

Foreign Post Differential

Employees assigned to work in foreign areas where the environmental conditions either differ substantially from CONUS conditions or warrant added compensation as a recruiting and retention incentive are eligible for Foreign Post Differential (FPD) after being stationed in the area in excess of 42 days. Payment of FPD normally begins on the 43rd day and payment is usually not retroactive. Occasionally, the State Department will authorize something different. The FPD is exempt from the pay cap and is paid as a percentage of the basic pay rate, not to exceed 25 percent of the basic pay. The Secretary of State (SECSTATE) determines areas entitled to receive FPD and the FPD rate for that area. The SECSTATE also determines the length of time the rate is in effect. Different areas in the same country can have different rates.

REFERENCES:

- a. Department of State Standardized Regulation (DSSR)
- b. Department of Defense Financial Management Regulation (DoDFMR), Chapter 8, Civilian Pay Policy and Procedures, Jan 95

Danger Pay

Civilian employees serving at, or assigned to, foreign areas designated for danger pay by the SECSTATE, will receive a danger pay allowance. Danger pay is designated when civil insurrection, civil war, terrorism, or wartime conditions threaten physical harm or imminent danger to the health or well being of a majority of employees stationed or detailed to that area. The allowance will be a percentage of the employee's basic compensation at the rates of 15, 20, or 25 percent, as determined by the SECSTATE. This allowance is in addition to any FPD prescribed for the area but in lieu of any special incentive differential authorized the post prior to its designation as a danger pay area. The FPD will be reduced by any part attributable to political violence. The combined danger pay and post differential must be at least 5 percent above the previous combined post differential and special incentive differential at the post, if any, in effect at the post prior to its designation as a danger pay area.

The DPA commences for employees already in the area on the date of the area's designation for danger. For employees assigned or detailed to the area, DPA commences upon arrival to the area. For employees returning to the post after a temporary absence, it commences on the date of return. DPA will terminate with the close of business on the date the SECSTATE re-moves the danger pay designation for the area, or on the day the employee leaves the post for any reason for an area not designated for the DPA. DPA is not subject to the pay cap discussed separately in this guide.

DPA is not part of the basic compensation for computation of withingrade step increases or overtime. DPA is subject to Federal income tax, Social Security/ Medicare, State and city, and local tax deductions.

NOTE - Under circumstances defined by the Secretary of State, a danger pay allowance may be granted to civilian employees who accompany U.S. military forces designated by the Secretary of Defense as eligible for imminent danger pay. The Secretary of State will define the area of application for civilian employees and the amount of danger pay shall be the same flat rate amount paid to uniformed military personnel as imminent danger pay

REFERENCES:

- a. Department of State Standardized Regulation (DSSR)
- b. Department of Defense Financial Management Regulation (DoDFMR), Chapter 8, Civilian Pay Policy and Procedures, Jan 95

Tour of Duty/Hours of Work

“Tour of Duty” and “Hours of Work,” as used by this guide, is synonymous terms meaning the hours of a day (a daily tour) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee’s regularly scheduled administrative workweek.

The authority for establishing and changing the tours of duty for civilian employees is delegated to the theater commander or his/her representative.

The duration of the duty is dependent upon the particular operation and will be established by the intheater commander.

REFERENCES:

a.Basic

b.Title 5, Code of Federal Regulations (CFR),
610.102

Rest and Recuperation (R&R Leave Travel)

Employees serving in contingency locations in Iraq and Jordan providing support to Operation IRAQI FREEDOM are authorized R&R leave. The policy for designating locations eligible for funded R&R leave transportation for DoD employees is the same policy used for military R&R established in DoD Directive 1327.5 subsection 6.17. An employee must have served at least 60 days in the location prior to taking R&R leave.

REFERENCES:

- a. DoD Directive 1327.5 (6.17)
- b. Memorandum dtd 23 Sept 2003
- c. JTR Vol 2, C6750

On Call Duty

During crisis situations, the nature of the work may make it necessary to have employees “on-call” because of emergencies or administrative requirements that might occur outside the established work hours. On-site commanders may designate employees to be available for such a call during off duty times. Designation of employees for this purpose will follow these guidelines:

- There should be a definite possibility that the services of the designated employee might be required.
- On call duties required of the employees will be brought to the attention of all employees concerned.
- If more than one employee could be used for on call service, the designation should be made on a rotating basis.
- On-call duty should not unduly restrict movement.

The designation of employees to be “on call” or in an “alert” posture will not, in itself, serve as a basis for additional compensation (i.e., overtime or compensatory time). If an employee is called in, the employee must be compensated for a minimum of 2 hours.

REFERENCES:

a. Basic

b. Title 5, Code of Federal Regulations (CFR), 610.102

Job Security

Upon satisfactory completion of the employ-ee's initial TDY tour and any approved extension thereto, the employee will be returned to his/her former position. In the event that the employee's position has been abolished, the employee will be returned to a position of like seniority, status and pay; however, employees will not be exempt from formal ReductionInForce (RIF) procedures.

