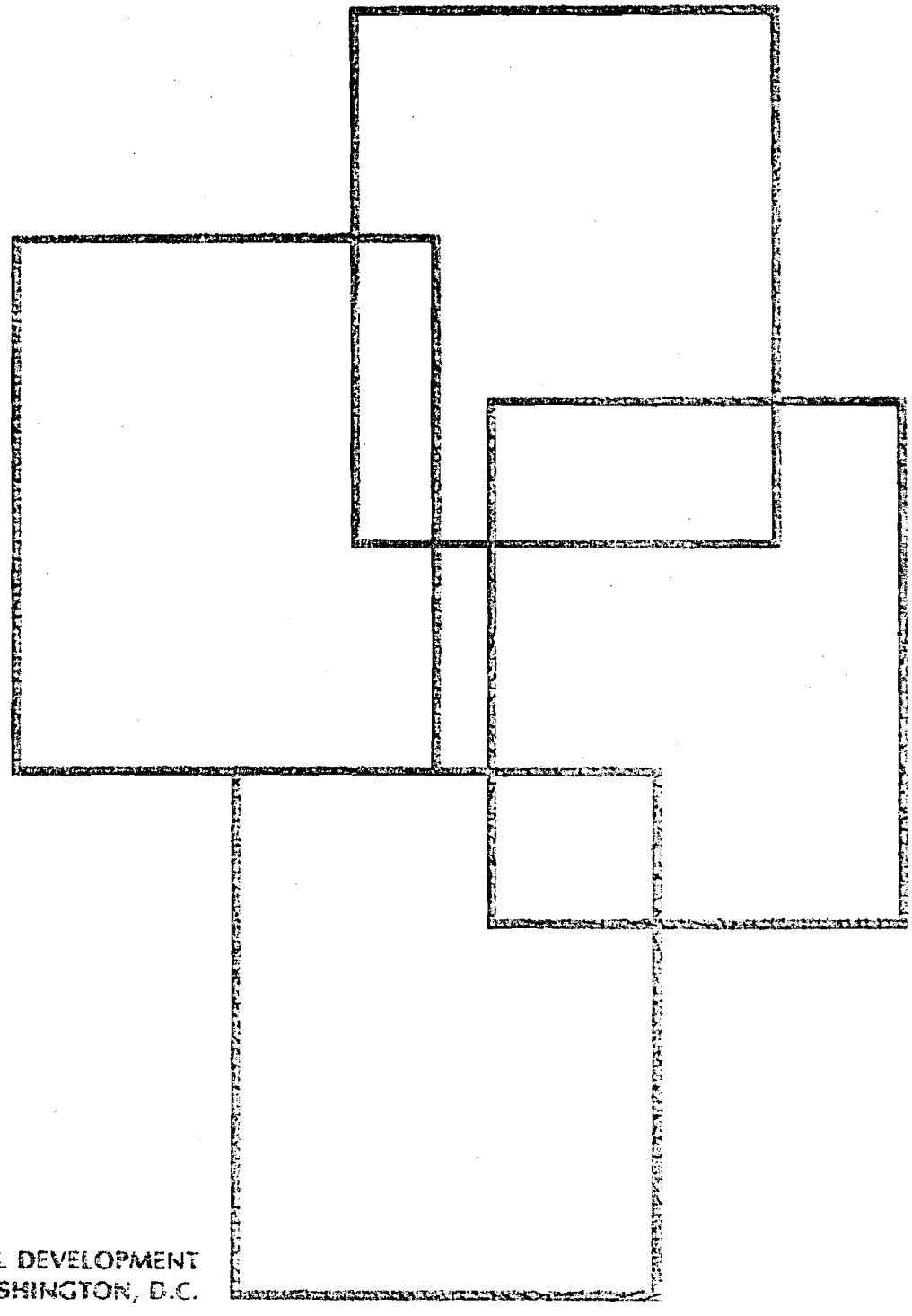
# Employment and Promotion



AGENCY for INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C.

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**AGENCY FOR INTERNATIONAL DEVELOPMENT**

| HANDBOOK TRANSMITTAL MEMORANDUM | DATE<br>March 2, 1994 | TRANS. MEMO NO.<br>25:159 |
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MATERIAL TRANSMITTED:

Handbook 25 - Employment and Promotion

Supplement 40D, Limited Career Extension Precepts for Senior Foreign Service Employees, provides the Consolidated Senior Foreign Service (SFS) Board (C/Board) and IG's Selection Board (for Backstop 08 employees only) with the Precepts they will use to recommend SFS officers for Limited Career Extensions (LCEs).

FILING INSTRUCTIONS:

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   REPLACEMENT PAGES:
   40D-1 thru 40D-3

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CHECKLIST FOR HANDBOOK 25
EMPLOYMENT AND PROMOTION

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|---|---|---|
| 8-14-91 | Supplement 38C of Chapter 38 | 25:153 |
| 3-17-92 | LOC; TOC pages TC-3 thru TC-6, TC-15 thru TC-18; Ch. 11; Ch. 12; Ch. 13; Ch. 34; Ch. 35 and Ch. 38 | 25:155 |
| 7-23-92 | Pages 40-1 thru 40-18, Supplement 40A of Chapter 40 | 25:156 |
| 12-22-92 | Supplement 40B of Chapter 40 | 25:157 |
| 6-20-93 | Pages TC-19 and TC-20 and; Supplements 40C and 40E of Chapter 40 | 25:158 |
| 3-2-94 | Supplement 40D of Chapter 40 | 25:159 |

AGENCY FOR INTERNATIONAL DEVELOPMENT

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MATERIAL TRANSMITTED:

Handbook 25 - Employment and Promotion

Chapter 40, The Foreign Service Employee Evaluation Program, has been reissued in its entirety. The Table of Contents has been revised to reflect the change.

**NOTE**: An electronic version of the EER Form (AID Form 420-4) is currently being developed and will be available by Fall '92.

SUPERSEDES:

Table of Contents pages TC-19 and TC-20 and Chapter 40 in entirety. (TMs 25:141, 25:152, and 25:154)

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| 7-3-85 | Chapters 21A | 25:129 |
| 3-19-86 | Chapter 16 | 25:131 |
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| 11-26-86 | Pages 39-1 thru 39-10 of Ch. 39 | 25:135 |
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| Various | Pages 2-1; 23-1; 27-1; and Sup. 36A & 36B | 25:141 |
| Various | Att. 41A to Ch. 41 | 25:142 |
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| 7-23-92 | Pages TC-19 and TC-20; Chapter 40 entirety | 25:156 |

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| HANDBOOK TRANSMITTAL MEMORANDUM | DATE<br>March 17, 1992 | TRANS. MEMO NO.<br>25:155 |
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MATERIAL TRANSMITTED:

Handbook 25 - Employment and Promotion

Chapters 11, 12, 13, 34, 35 and 38 have been amended based upon a ruling by OPM and the GC's office. These amendments establish the effective date of an appointment. The entire chapters have been reissued to reflect revised office symbols.

The Table of Contents is revised to reflect the change.

SUPERSEDES:

List of Chapters page LC-1; Table of Contents pages TC-3 thru TC-6, TC-15 thru TC-18; Chapters 11, 12, 13, 34, 35 and 38 (TMs 25:1, 25:34, 25:43, 25:53, 25:79, 25:86, 25:133, 25:136, 25:141, 25:142, 25:146 25:152, 25:153 and 25:154).

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| Various | Pages 2-1; 23-1; 27-1; Sup. 36A & 36B, and Ch. 40 | 25:141 |
| Various | Att. 41A to Ch. 41 | 25:142 |
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AGENCY FOR INTERNATIONAL DEVELOPMENT

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Handbook 25 - Employment and Promotion

Supplement 38C has been added to Chapter 38.

SUPERSEDES:

None

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| 3-12-80 | Pages 11-5 and 11-6 of Chapter 11 | 25:79 |
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| 6-16-86 | Pages 11-3, 11-4, 11-4a and Supplement 11C of Chapter 11 | 25:133 |
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| 3-9-87 | Ch. 17; pages 32-1 thru 32-4, Att. A of Ch. 32; pages 34-1 thru 34-9, Sup. 34A thru Sup. 34C of Ch. 34; Supp. 38A to Ch. 38 pages 42-1 thru 42-3 of Ch. 42; Ch. 43; Ch. 44 and Ch. 46 | 25:136 |
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| Various | Pages 33-1 of Ch. 33; pages 45-1 thru 45-8 and 45A-1 thru 45A-4 | 25:140 |
| Various | Pages 2-1; 23-1; 27-1; Ch. 36 and 37 including all attachments; Pages 38-i and 38A-i; and Ch. 40 | 25:141 |
| Various | Ch. 38 & Sup. 38B; and Att. 41A to Ch. 41 | 25:142 |
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| 3-31-88 | Pages 36-5 thru 36-8, 36-13, 36-14, and Att. 36A of Ch. 36 | 25:144 |
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| Various | Pages 36-1 thru 36-14 of Ch. 36, and Ch. 41 | 25:150 |
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| 8-14-91 | Supplement 38C of Chapter 38 | 25:153 |

TM 25:141

March 31, 1988

TO ALL HANDBOOK 25 USERS

Effective April 6, 1988 (Reference A.I.D. General Notice dated April 6, 1988, on the Reorganization of A.I.D.'s Management Functions), the Administrator redelegated all personnel authorities and responsibilities to the Assistant to the Administrator for Personnel and Financial Management (AA/PFM).

Where references to the Assistant to the Administrator for Management (AA/M) in this handbook pertain to personnel matters, the reader should substitute "the Assistant to the Administrator for Personnel and Financial Management (AA/PFM)."

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EMPLOYMENT AND PROMOTION

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United States Department of State

# Foreign Affairs Manual Circular

VOL. 3 – PERSONNEL

FAMC No. 85-1
USIA No. 63D & 57F
Date: February 8, 1985

UNIFORM FOREIGN AFFAIRS ISSUANCE
(State, AID, USIA, Commerce, and Agriculture)

VALIDITY OF FAMC NO. 11, "APPOINTMENT AUTHORITIES AND PROCESSES," EXTENDED

1. Purpose

This circular extends to February 13, 1986, the validity of FAMC No. 11 (USICA Circ. 80D and 77F), "Appointment Authorities and Processes," dated February 13, 1981.

2. Background

Until a few remaining appointment regulations of the foreign affairs agencies are revised to reflect the appointing authorities contained in the Foreign Service Act of 1980, it is necessary to continue the validity of FAMC No. 11 (USICA Circ. 80D and 77F).

3. Special Instructions

a. Cross-reference this circular to FAMC No. 11 (USICA Circ. 80D and 77F), dated February 13, 1981, and to the regulations referred to in paragraph 14 of that circular.

b. For Commerce, cross-reference this circular to DAO 202-900.

c. Cancel FAMC No. 84-4 (USICA Circ 34D & 32F), "Validity of FAMC No. 11, 'Appointment Authorities and Processes,' Extended," dated February 10, 1984.

4. Expiration

FAMC No. 11 (USICA Circ. 80D and 77F), dated February 13, 1981, and this circular expire on February 13, 1986, unless they are canceled, codified, or further extended before that date.

(PER/MGT)

(NOTE.--Number of last circular issued: FAMC No. 84-15 .)

Foreign Affairs Manual Circular

VOL. 3 - PERSONNEL

FAMC No. 11
USICA Circ. 80D and 77F
Date: February 13, 1981

UNIFORM STATE/AID/USICA/USDA/DOC ISSUANCE

APPOINTMENT AUTHORITIES AND PROCESSES

1. Purpose

This circular provides the regulatory basis for appointing new employees under the Foreign Service Act of 1980 (hereafter referred to as the Act), effective February 15, 1981.

2. Definition

As used in this circular, "Secretary" means the Secretary of State except that, with reference to the exercise of functions under the Act with respect to any agency authorized by law to utilize the Foreign Service personnel system, such term means the head of that agency (section 102(a)(10) of the Act), or designee.

3. General Provisions

a. Only citizens of the United States may be appointed to the Foreign Service (hereafter referred to as the Service), other than for service abroad as a consular agent or as a Foreign Service national employee (section 301(a) of the Act).

b. The Secretary (see definition in paragraph 2) shall prescribe, as appropriate, written, oral, physical, foreign language, and other examinations for appointment to the Service (other than as a chief of mission or ambassador at large) (section 301(b) of the Act).

c. References in this circular to "Foreign Service officers" shall, with respect to the International Communication Agency, be deemed to refer to Foreign Service information officers.

d. The fact that an applicant for appointment as a Foreign Service officer candidate is a veteran or disabled veteran shall be considered an affirmative factor in making such appointments. As used in this paragraph, the term "veteran or disabled veteran" means an individual who is a preference eligible under subparagraph (A), (B), or (C) of section 2108(3) of title 5, United States Code (section 301(c) of the Act).

e. Members of the Service serving under career appointments are career members of the Service. Members of the Service serving under limited appointments are either career candidates or non-career members of the Service. Chiefs of mission, ambassadors at large, and ministers serve at the pleasure of the President. An appointment as a Foreign Service officer is a career appointment (section 301(d) of the Act).

4. Appointments by the President

a. The President may, by and with the advice and consent of the Senate, appoint an individual as a chief of mission, as an ambassador at large, as a minister, as a career member of the Senior Foreign Service, or as a Foreign Service officer (section 302(a)(1) of the Act).

b. The President may, by and with the advice and consent of the Senate, confer the personal rank of career ambassador upon a career member of the Senior Foreign Service in recognition of especially distinguished service over a sustained period (section 302(a)(2)(A) of the Act).

c. The President, subject to section 302(a)(2)(B)(ii) of the Act, may confer the personal rank of ambassador or minister on an individual in connection with a special mission for the President of a temporary nature not exceeding 6 months in duration (section 302(a)(2)(B)(i) of the Act).

c. If a member of the Service is appointed to any position in the executive branch by the President, by and with the advice and consent of the Senate, or by the President alone, the period of service in that position by the member shall be regarded as an assignment under chapter 5 of the Act and the member shall not, by virtue of the acceptance of such assignment, lose personal status as a member of the Service. A member of the Senior Foreign Service who accepts such an assignment may elect to continue to receive the salary of the member's salary class, to remain eligible for performance pay under chapter 4 of the Act, and to receive the leave to which such member is entitled under subchapter I of chapter 63 of title 5, United States Code, as a member of the Senior Foreign Service, in lieu of receiving the salary and leave (if any) of the position to which the member is appointed by the President (section 302(b) of the Act).

5. Appointments by the Secretary

a. The Secretary may appoint the members of the Service (other than the members who are in the personnel categories specified in paragraph 4) in accordance with the Act and such regulations as the Secretary may prescribe (section 303 of the Act).

b. For the Department of State, the Secretary of State, by Delegation of Authority No. 146, dated January 29, 1981 (Public Notice 741, 46 FR

11647), delegated certain personnel authorities, including those for appointments, to the Director General of the Foreign Service and Director of Personnel.

c. For the Agency for International Development (AID), the Administrator, by Delegation of Authority No. 27, as amended September 25, 1980, has delegated various personnel authorities, including those for appointments, to the Director, Office of Personnel Management.

d. For the International Communication Agency (USICA), the Director, Office of Personnel Services, MGT/P, has been delegated certain personnel authorities, including those for appointments, by the Director of USICA.

e. For the Department of Agriculture (USDA), the Administrator of the Foreign Agricultural Service (FAS) has been delegated certain personnel authorities, including those for appointments, by the Secretary of Agriculture.

f. For the Department of Commerce (DOC), the Secretary of Commerce, by Department Organization Order 10-3, dated January 3, 1980, delegated Foreign Service personnel authorities to the Under Secretary for International Trade, effective April 1, 1980.

6. Appointment to the Senior Foreign Service

(An appropriate Uniform Foreign Affairs Manual Circular will be issued shortly.)

7. Career Appointments

a. Before receiving a career appointment in the Service, an individual shall first serve under a limited appointment as a career candidate for a trial period of service prescribed by the Secretary. During such trial period of service, the Secretary shall decide whether:

(1) To offer a career appointment to the candidate under section 303 of the Act;

(2) To recommend to the President that the candidate be given a career appointment under section 302 of the Act; or

(3) To terminate the limited appointment upon board recommendation.

b. Decisions by the Secretary under paragraph 7a shall be based upon the recommendations of boards, established by the Secretary and composed entirely or primarily of career members of the Service, which shall evaluate the fitness and aptitude of career candidates for the work of the Service (section 306 of the Act).

8. Entry Level for Foreign Service Officer Career Candidates

a. A career candidate for appointment as a Foreign Service officer may not be initially assigned under section 404 of the Act to a salary class higher than class 4 in the Foreign Service Schedule unless:

(1) The Secretary determines in an individual case that assignment to a higher salary class is warranted because of the qualifications (including foreign language competence) and experience of the candidate and the needs of the Service; or

(2) At the time such initial assignment is made, the candidate is serving under a career appointment in the Service and is receiving a salary at a rate equal to or higher than the minimum rate payable for class 4 in the Foreign Service Schedule (section 307 of the Act).

9. Recall and Reemployment of Career Members

a. Whenever the Secretary determines that the needs of the Service so require, the Secretary may recall any retired career member of the Service for active duty in the same personnel category as that member was serving at the time of retirement. A retired career member may be recalled under this paragraph to any appropriate salary class or rate, except that a retired career member of the SFS may not be recalled to a salary class higher than the one in which the member was serving at the time of retirement unless appointed to such higher class by the President, by and with the advice and consent of the Senate.

b. Former career members of the Service may be reappointed under section 302(a)(1) or 303 of the Act, without regard to section 306, in a salary class which is appropriate in light of the qualifications and experience of the individual being reappointed (section 308 of the Act).

10. Limited Appointments

a. A limited appointment in the Service, including an appointment of an individual who is an employee of an agency, may not exceed 5 years in duration and, except as provided in section 311(a) of the Act, may not be extended or renewed. A limited appointment in the Service which is limited by its terms to a period of 1 year or less is a temporary appointment (section 309 of the Act).

b. For State, the following time limitations initially will govern appointments under section 309 of the Act:

(1) For FSO junior career candidates, not to exceed 4 years; for FSO mid-level career candidates, not to exceed 5 years.

(2) For individuals appointed to occupational categories predominately filled previously by FSR's, not to exceed 3 years;

(3) For individuals appointed to occupational categories predominately filled previously by FSS's, not to exceed 30 months.

c. For AID, not to exceed 5 years (see Handbook 25, Chapter 5, as revised February 1981).

d. For USICA, see MOA V-B 310.

e. For USDA, not to exceed 5 years.

f. For DOC, not to exceed 5 years.

11. Reemployment Rights Following Limited Appointment

Any employee of an agency who accepts a limited appointment in the Service with the consent of the head of the agency in which the employee is employed shall be entitled, upon the termination of such limited appointment, to be reemployed in accordance with section 3597 of title 5, United States Code (section 310 of the Act).

12. Employment of Family Members of Government Employees

a. The Secretary may, when employing individuals abroad in positions to which career members of the Service are not customarily assigned (including, when continuity over a long term is not a significant consideration, vacant positions normally filled by Foreign Service national employees), shall give equal consideration to employing available qualified family members of members of the Service or of other Government employees assigned abroad. Family members so employed shall serve under renewable limited appointments in the Service and may be paid either in accordance with the Foreign Service Schedule or a local compensation plan established under section 408 of the Act.

b. Employment of family members in accordance with this paragraph may not be used to avoid fulfilling the need for full-time career positions (section 311 of the Act).

13. Governing Regulations

Until changed by the issuance of new or revised regulations, the following existing regulations prevail, unless in conflict with the Foreign Service Act of 1980:

a. For State:

(1) Appointment of Chiefs of Mission - 3 FAM 122.1.

(2) Appointment to the Senior Foreign Service - (an appropriate Uniform State/AID/USICA/USDA/DOC FAMC will be issued shortly).

(3) Appointment of Foreign Service Officer Career Candidates - 3 FAM 122.2-1 and 122.2-2.

(4) Appointment of Mid-Level Foreign Service Officer Career Candidates - 3 FAM 122.2-3 and 2-4.

(5) Other Foreign Service Personnel Career Candidates - 3 FAM 122.3 and 3 FAM 122.4, as appropriate.

(6) Resident Personnel Limited Appointments - 3 FAM 122.5.

(7) Temporary Resident (PIT) Appointments - 3 FAM 122.7.

(8) Recall and Reappointment - 3 FAM 125.

(9) Family Members of Government Employees - FAMC No. 793, dated May 3, 1979.

b. For AID:

Handbook 25, Chapter 5, "Appointments, Foreign Service," as revised February 1981.

c. For USICA:

For Senior Foreign Service, see paragraph 6. For all other categories, see MOA V-B 300. For PIT appointments, see USICA Circular dated August 19, 1980.

d. For USDA:

See title 1, Foreign Agricultural Service Regulations.

e. For DOC:

To be supplied.

14. Special Instructions

a. For State, cross-reference this circular to 3 FAM sections 122.1, 122.2-1, 122.2-2, 122.2-3, 122.2-4, 122.3, 122.5, 122.7, and 125; to FAMC No. 9, paragraph 6, dated February 13, 1981; and to FAMC No. 793, dated May 3, 1979.

b. For AID, cross-reference this circular to Handbook 25, immediately before Chapter 5.

c. For USICA, cross-reference this circular to MOA V-B 300.

d. For USDA, cross-reference this circular to title 1, FAS Regulations.

e. For DOC, to be supplied.

15. Expiration

This circular expires on February 12, 1982, unless it is canceled, codified, or further extended before that date.

(PER/MGT)

(NOTE.--Number of last circular issued: FAMC No. 10.)

# CHAPTER 1

# RECRUITMENT - CIVIL SERVICE PERSONNEL

## 1A. Purpose

This chapter provides the policies and regulations which govern the recruitment of applicants for competitive service positions in AID.

## 1B. Policies

1. AID fills positions with the best qualified applicants available, either from within the Agency or through planned recruitment activity.

2. Applicants are considered without regard to race, color, national origin, creed or religion, marital status, sex, age, physical or mental handicap, or political affiliation, and in compliance with equal employment opportunity laws, regulations, and procedures.

