



# FLO

U.S. DEPARTMENT OF STATE

Advocacy Programs Services

**FAMILY MEMBER EMPLOYMENT**

## FAQs for Executive Order 12721: Non-Competitive Eligibility

The following information has been developed to familiarize Foreign Service family members, human resource officers (HROs), and hiring officials with the terms of Executive Order (E.O.) 12721. This information is important to family members because it explains how work performed in an overseas mission can help them to gain employment with the Federal Government when residing in the United States. This information is also important to hiring officials and HROs in the U.S. who are often called upon to interpret the executive order when hiring domestically and to post's human resource offices that may be asked to respond to verification requests. Family members seeking employment with other federal agencies should contact the human resource office of the agency advertising the vacancy to ensure that they understand how to take advantage of non-competitive eligibility (NCE).

### What is Executive Order 12721 Eligibility?

Executive Order 12721 enables certain Eligible Family Members (EFM) to be appointed non-competitively to a career-conditional appointment in the Civil Service once they return to the United States. Those individuals may be hired into any federal occupation and at any grade level for which they are qualified. Once a family member is converted to Civil Service, they are no longer on a [Family Member Appointment \(FMA\)](#) and must fulfill the same one-year time-in-grade requirements as any other career-conditional Civil Service employee in order to apply for higher graded positions. (To learn more about this subject, family members should refer to the merit promotion policies of each agency.)

### Who is eligible?

To be eligible, an EFM must have completed *52 weeks of service or 2,087 hours* in certain position(s) performed under a local hire appointment(s) overseas. Work must be performed during the time the family member was accompanying a sponsor officially assigned to an overseas post and the EFM must have received a fully successful or better (or equivalent) performance rating.

An individual must have been a Foreign Service family member at the time s/he met the overseas service requirement, but does not need to be a family member at the time of non-competitive appointment in the United States.

### What kind of work earns credit?

Creditable service may have been under more than one appointment and need not be continuous. If the individual is separated and subsequently re-employed (e.g., terminated in June and rehired in September), the time spent in non-employed status does not count toward the 52 weeks. Leave Without Pay (LWOP) taken during the time an individual is overseas, that does not exceed six (6) months in any calendar year, is credited on the same basis as time worked. Regularly scheduled part-time work is credited as full-time service for the purpose of earning NCE. A Family Member Appointment (FMA) in and of itself does not convey Executive Order Eligibility. In order to attain eligibility, an employee must serve in a qualifying position:

- Family Member Appointment (FMA) for the requisite 52 weeks on the required minimum work schedule (16 regularly scheduled hours per week).
- Temporary appointment for the requisite 2,087 hours on an intermittent work schedule.

Family members in Intermittent No Work Scheduled (INWS) status who also have non-competitive eligibility may apply for those positions, "limited to Department of State employees only" as well as those advertised for "all federal employees."

Temporary appointments are direct-hire, non-career appointments for positions established for one year or less. They may also be used with a full-time, part-time, or intermittent work schedule/when actually employed (IWS/WAE). Temporary appointments convey creditable U.S. Government service and non-competitive eligibility under Executive Order 12721; however, under a temporary appointment, employees qualify for non-competitive eligibility ONLY if they have accrued 2,087 hours.

### **What is the time limit for using the eligibility?**

An individual is eligible for temporary, term, excepted, or career-conditional appointments under E.O. 12721 for a period of three (3) years following the date of return from overseas to the United States to resume residence. Once an individual is appointed into the competitive service, he/she must fulfill the qualification requirements (i.e., specialized experience, time in grade, etc.) before competing for other competitive service positions within the Department of State or another agency.

### **How many times can the eligibility be used?**

The Department of State's policy permits a one-time use of NCE for all career and career-conditional appointments. This means that once NCE has been invoked for a Department of State career or career-conditional appointment or the three (3) year eligibility time period has passed, an EFM must re-earn NCE by working in a Family Member Appointment overseas. Family members should consult non-Department of State agencies to verify their policies related to the one time use of NCE. However, an individual may invoke NCE more than once for temporary, term, or excepted service positions in the Civil Service even if it is required for the position.