If a RIF has occurred prior to or during the deployment, individuals deploying to support the operation must compete with individuals within their competitive area for retention. If deployed individuals are identified for separation through RIF procedures, the separation will be delayed until an appropriate notice period after return from deployment.

REFERENCES:

a.Basic

b.Title 5, Code of Federal Regulations (CFR), Chapter 351

Medical Care and Federal Employees' Compensation Act Benefits

All permanent employees with regularly scheduled tours of duty are eligible for coverage under the Federal Employees Health Benefits (FEHB) Program. The Federal Employees' Compensation Act (FECA) (Workman's Compensation) also automatically covers these employees. The FEHB helps protect employees and family members from the expenses of illness and accident. Employees must register for FEHB during regularly designated "open seasons" and cannot initiate coverage because of detail to another area.

Employees will be permitted to select another health plan if they are currently insured under a Health Maintenance Organization (HMO) arrangement and one or all of their family members are moving out of the HMO serviced area. Employees under HMOs should consider electing a fee for service plan if their family will be moving outside the HMO serviced area during the period of deployment. In either case, employees are encouraged to continue medical coverage for their families.

Civilian employees who sustain injury or death while deployed may receive benefits provided by the FECA. Civilian employees who sustain a traumatic injury in the performance of duty must notify the onsite supervisor as soon as possible, but not later than 30 days from the date of the injury. If the employee is incapacitated, someone acting on his/ her behalf may take this action.

Civilian employees who require treatment for disease or injury sustained during the deployment will be provided care at no cost to the employee under the DOD Military Health Services System, (AR 40-3, Medical, Dental & Veterinary Care, Para 4-29a (8)). The care provided would be equivalent to that received by active duty military personnel.

If a re-deployed civilian employee suspects that an injury or illness is related to the deployment or occupation, the employee should follow the procedures and regulations established by the installation's Civilian Personnel Advisory Center and the Department of Labor.

REFERENCES:

a. Basic

b. Title 5, United States Code, Chapter 89

c. Federal Employees' Compensation Act (FECA)
5 U.S.C. 8101.

d. AR 40-3, Medical, Dental, & Veterinary Care

Federal Group Life Insurance (FEGLI)

Federal civilian employees are eligible for coverage under the Federal Employees' Group Life Insurance (FEGLI) program. Death benefits (under basic and all forms of optional coverage) are payable regardless of cause of death.

The Office of Personnel Management (OPM) has provided clarification on FEGLI payment for deaths and or dismemberments that may result due to a covered individual's presence in a combat zone. Being sent to a combat zone does not affect the amount of your FEGLI coverage. Civilian employees who are sent to a war zone or combat zone in a support capacity keep their FEGLI coverage, including Accidental Death & Dismemberment (AD&D) coverage. AD&D benefits may only be affected if the individual is "in actual combat." Each situation will be reviewed on an individual basis and the specific details of the death or dismemberment will be the determining factors for claims. Similarly, civilians carrying a sidearm for personal protection are not "in actual combat." Employees should visit their Civilian Personnel Advisory Center (CPAC) to review the following forms prior to deployment:

SF 2808 (Designation of Beneficiary, CSRS)

SF 3102 (Designation of Beneficiary, FERS)

SF 2823 (Designation of Beneficiary, FEGLI)

SF 1152 (Designation of Beneficiary, Unpaid Compensation of Deceased Employee)

TSP Form 3 (Designation of Beneficiary, Federal Retirement Thrift Saving Plan)

The SF 2808 and SF 3102 are required for payment of lump sum benefits or unpaid annuity.

Information on FEGLI may be found at: www.opm.gov under **Employment and Benefits**. FEGLI booklets are available for downloading at this website also. Employees who desire to obtain or increase FEGLI optional insurance should consult their servicing Civilian Personnel Advisory Center for eligibility and evidence of insurability.

REMINDER – Employees should review their personal life insurance policy for coverage during a deployment/contingency situation.

REFERENCES:

a. Basic

b. RI 76-21, Rev April 1999, Federal Employees' Group Life Insurance

c. OPM Memorandum, 13 Jul 93, Subject: Federal Employees' Group Life Insurance Accidental Death and Dismemberment (AD&D) Coverage

Casualty Status

A casualty is defined as any person who is lost to the organization by reason of having been declared dead, wounded, injured, diseased, interned, captured, retained, missing in action, beleaguered or besieged, or detained. An organization surrounded by a hostile force to preclude escape of its members is beleaguered. An organizational element that has been surrounded by a hostile force for the purpose of compelling it to surrender is besieged.

The proper authorities as detailed in this guide will initiate notification of next of kin. Civilian employees killed in the line of duty are entitled to many of the same benefits as Military casualties. Mortuary benefits for eligible employees include search, recovery, and identification of remains; disposition of remains; removal and preparation of remains; casket; clothing; cremation (if requested); flag; escort; and transportation of remains to permanent duty station or other designated location.