## 1C. Authorities and References

1. 5 U.S.C. Chapter 33
2. 5 CFR, Part 330
3. Equal Employment Opportunity Act of 1972 (P.L. 92-261)
4. Age Discrimination in Employment Act of 1967 (as amended by P.L. 92-256)
5. Sect. 1622, Defense Authorization Act of 1986
6. Federal Personnel Manual (FPM), Ch. 300, Employment
7. Rehabilitation Act of 1973 (as amended by P.L. 95-602)

## 1D. Responsibilities

### 1. Civil Service Personnel Division, M/PM/CSP

a. Projects external recruitment necessary for staffing competitive service positions. Collects and analyzes data and pertinent statistics for Agency recruitment purposes.

b. Develops internal and external recruitment plans in accordance with Agency requirements.

c. Receives and controls all applications, including referrals from AID offices and other sources.

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d. Reviews applications to determine skills, knowledge, abilities of applicants to be referred to Bureaus and Offices.

e. As appropriate, requests certification of eligibles from the Office of Personnel Management through the applicable OPM register.

2. Bureaus and Offices

a. Keep M/PM/CSP informed regarding recruitment needs.

b. Forward any applications received to M/PM/CSP for action.

1E. Selective Service Registration

1. Applicants born after December 31, 1959 who are or were required to register under Section 3 of the Military Selective Service Act, are prohibited from appointment to a Federal position if the applicant knowingly or willingly failed to register with the Selective Service System.

2. To be eligible for appointment, applicants must be registered before their 26th birthday.

3. A Pre-Appointment Certification Statement for Selective Service Registration (see Att. 1A) must be completed by covered applicants who have not been employed previously in a Federal position. Certifications are permanent employment records and are maintained in the Official Personnel File (see Supp. 1A to HB 32, Ch. 1, Official Personnel Files and Records).

1F. Citizenship Requirements

Candidates for competitive service positions must be United States citizens at the time of their appointment to AID.

1G. Age Requirements for Appointments

1. The minimum age for competitive service appointments is 18, except as provided below, when no minimum age is listed in the qualification standard.

a. The minimum age is 16 for nonhigh school graduates who have completed formal training programs designed to prepare them for gainful employment and who have been out of school at least three months beyond summer vacation, and for whom school authorities have agreed in writing to permit their employment.

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b. The minimum age is 16 for employment of secondary school students during vacation.

c. The minimum age for part-time employment for secondary school students during the school year is 16 provided school authorities agree to the student's work schedule and certify that the student is capable of maintaining good academic standing; and that the student continues his/her schooling on a satisfactory basis.

d. High school graduates under the age of 18 may be employed.

2. There is no maximum age requirement for positions in the competitive service.

1H. Procedures

Applicants are processed, and selections made, in accordance with the procedures outlined in HB 25, Ch. 16, The Merit Promotion Program.

Attachment 1A to
HB 25, Ch. 1

# PRE-APPOINTMENT CERTIFICATION STATEMENT FOR SELECTIVE SERVICE REGISTRATION

**Important Notice**

If you are a male born after December 31, 1959, and you want to be employed by the Federal Government, you must (subject to certain exemptions) be registered with the Selective Service System.

**Privacy Act Statement**

We need information on your registration with the Selective Service System to see whether you are affected by the laws we must follow in deciding who may be employed by the Federal Government.

**Criminal Penalty Statement**

A false statement by you may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001).

**Review**

If your employing agency has informed you that you cannot be appointed to a position in an executive agency because of your failure to register, and you wish to establish that your non-compliance with the law was neither knowing or willful, you may write to:

U.S. Office of Personnel Management
NACI Center
IOD-SAB
Boyers, Pennsylvania 16018

## CERTIFICATION OF REGISTRATION STATUS

[ ] I certify that I am registered with the Selective Service System.

[ ] I certify that I am not required to be registered with the Selective Service System.

Legal signature (please use ink) _____ Date Signed (please use ink) _____

# CHAPTER 2

## PART-TIME CAREER AND INTERMITTENT EMPLOYMENT - CIVIL SERVICE

### 2A. Purpose

This Chapter provides guidance on part-time career and intermittent employment, including the appropriate use of part-time and intermittent employees and the benefits and service credit to which they are entitled.

### 2B. Applicability

This Chapter applies to U.S. citizen, direct-hire employees serving under competitive or excepted appointments through GS-15 or equivalent, except persons employed on a term or temporary basis and Foreign Service employees.

### 2C. Authorities and References

1. 5 U.S.C. Ch. 34, Part-Time Career Employment Opportunities
2. 5 CFR 340, Other Than Full-Time Career Employment
3. FPM Chapter 340, Other Than Full-Time Career Employment

### 2D. Definitions

1. Part-Time Career Employment. The employment of an individual serving under an excepted or competitive service appointment in tenure group I or II under a part-time work schedule of 16-32 hours per week.

2. Intermittent Employment. The nonfull-time employment of an individual serving under a competitive or excepted service appointment in tenure group I or II without a regularly scheduled tour of duty.

3. Tenure Group I. Career employees not serving a probationary period for appointment to competitive positions and permanent employees in the excepted service whose appointments carry no restrictions or conditions.

4. Tenure Group II. Career-conditional employees and employees serving a probationary period for initial appointment to competitive positions, and employees in the excepted service serving trial periods, or whose tenure is equivalent to a career-conditional appointment in the competitive service.

2E. Policies

1. The Agency will provide part-time and intermittent employment opportunities in positions through GS-15 or equivalent subject to Agency resources and needs.

2. The Agency shall not abolish any position occupied by a full-time employee to make the duties of that position available to be performed on a part-time basis.

3. A full-time employee shall not be required to accept part-time employment as a condition of continued employment.

4. A part-time employee will be treated the same as a full-time employee for the purpose of promotion, assignment and due process, e.g., separation and disciplinary actions.

2F. Responsibilities

1. Civil Service Personnel Division (PFM/PM/CSP)

a. Coordinates the appointment of part-time employees.

b. Responds to bureau/office requests for information and assistance on the part-time and intermittent employment programs.

c. Consults and coordinates with the Office of Equal Opportunity regarding part-time and intermittent employment matters as they relate to the EEO program.

d. Maintains liaison with groups interested in promoting part-time employment opportunities.

e. Implements the Agency's intermittent employment program.

f. Approves/disapproves requests for change in a part-time employee's tour of duty.

2. Personnel Systems and Program Evaluation Staff (PFM/PM/PSPE)

Reviews and evaluates the part-time and intermittent employment programs.

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3. Executive Management Staffs (EMS)

a. Review bureau/office positions as they become vacant to determine if they are conducive to filling with part-time employees.

b. Consider employee requests for conversion to part-time status and provide guidance to employees wanting a change.

c. Identify and recommend positions and/or occupations suitable for part-time employment.

4. Supervisors

a. Make certain that part-time employees do not exceed the number of hours in the scheduled workweek, that overtime is minimal and that when overtime is necessary, it is scheduled so that it provides maximum benefit to the Agency.

b. Check working arrangements of intermittent employees to determine whether they are, in fact, working on a regularly scheduled basis.

2G. Part-Time Career Employment

1. Workweek

a. A permanent part-time employee shall be scheduled to work no more than 32 hours per week and usually no less than 16 hours per week. The scheduled workweek must be stated on the SF-50, Notice of Personnel Action, in terms of actual days of the week and number of hours each day (not to exceed 8) to be worked, e.g., 24 hours, Monday through Thursday, 6 hours per day.

b. The Agency may temporarily increase an employee's hours of duty above the number of hours scheduled, including above the 32-hour limit. Increases should be held to emergency or extremely heavy workload situations that are temporary in nature or to training opportunities. An increase in the tour of duty above 32 hours per week is not permitted for more than two consecutive pay periods.

c. An SF-50 is required when the total number of hours per pay period changes for more than two consecutive pay periods and any time the days an employee works changes, i.e., change from Monday through Thursday to Tuesday through Friday. An SF-50 must be initiated by a written request through the supervisor and EMS and approved by PFM/PM/CSP.

d. A part-time employee is not permitted to work on a regularly scheduled non-work day to make up for an absence on a scheduled work day.

2. Pay

a. Gross basic pay is computed by multiplying the employee's hourly rate of pay by the total of the hours worked and hours of approved available paid leave during the pay period.

b. When a supervisor determines that a part-time employee should work in excess of the scheduled workweek, he/she should try to schedule the additional time so no more than 8 hours work are performed in any given day. Hours worked up to 8 hours in a given day, but not exceeding 40 hours in a calendar week, will be paid at the employee's regular basic hourly rate.

c. A part-time employee not covered by the Fair Labor Standards Act (FLSA) may elect to take compensatory time off in lieu of overtime pay to which entitled under 5 U.S.C. 5542. Compensatory time is not authorized in lieu of overtime pay under the FLSA. The SF-50 reflects whether the employee falls under 5 U.S.C. or the FLSA.

d. A part-time employee may elect to perform compensatory overtime work to replace compensatory time off for religious observances.

e. A part-time employee is not entitled to Sunday premium pay.

f. A part-time employee is entitled to holiday pay only if he/she is regularly scheduled to work on that day and only for the hours regularly scheduled.

3. Tenure

Part-time employees have the same protection against removal during or after the probationary period as full-time employees. The probationary period and the conversion from Career-conditional to Career

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status for part-time employees shall be computed on the basis of calendar time, with the same provisions as those applicable for full-time. Part-time employees compete only with other part-time employees during a Reduction in Force.

4. Service Credit

a. A part-time employee receives service credit for the purposes of job qualification on a pro rata basis. For example, an employee on a 20-hour weekly schedule would earn six months of credit per calendar year.

b. A part-time employee receives a full year of service credit for each calendar year worked for the purpose of computing service for retention, retirement, career tenure, completion of probationary period, within-grade increases, leave accrual rate, and time-in-grade restrictions on advancement.

5. Promotion

Part-time employees are to apply under the Agency's Merit Promotion Program for vacancies on the same basis as full-time employees. Part-time experience is credited on a pro rata basis. If an employee worked in excess of his/her scheduled tour of duty, he/she may receive credit for the additional time if documentation is provided.

6. Leave

* a. Annual leave is earned on a pro rata basis and is determined by years of service, i.e., up to three years service, one hour of annual leave for each 20 hours in pay status; three but less than 15 years, one hour for each 13 hours; 15 or more years, one hour for each 10 hours. Maximum carryover at the end of a leave year is the same as for full-time employees. *

b. Sick leave is earned at the rate of one hour for each 20 hours in a pay status.

c. Military leave is accrued on a pro rata basis.

d. Other leave categories (absence without leave, leave without pay, funeral leave, court leave, excused absences) apply to part-time employees in the same way they apply to full-time employees.

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e. For all categories of leave to which part-time employees are eligible, leave shall be charged only for absences during those hours the employee is scheduled to work.

7. Life and Health Insurance Coverage

a. A part-time employee is eligible for the Federal Employees Groups Life Insurance Program. The amount of insurance for which an employee is eligible is based on annual salary. A part-time employee's annual salary is figured on the basis of hours in the tour of duty times base pay rate. An employee with concurrent part-time appointments is entitled to life insurance on the basis of the sum of the annual salaries for the positions.

b. A part-time employee is eligible to participate in the Federal Employees Health Benefits Program (FEHB). Coverage is the same as for a full-time employee.

c. Employees with tours of duty less than 16 hours per week or with mixed tours due to fluctuating workloads or who are serving on a part-time basis prior to April 8, 1979 without a break in service receive the full government contribution to FEHB premiums. The government contribution to the FEHB premium of all other part-time employees is based on the number of hours in their tours of duty during the pay period. The government contribution to an employee with concurrent part-time appointments is based on the sum of the tours of duty.

8. Retirement Benefits

a. Employees hired after December 31, 1983 automatically are covered by the Federal Employees Retirement System (FERS) unless otherwise eligible for coverage under the Civil Service Retirement System (CSRS). FERS is a three-tiered retirement plan consisting of Social Security Benefits, Basic Benefit Plan and Thrift Savings Plan. Employees pay Social Security taxes and a required contribution to the Basic Benefit Plan, and may make tax-deferred contributions to the Thrift Savings Plan with a portion matched by the government.

b. Employees covered under the CSRS pay the required contributions to retirement and to Medicare, and may make tax-deferred contributions to a savings plan with no matching government contribution.

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c. For CSRS and FERS, the annuity computation is based on the highest average basic pay for any three consecutive years, regardless of whether employment was full-time or part-time during those years. However, for part-time service performed on or after April 7, 1986, the "high-3" average pay for a part-time employee is computed as if the employee were on a full-time schedule, and then, the annuity benefit is prorated to reflect the difference between the full-time and part-time service.

9. Training

Part-time employees are eligible for training opportunities on the same basis as full-time employees. An employee may temporarily exceed his/her scheduled hours to participate in a training program.

10. Adverse Actions/Grievances

A part-time employee has the same protections as a full-time employee in the event of adverse actions such as suspensions, removals, furloughs and reduction in grade or pay. Part-time employees also are covered by Agency grievance procedures or negotiated grievance procedures.

11. Converting from Part-Time to Full-Time Duty

a. If a full-time position of equal or lower grade is vacant and the basic requirements for the job are met, a part-time employee can be placed in the job noncompetitively.

b. If the position being sought would result in a promotion or has promotion potential, a part-time employee must compete with other applicants in accordance with the Agency's Merit Promotion Program.

12. Converting from Full-Time to Part-Time Duty

a. A full-time employee may request to be converted to part-time duty. Conversion is contingent on the Agency's ability to:

--change the employee's position to part-time taking into account such factors as whether regular or peak workloads lend themselves to a part-time schedule, adaptability of the work to be performed on a part-time basis, necessity of having full-time coverage for the position, and benefits to the employee or

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--reassign or promote the employee to a previously established part-time position.

b. All actions will be subject to the Agency's normal assignment and merit promotion policies on the same basis as for full-time employees.

c. Part-time vacancies will be publicized through normal Agency channels, e.g., Merit Promotion Vacancy Announcements.

## 2H. Intermittent Employment

### 1. Service Credit

a. Career tenure. Each day an intermittent employee is in pay status is counted as one day toward the 780 days in pay status, which is the equivalent to the three-year service requirement for career tenure. This service requirement may not be satisfied in less than three years of calendar time.

b. Time in grade. Intermittent service is counted on the basis of calendar time in the grade, without regard to the actual time in a pay status.

c. Other requirements. To determine job qualification, eligibility for within-grade increases, leave accrual rate and length of service for retention and retirement, each day an intermittent employee is in pay status is counted toward the 20 days which is equivalent to one year of service.

### 2. Reassignment, Detail or Promotion

An intermittent employee serving under a career or career-conditional appointment is covered by the Agency's Merit Promotion Program and is reassigned, detailed or promoted in the same way and under the same conditions as other career or career-conditional employees. Movement at the same or lower grade from an intermittent to a part-time or full-time work schedule is not subject to competition.

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3. Annual and Sick Leave

An intermittent employee does not accrue annual or sick leave. When a part-time or full-time employee converts to intermittent status, unused sick leave is held in abeyance until he/she returns to a scheduled tour, or separates and forfeits the leave after a three-year break in service. Any unused annual leave is paid as a lump-sum, except in a situation involving a continuing program under which an employee is required to return to full-time or part-time employment after a period of intermittent employment.

4. Life and Health Insurance Coverage

An intermittent employee is not eligible for life insurance or health benefits coverage, unless the intermittent employment follows, without a break in service in excess of three days, employment in a covered position; in the case of life insurance, the employee is expected to return to a covered position.

5. Retirement Benefits

An intermittent employee is not eligible for retirement coverage except when the intermittent employment follows, without a break in service in excess of three days, employment in a covered position or as otherwise provided by 5 CFR 831.201(b).

6. Holiday Pay. An intermittent employee is not eligible for holiday pay.

7. Changing from Intermittent to Part-Time Status

a. When an intermittent employee is scheduled, in advance of the pay period, to work at some time during each administrative week for more than two consecutive pay periods, his/her work schedule is changed from intermittent to part-time or full-time, as appropriate, and documented on an SF-50.

b. When an employee is assigned to regularly scheduled work for a limited or specified period, a not-to-exceed date should be documented on the SF-50.

# CHAPTER 3

# DETAILS - CIVIL SERVICE

## 3A. Purpose

This chapter provides the policies, authorities, regulations and procedures for details within AID and to other federal agencies, and for details of employees from other federal agencies to AID.

## 3B. Applicability

This chapter applies to employees in competitive or excepted positions under the General Schedule, and employees serving under AD or Schedule A, B or C appointments as approved by the U.S. Office of Personnel Management.

## 3C. Authorities and References

1. 5 U.S.C. 3341, Details; within Executive or military departments
2. 31 U.S.C. 1301(b) (augmentation of agency appropriations), 1535 (reimbursable agreements between agencies)
3. FPM 300, Subch. 8, Details of Employees
4. FPM 300, Letters 31 (GAO Decision on Nonreimbursable Details) and 32 (New Authority to Detail Employees)
5. Agreement Between Agency for International Development and the American Federation of Government Employees, Local 1534, June 15, 1987
6. Memorandum of Agreement Between the Agency for International Development and the Office of Medical Services (M/MED), Department of State, October 3, 1988

## 3D. Definitions

1. Days or years. Calendar days or years.

2. Detail. The temporary assignment or duty of an employee to a different position for a specific period. The employee retains the official title, grade and salary of the position from which he/she was detailed.

3. Emergency detail. A detail to meet emergencies caused by unusual workload, special projects or studies, change in mission or organization, or unanticipated absences.

3D

4. Other details. Details made pending official assignment, description and classification of new positions or security clearance, and for training purposes.

3E. Policies

1. Details shall not be used to circumvent the competitive selection or position classification process.

2. An employee must be qualified to perform the duties to which he/she is detailed unless the detail is for training purposes.

3. An employee will not be detailed to perform work of a higher grade level unless there are compelling reasons to do so and only for a brief period.

4. An employee detailed to perform work of a higher grade level should be considered for a temporary promotion.

5. Details in excess of 120 days to a higher grade position, or to a position with known promotion potential, must be made under competitive promotion procedures.

6. Prior service under all details to higher grade positions within the same 12 months, will be counted in the 120-day period.

7. An employee may not be detailed, except for an emergency detail of 30 days or less, for at least three months after appointment from an U.S. Office of Personnel Management register.

8. A temporary employee may be detailed to another position, subject to the same time limits as a permanent employee, if the position meets the criteria for temporary employment.

9. Employee consent is not required for a detail, but the Agency will consider valid objections.

10. An employee may be detailed to work outside his/her normal field because of Agency operational needs and efficiency.

11. An employee on detail within the Agency will be counted against the personnel ceiling of his/her regular unit.

3E

12. Civil Service (CS) employees proposed for overseas details for 90 days or more must have a physical examination provided by the Office of Medical Services, Department of State.

13. Merit Promotion procedures will be used to select an employee for detail to a higher graded position if that detail is for more than 120 days.

14. Details will be made without regard to race, sex, color, age, religion, national origin, handicapping conditions, marital status or political affiliation.

3F. Responsibilities

1. Civil Service Personnel Division (PM/CSP)

a. Approves/disapproves requests for all details and notifies requesting unit or other federal agency of decision.

b. Negotiates Letter of Agreement (Att. 1) with the borrowing agency, including requirement that the agency evaluate the detailed AID employee's performance.

c. When required, prepares SF 52, Request for Personnel Action (SF 50, Notification of Personnel Action, is not required for details), and provides copies to the employee and to PFM/FM, along with supporting documents for reimbursable arrangements.

d. Files SF 52 documenting an employee's detail on the permanent (right) side of the employee's Official Personnel Folder.

2. Accounting Division (FM/A)

a. Reviews requests to determine the availability of funds when such requests involve reimbursable details from other agencies to AID.

b. Returns requests to originating organization if sufficient funds are not available.

c. Forwards requests to PFM/PM after certifying that sufficient funds are available.

3F3

3. Administrative Office/Executive Management Staff (EMS)

a. Coordinates with supervisors, managers and PM/CSP to identify and recommend tasks and/or circumstances suitable for filling on a detail basis.

b. For details within AID, obtains certification of funding availability from PFM/FM prior to sending a request for approval of a detail to PFM/PM.

c. If the detail is from another agency to AID and is being proposed on a reimbursable basis, submits written request for the detail, including proposed effective dates, through FM/A to PM/CSP.

4. AID Borrowing Unit

a. Maintains detailed employee's Time and Attendance Record.

b. Authorizes annual and sick leave.

c. Evaluates detailed AID employee's performance; evaluates employee detailed from another federal agency at the request of the parent agency.

d. Prepares a performance plan when a detail is for 120 days or more.

5. Other Federal Agency

a. Maintains detailed employee's Time and Attendance Record.

b. Authorizes annual and sick leave.

c. Evaluates detailed AID employee's performance as provided by AID's Performance Management System (see Att. 1).

6. Employee

a. Provides a timely record of all leave used during each pay period to the timekeeper in the office to which he/she is detailed.

b. Makes certain the supervisor of the office to which he/she is detailed is aware of the requirement to prepare a performance plan when the detail is for 120 days or more.

3G. Purpose of Details

1. Within AID

Details primarily are made to meet emergency workloads; to expedite staffing of new offices; to afford career development opportunities; for training purposes; or pending description and classification of new positions.

2. To Other Federal Agencies

Details are considered in such terms as the best interest of AID and the U.S. Government; career development opportunities; or the cost to AID.

3H. Procedures

1. Details within AID

a. The borrowing unit submits to PM/CSP a written request that includes:

--employee's name, present organization title, grade, salary and organizational designation;

--the period for which the detail is requested;

--a description of the duties, or if the detail is to an existing position, the position title, grade and position description number; and

--the agreed upon allotment and appropriation charges, if any.

b. If a continuing new position is to be established in which the detailed employee will serve, the borrowing unit submits form AID 4-512, Staffing Pattern Action Request (SPAR), and a position description to PM/CSP.

2. Details to Other Federal Agencies

a. The borrowing agency sends a written request to PM/CSP in advance of the proposed effective date of the proposed detail. The request should include justification and duration of the detail, nature of work and, if applicable, proposed arrangements for reimbursement.

b. PFM/PM completes an SF 52 detailing and returning the AID employee back to the Agency.

