ADS Chapter 470

Pay Under the Foreign Service

Full Revision Date: 12/04/2015
Responsible Office: HCTM/FSC
File Name: 470_120415

Functional Series 400 – Human Resources
ADS 470 - Pay Under the Foreign Service
POC for ADS 470: William Seabreeze, (202) 712-1944, wseabreeze@usaid.gov

This chapter has been revised in its entirety.

Table of Contents

470.1 OVERVIEW 4

470.2 PRIMARY RESPONSIBILITIES 4

470.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES 6

470.3.1 Equal Employment Opportunity (EEO) Requirement 6

470.3.2 Foreign Service Pay Rates 6

470.3.3 Sequence of Pay Changes 7

470.3.4 Foreign Service Rank-in-Person System 7

470.3.5 Pay Plan Codes 7

470.3.6 Class (Grade Level) and Occupational Specialty Determination 7
470.3.6.1 Entry-Level Appointments (Career Candidates) 8
470.3.6.2 Mid-Level Appointments (Career Candidates) 8

470.3.7 Salary Determination (Career Candidates) 8
470.3.7.1 Highest Previous Rate (Current/Prior Federal Service) 8
470.3.7.2 Other Salary Earnings (Non-Federal Service) 9
470.3.7.3 Salary Setting/Location of Position (Career Candidate and Limited Appointments) 10
470.3.7.4 Offer Letter 10
470.3.7.5 Additional Salary Reviews Before Appointment 10
470.3.7.6 No Salary Appeal or Review After Appointment 11

470.3.8 Other Salary Determinations 11
470.3.8.1 Foreign Service Limited Appointments 11
470.3.8.2 Recall of Retired Career Foreign Service/Senior Foreign Service Officers 11
470.3.8.3 Reappointment of Former FS/SFS Career Employees 12
470.3.8.4 Assignments to Non-Service and Other Positions 13
470.3.8.5 Civil Service to Foreign Service Appointments - Salary Equivalency Table 13
470.3.8.6 United States Citizens Hired Abroad (American Family Member or

	Resident Hire Appointments)	14
470.3.9	**Adjustments to Basic Pay**	**14**
470.3.9.1	Annual Adjustments to Pay Schedules (Comparability Increases	14
470.3.9.2	Promotions	15
470.3.9.3	Within-Class Increases	15
470.3.9.4	Meritorious Step Increases	16
470.3.9.5	Other Bases for Increasing Pay	16
470.3.10	**Temporary Service as Principal Officer (Chargé d'Affaires)**	**17**
470.3.10.1	Eligibility	17
470.3.10.2	Computation of Chargé Pay	17
470.3.10.3	Application, Payment, and Applicable Deductions	18
470.3.11	**Denial of Within-Class Increase**	**18**
470.3.12	**Grievance Rights**	**18**
470.4	**MANDATORY REFERENCES**	**18**
470.4.1	**External Mandatory References**	**18**
470.4.2	**Internal Mandatory References**	**19**
470.4.3	**Mandatory Forms**	**20**
470.5	**ADDITIONAL HELP**	**20**
470.6	**DEFINITIONS**	**20**

ADS Chapter 470 - Pay Under the Foreign Service

470.1 OVERVIEW

Effective Date: 12/04/2015

An objective of the **Foreign Service Act of 1980, as amended**, is to strengthen and improve the Foreign Service of the United States by providing:

- Salaries, allowances, and benefits that will permit the Foreign Service to attract and retain qualified personnel; and
- A system of incentive payments and awards to encourage and reward outstanding performance (**section 101(b)(6)**).

This chapter provides the policies, regulations, and procedures in USAID that govern pay for employees compensated under the Foreign Service Salary Schedule in line with this objective (see **section 101 of the Foreign Service Act of 1980 as amended**).

This chapter applies to:

- Foreign Service (FS) Career, Career Candidate, and Non-Career employees in classes FS-01 and below; and
- American Family Members and U.S. citizen resident-hire employees under the Overseas Employment Program (see **ADS 499, Overseas Employment Program**).

It does not apply to:

- Senior Foreign Service (SFS) employees (see **ADS 422, Personnel Operations: SFS**);
- Employees compensated under the Chief of Mission salary schedule (see **Section 401 of the Foreign Service Act of 1980 as amended, Salaries of chiefs of missions**); and
- Foreign Service National employees (see **ADS 495, Foreign Service National Personnel Administration**).

