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FAC CPP
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NAVFAC INSTRUCTION 12301.1A

From: Commander, Naval Facilities Engineering Command

Subj: GUIDANCE ON OVERSEAS EMPLOYMENT

Ref: (a) CPI 301.5 of 5 Jul 1988
(b) CPI 352.8 of 11 Mar 1988
(c) CPI 536, 536.S3, 536.S5 of 16 Dec 1987

1. Purpose. This instruction establishes the policy for the Naval Facilities Engineering Command (NAVFACENGCOM) overseas employment program to be used in conjunction with references (a) through (c).

2. Policy. NAVFACENGCOM places a high priority on the consistent and equitable application of overseas employment procedures and has a vested interest in those NAVFACENGCOM employees who participate in the overseas employment program. The NAVFACENGCOM instruction will delegate authority and provide guidance on decisions pertaining to extensions of foreign tours, treatment of return rights, and offering pay retention to highly qualified candidates.

3. Background. Reference (a) delegates authority on specific areas of overseas employment practices to Echelon II Commands, which can be further redelegated to heads of overseas activities. This instruction provides the redelegated authorities and clarifies employment practices under the overseas employment program.

4. Tour Extensions.

a. As provided by reference (a), NAVFACENGCOM delegates to heads of Echelon III organizations with overseas employees the authority to:

(1) Grant up to one full tour extension beyond five years from the starting date of the initial tour when it has been determined that extending the tour is in the best interest of the government, certification requirements of reference (a) have been met, and after the employee's return rights have been approved by the holding activity or the employee has agreed to waive return rights if the holding activity has elected not to extend return rights.

(2) Grant up to one full tour extension beyond five years for a total of seven years when the move is between foreign areas or between foreign and non-foreign areas as outlined in

reference (a). In cases where a reassignment or change to lower grade action will occur, the gaining activity must obtain, in writing, from the losing activity an agreement to release the employee. Also, procedures on extension of return rights from the holding activity are to be followed as stated below in the paragraph pertaining to return rights.

(3) Grant, at their discretion, to heads of Echelon IV organizations under their cognizance, the same redelegated authorities listed in paragraphs (1) and (2) above.

b. Grant tour extensions subsequent to the extensions granted under section 4.a for their respective areas of cognizance. Requests must be submitted by the activity Commander or Commanding Officer (not by the employee, since it is a management decision to extend overseas tours rather than an employee entitlement) and should contain the same information required in reference (a).

c. Tour extensions beyond seven years shall be approved in very unique situations, and only when fewer than three qualified applicants have been identified through formalized announcement procedures. Such situations can cover: (1) retaining someone with highly unusual job skills (e.g., fire protection engineers or polyurethane roofers), (2) hard-to-fill locations, (3) employees in the middle of a critical project, etc. It is NAVFACENGCOM policy not to support individuals staying overseas beyond seven years, since it usually results in an erosion of the employee's knowledge, skills, and abilities, and general familiarity with state-of-the-art developments in their chosen career field. Additionally, since the Navy overseas job universe is small, other interested, accessible, and well-qualified employees should be given the opportunity to serve overseas, rather than allowing a few individuals to monopolize the limited overseas employment opportunities available. Exceptions to this policy shall be approved only under rare circumstances.

5. Movement Within the First Year of an Overseas Tour. Current policy requires that the losing activity agree to any move that will take place in the first calendar year of the employee's initial overseas tour, unless the movement results in a promotion for the employee. Therefore, whenever employees seek reassignment or change to lower grade within their first calendar year of overseas service, NAVFACENGCOM overseas activities may elect to hold such employees until they have served one full year of their overseas tour. Consideration should be given to the costs involved in moving the employee to the overseas location, as well as the difficulties that were encountered in recruiting and retaining well-qualified civilian employees to serve overseas.

6. Return Rights.

a. While return rights are obligated for up to five years, under reference (b), overseas activities must request in writing from the employee's holding activity for approval/disapproval of return rights beyond five years at least 90 days before the expiration of the employee's tour. If return rights are denied by the holding activity, the employee must be informed in writing at least

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two months in advance of the effective date of the proposed extended tour. An employee who elects to forfeit return rights will sign a written statement acknowledging forfeiture of return rights prior to the expiration of the return rights. The employee should be counseled on the employment options under the Department of Defense Priority Placement Program (PPP).

b. In considering requests from overseas employees to extend their return rights to a stateside NAVFACENGCOM activity beyond five years, activity top-level managers should consider the resultant long-term impact on the morale of the stateside workforce. Generally speaking, the practice of extending the time period that a position remains in an "obligated position" status has an unsettling effect on the workforce and is detrimental to morale because it conflicts with the job security interests of most employees. Moreover, management of the stateside activity has no obligation to take action to support personal desires of any employee seeking to remain overseas on a long term or indefinite basis since he or she may seek return placement through the PPP. Therefore, while holding activity Commanders may extend return rights of NAVFACENGCOM employees serving overseas beyond five years, it is the policy of this Command to discourage this practice.

7. Pay Retention. Overseas activity heads may grant pay retention to candidates whose pay currently exceeds the maximum of the amount payable for the job under recruitment. Reference (c) permits pay retention as an option to attract high quality candidates. When such election is made, the formal recruitment announcement must advise all potential applicants, in writing, that pay retention will be offered to successful selectees.

8. Action. Activities and individuals shall take necessary action to implement the provisions outlined herein.



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