3G

3. Details to AID from Other Federal Agencies

a. The gaining AID unit submits a written request to PFM/PM. The request must include information specified in 3H1a and:

-justification for not using existing Agency staff;

-names of Agency officers and lending agency officers who arranged the detail and officers in the lending agency to be contacted for additional negotiations;

-financial arrangements, such as whether travel costs are to be authorized and paid by the Agency directly to traveler or the lending agency authorizes travel and wishes to be reimbursed;

-estimated cost; and

-a statement if the detail is preliminary to the employee's expected transfer to the Agency.

b. FM/A reviews the availability of funding in the budget allowance cited and the financial requirements of the request. If funds to cover the request are not available, the request will be returned to the originating organization so annotated. That organization may contact the Support Budget Staff (PPC/SB) to secure additional funds required. If PPC/SB approves the additional funds, the request is resubmitted for proper certification. FM/A forwards the submission to PM/CSP.

c. AID arranges for the return of the employee to the parent agency upon completion of the detail.

3I. Funding and Reimbursement

1. Details Within AID

a. Nonreimbursable Details

A nonreimbursable detail within the Agency is permitted when the detail is:

(1) to a position covered by the same appropriation that covers the position from which detailed;

(2) to a position covered by a different appropriation but the detail involves a matter related to the loaning unit's appropriation and will help it accomplish the purpose for which appropriations are provided; or

3I1

(3) to a position covered by a different appropriation but, regardless of the purposes of the appropriation, the detail will have negligible impact on the loaning unit's appropriation.

b. Reimbursable Details

All other details exceeding 30 days must be on a reimbursable basis. Reimbursement may include regular salary and authorized employee expenses.

2. Details from AID to Other Federal Agencies

a. Nonreimbursable Details

(1) A nonreimbursable detail to another federal agency is permitted when the detail:

(a) involves a matter related to AID's appropriations and will help it accomplish the purpose for which appropriations are provided; or

(b) will have negligible impact on AID's appropriation.

(2) Payment by AID for travel expenses, overtime or other special charges are not made unless requested in writing by the borrowing agency and agreed to in writing by the AID bureau or office that originally requested the detail.

b. Reimbursable Details

(1) All other interagency details must be on a reimbursable basis unless the Agency has a specific statutory authority to make nonreimbursable details.

(2) Details that exceed 30 days usually are made on a reimbursable basis with a written agreement between AID and the borrowing agency. Reimbursement is made on the basis of regular salary and authorized employee expenses agreed to in writing by AID and the borrowing agency.

3I

3. Details to the White House

If the detail of an Agency employee to the White House exceeds 180 days in a fiscal year, the White House must reimburse the Agency.

4. Details to Congressional Committees

Unless otherwise provided by law, details to Congressional committees are subject to the time limits specified in 3J when they are reimbursable on the basis that they will have a negligible impact on the AID appropriation.

3J. Time Limitations

1. Bargaining unit employees may be detailed to temporary or unclassified duties for not more than 120 days.

2. Details are limited to an initial period of 120 days with extensions in 120-day increments up to a maximum total detail of:

a. one year for details to unclassified positions for non-bargaining unit employees. For purposes of this chapter, a position is considered classified if it has a written statement of duties to which a grade level has been assigned by an appropriate classification authority, even if the position has not been officially established.

b. one year for details to same, lower or higher graded positions, except SES positions which are subject to a maximum period of 240 days;

c. two years for positions in a unit undergoing a commercial activity study; one year for details within or to an organization not covered by the study.

3K. Documentation

1. An SF 52 is required for a detail of more than 30 days to a higher graded position or to a position with known promotion potential and for all details of 120 days or more, for a detail of more than 30 days to a lower graded position or to one the same as the employee's current position if the detail is career enhancing, and for all details of 30 days or more for bargaining unit employees.

3K

2. The SF 52 will be filed on the permanent (right) side of the employee's Official Personnel Folder and a copy of the SF 52 will be given to the employee.

3. An SF 52 is not required for detail to a position identical to the employee's current position or that is of the same grade, series and basic duties as the employee's current position.

3L. Time and Attendance Records

1. For an employee detailed within AID, the borrowing organization maintains the employee's time and attendance record and for authorizing the employee's requests for annual and sick leave.

2. For an employee detailed from the complement to another federal agency, the borrowing agency submits time and attendance information to PM/ADM for documentation. For all other employees detailed to another federal agency, the employee's time and attendance record is maintained by the employee's organization of record.

3M. Performance Evaluations

1. Employees on detail within AID or to another federal agency are rated under the Agency's Performance Management Systems.

2. Employees detailed from another federal agency to AID are rated at the request of the parent agency.

ATTACHMENT 3A

**Letter of Agreement**
**Between the**
**U.S. Agency for International Development**
**and**

_____

The U.S. Agency for International Development (AID) hereby enters into an agreement for the temporary detail of _____ to_____. This assignment (shall be/is) made on a _____ basis in accordance with the
(reimbursable/nonreimbursable)
provision set forth herein.

1. PURPOSE (Nature of work, justification for assignment)

2. SCOPE OF WORK

   A. Duties and Responsibilities of Assignee

   B. Controls over Work

3. DURATION, EXTENSION AND TERMINATION OF ASSIGNMENT:

   A. This assignment is for the period beginning _____ and ending _____.

   B. The period of assignment, if less than six months, may be extended with the mutual consent of the parties to the agreement and the assignee. An extension must be documented with an amendment and personnel action, as appropriate.

C. This agreement may be terminated by mutual consent of both parties, with reasonable notice to the assignee, or upon _____-day notice in writing by either party of its intention to terminate the assignment.

4. RIGHTS AND BENEFITS

A. The workweek and hours of duty will be determined by the gaining agency subject to applicable federal regulations.

B. The assignee will continue to accrue annual and sick leave in accordance with the provisions of AID Handbook 27, Attendance and Leave. Use of leave will be approved by the supervisor designated for the period of assignment. The gaining agency will advise AID of any leave taken _____. _____will maintain the
(method of reporting)
assignee's official leave record.

C. The assignee's coverage under federal retirement, group health benefits and life insurance programs shall continue during the period of assignment. The assignee's share of costs for such coverage will continue to be withheld from salary. Payment of the employer's share of costs shall be as indicated in 5A below.

D. The gaining agency shall complete the Performance Appraisal Report, form AID 410-11 (5-88), in accordance with the procedure contained therein.

5. REIMBURSEMENT PROVISIONS

A. Salary and Fringe Benefits

B. Travel, Transportation and Allowances

C. Overtime or Other Special Charges

D. Method of Reimbursement

6. ESTIMATED COSTS

AID

Salary
Fringe Benefits

Allowances

Travel/Transportation
Overtime
Special Charges

7. RULES, REGULATIONS AND POLICIES

A. The assignee is subject to the federal statutory and regulatory provisions that govern ethical and other standards of conduct, conflicts of interest, suitability, security, and limitations on political activity (18 U.S.C. 203, 205, 207, 208 and 209); and to any applicable state and local government statutory and regulatory provisions.

B. The federal tort claims statues and any other federal tort liability statute shall apply to the assignee.

C. The rules and policies that govern the internal operation and management of the gaining agency are applicable to the assignee.

D. Travel, transportation and related allowances may be authorized only in accordance with Federal Travel Regulations when such expenses will be funded (or reimbursed) by AID

8. CONTACTS

AID

_____
(Other organization)

Personnel Matters:
(Employing Office)
(Mailing Address)
Agency for International Development
Washington, DC 20523-

Billing Information:
FM/A/OE
(Mailing Address)
Agency for International Development
Washington, DC 20523-

9. SIGNATURES

| AID* | (Other organization) |
|---|---|
| (signature) | (signature) |
| (title) | (title) |
| (date) | (date) |

*

*See sec. 3F, Responsibilities, Civil Service Personnel Division (PM/CSP)

# CHAPTER 11

# CIVIL SERVICE APPOINTMENTS AND EMPLOYMENT

## 11A. Purpose

This Chapter provides the policies, responsibilities, and standards for appointment of personnel in the Civil Service, and identifies and briefly defines some of the most common types of Civil Service appointments.

## 11B. Policies

1. The Agency recruits, selects, and appoints employees on the basis of merit without regard to race or national origin, color, creed, religion, political affiliation, sex, marital status, physical or mental handicap, or age.

2. Selection is based on the requirements of the position and the candidate's ability, training, experience, suitability, and physical fitness.

* 3. The appointment is effective on the date the appointee enters on duty and is available to perform a federal function. *

## 11C. Types of Appointments

(Federal Personnel Manual) Chapters 200 and 300 provide basic information on Civil Service appointments and employment in the competitive and excepted service. The circumstances under which a particular kind of appointment is given are specified in the FPM. The FPM covers information about (a) probationary periods, (b) employees retention priority in a reduction in force, (c) termination, (d) separation for cause, and (e) the eligibility for noncompetitive actions. Information and advice on Civil Service appointments and entitlements are available in the Staffing and Career Development Division, Office of Human Resources Development and Management (FA/HRDM/SCD). The most common types of Civil Service appointments are described below.

### 1. Career and Career-Conditional Service

#### a. Career-Conditional

An appointment which confers competitive status upon completion of a probationary period and which automatically converts to a career appointment upon completion of 3 years of creditable service.

11C1

b. Career

A permanent appointment in which the employee has competitive status.

c. Temporary Appointment Pending Establishment of Register (TAPER)

An appointment which does not confer competitive status and which is made for such period as may be necessary until competitive registers are available for appointment through certification.

d. Temporary Limited

An appointment for a specific period not in excess of 1 year which does not confer competitive status.

e. Reinstatement

The noncompetitive reemployment, for service as a career or career-conditional employee, of a person formerly employed in the competitive service, or a former employee who had competitive status, or was serving probation when the employee was separated.

f. Transfer

The noncompetitive employment of a career or career-conditional employee when he/she moves from one agency to another without a break in service of a full workday.

g. Reemployment

The noncompetitive reemployment of a person who has reemployment rights granted by law, Executive Order, or regulation. Except for mandatory reemployment rights granted by statute or Executive Order (e.g., under Section 7(a)(1) of the Peace Corps Act), AID is generally not obligated to grant reemployment rights to employees who transfer to other agencies (including the Department of State and USIA). The granting of these rights is at the discretion of the Agency. Determinations are made on a case-by-case basis, taking into consideration the employee's qualifications and the Agency's continuing workforce requirements.

h. Restoration

The noncompetitive reemployment of an employee who was separated for military service, or the noncompetitive reemployment of an AID employee whose separation has been determined to have been unwarranted.

11C

2. Excepted Service

The excepted service consists of those civil service positions that are not in the competitive service. The excepted service includes all positions in the executive branch of the Federal government that are specifically excepted from the competitive service pursuant to statute, by the President or by the Office of Personnel Management (OPM) under Section 6.1 of Civil Service Rule VI or Section 9.20 of Civil Service Rule IX. For Administratively Determined (AD) and Executive Level positions, see Handbook 25, Chapter 12 and 13, respectively.

Positions of Schedule A, B and C, and Special Programs are constituted as follows:

a. Schedule A

Positions other than those of a confidential or policy-determining character for which it is not practicable to examine. These are appointments to positions limited to attorneys, summer and student employment, and positions identified under 5 CFR 213.3102.

b. Schedule B

Positions other than those of a confidential or policy determining character for which it is not practicable to hold a competitive examination. Appointments to these positions are subject to the basic qualification standards established by OPM for the occupation and grade level. The Agency has special Schedule B authority (see Attachment 11A for information on the use of the authority) to appoint no more than 30 employees who have served overseas with the Agency for not less than two years to positions at GS-9 and above.

c. Schedule C

Positions of a confidential or policy-determining character.

d. Special Programs

Appointments involving special programs are approved from time to time, such as Student Volunteer Service (see Supplement 11C), summer employment and co-op stay-in-school.

11D. Responsibilities

1. Bureaus and Offices:

a. Determine that funds and ceiling are available for requested appointments.

11D1

b. Submit appropriate documents for the requested action to FA/HRDM/SCD, as required by the Staffing Pattern Action Request (SPAR), Form AID 4-512 (see Handbook 32, Chapter 2).

c. Select a candidate from among qualified candidates referred by FA/HRDM/SCD.

2. Office of Human Resources Development and Management (HRDM) is responsible for:

a. Classifying positions and establishing any special qualifications required for a given position.

b. Recruiting, evaluating, and appointing or assigning personnel for AID/W positions.

c. Determining method of filling positions.

d. Making the firm offer of appointment to a candidate after all pre-appointment requirements have been met.

e. Determining rates of pay for appointees, including initial rates for appointees whose rates may be fixed above the minimum.

11E. Criteria for Appointment

1. Qualification Requirements for Candidates

Minimum standards for appointment in AID/W are prescribed by OPM for competitive appointments.

2. Age

a. The minimum age for competitive service appointments is 18. There are certain exceptions, however, which are outlined in Chapter 1 of Handbook 25.

b. There is no maximum age limit.

3. Citizenship

a. No person is admitted to competitive examination unless such person is a citizen or national of the United States.

b. No person is given any appointment in the competitive service unless such person is a citizen or national of the United States.

11E3

c. The Office of Personnel Management may, as an exception to this rule and to the extent permitted by law, authorize the appointment of aliens to positions in the competitive service when necessary to promote the efficiency of the service in specific cases or for temporary appointments.

4. Security Clearance

Candidates for full-time direct hire and certain other selected positions must meet the security clearance requirements established for critical/sensitive positions which consist of a full field investigation except that candidates may be given NTE 90-day temporary appointments to the complement of nonprofessional personnel established in FA/HRDM, provided requests for security clearances are made within 3 days following entrance on duty. Appointments to positions other than full-time direct hire, and appointments which do not fall within the criteria established for critical/sensitive positions, must meet the requirements for non-critical/sensitive positions. The requirements consist of a National Agency Check and Inquiries, and issuance of a security clearance in accordance with Executive Order 10450. (See also Handbook 6.)

5. Physical Standards

Physical standards for appointment to positions in the Federal Government are established by OPM. A pre-appointment medical examination is not required for most positions. FA/HRDM/SCD may require such examination prior to appointment to a position which involves other than light duty work, or whenever such an examination appears advisable as a result of replies to questions on SF 177, Statement of Physical Ability for Light Duty Work.

6. Members of Family

There are restrictions on the employment of sons and daughters of Agency personnel in competitive positions for summer or student employment.

7. Restriction on the Employment of Relatives

The appointment or promotion of relatives of persons having authority to make or recommend such action in AID is prohibited. The relative of a public official may be employed by a subordinate of the official, if he or she is in no way involved in the action.

11E

8. Probationary and Trial Periods

a. The 1-year probationary or trial period is the final and highly significant step in the examining and selecting process. It provides the supervisor the opportunity to observe the employee on the job and to assess his/her conduct and performance. On the basis of his/her observations, the supervisor determines whether or not the employee should be retained or separated prior to the completion of the probationary or trial period.

b. Not earlier than the 9th month, and not later than the end of the 10th month of the probationary period, the supervisor should submit a rating of the employee's performance, to the FA/HRDM/SCD. This requires the rating officer to make a recommendation as to whether the employee should be retained beyond the probationary or trial period.

c. Separate policies and procedures governing probationary periods for newly appointed managers and supervisors are required by the Civil Service Reform Act of 1978 and are contained in Supplement 11B to this Chapter.

ATTACHMENT 11A

## SCHEDULE B AUTHORITY

### GENERAL

AID's individual authority for Excepted Appointment under Schedule B is contained in Section 213.3268 of OPM regulations. This authority is stated as follows:

> "Not to exceed 30 positions at GS-9 and above when filled by persons who have served overseas with the Agency for International Development for not less than 2 years."

### PRIORITIES FOR USE OF SCHEDULE B

1. Foreign Service employees who are former prisoners of war and who do not wish to accept further overseas assignments.

2. Foreign Service employees who are medically disqualified for further overseas assignment.

3. Foreign Service employees whose skills are no longer required for AID's Foreign Service; their skills are needed in AID/W and if they were separated, the Agency would have to recruit from outside the Agency. Determination of employees in this category is made after compliance with priorities one through three of this Chapter.

4. Foreign Service employees who have medical problems that limit their overseas assignment possibilities to such a degree that placement is unlikely--their services can be utilized in AID/W and if they were separate, the Agency would have to recruit from outside the Agency to replace them. Employees in this category are identified after compliance with priorities one through three of this Chapter.

5. Foreign Service employees who wish to leave the Foreign for a variety of reasons, including family considerations. Determinations are made after compliance with priorities one through three of this Chapter. If the number in this category would result in an excess for Schedule B of more than 30, the Director, FA/HRDM, determines priority based on such factors as Agency needs, seriousness of family situation, length of time on rotation, occupational category, etc.

### CONDITIONS AND CAVEATS

1. There must be a vacant position for which the employee is qualified and acceptable.

2. Schedule B appointments require prior approval by OPM .

3. To provide for reuse of this authority for other appointments under Schedule B, appointments will be for a period of more than 1 year and up to 18 months. Employee must understand and accept this condition.

4. Prior to AID seeking OPM approval of Schedule B appointments the employee must submit evidence that he or she has an eligible rating on an appropriate OPM examination.

5. Employees leaving the Foreign Service by this route will not be considered for reentry into the Foreign Service within the 18-month period following such separation.

6. Employees acceptance of a Schedule B appointment is voluntary. If there is a reduction in salary, the employee is not entitled to a saved rate or salary retention.

7. If employees have not acquired a competitive appointment within 18 months after conversion to Schedule B they will be subject to separation.

8. Employees are to be informed of the effect conversion may have on his/her status and various rights and benefits including retirement.

9. Schedule B authority will not be used to convert any employee from the Foreign Service who has Civil Service status entitling him or her to reinstatement or reemployment in the competitive service.

Supplement 11A

## METHODS OF FILLING AID/WASHINGTON VACANCIES

### A. Purpose

This supplement describes the methods and sets forth the priorities for filling AID/W vacancies. (See Chapter 35 and 11 respectively, for information on Foreign Service and Civil Service Appointments and Employment.)

### B. Policy

Selection is based on the requirements of the position and the candidate's ability, training, experience, suitability, and physical fitness, without regard to race, color, religion, sex, marital status, physical handicap, or age.

#### Priorities for Filling AID/W Vacancies

The Agency fills its AID/W position requirements through the use of Civil Service and Foreign Service employees.

1. Priority Placement Requirements

Before a position can be filled by any other means, employees in the following categories must be placed in the order of priority listed below:

1st priority - Reemployment of Civil Service or Foreign Service employees exercising reemployment rights.

2nd priority - Reassignment of Civil Service or Foreign Service employees with career status who are under RIF notice.

3rd priority - Reassignment of Civil Service employees in a position to be downgraded.

2. Vacancy Review Process

After the priority placement requirement listed above are satisfied, any well-qualified employees who were demoted through no fault of their own will be considered by the employing office. If the employing office has sufficient justification for not selecting a repromotable candidate, FA/HRDM/SCD determines whether a position will be filled by a General Schedule or Foreign Service employee. The determination will be based upon such considerations as position requirements, placement of surplus employees, Foreign Service rotation requirements or improved utilization of employees. (See Chapter 36 for information on rotation assignments and initial Foreign Service assignments in AID/W.)

SUPPLEMENT 11-B

PROCEDURES GOVERNING PROBATIONARY PERIODS FOR NEWLY APPOINTED MANAGERS AND SUPERVISORS

I. PURPOSE

In accordance with 5 USC 3321, and as amended by P.L. 94-454, Civil Service reform Act of 1978, and FPM 315, Subpart 1, Subchapter 9, these procedures are established to ensure that newly appointed supervisors and managers of AID, in competitive service non-SES positions receive full and fair evaluation of performance during a prescribed probationary period and that training is provided which will equip the individual for the demands of the job. The probationary period should not be used to assess technical abilities or program knowledge but only for those requirements directly related to managerial and/or supervisory performance.

II. POLICY

A. To establish a probationary period for newly appointed supervisors, a separate probationary period for newly appointed managers, and a single probationary period for positions with both managerial and supervisory requirements.

B. To ensure that appointees are evaluated based upon supervisory/managerial elements of position.

C. To provide a reasonable period of time to ensure that employees are provided full and fair evaluation of their performance and receive training relevant to the supervisory and/or managerial aspects of the assignment without regard to race, color, religion, sex, marital status, physical handicap, age, or political affiliation.

D. AD and other excepted service employment is excluded from the probationary requirement. Nevertheless, it is to their and the Agency's benefit to receive appropriate training. Therefore, the Agency will provide training relevant to supervisory and/or managerial techniques to all excepted service employees in AID/W supervisory and managerial positions.

E. To provide for a return of employees to nonsupervisory or nonmanagerial assignments when the probationary period has revealed supervisory/managerial deficiencies which make the employee unsuited for continued employment in the position.

III. DEFINITIONS

The following definitions cover positions for which these procedures are applicable:

"Supervisory position" and "managerial position" have the meaning given them by th OPM Supervisory Grade Evaluation Guide for position classification. The definitions are:

"Managerial positions" are those in which the incumbents (1) direct the work of an organization, (2) are held accountable for the success of specific line or staff programs, (3) monitor the progress of the organization toward goals and periodically evaluate and make appropriate adjustments, and (4) typically perform the full range of the following duties and responsibilities.

a. Determine program goals and develop plans for the organization independently of or jointly with higher management;

b. Determine resource needs and allocation of resources and account for their effective use;

c. Determine the need and develop plans for organizational changes which have considerable impact, such as those involving basic structure, operating cost, or key positions;

d. Consider a broad spectrum of factors when making decisions (or recommendation to higher level management) including public relations, congressional relations, labor-management relation, public policy stances, effect on other organizations and other parts of the organization, economic impact, an the like;

e. Coordinate program efforts with other internal activities or with the other agencies;

f. Assess the impact on organization programs of substantive developments in programs and policies in other parts of the Agency, in other Government entities, and in the private sector;

g. Set policy for the organization managed in such areas as determining program emphasis and operating guidelines understand and communicate Agency policies and priorities throughout the organization managed

h. Deal with general personnel management policy matters affecting the organization manager, with personnel actions affecting key employees, and other actions with possible serious repercussions, and

i. Delegate authority to subordinate supervisors and hold them responsible for the performance of their organizational units.

"Deputy positions" are included when the responsibility for managing the total organization is divided between the manager and the deputy; or when the deputy serves as an alter ego and assists the manager in all phases of the organization's work.

It is recognized that his definition excludes many positions which require a high degree of expertise in management subjects but which do not include responsibility for directing an organization or a subdivision of an organization. The definition excludes:

- General staff assistants to managers;

- Positions at the first or second supervisory levels that primarily involve the duties outlined in the definition of supervisory positions as distinguished from managerial duties including positions with some but not the full range of managerial duties described above; and

- Nonsupervisory positions with responsibility for technical guidance of work performed by contractors, grantees, or personnel in other Government organizations.

