

PT-805

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### Evacuation of U.S. Citizen Employees from Foreign Areas

*NOTE: This reference guide applies only to ordered or authorized departures from foreign areas. Guidance on non-foreign evacuations is found in 5 CFR 550, Subpart D and DoD Joint Travel Regulations (JTR), Vol II, Chapter 6, Part D.*

#### References

- 5 USC 5521-5527
- Department of State Standardized Regulations (DSSR), Chapter 600
- DoD 1400.25-M, Department of Defense Civilian Personnel Manual (CPM), Subchapter 1250
- DoD Joint Travel Regulations (JTR), Vol II, Chapter 6, Part C.

#### Evacuation

The ordered or authorized departure of employees and/or their dependents from a foreign post due to hostilities, natural disasters, or other conditions that make it dangerous to remain at the post. The evacuation order may be either written or oral but must be issued by an authorized official. The authorized official is normally the Secretary of State or the Secretary of Defense. Subordinate commanders may be authorized by the Secretary of Defense to order or authorize departures.

#### Safe Haven

A location or place officially designated to which an employee and/or dependents will be authorized or ordered to depart. The safe haven may be at another foreign post or in the United States. Safe havens are designated by the Secretary of State in advance of any actual or possible evacuation. Alternate safe havens may be authorized by the Secretary of State and through the Secretarial Process under individual circumstances.

#### Entitlements

- **Travel and Transportation** (JTR C6200, Sec. 612, 631) Travel and transportation at government expense for an employee and dependents from the evacuated foreign post to a safe haven are in accordance with the Joint Travel Regulations, Vol II, for TDY travel. Eligible employees are U.S. citizen or

national employees who have a transportation agreement and their dependents, and third country nationals to the extent determined by the Secretary of State. Locally-hired U.S. citizens are not eligible for evacuation travel or other benefits unless they are dependents of an eligible military member or civilian employee.

When the U.S. is designated the safe haven, dependents may travel to any point in the U.S. Travel to an alternate safe haven outside the U.S. is reimbursable on a constructed basis calculated from the evacuated foreign post to the employee's selected safe haven in the U.S.

A third country national employee (and/or dependents) should be considered for evacuation travel to the employee's country of origin or point of hire rather than to designated foreign or U.S. safe havens.

- **Per Diem** (JTR C6200, Sec. 631) Per diem is payable from the date of departure from the evacuated post to the date of arrival at the safe haven. Per diem is determined by TDY travel rates and is paid for each family member (dependents under age 12 receive one-half the per diem rate).
- **Advance Payment** (JTR C6200, Sec. 616-622) Evacuated employees may receive an advance payment based on the compensation rate including any allowances or post differential for which they were eligible immediately prior to the evacuation order/authorization issuance. The authorizing official determines the number of days for the advance, NTE 30 days. Payment is made to the employee or a designated representative.
  - *Full and part-time employees:* Computed on the basis of regularly scheduled workweek.
  - *Intermittent employees:* Computed on the basis of the number of days per week the employee ordinarily worked during an average six-week period.
- **Continuation of Salary** (JTR C6200, Sec. 621) Regular salary continues during period of evacuation. An advance payment is not deducted from the employee's salary during the period of evacuation. In addition to the employee's salary, the following allowances and differentials are paid/terminated:
  - Employee remains at post - family departs:
    - Post allowance is reduced to the without family rate;
    - LQA is continued at the with family rate for up to six months;
    - Post differential is continued;
    - Danger pay is continued.
  - Employee and family depart:
    - Post allowance is terminated;
    - LQA is terminated;
    - Post differential is terminated;
    - Danger pay is terminated.

