

Department of State Standardized Regulations - (Last updated 8/30/2009)

030 APPLICABILITY (Last updated 8/30/2009)

These regulations apply to male and female employees even though male pronouns may appear in the text. Any provision in these regulations that limits the payment of allowances to an employee because employee is in a non-pay status shall not apply to any employee who is in a non-pay status solely due to a lapse of appropriations.

031 United States Citizen Employees

031.1 Quarters Allowances

031.11 Employees Recruited in the United States

Quarters allowances prescribed in Chapter 100 may be granted to employees who were recruited by the employing government agency in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the possessions of the United States. In the case of married couples or domestic partnerships, see Section 134.13. (Interim eff. 7/5/2009 TL:SR 711; final eff. 8/30/2009 TL:SR 715)

031.12 Employees Recruited Outside the United States

Quarters allowances prescribed in Chapter 100 may be granted to employees recruited outside the United States, provided that:

a. the employee's actual place of residence in the place to which the quarters allowance applies at the time of receipt thereof shall be fairly attributable to his/her employment by the United States Government; and

b. prior to appointment, the employee was recruited in the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the former Canal Zone, or a possession of the United States, by:

- (1) the United States Government, including its Armed Forces;
- (2) a United States firm, organization, or interest;
- (3) an international organization in which the United States Government participates; or
- (4) a foreign government

and had been in substantially continuous employment by such employer under conditions which provided for his/her return transportation to the United States, the Commonwealth of

Puerto Rico, the Commonwealth of the Northern Mariana Islands, the former Canal Zone, or a possession of the United States; or

c. as a condition of employment by a Government agency, the employee was required by that agency to move to another area, in cases specifically authorized by the head of agency.

Subsection 031.12b may be waived by the head of agency upon determination that unusual circumstances in an individual case justify such action.

An employee who was determined to be eligible to be granted a living quarters allowance under former Section 031.12d, last effective March 25, 1971 and last published in TL:SR-174 dated August 11, 1968, may continue to be eligible for and be granted a living quarters allowance while continuously employed in a foreign area and while he/she is otherwise eligible for such allowance.

031.13 Employee Who Is a Member of Another Employee's Family

A quarters allowance may not be granted to a non-spouse employee, or non-domestic partner employee, who is a family member of another employee of the United States Government as defined in Section 040m. (Interim eff. 7/5/2009 TL:SR 711; final eff. 8/30/2009 TL:SR 715)

031.14 Employees of the Peace Corps

Quarters allowances prescribed in Chapter 100 may be granted to employees of the Peace Corps wherever recruited in amounts determined by the Director of the Peace Corps not in excess of the amounts determined in accordance with Chapter 100.

031.2 Other Allowances

Post Allowances prescribed in subchapter 220, danger pay allowance prescribed in Chapter 650 and the compensatory time off prescribed in Chapter 800 may be granted to employees defined in Section 040i. Other cost-of-living allowances (foreign transfer allowance, home service transfer allowance, separate maintenance allowances, education allowances, and educational travel), and difficult to staff incentive differential, prescribed in subchapters 240, 250, 260, 270, 280, and 1000, respectively, may be granted subject to exceptions contained in the foregoing chapters, only to those employees who are eligible for quarters allowances under Section 031.1. Employees of the Peace Corps shall not be eligible for allowances mentioned in this section except as may be expressly authorized by the Director of the Peace Corps in amounts determined by him/her not in excess of those determined in accordance with the relevant provisions of Chapters 200 and 650.

031.3 Post Differential (Interim eff. 7/5/2009 TL:SR 711; final eff. 8/30/2009 TL:SR 715)

Post differential prescribed in Chapter 500 may be granted to employees who are described in Sections 031.11 and 031.12 (eligible for quarters allowances), including married couple

employees or domestic partnership employees, and to employees officially stationed in the United States who are on extended detail (Section 541) in a foreign area,

except that:

a. post differential may not be granted to a non-spouse or non-domestic partner dependent employee who is a member of the household of another employee or of a member of the U.S. Armed Forces;

b. employees of the Peace Corps shall not be eligible for post differential except as may be expressly authorized by the Director of the Peace Corps in amounts determined in accordance with Section 550.

(Each spouse or domestic partner, if otherwise eligible, may be granted post differential regardless of whether both employees are receiving the living quarters allowance.)

An employee hired under former Section 031.12d referred to in Section 031.12 may continue to receive post differential prescribed in Chapter 500 while continuously employed in a foreign area and while he or she is otherwise eligible for a post differential.

031.4 Temporary Employees

Employees appointed on a full-time basis for temporary periods (5 CFR 316; or other applicable agency authority) may be granted the allowances, post differential, danger pay allowance, advances of pay and compensatory time off for which they are eligible.

031.5 Part-time Employees

Part-time employees (5 CFR 340; or other applicable agency authority) shall not be granted allowances, post differential, or advances of pay, but may be granted danger pay allowance prescribed in Chapter 650 and compensatory time off prescribed in Chapter 800.

031.6 Employees Residing in the United States

Regardless of any other provision of these regulations, an employee who arrives at a new post (Section 040h) in a foreign area on or after December 1, 1961, and who occupies quarters in the United States (Section 040a) shall not be granted any post, living quarters, education allowances, post differential, or difficult to staff incentive differential, that may be established for his/her post, unless such occupancy is the result of leave or official duty in the United States in accordance with other provisions of these regulations. Danger pay may be granted if appropriate.

031.7 Employees of the Veterans Administration

For employees transferring between the Philippines and the United States, the Administrator of the Veterans Administration may grant (under 38 U.S.C. 235(6) and (7) and E.O. 12228): (a)

subsistence while occupying temporary quarters as prescribed in Chapter 302, Part 5 of the Federal Travel Regulation and (b) expenses relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee as prescribed in Chapter 302, Part 6 of the Federal Travel Regulation. The benefit in part (a) is in lieu of the home service transfer allowance (if applicable) in these Standardized Regulations, and the benefit in part (b) is in addition to any other applicable transfer benefit in these Standardized Regulations.

032 Non-Citizen Employees

The allowances, post differential, danger pay, compensatory time off, advances of pay and difficult to staff incentive differential, in Chapters 100, 200, 500, 650, 800, 850, and 1000 may be paid to non-citizen employees (Section 040j) to the extent that the payment of such allowances and differential to the non-citizen employee is authorized by any provision of law other than 5 U.S.C. 5921-5928 (except advance of pay for medical treatment under 5 U.S.C. 5927 and Chapter 850).

033 Per Diem Allowances For Travel

The foreign area travel per diem allowances prescribed in Section 925 may be paid to civilian employees of the U.S. Government in accordance with the Federal Travel Regulation promulgated by the General Services Administration or other applicable travel regulations. Internet site: http://aoprals.state.gov/content.asp?content_id=184&menu_id=78

As a convenience to Federal agencies, an attachment to Section 925 includes the most recent Civilian Personnel Per Diem Bulletin containing locality per diem allowances for non-foreign areas outside the conterminous (continental forty-eight) United States. These rates are established by the Secretary of Defense for civilian travelers of the U.S. Government. Internet site: <http://perdiem.hqda.pentagon.mil>

The prescribed maximum travel per diem rates for the conterminous United States are established by the General Services Administration. These rates may be found in Appendix A to Chapter 301 of the Federal Travel Regulation. Internet site: http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentId=17943&contentType=GSA_BASIC