"Supervisory positions" are those in which incumbents perform supervisory duties and responsibilities with respect to the extent that the positions are titled "supervisory" for classification purposes under the Supervisory Grade Evaluation Guide or, if under the wage system, the job Grading Standard for Supervisors. Supervisors perform a range of responsibilities such as:

a. Assign, direct, and review the work of subordinate employees;

b. Plan and carry out the training and development of employees;

c. Evaluate employees' work performance;

d. Recommend selections, promotions, status changes, awards, disciplinary actions, and separations;

e. Plan, schedule, and coordinate work operations;

f. Solve problems related to the work supervised;

g. Determine material, equipment, and facilities needed;

h. Explain and gain the support of employees for management policies and goals (for example, cost reduction and safety);

i. Work to achieve the objectives of Government-wide personnel programs and policies (e.g., labor-management relations and equal employment opportunities); and

j. Deal effectively with employees and union representation on employee suggestions, complaints, grievances, and other matters involved in the day-to-day administration of labor management agreements, sometimes including labor management contract negotiations.

Some supervisory positions also include responsibility for advice to management on and participation in the:

- Establishment of program and production goals priorities, and major work schedules;
- Development of cost and budget analyses or forecasts; and
- Determination of long-range manpower requirements.

The following are not considered "supervisory" positions:

(1) Positions with responsibility for work assignments requiring only one or two other workers of with supervisory responsibility only in the absence of the regular supervisor. Responsibility for work assignments involving one or two other persons is not sufficient to warrant identification of a position as supervisory for purposes of this subchapter.

Positions with some supervisory duties and responsibilities but less than that required to warrant classification of the positions as "supervisory."

## IV. RESPONSIBILITIES

### A. Director, Office of Human Resources Development and Management

1. Reviews committee recommendations and makes final determination on any grievance filed under these procedures.

2. Receives recommendation on and gives final approval to return an employee to a nonsupervisory or nonmanagerial position. Notifies employee in writing of reason for action.

### B. FA/HRDM/SCD

1. Administers and improves the supervisory/managerial probationary period plan.

2. Screens the files of selected candidates to determine if a probationary period is appropriate and to what extent.

3. Notifies the Training Division immediately in writing of supervisory/managerial appointments and establishes date for employee to attend the course: "The Role of Managers in Personnel Management." The Personnel specialist will then inform the appropriate administrative officer of the date of training.

4. Ensures that progress report requirements on employees are submitted on a timely fashion.

5. The Chief, FA/HRDM/SCD, is responsible for approving waivers for exemption of supervisory/managerial probationary requirements.

C. Assistant Administers and Heads of Offices and Staffs

1. Establishes internal procedures to ensure that PAR's and evaluation reports are completed on a timely basis as prescribed in these procedures.

2. Recommends reassignment/demotion of a probationary employee when warranted.

D. Supervisors

1. Assures that employee receives appropriate on-the-job training and other training as required.

2. Discusses with employee at the beginning of the probationary period and at regular intervals assignments, responsibilities, expected standard of performance of progress.

3. Rates employee's progress and recommends demotion/reassignment if it becomes evident that employee is unsuited for the assignment.

E. Executive Management Staffs

1. Coordinates with FA/HRDM/TD and FA/HRDM/SCD on supervisory and managerial training requirements. Ensures that necessary training applications are executed and forwarded to FA/HRDM/TD in a timely fashion.

2 Coordinates with probationee's supervisor to ensure that probationary appraisal are prepared and sent to FA/HRDM/SCD at the end of the 6th and 11th months of training.

3. Ensures that the senior staff provides the level of training beneficial to the newly appointed employee.

F. FA/HRDM/TD

Establishes and administers training programs appropriate for supervisory

or managerial training of Agency employees. Approves training programs given by other Government agencies or private institutions which may be substituted or credited, as appropriate provided that the training meets the basic requirements for training of supervisors or managers in the Federal sector.

G. FA/HRDM/LER

FA/HRDM/LER will be responsible for providing procedural assistance to all parties concerned with any grievance appropriate under these procedures and for arranging ad hoc committee which will review grievance cases and make recommendation to the Director of FA/HRDM.

H. Employees

Assures that there is a clear understanding of duties and responsibil ities of the assignment. Have an understanding with supervisor concerning the major tasks of the position and how well the tasks are being performed.

V. APPLICABILITY

These procedures apply to non-SES supervisory and managerial positions without time limitations in the competitive service as defined in paragraph III. The Agency will also require a probationary period for temporary promotions, reassignments, or appointments when such temporary actions are expressly for more than 120 days, or when initial actions NTE 120 days are extended.

VI. BASIC REQUIREMENT AND LENGTH OF PROBATIONARY PERIOD

A. Basic Requirements

Upon initial appointment to a supervisory or managerial position or to a position which is both supervisory and managerial, an employee is required to complete a probationary period as prescribed in VI.B.

B. Length of Probationary Appointment

For purposes of equity and in the interest of efficiency, the probationary period for all supervisory or managerial positions or positions with both supervisory and managerial duties will be 1 year unless service under certain circumstances is creditable as outlined under VIII. Crediting Service Toward Completion of the Probationary Period. This will allow sufficient time for employees to demonstrate ability to succeed as a supervisor or manager and to receive enough training to prepare him/her to the position. The probationary period is not to be used to assess technical ability or program knowledge not directly related to supervisory or managerial performance. An employee may be reassigned to or demoted to a position of no lower grade and pay

than the one left to accept the supervisory or managerial position, at any time after 7 months for unacceptable performance of the supervisory or managerial characteristics, as long as there is evidence that he/she was given proper guidance concerning duties and responsibilities and had received at least the Agency's supervisory/managerial training course.

C. Completion of Probationary Appointment

Satisfactory completion of a probationary period for supervisors or managers under regulations of FPM 315, Subpart 1, Subchapter 9, where supporting documentation clearly substantiates the fact, satisfies the future requirements of a probationary period regardless of the number of agencies, occupations, or positions in which he or she serves except that when a present or former supervisor is assigned to a managerial positions, he/she is subject to a probationary period for managers. Exceptions can be made based upon satisfactory service as a supervisor when justified on the basis of performance and experience.

VII. APPLICABILITY FOR THE PROBATIONARY PERIOD

For purposes of determining applicability of the probationary period the following regulations apply:

A. Employees who are serving or have served in civilian supervisory or managerial positions as of August 11, 1979 are exempt from the comparable probationary requirement.

However, a present or former supervisor who is assigned to a probationary period for managers unless exempted under VI.C above. An employee who is in a position officially classified as a manager who is reassigned, promoted, or appointed to a supervisory position is exempt from comparable probationary period for supervisors.

B. In the absence of records which clearly support the individual's claim to exception based upon previous services in a supervisory or managerial position, the individual can be required to serve a probationary period. An employee who wishes to contest the Agency's determination may do so under Agency grievance procedures as outlined in XI.A of these procedures. There is no right of appeal to the MSPB.

C. All employees newly promoted, reassigned, or appointed to a supervisory or managerial position on or after August 11, 1979 are subject to a probationary period.

VIII. CREDITING SERVICE TOWARD COMPLETION OF THE PROBATIONARY PERIOD

A. Permanent Service

1. Documented satisfactory completion of a probationary requirement under these regulations fully satisfies future probationary requirements as indicated in VI.C above.

2. When an employee completes a partial supervisory or managerial probationary period and is immediately transferred, reassigned, appointed, or promoted to a new supervisory or managerial position, the former service will be credited, providing that the records clearly support that the supervisory or managerial characteristics of the former position are comparable to or qualifying for the new position. The probationary period shall be extended beyond 1 year, if necessary, to ensure that at least 120 days of probation are served in the new position.

3. When a supervisory or managerial probationary period is interrupted by intervening service or a break in service (other than for cause), prior probationary service of more than 120 days is creditable toward a future probationary requirement where:

a. Prior service was performed within the 1 year period preceding the effective date of assignment to the new position;

b. Records clearly support satisfactory performance in the former supervisory/managerial positions;

c. Supervisory/managerial characteristics of the former positions were comparable to or qualifying for the new position.

The probationary period shall be extended beyond 1 year, if necessary, to ensure that at least 120 days of probation are served in the new position.

4. If an employee has satisfactorily completed a probationary period for a supervisory position and is then transferred promoted, or reassigned to a managerial position, the employee can be required to fulfill the prescribed probationary period as a manager. Exceptions can be made, however, based upon documented completion of a probationary period in a supervisory position which included some managerial duties and is justified on the basis of performance and experience.

5. Employees who convert from Foreign Service or other excepted service appointments in AID to a competitive non-SES position must complete the prescribed probationary period unless the conversion is from a supervisory or managerial position comparable to or qualifying for the one for which the probationary period applies.

6. Absence in a nonpay status while on the rolls (other than absence of compensable injury or military duty) is creditable up to a total of 22 workdays. Any nonpay time in excess of the total of 22 workdays extends the probationary period by an equal amount.

7. Absence (whether on or off the rolls) due to compensable injury or military duty from which the employee is entitled to restoration rights or priority consideration under Chapter 353, is creditable in full.

8. When an employee is separated for cause or returned to a nonsupervisory or nonmanagerial position during the probationary period, his/her service does not count toward the completion of a probationary period required under subsequent appointment.

9. Service while on detail or in an acting capacity during the temporary absence of the regular supervisor or manager does not count.

B. Temporary Service

1. AID employees who are officially reassigned, appointed or promoted to temporary service as a manager or supervisor for more than 120 days, including those whose initial service was requested for 120 days and later extended beyond 120 days in the same position, will have such service credited towards the probationary period for the same or similar position upon future selection for permanent placement in the following manner:

a. The permanent placement is effected within 1 year of the temporary service that is considered creditable.

b. Service is creditable to the extent that time remaining to satisfy probationary period requirements is 120 days or more. Otherwise the time remaining for completion will be extended to 120 days.

c. Crediting such service will be based upon satisfactory performance in the temporary services as evidenced by the required supervisory report.

d. The employee must be scheduled for the course "The Manager's Role in Personnel Management," as soon after permanent appointment as practicable.

2. If future permanent placement is to a supervisory or managerial position with substantially different skills than those required in a temporary assignment, as explained in B.1 above, the employee will be subject to satisfactory completion of a full probationary appointment for the new position.

3. Periods of temporary appointments, reassignments, or promotions of 120 days or less do not count toward probationary requirements for permanent placement regardless of the number of separate 120-day appointments involved. Temporary period ends where there is 1 day or more of interrupted service.

4. An employee who is transferred from another agency with service under temporary promotions, reassignments with that agency will not have such service counted in AID. The employee must serve the applicable probationary period as prescribed by the Agency.

5. Service while on detail or in acting capacity during the temporary absence of the supervisor or manager does not count.

IX. FAILURE TO SATISFACTORY COMPLETE THE PROBATIONARY PERIOD

A. If evaluation of the employee's performance reveals supervisory or managerial deficiencies such as to make him/her unsuited for the position, the employee is to be returned or reassigned to a nonsupervisory or nonmanagerial position of no lower grade and pay than the one from which left to accept the supervisory or managerial position. The return of an employee for reasons related to supervisory or managerial performance is not considered an adverse action and is not appealed under OPM regulations. Certain actions are grievable under Agency regulations as indicated in Section XI - Appeals and Grievances. Demotions for reason other than supervisory/managerial deficiencies are adverse actions and should be processed accordingly.

B. Employee who is returned to a nonsupervisory or nonmanagerial position at the former grade level loses credit toward a within grade increase in the former position by reason of having received an "equivalent increase when promoted." An employee who is returned to a nonsupervisory or nonmanagerial position under these procedures is not entitled to grade and pay retention as provided by 5 U.S.C. 5362 and 5363, or reduction-in-force procedures, or for highest previous rate.

C. An employee who is returned to his/her former grade will be compensated for any within-grade increases that would have been due had employee remained in the former position.

D. The decision to return an employee to a nonsupervisory or nonmanagerial position under this regulation should be initiated by the employee's immediate supervisor and transmitted through the Assistant Administrators of Bureaus and Heads of Offices and Staffs to the Director, FA/HRDM. An individual to be returned to a nonsupervisory/nonmanagerial position will be given sufficient factual information to make clear the basis for the Agency's action.

X. EVALUATION OF EMPLOYEE

Performance of first-time supervisors/managers will be evaluated against the performance expectations that relate to their supervisory/managerial duties. Informal reviews of performance should be made during the probationary period so that employees will be kept informed about their strengths, weaknesses, and work areas in which improvement may be needed.

1. After the employee has served 6 months but on more than 7 months of a prescribed probationary period, the manager must submit the "Evaluation of Supervisory/Managerial Performance" (Attachment A) to the appropriate servicing personnel officer through the appropriate Executive Management Staff.

2. If the supervisor is going to recommend retention of the employee it should be done by the 11th month but not later than the 12th month by memorandum to the Chief, FA/HRDM/SCD.

3. The supervisor may at any time after 7 months of a probationary period recommend reassignment or demotion to former grade of the probationary employee for unsatisfactory performance in accordance with Section IX. "Failure to Satisfactorily Complete the Probationary Period."

4. Since temporary service of more than 120 days is creditable, supervisor should evaluate the employee at the end of 6 but not later than 7 months of service or at the end of the temporary service, whichever is earliest.

5. If the temporary services extends through 1 year, the supervisor should by the 11 month but not later than the 12th month write a memorandum to the Chief, FA/HRDM/SCD, stating the employee has satisfactorily performed as a manager or supervisor in the temporary assignment for a 1-year period. If for reasons other than removal for cause an employee's probationary period is interrupted by transfer, reassignment, or reappointment, the supervisor should prepare the Evaluation of Supervisor/Managerial Performance for the employee regardless of the time served.

6. The Evaluation of Supervisory/Managerial Performance for the must be prepared as indicated regardless of any other evaluation requirements of the Agency.

XI. APPEALS AND GRIEVANCES

A. An Agency actions to return an employee to a nonsupervisory or nonmanagerial position in accordance with this subchapter is not appealable under OPM regulations.

B. An Agency action to return an employee to a nonsupervisory or nonmanagerial position may be grievable under Agency procedures when:

1. The employee asserts that removal from the supervisory or managerial position was based upon other than a deficiency in supervisory or managerial skills;

2. The employee believes that he or she has served in a former qualifying or comparable supervisory or managerial position and wishes to contest the Agency's determination of a probationary requirement in a new position.

Grievances under this section would be to the Director, FA/HRDM, who would make a determination based on the recommendation of an ad hoc committee comprised of three members with management/supervisory

responsibility outside the grievant's parent organization. Under (1) or (2) above, grievances should be presented within 15 days from the effective date of return to a nonsupervisory position or effective date of notice of probationary period requirement.

C. An action which denotes an employee to a lower grade than the one the employee left to accept the supervisory or managerial position is governed by Chapter 432 or 752 procedures, whichever is applicable.

D. An allegation of discrimination due to race, color, religion, sex, national origin, physical handicap, or age (provided the complainant is at least 40 years old as of the date of the alleged discriminatory action) in connection with an action returning an employee to a nonsupervisory or nonmanagerial position under this subchapter is to be processed as a discrimination compliant under 29 DFR 1613.709. Final Agency action on such discrimination is appealable to EEOC. An allegation of discrimination due to martial status or partisan political affiliation is appealable to the Merit System Protection Board.

## XII. RELATIONSHIPS TO PROBATIONARY PERIOD FOR COMPETITIVE APPOINTMENT

If upon appointment an employee is required to serve both a probationary period for competitive appointment and a probationary period for supervisor or manager, the probationary period for competitive appointment takes precedence and completion of the probationary period for competitive appointment fulfills the requirement of these procedures.

## XIII. TRAINING

A. All supervisors in Government are required to have at least 80 hours of supervisory training the first 40 of which is given by AID. All supervisors and managers are required to take the course "The Manager's Role in Personnel Management" within the first 6 months of their probationary period. The additional 40 hours may be taken within the next be 6 months of the probationary period any may be any course which the Training Division approves as appropriate.

B. While excepted service employees (FS, AD, appointments under Schedule A, etc.) in AID/W supervisory or managerial positions are excluded from the probationary period regulations, the Agency requires that they take the course, "The Manager's Role in Personnel Management," within the first 6 months of service in the supervisory/managerial position.

Attachment A to Supp 11B

# EVALUATION OF SUPERVISORY/MANAGERIAL PERFORMANCE

## Instructions to Evaluating Official

1. The Evaluating Official should familiarize himself/herself with the supervisory/managerial probationary plan before completing the evaluation. The original is forwarded to FA/HRDM/PMES for inclusion in the Official Personnel File. A copy must be given to the employee.

2. The evaluation is used only to assess the probationer's supervisory and/or managerial skills. It is not for the purpose of evaluating technical ability or program knowledge not directly related to supervisory and/or managerial performance.

3. Because the evaluation is applicable to both Supervisory and managerial abilities and traits, evaluating officials are asked to comment on those elements which are necessary characteristics for successful performance in the individual assignment.

4. Both the evaluating official and the rated employee must sign and date the evaluation. If the employee has not signed an explanation must be given.

5. The evaluation is to be prepared on plain bond paper identified at the top with the employee's name, office symbols, and period covered by the evaluation. Comments are required on each of the following factors and/or elements. If a particular factor is not applicable, the factor should be identified and indicated as "NA."

## Factors

A. Supervisory Abilities and Traits

1. How well does the employee define assignments and projects and how effective is he/she in carrying them out?

2. Does the employee delegate responsibility effectively?

3. How well does the employee:

a. Motivate, train, develop, and guide employees of varied background and skills?

b. Prompt affirmative action and EO organization?

B. Managerial and Organizational Abilities

Does employee understand management's goal and objective so that he/she can effectively establish programs' goals and assess progress toward their achievement? Explain.

C. Decision Making

Describe employee's ability to:

1. Absorb new facts and concepts quickly.

2. Analyze complex issues or problems thoroughly and quickly.

3. Keep organizational objectives in mind.

4. Assess the advantages and disadvantages of alternative plans or courses of action.

5. Make sound decisions, e.g., based on past experience, present effort, and future outcome.

6. Accept responsibility.

D. Communication Abilities

Describe employee's ability to:

1. Communicate effectively with management, employees, and (where appropriate) employee groups.

2. Foster an attitude of responsible service to the public.

3. Be skillful in oral and written communications.

4. Maintain poise, handle controversial or delicate matters skillfully.

E. Personal Attributes

Describe employee's ability to:

1. Adjust to change, work pressures, or difficult situations without undue stress.

2. Be able and willing to judge people and situations on the facts.

3. Consider new ideas or divergent points of view.

4. Have a positive outlook toward the work and the employing organization.

5. Have the courage of his/her convictions.

_____
Employee Name

_____
Supervisor's Name

_____
Date

Supplement 11C

# GUIDELINES FOR EMPLOYMENT OF STUDENT VOLUNTEERS WITHOUT COMPENSATION

1. Purpose

These guidelines specify the requirements for the employment of student volunteers without compensation.

2. Authorities and References

a. 5 U.S.C. 3111
b. 5 U.S.C. 81
c. 8 U.S.C. 2671-2680
d. FPM 308, subchapter 7

3. Definitions

a. Volunteer Service. Service performed without compensation by a full- or half-time student, including graduate student, with the written permission of the institution at which the student is enrolled. The written permission requirement is waived for a student who plans to continue his or her studies after an interim period of absence.

b. Interim Period of Absence. That period between school terms, not to exceed five months.

c. Student. An individual enrolled not less than half-time in an accredited high school, trade school, technical or vocational institute, junior college, college, university or other accredited educational institution. The student must satisfy the Agency that he or she firmly intends to continue his or her course of study or training in the same or different educational institution during the school term immediately after the interim period of absence.

d. Half-time Student. An individual enrolled in and carrying any combination of courses, research projects or special studies that meets one-half of the minimum full-time academic workload standards and practices of the institution in which the student is enrolled. Written certification from the institution at which the student is enrolled half-time must be obtained.

4. Objectives

The objectives of AID's student volunteer service program are to:

a. enrich the educational process of students and program objectives of the Agency;

b. build a stronger relationship between the educational community and the Agency;

c. provide opportunities for students to become involved in work experiences that will help them determine career goals;

d. provide exposure to the work environment and acquaint students with the Agency mission and its programs;

e. encourage student interest in new or developing occupations and professions;

f. support affirmative action programs.

The student volunteer service program may <u>not</u> be used:

a. to displace any Agency employee or to staff a position that is a normal part of the Agency's work force;

b. when assigned duties would be the same as those of students or contractors in a paid status or those being performed by direct-hire employees;

c. when it will adversely affect other Agency student employment programs, i.e., the summer employment program, the Stay-in-School program and cooperative education programs authorized by E.O. 12015;

d. to imply that volunteer service with the Agency will ensure a future job with the Agency;

e. to perform duties other than to provide educational experience for the student, e.g., a student majoring in Economics should not be assigned only typing or messenger functions;

f. when the student is a relative of persons having authority to make or recommend appointment to positions in the Agency.

5. <u>Responsibilities</u>

a. <u>Staffing and Career Development Division (FA/HRDM/SCD)</u>

(1) Will designate a Student Volunteer Service Coordinator;

(2) Will prepare an SF-50 to initiate and terminate each student volunteer's services.

b. <u>Student Volunteer Service Coordinator (FA/HRDM/SCD)</u>

(1) Will keep informed on other student volunteer service programs and serve as liaison with educational institutions interested in assigning students to the Agency's student volunteer service program;

(2) will negotiate a written agreement with the cooperating institution;

(3) will coordinate assignments of student volunteers with AID/W bureau/staff offices;

(4) will carry out program reviews and evaluations;

(5) will recommend the number of student volunteers to be employed by the Agency during the fiscal year;

(6) will conduct periodic program reviews and evaluations, which will be used, as appropriate, to adjust future program objectives and content. Reviews and evaluations will include:

(a) assessment of the program to make certain it complies with 5 U.S.C. 3111 and Agency guidelines;

(b) evaluation of the program in terms of the Agency's goals and objectives;

(c) assessment of the relationship between the volunteer students and cooperating institutions with which the Agency has written agreements.

c. Supervisory Office

The office using the service of the volunteer student will:

(1) provide FA/HRDM/SCD a description of the tasks it wishes the volunteer student to be responsible for;

(2) ensure that the volunteer's service is not being used to staff a position that is a normal part of the Agency's work;

(3) provide work assignments detailed enough to provide clear evidence of the value of the assignment but flexible enough to allow for modifications to meet changing needs of the Agency and the student;

(4) include in work assignments components that will familiarize the volunteer student with the Agency mission and its programs;

(5) ensure that the volunteer student receives guidance from a professional staff member;

(6) ensure that his or her projects are compatible with his or her program of study.

