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Civilian Personnel

Special Pay Provisions for Local National Employees

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\*This regulation supersedes AE Regulation 690-91, 14 April 2009.

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**Summary.** This regulation provides policy and procedures pertaining to special salary rates for senior local national employees in Germany.

**Summary of Change.** This revision incorporates administrative changes throughout.

**Applicability.** This regulation applies to local national personnel—

- Employed by the U.S. Forces in Germany under the provisions of the Collective Tariff Agreement of 16 December 1966 for the Employees of the Sending States Forces in Germany, except for personnel employed by the U.S. Air Forces in Europe and its tenant activities. For the purpose of this regulation, U.S. Forces include all activities serviced by the United States Army Civilian Human Resources Agency, Europe Region; and the Army and Air Force Exchange Service, Europe (AAFES-Eur).
- Paid from appropriated or nonappropriated funds and assigned to positions in one of the following categories:
  - Salary groups C9, C10, ZB10, or ZB11.
  - Salary group C8 and covered under the special salary schedule (SSS).

**NOTE:** The term *civilian personnel advisory center* as used in this regulation does not apply to AAFES-Eur. Except where AAFES-Eur is specifically mentioned in this regulation, the Commander, AAFES-Eur, may use internal forms and establish internal systems and procedures for meeting the intent of this regulation, including all policy requirements.

**Supplementation.** Organizations will not supplement this regulation without USAREUR G1 (AEAGA-CL) approval.

**Forms.** AE and higher level forms are available through the Army in Europe Library and Publishing System (AEPUBS) at <https://aepubs.army.mil/>.

**Records Management.** Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available on the Army Records Information Management System website at <https://www.arims.army.mil>.

**Suggested Improvements.** The proponent of this regulation is the USAREUR G1 (AEAGA-CL, DSN 379-6589). Users may suggest improvements to this regulation by sending DA Form 2028 to the USAREUR G1 (AEAGA-CL), CMR 432, APO AE 09081.

**Distribution.** C (AEPUBS).

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### 1. PURPOSE

This regulation prescribes policy and procedures pertaining to special salary schedule (SSS) rates for local national employees in salary groups C8, C9, C10, ZB10, and ZB11.

### 2. REFERENCES

#### a. Publications.

- (1) *Arbeitszeitgesetz* (Work Time Law).
- (2) *Bundespersonalvertretungsgesetz* (Federal Personnel Representation Law).
- (3) AR 25-400-2, The Army Records Information Management System (ARIMS).
- (4) AE Regulation 690-58/690-58-G, Overtime Control Program/*Programm zur Kontrolle von Mehrarbeit*.

(5) AE Regulation 690-64/690-64-G, Standards of Conduct, Corrective Actions, Termination Process, and Grievances (Local National Employees in Germany)/*Verhaltensregeln, Korrekturmaßnahmen, Kündigungsverfahren und Beschwerden (Ortsansässige Arbeitnehmer in der Bundesrepublik Deutschland)*.

(6) AE Pamphlet 690-60/690-60-G, Tariff Agreements That Apply to Persons Employed by the U.S. Forces in Germany/*Tarifverträge für die Arbeitnehmer bei den US-Streitkräften in Deutschland*.

**b. Form.** DA Form 2028, Recommended Changes to Publications and Blank Forms.

### **3. EXPLANATION OF ABBREVIATIONS AND TERMS**

#### **a. Abbreviations.**

AAFES-Eur	Army and Air Force Exchange Service, Europe
AE	Army in Europe
CHRA-E	United States Army Civilian Human Resources Agency, Europe Region
CTA II	Collective Tariff Agreement II of 16 December 1966 for the Employees of the Sending States Forces in the Federal Republic of Germany
G1	Deputy Chief of Staff, G1, United States Army Europe
HQ USAREUR	Headquarters, United States Army Europe
NATO	North Atlantic Treaty Organization
SSS	special salary schedule
U.S.	United States
USAREUR	United States Army Europe

#### **b. Terms.**

##### **Collective Tariff Agreement II**

A tariff agreement (published as AE Pam 690-60/690-60-G) providing minimum employment conditions for local national employees of the U.S. Forces in Germany.

##### **local national personnel**

Personnel hired under German labor laws, as modified by Article 56 of the Supplementary Agreement to the NATO Status of Forces Agreement.

##### **special salary rate**

A voluntary pay rate above the applicable tariff rate of the salary group used to compensate highly specialized senior personnel.

### **4. POLICY**

#### **a. General.**

(1) Employees in salary groups C9, C10, ZB10, and ZB11 may be paid special salary schedule (SSS) rates under the provisions of this regulation when their positions are critical to an organization's successful accomplishment of an important mission. When determining if coverage of an employee under the SSS is needed and appropriate, the employee's value to the organization in terms of qualifications and experience, efficiency, and reliability must be considered.

(2) Before applying SSS rates to a position, it must be determined if the proper grade is assigned to the position. Conversion to the SSS (c below) will not be made if the position is overgraded and the employee was granted out-of-tariff grade protection for as long as he or she stays in the position (grandfathering).

