ADS Chapter 422

Personnel Operations: Senior Foreign Service

Partial Revision Date: 12/30/2011
Responsible Office: OHR/FSP
File Name: 422_123011

Functional Series 400 – Personnel
ADS 422 – Personnel Operations: Senior Foreign Service

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ADS 422 – Personnel Operations: Senior Foreign Service

422.1 OVERVIEW

This chapter provides the policies and essential procedures which govern the USAID Senior Foreign Service (SFS) including selection, appointment, assignment, compensation, career conversion, promotion**,** and separation.

422.2 PRIMARY RESPONSIBILITIES

a. The Secretary of State is responsible for:

(1) The overall administration and direction of the Foreign Service and the coordination of certain activities of the various foreign affairs agencies using the Act (Sec. 201(a) of the Act).

b. USAID Administrator is responsible for:

(1) Making limited appointments to the Senior Foreign Service (SFS) under Sec. 303 of the Act.

(2) Recommending to the President persons to be appointed as career members of the SFS under Sec. 302 of the Act.

(3) Determining the amount of performance pay available each year and distributing such based on the recommendations of the Consolidated SFS Selection Board (C/Board).

(4) Granting Limited Career Extensions (LCEs) in accordance with recommendations of the C/Board **(See ADS 440)**.

c. The Bureau for Management, Office of Human Resources (M/HR) is responsible for:

(1) The day-to-day management of the SFS, including maintenance of personnel files and records.

(2) Supporting various boards impacting on the SFS; managing and supporting the selection, assignment, and promotion process; and recommending decisions reserved for the Administrator.

d. Consolidated SFS Selection Board (C/Board) is responsible for:

(1) Evaluating the performance, competence and potential of Senior Foreign Service employees.

(2) Recommending Senior Foreign Service employees for promotion, Presidential and Agency Awards, Performance Awards, salary level adjustments, recertification determinations, separation considerations, withholding of scheduled salary step increases, and other personnel evaluation actions that are identified in this chapter.

(3) Reviewing the character, quality of work, industry, usefulness**,** and experience of Senior Foreign Service employees identified as eligible for Limited Career Extensions and informing the Senior Management Review Board of LCE recommendations as discussed in ADS 440. **(See ADS 440)**

e. The Senior Foreign Service Performance Standards Board (PSB) is responsible for:

(1) Reviewing the files of all employees referred by the C/Board whose performance is ranked least competitive among their class and decide whether the employees meet the standards of their class, marginally meet the standards of their class, or must be selected out for relative performance. **(See Mandatory Reference, ADS 463.7, Precepts for Performance Standards Boards)**

f. Senior Management Review Board (SMRB) is responsible for:

(1) Recommending SFS employees for Presidential awards and adjudicating denial of FS and SFS Agency performance pay award cases referred by the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR).

(2) Advising the Administrator on Limited Career Extensions.

422.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

The statements contained within the .3 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

422.3.1 Promotion And Appointment in the Senior Foreign Service

It is the policy of the Agency to maintain a vigorous SFS characterized by strong policy formulation capabilities, outstanding executive leadership qualities and highly-developed**,** functional, foreign language and area expertise. Decisions on the numbers of individuals to be promoted into and retained in the Senior Foreign Service (SFS) shall be designed to provide a regular and predictable flow of recruitment in the service and of talent upward through the ranks and into the Senior Foreign Service. Employees shall be appointed to the SFS under career, career candidate, or non-career appointments.

422.3.1.1 Promotion Into the Senior Foreign Service

The SFS shall be comprised of not less than 95 percent career officers. Career employees are appointed through promotion of USAID career Foreign Service employees, reappointment or recall of former career employees**,** or career appointment following service as a career candidate.

All Foreign Service Officers at the grade 01 level must apply to be considered for promotion into the Senior Foreign Service.

a. Only career employees who have had at least one year in class FS-01 and at least six years of USAID direct hire experience overseas are eligible to apply for promotion consideration in the SFS. Employees must formally request that they be considered for promotion into the SFS.

b. Employees who have applied for promotion shall be reviewed by Senior Threshold Boards until they are promoted, their Time-in-Class (TIC) expires **(See ADS 440.3.4)**, or they withdraw from competition, whichever is earliest.

c. Employees who withdraw from competition prior to the expiration of their cumulative TIC shall revert to their previous status, but shall not again apply or be considered for promotion into the SFS.

d. Employees promoted to FS-01 prior to December 31, 1990, who elected to remain under the eight board review provision, shall be reviewed by the boards until they are promoted, their cumulative Time-in-Class expires, they withdraw from competition or they are reviewed by eight boards. **Those not promoted after review by eight boards will be mandatorily retired within six months of the conclusion of the threshold board unless extended a) under 607 (d)(1) of the Foreign Service Act until service on a Presidential appointment ceases or b) under 607 (d)(2) of the Foreign Service Act by the Administrator in the public interest for a maximum of one year.** Employees who withdraw from competition prior to their eighth Board shall revert to their previous status and shall not again apply or be considered for promotion into the SFS.

e. Appointment into the Senior Foreign Service is made by the President with the advice and consent of the Senate.

f. Special considerations for promotion into the SFS. **(See ADS 463.3.5)**.

422.3.1.2 Promotion Within the Senior Foreign Service

It is Agency policy that employees shall compete for promotions within the Senior Foreign Service on a classwide basis.

