

MS 694 EMPLOYMENT OF FAMILY MEMBERS

Date: 9/22/83 partial revision 07/15/99

Office: M/HRM

Supersedes: MS 619 dated 7/6/73

Table of Contents

Attachments

TABLE OF CONTENTS

1.0 Purpose

2.0 Policy

2.1 Peace Corps Employment of Family Members Overseas

2.1.1 Restrictions

2.1.2 Application Procedures

2.1.3 Types of Employment

2.1.3.1 Resident Hire

2.1.3.2 Removed (07/15/99)

2.1.3.3 Local Hire

2.2 Peace Corps Employment Overseas of Family Members of the Country Director (07/15/99)

2.3 Overseas Employment of Family Members Outside of Peace Corps

2.4 Peace Corps Employment of Family Members Within the U.S.

2.5 Contractors (07/15/99)

3.0 Effective Date

ATTACHMENTS

Attachment A

Guidance for Employment Overseas of Family Members

1.0 PURPOSE

This Manual Section provides guidance on the employment of relatives of Peace Corps staff members in the U.S. and overseas.

2.0 POLICY

Peace Corps has only a limited number of overseas staff positions for which staff spouses or relatives might be considered. Peace Corps, however, does attempt to assist overseas family members in locating employment with other U. S. or host country government agencies or private organizations.

2.1 Peace Corps Employment of Family Members Overseas

2.1.1 Restrictions

Peace Corps may employ the spouse or relative of an employee only when:

- The spouse or relative is qualified for the position;
- Neither the spouse/relative nor the employee would have supervisory authority over the other or responsibility for reviewing or auditing vouchers for payment; or maintaining time and attendance/leave records, property records, or accountable form records in the Agency, where such work has actual or potential impact on the public official;
- The proposed employment complies with MS 641, “Employee Standards of Conduct.”

The “Employee Standards of Conduct” includes a prohibition against an employee taking any official action which might result in, or give the appearance of resulting in, private gain to himself or herself or another person, particularly one with whom he or she has business or family ties. In addition, the “Employee Standards of Conduct” incorporate, by reference, the anti-nepotism statute (5 U. S. C. 3110) which prohibits public officials from appointing, employing, promoting, or advocating the employment or promotion of any relative in or to a position in the Agency in which they are serving as a public official or over which they have jurisdiction. To avoid any appearance of actions which violate this prohibition, public officials may not participate, in any way, in the application of a relative or spouse for employment.

2.1.2 Application Procedures

Employment by Peace Corps shall be based solely on the interests and needs of the Agency. Using these criteria, personnel ceilings are allocated and positions established. The Office of Human Resource Management is responsible for recruitment for all authorized overseas American staff positions (excluding Country Director positions) as defined in the Country Management Plans. Spouses or relatives of overseas staff may apply for any position for which the Post is recruiting, provided that they satisfy the requirements of 2.1.1. above. Such applications are to be submitted through the Regional Director, who will review them for compliance with the restrictions in 2.1.1., and then forward the application to the Director of Human Resource Management for consideration along with other applicants.

2.1.3 Types of Employment

Spouses or relatives may be considered for employment using one of the following alternatives:

2.1.3.1 Resident Hire

Relatives or spouses who are overseas as dependents of a current U. S. employee will be considered Resident Hires if employed in authorized American positions in the same country. Resident Hires in Peace Corps are subject to applicable provisions of 3 FAM and 031.12-14 of the Standardized Regulations (Government Civilians, Foreign Areas) which are generally available at overseas Posts.

2.1.3.2 (Removed 07/15/99)

2.1.3.3 Local Hire

Peace Corps is committed to its longstanding policy of bi-nationalism with respect to the employment and career development of host country national employees.

Although Section 311 of the Foreign Service Act of 1980 provides for the employment of qualified family members in positions normally filled by host country national employees, Peace Corps will not employ relatives or spouses of employees in these local hire positions unless a thorough search results in a determination that no host country national is available for the position.

To justify the hiring of a family member into a position normally filled by a host country national, the Country Director will provide a detailed report to the Regional Director which includes the following:

- Outline of recruitment methods utilized;
- Evaluations of candidates interviewed; and,
- A final determination that further recruitment efforts would be fruitless.

The report will include a statement requesting authority to hire a U. S. national into what would otherwise be a local hire position

2.2 Peace Corps Employment Overseas of Family Members of the Country Director (07/15/99)

Because the Country Director is officially the supervisor of all employees at Post, opportunities for the employment of a relative or spouse of the Country Director (except in the case of Co-Directors) are extremely limited.

2.3 Overseas Employment of Family Members Outside of Peace Corps

It is the responsibility of each Country Director to acquire from the embassy or to prepare and update annually a Post report of in-country employment resources and opportunities. This report should include local regulations and restrictions, including work permit requirements, for employment in that country (see Attachment A).

Spouses and family members of Peace Corps staff members may accept employment in a foreign country unless such employment, as determined by the Country Director, would:

- Adversely affect relations between the U. S. and the host government;
- Violate local custom;
- Displace a host country national from employment;
- Violate conflict of interest regulations (MS 641); or
- Adversely affect the image of Peace Corps.

In the case of employment of a Country Director's spouse or relative, certification that the above criteria have been met shall be provided to the Peace Corps Regional Director by the U. S. Chief of Mission.

2.4 Peace Corps Employment of Family Members within the U.S.

Peace Corps may employ spouses and relatives of Peace Corps staff members within the U. S. except as prohibited by MS 641 and the anti-nepotism statute (5 U. S. C. 3110).

2.5 Contractors (07/15/99)

A regular Peace Corps employee's spouse or other member of his/her immediate household may not be a Peace Corps contractor (including a personal services contractor). A spouse or household member of a regular employee may not be employed by a Peace Corps contractor and assigned to a Peace Corps contract (22 CFR §307.735-102(e)(6)).

The spouse or family member of a special Peace Corps employee (an expert or consultant who is employed not more than 130 days in any service year) may only be a Peace Corps contractor (including being a

personal services contractor or an employee of a Peace Corps contractor assigned to a Peace Corps contract) after a determination by the Peace Corps Committee on Conflicts of Interest that no actual or apparent conflict of interest exists. (22 CFR §307.735-303(e)).

3.0 EFFECTIVE DATE

This Manual Section shall become effective on the date of issuance.