470.2 PRIMARY RESPONSIBILITIES

Effective Date: 12/04/2015

a. The **Chief Human Capital Officer, Office of Human Capital and Talent Management (HCTM/CHCO)** is responsible for the overall administration of pay for the Agency and will decide exceptions to pay policy except for employees of BS-08, Audit and Inspections. Note: The **Assistant Inspector General for Management, Office of**

the Inspector General (OIG/AIG/M) is responsible for the administration of pay for BS-08 employees including developing and publicizing policy that may differ from policy contained in this ADS chapter.

b. The **Senior Deputy Assistant to the Administrator, Office of Human Capital and Talent Management (SDAA/HCTM)** is responsible for reviewing appeals of salary determinations made by the Director, Human Capital and Talent Management, Foreign Service Center.

c. The **Office of Human Capital and Talent Management, Center for Workforce Planning, Policy and Systems Management (HCTM/PPSM)** is responsible for:

(1) Developing an annual recruitment plan to include the number, salary classes, and categories of FS employees to be recruited from inside and outside the Agency; and

(2) Submitting the plan to the Administrator for approval.

d. The **Office of Human Capital and Talent Management, Foreign Service Center (HCTM/FSC)** is responsible for:

(1) Determining an applicant's eligibility for classes advertised and making salary determinations based on qualifications (education and experience) and salary history of the individuals selected for appointment;

(2) Advising employees concerning all personnel actions relating to pay;

(3) In consultation with the Office of General Counsel, ensuring that FS pay policies meet legal and regulatory requirements, including merit promotion regulations; and

(4) Ensuring that appropriate personnel actions are initiated and processed to authorize in-service pay actions.

e. The **Office of Overseas Human Capital Initiatives (HCTM/OHCI)** establishes the standards, guidelines, and procedures for the classification and salary classes of all positions held by United States citizens hired abroad (American Family Member or Resident Hire Appointments).

f. The **Bureau for Management, Office of the Chief Financial Officer, Payroll Division (M/CFO/P), in coordination with HCTM,** is responsible for ensuring that all salary and related payments, including changes in pay, are processed in accordance with applicable laws and regulations and internal policies and procedures.

g. The **Office of General Counsel (GC)** is responsible for providing definitive legal advice.

470.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

470.3.1 Equal Employment Opportunity (EEO) Requirement

Effective Date: 12/04/2015

USAID, through the Office of Civil Rights and Diversity (OCRD), in accordance with **section 101 of the Foreign Service Act of 1980, as amended**, fosters the development and vigorous implementation of policies and procedures that will facilitate and encourage:

a. Entry into and advancement in the Foreign Service by people from all segments of American society; and

b. Equal opportunity and equitable treatment for all without regard to race or sex, sexual orientation (including gender identity and pregnancy), color, age, religion, national origin, physical or mental disability, genetic information, marital status, parental status, political affiliation or other non-merit factor. In consultation with GC, HCTM/FSC ensures that Foreign Service pay policies meet legal and regulatory requirements, including merit promotion regulations.

470.3.2 Foreign Service Pay Rates

Effective Date: 12/04/2015

Foreign Service pay rates are fixed in accord with sections of the **Foreign Service Act of 1980, as amended**, as follows:

- Sec. 311, United States Citizens Hired Abroad (**22 USC 3951**);
- Sec. 403, Foreign Service Schedule (**22 USC 3963** and **5 USC 5332**);
- Sec. 407, Salaries for Foreign Service Personnel Abroad who Perform Routine Duties (**22 USC 3967**);
- Sec. 408, Local Compensation Plan (**3 FAM 7310**); and
- Sec. 503, Assignments to Agencies, International Organizations and other Bodies (**22 USC 3983**).

Foreign Service Overseas Comparability Pay provides a locality pay component to basic pay for all foreign service and foreign service limited (FS-01 and below) employees who are assigned overseas (locality Pay is not a component of Senior Foreign Service pay).

Foreign Service employees assigned to USAID/W are eligible to receive locality-based comparability payments. The payments are computed using the same percentage as is applicable, for the calendar year involved, to General Schedule positions in the same locality. Comparability payments are considered part of basic pay for purposes of

computing retirement, life insurance, and premium pay and for other purposes provided by law or prescribed by the U.S. Office of Personnel Management (see **5 USC 5304, Locality-based comparability payments**).