The evaluation files of all employees, including those serving on Presidential

appointments under section 302(b) of the FSA, are reviewed annually by the Senior Foreign Service Consolidated Selection Board (C/Board), which recommends employees for promotion and ranks them in order of merit **(See ADS 463.3.4)**. The Administrator determines the number of promotions to be awarded for each class based on Bureau for Management, Office of Human Resources (M/HR) recommendations. Employees serving on a 607(d)(2) temporary career extension shall not be eligible for promotion. **(See ADS 440.3.4)**

For further information on promotion within the SFS, **see ADS 463.3.5**.

422.3.1.3 Career Candidate Appointments Into The Senior Foreign Service

It is Agency policy that an individual shall be appointed to the Senior Foreign Service as a career candidate when the combination of educational background, professional work experience, and skills possessed by the applicant is not expected to be available in the immediate future in sufficient numbers in the SFS and only when such an appointment does not cause the number of members in the Senior Foreign Service serving under limited appointments to exceed five percent. This calculation excludes employees assigned to the Peace Corps and treats employees who have reemployment rights (e.g., career SES appointments) as career SFS employees.

a. Eligibility

To be eligible for appointment into the Senior Foreign Service, all candidates:

(1) Must be citizens of the United States at the time of appointment;

(2) Must have had a minimum of 15 years of professional work experience on date of application including at least five years of service in a position of responsibility in a Federal government agency(ies) or private sector organization(s). The experience acquired must be approximately equivalent to that of USAID Foreign Service members in classes FS-3 through FS-1. The applicant must have been in a position comparable in responsibilities with that of a member in class FS-1 or higher for at least one year; and

(3) Applicants from outside the Federal Government and Federal Employees who at the time of application lack the 15 years of professional experience or the five years of service in a position of responsibility shall be considered if they are found to possess a combination of educational background, professional work experience and skills needed by USAID at the senior level in job categories normally not staffed by promotion of mid-level career officers.

b. Certification of Need

Before an application can be processed, the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR), must certify that there is a

need for the applicant as an SFS career candidate and that the combination of educational background, professional work experience and skills possessed by the applicant is not expected to be available in the immediate future in sufficient numbers in the SFS including by promotion and/or special training of career personnel.

c. Application Procedure

(1) Applicants must submit to M/HR an application and a narrative statement (not exceeding four typewritten pages) describing their pertinent background and professional work experience. Applicants must also certify that they are willing and able to accept the obligation of worldwide service.

(2) Agency File: M/HR shall establish a file for each applicant composed of all available documentation of value in determining potential for service as an SFS career candidate. For applicants employed by a Federal Government agency, this shall include the personnel (performance) file from the employing agency. M/HR shall review the file to confirm that the applicant is a U.S. citizen, appears to have the requisite experience and meets the other requirements for the Career Candidate Program. The file of an applicant who appears to meet these requirements shall be forwarded to the Foreign Service Board of Examiners (BEX) with a statement to that effect and a request that the application be processed for consideration under the SFS Career Candidate Program.

d. Qualifications Evaluation Panel (QEP)

(1) On receipt of the applicant's file, the BEX (See FSA, sect. 211) shall appoint a Qualifications Evaluation Panel (QEP) to determine whether the applicant meets eligibility requirements, to assess the applicant's skills against the criteria in E422.5.1c, para. 6, and to recommend whether the applicant shall be examined for possible appointment as an SFS career candidate. The Panel shall consist of three Deputy Examiners, at least two of whom are USAID SFS career officers. One of the USAID Deputy Examiners, who shall be of at least equivalent rank to that of the position for which the applicant is applying, shall serve as Panel Chairperson.

(2) The other USAID Deputy Examiner shall serve as drafter of the Panel's report, which is prepared after the drafter has studied the file in depth to determine whether the applicant qualifies for an SFS-level examination. The third examiner shall be an SFS officer named by the BEX, who is an SFS career officer from another foreign affairs agency operating under the Act. The completed report must be signed by all three Panel members. If the Panel decides that the applicant is not eligible for examination, the BEX shall inform M/HR of the reasons for the decision.

e. Qualifying Process

(1) Examination

i. Applicants passing the initial evaluation review outlined above shall be examined by a panel of SFS Deputy Examiners of the BEX. The panel shall examine orally and on the basis of an essay written by the applicant prior to the oral examination, on a specified topic related to Foreign Service work. The essay requirement shall be waived by the BEX at the request of the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR). The purpose of the examination is to determine the applicant's ability to meet the objective of the Act, which provides for an SFS characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language and area expertise. The Examining Panel shall question the applicant on matters relevant to their qualifications in light of this objective and the criteria in 422.3.1.3, para. 6.

ii. The Oral Examining Panel shall be Chaired by an SFS career officer of USAID of a rank at least equivalent to that of the position for which the applicant is applying, and shall be composed of at least one additional Deputy Examiner who is an SFS career officer of USAID and at least one Deputy Examiner named by the BEX who is an SFS career officer from another foreign affairs agency operating under the Act. At least one of the Examining Panel members shall represent the specialty of the applicant.

iii. Following the oral examination, the Examining Panel shall discuss the applicant's performance and decide by majority either to recommend or not recommend the applicant for further consideration. Determinations of duly constituted panels of Deputy Examiners are final unless modified by specific action of the BEX. Applicants shall be informed of the results of the Examining Panel after the conclusion of the Panel's deliberations.

iv. The USAID member of the Examining Panel who did not serve as Panel Chairperson shall prepare a written report of the oral examination including the written essay if it was required. This report must be signed by all Panel members. It must focus on the professional qualifications and personal qualities demonstrated by the applicant in the examination and document the Panel's judgment on whether to recommend the applicant for further consideration.

v. M/HR informs unsuccessful applicants of an Examining Panel's

decision that there shall be no further consideration of their applications. However, such applicants may reapply under the Program after one year has elapsed from the date of the failed examination, should a need for candidates exist at a later time.

