-to-exceed position overseas granted statutory return rights under 10 U.S.C. 1586?



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A7. DoD has advised a career or career-conditional CONUS employee in the competitive service who takes a term appointment overseas does not have statutory return rights as the provision in 10 U.S.C. 1586 covers movement between permanent competitive service positions. A command may choose to obligate a position for the employee in CONUS; however, such a position must be cleared through the Interagency Career Transition Plan (ICTAP), PPP, and the Reemployment Priority List (RPL) before the returning employee can be placed. In the case there was a resulting priority match, the returning employee could not be reinstated into the position absent an available exception.

Q8. Must a tour extension be requested and approved for an employee who is deployed/mobilized under reserve orders when the expected date of return from military service is after his/her overseas tour expiration date?

A8. Yes. Employees who receive military reserve orders, and whose current position of record is located in a foreign area, must still have overseas tour extensions coordinated and approved by the appropriate official. In the event a tour extension is denied, actions that would normally occur as a result of the denied tour extension (e.g., execution of return rights, PPP counseling and registration, etc.) must be postponed until the employee returns to the overseas position of record.

Q9. Are there any circumstances when short term administrative tours may be granted?

A9. Yes. Short term (i.e., not-to-exceed six months) “administrative” tour extensions may be granted to employees who demonstrate a special need or hardship (e.g., educational reasons, medical issues, etc) or to accommodate command workforce requirements (e.g., succession planning, special project, etc.). These types of extensions are not subject to the approving authority levels in the DON Interim Guidance for Foreign Area Employment - Overseas Tours, dated March 2018 and may be approved by local commanders. When considering short term extensions, local commands should be mindful of the employee’s return rights and verify with the holding command that return rights will be extended before granting the short term extension.

CREDITING TIME TOWARDS FIVE-YEAR OVERSEAS LIMITATION

Q10. A manager wants to select a person who has only occupied an excepted service (e.g., Intel or attorney) or Non-Appropriated Fund (NAF) position in the overseas area. Will that time count towards computing the five-year limitation?

A10. No. According to the DoDI 1400.25-V1230, the five-year foreign area limitation is determined by counting all civilian employment in the ‘competitive service’ in foreign areas,



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which has not been interrupted by at least two years of physical presence in the U.S. or a non-foreign area.

Q11. How do we apply the five-year limitation to employees who have intervening periods of employment in positions that are not covered by the policy? For example, an employee spent six years in a competitive service position in the foreign area, moved to a NAF position in another foreign area, and then subsequently applied for and was selected for another competitive service position in a foreign area.

A11. In accordance with the DoDI 1400.25-V1230, employment periods in positions that are not covered by the policy will not be counted towards the five-year limitation. However, employment periods in covered positions that have not been interrupted by two-year physical presence in the U.S. or a non-foreign area, shall be counted towards the five-year limitation. In this example, the NAF position time will not count but all of the prior six years of competitive service overseas will count since it has not been interrupted by two years of physical presence in the U.S. or a non-foreign area.

Q12. How does DoDI 1400.25-V1230 apply to an employee who spent seven years OCONUS on a family member appointment (Schedule A, an excepted service appointment), returned to the U.S., was hired in a competitive service position stateside, and is now selected for a competitive service position (not as a family member) in a foreign area after only residing in the U.S. for 15 months? Since the time in the first job was an excepted appointment, does it count?

A12. Both the five-year limitation and the two-year physical presence provisions of the DoDI apply. The DoDI 1400.25-V1230 provides an exemption from the five-year limitation on foreign area employment for family members employed overseas; however, as described later in V1230, Enclosure 2, those who are exempt may become covered due to “change in policy, status, or position.” In this situation, while the employee was exempt from the five-year limitation as a family member overseas in the first position, he/she is now subject to the five-year limitation going back overseas due to his/her change in status (self-sponsored). The time spent on a family member appointment in a foreign area would count toward the five-year limitation because the position is actually in the competitive service; the employee was just given an excepted appointment. As the employee has only resided in the U.S. for 15 months, a waiver to the two-year physical presence in the U.S. would be required before being hired in the competitive service position in a foreign area. Also, a tour extension (beyond year seven) for the foreign area would be required as the physical presence waiver only covers the residency requirement and all seven years of previous foreign employment would count in the computation of the five-year limitation.