6. Volunteer Service Agreements

a. The student volunteer service program will be conducted through written agreements between the Agency and the volunteer student, and, to the extent possible, the participating institutions.

b. The volunteer service agreement will specify:

(1) the period of assignment, to be set at a length of time that best serves the needs of the requesting bureau/office and the Agency;

(2) scope of work;

(3) attendance and performance requirements guidelines;

(4) that the student volunteer may not be converted to employment by the Agency in a paid status under contractual arrangement within 30 days after completion of the volunteer period unless such action is approved by the FA/HRDM/SCD Volunteer Service Coordinator. Any employment on a paid status after termination will only be permitted to the extent that such employment will not be contrary to any applicable law, rule or regulation.

7. Student Eligibility and Status

Student volunteers:

a. must be at least 16 years old;

b. are subject to a security investigation;

c. will not be considered Federal employees and will not be eligible for any employee benefits, e.g., travel, subsistence expenses, quarters, or reimbursement or payment in kind;

d. will be covered under the Federal Tort Claims Act and the Workman's Compensation Act.

8. Documentation

a. Student volunteer assignments will be documented as volunteer service without compensation on Standard Form 50 (SF 50), Notification of Personnel Action. Copies of the SF-50 are not to be forwarded to the OPM, nor are data on student volunteers to be transmitted to OPM's Central Personnel Data File. Each SF-50 must include the following statement:

> "Under 5 U.S.C. 3111, a student volunteer is not a Federal employee for any purpose other than injury compensation and laws related to the Tort Claims Act. Service is not creditable for leave accrual or any other employee benefits."

b. When the period of volunteer service has ended, an SF-50 must be prepared to show termination. The SF-50 should include under item 30, Remarks:

(1) a statement of the total service in hours or days;

(2) a brief description of the duties performed;

(3) a statement declaring that termination is based on expiration of assignment or at the student volunteer's request;

(4) the disclaimer cited in paragraph 2 of this section.

c. An Official Personnel File (OPF) will be established for each student volunteer. The following documents should be filed on the right (permanent) side of the OPF:

(1) the original written agreement between the student (and/or the educational institution) and the Agency;

(2) a copy of the student volunteer's SF 171 or SF-173 appointing the student volunteer;

(3) a copy of the student volunteer's assignment and, if applicable, the supervisor's statement of performance;

(4) a description of the student volunteer's termination SF-50.

d. When the student's volunteer service is terminated, the OPF should be sent to the National Personnel Records Center.

# CHAPTER 12

# ADMINISTRATIVELY DETERMINED PERSONNEL

## 12A. Purpose

This Chapter sets forth policies, procedures, and responsibilities relating to the employment of Administratively Determined (AD) personnel at levels AD-15 and below under Section 625(b) of the Foreign Assistance Act of 1961, as amended.

## 12B. Definition

An AD appointment is an appointment action under which personnel may be appointed, compensated, and removed by the Administrator without regard to the provisions of any other law.

## 12C. Policy

* 1. AID makes appointments to AD schedule positions only when it is not feasible to make appointments to General Schedule positions through the competitive service or excepted service Schedules A, B, or C.

2. The appointment is effective on the date the appointee enters on duty and is available to perform a federal function.

## 12D. Procedures and Responsibilities *

### 1. Bureau or Office

a. The head of the Bureau or Office, or his/her designee, in which the proposed position is located, forwards, through the Director, Office of Human Resources Development and Management (FA/HRDM), to the Administrator, or his designee, the request for appointment of an applicant to an Administratively Determined Schedule position.

b. Each request for appointment is accompanied by a description of the proposed position on Optional Form 8, Position Description, and a completed SF 171, Personal Qualifications Statement, of the proposed candidate and a statement justifying the need for the AD appointment.

### 2. Office of Human Resources Development and Management

The Director, FA/HRDM, evaluates the request, secures appropriate clearances, and recommends grade and rate of pay to the Administrator, or his designee, who makes the final decision on grade, rate of pay, and appointment.

12E. Position, Grade and Rate of Pay

1. AD position grades are normally determined by the duties and responsibilities assigned, using standards applicable to General Schedule positions or equivalent standards.

2. FA/HRDM fixes the initial rate of pay at the first step of the AD grade of the position, unless the qualifications and/or the candidate's salary history warrant a higher step.

3. AD personnel are eligible to receive within grade salary increases and quality increases as discussed in Handbook 26, Chapter 3, and Handbook 29, Chapter 5, respectively.

12F. Position Management

1. An AD position may be committed only with prior approval of the Deputy Administrator.

2. An AD position is assigned only to the incumbent. When vacated, the Agency examines its needs to retain the AD position.

12G. Performance Evaluation

The performance of an AD employee is evaluated in the same manner as for Civil Service Personnel as discussed in Chapter 15 of this Handbook.

12H. Separation of an Administratively Determined (AD) Employee

1. A person appointed to an Administratively Determined (AD) position serves at the discretion of the Administrator and may be terminated any time his/her services, for any reason, are no longer needed. As a matter of procedure, the AD employee is given 30 calendar days/notice prior to termination of his/her appointment. The notice period may be shortened, but in no case will the employee receive fewer than 10 calendar days notice. The employee who has statutory reinstatement rights is given 45 calendar days notice and informed of such rights.

2. Procedures

a. An AD appointment shall be terminated when it is determined that the services of the AD employee are no longer required. The Director, FA/HRDM, after consultation with the Administrator, shall set the termination date.

12H2

b. FA/HRDM prepares the letter notifying the employee that the AD appointment will be terminated. The letter contains the following information:

(1) The date the AD appointment will be terminated;

(2) Information concerning entitlement to severance pay; and

(3) Information concerning reinstatement rights, if any.

12I. Reinstatement Rights

1. Statutory Right

Upon separation from an AD appointment for any reason other than misconduct or delinquency, the employee may be entitled to reinstatement to the position occupied at the time of appointment, or to a position of comparable grade and salary provided the former position was:

a. In the competitive service under a career or career-conditional appointment;

b. In the excepted service under an appointment without a specific time limitation;

c. Under an appointment or assignment made in accordance with authority in the Foreign Service Act of 1980, as amended.

2. Employee's Application for Reinstatement

a. Unless arrangement has been made for reinstatement without a break in service, an employee who wishes to exercise reinstatement rights must apply directly to his/her parent agency (or to FA/HRDM/SCD when AID is the reemploying office), in writing, no later than 30 calendar days after his/her AD appointment, whichever is later.

Parent agencies reinstate eligible applicants as soon as possible after receipt of the application. In any event such applicants are restored (1) within 30 calendar days after receipt of the application, or (2) upon termination of the AD appointment, whichever is later.

3. Action when Employee is Determined Ineligible for Reinstatement

When AID/W is the reemploying office, FA/HRDM/SCD notifies the employee promptly on receipt of the application if the employee is considered ineligible for reappointment. The notice is in writing and includes a statement of the basis for such determination and of the employee's right to appeal as discussed in Handbook 30, Chapter 7.

12J. Related References

Information on the below listed subjects as they relate to AD appointment and employment, may be found in the following references:

1. Employment Security Program - Handbook 6.

2. AD Executive Personnel, AID/W - Handbook 25, Chapter 13

3. Severance Pay - Handbook 26, Chapter 10.

# CHAPTER 13

# EXECUTIVE PERSONNEL AID/WASHINGTON

## 13A. Purpose

The purpose of this Chapter is to prescribe the basic regulations pertaining to the employment, assignment, and separation of Executive Personnel in AID/Washington. It also describes some of the special provisions which affect the status of AID executives.

## 13B. Coverage

* As used in this Chapter, the phrase "Executive Personnel" means persons who are appointed to AID/W executive positions under the Foreign Assistant Act (FAA) of 1961, as amended and the Civil Service Reform Act (CSRA) of 1978. These executives are identified as either statutory officers who are appointed by and with the advice and consent of the Senate, or as Senior Executive (SES) or Administratively Determined Schedule (AD), Senior Level (SL) pay band. The three categories of executives and their respective appointing authorities under the FAA are:

| | |
|---|---|
| Statutory Officers | Section 624(a) |
| Senior Executive Service | CSRA |
| AD Senior Level | Section 625(b) |

NOTE: A Foreign Service Officer of the Department of State may be appointed or detailed to AID to fill any of the positions listed above. He shall not, by virtue of such an assignment, lose his status as a Foreign Service Officer of the Department of State.

## 13C. General Policy

1. Only persons of acknowledged executive skills are appointed to the positions. The assessment of a candidate's qualifications and the selection is made prior to the clearance process.

2. The appointment is effective on the date the appointee enters on duty and is available to perform a federal function. *

## 13D. Recruitment

Candidates for the Executive Personnel category may be recruited from within or outside the Federal Government.

1. Statutory officers, also known as Presidential appointees, are exempt from the competitive requirements of the Office of Personnel Management (OPM).

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* 2. SES members are subject to the OPM qualification requirements. They are selected on the criteria developed between the FA/HRDM and OPM in accordance with the procedures established in Chapter 305 of the Federal Personnel Manual (FPM).

3. Although the selection of candidates for AD positions is not under OPM jurisdiction, the Agency utilizes comparable criteria, at the discretion of the Deputy Administrator (DA), in its selection of AD executives.

In all cases of appointments, heads of Offices and Bureaus request the Deputy Administrator's concurrence in an Action Memorandum to be sent through AA/FA.

13E. Initial Appointment

1. Statutory Officers

Twelve Presidential executives may be appointed in AID under Section 624(a) of the FAA. Their appointment is made by and with the advice and consent of the Senate. The President nominates the Administrator and his appointment is confirmed by the Senate. The Administrator nominates the other eleven officers and they are appointed by and with the advice and consent of the Senate.

NOTE: Four of these officers must be Assistant Administrators of Geographic Bureaus.

2. Senior Executive Service (SES)

These executives are appointed by the Administrator under the CSRA in conformance with the established rules and regulations applicable to other Civil Service employees. Executive positions may be established only after OPM approval of both the position and the proposed incumbent.

3. AD Senior Level (SL)

These executives are appointed by the Administrator under Section 625(b) of the FAA and are exempt from the competitive requirements of the Civil Service. Congress has fixed the maximum number of AD Senior Level in AID at 51. Prior to appointment, candidates must read and sign the "Conditions of Appointment for AD Executive Personnel" (see Attachment 13A). *

13F. Employment Status

1. Statutory Officers

a. Tenure

Since the appointees are employed at the discretion of the Administrator and appointed by and with the advice and consent of the Senate, their appointment may be terminated with minimal notice if their services are not required. The appointees do not have statutory reemployment rights to their former agency. For the purpose of this paragraph, "agency" also means the Foreign Service or Civil Service of AID.

b. Eligibility for Federal Benefits

As employees of the Federal Government, executives may participate in most of the benefit programs available to other Federal employees; e.g., life and medical insurance and Civil Service or Foreign Service Retirement. (See Handbook 29, Employee Relations and Benefits.)

* 2. Senior Executive Service

a. Tenure

Executives appointed to SES positions are subject to the same rules and regulations as other Civil Service employees of AID; that is, they are appointed to the competitive service under a career limited or noncareer executive appointment. *

b. Eligibility for Federal Benefits

These executives are eligible to participate in all the benefit programs applicable to Civil Service employees. (See Handbook 29, Employee Relations and Benefits.)

3. AD Senior Level

a. Tenure

Executives appointed to AD Senior Level positions are not in the competitive service, and as such may be appointed, compensated, or removed without prior approval from OPM. They serve at the discretion of the Administrator and may be terminated with minimal notice if their services are not required. They may be eligible for reemployment rights to their former agency, as discussed in Chapter 12 of this Handbook.

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b. Eligibility for Federal Benefits

These executives are eligible to participate in all the benefit programs applicable to Civil Service employees. (See Handbook 29, Employee Relations and Benefits.)

13G. Areas of Responsibility

1. The Administrator

The Administrator approves or disapproves all appointments, reassignments, compensation, class, and separation of executive personnel.

2. The Deputy Administrator

a. Consults with Assistant Administrators of Bureaus and Offices on executive staffing requirements.

b. Examines nominations and evaluates candidates' suitability for vacancy, pending required clearances; recommends candidates to the Administrator.

c. Provides written notification to Assistant Administrator of Directorate, AA/FA, and Director, FA/HRDM, of approval subject to required clearances, or disapproval of appointment.

3. The Assistant Administrators of Bureaus or Offices

Consults with DA and AA/FA and the Assistant Administrators of the Bureaus and Offices, or their designated representatives, on executive level manpower requirements and discusses prospective candidates.

4. The Director, Office of Human Resources Development and Management (FA/HRDM)

Consults with DA and AA/FA and the Assistant Administrators of the Bureaus and Offices, or their designated representatives, on executive level manpower requirements and discusses prospective candidates.

* 5. Executive Management Division, FA/HRDM/EM

a. Maintains continuing contact with the White House liaison for AD, Schedule C and noncareer SES appointments and AID/W Bureaus and Offices to determine current and future executive level manpower requirements. *

b. Determines appropriate source of supply to fill executive level vacancies; i.e., promotion or reassignment; transfers from other U.S. agencies; details from State; or hiring from outside U.S. Government.

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c. Maintains executive inventory of qualified senior personnel candidates with special capabilities. Recommends suitable candidates for executive vacancies based upon internal and outside talent search operations.

* d. Refers candidates, to the Performance Management and Employee Services Division, for counseling regarding eligibility for certain benefits.

e. Consults with currently assigned executive level personnel to determine officers' preferences for future assignments.

f. Coordinates with Bureau, Offices, and OPM, to assure proper order of events concerning appointment and on service actions.

g. Maintains up-to-date listing of all executive level positions.

h. Initiates administrative processing of executives; i.e., security clearance, orientation, preparation of personnel action, and clearance by the Bureau/Office concerned, and the OPM when applicable.

i. Counsels newly assigned employees regarding the excepted service (statutory or AD Senior Level) and other pertinent matters relating to their assignment.

j. Assures that employees, primarily senior level GS employees, have been considered for current and projected needs for senior level GS positions in AID/W in conformance with merit promotion principles.

k. Prepares Action Memorandum to the Deputy Administrator through AA/FA from the Director, FA/HRDM, on all appointments or separations regarding Senior Management Group members.

l. Advises FA/HRDM/SCD of any changes in position status of all AD and GS positions as these changes occur.

13H. Compensation

1. Statutory Officers

Statutory Officers are paid by the Executive Pay Schedule, beginning with Level II to Level V of the schedule. These include the Administrator, the Deputy Administrator, Assistant Administrators, the General Counsel, and the Inspector General. The position class determines the salary class. *

| | |
|---|---|
| AID Administrator | Level II |
| AID Deputy Administrator | Level III |

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|---|---|
| AID Assistant Administrators | Level IV |
| Inspector General | Level V |

*

2. SES

The SES is a gradeless system with six rates of pay, ES-1 through ES-6.

3. AD Senior Level

Executives in AD positions are paid at any rate approved by DA under the Administratively Determined Schedule and comparable to GS positions.

13I. Leave (Annual, Sick, and Leave of Absence)

1. General

a. Statutory Officers

Statutory officers are exempt from the leave laws by 5 U.S.C. 6301 and FPM Chapter 630, Subchapter 2, and as such do not earn or accrue leave under the normal formula. However, they are granted leave of absence with pay. "Leave of absence" is a phrase used for an informal leave system not covered by 5 U.S.C., comparable to the annual and sick leave benefits of other Federal employees.

b. SES and AD Senior Level

Executives in this category are covered by 5 U.S.C., 6301 and earn and accrue leave the same as other Civil Service employees.

2. Approving Authorities

a. Statutory Officers

Statutory officers may take leave at their discretion; however, their superior officer should be informed of any absences.

b. SES and AD Senior Level *

Executives in this category are subject to the same regulations applicable to other Civil Service employees.

13J. Performance Rating

1. Statutory Officers

Statutory Officers are not given an official rating.

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* 2. SES and AD Senior Level

These executives are rated in accordance with established rating procedures applicable to AID Civil Service employees.

13K. Within-Grade Increases

Only SES and AD Senior Level are eligible for within-grade salary increases.

13L. SES and AD Senior Level Promotions *

Promotions are affected whenever an executive is appointed to a higher grade position. Such actions must be conducted in accordance with the procedures for initial appointment.

Attachment 13A

Conditions of Appointment for Administratively Determined Executive Personnel Appointed Under Section 625(b) of the Foreign Assistance Act of 1961, as amended

Section 625(b) of the Foreign Assistance Act of 1961, as amended, authorizes the Administrator of the Agency for International Development to employ a specified number of persons in excepted positions in Washington and provides further that such persons may be appointed, compensated, or removed without regard to the provisions of any other law. Accordingly, the appointment and tenure of individuals employed pursuant to Section 625(b) are not governed by the Civil Service Laws, Veterans Preference Act, or any other statute, or implementing regulation based upon such statutes, with respect to appointment, compensation, or removal.

This means that persons appointed under the above authority are outside the Competitive Service, serve at the pleasure of the Administrator, and may be removed at any time.

> I have read and understand the above statement concerning the conditions under which I am being appointed, and I hereby voluntarily accept such appointment. Furthermore, I understand that this appointment is outside the Competitive Civil Service and that while in this position I serve at the pleasure of the Administrator.

_____ _____

Date Signature

# CHAPTER 14

# EXPERTS AND CONSULTANTS

## 14A. Purpose

This chapter provides the policies and regulations which govern the appointment of experts and consultants by the Agency.

## 14B. Authorities and References

1. 5 U.S.C. 3109
2. Section 626(a) of the Foreign Assistance Act of 1961 (FAA), as amended
3. Section 824 of the Foreign Service Act of 1980 (FSA), as amended
4. FPM Chapter 304, Employment of Individual Experts and Consultants
5. OMB Circular A-120, Guidelines for the Use of Consulting Services

## 14C. Policies

1. Experts and consultants are appointed to provide specialized advice and services involving Agency problems, policies or operating functions when such advice and services are not readily available in AID or from other Federal agencies, or when an outside point of view is needed.

2. Experts and consultants are employed on an intermittent or temporary basis. They are not employed to fill what are essentially continuing positions. For this reason, they normally are not appointed for more than 130 days during a service year. New and renewed appointments may contain a limitation of less than 130 days.

3. A retired AID employee may not be employed or begin work as an expert or consultant for the 60-day period following retirement. Any exception to this requirement must be approved by the Director, Office of Personnel Management (M/PM/OD), or designee. AID retirees may not be employed as experts or consultants if a substantial portion of the proposed duties are to evaluate, advise on or carry out functions on which they worked prior to retirement or separation.

## 14D. Definitions

1. Consultant. A person serving as an advisor to an officer or instrumentality of the Government, as distinguished from an officer or employee carrying out an agency's duties and responsibilities. Ordinarily, consultants are expert in the field in which they advise, but need not be specialists.

2. Consultant Position. A position which requires the performance of purely advisory or consultant services but does not include performance of operating functions.

3. Expert. A person with excellent qualifications and a high degree of attainment in a professional, scientific, technical or other field. The expert's knowledge and mastery of the principles, practices, problems, methods and techniques of the field of activity, or a specialized area in the field, are clearly superior to those usually possessed by competent persons in that activity. An expert may be assigned operating or supervisory responsibilities.

4. Expert Position. A temporary or intermittent position with duties that cannot be performed satisfactorily by someone not an expert in the particular field of activity.

5. Special Government Employee. An expert or consultant employed to serve, with or without compensation, for not more than 130 days during any period of 365 consecutive days, under any type of appointment of whatever duration in one or more Federal agencies.

6. Intermittent Employment. Occasional or irregular employment on programs, projects, problems, or other phases thereof, requiring intermittent service. When an intermittent expert or consultant works more than one-half of full-time employment, i.e., more than 130 days in a service year, employment automatically ceases to be intermittent and becomes temporary. The expert or consultant may not continue in the same position beyond the service year in which the limit was exceeded.

7. Day Worked. Any complete or partial day of service for which an employee is paid.

8. Temporary Employment. Employment for one year or less on programs, projects, problems, or phases thereof, requiring temporary service.

9. Service Year. A 12-month period beginning with the date of initial appointment to a specific expert or consultant position.

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10. Administrative Workweek. A period of seven consecutive calendar days, beginning Sunday and ending Saturday.

11. Regularly Scheduled Administrative Workweek or Tour of Duty. The prescribed days and hours within an administrative workweek during which such employees are required to be on duty regularly.

14E. Responsibilities

1. Office of Personnel Management (M/PM)

a. Establishes policies and guidelines governing the appointment and use of experts and consultants in the Missions and in AID/W.

b. Approves or disapproves all requests for the employment or extension of experts and consultants.

c. Recruits qualified candidates, as required, referring names to the requesting Office or Mission for approval.

d. Processes and appoints selected candidates.

e. Controls renewals of consultants' and experts' appointments authorized by section 626(a) of the FAA.

f. Maintains effective controls over use of experts and consultants during their employment. In this regard, conducts frequent reviews, generally quarterly, for those who have worked 10 days or more during the quarter, to assure the following:

- Duties of record are those being performed;
- Duties performed are those of an expert or consultant;
- Time limits are being observed; and
- Documentation is current.

2. Assistant Administrators and Heads of Offices (or their Deputies)

Certify to the accuracy of conditions of employment contained in form AID 4-483, Request for Employment of Consultant or Expert.

3. Overseas Consultants

a. Missions

(1) Determine the need for, and request the services of, experts and consultants through the appropriate AID/W Bureau/Office;

(2) Obtain cooperating country clearances, as necessary;

(3) Ensure that travel per diem rates do not exceed the amount required to meet the necessary authorized subsistence expenses;

(4) Utilize the selected person only for those duties described on the approved job statement on form AID 4-483 (Att. 14A);

(5) Maintain and forward Time and Attendance Reports to M/FM/ESD in accordance with HB 27, Ch. 8, Timekeeping and the AID Timekeeper's Manual;

(6) When an expert or consultant departs post, advise M/PM/FSP, of the number of days and the dates the employee worked.

b. Geographic Bureaus

(1) Upon Mission request, seek M/PM/FSP approval to employ and assign an expert or consultant overseas and provide M/PM/FSP with completed and certified form AID 4-483;

(2) Ensure that workdays requested are within ceiling authorized by M/FM/BUD. Processes requests in excess of authorized ceiling as outlined in 14F3; and

(3) Request approval to extend an appointment to a Mission 30 days in advance of the proposed effective date, or to coordinate terminations, and provide all information necessary to process such actions.