(2) Background Investigation

i. Applicants recommended by the Examining Panel shall be subject to a background investigation designed to determine suitability for appointment to the Senior Foreign Service.

(3) Medical Examination

i. Applicants recommended by the Examining Panel and their dependents are required to pass a physical examination based on medical standards established by the Department of State, Office of Medical Services. Applicants and dependents who do not meet the required medical standards shall, however, be given further consideration if granted waivers of medical deficiencies in accordance with the Agency policies and essential procedures **(See ADS 414)**.

(4) Foreign Language Requirement

i. Applicants who pass the Oral Examination shall be required to take a subsequent examination at the Foreign Service Institute to measure their fluency in foreign languages and/or aptitude for learning them. An applicant may be appointed as an SFS career candidate without first having passed a foreign language examination, but shall not be commissioned as a career SFS officer unless language proficiency required for tenuring is achieved. Candidates in BS-08 are exempt from this language requirement. M/HR is responsible for so informing the applicant at the time of appointment as an SFS career candidate.

(5) Final Review Panel

i. After the results of the background investigation, medical examination and language examinations are received, the entire file of an applicant recommended by the Examining Panel shall be reviewed and graded by a Final Review Board consisting of three or more Deputy Examiners of the BEX. The Final Review Panel shall decide whether to recommend the applicant for appointment. The Final Review Panel shall be chaired by a Deputy Examiner who is a USAID career SFS officer of at least equivalent rank to that for which the applicant is applying; the majority of Panel

members shall be USAID career SFS officers. At least one Panel member shall be a career Foreign Service officer of one of the other foreign affairs agencies operating under the Act.

ii. Following the Final Review Panel's decision, the applicant's file shall be submitted to the BEX. The BEX shall either certify the applicant for appointment or inform the applicant that the applicant has been found not qualified for appointment as an SFS career candidate.

f. Appointment

(1) Criteria for Appointment as an SFS Career Candidate

In considering applicants for the USAID Senior Foreign Service (SFS), examination and review panels shall assess candidates in relation to the five areas of competency used to judge the performance of persons already in the USAID Foreign Service (FS): substantive knowledge, leadership qualities, managerial skills, analytical skills and interpersonal skills. Evidence of effectiveness in each of these areas shall be judged in the context of USAID's role as an agency that designs and implements a wide range of economic development programs.

In addition to assessing candidates in these areas of general ability, the examiners shall give particular attention to the following factors which are relevant to USAID's overseas development role:

i. **Understanding.** Capacity to understand the political, social and economic context of U.S. activities overseas and its relation to USAID's objectives and activities.

ii. **Adaptability.** Ability to adjust in a foreign setting (especially an Less Developed Country environment), including interest, understanding, and accommodation regarding host country organizations and processes, as well as the ability to function in the USAID/Washington setting.

iii. **Programmatic Expertise.** Capacity to deal with economic, social, and technical matters at the macro and micro levels, particularly in an LDC setting; ability to translate technical and developmental issues into USAID strategy and documentation leading to program/project approval.

iv. **Implementation.** Ability to translate program/project approvals into actions, including such implementation processes as contracting, procuring and managing fiscal, commodity and human resources;

conducting continuous negotiations/dialogue with program/project partners; coordinating with related activities; and periodic program/project evaluations resulting in productive changes, reductions or terminations, as appropriate.

v. **Relations.** Creating and maintaining successful relations with senior officials of the host country, other donor organizations and U.S. agencies as a means of advancing USAID objectives and programs.

(2) Certification of Appointment

An applicant found to meet USAID's standards for appointment shall be offered appointment as an SFS career candidate in accordance with the certification of need made by the DAA/M/HR. If due to changed circumstances there is at the time of certification for appointment no immediate requirement, the applicant's application shall be retained for a period of up to two years for consideration, along with other applicants, should openings become available.

(3) Class of Appointment

i. In determining the class at which an SFS applicant shall be examined and appointed, consideration shall be given to the needs of the Agency and to the applicant's skills, abilities, level of experience and prior income. In evaluating qualifications and in conducting examinations, panels shall carefully assess applicants to determine whether their total qualifications compare favorably with SFS members at the proposed appointment level. Such qualifications, as evaluated by the examining panels and the BEX, shall have an important bearing on USAID's decision to certify an applicant for appointment. However, M/HR shall certify an applicant for appointment at or within a different SFS class when the applicant's qualifications clearly warrant such action. USAID normally shall not appoint applicants at the Career Minister level since this class is typically reserved for Minister-Counselor promotees. The appointment of members of the Senior Executive Service (SES) to the Senior Foreign Service (SFS) shall not be made to a class higher than Minister Counselor (MC).

ii. In general, demonstrated competence in planning and in managing personnel and other resources is a key requirement for officers in the SFS. This is particularly true at the Minister-Counselor level and almost exclusively the case for Career Ministers. However, this shall not be interpreted to limit entry into the SFS only to generalists. At the Counselor level there are senior positions for

specialists in the technical and support areas, as well as in mission management. For the most part, these positions shall have significant management and policy making dimensions, even in the technical and program support areas. However, at the Counselor level there is also a need for a modest number of highly specialized professionals who may have little or no executive experience or managerial responsibility. These officers shall be exceptional specialists who, by virtue of their outstanding professional or technical competence, merit inclusion in the SFS.