REFERENCES:

- a. Basic
- b. AR 600-8-1, Casualty and Memorial Affairs and Line of Duty Investigations

Next of Kin Notification

Next of kin notification will be made in the event an employee dies, is missing, or unable to express his or her desires after becoming ill. The Casualty Area Command will handle the notification promptly in an appropriate, dignified and understanding manner.

After official notification by the Casualty Area Command, local commanders may contact the next of kin for expressions of condolence and offers of assistance. Survivor Assistance Officers may be appointed as necessary.

The Chief, Civilian Personnel Advisory Center, will appoint a Casualty Assistance Officer to assist the next of kin in obtaining benefits and entitlements. The local Army Community Service is also available to provide assistance to the next of kin and eligible family members.

Record of Emergency Data

As part of processing at the designated CRC or home station, employees are required to complete a DD Form 93 (Record of Emergency Data). In the event of a casualty, this information will be used for proper notification of next of kin. Contact information can also be updated via the Army Civilian Personnel Emergency Database, available online at www.cpol.army.mil.

REFERENCES:

a. Basic

b. AR 600-8-1, Casualties and Memorial Affairs and Line of Duty Investigations

Return from Deployment Procedures

Upon completion of the deployment or other authorized release, all employees should return to the location from which they deployed. In many instances this will include a stopover at the CRC for return of clothing, equipment, and weapons, if issued. This return processing will also include a thorough medical screening, a debriefing, and return of equipment where appropriate. The amount of time spent at the return-processing center will be kept to the absolute minimum required to complete the necessary administrative procedures.

REFERENCES:

- a. Basic
- b. AR 600-8-101, Personnel Processing In- and Out- and Mobilization.
- c. FM 100-17, Mobilization, Deployment, Redeployment and Demobilization.

Appendix A

Preparation for Deployment

1. All items issued through the CRC must be returned through the CRC. Returning from OCONUS requires a stopover at the CRC for return of equipment. The following items will be issued as required at the CRC:

A. Mission Oriented Protective Posture Clothing and Equipment:

- Protective Mask and Optical Inserts
- Over garments, Chemical (Proper size required)
- Hood, Protective Mask
- Overshoes
- Gloves with Inserts

B. Battle Dress Uniform (2) (Desert, if required and available)

- Coat
- Trousers
- Hat
- Boots (2 pair)

C. Individual Equipment:

- 2 - Canteens
- 1 - Belt/Individual
- 1 - Duffel Bag
- 1 - Poncho
- 1 - Sleeping Bag
- 2 - Blankets
- 2 - Waterproof Bags
- 1 - First Aid Case

2. Other required items and tasks that must be accomplished prior to deployment:

- Dog tags (2 ea.)

- Passports
- Visas (if required)
- NATO Travel Orders (if required)
- Shots and Medical Records
- Physical
- Dental Panagraph
- Common Access Card (CaC Card w updated Geneva Convention status
- Family Care Plan
- DOD Civilian Employee Overseas Emergency Privileges Agreement Signed
- Card (DD Form 2765)
- Emergency Essential Mobility Agreement Signed
- Weapons/Side arms Required Training If the Theater Commander authorizes; and the civilian has received appropriate weapons familiarization training; and the civilian employee agrees to accept weapon.
- DNA Sampling
- HIV Testing
- 90 day supply of prescription medications

3. Recommended Items:

- Personal Will
- Power of Attorney
- Telephone Calling Card
- Government Issued Credit Card
- Personal Medication – 90-Day Supply Suggested
- Extra Pair of Glasses
- Disposable Razors/Shaving Kit
- Personal Hygiene Items (toothpaste, deodorant, etc.)
- Insect Repellant
- Zip Lock Bags in Various Sizes
- Towels and Wash Cloths

- Shower Shoes
- Underwear – (Enough for 2 weeks)
- Radio (battery powered) FM or Short Wave
- Alarm Clock (battery powered)
- Socks (to be worn with boots)
- Soft Shoes (if required for job)
- Sewing Kit
- Sun Glasses
- Stationary and Stamps
- Extra Batteries for Radios/Hearing Aids/
Games
- Extra Civilian Clothing - Approximately 5
sets; 2 casual, 3 for work.
- Blank Checks - Banking facilities may/may
not be available. Credit services will be
available on a limited.

Appendix B Civilian Checklist

ITEMS/TASKS	YES	NO
Protective Clothing Uniforms Received		
Chemical Defense Equipment - Issued to include optical inserts - Training		
Passports - Official - Tourist		
Visas (if required)		
Shots and Medical Records		
Physical		
DNA Sampling		
HIV Testing		
Dental Panagraph		
Dog Tags (2 ea.)		
Geneva Convention Card (DD Form 489)		
DOD/Uniformed Services Identification and Privileges Card (DA Form 2765)		
Weapons/Sidearm Authorization - Issue - Training		
Family Care Plan		
Emergency Essential Agreement Signed		
Personal Will		
Power of Attorney		
Telephone Calling Card		
Government Issued Credit Card		
Personal Medication (90 Days)		
Extra Pairs of Glasses		
Review/Update Life Insurance		

Note: Appendixes **A** and **B** are not all-inclusive. They represent those significant actions that should be accomplished prior to deployment.