4. AID/Washington Consultants (AID/W Offices and Bureaus)

a. Determine the need for establishing or continuing an expert or consultant position in AID/W.

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b. Assure that consultant workdays are available or request additional workdays as outlined in 14F3.

c. Select the best available candidate, subject to required clearances.

d. Request M/PM approval to employ or extend an expert or consultant at least 30 days prior to proposed action and in this regard:

(1) Provide M/PM with completed form AID 4-483 and other information required to process action;

(2) Obtain signature of Assistant Administrator or Office Head on the form AID 4-483;

e. Utilize the selected person only for those duties described on the approved form AID 4-483;

f. Control the number of days the appointee works in any one service year.

5. Office of Financial Management (M/FM)

M/FM/BUD is responsible for issuing approved annual expert/consultant ceilings based on requests submitted by Bureaus and Offices and advising M/PM of the approved levels (see HB 32, Ch. 3, Work Force Allocation and Employment Controls).

6. Office of the General Counsel (GC)

AID's Counselor on Ethical Conduct and Conflicts of Interest reviews statements of employment and financial interests submitted by experts and consultants for conformity to applicable laws and regulations (see HB 24, Ch. 2, Employee Responsibilities, Conduct and Political Activity).

7. Inspector General, Office of Security (IG/SEC)

Completes security investigations as prescribed in HB 6, Ch. 1, AID Personnel Clearances.

## 14F. Procedures

1. AID Bureaus/Offices are allocated expert/consultant ceilings for each fiscal year (FY) by M/FM/BUD (see HB 32, Ch. 3).

2. Initial requests for expert or consultant services are forwarded to the Bureau/Office Administrative/Executive Management Staff (EMS) office using form AID 4-483.

3. If the requested workdays are within the authorized FY ceiling, the signed 4-483 is forwarded to M/PM/CSP or M/PM/FSP, as appropriate, for approval and processing in accordance with established procedures.

4. If the requested workdays exceed the authorized FY ceiling, a request for additional ceiling is forwarded by memorandum to M/FM/BUD. The memorandum must include the number of workdays requested and the proposed dates of employment.

M/FM/BUD reviews and approves requests subject to Agencywide ceiling availability. Approved requests involving periods of service which overlap FYs will be taken into account by M/FM/BUD in their annual ceiling approval process.

The Bureau/Office completes and submits form AID 4-483 to M/PM/CSP or M/PM/FSP, as appropriate, for the workdays authorized by M/FM/BUD.

## 14G. Time Limitations on Appointments

1. Appointments may be made on an intermittent or temporary basis. Reappointments require prior approval by M/PM/CSP or M/PM/FSP, as appropriate.

2. When employed on an intermittent basis, experts and consultants:

a. May be reappointed in consecutive years when they work 130 days or less each service year, subject to the provisions of this section;

b. Are considered "Special Government Employees" and are exempt from certain conflict of interest laws when they work 130 days or less during the service year (see HB 24, Ch. 2).

3. All appointments contain a limitation on the number of days that may be worked based on the workdays allocated to the Bureau/Office. The number of days authorized during a service year will be indicated in the Remarks section of the personnel action effecting the appointment.

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4. Temporary appointments (service of more than 130 days in a service year) may be renewed only as follows:

a. Appointments authorized under 5 U.S.C. may be renewed provided the individual is assigned to a different position having duties and responsibilities that are recognizably different from those of the previous assignment and that cannot be considered an outgrowth or extension of that assignment.

b. Twenty-five appointments authorized under the FAA may be renewed annually: ten may have general qualifications, ten may be retired military personnel with specialized research and development experience, and five may be retired personnel with specialized experience of a broad politico-military nature.

c. An expert or consultant who served on a temporary basis may be reappointed to the same position only on an intermittent basis.

5. Experts or consultants may be terminated, without notice, at any time their services are no longer required. Employing offices are responsible for promptly requesting termination of such appointments.

14H. Conditions of Employment

1. Medical Clearance

An expert or consultant proposed for overseas duty may be required to furnish medical proof of physical fitness prior to departure. The individual is liable for expenses involved in obtaining documentation.

2. Hours of Duty

The hours of duty may be adjusted to conform to the schedule prescribed for the duty post. Mission Directors and Heads of AID/W Bureaus/Offices, or designees, may authorize experts and consultants to work on days other than regularly scheduled workdays if the related SF 50 provides for such officials to approve work on nonscheduled workdays.

3. Conflicts of Interests and Political Activity

a. Experts and consultants who have a regularly scheduled tour of duty are subject to the political activity restrictions specified in HB 24, Ch. 2.

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b. Experts and consultants employed on an intermittent basis are subject to the political activity restrictions specified in HB 24, Ch. 2 while in an active duty status and for the entire 24 hours of any day of actual employment.

c. Applicants for expert or consultant positions are subject to the conflict of interest regulations provided in HB 24, Ch. 2 and must file a Confidential Statement of Financial Interest, if applicable.

4. Performance of Work Away from AID Facilities

Experts and consultants work in the same area or office space provided regular employees except when the assignment requires constant travel or movement to different locations and under other extraordinary circumstances. The official who signs the AID 4-483 covering the appointment action must approve the written request to perform work away from AID facilities. When authorized to perform work elsewhere, consultants or experts must report time and attendance to their employing office, which will certify the claim and sign and submit the timecard to M/FM/ESD.

14I. Compensation

1. Rate of Pay

Experts or consultants are paid at rates not to exceed the maximum rate for GS-15. Daily rates at less than the maximum are set at a daily rate comparable to steps 1 through 10 of GS-13 through 15. Payment is made for days worked and for official travel during scheduled workdays. For partial days worked, pay is prorated for the actual hours worked, unless it is determined that the individual's normal business or activity was substantially precluded by the performance of AID work. Salary is based on the level and difficulty of the work, the individual's qualifications and the availability of such services in the labor market. The following factors may be considered in determining the rate of pay:

a. Uniquely high qualifications of a candidate which are a rare combination of education and experience pertinent to the assigned duties and responsibilities;

b. Existing pay the candidate would forfeit by accepting Federal employment;

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c. The services of a particular candidate are needed because the candidate's special experience, knowledge or skills are essential to the accomplishment of a highly important Agency program objective;

d. A current bonafide offer of employment from another agency or company at a higher rate than the candidate's existing salary; and

e. Salary over a significant period of time that the candidate has commanded for full-time or consultant employment.

2. Pay Limitations and Dual Compensation

a. The total daily compensation (annuity plus pay) of a Civil Service annuitant employed as an expert or consultant may not exceed the daily rate of pay authorized by AID to be paid to that expert or consultant. FOR EXAMPLE, if an individual's annuity under the CSRS is $100 a day and the salary for expert or consultant services is $180 a day, the individual would be entitled to receive $80 a day.

b. The total compensation (annuity plus pay) of a Foreign Service annuitant employed as an expert or consultant may not exceed during any calendar year the basic salary the individual was entitled to receive on the date of retirement. FOR EXAMPLE, if an individual's salary at retirement under the FSRDS was $36,000 per year with an annuity of $18,000 per year, the individual would be entitled to earn up to $18,000 in a calendar year. Thus, if $180 were received a day as an expert or consultant, the individual could be paid for work up to about 100 days, if authorized. Additional days worked would result in a reduced annuity.

c. Retired members of the uniformed service draw full compensation from AID. Upon receipt of the SF 50 effecting appointment to AID, the finance center of the service concerned will determine the deductions, if any, to be made from the Officer's retired pay. Deductions will vary depending upon such things as the length and type (intermittent or full-time) of appointment and whether the officer was retired for disability.

3. Overtime Pay

Experts and consultants are not entitled to overtime pay.

4. Post Differential and Danger Pay

a. Experts and consultants on detail to an overseas mission may be paid post differential and danger pay in accordance with HB 26, Ch. 13, Overseas Allowances and Differentials.

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b. Section 552 of the Standardized Regulations, Ceiling on Payments, is applicable in determining the maximum amount of differential which may be paid to experts and consultants. Experts and consultants assigned or detailed overseas must have a regularly scheduled 40-hour workweek to be eligible for post differential. For employees authorized to work beyond the regularly scheduled 40-hour workweek, only the first 40 hours paid are considered in calculating post differential.

5. Holiday Pay

When authorized on the SF 50 effecting the appointment, experts and consultants who work a full-time prescheduled 5-day or longer administrative workweek may be paid for nonworked holidays. Experts and consultants employed on an intermittent basis are not eligible for holiday pay.

6. Waiver of Compensation

Experts or consultants who do not wish to accept compensation must sign a Waiver of Compensation. Normally this is done prior to performing any work (see Att. 14B) to protect the Government from future claims for services rendered. However, such a waiver may be executed and effected at any time by an employee. The waiver is retained as a permanent record in the employee's personnel folder and a copy is provided M/FM/ESD.

7. Compensation for Occupational Illness or Injury

Experts and consultants who incur an illness or injury in the course of official duties or official travel may be eligible for Federal Employee's Compensation Benefits (see HB 29, Ch. 1, Fringe Benefits).

14J. Employee Benefits

1. Leave

Only experts and consultants with a regularly established tour of duty earn sick and annual leave. The appointment action must specify the tour of duty.

2. Life Insurance and Health Benefits

Experts and consultants are not eligible for Federal group life insurance or health benefits coverage unless employed full-time with a regular tour of duty following, without a break in service of more than three calendar days, service under which they were covered.

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3. Civil Service Retirement or Social Security Coverage

a. Experts and consultants are covered by Social Security when they are presently drawing Civil Service annuity, have a break in Federal service of more than three calendar days, or are Foreign Service annuitants.

b. Former Federal employees are covered under the CSRS only when they have a break in service of three calendar days or less and were previously covered by the CSRS.

14K. Travel and Transportation

1. In addition to the basic daily rate of pay, an expert or consultant may be paid travel expenses and per diem in lieu of subsistence. Such payments are authorized for each day the expert or consultant is required to be away from the commuting area of his or her home or regular place of business. Payment is made in accordance with the Standardized Government Travel Regulations unless a lower rate is prescribed in the travel order.

2. Per diem allowances may be authorized only as justified by the circumstances affecting travel. Rates are not fixed in excess of those required to meet authorized subsistence expenses. When an expert or consultant is to be employed for a continuous period of more than 60 days, the employing office notifies M/FM of any reduction in per diem, to be effective no later than the 61st day of employment. Experts and consultants are notified of the 60-day requirement, preferably in writing, prior to employment. Travel authorizations must be amended whenever a reduction in per diem is warranted. The amendment indicates a current or prospective date (not a retroactive date) for payment of reduced per diem (23 CG 713).

3. Per diem in lieu of subsistence may not be paid to any expert or consultant whose residence or regular place of business is located in the same commuting area as the post of duty.

4. If a consultant or an expert, upon or after appointment, changes his or her residence to the post of duty, per diem in lieu of subsistence must terminate as of the date of the change in residence.

# REQUEST FOR EMPLOYMENT OF CONSULTANT OR EXPERT

INSTRUCTIONS: *(See Handbook 25, Chapter 14)*
FOR DEPARTMENTAL SERVICE - Submit original and one (1) copy to PM/PO/W.
FOR OVERSEAS SERVICE - Submit original and one (1) copy to PM/PO/OS.

## PRIVACY ACT STATEMENT

The following statement is required by the Privacy Act of 1974 (Public Law 93-579). This form is used to justify the employment of Consultants or Experts and to record qualifications and employment data. Section 626(a) of the Foreign Assistance Act of 1961, as amended, constitutes authority for collecting this information.

Disclosure of the information provided, will not be made outside the Agency without the written consent of the employee concerned except (a) pursuant to any applicable routine uses listed under AID's Civil Service Employing Office Personnel Records System (AID-2) in AID's Notice of Systems of Records for implementing the Privacy Act as published in the Federal Register, or (b) when disclosure without the employee's consent is authorized by the Privacy Act and provided for in AID Regulation 15. (A copy of the Regulation and Notice of Systems of Records is available from AID Distribution on request.)

## PART I - TO BE COMPLETED BY ORIGINATING OFFICE

| | | |
|---|---|---|
| NAME OF CANDIDATE *(Last, First, Middle)* MR., MRS., MISS, MS. | HOME ADDRESS | LEGAL ADDRESS |
| REQUESTING ORGANIZATION | ASSIGNMENT LOCATION *(Div., Br., Unit)* | DUTY STATION |
| TYPE OF APPOINTMENT<br>☐ New ☐ Renewal<br>☐ Extension Within Service Year | TYPE OF TOUR<br>☐ Regular ☐ Intermittent | TYPE OF DUTIES<br>☐ Advisory (Consultant)<br>☐ Specialized Skill or Service (Expert) |
| NUMBER OF DAYS WORKED PAST SERVICE YEAR | ESTIMATED COST OF TRAVEL TO AND FROM ASSIGNMENT LOCATION | ESTIMATED PER DIEM AT ASSIGNMENT LOCATION |
| ESTIMATED NUMBER OF DAYS TO BE WORKED | | |

**JUSTIFICATION:**

a. NEED AND UTILIZATION - State concisely the specific need for procuring the consulting service, including the objectives and the anticipated benefits for the Agency. Evaluate the cost of the services in terms of anticipated utilization of the work product.

b. REVIEW OF PRIOR WORK - Briefly describe efforts made to ensure that the proposed consulting service does not duplicate work conducted previously. Where appropriate, describe the results of an AID data bank search (located in the Office of Development Information and Utilization, Bureau for Development Support, DS/DIU).

c. In-House Capability - State why the work cannot be performed effectively and more appropriately by regular employees of the Agency.

d. DUTIES - Describe advisory or expert work to be performed and expertise needed.

*(Continue on reverse if necessary)*



*(Continued on reverse)*

# CHAPTER 15

## PERFORMANCE MANAGEMENT SYSTEMS

"Performance Management Systems - A Guidebook" applies to:

- o Senior Executive Service employees;
- o Supervisory and management officials, GM-14 through GM-15;
- o GS, wage grade and prevailing rate employees, GS-1 through 12, and employees in non-supervisory or non-managerial positions, GS-13 through 15.

Administratively Determined (AD) and Schedule C employees are included under the PMRS and PMS, as appropriate. However, pay and performance bonus decision for AD employees are made by the Deputy Administrator. Presidential appointees (EX), Foreign Service employees and temporary employees appointed for 120 days or less, are excluded from the Performance Management Systems.

Employees and supervisors should use the guidebook to plan, review and appraise employees' job performance.

Supervisors should not use the PMS to deal with problems related to conduct, health or alcohol or drug abuse except as they directly affect job performance.

# Performance Management Systems

## A Guidebook

PMRS: Performance Management and Recognition System

PMS: Performance Management System

SESPMS: Senior Executive Service Performance Management System

Agency for International Development
Washington, D.C. 20523
July 1987

# PERFORMANCE MANAGEMENT SYSTEMS

A Guidebook

PMRS: Performance Management and Recognition System
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SESPMS: Senior Executive Service Performance Management System

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# INTRODUCTION

The Performance Management Systems of the Agency for International Development provides guidance to plan, review and appraise employee job performance. It also provides a way to communicate organizational objectives to employees and to integrate program and administrative initiatives into the performance objectives of individual employees. The Systems and the employees they cover are:

Performance Management and Recognition System (PMRS). Supervisory and management officials, GM-13 through GM-15 (formerly Merit Pay employees);

Performance Management System (PMS). GS and prevailing rate employees, GS-1 through 12, and employees in non-supervisory/non-managerial positions, GS-13 through 15;

Senior Executive Service Performance Management System (SESPMS). Senior Executive Service (SES) employees.

Administratively Determined (AD) and Schedule C employees are included under the PMRS or PMS, as appropriate. However, pay and performance bonus decisions for AD employees are made by the Deputy Administrator.

Presidential appointees (EX), and Foreign Service and temporary employees whose appointments are for 120 days or less, are excluded from the Performance Management Systems.

Supervisors should not use the Performance Management Systems to deal with problems related to conduct, health or alcohol or drug abuse except as they directly affect job performance. Supervisors should contact the Office of Personnel Management, Civil Service Personnel Division (M/PM/CSP) for guidance on a case-by-case basis.

## Authorities and References

| | |
|---|---|
| Performance Appraisal | 5 USC Chapter 43; 5 CFR 430(A)(B)(C)(D) |
| Performance Awards | 5 USC 4503, 5406; 5 CFR 430(E) and 540.109 |
| Superior Accomplishment Awards: | 5 USC, Chapter 45; 5 CFR 451(A) |
| Within-Grade Increases (WGI): | 5 USC 5335, 5304; 5 CFR 531(D) |
| Quality Step Increases (QSI): | 5 USC 5336; 5 CFR 531(E) |
| Reduction-In-Force (RIF): | 5 USC 3502; 5 CFR 351.504 |
| Employee Performance Records: | 5 USC 552a; 5 CFR 293.404, 293.405 |
| General Pay Increase: | 5 USC 5305, 5303; 5 CFR 540.106 |
| Merit Increase: | 5 USC 5404 |
| Competitive service; probationary period | 5 USC 3321 |
| Reduction in Grade, Removal | 5 CFR 432 |

# Part I. PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM (PMRS) and PERFORMANCE MANAGEMENT SYSTEM (PMS)

## Chapter 1. OVERVIEW

### Purpose

This part establishes the policies and procedures for AID's PMRS and PMS and provides guidance for planning, reviewing and appraising job performance of employees under the two systems. The systems are intended to improve individual and organizational effectiveness by relating pay levels and adjustments and awards to individual and organizational performance. Performance ratings, the result of identifying and communicating goals and objectives and evaluating individual and organizational performance, will be used by AID supervisors to manage their respective organizations and to direct PMRS and PMS employees.

Within-grade increases, Quality Step Increases, merit increases, performance awards and performance-related superior accomplishment awards will be granted, commensurate with employee performance levels and achievements to motivate employees to increase productivity and creativity, to support and enhance Agency and national goals, and to obtain maximum benefits for the U.S. Government.

### Applicability

This part applies to all AID employees except those in the Senior Executive Service and the Foreign Service.

Where guidance varies with the Agreement Between the Agency for International Development and the American Federation of Government Employees (AFGE), Local 1534, the agreement takes precedence for bargaining unit employees.

### Definitions

Acceptable Level of Competence. Fully successful performance of the duties and responsibilities of an employee's assigned position which warrants advancement of the employee's rate of basic pay to the next higher step of the GS grade of the position.

Appraisal. The act or process of reviewing and evaluating the job performance of an employee against described job performance standards.

Appraisal Period. The period of time established by an appraisal system for which an employee's job performance will be reviewed. The appraisal period is for one year, July 1-June 30 (effective: fiscal 1988 rating cycle).

Appraisal System. A system that provides for establishing job performance standards, identifying critical and noncritical elements, communicating standards and elements to employees, and establishing methods and procedures to appraise performance against established standards, as well as appropriate use of appraisal information to make personnel decisions.

Critical Element. A component of a position consisting of one or more duties and responsibilities that contribute toward accomplishing organizational goals and objectives and that is of such importance that unacceptable performance on the element would result in unacceptable performance in the position.

General Pay Increase (Comparability). That portion of the pay adjustment granted to PMRS employees based on job performance. PMS employees receive the pay adjustment automatically.

Incentive Award. See Superior Accomplishment Award.

Intangible Benefits. Benefits or savings to the U.S. Government that cannot be measured in dollar terms.

Merit Increase. An increase in basic pay for PMRS employees equivalent to one-ninth of the difference between the maximum rate of the grade or special rate range and the minimum rate of the grade or special rate range.

Noncritical Element. A component of a position consisting of one or more duties and responsibilities that contribute toward accomplishing organizational goals and objectives and that is of such significance that it should be included in a performance plan but is not significant enough to be designated a critical element.

Opportunity Period. The period of time granted to an employee to demonstrate acceptable performance after the employee's job performance is appraised as unacceptable.

Pay Adjustment Period. The period beginning on the first day of the first pay period applicable to and employee starting on or after the first day of the month in which a general pay adjustment takes effect and ending at the close of the day preceding the beginning of the following pay adjustment period.

Performance. An employee's accomplishment of assigned work as specified in the critical and noncritical elements of the employee's position.

Performance Appraisal Report (PAR). The A.I.D. form [410-11 (6-87)] used to document the performance plan, progress review(s), modifications, interim ratings and the rating of record.

Performance Award. A cash payment based on an employee's rating of record.

Performance Management Plan. The Agency's method to integrate job performance, pay and awards with basic management functions to improve individual and organizational effectiveness in accomplishing its mission and goals.

Performance Pay Decision. The determination of the total amount of the general pay increase, merit increase and performance award to be granted to a PMRS employee made by the officials responsible for making the performance appraisal decisions.

Performance Plan. That part of a PMRS or PMS employee's Performance Appraisal which contains written critical and noncritical elements and performance standards [A.I.D. form 410-11 (6-87)].

Performance Standard. A statement of the expectations or requirements established by the rating official for a critical and noncritical element at a particular rating level.

Performance Standards Review Board. The Board (appointed by the Administrator) that reviews job performance issues regarding PMRS employees.

Performance Pools. Organizational entities that review performance pay recommendations and report directly to the Administrator.

Pool Manager. The person in an A.I.D. Bureau/Office responsible for administering an effective performance management program and for managing the award budget for his/her Bureau/Office.

Progress Review. A review of the employee's progress in achieving performance standards. The review is not, in itself, a rating.

Rating or Summary Rating. The level of performance attained for each critical and noncritical element. Also the overall level of performance derived, at any time, from the rating of elements. The five rating levels are Outstanding, Exceeds Fully Successful, Marginally Successful and Unacceptable.

Rating Official. The person, normally the employee's immediate supervisor, who develops the performance plan, evaluates the employee's job performance and proposes the Performance Appraisal Report.

Rating of Record. The overall rating derived from the rating of elements and required at the time specified in the Performance Management Plan or at such other times as the Plan specifies for special circumstances. The five ratings of record are Outstanding, Exceeds Fully Successful, Fully Successful, Marginally Successful and Unacceptable.

Reviewing Official. The person in the position immediately above the rating official who reviews and approves the rating official's development of an employee's performance plan and evaluation of the employee's job performance.