iii. In considering candidates for appointment at the level of Minister Counselor, an even greater emphasis is placed on persons who have excelled in the areas of policy formulation and executive level management. This does not preclude consideration of persons who have progressed through technical or other professional channels. In general, however, such candidates shall have demonstrated a broad capacity for managing programs in their own professional discipline and preferably across functional lines as well. While they shall not be entirely excluded from consideration, there is little room at the Minister-Counselor level for specialized officers without executive level management skills. Any person considered for appointment at the Minister-Counselor level, on the basis of essentially technical or professional skills, must be an acknowledged and established leader in their field.

iv. At the Career Minister level, officers are expected to have the capacity for broad substantive and executive leadership. The Career Minister rank is parallel with Executive Level IV. This is the same rank held by Assistant Administrators in USAID and Assistant Secretaries in the Department of State. Thus, officers appointed as Career Ministers must have the capacity to serve as an Assistant Administrator, or in other position of comparable rank in USAID, the Department of State or international organizations. Consequently, no officer shall be considered for appointment as a Career Minister who does not have broad and proven ability to plan and manage large and complex programs.

(4) Terms of Appointment

Offers of appointment shall be made in writing by M/HR. SFS career candidates shall be appointed for a period not to exceed five years. A career candidate who does not qualify during the trial period to become a career member of the SFS shall be separated from the Career Candidate Program no later than the expiration date of the candidate's time-limited appointment. Separated candidates who at the time of their appointments as SFS career candidates were domestic employees of USAID or

employees of other Federal Government agencies who were appointed with the consent of the head of that agency, shall be entitled to reemployment rights in the agency from which they came in accordance with section 310 of the Act and 5 USC 3597.

422.3.1.4 Non-career Appointments into the Senior Foreign Service

It is Agency policy that non-career appointments shall be used primarily to fill special needs overseas for skills categories not required on a long-term basis. Appointments are made by the Administrator and shall not exceed five years. The number of members in the Senior Foreign Service serving under limited appointments shall not exceed five percent.

SFS employees under non-career limited appointments shall be eligible to apply for career candidate status if they qualify under the standards and criteria established for selection of SFS career candidates **(See 422.3.1.3, para. 6)**.

422.3.2 Evaluation and Tenuring of SFS Career Candidates

It is the policy of the Agency that the decision to offer a senior career candidate a career appointment in the SFS shall be based on the recommendation of the Foreign Service Tenure Board (the Board) that the candidate possesses the fitness and aptitude for the work of the SFS. The Board shall not be constrained by any quotas in making its tenuring recommendations. Each certified senior candidate shall be evaluated as to their individual fitness and aptitude for the work of the SFS. Senior candidates being reviewed shall not be considered in competition with or be judged against other senior candidates under review. **See ADS 463.3.18.**

422.3.3 Compensation Levels for the Senior Foreign Service

Pay levels for the Senior Foreign Service shall be based on the Executive Schedule, and shall be adjusted for relative performance.

The Senior Foreign Service is made up of three classes (Career Minister, Minister Counselor, and Counselor) which are divided into several pay rates equivalent to those established for the Senior Executive Service.

Senior Foreign Service	Senior Executive Service
Counselor (OC)	ES-1, ES-2, ES-3, ES-4
Minister Counselor (MC)	ES-4, ES-5
Career Minister (CM)	ES-6

Pay Setting Process for SFS Employees

a. Entering from the Civil Service. Civil Service (CS) employees granted limited appointments to the Counselor or Minister Counselor classes shall receive the lowest

Executive Schedule (ES) salary level for the class to which appointed that equals or exceeds the employee's scheduled rate of pay immediately before appointment. Exceptions for an advanced rate shall be granted by the Administrator, or designee, if it is determined that the employee possesses needed qualifications not currently available in USAID and which warrant a higher ES level (this usually shall apply to Senior Executive Service (SES) employees; CS employees in grades GS/GM-15 and below usually are not appointed to the SFS). SES employees converting to the SFS shall not be appointed to a class higher than Minister Counselor.

b. Entering from the Senior Executive Service. A career SES employee who accepts a limited SFS appointment in a salary class for which the highest basic salary rate is less than the employee's existing SES basic salary rate shall receive the following pay retention benefits (sec. 402(b) of the Act):

(1) The employee shall preserve the benefits of the existing payable rate (and the existing scheduled rate of pay, if different)**;**

(2) The employee's SES existing payable rate shall be adjusted by fifty percent of each subsequent SES pay adjustment granted under 5 USC 5382; and

(3) The employee shall continue to receive the SES existing payable rate as adjusted until the new applicable basic salary rate in the appropriate SFS class equals or exceeds the SES payable rate.

c. Appointments From Outside the Government. The salary level for those appointed from outside the government to a limited appointment normally shall be ES-1 for the Counselor and ES-4 for the Minister Counselor classes. The Administrator, or designee, may make exceptions for an advanced rate at the Counselor class based on:

(1) A determination that the individual possesses needed qualifications not currently available in USAID**;** and

(2) The individual's documented annual earnings, e.g., by most recent Federal income tax return.

d. Promotion Into the Senior Foreign Service. USAID employees promoted to the rank of Counselor shall receive the lowest ES salary level which exceeds the employee's scheduled rate of pay by not less than two step increases of the FS-01 salary class or six percent (whichever is greater), but not to exceed the ES-4 level. The salary level for employees promoted to the Minister Counselor class shall be ES-4 unless the promotee was already at that level, in which case, the salary level shall be ES-5. The salary level for employees promoted to the Career Minister class shall be ES-6.

e. Presidential Appointees. An employee who is appointed to any position in the

Executive Branch by the President with the advice and consent of the Senate, or by the President alone, is considered to be on assignment under section 302(b) of the Act and retains career status as a member of USAID's Senior Foreign Service. The employee may elect to continue to receive the salary of the employee's salary class, to remain eligible for performance pay, and to receive the leave to which he or she is entitled as a member of the SFS. Alternatively, the employee may elect to receive the salary and leave (if any) of the position to which appointed by the President.