(3) Employees in salary group C8 who are covered under the SSS will keep the SSS pay as long as they remain in their current position.

(4) New appointments, reassignments, or promotions to C8 under the SSS will not be made.

(5) The USAREUR G1 (AEAGA-CL) and the Commander, Army and Air Force Exchange Service, Europe (AAFES-Eur), have authority to approve the application of SSS rates.

(6) The Commander, AAFES-Eur, may establish internal policy and procedures for processing required documentation for employees covered by this regulation for actions related to c(3), d(3), and l(1) below.

**b. Appointments.** Appointments will be made at tariff rates.

**c. Conversions to SSS.**

(1) Conversion from the tariff salary schedule to the SSS will be made only after 1 year's employment in the same salary group and position. If the employee is reassigned to another position in the same salary group not having the same or similar duties, the 1-year waiting period will start again effective the date of reassignment.

(2) Step determination will be made according to h(3) below.

(3) Requests for conversion to the SSS will be submitted according to paragraph 5.

**d. Promotions.**

(1) Promotions of employees covered under a tariff salary rate to salary group C9, C10, ZB10, or ZB11 will be made to the applicable tariff salary rate of the new higher grade.

(2) Promotions of employees within the SSS will be made to the applicable SSS rate of the higher grade according to h(4) below. When pay under the SSS in the higher grade is not considered appropriate because the criteria in a(1) above are not met, the promotion will be made to the tariff salary rate. The step determination will be made according to h(5) below. The employee will receive current SSS pay or the applicable tariff rate of the higher grade, whichever is higher.

(3) Promotions will be effective on the date of official assignment to the higher level position. These assignments should be made to coincide with the beginning of a calendar month. To avoid retroactive promotions, management officials will submit a request for personnel action before or immediately after assigning higher level duties to an employee.

**e. Downgrading.**

(1) Employees in salary groups C9, C10, and ZB11 within the SSS who are reduced in grade to salary group C8, C9, or ZB10 will be assigned the applicable SSS rate of the lower grade according to h(6) below.

(2) If the employee meets the eligibility criteria for income protection under the provisions of Article 5 and, if applicable, Article 8 of the Tariff Agreement of 2 July 1997 on Protection From Rationalization Measures, Termination of Employment, and Income Protection, the SSS rate will be considered the basic compensation rate.

**f. Change of Pay Schedule.** Employees within the SSS who are graded to another pay schedule in a position in salary group C8, C9, C10, ZB10, or ZB11 will be assigned the applicable SSS rate of the new salary group according to h(7) below.

**g. Reassignments.**

(1) Voluntary reassignments and placements during a reduction in force of employees in salary groups C9, C10, ZB10, or ZB11 within the SSS to another position in the same salary group will be made at the SSS rate.

(2) Voluntary reassignments of employees in salary group C8 within the SSS to another position graded C8 will be made at the tariff rate. Reassignment or placement of an employee in another position graded C8 that is the immediate result of or in place of a reduction in force will be made at the SSS rate.

**h. Step Determinations.** The Collective Tariff Agreement II (CTA II), Article 55, does not apply to step assignments under the SSS except as specified in this regulation. The provisions of this paragraph apply instead.

(1) The waiting period in each step for step advancements under the SSS for employees in salary groups C8, C9, and C10 is—

(a) For steps 1 through 6: 1 year in each step.

(b) For step 7: 3 years.

(2) The waiting periods for step advancement for employees in salary groups ZB10 and ZB11 will correspond with the CTA II, appendix Z, part II, paragraph 2a(2).

(3) Conversions from the tariff salary schedule to the SSS will be made to the step in the SSS that least exceeds the salary of the step of the employee's current tariff rate. The employee will begin a new waiting period for further step advancement effective on the conversion date.

(4) Promotions of employees within the SSS will be made to the step of the new grade that least exceeds the salary of the step of the employee's current grade. The employee will begin a new waiting period for further step advancement effective on the promotion date.

(5) Promotions of employees from the SSS to the tariff salary rate will be made to the step of the new grade the employee would have reached by applying the provisions of CTA II, Article 55, on waiting periods for step advancements.

(6) The pay rate for employees reduced to a lower grade will be established at the step rate in the lower grade closest to, but not more than, the former pay rate. The employee will begin a new waiting period for further step advancement in the lower grade. Employees who are promoted again will be assigned to the step in the higher grade according to (4) above, as a minimum to the step last occupied in the higher grade.

(7) When changed to another pay schedule under subparagraph f above, the pay rate will be established at the step rate in the new salary group that is equal to or least exceeds the pay rate in the former salary group. The employee will begin a new waiting period for further step advancement in the new salary group.

(8) Step increases within the SSS will be effective on the first day of the month after completing the prescribed waiting period.

(9) The United States Army Civilian Human Resources Agency, Europe Region (CHRA-E); and AAFES-Eur will put step advancements into effect automatically after the end of each waiting period established in this regulation or the CTA II.