Special Act or Service. A nonrecurring contribution or accomplishment in the public interest within or outside of job responsibilities, e.g., a scientific achievement or an act of heroism.

Superior Accomplishment Award (Incentive Award). A monetary or nonmonetary award for a contribution resulting in tangible or intangible benefits to the U.S. Government.

Supervisor. An AID employee authorized to hire, promote, direct, assign, reward, transfer, furlough, layoff, recall, suspend, discipline or remove employees; to recommend such action if the exercise of authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, and to adjust subordinates' grievances.

Tangible Benefits. Benefits or savings to the U.S. Government that can be measured in dollar terms.

Unacceptable Performance. Performance that fails to meet established performance standards of one of more critical elements. Unacceptable performance should not be confused with an Unacceptable rating.

## Policies

1. Performance plans will be developed, appraisals conducted and performance pay and incentive awards granted to AID employees without regard to race, sex, color, age, religion, national origin, handicapping conditions, marital status or political affiliation.

2. Each employee will be appraised individually on his/her overall work performance at least once a year. Each employee's rating of record will be based on the requirements of the position which will be identified in a written performance plan.

3. The minimum appraisal period shall be 90 days.

4. An employee must be appraised on each element unless he/she has had less than 90 days in which to demonstrate performance on an element.

5. When an employee cannot be rated because he/she has not been under an approved plan for 90 days or is in an opportunity period when ratings of record are required, the appraisal period shall be extended to meet the 90-day minimum appraisal period, at which time a rating of record shall be prepared. For pay purposes, extensions for PMRS employees may not exceed September 30.

6. A summary rating must be prepared when an employee changes from a position that he/she held for 90 days or more. All summary ratings issued during the appraisal period must be considered in determining the employee's rating of record at the end of the appraisal period.

7. When an employee is detailed or temporarily promoted within AID and the assignment is expected to last 90 days or longer, the rating official shall give the employee written critical elements and performance standards as soon as possible but no later than 30 calendar days after the assignment begins. Ratings on critical elements must be prepared and considered in determining the employee's next rating of record.

8. When an employee is detailed outside AID, a rating of record must be prepared if the employee served in AID for 90 days. The rating of record shall take into consideration appraisal information from the borrowing organization. If an employee has not served in the Agency for 90 days, but has served in the borrowing organization for 90 days, management must make a reasonable effort to prepare a rating based on a performance plan obtained from the borrowing organization. If a current rating cannot be prepared, the employee is designated unrateable.

9. Performance plans shall be reviewed and approved by a reviewing official. Plans shall be communicated to employees no later than 30 days after the beginning of the appraisal period, within the first 30 days of entrance on duty, reassignment after the beginning of an appraisal period, or beginning a detail for 90 or more days.

10. Employees and rating officials must jointly participate in developing performance plans.

11. Performance plans must be related to the employee's assigned work and must be within the control (e.g., skills, resources, and/or authority) of the employee to achieve.

12. Performance plans for PMRS employees (and to the extent practical, PMS employees) must include accomplishment of organizational objectives by incorporating goals, program plans, workplans or other means that account for program results.

13. Performance standards must be written at the Fully Successful level for all critical and noncritical elements.

14. One documented progress review (formal counseling session) must be conducted by rating officials with employees during the appraisal period to make certain that employees are aware of their job requirements, strengths and weaknesses in performing job requirements and how to improve job performance, and to document changes to the initial performance plan. If an employee's overall performance falls below the Fully Successful level, another progress review is required to follow up on actions to correct the performance deficiency. Other periodic reviews are encouraged and should be held as necessary.

15. Each performance element will be appraised by comparing performance standards against elements. No narrative is required for elements in which performance is rated Fully Successful.

16. When an employee's overall performance falls below the Fully Successful level, the employee shall be helped to improve his/her performance through formal training, on-the-job training, counseling or closer supervision.

17. When an employee's position under the General Schedule is converted to PMRS, or vice versa, with no change of duties and responsibilities, the employee's rating of record will be based on performance elements and standards established under the latter position.

18. An employee has the right to disagree with his/her rating and may seek satisfaction by discussing the appraisal, first with the rating official, then with the reviewing official. After receiving a copy of an approved appraisal, PMRS and PMS employees may receive reconsideration if the rating appears to be erroneous, inaccurate or falsely prejudicial. Employees in the bargaining unit may grieve in accordance with the AID/AFGE agreement.

19. There will be no predetermined distribution of ratings of record by levels of performance.

20. Performance Appraisal Report results will be used as a basis for determinations regarding promotions, within-grade increases, performance pay decisions, incentive awards, training, reassignments, reductions-in-grade, retentions, removals and counseling needs for employees who achieve less than fully successful performance.

21. Summary ratings will not be discussed with rated employees until after the ratings have been approved by the pool manager.

22. Performance awards will not be discussed with rated employees until after the Administrator has concurred.

23. The rating of record of a disabled veteran may not be lowered because the veteran has been absent from work to seek medical treatment.

24. Appropriate mandatory performance elements must be included for PMRS employees whose positions involve duties and responsibilities regarding performance planning and appraisal, affirmative action and EEO, audit resolution or internal cost control activities.

## Responsibilities

### Rating Official:

- Develops and maintains the annual performance plan; prepares amendments as necessary.

- Determines whether performance elements are critical or noncritical.

- Conducts progress reviews with each employee to discuss and document performance requirements of the position and progress of assignments.

- Meets with each employee to review and document job performance to prepare a summary rating. Discusses the rating for each employee with the reviewing official and obtains reviewing official's comments, signature and date. Signs and dates the rating; discusses rating with employee; obtains employee's comments, signature and date, and sends the PAR to the appropriate administrative/executive management office for forwarding to M/PM.

- Recognizes outstanding and exceptional job performance and recommends appropriate rewards.

- Recognizes poor job performance and takes appropriate corrective or remedial action, including prompt notification to the servicing Personnel Staffing Specialist.

- Uses PAR results as a basis to determine promotions, within-grade increases, performance pay decisions, incentive awards, training, reassignments, reductions-in-grade, retentions, removals and counseling needs.

Reviewing Official:

- Makes certain that elements and standards of an employee's performance plan reflect the duties and responsibilities of the employees' position.

- Makes certain that performance planning, reviewing and rating responsibilities are carried out by rating officials.

- Reviews and approves the employee's performance plan and seeks to resolve any disagreements (between employee and rating official and between him/herself and rating official).

- Makes certain each performance element is job-related and within the control of the employee to achieve.

- Makes certain all performance standards are written at the Fully Successful level.

- Makes certain that performance progress review(s) are in accordance with plan requirements.

- Reviews the employee's PAR. If the appraisal of any element is changed as a result of this review and subsequent discussion with the rating official, review instructions to document the change and to complete the annual appraisal review to determine whether the summary rating is affected. Makes appropriate comments. Considers the performance award recommendation and makes certain they are justified. Signs and dates the rating and performance pay recommendation.

- Forward original copies of PARs to the pool manager with a list of performance award recommendations.

Pool Managers:

- Establish internal procedures to make certain that the appraisal process is completed on a timely basis and that each employee receives a PAR.

- Make certain that no rating or reviewing official transfers from a Bureau/Office without completing PARs on subordinates.

- Establish internal procedures to monitor the performance appraisal process and performance pay pool matters.

- Submit to M/PM/CSP a list of employees who were not rated, the names of the employee's rating and reviewing officials and the reason for delay.

Performance Standards Review Board

The Administrator shall appoint a Performance Standards Review Board (PSRB) consisting of at least six members to review performance issues regarding PMRS employees. Members shall be AID employees, no less than half of whom shall be covered by the PMRS and in the competitive service; one member shall be designated by the Administrator to serve as the Chair. The Board shall not be involved in any issues of any employee's performance.

The Board shall:

- Assess the appropriateness of PMRS performance standards for

| | |
|---|---|
| Consistency | Performance plans for similar positions should be as comparable as feasible; not all tasks will be common to similar positions. |
| Equity | Standards for the performance of required tasks should not be unduly strict for one employee while relatively lenient for others. |
| Clarity | Performance elements and standards should be clear and specific. |
| Comprehensiveness | Performance plans must include organizational accomplishments in elements and mandatory elements. |
| Measurability | Performance elements and standards should be written so that the level of achievement can be evaluated on the basis of quantity, quality, timeliness and/or other measurable outputs to the extent possible. |

- Study the feasibility of an awards program based on the collective performance of units or other groups of PMRS employees;

- Provide technical assistance with respect to any demonstration projects A.I.D. may initiate related to performance standards for PMRS employees;

- Report annually to the Administrator on activities and recommendations, as appropriate.

- Review a representative sample of completed A.I.D. PMRS performance appraisal reports to assess the appropriateness of performance standards.

## Training and Information

All PMRS and PMS employees will receive training and information about the PMRS and PMR systems to make certain that the system will be effectively carried out. Information will include a packet describing the systems' subcomponents. The A.I.D. course, "The Supervisor's Role in Personnel Management," is strongly encouraged for all rating and reviewing officials, including Foreign Service employees on rotational assignments. In addition to making use of regularly scheduled supervirosy and managerial courses, A.I.D. bureaus and offices may request special briefings or training sessions on the PMRS and PMS systems.

## System Evaluation

M/PM will conduct an annual evaluation of the Performance Management Systems in cooperation with the Performance Standards Review Board and with the participation of other designated A.I.D. offices. The evaluation will cover performance appraisal and the pay and awards subsystems included under this plan.

## Performance Records

Ratings of record and performance plans covering the most recent three years will be retained in the employee's Official Personnel Folder (OPF) or Employee Performance File (EPF). When an employee's OPF is sent to another agency or to the National Personnel Records Center, M/PM/CSP shall include all ratings of record three years old or less, including the performance plan on which the most recent rating was based. M/PM/CSP will purge all performance ratings more than three years old and all other performance-related records.

If a PMRS or PMS employee transfers to A.I.D. at any time during the appraisal period, the current rating of record will be transferred to A.I.D. from the losing agency. The transferred rating will be considered when determining the employee's next rating of record.

For PMRS employees only, if the transfer takes place within 90 days prior to September 30, the transferred summary rating will be considered the employee's rating of record for the current appraisal period only to make performance pay decisions.

## Chapter 2. PERFORMANCE PLANS

The performance plan is a formal written document prepared by the rating official with employee participation to monitor and evaluate an employee's performance. The plan informs an employee of the standards by which his/her performance will be judged and rated. The plan also is the basis for adjusting the base pay of the rated employee; for training, reward, reassignment, promotion, reduction-in-grade, retention and removal; and for making performance award decisions.

### Developing a Plan

#### Requirements

1. The performance elements and standards for a position (including for a detail or temporary promotion effective for more than 90 days) must be communicated to the employee, in writing, in a performance plan no later than 30 days after the beginning of the appraisal period. The standard for the Fully Successful level must be written for all elements in the performance plan. To the extent possible, performance standards should include measures of quality, quantity, timeliness and manner of performance.

2. Performance elements and standards will be based on the duties and responsibilities of the employee's official position description.

3. Organizational objectives should be included in PMRS performance plans, and should, as appropriate, be included in PMS performance plans.

4. Probationary employees must be carefully observed and appraised during their one-year probationary period to determine whether they have the qualities to become fully successful career employees. Within 30 days after appointment to a permanent assignment, a performance plan must be developed and progress reviews held.

5. Employees serving a probationary period for initial appointment to a supervisory or managerial position must be carefully observed, trained and appraised during their one-year probationary period to determine whether they have the qualities needed to become a fully successful supervisor. Within 30 days of assuming a supervisory position, a performance plan must be developed for the employee. The plan, reviews and ratings of record should be used to decide whether the employee successfully completes the probationary period.

#### Steps

A performance plan may be developed by the employee and rating official jointly discussing and developing a plan; by the employee providing the rating official a draft performance plan; by the employee commenting on a draft performance plan prepared by the rating official; or by a group of employees who occupy similar positions preparing a performance plan.

All methods require discussion between the rating and reviewing officials before final discussion with the employee.

Step 1. Employee and rating official jointly develop draft plans. The rating official should consider the employee's viewpoint regarding the development of the performance plan and should set standards at the level appropriate for management's required outcomes.

Step 2. Rating and reviewing officials discuss draft plan, and resolve conflicts. The reviewing official must review and approve plans (where there is no organizationally appropriate reviewing official an exception is allowed); the plan becomes effective on the date of the reviewing official's signature.

Step 3. Rating official has final discussion with the employee.

Step 4. Employee has five work days to review, comment and sign the plan. The employee's signature shows that the employee had an opportunity to participate in and comment on the plan. The employee's signature is not required to make the plan official; management retains the right to make final decisions on elements and standards.

If revisions or substantive changes to elements and standards become necessary at any time during the rating period, such changes must be in writing and become effective when revisions are reviewed and approved by the reviewing official.

Frequent discussions and counseling are encouraged during the appraisal period to make certain that work is consistent with elements and standards, thus reducing the likelihood of disagreements when the PAR is prepared at the end of the period.

## Identifying Performance Elements

Performance elements are the specific duties, responsibilities and/or tasks on which an employee's performance will be appraised. An employee must be appraised on each critical and noncritical element on which he/she has sufficient opportunity to perform.

The following criteria should be considered to establish performance elements:

- Are the elements objective?

- Do the elements refer to work activities under the employee's control? Is the employee responsible within the authority of the position?

- Are the elements derived from the overall mission of the organizational unit? Are the elements compatible with and supportive of results assigned to other organizational components?

- Are the elements comprehensive?

- Are the elements job-related?

- Are the elements clear?

Establishing Critical Elements

1. Every plan must have at least one critical element.

2. The absence of a written standard at a given rating level shall not preclude the assignment of a rating at that level.

3. To determine whether an element is truly critical, the following criteria should be considered:

- Is the element significant to the basic purpose of the position. Significance can be assessed in terms of time spent, importance or consequence of error?

- Will substandard performance on this element adversely affect the organization's objectives?

- Are you willing to put this employee on notice that remedial action will be taken if the Fully Successful standard for this element is not met?

- Is the element of such importance that the employee should be fired or downgraded if performance remains Unacceptable after an opportunity period is provided?

Mandatory Performance Elements

For PMRS employees whose positions involve duties and responsibilities as cited below, appropriate performance elements must be included. These elements may be stated independently or subsumed under broader performance elements. Elements may be critical or noncritical.

- Performance Planning and Appraisal. Mandatory for supervisors who prepare performance plans, reviews and appraisals for subordinate employees, and who monitor the preparation of plans, reviews and appraisals completed by subordinates. Suggested criteria to develop and evaluate this element include development of the performance plan, conduct of performance review(s), timely preparation of final appraisal, and applicability of performance elements to office/Agency goals/objectives.

**Supervisors rated less than Fully Successful on this element will NOT receive a performance bonus.**

- Affirmative Action and EEO. Mandatory to the extent that such activity can be considered an integral part of the position function. The element re-

lates to the effective use of human resources to achieve Agency objectives. Suggested criteria to develop/evaluate this element include recognition of underutilized employees, recommendations for training opportunities applicable to career development, career counseling, and developmental training consistent with office/employee goals/objectives, contract management/monitoring when the employee has input to hiring practices.

- Audit Resolution. Mandatory for employees whose responsibilities include audit-related functions. The extent to which audit resolution is part of a particular position function is an individual management decision. Supervisors should have qualitative and quantifiable results from their administration of the resolution of audits for which they are responsible. Suggested criteria to develop/evaluate this element include appropriateness of gathered data to resolution of the case at hand, ability to research and elicit relevant data, timeliness and quality of audit investigation.

- Internal Cost Control Activities. Mandatory for employees whose positions require establishing or enforcing internal cost control standards to make certain that:

--contracts, purchases and other obligations are in compliance with applicable laws and procedures;

--funds, property and other assets are safeguarded against waste, loss, unauthorized use or misappropriation;

--Revenues and expenditures applicable to AID operations are properly recorded and accounted for to permit the preparation of accounts and financial and statistical reports, and to maintain accountability over assets; and

--prudent management of AID financial loans and grants is achieved subject to applicable legislation, AID policies and federal procurement regulations.

Establishing Performance Standards

1. Performance standards describe the levels of achievement for each performance element in the performance plan and are linked to annual ratings of record.

2. Standards must be within the control of the individual to achieve. Standards cannot include skills that exceed those required for the position, nor should standards require authority beyond that delegated to the position.

3. Standards are to be based upon products and results (performance outputs) rather than upon the employee's abilities or work behavior. Conduct matters will be considered only insofar as they have a direct impact and linkage to the performance in determining a rating and must be couched in terms of the work.

4. In the case of positions and organizational units in which the most important result of job performance is not a tangible or easily measurable product but a process, standards should focus on desired outcomes of the process or on subproducts.

5. Standards should be written clearly and as objectively as possible and include appropriate and objective measures of quality, quantity, timeliness or manner of performance. Where such measures are not possible or appropriate, subjective qualitative measures are acceptable as long as they are clear and specific. Standards should be developed in the context of organizational requirements. For employees in similar positions at the same grade level and operating under similar circumstances, standards should be similar, if not identical.

6. The following criteria should be considered to establish standards:

- Are the standards objectively measurable?

- If the standard is based on a measure other than quantity, quality, timeliness or manner of job performance, is the means to assess performance clearly specified?

- Are the standards achievable?

- Are the standards consistent with the standards for employees in similar positions and grades?

- Can enough information be collected on the performance element to evaluate different levels of job performance?

Modifications

A performance plan may be modified at any time during the appraisal period for any reason management determines to be valid such as an element or standard determined to be unrealistic or a change in organizational priorities, duties or resources.

The rating official is responsible to make certain that the employee understands the reason for the change, the precise nature of the change and implications in terms of expected job performance. A new minimum appraisal period of 90 days is required for any new element and/or standard. Employees must be under approved elements and standards for 90 days to be evaluated against them. Modifications are documented and dates noted in the Performance Plan section of the PAR.

## Chapter 3. PROGRESS REVIEWS AND RATINGS OF RECORD

### Progress Reviews

One formal progress review during the appraisal period is mandatory. However, if an employee's performance of any critical element is deemed to be less than Fully Successful, two reviews are required. Additional formal discussions are encouraged for a given performance situation. The progress review presents an appropriate opportunity to change the performance plan, if necessary. All modifications of performance elements or standards must be noted and dated by the rating and reviewing officials on the Performance Plan section of the PAR. Performance progress must be documented when past performance has been less than Fully Successful. An employee shall be informed of his/her level of performance by comparing standards against elements.

Benefits of progress reviews:

- revise workplans to maintain realistic goals, define areas needing additional help and provide an opportunity to exchange ideas for furthering work progress;

- determine training to enhance the employee's ability to successfully perform the job;

- set achievement expectations and identify level of effort required to satisfy the requirements of the job or to take advantage of promotional opportunities or more interesting or challenging work assignments;

- obtain employee feedback to promote understanding between the rating official and employee;

- improve rating official-employee rapport;

- resolve problems by determining the skills or knowledge to successfully perform the job;

- discuss and identify employee's career development goals in relation to organizational goals;

- coach employee on areas that need improvement by identifying weaknesses and developing a plan to overcome them. Sessions should cover the rating official's appraisal of the employee's job performance and the employee's attitudes, comments, potential and career goals.

After the rating official has prepared and signed the progress review, the review must be discussed with the employee. The employee has five workdays to review and sign the Progress Review. If the employee has any reservations concerning the review of his/her job performance, the employee may state his/her reservations in a separate attachment.

When conditions of employment change, e.g., reassignment, departure of rating official or substantive changes in position responsibilities, an interim appraisal is required on page 5, Summary Section. In such cases, the box marked "interim rating" should be checked.

## Preparing for Progress Reviews

### 1. Preparation

Advance preparation by the rating official and employee is essential during a semi-annual or an annual performance review.

The rating official prepares by reviewing the performance plan and any amendments; his/her notes from previous progress reviews and on observations of the employee's job performance during the past period; and conversations with other personnel, clients and A.I.D. personnel with whom the employee interacts.

From these reviews, the rating official should be able to identify points to discuss with the employee. The points could include, for example, the need for more information on expected accomplishments, the employee's views on factors that helped or hindered achievement of expected accomplishments, and performance areas needing improvement.

The rating official should schedule the progress review in advance in a setting free of interruption The review should focus on the employee's progress in meeting the performance requirements. Factors preventing progress, if any, should be identified and appropriate corrective steps taken.

The employee prepares by reviewing notes from progress reviews and planning sessions and listing points he/she want to discuss. These points might include accomplishments, tasks not accomplished, planned work that needs clarification and work performed but not planned.

### 2. Conducting the Review

The rating official should explain the purpose of the review and indicate that the discussion will be a two-way exchange of views; the rating official and employee should listen carefully to what each other is saying so issues are clearly understood.

The rating official should keep the following points in mind when discussing job performance:

- focus on the employee's total job performance against the standards for the entire period and not just on the most recent performance;
- whenever possible, support each point with specific observations;
- discuss impediments to successful performance;
- discuss specific plans for improvement.

3. Concluding the Review

Summarize the major points discussed and decisions made.

Interim Rating Requirements

An interim performance appraisal report is required when the employee is reassigned, promoted or transferred to another assignment and 90 days have elapsed. The supervisor will:

- have a progress review with the employee and discuss job performance to that point;

- prepare a rating of record;

- forward the completed performance plan to the executive management staff to transmit to the gaining rating official or executive management staff for appropriate action. Interim appraisals must be considered in preparing the employee's next rating of record.

When a rating official leaves leaves during the appraisal period or when major changes in duties and performance requirements necessitates a new plan, a rating of record is encouraged. It is important that every assignment and period of service be documented to show duration and quality of service and that there is documentation that can be considered by the official who prepares the rating of record.

Ratings of Record

A rating of record must be given to each employee as soon as practical after the end of the appraisal period. The rating is recorded in the Summary Rating section of the PAR.

Before ratings of record are finalized, a thorough discussion of rating tendencies should be held by the pool manager with subordinate rating officials. Discussions should resolve rating issues prior to actual rating preparation. Ratings of record must be approved by the pool manager before the rating official meets with the rated employee.

A rating of record is due for a probationary employee at the end of the earliest appraisal period after the employee has completed the probationary period. Until then, rating officials who supervise employees serving new appointment probations must implement performance plans and, based on performance against the elements and standards in the plan, provide performance certifications at the sixth and tenth month of probation. Rating officials should appraise the employee's progress based on plans and reviews; results should be the basis for these certifications.