470.3.3 Sequence of Pay Changes
Effective Date: 12/04/2015

When an employee is entitled to more than one pay change at the same time, HCTM/FSC will process the changes in the order most beneficial to the employee.

470.3.4 Foreign Service Rank-in-Person System
Effective Date: 12/04/2015

FS employees are compensated based on their personal rank, also known as rank-in-person, unlike Civil Service (CS) employees who are compensated based on the grade of their position. FS employees are generally assigned to positions classified no more than two grades higher or lower than their individual Foreign Service rank in person. Since the employees are not compensated based on the position grade they remain at the compensation of their rank (see **ADS 436, The Foreign Service Assignment Process and Tours of Duty**).

470.3.5 Pay Plan Codes
Effective Date: 12/04/2015

USAID uses the pay plan codes listed below for FS personnel. These codes correspond to particular appointment categories and appear on various employment documents; e.g., “Notifications of Personnel Action” (SF-50), and Statements of Earnings and Leave (SELs).

Pay Plan Code	Appointment Category
FO	Foreign Service (Career, commissioned)
FP	Foreign Service (Career, non-commissioned); Foreign Service Limited (Non-Career and Career Candidate); and Foreign Service American Family Member/Resident-Hire employees. (These are limited or temporary appointments.)

470.3.6 Class (Grade Level) and Occupational Specialty Determination
Effective Date: 12/04/2015

Each year, HCTM/PPSM develops a recruitment plan that includes the classes (grade levels), occupational specialties, and number of individuals the Agency should recruit for the Foreign Service. Under the approved recruitment plan, USAID recruits entry-level and mid-level employees (see **ADS 468, Foreign Service Recruitment**).

470.3.6.1 Entry-Level Appointments (Career Candidates)
Effective Date: 12/04/2015

USAID appoints entry-level career candidates as its primary tool of recruitment in accordance with **section 307 of the Foreign Service Act of 1980, as amended**. Entry-level appointments are made at salary classes (grades) FS-06, FS-05, or FS-04 as determined by the designated positions and the applicant's qualifications, education, and experience.

470.3.6.2 Mid-Level Appointments (Career Candidates)
Effective Date: 12/04/2015

Subject to the requirements of **Section 307 of the Foreign Service Act of 1980, as amended**, USAID may hire at the FS-03 or FS-02 grades.

470.3.7 Salary Determination (Career Candidates)
Effective Date: 12/04/2015

a. HCTM/FSC develops and maintains qualification standards for each salary class and occupational specialty approved for recruitment. These qualification standards are included in announcements when positions are advertised. HCTM/FSC personnel screen applications against the standards to determine the qualifications of each applicant (see **ADS 468**).

b. Once an applicant has qualified for a salary class, HCTM/FSC determines the salary rate within the class to offer the applicant. Salary offers are usually made at the minimum rate (step one) of the range for the class. When substantiated by appropriate documentation of base salary (e.g., Statement of Earnings and Leave, pay stubs, etc.), USAID may offer a higher rate within the range of the class (in accordance with sections **470.3.7.1** or **470.3.7.2**).

In making salary determinations USAID cannot exceed step 14 of the salary class to which the applicant is appointed.

470.3.7.1 Highest Previous Rate (Current/Prior Federal Service)
Effective Date: 12/04/2015

Consideration for a salary rate higher than step one is based on the highest rate of pay the applicant is currently earning under a federal appointment or a federal position previously held. If the highest rate of pay was based on past Federal employment, the applicant must have earned the rate for a continuous period of 90 days or more under one or more federal appointments without a break in service. This rate of pay is referred to as Highest Previous Rate (HPR).

If the HPR falls between two steps of the FS salary class approved for the candidate, HCTM/FSC during salary negotiations with the candidate may offer the candidate the higher step. If the HPR exceeds the highest step of the class (step 14), the salary rate

can only be set at step 14, the maximum rate of the salary class. USAID may not use the next higher class in order to match the HPR.

If HPR was earned in a Foreign Service or Civil Service position, it is increased by subsequent amendments to the pay schedules (i.e., salary determinations will be based on the pay schedule in effect at the time salary offer is made). For example, the HPR for a former FS-04, step one appointment is computed on the current salary rate for FP-04, step one, not the actual salary at the time of the previous appointment.

