ADS Chapter 415

Civil Service (CS) to Foreign Service (FS) Appointment Program

Full Revision Date: 06/04/2012
Responsible Office: OHR/PPIM
File Name: 415_060412

Functional Series 400 – Human Resources
ADS 415 - Civil Service (CS) to Foreign Service (FS) Appointment Program
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This chapter has been revised in its entirety.

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Functional Series 400 – Human Resources
ADS 415 - Civil Service to Foreign Service Appointment Program

415.1 OVERVIEW

Effective Date: 06/04/2012

USAID's Civil Service (CS) to Foreign Service (FS) Appointment Program provides the Agency with an additional recruitment mechanism for filling Foreign Service overseas positions that remain unfilled at the end of the annual assignment cycle. The Program also contributes to the Agency's ability to quickly respond to overseas staffing emergencies. Through the policies and procedures established in this chapter, the Office of Human Resources, Foreign Service Personnel Division (OHR/FSP) will advertise a listing of pre-designated positions to USAID Career Civil Service employees who are qualified for and interested in a Non-Career, limited-term appointment to the Foreign Service (not to exceed five years).

This chapter provides policies and required procedures to enable USAID management to meet staffing requirements that cannot be filled by the FS Assignment System by appointing Career CS employees to overseas FS positions.

415.2 PRIMARY RESPONSIBILITIES

Effective Date: 06/04/2012

a. The Office of Human Resources (OHR) is responsible for the following:

(1) Providing oversight and evaluation of the operational aspects of the CS to FS Appointment Program;

(2) Terminating, at any time, an employee's time-limited appointment for reasons other than misconduct; and

(3) Reviewing and deciding requests for exceptions under the CS to FS Appointment Program.

b. The Office of Human Resources, Employee and Labor Relations Division (OHR/ELR), is responsible for negotiating with labor organizations on issues pertaining to this chapter.

c. The Office of Human Resources, Foreign Service Personnel Division (OHR/FSP), is responsible for the following:

(1) Managing the CS to FS Appointment Program;

(2) Advertising FS opportunities for USAID CS employees;

(3) Coordinating the application review process;

(4) Developing and issuing selection certificates to the Missions;

(5) Notifying approved applicants, in writing, of Office of Human Resources (OHR) decisions; and

(6) Working with successful applicants to process their limited appointments to the Foreign Service.

d. Regional Bureaus, Pillar Bureaus and Missions are responsible for the following:

(1) Identifying technical experts to serve on Technical Review Committees (TRCs) convened by OHR/FSP; and

(2) Giving fair and full consideration to applicants referred for selection consideration.

e. The Technical Review Committee (TRC) is responsible for reviewing each applicant's education and professional experience per the qualifications needed for successfully performing the duties required of a Foreign Service Officer in the committee's technical area of expertise.

f. Missions are responsible for evaluating a CS candidate's qualifications and experience per those required for their advertised overseas position.

g. Employees are responsible for complying with the policy directives and required procedures outlined in this chapter.

415.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

415.3.1 General Provisions

Effective Date: 06/04/2012

The Appointment Program consists of the following general provisions:

(1) Filling FS positions with qualified and available FS employees is first priority.

(2) CS employees receiving Non-Career FS appointments are assigned to overseas positions only.

(3) Non-Career FS appointments will be at the FS-03 to FS-01 levels.

415.3.2 Announcement of Positions

Effective Date: 06/04/2012

OHR/FSP issues a General Notice containing a list of eligible positions when vacant overseas positions 1) have been advertised twice in one assignment cycle, 2) there are no qualified FS candidates available to fill them, and 3) Missions have indicated to OHR/FSP that they wish to consider CS candidates to fill the positions via this program. After collecting CS bids, OHR/FSP issues Certificates to Mission managers with the names of CS employees who have bid on the position(s) and met the minimum qualifications for appointment under this program. Missions will indicate their top three choices for each position and return the Certificate to OHR/FSP.

415.3.3 Eligibility and Qualifications

Effective Date: 06/04/2012

To be eligible for appointment, CS employees must:

(1) Have career tenure with the Federal government,

(2) Be at grade GS-13 or higher, and

(3) Have been employed as a USAID direct-hire Civil Service employee for the 24 months preceding the closing date of the CS to FS opportunities announcement.