Appendix C
Emergency Points of Contact

Office Supervisor

Phone No. _____

Civilian Personnel Office

Phone No. _____

Emergency Operations Center

Phone No. _____

Spouse's Home

Phone No. _____

Spouse's Work

Phone No. _____

Family Friend

Phone No. _____

Other

Phone No. _____

Appendix D

Questions & Answers

Q: Why are civilian employees being deployed to contingency operations?

A: Historically, civilians in a support role have been a part of the invisible American Army since the American Revolution. Two major factors are contributing to the current deployment of civilians to contingency operations. (1) Today's Army is state of the art and highly technical. Civilian employees are needed in the field to trouble shoot the Army's highly technical systems and ensure that they operate whenever and wherever they are needed. (2) The concept of a CONUS based Army means a much smaller active component, which concentrates on expertise in war fighting, and contingency operations augmented by the reserve component, civilian employees and contractors.

Q: As Commander, do I have direct command and control of the civilians assigned to my operation?

A: Yes, when deployed, even though they are TDY, civilian employees are under the direct command and control of the Commander. The on-site supervisory chain performs the normal supervisory functions such as performance evaluations, task assignments and instructions, and initiating and effecting disciplinary actions. If the deployed civilian is in country less than one year, a performance evaluation will not be required. However, if an employee remains for 120 days or more, letter input from the Commander of the employee's on-site supervisor to the employee's performance evaluation is necessary.

Q: (a) Will the civilians assigned to my operation be volunteers?

(b) Does a Commander have the authority to involuntarily require key civilian employees to remain on the job in support of a critical mission?

A: (a) The AMC Commander's policy and commitment to AMC employees is to minimize the number of employees who must be involuntarily deployed. When the need for a particular skill arises, and before a civilian employee is sent involuntarily, a search will be conducted to determine if military personnel are available to satisfy the requirement. If not, then the search will be continued for civilian volunteers. If none are available, civilian employees will be deployed involuntarily.

(b) Yes, under existing DOD policies and procedures Commanders have the authority to direct and assign civilian employees voluntarily or involuntarily to accomplish the DOD mission that may require civilian employees to perform combat support or other crisis essential functions.

Q: What is the responsibility of the AMC deployee?

A: AMC'S reputation and integrity as an organization that can be relied upon and trusted to accomplish its mission is on the line whenever and wherever it's military and civilian representatives are deployed. It is the expectation of the AMC commander that it's employees who deploy to support contingency operations will perform their assigned duties and responsibilities in a manner acceptable to the on-site supervisory chain of command. They will follow all imposed special rules, policies, directives and orders that

are issued by the Area Theater Commander, the U.S. Forces Commander, and the on-site supervisory chain of command.

AMC employees have a responsibility to seek out and follow applicable guidance and instructions on acceptable behavior when deployed.

Q: What recourse does a Commander have if an employee refuses to remain on the job?

A: Commanders have the authority to direct an employee to remain on the job, regardless of whether they had originally been sent to the theater voluntarily or involuntarily. If an employee refuses to comply with a direct order to remain in theater, Commanders may take appropriate administrative action including separation from the federal service.

Q: (a) What is an Emergency-Essential Employee? (b) Are all employees deployed in support of a contingency considered emergency essential?

A: (a) An Emergency-Essential (EE) employee is a civilian employee who occupies an EE civilian position and who is expected to sign a “DoD Civilian Employee Overseas Emergency–Essential Position Agreement.” An EE position is a job that is required to ensure the success of combat operation or to support combat essential systems subsequent to mobilization, an evacuation order, or some other type of military crisis. Positions may be located in OCONUS or CONUS. OCONUS positions are usually designated EE for contingency planning in the event an emergency may occur. CONUS positions are designated to provide support in the event of a crisis or an

(LSE) and the Logistics Assistance Representatives (LARs) are all EE positions.

(b) Yes, before deploying, civilians will be required to execute an Emergency-Essential Position Agreement (DD Form 2365) if they have not already done so. A copy is kept on file in the employee's Official Personnel Folder at the home station CPOC and the employee is required to carry a copy during deployment. It is DOD policy that all civilian employees deploying to combat operations/crisis situations are considered EE regardless of their volunteer status or having signed the EE position agreement.

Q: During deployment, can civilians get legal assistance from the Judge Advocate General (JAG)?

A: Yes, legal assistance will be available for matters related to their actual or imminent deployment, as determined by the onsite supervising attorney or JAG office. This applies to those civilians designated as "mission essential" or "emergency essential" as well as those notified that they are to deploy. These services include such things as preparation of wills and powers of attorney and basic income tax assistance. Additionally, legal assistance is authorized for employees and family members for a reasonable period after the employee returns from the deployment to close out ongoing legal assistance matters related to deployment that arose before or during deployment.

Q: Is the Family Assistance program available to deployed civilians?