470.3.7.2 Other Salary Earnings (Non-Federal Service)

Effective Date: 12/04/2015

An applicant is eligible to receive a higher rate of pay if, at the time of USAID FS appointment, the applicant has:

- Attained an advanced degree that is related to and exceeds the minimum educational requirement that is specified in the Vacancy Announcement (not-to-exceed one step for each additional same-level related degree and two steps for each higher-level related degree – i.e., each additional related-Master's/JD equals one step, each additional related-PhD equals two steps) not-to-exceed step 14 of the grade/salary class for which selected;

- Served a full year of domestic or overseas professional work experience that exceeds the minimum experience requirements specified in the Vacancy Announcement – i.e., each additional year of relevant experience in excess of the minimum specified in the vacancy announcement equals one step. Note: continuous full-time periods of at least 90-calendar days will be considered not-to-exceed one step for each creditable period up to step 14 of the grade/salary class for which selected;

- A current salary or previous salary that (for at least 90-calendar days if salary is not current) exceeds step one of the grade for which selected; and

- Other relevant considerations particular to the position as determined by the CHCO.

The FSC Specialists will consider the above factors and will use the most beneficial calculation that yields the highest step to make the salary determination. This calculation (after rounding to the next higher step) will set the starting salary not to exceed step 14 of the salary class for which selected.

In setting pay under these procedures, HCTM/FSC uses the following guidelines:

- Salary earned under a contractual arrangement, including personal services contracts for a continuous period of 90 days or more, can be considered. The documented contractual employment salary must not include per diem,

allowances, bonuses, or overhead.

- Salary received on a commission basis from a position in the private industry, an expert or consultant appointment with a regular tour of duty (not intermittent), or any other non-federal service performed for a continuous period of 90 days or more may be used for negotiating a higher salary.

- Only the base salary stated on the leave and earnings statements, pay stubs, and/or statement from the employer is acceptable as the salary earned (W-2 forms are not acceptable for documentation). Base salary does not include overtime pay, per diem, allowances, differentials, or bonuses, but does include locality pay.

- Documentation of the work history (such as resume or statement from the employer/supervisor) must show the duties performed, the number of hours worked, and the amount of compensation received for the position(s) held.

470.3.7.3 Salary Setting/Location of Position (Career Candidate and Limited Appointments)

Effective Date: 12/04/2015

If the applicant is being considered for a position in the United States, the locality pay chart that is applicable to the United States location of the position that the applicant is being appointed to will be used for matching salary. If the applicant is scheduled to be assigned overseas, the **Foreign Service Overseas Locality Salary Table**, which includes overseas comparability pay for the appropriate salary class, will be used for matching salary.

470.3.7.4 Offer Letter

Effective Date: 12/04/2015

HCTM/FSC will issue the selected candidate a formal offer letter with the proposed type of appointment, salary, class, and position once all appropriate decisions are completed. Candidates will be given sufficient time to accept or reject the offer. Candidates must sign and return their letters indicating their decisions in the time frame given.

470.3.7.5 Additional Salary Reviews Before Appointment

Effective Date: 12/04/2015

Candidates will have the opportunity to provide additional documentation to HCTM/FSC to support a higher rate after the offer letter is signed up to the date the individual enters on duty. For example, if the individual receives a step increase a week before he or she is due to enter on duty, the new salary will be matched in the FS grade.

In addition, the HCTM/CHCO reserves the right to review salary offers that may not be in accord with established policy. In no circumstance, however, will this provision

disrupt the pay alignment of the Agency and thereby create a substantial pay inequity.

470.3.7.6 No Salary Appeal or Review After Appointment

Effective Date: 12/04/2015

The candidate has no right of appeal or right to any further review of salary after he or she has entered on duty in the offered position.

470.3.8 Salary Determinations for Other Categories of FS Employees

470.3.8.1 Foreign Service Limited Appointments

Effective Date: 12/04/2015

USAID may appoint individuals under limited appointments pursuant to **Section 309 of the Foreign Service Act of 1980, as amended**.

Qualification Standards: HCTM develops and maintains qualification standards for each class and occupational specialty approved for limited appointments. These qualification standards are included in announcements when positions are advertised. HCTM/FSC personnel screen applications against the standards to determine which class level is appropriate for each applicant.

Salary Determination: Applicants are eligible to receive a higher rate of pay if, at the time of limited appointment, any of the factors listed below apply:

- **Current or Prior Federal Appointment**: Salary setting for those who have current or prior federal appointment service who are given limited appointments under **Section 309 of the Foreign Service Act of 1980, as amended**, will be in accordance with **470.3.7.1**.