Employees must possess professional experience at a level appropriate to overseas FS-03 to FS-01 positions in a specific backstop. The applicant must meet the minimum qualifications by the closing date of the announcement to be considered eligible for this program. In some cases, these eligibility requirements may be waived (See **415.3.8**).

415.3.4 Application Procedures

Effective Date: 06/04/2012

CS employees applying under the General Notice must submit Expressions of Interest to OHR/FSP on or before the closing date of each announcement. Employees can express interest in one or more backstops simultaneously by submitting **AID 415-1, Foreign Service Assignment System: Civil Service Minimum Qualifications & Bidding Form**, in response to the General Notice. Once OHR/FSP has verified the applicant's eligibility, their application will be reviewed by the Technical Review Committee (TRC) that is responsible for the backstop to which they applied.

415.3.5 Technical Review Committee

Effective Date: 06/04/2012

The TRC reviews applicants' technical qualifications and competencies for the backstops for which they have expressed an interest. This process requires TRC

members to review each selected applicant to assess the relevance of his or her background (e.g., education, training, experience, and past performance) for the backstop. Based on this review, the TRC makes recommendations to OHR/FSP concerning the assignment of the candidate. Candidates approved by OHR/FSP will be added to a Certification Form (CERT) and released to Mission Selecting Officials for review.

415.3.6 Mission Selecting Official Review

Effective Date: 06/04/2012

Mission Selecting Officials review the candidate's qualifications and experience per the advertised requirements for the overseas positions. The Mission must submit their selections to OHR/FSP by the published date on the announcement.

415.3.7 Non-Career Appointments

Effective Date: 06/04/2012

CS employees selected by OHR/FSP for the Program will be offered Non- Career appointments. Non-Career appointments are time-limited, not to exceed five years in duration, and will normally not exceed the post's regular assignment duration. Non-Career employees are not eligible for promotion or participation in the FS Assignment System and are not required to be available worldwide. Worldwide Availability documentation should not be signed by Non-Career FSL employees. (See **Section 309, FSA of 1980, as amended**)

415.3.8 Excursion Tours in Critical Priority Countries

Effective Date: 06/04/2012

At its discretion, OHR/FSP can waive the eligibility requirements for a CS-FS assignment to meet the needs of a Critical Priority Country (CPC). If the eligibility requirements are waived, such an assignment would be a Non-Career Foreign Service Limited appointment not to exceed five years in duration. This appointment would not offer the opportunity to convert to Career-Candidate, and the time served overseas would not count towards the overseas service requirement if the employee was accepted into the CS-FS program at a later date. Employees appointed via this method are not eligible for promotion or participation in the FS Assignment System and are entitled to Civil Service reemployment rights in accordance with **Section 310 of the Foreign Service Act of 1980** and section **415.3.17**. Worldwide Availability documentation should not be signed by Non-Career FSL employees. (See **Section 309, FSA of 1980, as amended**)

415.3.9 Change in Limited Appointment

Effective Date: 06/04/2012

A Non-Career appointee may request a change to Career-Candidate after the employee has served at least two years overseas and received two 12-month annual evaluations (covering at least 24 months of overseas service). If there is an ongoing Agency need

for the appointee's specialty, endorsement from the appointee's technical area, and a fully successful evaluation history, the appointee can be given a new five-year appointment as a Career Candidate. After the newly appointed Career-Candidate concludes his/her current established tour(s), she/he will participate in the FS Assignment System.

A Non-Career employee appointed at the FS-01 level who is approved for conversion to Career-Candidate status must convert at the FS-02 level.

If the first request for a change to Career-Candidate status is denied because there is no ongoing overseas Agency need for the Non-Career appointee's specialty, the Non-Career appointee may request reconsideration after 12 months.

a. All requests to change from Non-Career to Career-Candidate appointments must be submitted, in writing, to the Chief, OHR/FSP (or designee), for review and consideration.

b. OHR/FSP, in consultation with The Office of Human Resources, Policy, Planning and Information Management Division (OHR/PPIM), decides whether a continuing requirement exists overseas for the skills of the employee making the request. If a need is established:

(1) OHR/FSP reviews employee performance evaluations and other pertinent documents. If the performance history indicates potential for continued successful overseas service and a change in appointment from Non-Career to Career-Candidate is supported by the chief representative of the candidate's backstop, OHR/FSP submits a written recommendation to the Chief, OHR/FSP (or designee) for consideration.