### **What about eligibility extensions?**

An agency may extend an individual's appointment eligibility beyond three (3) years for periods equivalent to the time the individual was accompanying a sponsor on official assignment to an area of the United States with no significant opportunities for federal employment or the time an individual was incapacitated for employment.

### **Does time in Intermittent No Work Scheduled (INWS) earn credit?**

No. An individual in INWS receives no pay, benefits, or service credit. However, while the family member is in INWS, s/he remains on the rolls of the Department of State. INWS status, together with non-competitive eligibility, enables the family member to apply for a broader range of advertised positions.

### **Are there service waivers?**

Yes. Up to 26 weeks of the 52 week service requirement may be waived when the head of an agency (or designee) that employed the family member overseas certifies that the family member's 52 weeks of employment were cut short because of a non-personal situation that necessitated the relocation of the family member from the overseas post. The certification must include the number of weeks waived. For this purpose, a non-personal situation includes disaster, conflict, terrorism or the threat of terrorism, and those situations when a family member is forced to return to the United States because of military deployment, drawdowns, or other management-initiated actions.

## How does an EFM use Executive Order 12721 when applying for federal jobs?

Vacancy announcements state clearly in the “who can apply” section the type of eligible applicant. Those with Executive Order eligibility can apply for positions that include non-competitive eligibility, E.O. 12721, flexible hiring authorities, and merit promotion. Applicants must submit copies of personnel actions (SF-50s), and performance appraisals to verify eligibility. Although not required, it is helpful if family members receive a letter verifying eligibility from the HRO at the post where NCE was earned. For further guidance, contact [FLOAskEmployment@state.gov](mailto:FLOAskEmployment@state.gov).

When applying for positions outside the Department of State, a copy of these FAQs may be included in the application package to assist the hiring official. EFMs on Leave Without Pay (LWOP) from the Department of State or on a Family Member Appointment (FMA) in INWS status, are considered current employees of the Department of State for hiring purposes, and may apply for vacancies limited to “Department of State Employees Only” and “Federal Employees.”

## What employment records demonstrate NCE eligibility?

To use NCE to secure federal employment, candidates must have all the necessary documentation. Before leaving your Family Member Appointment (FMA) overseas, download all pertinent information from the HR Online portal while you have access. Ensure you have electronic *and* paper copies of your first and last Notification of Personnel Action forms (SF-50s) for every federal position you have held as these confirm the duration of your appointment and your last grade and step. Your SF-50s are one of the required documents needed to prove NCE. Another required document for NCE verification is your most recent signed performance review. Your HR office may have provided you with an [NCE Verification Letter](#), awards, and any other professional or personal recommendations. The SF-50s, NCE verification letter, and the performance review can be scanned together into one document to be emailed as an attachment when applying for a vacancy.

## How can *The Network* connect family members with “NCE required” jobs?

*The Network* listerv connects family members with potential employers. FLO seeks federal job opportunities for which family members with NCE would be considered for non-competitive hire upon their return to the United States. FLO also works with other organizations to locate job opportunities, providing family members information on government contractors, NGOs, and other private sector positions in the United States. Family members may register to receive this information by sending an email to [FLONetwork@state.gov](mailto:FLONetwork@state.gov). The email should include the employee sponsor's name, agency affiliation, and the family member's personal email address.

## What is the NCE Registry and how do I enroll?

The NCE Registry was created for family members who have earned NCE and former U.S. Department of State Civil Service employees with reinstatement eligibility who are returning from overseas. It is a tool to connect Department of State hiring managers to potential job applicants who are enrolled in the registry. When a hiring manager has an open vacancy, he/she can request a list of potential applicants based upon their skills and experience. The NCE hiring process is streamlined and can save time in identifying and hiring qualified candidates. For more information and to register (if eligible) go to FLO’s [NCE Registry webpage](#).

## More Information

The complete text of Executive Order 12721 is found in [5 CFR Part 315.608](#) as amended on July 20, 2012. Visit FLO’s [NCE webpage](#) with information on *The Network*, the FLO Tutorial: The Federal Hiring Process, and NCE Registry information. For further questions, contact the Family Liaison Office at [FLOAskEmployment@state.gov](mailto:FLOAskEmployment@state.gov).