- **Subsistence Expense Allowance (SEA)** (JTR C6200, Sec. 632) Evacuees and dependents are reimbursed according to a commercial (with lodging receipts) or non-commercial (without lodging receipts) rate, NTE 180 days.
  - For the first 30 days:
    - Commercial Rate – For the first evacuee, up to 100% (or up to 150% based on family compositions listed in JTR Section 632.1) of the lodging portion of the safe haven per diem rate plus a flat rate equal to 100% of the M&IE portion of the safe haven per diem rate.
    - Non-Commercial Rate – For the first evacuee, a flat rate of 10% of the lodging portion of the safe haven per diem plus 100% of the M&IE portion of the safe haven per diem rate.
  - For days 31 through 180:
    - Commercial Rate – For the first evacuee, up to 100% (or up to 150% based on family compositions listed in JTR Section 632.1) of the lodging portion of the safe haven per diem plus a flat rate equal to 80% of the M&IE portion of the safe haven per diem.
    - Non-Commercial Rate – For the first evacuee, a flat rate of 10% of the lodging portion of the safe haven per diem plus a flat rate equal to 100% of the M&IE portion of the safe haven per diem rate.

Employees in a paid leave status who are away from the post when the evacuation order is issued should immediately notify post of intention to return to work status to become eligible for SEA at the designated safe haven. The employee either returns to the PDS immediately or receives authorization to report to the official safe haven, or to a temporary duty station. SEA may not be paid to any evacuee authorized to receive travel per diem. An employee and/or dependents in home leave status are not eligible for SEA. SEA continues for employee/dependents while an employee in authorized/ordered departure status takes annual or sick leave. An employee in LWOP status is not eligible for SEA unless evacuated as a dependent (JTR C6200, Section 632.4).

- **Tandem Couples** (JTR C6200, Sec. 632.4(b)) Each employee receives SEA as the first evacuee.
- **Lease Coverage** (JTR C6200, Sec. 632.4(c)) If an employee or designee signs a lease for temporary quarters at the safe haven and is ordered to return to post, a waiver of the refund due the Government on an advance or reimbursement of expenses incurred should be authorized for the unexpired period of the lease up to 30 days at NTE the lodging portion of the safe haven per diem rate.

- **Education Travel** (JTR C6200, Sec 633.4) Education travel eligibility continues. The designated safe haven replaces the foreign post as the destination from school.
- **Separate Maintenance Allowance (SMA)** (DSSR 261.2) Separate Maintenance Allowance payments continue as long as the family is separated. Dependents may not receive both SMA and SEA.
- **Employees and their Dependents Who Are Assigned to the Post, But Have Not Yet Arrived** Generally, employees and their dependents who have not officially reported for duty at the foreign post are not eligible for evacuation payments. However, under limited circumstances outlined in Section 245 of the DSSR, employees who are within 30 days of reporting and have either vacated their home or have a contractual obligation to vacate may receive evacuation payments. The authorizing official will determine whether the employee should remain at the old duty station or travel to the designated safe haven. If the dependents have not reported to the post, they may receive involuntary SMA.
- **Household Goods** (JTR C6200, Sec. 631b) Access to (while in storage) household goods, delivery, and return to storage of household goods in non-temporary storage is at the personal expense of the employee.

Shipment of household goods from the evacuated post is not authorized until the evacuation is determined to be permanent, the employee completes the tour, or the employee is released from the transportation agreement. Household goods may not be shipped until cessation of hostilities or the emergency has passed.

- **Privately Owned Vehicles (POV)** (JTR C6200, Sec 631b) Shipment of a POV is not authorized at government expense during an evacuation. Shipment of a POV is subject to the same restrictions as household goods. In the absence of a POV at the safe haven location, a \$25 per day transportation allowance may be paid to assist with local transportation costs.

### **Work Assignments for Evacuated Employees**

Evacuated employees at safe haven posts may be assigned to perform any work considered necessary or required to be performed without regard to the grades or titles of the employees. Failure or refusal to perform assigned work may be a basis for terminating further evacuation payments and may be the basis for disciplinary action (JTR C6200, Sec 625).

### **Termination of Evacuation/Return to Assignment**

Evacuation benefits end when the employee is no longer officially assigned to the foreign post, the date of separation, the date specified by either the Secretarial Process or the

Secretary of State, 180 days after the evacuation order is issued, or the date the evacuee begins return travel to the PDS (JTR C6200, Sec 635).