(2) An approved employee is converted to Career-Candidate status and given a new five-year limited appointment. Career-Candidates are considered Eligible Bidders in the assignment cycle appropriate to the tour linked to their current assignment. Employees who are not approved remain in their Non-Career appointments through the expiration dates, unless terminated earlier by OHR/FSP. If an employee's appointment is terminated they are entitled to reemployment rights as defined in section **415.3.17**.

415.3.10 Tenuring

Effective Date: 06/04/2012

A CS employee who served initially under a Non-Career appointment and changed to a Career-Candidate will be reviewed for tenure after the first full 12-month rating cycle (ending March 31 of the rating year) subsequent to conversion to Career-Candidate. (See **ADS 414, Foreign Service Appointments**)

415.3.11 Salary and Within Grade Increases

Effective Date: 06/04/2012

The FS Non-Career appointment must be converted at the FS class level equivalent to the CS employee's grade and salary or, if an equivalent salary cannot be matched, the salary will be set at the nearest salary over the present salary. (See **Sections 307, 403, 404 of the FSA of 1980, as amended**) FS class levels will be determined as follows:

(1) GS-15 converts to FS-01

(2) GS-14 converts to FS-02

(3) GS-13 converts to FS-03

Note: An employee who is approved for a change from a Non-Career appointment to a Career-Candidate appointment must be converted to Career Candidate status at no higher than the FS-02 level.

Limited appointment FS employees are eligible for within-grade increases. (See **Section 406 of the FSA of 1980, as amended**.)

415.3.12 Clearances

Effective Date: 06/04/2012

a. Security Clearance. An individual appointed to the Foreign Service must have a Top Secret security clearance. An upgrading and/or revalidation of the employee's current clearance may be necessary before appointment. (See **Executive Order 10450, as amended**.)

b. Medical Clearance. The Medical Director of the Department of State must have decided, before a Non-Career appointment begins, that the employee was examined and found qualified for appointment to the assigned overseas post. (See **Section 904 of the FSA of 1980, as amended** and **16 FAM 100**.)

415.3.13 Language Requirements

Effective Date: 06/04/2012

Non-Career appointees must demonstrate language proficiency before assignment to a language-designated position (LDP) will be finalized. The Agency will not provide language training to Non-Career appointees other than for the purpose of achieving the required language proficiency for an LDP assignment. (**See 13 FAM 220**)

415.3.14 Benefits, Allowances, and Differentials

Effective Date: 06/04/2012

a. CS employees appointed to the FS as Non-Career Candidates retain their CS retirement benefits. (**See ADS 494**)

b. FS Career Candidates and Career Employees are covered by the Foreign Service Retirement and Disability System (FSRDS) and the Foreign Service Pension System (FSPS). (**See 3 FAM 6100**)

c. Allowances and post differentials are available to all employees appointed under this program. (See **ADS 477**)

d. Other benefits, e.g., health and life insurance, are available to employees appointed under this program. (See **ADS 476** and **478**)

415.3.15 Performance Management, Evaluation, and Promotion

Effective Date: 06/04/2012

Non-Career FS appointees are evaluated in accordance with the policies and procedures of the Agency's Employee Evaluation Program for Foreign Service and Senior Foreign Service employees (See **ADS 461**). Non-Career FS employees are not reviewed by FS Performance Boards and are not eligible for promotion.

FS Career-Candidates are evaluated in accordance with the policies and procedures of the Agency's Employee Evaluation Program for Foreign Service (See **ADS 461**). FS Career-Candidates are eligible for promotion.

415.3.16 Termination

Effective Date: 06/04/2012

Termination of an FS limited appointment prior to the established duration of the appointment is governed by **Sections 610 and 612 of the FS Act of 1980, as amended**.

OHR/FSP must advise employees, in writing, of the intended separation from the FS at least 60 days prior to the proposed effective date of the action.

415.3.17 Reemployment Rights

Effective Date: 06/04/2012

A CS employee who accepts a limited Non-Career appointment in the Foreign Service under Section 310 of the Foreign Service Act of 1980 is entitled, upon the expiration or termination by management of the limited appointment, to be reemployed in that employee's former position or in a corresponding position at the same grade level. (See **Section 310 of the FS Act of 1980, as amended**, **22 USC 3950**, **5 USC 3597** and **ADS 412**.)