- **Non-Federal Service**: HCTM/FSC will look at the individual's Non-Federal salary and compare that to the steps for the salary class being appointed (using the **U.S. Locality Salary Table** appropriate to the U.S. position's location, or the **Overseas Salary Table** if the position for which appointed is overseas). If the applicable salary rate falls between two steps of the salary class, USAID will set the salary at the higher step (not-to-exceed step 14 of the salary class to which appointed). USAID may not use the next higher salary class in order to set salary.

470.3.8.2 Recall of Retired Career Foreign Service/Senior Foreign Service Officers

Effective Date: 12/04/2015

Any annuitant recalled to duty in the Foreign Service under section 308(a) of the Foreign Service Act of 1980, as amended, will receive, in lieu of annuity, the full salary of the class in which he or she is serving (see **sections 308 and 823 of the Foreign Service Act of 1980, as amended**).

Salary Setting

a. If the individual being recalled was, at the time of retirement, at grade 01 or below of the Foreign Service Schedule, salary will be set at the grade and step encumbered at the time of retirement (using the Locality chart applicable for the position's geographic area).

b. If the individual being recalled was, at the time of retirement, a member of the Senior Foreign Service, s/he will be recalled to the grade encumbered at the time of retirement. Salary within that grade's range will be set as follows:

- HCTM will confirm the grade/salary that the SFS member was earning at the time of SFS retirement. Then, for the purpose of determining the salary position within the applicable SFS salary range, HCTM will add any annual increases awarded by the President to the applicable SFS grade during the period since retirement. Pay will then be set at the calculated rate not-to-exceed the salary cap of the SFS grade to which being recalled and not below the SFS salary range.

- If the individual has full-time private-sector earnings (other than consultant or expert appointment) which is documented on pay stubs as base pay covering a period of at least 90-continuous calendar days, USAID will match that base pay not-to-exceed the salary cap of the SFS grade and not below the SFS salary range.

470.3.8.3 Reappointment of Former FS/SFS Career Employees

Effective Date: 12/04/2015

Former (non-retired) career (i.e., tenured) members of USAID's Foreign Service may be reappointed to USAID's FS/SFS in accordance with **Section 308(b) of the Foreign Service Act of 1980, as amended**, if the Director, HCTM/FSC, the Backstop Coordinator, and the HCTM Assignments and Career Counselor (ACC) for the relevant backstop determine that an Agency need exists for reappointment.

Salary/Grade Setting

For Foreign Service (non-SFS): if it is determined that an Agency need exists that warrants reappointment, HCTM/FSC will:

a. Ascertain the grade and step the applicant for reappointment held at the time of resignation or separation;

b. Use the salary chart appropriate to the locale to which being reappointed (see **470.3.7.3**), and set the salary at the grade and step held at the time of resignation unless the Director, HCTM/FSC, determines that reappointment to the next higher grade is warranted based on:

- Resignation being five years old with at least five years of non-federal work experience directly related to the backstop to which being reappointed; or

- Receipt of a higher-level directly-related degree and three years of non-federal work experience directly related to the backstop to which being reappointed.

If the Director, HCTM/FSC, determines that appointment to the next higher grade is warranted per section (b) above, then the step will be set according to the individual's current salary earnings (not to exceed step 14 of the salary class).

If current or previous service is via federal appointment, then salary setting will be according to the Highest Previous Rate described in **470.3.7.1**.

470.3.8.4 Assignments to Non-Service and Other Positions

Effective Date: 12/04/2015

USAID will adhere to **section 503 of the Foreign Service Act of 1980, as amended** and to **22 USC 3983, Assignment to non-Service and other positions** when awarding higher pay for FS employees on assignment to non-Foreign Service positions.

470.3.8.5 Civil Service to Foreign Service Appointments - Salary Equivalency Table

Effective Date: 12/04/2015

HCTM/FSC uses the following CS to FS salary equivalency table to determine the appropriate salary classes for employees when making CS to FS appointments. The table was not designed to provide employees with a significant bonus or promotion upon appointment, rather to ensure that employees do not lose salary when changing appointments (see **ADS 415, CS to FS Appointment Program**).