A: Yes, during deployment, the family assistance program will provide family assistance in the following areas:

- Assist casualty assistance officers in providing support to survivors.
- Assist families in relocating.
- Provide support to waiting families
- Serve as sponsor for families with special needs.
- Keep Commanders abreast of major problems.

Q: What is the emergency leave notification procedure for civilian employees?

A: Emergency leave notification procedures for civilian employees are the same as military. If an emergency occurs in the family of a deployed civilian, the family notifies the nearest Red Cross Office, who will notify the Field Commander where the deployed civilian is located. If the emergency involves one of the immediate members of the employee's family, the employee is authorized emergency leave.

Q: (a) What is the duty status of civilians assigned to my operations? (b) What are they authorized? (c) How long do they stay?

A: (a) Deployed civilian employees are in Temporary Duty Status (TDY).

(b) While in a TDY status, they are authorized the following:

- Per Diem while en route to and from the TDY site. If the Government without fee provides lodging and meals, then the per diem is reduced to \$2.00 per day in CONUS and \$3.50 per day in OCONUS.
- Actual expense allowance authorized while at TDY site.
- No per diem if they are living under field conditions while in support of military operations
- Reimbursement for actual subsistence expenses (if any) while under field conditions.
- Rental car at "layover" itinerary site. 45 day cash advances limited to the meals and incidental expenses covered by the per diem rate, or actual subsistence expense allowance and other authorized expenses that cannot be paid by charge card.
- Use of the government contractor issued charge card to cover travel expenses.

(c) It is DA policy that the length of the TDY in support of a contingency operation be limited to 179 days. Within AMC initial TDY assignments will be 120 days with the possibility of an extension if requested by SWA management.

Q: What privileges are civilians entitled to?

A: Civilian employees are entitled to the same privileges given active duty military including in theater medical care and pharmacy support. Civilian employees who require treatment for disease or injury sustained during the deployment will be provided care at no cost to the employee under the DOD Military Health Services System. The care provided would be equivalent to that received by active duty military personnel.

Q: What level of physical fitness can a Commander expect from deployed civilians?

A: The Theater Commander can opt to determine physical requirements (before deployment begins). If the Commander does not indicate any special requirements before a deployment, civilian employees are required to take a physical examination that meets the physical standards of the AMC Logistics Assistance Program (LAP) and the physical requirements of the job. This exam places emphasis on diagnosing cardiovascular, pulmonary, orthopedic, neurological, endocrine, dermatological, psychological, visual, and auditory conditions that may preclude performing a job in a crisis environment. If the employee fails the exam, he/she will not be allowed to deploy. Employees are also given a dental panorex for identification purposes. If available at the home station or CONUS Replacement Center, they will also be given DNA sampling. Employees are given all applicable immunizations prior to deployment. Employees who require glasses or contact lenses are required to have an eye examination before deployment and are issued optical inserts for the protective mask. Employees are required to have a 90-day supply of required medications.

Q: Who makes the decision to issue Chemical Defensive Equipment (CDE) and provide training?

A: The Theater Commander makes the decision to issue CDE, to include Nuclear Biological Chemical Defensive Equipment (NBCDE). If the Commander decides to issue CDE or NBCDE, then he will also be responsible for providing training. Employees may be provided familiarization training with CDE before or during deployment.

Q: (a) Who makes the decision to issue weapons to civilians and provide training? (b) What is the impact on civilians if they are issued a self-defense weapon?

A: (a) It is the responsibility of the theater Commander to determine whether or not civilian employees should be issued weapons. If the Commander determines that the civilians accompanying the armed forces are at risk in the event of an enemy or terrorist attack, he may issue side arms to civilian employees for personal self-defense. Acceptance of such weapons is voluntary for all civilian personnel. Weapons familiarization training may be provided prior to deployment or after deployment.

(b) It is not a violation of the law of war nor will it jeopardize any Geneva Conventions protections for an emergency essential employee to be issued a weapon for self-defense purposes. Any emergency essential civilian captured and detained by hostile forces is entitled to prisoner of war protection. If issued a personal weapon, the weapon is issued only for the individual civilian's personal protection from attack. It does not constitute authorization for a civilian to be assigned to guard duty, perimeter defense, or engage in offensive combat operations.

Q: Who decides if civilians should wear uniforms?

A: The Department of the Army and the Department of Defense policies state that civilians will wear uniforms. The in-theater Commander may decide otherwise. Uniforms and clothing are issued at the processing site based on the specific circumstances of the deployment as determined by the local Commander or LSE Commander.

Q: What kinds of documents should the Commander expect civilians to be carrying with them when they arrive in country?

- A:**
- Official passport
 - Visas as required by the country of deployment/travel
 - TDY Orders
 - SF-50 (Detail) Notice of Personnel Action (A copy of this document is to be provided to the servicing CPOC upon arrival in country)
 - Common Access Card
 - Uniform Services ID Card
 - Geneva Convention Card
 - DD Form 356, DOD Civilian Employee Overseas Emergency-Essential Position Agreement
 - DD Form 93, Notification of Casualty

Q: (a) Are civilian employees covered by the Uniform Code of Military Justice (UCMJ) during deployment? (b) Are civilians subject to the law of the country in which they are deployed? (c) If disciplinary action against a civilian employee has to be taken, who is responsible?

