EVACUATION OF U.S. CITIZEN EMPLOYEES FROM FOREIGN AREAS

INTRODUCTION

This document provides guidance on evacuations from foreign areas. Guidance on non-foreign evacuations is found in Title 5, Code of Federal Regulations (CFR), part 550, subpart D.

EVACUATION

An evacuation is 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. Only the Department of State (DoS) may declare an ordered or authorized departure. The Department of Defense (DoD) and DoS agree to share the responsibility in specific situations or locations. If the DoS is not present in the affected area or cannot be contacted within a timely manner, then the Combatant Commander (CCDR), the senior commander in the country concerned, or the DoD Attaché is responsible for ordering or authorizing an evacuation. Evacuation allowances can only be paid as of the date the evacuation is ordered/authorized by DoS. These allowances cannot be authorized retroactively.

SAFE HAVEN

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

ENTITLEMENTS

Travel and Transportation: 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 (JTR), for Temporary Duty (TDY) travel. Civilian employees and their dependents receive transportation and per diem for allowable travel time until they reach the safe haven location. Eligible employees are U.S. citizen or U.S. 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.

On a case by case basis, third country national employees and/or dependents may be considered for evacuation travel to the employee's country of origin or point of hire rather than to other designated foreign or U.S. safe havens, if this is in the interest of the U.S. Government and approved by the Secretary of State.

Per Diem: 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 based on the TDY travel rules in the JTR. Command sponsored dependents age 12 or older receive up to the full locality rate and those under age 12 receive up to 50% of the locality rate. Per diem for days of departure and return to the Permanent Duty Station (PDS) are paid at 75% meal rate and incidental expense rate (M&IE). If a dependent chooses to travel via a rental car, the Permanent Change of Station (PCS) monetary allowance in lieu of transportation (MALT) rate is paid.

Advance Payment: Evacuated employees may receive an advance payment for evacuation travel and transportation allowances, including allowances, while at a safe haven. This payment is based on the compensation rate (including any applicable allowances, differentials, or other authorized payments) for which they were eligible immediately prior to the evacuation order/authorization issuance. The authorizing official determines the number of days for the advance, not to exceed (NTE) 30 days. Payment is made to the employee or a designated representative.

- Full and Part-Time Employees: Computed based on their regularly scheduled workweek
- Intermittent Employees: Computed based on the number of days per week the employee ordinarily worked during an average six-week period

Continuation of Salary: Regular salary continues during the 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
  - Living Quarters Allowance (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): 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 (requires receipts for commercial lodging) – For the first evacuee, up to 100% (or up to 150% for special family compositions) of the lodging portion of the locality rate plus 100% M&IE. Each age 18 and older receives 100% M&IE. Each under the age of 18 receives 50% M&IE.

*unless the employee must maintain and pay for quarters at the post or lease termination is impossible or impracticable.

    - Non-Commercial Rate (receipts not required) – For the first evacuee, a flat rate of 10% of the lodging portion of the locality rate plus 100% M&IE. Each age 18 and older receives 100% M&IE. Each under the age of 18 receives 50% M&IE.
- For days 31 through 180:
    - Commercial Rate (requires receipts for commercial lodging) – For the first evacuee, up to 100% (or up to 150% for special family compositions) of the lodging portion of the locality rate plus 80% M&IE. Each age 18 and older receives 80% M&IE. Each under the age of 18 receives 40% M&IE.
    - Non-Commercial Rate (receipts not required) – For the first evacuee, a flat amount of 80% of M&IE. Each age 18 and older receives 80% M&IE. Each under the age of 18 receives 40% M&IE.

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 employees/dependents while an employee in ordered/authorized departure status takes annual or sick leave. An employee in Leave Without Pay (LWOP) status is not eligible for SEA unless evacuated as a dependent.

Tandem Couples: Each employee receives SEA as the first evacuee.

Lease Coverage: 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 NTE the lodging portion of the safe haven per diem rate.

Education Travel: Education travel eligibility continues, and the designated safe haven replaces the foreign post as the destination from school.

Separate Maintenance Allowance (SMA): SMA 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 Department of State Standardized Regulations (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 (HHG): Access to HHG while in storage, delivery, and return to storage of HHG in non-temporary storage is at the personal expense of the employee.

Shipment of HHG from the evacuated location 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. HHG may not be shipped until cessation of hostilities or the emergency has passed.

Escort Dependents: An employee may be authorized roundtrip travel and transportation allowances to escort dependents incapable of traveling to the safe haven alone. This travel is official and in a duty status.

Privately Owned Vehicles (POV): Shipment of a POV is not authorized at government expense during an evacuation. Shipment of a POV is subject to the same restrictions as HHG. In the absence of a POV at the safe haven location, a $25/day transportation allowance may be paid to assist with local transportation costs.

Pet Transportation: An employee is authorized transportation and quarantine for up to two household pets (defined as a cat or dog) to or from a safe haven if he or she currently owns them at the evacuated foreign post.

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 grade 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.

TERMINATION OF EVACUTION/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.

REFERENCES

- U.S.C. 5521-5527 and 5725
- Department of State Standardized Regulations, Chapter 600
- Joint Travel Regulations, Chapter 6
- DoDI 1400.25, Department of Defense Civilian Personnel Manual: Overseas Allowances and Differentials, Volume 1250
- DoD 7000.14-R, Financial Management Regulation, Volume 9, Chapter 7, “Evacuation Allowances”

CONTACT

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