Civil Service Grade		Foreign Service Grade
GS-15	Converts to	FP-01
GS-14	"	FP-02
GS-13	"	FP-03
GS-12	"	FP-04
GS-11/6 through 10	"	FP-04
GS-11/1 through 5	"	FP-05
GS-10	"	FP-05
GS-09	"	FP-06

470.3.8.6 United States Citizens Hired Abroad (American Family Member or Resident Hire Appointments)

Effective Date: 12/04/2015

All positions held by American Family Members or Resident Hires are classified in accordance with the standards, guidelines, and procedures established by HCTM/OHCI. American Family Member appointments are limited Non-Career appointments; Resident Hire appointments are temporary. Generally, employees in these categories are compensated on the basis of the pay range of the class of their position; however, in some instances, employees may be paid under section **407 of the Foreign Service Act of 1980, as amended,** if the duties performed are determined to be routine. Initial appointments are made at the minimum rate of the class (step 1) unless the individual qualifies for a higher rate based on previous earnings (see **470.3.7.1** and **470.3.7.2**) (see **sections 311, 406** and **407 of the Foreign Service Act of 1980, as amended**).

Employees on limited or temporary appointments are not eligible, in the traditional sense of the terms, for promotion, reassignment or change to lower grade. However, the same type of movement from one position or class level to another may be accomplished by converting an employee to a new appointment reflecting a different position, class level, or salary. Requests to appoint or to change an employee's appointment to a higher class must be submitted to the appropriate Human Resources Specialist in HCTM/OHCI for action.

470.3.9 Adjustments to Basic Pay

Effective Date: 12/04/2015

Adjustments to basic pay may be made in a variety of ways as described below. Changes in an employee's salary will be effective the first day of the pay period following approval of the action.

470.3.9.1 Annual Adjustments to Pay Schedules (Comparability Increases)

Effective Date: 12/04/2015

Congress and the President annually review the salary rates established under the statutory pay systems, which include the Foreign Service Salary Schedule, and may adjust them in accordance with **5 USC 5303, Annual adjustments to pay schedules**. The National Finance Center (NFC), in coordination with HCTM/PPSM, processes the comparability increases after they are authorized by Congress and issued by Executive Order. The new rates are effective on the first day of the first pay period beginning on or after January 1 of each calendar year and are reflected in the Statements of Earnings and Leave beginning with that pay period.

470.3.9.2 Promotions
Effective Date: 12/04/2015

The salary of an employee who is promoted to the next class will be set at the step of the new class that exceeds the employee's existing rate by at least two steps. If the promotion causes the employee's pay to exceed the maximum rate (step 14) of the class to which promoted, the employee will be paid at step 14. Pay cannot exceed the rate range of the class.

470.3.9.3 Within-Class Increases
Effective Date: 12/04/2015

Except as provided in **470.3.11**, employees of the Foreign Service receiving a salary under the Foreign Service Schedule who are paid below the maximum step of their class may be eligible to receive periodic within-class increases. Within-class increases are effective at the beginning of the first pay period following completion of the applicable waiting period:

- Steps 1 through 9 – after 52 calendar weeks of service,
- Steps 10 through 13 – after 104 calendar weeks of service.

A waiting period for a within-class increase begins:

a. Upon an initial appointment in the Foreign Service;

b. Upon receiving an equivalent increase, i.e., an increase(s) in basic pay equal to or greater than the amount of the within-class increment of the class in which the employee is serving (e.g., a promotion, a within-class increase or a change in pay systems); or

c. After a break in service in excess of 52 calendar weeks. As used in this section, a calendar week is a period of any seven calendar days. (The waiting period will be extended by the length of a break in service of more than three calendar days but less than 52 calendar weeks.)

Credit is granted for all leave without pay that does not exceed six months in the aggregate of any calendar year.

Full credit is allowed for an employee who:

a. Accepts an assignment with an international or other organization, or

b. Is assigned for duty to a committee or office of the Congress.

(See **470.3.11**, **section 406 of the Foreign Service Act as amended**, **ADS 434,**

Details and Transfers to International Organizations, and **ADS 432, Details - Civil and Foreign Service**)

470.3.9.4 Meritorious Step Increases
Effective Date: 12/04/2015

A meritorious step increase (MSI) lifts pay to the next higher salary step within a Foreign Service class for meritorious service that reflects performance above and beyond the required standards. It is in addition to any regular step increase granted for time-in-class through meeting required earned standards of performance. USAID management's decision to grant MSIs depends on the availability of funds.

