DEPARTMENT OF DEFENSE
DEFENSE CIVILIAN PERSONNEL ADVISORY SERVICE
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FOR: CIVILIAN PERSONNEL POLICY COUNCIL MEMBERS

FROM: Defense Civilian Personnel Advisory Service Director, Ms. Michelle LoweSolis

SUBJECT: Additional Days of Overlap in Overseas Allowances

ACTION: Disseminate to Department of Defense (DoD) Human Resources Practitioners and Hiring Managers

REFERENCES:

a. Department of State Action Memorandum for Assistant Secretary Cabelka (A), "Overlap of the Living Quarters Allowance (LQA) and the Temporary Quarters Subsistence Allowance (TQSA) at Foreign Posts of Assignment for an Additional Five Days Prior to Departure from Post," June 22, 2020 (attached)
b. Department of Defense Instruction 1400.25, Volume 1250, "DoD Civilian Personnel Management System: Overseas Allowances and Differentials," February 23, 2012 *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/140025/1400.25-V1250.pdf*

BACKGROUND/INTENT: To assist with the COVID-19 related travel restrictions that employees are facing, the Department of State, in accordance with Department of State Standardized Regulations (DSSR), section 013, has approved up to an additional 5 days of overlap of LQA and TQSA prior to departure from the overseas post. The period of overlap may not exceed a total of 10 days, and the total number of days of payment of TQSA must still adhere to the limit in DSSR, section 124. As detailed in reference (a), this flexibility is available for the 2020 Permanent Change of Station season only. Reference (b) delegates the authority of the head of the agency, pursuant to DSSR, section 013, to the heads of the DoD Components. Components may utilize this flexibility as needed on a case-by-case basis.

POINT OF CONTACT: Dianna Marsh, Employment & Compensation, (571) 372-2193, dianna.l.marsh.civ@mail.mil

Attachment:
As stated

United States Department of State

Washington, D.C. 20520

UNCLASSIFIED

June 22, 2020

ACTION MEMO FOR ASSISTANT SECRETARY CABELKA (A)

FROM: A/OPR – Keith D. Hanigan KDH

SUBJECT: Overlap of the Living Quarters Allowance (LQA) and the Temporary Quarters Subsistence Allowance (TQSA) at Foreign Posts of Assignment for an Additional Five Days Prior to Departure from Post

BLUF: Although the Department of State Standardized Regulations (DSSR) allow for up to five days of overlap between the two allowances prior to departure from post, Consulate General Calgary has requested an additional five days during this PCS transfer season due to COVID-19 issues impacting timing of pack-out dates

Recommendation

That you approve an overlap of LQA and TQSA for a total of up to ten days for all USG agencies whose employees face the challenge of packing out in a timely manner when PCS movement is uncertain due to COVID-19-related issues. (Approve/Disapprove by 06/22/2020) CMC 6/22/20

Background

DSSR 013 permits you to authorize special quarters allowances when you determine unusual circumstances exist, if those allowances are in accordance with 5 U.S.C. 5923. Under this statute "(a) When Government owned or rented quarters are not provided without charge for an employee in a foreign area, one or more of the following quarters allowances may be granted when applicable: (1) A temporary subsistence allowance for the reasonable cost of temporary quarters (including meals and laundry expenses) incurred by the employee and his family (A) for a period not in excess of 90 days after first arrival at a new post of assignment in a foreign area or a period ending with the occupation of residence quarters, whichever is shorter; and (B) for a period of not more than 30 days immediately before final departure from the post after the necessary evacuation of residence quarters. (2) A living quarters allowance for rent, heat, light, fuel, gas, electricity, and water, without regard to section 3324(a) and (b) of title 31." Per 5 U.S.C. 5923 (b) "The 90-day period under subsection (a)(1)(A) and the 30-day period under subsection (a)(1)(B) may each be extended for not more than 60 additional days if the head of the agency concerned or his designee determines that there are compelling reasons beyond the control of the employee for the continued occupancy of temporary quarters."

Currently the DSSR allows for payment of both the LQA and TQSA for up to three days upon first arrival at the foreign post when an employee needs this overlap to move newly-arrived household goods into permanent quarters in good order (DSSR 123.2c and DSSR 132.11d). Up to five days' overlap are allowed prior to departure from the foreign post when the employee must necessarily vacate permanent residence quarters in order to comply with stringent lease

requirements for cleaning and repair or while movers are there preparing the employee's household effects for shipment (DSSR 124.1a and DSSR 132.41a).

In the attached Action Memo dated July 11, 2016, WHA/EX Director Michelle LaBonte designated the Mission Canada Minister Counselor for Management Affairs (MCMA) to act as head of agency to determine whether requests for payment of both LQA and TQSA may be approved. Canada is one of the few locations where State Department employees live in private-leased quarters rather than in government-leased or government-owned quarters.

The Office of Allowances received a request from Consulate General Calgary on June 11th asking that the MCMA be given authority to allow up to an additional five days' overlap of LQA and TQSA when necessary prior to an employee's departure from a post in Canada. This increase to a total of ten days would be for the 2020 PCS transfer season only. In a normal transfer season, post management is able to work with their employees to ensure they give proper lease termination notice to landlords (standard lease term requires 60 days), schedule pack-outs in advance to work with the five-day overlap, and keep any LQA/TQSA overlap to five days or less. This year with PCS guidance from the Department in continual flux due to COVID-19, Calgary's officers with scheduled PCS departures in June were instructed to give lease termination notice back in April with the expectation they would rely on TQSA if they were still at post in July or later.

When the Department released 20 STATE 52414 on June 3rd authorizing PCS in June for posts in Phases 1 and 2, Calgary transitioned to Phase 1 on June 4, at which time post management and the departing officers immediately started working to schedule pack-outs to coincide with their June 30 lease termination dates. Unfortunately, with such short notice, it became impossible to coordinate packer schedules to coincide within the five-day window.

A/OPR believes that the unusual circumstances existing due to the COVID-19 pandemic provide the justification for you to authorize up to an additional five days for a total of ten days overlap of LQA and TQSA prior to final departure from the employee's foreign post of assignment. Since employees of most agencies are in private-leased quarters, A/OPR recommends that you authorize this for all agencies to give them the flexibility when such cases arise for their employees. If you approve the additional days of overlap for the two allowances, it would be implemented so that employees would still not be eligible for TQSA for more than 30 days (with up to an additional 60 days when warranted) on their departure from post, in order to remain consistent with 5 U.S.C. 5923.

Attachments:

Tab 1 - DSSR References (013, 123.2c, 124.1a, 132.11d and 132.41a)
Tab 2 – Nelson to Smoker-Ali/Spinner email dated 6/11/2020
Tab 3 – Action Memo Pan-LaBonte dated 7/11/2016

Approved: A/OPR – Keith D. Hanigan

Drafted: A/OPR/ALS – Betty Stewart, cell: 571-224-8662

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