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Q13. If an employee completes a three-year overseas tour, works in the U.S. for one year and two months, can he/she be accepted for another overseas tour?

A13. Requirements in these circumstances depend on the length of the second tour. If the length of the second tour will cause the employee to have a total of more than five years of foreign area service that has not been interrupted by at least two years of service in the U.S., then a waiver is required. In addition, under these circumstances, an extension to the five-year tour limitation must be sought.

Q14. A manager selected an employee who is in the U.S., but the employee has only been back for 21 months. Can the HR office set a start date after the full two-year requirement has been met or does HR need to get a waiver?

A14. In this case, HR has two options. HR can seek a waiver from the appropriate command or set an entrance on duty date on any date after the individual completes the two-year physical presence requirement in the U.S or a non-foreign area.

Q15. A manager is trying to hire a Department of the Army (DA) employee who has not been back in the U.S. for two years—does the manager use DON rules or DA rules?

A15. In this case, the manager and HR should use the DON interim guidance in conjunction with DA's memorandum. As the employee has return rights to a DA position, the DON must be mindful of other Component's instructions. If a Command is trying to hire an employee who has not had two years of physical presence in the U.S. after having had five continuous years overseas, then a waiver to the physical presence is required as well as asking for approval to extend a tour beyond five years.

Q16. How is DoDI 1400.25-V1230 applied to an employee (family member) whose sponsor has transferred from the commuting area where the employee is assigned; who has separated or divorced from the sponsor; or, who has otherwise ceased to be a family member (e.g., sponsor retires)?

A16. Application of the DoDI in these circumstances depends on the type of appointment that the family member received when initially appointed in the overseas area. If the family member is on a Schedule A, excepted service appointment, then the family member may only remain in the foreign area for two months, unless extended by the appropriate authority in accordance with provisions described in DoDI 1400.25-V1232, Encl 2, para 5.b. If the family member is on a career or career-conditional appointment then loss of family member status will end the exemption from the five-year limitation on foreign area employment. According to DoDI 1400.25-V1230, Encl 2, para 5.b. "An employee who is exempt from the five-year foreign area limitation may later become covered by the limitation due to a change in policy, status, or position." Employee will become subject to rotation as of the date of



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loss of family member status, all prior time on a competitive position would count toward the five-year limitation, and depending on when the initial appointment overseas occurred, a tour extension may need to be requested according to the applicable approval level designated in DON guidance.

Q17. Does time spent on a temporary duty (TDY) status in a foreign area count against the five-year limit?

A17. It depends. If the employee's official duty station is in a foreign area, then the time spent TDY in a foreign area will count towards the five-year limitation. If the employee's official duty station is in the U.S. or a non-foreign area, then time spent TDY in a foreign area will not count towards the five-year limitation.

Q18. If an employee is overseas for three years, returns to the U.S. and then serves a two-year TDY to Afghanistan, is he/she considered to have spent five years in a foreign area?

A18. No, as long as the TDY to Afghanistan was performed while the employee's permanent duty location was in the U.S.

PHYSICAL PRESENCE

Q19. Why do managers have to get a physical presence waiver from the employee's current chain of command?

A19. As DoD has advised, the waiver comes from the employee's current chain of command because the home command is providing return rights.

Q20. How does the two-year physical presence requirement apply to the five-year limitation on foreign area employment?

A20. DoD has advised that approval of a physical presence waiver does not also waive the previous time spent in the foreign area. Therefore, commands that choose to waive the two-year physical presence requirement must also approve a tour extension of the five-year tour limitation for the employee if:

- The employee's previous time spent in a foreign area exceeded the five-year limitation; or
- The new tour will cause the employee to exceed five years in the foreign area. (See DoDI 1400.25-V1230, para 4.h.(1))



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Frequently Asked Questions

Q21. How do you apply the two-year physical presence requirement and overseas tour extension rules to an employee who resigned from a competitive service position in a foreign area and is now being offered a new competitive service job overseas (in a foreign area)?