422.3.3.1 Salary Level Adjustments

The M/HR shall periodically review the eligibility of Senior Foreign Service employees for salary adjustments. Based on C/Board and Performance Standards Board (PSB) recommendations, M/HR shall determine the action necessary and shall effect the indicated salary adjustments. Employees serving in positions to which appointed by the President or who are paid at an extraordinary rate or under other assignment modalities shall be eligible for the FE salary levels, which would have been received if they had been continuously paid under the SFS salary schedule.

Adjustments in FE salary levels shall be effected as follows:

CLASS	SALARY LEVEL	POSSIBLE ADJUSTMENTS
FE-CM	FE-6	None
FE-MC	FE-5	Decrease
	FE-4	Increase/Deferral
FE-OC	FE-4	Decrease
	FE-3	Increase/Deferral/ Decrease
	FE-2	Increase/Deferral/ Decrease
	FE-1	Increase/Deferral

a. Eligibility for an Increase

(1) If provided for in the above table and not otherwise affected by E422.5.3a, para. 3 and/or para. 4, an increase of one FE level shall be granted if the employee has:

i. Served at least twenty four months in USAID's SFS and was reviewed by two C/Boards since their last FE salary level adjustment. The waiting period shall be extended by all time spent in leave without pay status which totals 80 or more hours in any one leave year;

ii. As determined by the C/Board and/or Performance Standards Board (PSB), fully met the standards of performance of their class during the prior two years; and

iii. Been ranked in the upper two-thirds of their class by the C/Board for the latest rating period being considered.

b. Effective Date of Increases

(1) Except as provided in E422.5.3a, para. 3 and/or para. 4, a salary level increase shall be effected as of the first day of the pay period after the Board approves such increase, provided the employee has met the criteria and completion of the required waiting period.

c. Deferral of Eligibility for an Increase

(1) Employees not ranked in the upper two-thirds of their class shall not receive increases for the reviewed cycles, but shall be reviewed again during subsequent evaluation cycles**.**

(2) Employees whose performance is determined by a PSB to have only marginally met the standards of their class and who receive a letter to this effect from M/HR shall have their salary level increase waiting period extended by at least two years for each such determination**.**

(3) Additionally, the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR), shall order deferral of an employee's eligibility for a salary level increase if the DAA/M/HR determines such increase is inconsistent with the national interest or efficiency of the Service. Such reasons must be based on:

i. Issues of loyalty, security, misconduct, suitability or malfeasance; or

ii. Indications that information available to the employee's rating officer or in the employee's evaluation file has been significantly inaccurate or incomplete.

The Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR), shall promptly inform the employee in writing of the decision to initiate, pursue**,** or monitor an inquiry, investigation**,** or proceeding for a deferral of their eligibility for a salary level increase if not inimical to the inquiry or investigation. If so notified, the employee shall be given an opportunity to submit to the DAA/M/HR whatever documents and information the employee believes are pertinent to the case.

Upon completion of the review or resolution of the issue(s), the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR), shall:

- Determine that there is no basis for denying the increase and request that action be taken to effect the increase as of the date it would have been effective if not deferred;

- Defer the employee's eligibility for an increase for as long as deemed appropriate but in no case less than one year beyond the individual's original eligibility date. Upon completion of the additional waiting period, the employee shall then be eligible to receive and increase if the employee meets the requirements as stated in 422.3.3.2; or

- Reduce FE salary level as outlined in 422.3.3.1, para. 4, letter b.

d. Reduction in FE Salary Level

(1) If a PSB determines that an employee did not meet the performance standards of their class and the employee receives a letter to this effect from M/HR, the employee's salary shall be reduced one level, but not below the lowest level for the employee's class.

(2) At conclusion of the investigation and/or review(s) outlined in E422.5.3b, para. 3, if the nature of the infraction is, in the judgment of the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (M/DAA/HR), grossly inconsistent with the national interest or efficiency of the Service, the Deputy Assistant Administrator, Office of Human Resources shall order a reduction in the employee's salary level. Such reduction shall be one or more levels, but not below the lowest level for the employee's class.

e. Recertification

(1) Salary and grade levels are also subject to adjustments through the recertification process. (**See ADS 463.3.12**)

422.3.3.2 Performance Pay

Performance pay shall include Agency and Presidential Awards and shall take into account the criteria established by M/HR for performance awards under sections 5384 and 4507 of the United States Code. Employees eligible for performance pay awards shall be reviewed as a group by the C/Board. The C/Board then recommends employees for awards and ranks them in order of merit. Employees shall be compared and judged solely on merit with absolute fairness and justice. In particular, no employee shall be advantaged or disadvantaged, directly or indirectly, for reasons of race, color, religion, sex, age, national origin, marital status, handicapping condition**,** or means of entry into the Service. Not more than 50 percent of the members of the Senior Foreign Service shall receive performance pay in any fiscal year **(in accordance with the provisions of Section 405 (b)(1) of the Foreign Service Act). Notwithstanding this provision, the Agency historically awards bonuses to 35 percent or fewer of the**

members of the Senior Foreign Service.