#### **i. Supplement for Temporary Performance of Higher Level Duties.**

(1) An employee covered under the SSS who temporarily performs higher level duties in the absence or replacement of an employee covered under the SSS will be paid a supplement for temporary performance of higher level duties. This supplement will—

(a) Equal the difference between the pay of the employee's salary group and the pay of the higher salary group.

(b) Be calculated based on the step of the higher grade that least exceeds the salary of the step of the employee's current grade.

(2) When pay under the SSS is not established for higher level duties, the employee will receive one of the following:

(a) Current SSS pay.

(b) The difference between the current SSS pay and the tariff pay of the higher grade if the applicable tariff rate of the higher grade is higher. The provisions of h(5) above for step determination apply accordingly.

(3) For temporary performance of higher level duties in the absence or replacement of a member of the force or its civilian component, the higher level position will be evaluated and graded under the provisions of CTA II, Article 58, for positions in Schedule C; or CTA II, appendix Z, part II, paragraph 5a, for positions in Schedule ZB. The SSS determination will be made according to a(1) above. The supplement will be calculated based on either (1)(a) and (b) or (2)(a) or (b) above.

## **j. Retroactive Compensation.**

(1) If an employee covered under the SSS was assigned and actually performed duties that warranted an upgrade before the promotion effective date, justified claims for retroactive compensation will be settled by a lump-sum payment. The provisions of CTA II, Article 49, paragraph 3, will apply when establishing the lump-sum payment. The lump-sum payment will—

(a) Equal the difference between the SSS rate received before the employee is upgraded and the applicable SSS rate at the grade to which the employee is promoted.

(b) Be for the period these duties are performed.

(2) The performance period of higher level duties before the effective date of promotion will be credited for step advancement in the higher grade.

## **k. Overtime, Nighttime, Sunday, and Legal-Holiday Compensation.**

(1) The *Arbeitszeitgesetz* (Work Time Law); CTA II, Article 10, paragraph 1; and AE Regulation 690-58 will be followed when directing overtime work and work at night, on Sundays, and on legal holidays.

(2) Employees in salary groups C9, C10, ZB10, and ZB11 are exempt from compensation for overtime work and for work at night, on Sundays, and on legal holidays (CTA II, Art 20, para 5; and app Z, part I, para 11e).

(3) The rates of salary group C8 under the SSS include compensation for overtime work and for work at night, on Sundays, and on legal holidays.

(a) If employees in salary group C8 under the SSS are directed to work overtime or to work at night, on Sundays, or on legal holidays, management officials should record these hours. These records help avoid possible disputes resulting from claims for additional compensation based on higher tariff entitlements.

(b) When employees claim additional pay based on the provisions of CTA II, Articles 10, 11, 12, 13, and 20, a determination of the appropriateness of these claims must be made. This determination will be based on a comparison of the C8 SSS rate with the C8 tariff rate compensation for overtime work and work at night, on Sundays, and legal holidays over 1 calendar year. The comparison will be calculated according to CTA II, Article 10, paragraphs 1, 2, and 3; and Articles 11, 12, 13, and 20. An entitlement to additional compensation will be allowed only when the tariff compensation of salary group C8, including the compensation for overtime work and work at night, on Sundays, and on legal holidays, is more than the C8 SSS compensation for the same time period.

(c) If an employee claims additional compensation, the records maintained according to (a) above must be sent to the *Lohnstelle ausländische Streitkräfte* immediately for a comparative-pay calculation. At the same time, an appropriate payment authorization will be granted. The preclusive time limits of CTA II, Article 49, will apply.

(4) Employees in salary groups C9, C10, ZB10, ZB11, and C8 under the SSS are not entitled to compensatory time off for overtime worked.

## **I. Withdrawal of SSS.**

(1) The SSS may be withdrawn if the reasons that served as a basis for granting the SSS cease. (The provisions of AE Regulation 690-64, paragraph 8 (Written Admonishment), apply if the withdrawal is based on poor performance.) SSS withdrawal requires a notice of change of employment conditions. Management officials will submit a request for personnel action to the CHRA-E, with a written statement of the reasons for withdrawal.

(2) In activities with a local national works council, coordination with the works council is required before the SSS is withdrawn according to the *Bundespersonalvertretungsgesetz* (Federal Personnel Representation Law), sections 72, 75(1)2, and 79.

**m. Adjustment of SSS Rates.** SSS rates will be newly determined and the amount of the SSS exceeding the applicable tariff rate may be adjusted in connection with general tariff increases as directed by the USAREUR G1 (AEAGA-CL).

## **5. PROCEDURES**

Management officials will ensure that requests for conversion to the SSS include a detailed justification considering the criteria in paragraph 4a(1). Requests will be submitted through the servicing civilian personnel advisory center and command channels to the USAREUR G1 (AEAGA-CL) for approval.

## **6. SSS PAY RATES**

The USAREUR G1 will publish SSS pay rates by separate memorandum.