Limitations

a. No member will be granted more than one MSI during any 52-week period.

b. An MSI will delay a within-class increase in cases where an employee moves from a step with a 52-week waiting period (Step 9) to one with a 104-week waiting period (Step 10).

(1) If, after receiving an MSI, an employee's salary is then at a step with a 52-week waiting period requirement, (i.e., at step 9 or below) the next regular within-class step increase will be effective at the beginning of the first pay period following completion of 52 weeks from the employee's last regular within-class increase.

(2) If, after receiving an MSI, an employee's salary is then at a step with a 104-week waiting period requirement, (i.e., at step 10 or higher) the next regular within-class step increase will be effective at the beginning of the first pay period following completion of 104 weeks from the employee's last regular within-class increase.

When an MSI and the regular within-class increase are due to take effect on the same date, the two actions will be processed in the following order:

a. Regular within-class increase, then

b. MSI.

470.3.9.5 Other Bases for Increasing Pay
Effective Date: 12/04/2015

Pursuant to **section 606 of the Foreign Service Act of 1980 as amended**, an officer's pay may be increased in a remedial action recommended by the Foreign Service Grievance Board, an equal employment opportunity appeals examiner, or the Special Counsel of the Merit System Protection Board. A remedial pay increase may be made retroactively in a situation where a prospective increase alone would not constitute an

adequate remedy (see **section 606 of the Foreign Service Act of 1980 as amended**).

470.3.10 Temporary Service as Principal Officer (Chargé d'Affaires)

Effective Date: 12/04/2015

For an officer temporarily in charge of a Foreign Service post during the absence or incapacity of the principal officer, **22 USC 3971, Temporary service as principal officer**, **section 411 of the Foreign Service Act of 1980, as amended**, and **3 FAM 3123, Chargé d'Affaires Pay** authorize compensation in addition to the officer's base salary.

470.3.10.1 Eligibility

Effective Date: 12/04/2015

USAID commissioned officers are eligible to receive chargé pay. To be eligible, the officer must complete a waiting period of 28 calendar days in charge of a post in an acting capacity. Upon completion of the 28-day waiting period and submission of the required documentation (see **470.3.10.3**), the officer may be compensated on a bi-weekly basis for the duration of the period he or she serves as principal officer (excluding the 28-day waiting period).

An officer is not eligible for chargé pay unless the notification of transfer of office is transmitted to the Department of State. A notification to the Department is required each time an officer assumes or relinquishes charge of a post.

470.3.10.2 Computation of Chargé Pay

Effective Date: 12/04/2015

Chargé pay is computed as a percentage of the difference between the basic salary rate of the officer temporarily in charge and the basic salary rate provided for the position of principal officer or the basic salary of the principal officer most recently in charge, as appropriate. The regular rate of chargé pay is one-half the difference.

A special rate (75 percent or full) may be approved for an officer in charge for extended periods (e.g., 90 calendar days) or during periods of unusual political stress or involving abnormally complicated coordinating responsibilities.

Officers are entitled to chargé pay at the regular rate unless the HCTM/SDAA approves a special rate. The Controller or Executive Officer, as appropriate, must clear all special rate requests through the Department of State, Office of Pay Management and the employee's Bureau in USAID/W before submission to the HCTM/SDAA (see **section 552 of the Standardized Regulations** for ceiling on post differential when chargé pay is payable).

470.3.10.3 Application, Payment, and Applicable Deductions
Effective Date: 12/04/2015

Employees of USAID must complete and submit a Request for Chargé Pay along with copies of the notification(s) of transfer of office to the USAID Controller and/or the Executive Officer at post (see **ADS 470maa, Request for Chargé Pay**). The USAID officer initiating the action will obtain the necessary certification from the Department of State Administrative Officer. Upon receipt of certification, he or she will sign and date the request and submit it along with all pertinent documentation through the appropriate USAID/W bureau for clearance before it goes to M/CFO/P for payment. Chargé pay is subject to U.S. FICA, federal, state, and local taxes as appropriate. It is not creditable for retirement, Thrift Saving Plan, or life insurance purposes.