Non-career employees and employees who are appointed to any position in the Executive Branch by the President with the advice and consent of the Senate, or by the President alone, are not eligible to receive performance pay except for those SFS officers on Presidential appointments who elect to retain the salary and benefits of their SFS class (in accordance with Section 302(b) of the Foreign Service Act) and employees serving under non-career Senior Foreign Service appointments with reemployment rights under sec. 310 of the Act as career SES appointees.

a. Agency Awards

Agency awards are conferred by the Agency based on performance during the most recent rating period.

(1) Individual awards shall not exceed twenty percent of basic salary and are subject to the limits on the total number of awards established by law.

(2) An employee must have been a member of the SFS on the last day of the rating period and have been evaluated on the Annual Evaluation Form, Ambassadorial letter, or as otherwise provided in ADS 462, for a period of at least 90 days during the rating period **(See ADS 462)**.

(3) C/Board Review and Recommendations

i. The Administrator, or designee, shall determine the number and amounts of awards. The Board shall be advised by memorandum in advance by the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR) of the number and amounts of awards the Board shall designate. A copy of the memorandum shall be placed in a sealed envelope in the presence of the exclusive representative and opened in the presence of the exclusive representative after the Board has completed its work.

ii. The C/Board shall review the files of eligible employees as a group.

iii. The Board shall review each employee's performance and, based solely on the material in their PEF for the rating period for which the Board has been convened (except as provided for in E422.5.3c(5)), recommend awards within the number authorized. The Board shall rank those recommended in order of merit. The full number of awards authorized shall be paid in the order recommended. **Not more than 50 percent of the members of the Senior Foreign Service shall receive performance pay in any fiscal year (in accordance with the provisions of Section 405 (b)(1) of the Foreign Service Act). Notwithstanding this provision, the Agency historically awards**

bonuses to 35 percent or fewer of the members of the Senior Foreign Service.

iv. The Board shall base its decisions only on material properly part of an employee's PEF. Board members shall neither seek nor receive any information on employees other than that included in their PEF except as provided below.

v. A Board member may provide information to the Board that is not in a PEF but is relevant to an employee's performance during the rating period under review ONLY as provided for in ADS 463, Selection Board Operations and Materials **(See ADS 463.3.6)**.

vi. For further information on the operations of the C/Board, see ADS 463. **(See ADS 463.3.3, 463.3.4, and 463.3.6 inclusive)**.

(4) Submission of Award List and Recommendations

i. The Board shall prepare a rank ordered list of awardees with award amounts, which reflect its determination on the apportionment of awards. The list shall be annotated to indicate any awards recommended at amounts less than the maximum authorized. This list shall be prepared and signed by the Board members and be made a part of the Board's final report. The Board is encouraged to submit recommendations concerning changes and/or improvements in policies and procedures for subsequent Boards.

ii. The Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR) shall accept the report or return it for review if questions exist on use of procedures and/or precepts. Upon accepting the report, the DAA/M/HR shall forward the award list to the Administrator. Except as provided in 422.3.3a(d)(3), the Agency shall, at the earliest feasible date thereafter, publish an alphabetical list of award recipients and pay the amounts in accordance with the Board's rank-ordered list.

iii. The Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR) shall review the Board's rank-ordered lists of awardees and consult appropriate offices to determine if any employee named has been or is the subject of an administrative action, investigation or proceeding involving loyalty, security or malfeasance. If an employee is the subject of a covered action but it is not completed at the time of the Director's review, the employee's name shall be temporarily removed from the list. If the nature and/or status of the action permits, employees whose names are permanently or temporarily removed from the list shall be so notified in writing by the

DAA/M/HR.

When a name is temporarily removed from the list, the award and any corresponding award funds shall be held until resolution of the covered action. If the action is decided in the employee's favor and the DAA/M/HR determines such is not inconsistent with the national interest or efficiency of the Service, any previously designated award shall be honored and paid. If decided against the employee and/or the results are such that the DAA/M/HR determines granting the award is inconsistent with the national interest or efficiency of the Service, the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources shall void the employee's status. Performance award monies shall be paid as soon as feasible after conclusion of a covered action.

b. Presidential Awards

Presidential awards include the Distinguished Service Award for sustained extraordinary accomplishment which carries a payment of up to $20,000 and the Meritorious Service Award for sustained superior accomplishment which carries a payment of up to $10,000.

(1) Presidential awards are conferred by the President based on recommendations of an Interagency Selection Board (IASB) reviewing SFS employees nominated by the foreign affairs agencies. Agency nominations for Presidential Awards are made by the C/Board **and reviewed by the Senior Management Review Board (SMRB).**

i. To facilitate the SMRB's work, the C/Board shall nominate employees and prepare statements of justification supporting each nomination for consideration by the SMRB. The DAA/M/HR shall advise the C/Board in advance of the authorized number of nominations for the Distinguished and Meritorious Service awards. The Board shall review the records of all eligible employees together and without regard to its recommendations for Agency awards. Applying the criteria in ADS 463, Evaluation Considerations, 463.3.5, the Board shall nominate and rank in order of merit up to, but not more than, the authorized number of nominees for each award **(See ADS 463.3.5)**. The list of nominees shall be included in the Board's report to the DAA/M/HR **and shall be made available to the SMRB.**

ii. The SMRB shall review the PEFs of employees nominated by the C/Board and of any other eligible employees it judges worthy of consideration. The SMRB shall bear in mind the criteria in ADS 463 and give due weight to the C/Board recommendations (See ADS 463).

iii. The SMRB shall submit its report of nominations, with the

justification statements, to the Administrator, who shall review these recommendations

iv. All nominations, with the justification statements shall be reviewed and approved by the Administrator in light of the interagency regulatory requirement that the Agency assure "... that the record and character of each nominee fully warrant recognition by the President should the nominee be selected for an award." On concluding this review, the Administrator shall forward approved nominations, with justification statements, to the Interagency Selection Board for consideration in accordance with agreed interagency procedures.