Reemployment at a higher grade than the former position is subject to competition outlined in **ADS 418, Merit Staffing Program for Civil Service (CS) Employees**.

If USAID is unable to reemploy the returned employee in his/her former position or an equivalent vacant position, USAID must invoke Reduction In Force (RIF) procedures. In such a situation, USAID adheres to the regulations in **5 CFR 351** and the policies and procedures in **ADS 452, Reduction in Force-Civil Service**. In such a case, the Office of Human Resources, Civil Service Personnel Division (OHR/CSP) must determine the returned employee's retention standing. A RIF action may result in the employee's demotion, reassignment requiring displacement of another employee, furlough for more than 30 days, or separation from the Agency. An employee affected by a RIF receives 60 calendar days notification before the effective date of the RIF action. (See **ADS 452**)

An employee waives reemployment rights upon accepting a position in any Federal agency other than USAID, upon accepting a Career Foreign Service appointment, or upon failure to exercise reemployment rights within 30 calendar days from the termination date of the limited Foreign Service appointment. (See **ADS 412**)

Upon reemployment as a CS employee, the Office of Human Resources, Civil Service Personnel Division (OHR/CSP) must calculate the salary in accordance with the maximum payable rate rules stated in **5 CFR 531**.

Upon being notified of the pending termination of his/her limited Foreign Service appointment with USAID, an employee must apply for reemployment following the procedures outlined in **ADS 412, Reemployment Rights.**

415.4 MANDATORY REFERENCES

415.4.1 External Mandatory References

Effective Date: 06/04/2012

a. **3 FAM 6100**

b. **5 CFR 531**

c. **5 USC 3597**

d. **13 FAM 220**

e. **16 FAM 100**

f. **22 USC 3950**

g. **Executive Order 10450, as amended**

h. **Foreign Service Act of 1980, as amended, Sections 301, 306, 307, 309, 310, 403, 404, 406, 610, 612, 812, and 904**

415.4.2 Internal Mandatory References

Effective Date: 06/04/2012

a. **ADS 412, Reemployment Rights**

b. **ADS 414, Foreign Service Appointments**

c. **ADS 418, Merit Staffing Program for Civil Service (CS) Employees**

d. **ADS 461, Employee Evaluation Program, Foreign Service, and Senior Foreign Service**

e. **ADS 463, Foreign Service Boards**

f. **ADS 476, Benefits**

g. **ADS 477, Allowances and Differentials**

h. **ADS 478, Payments to Missing Employees**

i. **ADS 494, Civil Service Retirement**

415.4.3 Mandatory Forms

Effective Date: 06/04/2012

a. **AID 415-1, Foreign Service Assignment System: Civil Service Minimum Qualifications & Bidding Form**

b. **Conditions of Employment for Career Foreign Service Employees**

c. **Conditions of Employment for Time-Limited Foreign Service Career Candidate Employees**

d. **Conditions of Employment for Time-Limited Foreign Service Non-Career Employees Assigned to Overseas Mission**

415.5 ADDITIONAL HELP

Effective Date: 06/04/2012

There are no additional help documents for this chapter.

415.6 DEFINITIONS

Effective Date: 06/04/2012

Annual Evaluation Form (AEF)
The form used for evaluating performance under the Employee Evaluation Program (EEP). (**Chapters 415**, **461**, **462**, **463**)

backstop
Numeric code used to identify the skill category of a particular position. (**Chapter 415**)

career appointment
An appointment in the Foreign Service that is not temporary or limited to a certain period of time. (**Chapter 415**)

Career-Candidate
An employee hired for a time-limited appointment that is intended to lead to a permanent appointment with the Agency. (**Chapters 414, 415**, **468**)

Non-Career employee
An employee hired for a time-limited appointment that requires skills linked to short-term USAID Foreign Service overseas staffing needs. (**Chapter 414, 415**)

Reemployment Rights
An employee's right to return to an agency after detail, transfer, or appointment to another Executive agency during an emergency; an international organization; or other statutorily covered employment (e.g., time-limited FS appointment in USAID, the Peace Corps). (**Chapters 412**, **415**)

Technical Review Committee (TRC)
A Committee convened by the Chief, OHR/FSP (or designee) to review technical qualifications, make assessments, and recommend appointments of CS applicants to the Foreign Service. (**Chapters 415**, **459**, **468**)

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