A: (a) Civilians are subject to the UCMJ when serving with or accompanying armed forces only in a congressionally declared war situation. This excludes contingency operations such as Southwest Asia or Somalia.

(b) If possible, the U.S. Government will negotiate a Status of Forces Agreement (SOFA) with the host nation. The agreement may provide civilians accompanying U.S. Forces be subject to punitive or other legal actions that can be taken under appropriate U.S. military or civilian law, rule, or regulation, rather than the host nation. If the host

nation will not agree to grant U.S. personnel some form of immunity, a Foreign Criminal Jurisdiction Arrangement (FCJA) will be negotiated that will provide jurisdictional protections and procedural safeguards for U.S. personnel. However, even though a FCJA with the host nation has been established, the host nation may still retain the right to prosecute U.S. personnel for offenses that are either exclusive violations of host nation law or those over which the host nation has primary concurrent jurisdiction.

(c) Civilian employees are subject to the “chain of command” and disciplinary procedures are the responsibility of the immediate on-site supervisor. In cases requiring suspension or dismissal, discipline may be administered at or through the employee’s home station.

Q: What training requirements are Commanders responsible for?

A: All civilian personnel will receive training during deployment processing in the areas of the Geneva Conventions, Code of Conduct, Uniform Code of Military Justice, Rules of Engagement, Health and Sanitation, Customs and Courtesies for the area of deployment, Legal Assistance and Status of Forces Agreement (if applicable). Training on other issues/topics, e.g., military driver’s license, survival course tailored to the climate, training on use of a self-defense weapon, CD or NBCDE training on equipment issued in theater may be provided before or during deployment.

Q: During a contingency operation, how are civilian employees paid?

A: In order to ensure continuation of pay while detailed to support military operations, DA policy requires civilian employees to join a direct deposit/electronic funds transfer (DD/EFT) program at their home installation before deployment. The employee's supervisor at the home station is responsible for keeping time cards and reporting the hours worked to the finance and accounting office. The field Commander or designee should submit a DA Form 5172-R or local authorization form (with a copy of the travel orders) documenting the actual overtime hours worked for each employee and each day of the pay period as soon as possible after the hours are worked. When circumstances do not permit timely submission of the actual hours worked, employees will be paid according to the work schedule as established by the field Commander, (i.e., 12 hour 7 day workweek) which will be reported to the employees' home station. Any variation from this schedule (i.e., leave) will be reported to the home station.

Q: (a) How does deployment affect civilian salary? (b) What does a commander of deployed civilians need to know about civilian compensation?

A: (a) It does not affect it. Civilian employee salaries are not tax-free during deployment. If a civilian employee is in a missing status, his/her pay and allowances will continue. Missing status is defined as missing in action, being detained in a foreign country, captured, beleaguered, or besieged by a hostile force, or detained in a foreign country against his/her will. Civilian employees will be entitled to receive the same pay and allowance they were entitled at the time they were

declared missing, and to which they would become entitled thereafter (e.g., within grade increases).

(b) There are various pay allowances employees may be entitled to while in a deployment status:

(1) Overtime. The onsite supervisor or field commander is responsible for establishing the employee's work schedule. It is AMC policy that all employees will be paid overtime for work performed in excess of the 8-hour day or 40 hour workweek. **REMINDER:** For GS employees, total overtime plus base pay cannot exceed the pay cap. Employees on an on-call or standby status do not earn overtime unless they were actually called to duty and actually worked overtime hours.

(2) Compensatory Time. GS employees who are exempt from the Fair Labor Standards Act (FLSA) (designated by an "E" in the FLSA code block on their Leave and Earning Statement) may be granted compensatory in lieu of overtime pay. Wage grade employees may request compensatory time in lieu of paid overtime. Since pay is a home station responsibility, the employees will have up to 26 pay periods after the period in which the compensatory time was earned to take the time off. After that, the compensatory time will be paid at the overtime rate in effect at the time worked. The pay cap also limits compensatory time.

(3) Danger Pay. Danger Pay (DP) allowance is paid to civilian employees serving at, or assigned to, foreign areas designated for danger pay by the Secretary of State. The allowance is paid due to civil insurrection, civil war, terrorism, or wartime conditions, that threaten physical harm or imminent danger to the health or well being (of a majority) of employees stationed or detailed to that

area. The allowance will be a percentage of the employee's basic compensation at the rates of 15, 20, or 25 percent as determined by the Secretary of State. DPA commences for employees already in the area on the date the area is designated as a danger zone. For employees deployed to the area, DPA commences upon arrival in the area. For employees returning to the post after a temporary absence, it commences on the date of return. Danger Pay Allowance will terminate with the close of business on the date the Secretary of State removes the danger pay designation for the area or on the day the employee leaves the post for any reason for an area that has not been designated for the DPA.