A21. DoDI 1400.25-V1230 does not provide for an exception for ex-employees; therefore, the two-year physical presence is required (or a waiver) and all prior competitive service time counts in computations of the five-year limitation.

Q22. How does the requirement to have an approved physical presence waiver and tour extension work when the employee being selected is currently assigned to a different command than the command who owns the overseas vacancy?

A22. As stated in the DON guidance, physical presence waivers will be approved by the employee's current command and tour extension requests will be approved by the command owning the overseas position. For example, an OCHR employee is selected for an overseas reassignment with CNIC after having completed eight months of physical presence in CONUS and previously having spent nine years overseas. In this scenario, DON/AA would approve the physical presence waiver (considering the justification as provided by the gaining command, CNIC) and CNO (or the designated approving official in the chain) would approve the overseas tour extension beyond year nine.

Q23. Can the time spent TDY, to include TDY in foreign areas, count toward fulfilling the two-year physical presence requirement?

A23. If the employee's official duty station is the U.S. or a non-foreign area, then a TDY in a foreign area will not interfere with the two-year physical presence requirement. In other words, the employee will still be considered to be fulfilling the two-year physical presence requirement despite serving a TDY in a foreign area.

Q24. If an employee is overseas for five years, returns to the U.S. for one year, and then serves on a one-year TDY to Afghanistan, is he/she considered to have spent two years in a U.S. or non-foreign area?

A24. Yes, as stated in Q23 above, as long as the TDY was performed while the employee's permanent duty location was in the U.S.

REGISTRATIONS IN THE PRIORITY PLACEMENT PROGRAM

Q25. I've accepted a job offer through the PPP. Who pays the transportation cost?

A25. It depends, but a few general guidelines are below:



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- If placed within the same Component, the registrant's releasing activity pays necessary costs incident to the move
- If placed in a different Component within foreign areas, the gaining activity pays necessary costs incident to the move
 - Gaining activities must pay such costs because of the statutory limitation in 5 U.S.C. 5724(e), relating to transfers between Components
- If placed via PPP, temporary quarters subsistence expenses & miscellaneous expenses are paid by the gaining activity for an employee returning from assignment in a foreign area

Q26. Is there a time limit for a DON employee assigned overseas to remain on the PPP while waiting for a match? The employee has been assigned overseas for several years, and tour extensions have been exhausted.

A26. There is no time limit for a DON nondisplaced overseas employee to remain registered in the PPP while awaiting a match and job offer. Employees who have not been extended are allowed to remain in their overseas positions as long as they have an active registration in, and comply with the requirements of, the PPP. Refer to the PPP Handbook for specific registration procedures.

Q27. Is there anything that can be done to speed up the placement process in the PPP? The employee has been registered in the PPP for more than one year without receiving any offer of employment in the U.S.

A27. The PPP automated system matches registered employees to open vacancies based upon the information contained in the registration and management may select from any candidate within the priority level where selection is allowable. Non-displaced overseas registrants are referred as Priority 2 within their own component and Priority 3 to other components. To facilitate placement opportunities, DON commands should:

- Use the available PPP exception that will allow the DON to reassign non-displaced overseas employees to vacant positions in the U.S. provided there are no available well-qualified displaced PPP registrants
- Servicing HROs should periodically review registered employees' resumes to ensure they are complete and up-to-date
- Consider offering a management-directed reassignment to a CONUS location as alternative placement offer outside of the PPP
- Provide cross-training opportunities to expand the employee's skillset in order to potentially increase the number of matches in the PPP; this is especially true for non-displaced overseas employees who may be registered for a single broad skill (e.g., 0301) or be working in an overseas position that is not typically filled in the U.S. or is traditionally filled in an agency other than the DoD