

Hiring Foreign Nationals to Serve as Special Government Employees
9/26/17 Draft

Foreign National Serving as SGE on EPA FACA Committee With Compensation

Foreign Nationals Who Live or Work in U.S. And Will Perform Some or All SGE Duties Within U.S. (e.g., To Attend FACA Meeting) With Compensation

Can hire Foreign Nationals as SGEs and compensate them, if:

- The Foreign National:
 - Is lawfully admitted to the United States for permanent residence (i.e., is a ‘green card holder’); and
 - Is seeking U.S. citizenship; and
 - *Is within six months of being eligible to become a U.S. citizen or submits an affidavit reflecting his/her intent to apply for citizenship when eligible to do so; and
- DFO works with EPA’s Office of Administration and Resources Management (OARM) (e.g., Kelly Glazier) to conduct a background/security check on the Foreign National.

**Note: A non-citizen green card holder would typically have to wait five years to apply for citizenship once he/she has obtained permanent resident status. However, an agency could employ a permanent resident during that five-year waiting period if the permanent resident submits an affidavit reflecting his/her intent to apply for citizenship when eligible to do so. David Guerrero in OGC can provide DFO with a copy of a sample affidavit.*

Foreign Nationals Who Do Not Live or Work in U.S., Will Serve as an SGE With Compensation, And Will Not Perform Any SGE Duties Within U.S. (e.g., Will Communicate only via Email and Teleconference)

Can hire Foreign Nationals as SGEs and compensate them, if:

- DFO works with EPA’s Office of Human Resources (OHR) (e.g., Loretta Hunt) to establish a post of duty (i.e., duty station) and to confirm that this duty station is not in the U.S.; and
- DFO works with EPA’s Office of Administration and Resources Management (OARM) (e.g., Kelly Glazier) to conduct a background/security check on the Foreign National.

Foreign Nationals Who Do Not Live or Work in U.S., Will Serve as an SGE With Compensation, And Will Perform Some or All SGE Duties Within U.S. (e.g., To Attend FACA Meeting)

Can hire Foreign Nationals as SGEs and compensate them, if:

- The Foreign National receives a visa for a work permit (i.e., a work authorization visa) to allow them to be compensated by the U.S. for the work they perform inside of the U.S.; and
- *DFO works with EPA’s Office of Human Resources (OHR) (e.g., Loretta Hunt) to establish a post of duty (i.e., duty station) and to confirm that this duty station is not in the U.S.; and
- DFO works with EPA’s Office of Administration and Resources Management (OARM) (e.g., Kelly Glazier) to conduct a background/security check on the Foreign National.

**Note: OHR may decide that performing such compensated work in the U.S. violates Appropriations Act restrictions, even if Foreign National’s duty station is outside the U.S.*

Foreign National Serving as SGE on EPA FACA Committee Without Compensation

Foreign Nationals Who Live or Work in U.S., Will Serve as an SGE Without Compensation, And Will Perform Some or All SGE Duties Within U.S. (e.g., To Attend FACA Meeting)

Can hire Foreign Nationals as SGEs without compensating them*, if:

- The Foreign National:
 - Is lawfully admitted to the United States for permanent residence (i.e., is a 'green card holder'); or
 - Holds a visa for a work permit (i.e., a work authorization visa) to allow them to work inside of the U.S.; or
 - Is willing to apply for a visa for a work permit (i.e., a work authorization visa) to allow them to work inside of the U.S., and receives such authorization before beginning work as an SGE; and
- DFO works with EPA's Office of Administration and Resources Management (OARM) (e.g., Kelly Glazier) to conduct a background/security check on the Foreign National.

**Note: 'Without Compensation' means EPA will not pay an hourly wage for services from the Foreign National as an SGE; however, EPA may pay travel expenses (e.g., airfare; taxi; per diem) for such service without compensation.*

Foreign Nationals Who Do Not Live or Work in U.S., Will Serve as an SGE Without Compensation, And Will Not Perform Any SGE Duties Within U.S. (e.g., Will Communicate only via Email and Teleconference)

Can hire Foreign Nationals as SGEs without compensating them*, if:

- DFO works with EPA's Office of Human Resources (OHR) (e.g., Loretta Hunt) to establish a post of duty (i.e., duty station) and to confirm that this duty station is not in the U.S.; and
- DFO works with EPA's Office of Administration and Resources Management (OARM) (e.g., Kelly Glazier) to conduct a background/security check on the Foreign National.

**Note: 'Without Compensation' means EPA will not pay an hourly wage for services from the Foreign National as an SGE; however, EPA may pay travel expenses (e.g., airfare; taxi; per diem) for such service without compensation.*