NOTE: Under circumstances defined by the Secretary of State, a danger pay allowance may be granted to civilian employees who accompany U.S. military forces designated by the Secretary of Defense as eligible for imminent danger pay. The Secretary of State will define the area of application for civilian employees and the amount of danger pay shall be the same flat rate amount paid to uniformed military personnel as imminent danger pay.

(4) Foreign Post Differential. Employees assigned to work in foreign areas where the environmental conditions either differ substantially from CONUS conditions or warrant added compensation as a recruiting and retention incentive are eligible for Foreign Post Differential (FPD) after being stationed in the area in excess of 42 days. FPD is exempt from the pay cap and is paid as a percentage of the basic pay rate, not to exceed 25 percent of the basic pay. The Secretary of State determines areas entitled to receive FPD, the rate for that area, and the length of time it is to be in

effect. Different areas in the same country can have different rates. Post Differential is paid in addition to Danger Pay Allowance. The combination of post differential and danger pay is not subject to the 25 percent limitation.

(5) Pay Cap. The pay cap is limited to a GS-15, Step 10 salary. Employees whose salaries reach either the annual pay cap or the biweekly pay cap cannot continue to work (DOD has authority to waive the biweekly pay cap). However, an employee's salary is still subject to the annual pay cap. If an employee's salary reaches the pay cap, his/her TDY cannot be continued and the employee must return to the home station. Commanders must ensure that civilian employees are not allowed to exceed these constraints. Civilians are not authorized to work for the federal government without compensation and they cannot be paid for work done beyond the pay cap. Employees' pay must be monitored to ensure that TDY is stopped in sufficient time before the pay cap is reached and to obtain a replacement if needed.

Q: Does the commander have the authority to determine when a civilian employee works?

A: Yes. "Tour of Duty" and "Hours of Work" is synonymous, meaning the hours of a day and the number of days of a civilian employee's regularly scheduled workweek. The authority to establish and change the tours of duty for civilian employees is delegated to commanders. The duration of the duty is dependent upon the particular operation and will be established by the in theater commander.

Q: Does the onsite commander have the authority to place deployed civilians in an on-call status?

A: Yes. During crisis situations, the nature of the work may make it necessary to place employees in an “on-call” status because of emergencies or administrative requirements that might occur outside the established work hours. Onsite commanders have the authority to designate employees to be on-call during off duty times. If placing employees in an on-call status becomes necessary, the following guidelines should be followed.

- There should be a definite possibility that the services of the designated employee might be required.
- On-call duties required of the employees will be brought to the attention of all employees concerned.
- If more than one employee could be used for on-call service, the designation should be made on a rotating basis.
- On-call duty should not unduly restrict movement.
- The designation of employees to be “on-call” or in an “alert” posture will not, in itself, serve as a basis for additional compensation (i.e. overtime or compensatory time).
- If an employee is called in, the employee must be compensated for a minimum of 2 hours.

Q: Will a civilian employee lose all of his/her annual leave if they are unable to use it due to deployment?

A: Any annual leave in excess of the maximum permissible carryover of 240 hours is automatically forfeited at the end of the leave year. Annual leave forfeited during a combat or crisis situation for employees deemed essential in the National Emergency may be restored whether or not it was scheduled in advanced. When the leave is restored, the employee has up to 2 years to use it.

Q: How can a Commander help a deployed civilian who is faced with Reduction in Force (RIF) when he/she returns home?

A: Unfortunately, employees will not be exempt from formal RIF procedures while in a deployment status. If a RIF has occurred during the deployment, individuals deploying to support the operation must be evaluated for retention with all of the other individuals within their competitive area. If deployed individuals are identified for separation through RIF procedures, the actual separation will be delayed until the employee returns. At that time, the employee will be given the same notice period before separation as the rest of the employees in the competitive area. Depending on the size of the RIF, the notification could be either 60 to 120 days. Since an employee's standing is determined by the rating he/she is given on the performance evaluation, the commander's letter input to the performance evaluation is very important.

Q: If civilian employees are hurt or killed in the line of duty during deployment will they be compensated?

A: Yes, civilian employees who sustain injury or death while deployed may receive benefits provided by the Federal Employees Compensation Act (FECA). These benefits include medical, disability, and death benefits for the survivors. To qualify for these benefits the employee or his/her survivors must establish that there was a causal relationship between his/her employment and the injury/death. Civilian employees who sustain a traumatic injury in the performance of duty must notify the on site supervisor or commander as soon as possible, but not later than 30 days from the date of the injury. If the employee is incapacitated, someone acting on his/her behalf may take this action. Once informed, the commander should notify the home station as soon as possible and complete the appropriate paperwork required by the home station.

Q: Will an employee's deployment status affect his/her life insurance?