470.3.11 Denial of Within-Class Increase
Effective Date: 12/04/2015

If the Performance Standards Board (PSB) determines that the performance of an employee referred to the PSB did not meet the standards of his or her class during the rating period, the next scheduled within-class increase of that employee will be withheld for one year from the date the increase was scheduled. The employee's servicing HR Specialist must document, on a Notification of Personnel Action (SF-50), the denial and the date the employee is eligible for the next within-class increase (see **ADS 463, Foreign Service Boards**).

470.3.12 Grievance Rights
Effective Date: 12/04/2015

Grievance policies and procedures for FS employees are contained in **ADS 486, Grievances - Foreign Service**.

In certain circumstances, employees may file a complaint of discrimination based on the denial of financial benefits, under applicable laws and/or regulations. This chapter creates no rights that are not already contained within any other such applicable laws and/or regulations. If an employee or applicant believes he or she has been a victim of prohibited discrimination, he or she should contact the Office of Civil Rights and Diversity (OCRD) within 45 days.

470.4 MANDATORY REFERENCES

470.4.1 External Mandatory References
Effective Date: 12/04/2015

a. **3 FAM 3123, Chargé d'Affaires Pay**

b. **3 FAM 8200, Appendix A, Methods of Overseas Employment**

c. **5 USC 5303, Annual adjustments to pay schedules**

d. 5 USC 5304, Locality-based comparability payments

e. 5 USC 5332, The General Schedule

f. 22 USC 3963, Foreign Service Schedule

g. 22 USC 3967, Salaries for FS personnel abroad who perform routine duties

h. 22 USC 3971, Temporary service as principal officer

i. 22 USC 3983, Assignment to non-Service and other positions

j. 22 USC 4064, Reemployment

k. Foreign Service Act of 1980 as amended, sections 101, 303, 307, 311, 312, 403, 406, 407, 408, 411, 503, 606, 823, and 824

470.4.2 Internal Mandatory References

Effective Date: 12/04/2015

a. ADS 415, Civil Service to Foreign Service Appointment Program

b. ADS 422, Personnel Operations: Senior Foreign Service

c. ADS 432, Details - Civil and Foreign Service

d. ADS 434, Details and Transfers to International Organizations - Civil Service and Foreign Service

e. ADS 435, Commissions, Titles and Rank

f. ADS 436, Foreign Service Assignments Process and Tours of Duty

g. ADS 461, Evaluation Program, Foreign Service and Senior Foreign Service

h. ADS 463, Foreign Service Boards

i. ADS 468, Foreign Service Personnel Recruitment

j. ADS 470maa, Request for Chargé Pay

k. ADS 486, Grievances - Foreign Service

l. ADS 495, Foreign Service National Personnel Administration

m. **ADS 499, Overseas Employment Program**

n. **Foreign Service Salary Charts**

o. **Payroll Division (M/CFO/P) Web site**

470.4.3 Mandatory Forms
Effective Date: 12/04/2015

a. **SF-50, Notification of Personnel Action**

470.5 ADDITIONAL HELP
Effective Date: 12/04/2015

There are no Additional Help documents for this chapter.

470.6 DEFINITIONS
Effective Date: 12/04/2015

The terms and definitions listed below have been incorporated into the ADS Glossary. See the **ADS Glossary** for all ADS terms and definitions.

American Family Member appointment (AFM)
An American Family Member appointment is a type of Foreign Service limited Non-Career appointment available only to eligible family members, under the authority of sections 309 and 311(a) of the Foreign Service Act of 1980 as amended. Appointments are for more than one year but not to exceed five years. (**Chapters 450** and **470**)

annuitant
An annuitant is a retired Foreign Service employee being paid an annuity from the Foreign Service Retirement and Disability System. (**Chapter 470**)

conversion
Conversion moves an employee without a break in service from one personnel appointment to another personnel appointment in the same agency. (**Chapter 470**)

equivalent increase
Equivalent increase means an increase or increases in an employee's rate of basic pay equal to or greater than the difference between the employee's rate of basic pay and the rate of pay for the next higher step of that grade or the next higher rate within the grade (as defined in section 531.403 of 5 CFR). (**Chapters 470** and **471**)

rate of basic pay
Rate of basic pay means, for any pay system, the rate of pay fixed by law or administrative action for the position held by an employee before any deductions and exclusive of additional pay of any kind such as night or environmental differentials in the case of a prevailing rate employee. (**Chapters 470** and **474**)

U.S. citizen resident appointment
A U.S. citizen living abroad who is not an American Family Member. (**Chapters 450** and **470**)

470_120415