(2) Presidential awards shall be conferred on no more than six percent of the members of the SFS, with no more than one percent receiving the Distinguished Service Award.

(3) Officers having held a recently terminated Presidential appointment made under section 302(b) of the FSA need not have been rated for the last rating period, but must have been a member of the Senior Foreign Service on the last day of the rating period and have performance reports in their evaluation file covering three or more years in SFS classes (or their career equivalent) as of the end of the most recent rating period in order to be eligible for a Presidential Award.

(4) Any employee who receives a Distinguished or Meritorious Service award shall not be entitled to receive that same award during the following four fiscal years, nor to receive any Presidential Award in the immediate subsequent year.

c. Payment of Performance Pay

(1) Awards, which are calculated as a percentage of annual salary, are determined using the basic salary rates in effect at the end of the subject rating period. The total amount of basic salary plus performance pay received in any fiscal year is subject to the limitation specified in sec. 405(b)(4) of the Act. However, any amount which is not payable due to such limitation shall be paid in a lump sum at the beginning of the following fiscal year.

(2) Employees may be nominated for both an Agency and a Presidential award. However, an employee shall not receive both awards for the same competition year. Agency awards shall be paid in accordance with the C/Board's rank order and in the amounts indicated. Payment shall be made without regard to possible subsequent conferral of Presidential awards.

(3) If an employee who is selected for a Presidential award has been paid an Agency award already, the Agency award shall be canceled and the employee

shall receive the Presidential award instead. The amount of the Presidential award shall be reduced by the amount already paid as an Agency award. The employee's name shall then be deleted from the Agency award list.

422.3.4 Selection Board Precepts - SFS Salary Level Adjustments and Performance Pay

The SFS Consolidated Selection Board (C/Board) shall be guided by established criteria in making recommendations for SFS salary level adjustments and performance pay awards. In applying these criteria, the Board shall recognize that not all employees shall have had the opportunity to demonstrate achievement in all of the areas cited. Board members shall not assess performance on the basis of the number of criteria met, but rather the demonstrated contributions and accomplishments achieved. Board members shall not be eligible to receive any type of performance pay or a salary level adjustment for the period(s) being reviewed. **(See ADS 463)**.

a. Presidential Award Nominations

In addition to the criteria listed in ADS 463, Evaluation Considerations, 463.3.5, employees must have demonstrated sustained superior or outstanding accomplishment as an SFS employee (or equivalent) for at least three rating periods **(See 463.3.5)**. Evidence of such sustained accomplishment shall be found in:

(1) Significant contributions to the national interest in the area of foreign affairs;

(2) Managerial accomplishments in cooperative efforts with other foreign affairs agencies, federal agencies, government entities and/or the private sector; and

(3) Achievements of Agency-wide importance in policy, technical, program and/or human resource terms.

Nominations for Presidential awards shall recognize the most capable, deserving and accomplished employees of the Service who warrant this singular honor due to exceptional contributions and because their integrity and worthiness of public trust are beyond question.

422.3.5 Assignment of Senior Foreign Service Officers

It is the Agency's policy that SFS employees must be available to serve in assignments throughout the world. Employees are obligated to serve abroad and shall expect to serve abroad for substantial portions of their careers.

Senior Foreign Service employees will not be assigned to duty in the United States for any continuous period exceeding eight years unless the Administrator approves in

writing an extension due to special circumstances. USAID will assign career employees to duty in the United States at least once during each fifteen year period.

SFS employees are assigned to positions through either of the following assignment mechanisms:

(1) Senior Management Group (SMG). As chaired by the Administrator or Deputy Administrator, the SMG considers and recommends for the Administrator's approval appointments to all SMG positions overseas and in USAID/W **(contact: M/HR/EM)**; or

(2) Assignment Board. Assignments for employees not being considered for SMG positions are made in accordance with ADS 436. **(See ADS 436)**

422.3.6 Career Counseling

The Bureau for Management, Office of Human Resources, Executive Management Staff (M/HR/EM) provides a career counseling service designed to ensure full consideration of Senior Management Group assignment preferences and Agency needs so that employees have timely information on assignment options and prospects, e.g., Agency issuances containing career related information. The career development system provides specialized assignment and training opportunities to broaden technical and managerial skills of USAID's executive corps.

M/HR/EM also identifies junior and mid-level employees deemed to have potential for advancement to the executive ranks. As appropriate, M/HR/EM tracks the assignment and training of those employees to monitor their capacity for assuming such responsibilities.

422.3.7 Separation from the Senior Foreign Service

a. Termination of Limited Appointments

The Agency shall be able to terminate at any time the appointment of any employee serving under a limited appointment (except as provided in Section 610 of the Foreign Service Act).

b. Retirement for Expiration of Time in Class

See ADS 440, Time in Class and Limited Career Extensions.

c. Retirement Based on Relative Performance

Career employees are subject to retirement based on relative performance in accordance with sec. 608 of the Act.

d. Separation for Cause

The Administrator may separate any Foreign Service employee for such cause as shall promote the efficiency of the Service as provided in Sec. 610 of the Foreign Service Act of 1980. **See ADS 450.**

e. Voluntary Retirement

Any participant who is at least 50 years of age and has 20 years of creditable service, including at least five years of service credit toward retirement under the system (excluding military service) may on his or her own application and with the consent of the Secretary be retired from the Service and receive retirement benefits in accordance with sec. 806 of the FSA of 1980 (see sec. 810 of the FSA of 1980).

f. Mandatory Retirement at Age 65.