A: The life insurance of federal civilian employees who are covered under the Federal Employees Group Life Insurance (FEGLI) program will not be affected. Death benefits are payable regardless of cause of death. The Office of Personnel Management (OPM) has confirmed that civilians who are deployed with the military to combat support roles during time of crisis are not in actual combat and are entitled to accidental death and dismemberment benefits under FEGLI in the event of death. Similarly, civilians carrying side arms for personal protection are not in actual combat.

However, some private life insurance plans have war causes, which make death benefits not payable if the policyholder is killed during a contingency operation or by a terrorist attack.

Q: (a) How will a civilian employee be treated if he/she becomes a Prisoner of War and is carrying a self-defense weapon or wearing a uniform? (b) What is the notification procedure if a civilian employee becomes a Prisoner of War?

A: (a) Under the Geneva Conventions for Prisoners of War (GPW), civilians captured while accompanying military forces in the field, regardless if carrying a self-defense weapon or wearing a uniform are entitled to be protected as Prisoners of War (POW) if captured. These protections are accorded to those POWs who are accompanying the armed forces without actually being members thereof provided they have received authorization from the armed forces that they accompany, and have their Geneva Convention status updated on their CAC Card. Capture of an Emergency Essential employee by an opposing force while wearing a uniform or carrying a weapon does not deprive a civilian employee accompanying a military force of GPW.

(b) The notification procedure is the same as for military personnel.

Q: (a) How are civilian casualties handled? (b) What benefits are available for civilian employees who are killed during deployment? (c) How is notification of the next of kin handled?

A: (a) Civilian casualties are handled the same as military casualties. A casualty is defined as any person who is lost to the organization by reason

of having been declared dead, wounded, injured, diseased, interned, captured, detained, or missing in action.

(b) Civilian employees killed in the line of duty are entitled to many of the same benefits as military casualties. Mortuary benefits for eligible employees include: search, recovery, and identification of remains; disposition of remains; removal and preparation of remains; casket and burial including cremation (if requested); and escort and transportation of remains to permanent duty station or other designated location.

(c) The Casualty Area Command nearest to the residence of the next of kin will handle the notification promptly in an appropriate, dignified, and understanding manner. After official notification by the Casualty Area Command, local commanders may contact the next of kin for expressions of condolence and offers of assistance. The Civilian Personnel Officer at the home station will appoint a Casualty Assistance Officer to assist the next of kin in obtaining benefits and entitlements. The local Army Community Service is also available to provide assistance to the next of kin and eligible family members.

Appendix E

Basic References

- a. DOD Directive 1400.6, DOD Civilian Employees in Overseas Areas, 15 Feb 80

- b. DOD Directive 1400.24, Civilian Mobility Program, 20 Oct 89

- c. DOD Directive 1400.31, DOD Civilian Work Force Contingency and Emergency Planning and Execution, 28 Apr 95

- d. DOD Instruction 1400.32, DOD Civilian Work Force Contingency and Emergency Planning Guidelines and Procedures, 24 Apr 95

- e. DOD Directive 1404.10, Emergency-Essential (EE) DOD U.S. Citizen Civilian Employees, 10 Apr 92

- f. AR 690-11, Planning for Use and Management of Civilian Personnel in Support of Military Contingency Operations, (Draft) 18 Feb 99

- g. AR 500-5, Army Mobilization Operations, Planning and Execution System (AMOPES), 7 Jun 97

- h. DA PAM 690-39, Family Assistance Handbook for Emergency-Essential Personnel and Family Members, 1 Feb 87

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- a. DOD Directive 1400.6, DOD Civilian Employees in Overseas Areas, 15 Feb 80
- b. DOD Directive 1400.24, Civilian Mobility Program, 20 Oct 89
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- f. AR 690-11, Planning for Use and Management of Civilian Personnel in Support of Military Contingency Operations, (Draft) 18 Feb 99
- g. AR 500-5, Army Mobilization Operations, Planning and Execution System (AMOPES), 7 Jun 97
- h. DA PAM 690-39, Family Assistance Handbook for Emergency-Essential Personnel and Family Members, 1 Feb 87
- i. DA PAM 690-47, DA Civilian Employee Deployment Guide, 1 Nov 95

- j. AMC-R 690-11, Civilian Personnel
Mobilization Planning and Management,
10 Feb 97

Note: The above basic references are applicable to each topic covered in this guide.

WEBSITES:

- www.bliss.army.mil/LocaUnitLinks/crc/frbanner.htm
380TH CRC BN
- www.amc.army.mil/
AMC-R 690-11, CIVILIAN PERSONNEL
MOBILIZATION PLANNING AND
MANAGEMENT
www.odcsper.army.mil
CONSOLIDATED PERSONNEL POLICY
GUIDANCE FOR OPERATION
ENDURING FREEDOM
- www.usapa.army.mil
DA PAM 690-47, CIVILIAN PERSONNEL
DA CIVILIAN EMPLOYEE
DEPLOYMENT GUIDE
- www.opm.gov/oca/leave
OPM 71, REQUEST FOR LEAVE
- WWW.OPM.GOV/OCA/PAY
GS PAY LIMITATIONS
- www.cpol.army.mil
EMERGENCY CONTACT DATA

