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Category: 20 - Human Resources **OPR:** HR

Title: AR 20-42 (U) COMPENSATION OF IMPRISONED FOREIGN NATIONALS

REVISION SUMMARY: 07 February 2002 (0609)

This regulation supersedes AR 20-42, dated 23 July 1997.

AR 20-42 is revised to update organizational and officer titles. This revision reflects the Agency's organizational restructure that resulted from the DCI's decision, effective 4 June 2001 to abolish the Directorate of Administration, and establish the Mission Support Offices (MSOs).

Boldfaced text in this regulation indicates revisions .

This regulation was written by the Policy Team, Human Resources Strategy & Planning Staff, at HRM Policy@DA.

42. (U) COMPENSATION OF IMPRISONED FOREIGN NATIONALS

(U) SYNOPSIS. This regulation states Agency policy for compensating foreign national employees imprisoned by foreign governments as a result of their Agency employment. It excludes agents and other independent contractors; they are not U.S. Government employees.

- a. **(U) AUTHORITY.** 22 U.S.C. Section 3970 (1990).
- b. **(U) POLICY.** CIA may compensate foreign national employees if the Director of Central Intelligence or designee determines that such imprisonment is the result of the employment of the foreign national by the Agency.
- c. **(U) DEFINITIONS**
 - (1) **EMPLOYEE.** Any current or former foreign national employee of the Agency or any foreign national who is or was employed under a personal services contract by the

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Agency, who is or has been imprisoned by a foreign government.

- (2) **CLAIMANT.** An employee, dependent, executor of a former employee's estate, court-appointed guardian, or other person legally qualified to file a claim.
 - (3) **COMPENSATION.** Basic salary, including regular within-grade increases, and other authorized pay or allowances.
 - (4) **DEPENDENT.** Spouse, dependent unmarried child (including unmarried stepchild or adopted child) under 21 years of age, a parent whom the employee has designated as a dependent in official Agency records, or an individual the **Chief Human Resources Officer** determines to be an employee's dependent.
- d. **(U) QUALIFYING TERMS AND CONDITIONS.** The following terms and conditions govern claimant compensation:
- (1) Claimant, if the Agency employee, was an employee at the time of imprisonment by a foreign government and the imprisonment was a result of this employment.
 - (2) Claimant, if other than the employee, has a right to payment as determined by the **Chief Human Resources Officer**. Payment is authorized to the employee or to the dependents if the employee remains imprisoned or died during imprisonment.
 - (3) Claimant is required to file within three years after:
 - (a) The termination of the period of imprisonment; or
 - (b) The date of the claimant's first opportunity thereafter to file such a claim as determined by the **Chief Human Resources Officer**.
 - (4) A claimant is barred from assigning rights or benefits granted under this regulation.
 - (5) The claimant is not otherwise entitled to benefits under the Missing Persons Act.
- e. **(U) COMPENSATION.** The **Chief Human Resources Officer** establishes a compensation rate for salary and benefits approximating that which the employee would have received under the relevant local compensation plan had the employee remained employed during imprisonment. A period of imprisonment is not creditable for:
- (1) Civil Service retirement, unless the employee was covered by the Civil Service Retirement and Disability System during the period of employment immediately preceding imprisonment, or the employee qualifies for annuity benefits for other service.
 - (2) Workers' compensation under title 5, U.S.C. 81(I), unless the employee was employed by the U.S. Government at the time of imprisonment.
- f. **(C) AUTHORITIES AND RESPONSIBILITIES**
- (1) **CHIEF HUMAN RESOURCES OFFICER.** The Director of Central Intelligence (DCI) has delegated all authorities vested in him by 22 U.S.C. Section 3970 (1990) to the **Chief Human Resources Officer**. In particular, the **Chief Human Resources Officer**:

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- (a) Determines if the foreign national employee's imprisonment is the result of Agency employment.
 - (b) Coordinates with [redacted] to ensure that the affected employee receives appropriate benefits.
 - (c) Ensures that Operating Officials comply with this regulation.
 - (d) Coordinates each case with the Chiefs, Counterintelligence Center and [redacted] [redacted] the Office of General Counsel, and other appropriate offices.
- (2) **OPERATING OFFICIALS.** The Operating Official with jurisdiction over an imprisoned employee, or over the area to which the employee is assigned must report to the **Chief Human Resources Officer** all information about the individual's arrest and imprisonment including: the individual's pay status; the time, place, and cause for imprisonment; and statements of witnesses.

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