422.3.8 Actions Based on Merit Principles

Actions effected under this chapter shall be based on merit principles. In particular, no employee shall be advantaged or disadvantaged, either directly or indirectly, for reasons of race, color, religion, sex, age, national origin, marital status, handicapping condition or other means of entry into the Service.

Except as prohibited by law, Agency discretionary provisions in this chapter may be waived by the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR), based on the needs of the Agency.

422.4 MANDATORY REFERENCES

422.4.1 External Mandatory References

a. Foreign Service Act of 1980, as amended

b. 22 USC 3965, Performance pay

c. P.L. 97-241 (8/24/82), Appropriations bill

d. 3 FAM 226.4-3 (Salary Level Adjustments)

e. 3 FAM 122.3 App. 38A-3

f. Executive Order 12293 (2/23/81), Salary classes

422.4.2 Internal Mandatory References

a. **ADS 414, Foreign Service (FS) Appointments**

b. **ADS 436, Foreign Service Assignments and Tours of Duty**

c. **ADS 440, Time-in-Class (TIC) Limitations and Limited Career Extensions (LCEs)**

d. **ADS 450, Termination of Time-Limited Appointments – Foreign Service (FS)**

e. **ADS 462, Employee Evaluation Program, Civil Service**

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

422.5 ADDITIONAL HELP

a. **USAID Senior Foreign Service Recertification Plan (Formerly Supplement 38c, Handbook 25)**

422.6 DEFINITIONS

Board of Examiners
Board established to develop, and supervise the administration of, examinations to be given to candidates for appointment in the Foreign Service. The Board includes representatives of agencies utilizing the Foreign Service personnel system and representatives of other agencies which have responsibility for employment testing. (Chapter 422)

Distinguished Service Award
Presidential award for sustained extraordinary accomplishment, which carries a payment of up to $20,000. (Chapter 422)

Foreign Service Tenure Board
Board responsible for reviewing career records of Foreign Service career-candidate employees in order to determine whether or not to recommend tenure (career-status) to employees. (Chapter 422)

Interagency Selection Board (IASB)
Interagency board that makes recommendations to the President upon reviewing Senior Foreign Service employees nominated by the foreign affairs agencies for Presidential awards. (Chapter 422)

Limited Career Extension (LCE)

Appointment extensions, in accordance with Section 607(b) of the Foreign Service Act, to career Senior Foreign Service employees who have reached their maximum Time-in-Class. Members of the Service serving under such limited career extensions continue to be career members of the Service. (Chapters 422, **440**, and **463**)

Meritorious Service Award
Presidential award for sustained superior accomplishment which carries a payment of up to $10,000. (Chapter 422)

Performance Evaluation File (PEF)
An evaluation file established for each foreign service officer as part of the employee's Official Personnel File. (Chapter 422)

Performance Standards Board
Board responsible for reviewing the files of all employees referred by the C/Board whose performance is ranked least competitive among their class and decide whether the employees meet the standards of their class, marginally meet the standards of their class, or should be selected out for relative performance. (Chapter 422)

Qualifications Evaluation Panel (QEP)
Panel appointed by the Board of Examiners to determine whether an applicant meets the statutory and other eligibility requirements, to assess the applicant's skills for the certification of need issued by the prospective employing agency, and to recommend whether the applicant should be examined for possible appointment as a Senior Career Candidate for the SFS Career Candidate Program. (Chapter 422)

Senior Foreign Service Career Candidate Program
Appointment to the Senior Foreign Service for a limited period not to exceed five years as a career candidate. A career candidate who does not qualify during the trial period to become a career member of the Senior Foreign Service is separated from the Career Candidate Program no later than the expiration date of the candidate's time-limited appointment. (Chapter 422)

Senior Foreign Service Classes
The Senior Foreign Service consists of three ranks or classes Counselor, Minister Counselor, and the senior most level, Career Minister. (Chapter 422)

Senior Foreign Service Consolidated Selection Board (C/BOARD)
Board convened annually by the Director, Office of Human Resources and the Inspector General for Backstop 08 personnel to evaluate the performance, competence, and potential of Senior Foreign Service employees. The Board makes recommendations for promotions, Presidential and Agency Awards, salary level adjustments, recertification determinations, separation considerations, limited career extensions, and withholding of scheduled salary step increases. (Chapter 422)

Senior Foreign Service Non-career Appointment

Limited Senior Foreign Service appointment used primarily to fill special needs overseas for skill categories not required on a long term basis. Appointments are made by the Administrator and are not to exceed five years. (Chapter 422)

Senior Management Review Board
Advisory panel to the Administrator which is responsible for recommending Senior Foreign Service employees for Presidential Awards, adjudicating denial of Foreign Service and Senior Foreign Service Agency performance pay award cases referred by the Director of Human Resources, and for advising the Deputy Administrator on Limited Career Extensions. (Chapter 422)

Senior Threshold Board
Board which reviews Foreign Service officers who have applied for promotion into the Senior Foreign Service. (Chapter 422)

Time-In-Class
Limitations on the maximum time which may be spent in the Foreign Service or in any one class of the Senior Foreign Service. (Chapters 422 and **440**)

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