Levels

AID uses a five-level system to rate employees:

Level 5 - Outstanding. Through the employee's initiative, diligence and productivity, production greatly exceeds the standard for Fully Successful and the impact of the employee's total performance greatly enhances and/or facilitates the accomplishment of bureau/office objectives/mission/functions.

Level 4 - Exceeds Fully Successful. Through the employee's initiative, diligence and productivity, work produced is consistently better, more thorough and/or greater in quantity than specified in the standard for Fully Successful.

Level 3 - Fully Successful. This level of job performance constitutes the level of personal achievement and contributions expected of an employee to effectively accomplish bureau/office goals and job requirements.

Level 2 - Minimally Successful. The employee occasionally and/or partially meets the standard for Fully Successful but does not fully and consistently perform at that level.

Level 1 - Unacceptable. The employee often fails to meet the standard for Fully Successful.

Deriving Ratings of Record

In deriving the rating of record, the rating official should review the appraisal of each performance element giving predominant weight to critical elements and should assign the rating of record that most accurately reflects the employee's overall job performance. The rating of record must be consistent with and supported by critical element ratings.

Outstanding. Outstanding must be supported by Outstanding ratings for all critical elements. The majority of the noncritical elements should be at least Exceeds Fully Successful; none can be rated lower than Fully Successful. An Outstanding rating of record requires personal certification of the pool manager attesting to the organizational achievements for each critical element.

Exceeds Fully Successful. The majority of the critical elements must be rated Exceeds Fully Successful or higher; none can be rated lower than Fully Successful. In a case where critical elements are evenly divided between Fully Successful and Exceeds Fully Successful or higher, a Fully Successful rating of record shall be awarded. The majority of noncritical elements should be rated Fully Successful or higher.

Fully Successful. The majority of critical elements are rated Fully Successful or higher; none can be rated less than Fully Successful. The majority of noncritical elements should be rated Fully Successful or higher, but none less than Minimally Successful.

Minimally Successful. One or more critical elements are rated Minimally Successful; none can be rated lower than Minimally Successful. Noncritical elements may be a mix of ratings.

Unacceptable. If performance on any critical element is Unacceptable, the rating of record must be Unacceptable. Noncritical elements may be a mix of ratings.

Approval Process

The rating official shall complete, sign and date the rating of record and submit it to the reviewing official. If the rating official recommends a performance pay award or Quality Step Increase for a rated employee, a memo listing names and amounts of recommended employees should be given to the reviewing official together with employees' PARs. The reviewing official shall comment on the rating of record as appropriate, discuss the rating with the rating official, and sign and date the rating.

The reviewing official shall discuss award recommendations with the rating official and endorse or modify them before forwarding them with the completed PARs to the pool manager.

The pool manager reviews the organizational achievements of each unit in the pool for validity and consistency, and certifies that PARs are complete and that award recommendations are justified. The pool manager decides what performance pay recommendations will be forwarded to the Administrator for concurrence. PARs are returned to the rating official for discussion of the ratings of record with rated employees. Ratings of record may not be discussed with employees until after they have been approved by the pool manager.

Performance awards may not be discussed with rated employees until the Administrator has concurred. Pool managers must institute procedures to communicate these decisions.

Within three weeks of the return of the PARs for discussion of the ratings of record with rated employees, executive management staffs must collect them and forward them to M/PM/CSP for filing.

## Chapter 4. RELATIONSHIP TO OTHER PERSONNEL ACTIONS

### Career Ladder Promotions

The current PAR is one of several factors a supervisor considers to determine whether an employee has the ability to perform at the next higher level of work. An employee shall not receive a career ladder promotion unless his/her current rating of record is Fully Successful or higher. In addition, an employee may not receive a career ladder promotion if he/she has a rating of record below Fully Successful on a critical element critical to performance at the next higher grade of the career ladder.

### Merit Promotion

PAR results will be a determining factor in an employee's ability to compete under the merit promotion program.

### Training

PAR results may be the basis for recommending training. Such training may be designed to prepare the employee to take on additional responsibilities, learn new techniques or equipment or, as part of a Notice of Unacceptable Performance, to attempt to bring the employee's job performance up to standards.

### Reassignments

AID retains the right to reassign employees to different positions based on Agency needs. In the case of employees whose job performance is less than Fully Successful, the Agency may reassign an employee to a position in which there is a greater probability of Fully Successful performance.

### Actions as a Result of Unacceptable Performance

PMRS and PMS employees who receive an Unacceptable rating must be given an opportunity period. The Agency must reassign, reduce-in-grade or remove an employee whose rating of record remains Unacceptable after being given an opportunity period.

For PMRS employees whose previous rating is Unacceptable, improvement of performance to the Minimally Successful level will require a new opportunity period.

A PMRS employee whose performance is initially rated Minimally Successful and has not fallen to the Unacceptable level does not require an opportunity period. Such employees should be counseled and encouraged by supervisors to improve. Two document reviews are required during the appraisal period.

If an employee's performance remains Unacceptable, a supervisor may propose reduction-in-grade or removal of an employee by giving the employee a 30-day written notice of the proposed action.

The notice should include:

- specific examples of unacceptable performance on which the proposed action is based;

- the critical element involved in each instance of unacceptable performance;

- a statement informing employees within the the bargaining unit the right to union representation;

- a statement informing employees not in the bargaining unit to be represented by an attorney or other person selected by the employee;

- a reasonable time to respond, orally and in writing;

- a statement that instances of successful performance during the 30-day notice period will be considered in the decision; and

- notice that a decision concerning the proposed action will be made by the Decision Officer after the 30-day period. The 30-day notice period may be extended by the Decision Officer for an additional 30 days. If the employee shows improved performance during the notice period, the decision may be made not to reassign, reduce-in-grade or remove the employee. The employee may be given another 30-day notice of Unacceptable performance at any time within one year from the date of the original 30-day notice. However, if the employee's performance continues to meet Fully Successful standards during the year following the original 30-day notice period, all reference to the Unacceptable performance will be removed from the record.

Appeal to the Merit Systems Protection Board

Reduction-in-grade and removal may be appealed to the Merit Systems Protection Board. Employees in the bargaining unit have the option of appealing to the Board or may use the negotiated grievance procedure. Only one option is allowed. Employees may request guidance from A.I.D.'s Office of Personnel Management, Labor/Management Relations Division.

Reconsideration Process (PMRS); Grievance Process (PMS)

Employees have the right to disagree with the performance appraisal and seek relief without fear of reprisal.

An employee who disagrees with his/her appraisal should attempt to seek relief by discussing it with his/her rating and reviewing officials. If the employee is not satisfied with the resolution, the issues should be noted in the employee's comments on the Summary Rating section.

Performance elements, standards, general pay increases, merit increases, performance awards, Quality Step Increases and cash awards are not covered by the Agency's reconsideration and negotiated grievance processes. How performance elements and standards are applied is covered. If, after discussion with his/her rating and reviewing officials, the employee still believes the rating of record was erroneous, inaccurate or falsely prejudicial:

- employees in the bargaining unit may grieve in accordance with the AID/AFGE agreement, Article 31.

- PMRS and employees not in the bargaining unit may receive reconsideration of their ratings of record through the Agency's Administrative Grievance Procedure (see Handbook 29, Chapter 3). Grievances will be reviewed by an official at a higher level than the rating, reviewing or approving official.

**Reduction-In-Force**

For RIF purposes, ratings of record are the rating given at the end of the appraisal period or the improved rating following an opportunity period.

An employee will not be assigned a new rating of record for the sole purpose of affecting his/her retention standing.

To provide adequate time to properly determine employee retention standing immediately prior to a RIF, a general RIF notice will specify the date after which no new ratings of record will be given that could be used to determine retention standing.

## Chapter 5. PERFORMANCE PAY

Performance pay is based on the performance contributions that employees have made to AID programs and operations during the rating cycle. The performance appraisal is the principal document supporting performance pay. Each performance pay decision shall be based on the employee's rating of record for the current appraisal period, except where a rating or record from the previous cycle is used for PMRS pay purposes.

### Salary Increases for PMRS Employees

#### General Pay Increases

PMRS employees with a rating of record of Fully Successful or higher will receive the full general pay increase. Minimally Successful PMRS employees will receive one-half the general pay increase; Unacceptable PMRS employees will not receive a general pay increase.

#### Merit Increases

1. A PMRS employee is eligible to receive a merit increase if he/she is in a PMRS position on the effective date of the merit increase. PMRS employees who receive a rating of record of Minimally Successful or Unacceptable shall not receive a merit increase and must be given an opportunity period to improve performance to the Fully Successful level.

PMRS employees with salaries in the range that are less than step 4 of the GS equivalent grade who receive a rating of record of Fully Successful or higher shall receive a full merit increase. PMRS employees with salaries at dollar amounts equal to or greater than step 4 in the GS equivalent grade receiving a rating of record of:

- Outstanding will receive the full value of the merit increase;
- Exceeds Fully Successful will receive one-half of the merit increase;
- Fully Successful will receive one-third of the merit increase.

No employee is entitled to receive compensation that would exceed the legal limit of the rate range.

2. PMRS employees not eligible for merit increases:

- a PMRS employee newly appointed to Federal service within 90 days of the effective date (including the effective date) of the merit increase. A reinstated employee is considered to be a newly appointed employee. Employees <u>not</u> considered to be newly appointed include those rehired from a reemployment priority list and those receiving a new appointment without a break in service of one or more workdays.

- an employee moving into the PMRS within 90 days of the effective date of the merit increase who has received an increase to base pay, such as promotion, within-grade increase and Quality Step Increase, within 90 days of such effective date. Movement into the PMRS and increases occurring on the effective date of the merit increase are considered to be within the 90-day period. Actions covered by this rule include

  --conversion to the PMRS;

  --reassignment to the PMRS from another pay system;

  --promotion to the PMRS;

  --temporary promotion to the PMRS.

3. IF, for pay purposes, an employee's job performance cannot be appraised for the 90-day minimum appraisal period because:

- the employee is under performance elements and standards in effect for less than the 90-day minimum appraisal period because of conversion, reassignment, promotion or major changes in duties and responsibilities;

- the rating official has left the Agency and higher level supervisors cannot reasonably appraise the employee's job performance;

- the employee is on long-term training or IPA assignment;

THEN, merit increases will follow these rules, in the order specified:

- the employee's rating period is extended to provide a minimum 90-day appraisal period, provided the extension does not exceed September 30 of the same year;

- the employee cannot be rated at the end of the appraisal period. A transferred rating, if available, becomes the rating of record;

- the employee's rating of record is extended and the appropriate increase is granted if that rating of record was given no earlier than the previous AID rating period and was given on PMRS duties and responsibilities;

- the employee receives an increase equivalent to that granted for a Fully Successful rating.

4. If, for nonpay purposes, a rating of record cannot be prepared at the times specified in this guidebook, the appraisal period shall be extended for the amount of time necessary to meet the 90-day minimum appraisal period, at which time a rating of record shall be prepared.

## Pay Upon Acquiring PMRS Status

When an employee acquires PMRS status, the employee shall receive his/her existing rate of basic pay, plus any of the following adjustments that apply, in the order specified:

- the amount of any statutory adjustment in the General Schedule made on that date, or in the case of an employee subject to special pay rates, the amount of any adjustment made on that date;

- the amount of any within-grade increase or Quality Step Increase to which the employee otherwise would be entitled on that date;

- the amount resulting from a promotion effective on that date.

## Pay Upon Loss of PMRS Status

When an employee loses PMRS status, the employee shall receive his/her existing rate of basic pay, plus any of the following adjustments that apply, in the order specified:

- the amount of any general pay increase to which the employee otherwise would be entitled on that date, or, in the case of an employee subject to special pay rates, the amount of any pay adjustment made on that date;

- the amount of any merit increase to which the employee otherwise would be entitled on that date;

- the amount resulting from a promotion on that date;

- in the case of an employee whose resulting rate of basic pay falls between two steps of a GS grade (or, in the case of an employee whose position is subject to special pay rates, between two steps of the applicable special rate range), the amount of an increase necessary to pay the employee the rate for the next higher step of that grade (or special rate range);

- in the case of an employee whose resulting rate of basic pay falls below the minimum rate of a GS grade (or, in the case of an employee whose position is subject to special pay rates, below the minimum of that special rate range), the amount of any increase that may be necessary to pay that employee the minimum rate for that grade (or special rate range).

## Pay Upon Downgrade from Temporary Promotion in PMRS to Permanent Grade

When a PMRS employee returns to a PMRS position from a temporary promotion to a PMRS position during which a general pay and/or merit increase occurred, the following adjustments apply, in the order specified:

- the amount of any general pay increase to which the employee otherwise would be entitled at the lower grade on that date, or in the case of an employee subject to special pay rates, the amount of any pay adjustment at the lower grade on that date;

- the amount of any merit increase to which the employee would be entitled at the lower grade on that date.

## Salary Increases for PMS Employees

### General Pay Increases

PMS employees automatically receive full annual general pay increases regardless of job performance.

### Within-Grade Increases

1. To earn a within-grade increase, the employee's most recent rating of record must be Fully Successful or higher. Also, the employee must have completed the required waiting period for advancement to the next higher step of the grade of his/her position and must not have received an equivalent increase during that period.

2. An acceptable level of competence determination shall be based on a current rating of record. When a within-grade increase decision is not consistent with the employee's most recent rating of record, a more current rating of record must be prepared.

3. If an employee has been reduced in grade because of unacceptable performance and has served in one position at the lower grade for at least 90 days, a rating of record at the lower grade shall be used as the basis for an acceptable level of competence determination.

4. An acceptable level of competence determination must be delayed when either of the following applies:

- an employee was not informed of the specific requirements for performance at an acceptable level of competence at least 90 days before the end of the waiting period, nor given a performance rating in any position within 90 days before the end of that period; or

- an employee is reduced in grade because of unacceptable performance to a position in which he/she is eligible for a within-grade increase or will become eligible within 90 days.

5. When an acceptable level of competence determination has been delayed under either of these circumstances:

- the employee shall be informed that his/her determination is

postponed and that the rating period has been extended to a date 90 days after the employee was first told of the specific requirements for performance at an acceptable level of competence;

- an acceptable level of competence determination shall be made upon completion of the 90-day appraisal period based on the employee's rating of record;

- if the employee's performance is determined to be at an acceptable level of competence, the within-grade increase will be granted retroactively.

6. An acceptable level of competence determination shall be waived and a within-grade increase granted when an employee has not served in any position for the minimum appraisal period during the final 52 calendar weeks of the waiting period for one or more of the following reasons:

- because of absences that are creditable service in the computation of a waiting period or periods;

- because of paid leave;

- because the employee received service credit under back pay provisions;

- because of details to another agency or employer for which no rating has been prepared; or

- because of long-term training.

In such a situation, there shall be a presumption that the employee would have performed at an acceptable level of competence had the employee performed the duties of his/her position of record for the minimum appraisal period.

7. A within-grade increase will be withheld for a PMS employee who performs at a less than Fully Successful level. Advance notification of the negative level of competence determination shall be communicated to an employee in writing 60 days prior to the completion of the waiting period for the within-grade increase. The negative determination shall include:

- the reasons for the determination and what the employee must do to improve his/her performance to be granted a within-grade increase;

- notice that the employee has the right to request that the determination be reconsidered.

8. When it has been determined that an employee is not performing at an acceptable level of competence, and thus is not awarded a within-grade increase, the employee may request reconsideration of and appeal a negative determination.

9. When a within-grade increase has been withheld, management will make a new acceptable level of competence determination every 90-180 days until the employee's performance is competent enough to deserve the pay increase.

10. If denial of the within-grade increase is due to performance at the Unacceptable level, the requirements for a Notice of Unacceptable Performance must be met (see Chapter 8).

### Quality Step Increases

GS employees with a current rating of record of Outstanding are eligible to receive Quality Step Increases (QSIs).

QSIs normally will be initiated by the employee's immediate supervisor. They will be approved by the supervisory and budget officials who review and approve the employee's performance rating at the end of the appraisal period.

A QSI may not be granted to an employee who has received a QSI within the preceding 52 weeks.

AID shall inform employees of all persons, including their grade, who were granted QSIs during the immediately preceding 12 months.

### Promotions Within or Out of PMRS on Effective Date of General and Merit Increases

When an employee is promoted within or out of the PMRS on the effective date of the general pay increase and the merit increase, the employee shall receive the following, in the order specified:

- any general pay increase to which the employee otherwise would be entitled;
- for PMRS employees, any merit increase to which the employee otherwise would be entitled;
- the increase resulting from the promotion.

### Employees Receiving Retained Pay

An employee receiving retained pay will receive one-half of the general pay increase, regardless of his/her summary rating level.

## Chapter 6. PERFORMANCE AWARDS

### General

A performance award shall be based on the employee's rating of record for the current appraisal period.

Each decision to grant a performance award must be approved by a higher level supervisor, except in cases where the employee reports directly to the Administrator, and by the pool manager. The reviewing official should be the same person responsible for making performance appraisal decisions.

Employees will receive credit for performance awards when being rated and ranked under the Agency's Merit Promotion Program.

M/PM/CSP will monitor promotions and performance awards to make certain that extended periods of superior performances are not used as justifications more than once.

### Performance Pools

Performance pools report directly to the Administrator. PMRS pools must consist of five or more PMRS employees. Organizational entities that directly report to the Administrator and/or do not have five or more PMRS employees are combined into a single pool called the Administrator's Pool. Each organizational entity has a separate pool for PMS employees.

### Performance Award Bonuses for PMRS Employees

PMRS employees should be recognized with monetary awards commensurate with their contributions to the organization. The minimum award is $500; maximum is $5,000, except for job performance judged to be unusually outstanding.

1. An employee is eligible to receive a performance award if he/she is in a PMRS position on the last day of the current performance appraisal period for which performance pay decisions are being made.

2. If a PMRS employee has been promoted within the preceding year, the pool manager may take this into account in determining the amount of the employee's performance award.

3. Not withstanding (2) above, a performance award is mandatory for PMRS employees receiving an Outstanding record of rating. Such awards will be paid from the pool manager's fund and shall be not less than 2% nor exceed 10% of an employee's base pay in any given year. Performance awards from the pool manager's fund may not exceed $5,000.

4. If a PMRS employee's performance is unusually outstanding, a performance award exceeding $5,000, but not exceeding 20% of base salary in any given year may be paid from the Administrator's Pool. To be eligible, the employee must have been among those employees already recommended by the pool manager for the highest awards to be paid from the pool manager's fund. The combined amount received from both pools cannot exceed 20% of the employee's base salary. Each recommendation should be transmitted separately, in writing, to the Administrator for approval and should include justification for unusually outstanding job performance and amount already recommended from the pool manager's fund.

5. If an employee receives an Exceeds Fully Successful or Fully Successful record of rating, an award may be granted but shall not exceed the amount of the lowest award for an employee in the same grade in the same PMRS pool with a higher overall rating.

6. Performance awards for employees rated Fully Successful, Exceeds Fully Successful and Outstanding may not exceed 10% of base pay in any given year.

7. Pool managers may, at their discretion, give a performance award to any employee with a Fully Successful rating for a superior performance against a special project or job requirement. Such an award cannot exceed the lowest award given to an employee in the same grade in the applicable award pool with a higher rating. A performance award for an employee rated Fully Successful may not exceed 10% of base pay in any given year.

8. A PMRS employee newly appointed to Federal service and to the Agency within 90 days of the effective date (including the effective date) of the merit increase shall not be eligible for a performance award.

9. When an employee is on leave without pay (LWOP) for a period of time such that the employee is not in a pay status for at least the 90-day minimum appraisal period and/or the employee returns to pay status between either a period less than the 90-day minimum appraisal period and the effective date of the merit increase, or after the end of the Agency's appraisal period and the effective date of the merit increase, the employee will not be granted a performance award.

10. Unrateable employees are not eligible to receive performance awards.

11. Failure to receive a performance award may not be appealed.

**Funding**

For PMRS Employees

- Each performance pool will receive one fund to be used by the pool only to grant performance awards to PMRS employees.

- 2% will be set aside for the Administrator's use in granting awards to

exceptionally outstanding employees. The Agency will decide upon the percentage amount each year.

- The Agency shall, at the beginning of each fiscal year, determine the amount of money available for performance awards for that fiscal year in accordance with the requirements below:

--AID may not spend more for performance awards than 1.5% of the estimated aggregate amount of PMRS employees' basic pay for any fiscal year;

--each PMRS employee receiving an Outstanding rating of record is guaranteed a minimum bonus of 2% of base pay which is paid from pool funds.

- In determining the estimated aggregate amount of PMRS employees' basic pay for a fiscal year, consideration should be given to the following factors:

--the number of employees covered by the PMRS during the previous year;

--the aggregate rates of basic pay for such employees;

--significant changes in the number of PMRS employees expected in the current fiscal year, such as by attrition, reorganization, expansion or RIF;

--the distribution of performance ratings in AID;

--the amount of the general and merit increases that will be paid to PMRS employees in the current fiscal year.

For GS Employees

Each pool will receive one fund to grant QSIs and performance awards to GS employees. The amount to be set aside for pools will be a percentage of the aggregate GS basic pay as determined each fiscal year by the Agency.

A performance award for GS employees receiving a summary rating of Outstanding may be given at the pool manager's discretion. Such awards should be at least $300 and no more than $2,000. At the discretion of the pool manager, a GS employee receiving an Outstanding summary rating may be given a QSI in lieu of a performance award. QSIs represent approximately 3% of base salary.

A performance award should not exceed the lowest performance award for an outstanding employee in the same grade in the GS pool.

For Exceeds Fully Successful PMRS and PMS Employees

To the extent that individual pool funds will allow, pool managers may give performance awards to PMRS and PMS employees rated Exceeds Fully Successful.

## Eligibility Criteria

1. The following PMRS employees are eligible to receive performance awards:

- employees rated Exceeds Fully Successful or Outstanding;

- employees rated Fully Successful but deserve monetary recognition for superior performance on one or more elements;

- employees at or near the rate range maximum and whose exceptional accomplishments during the annual appraisal period warrant additional compensation that cannot be awarded through a merit increase because it would put the employee outside the salary range.

2. The following PMS employees are eligible for monetary awards or QSIs:

- employees rated Outstanding may receive a monetary award or QSI;

- employees rated Exceeds Fully Successful or Fully Successful may receive a monetary award;

- employees who have performed in an exceptional manner and are at the top of their grade and cannot receive an increase to the base pay may receive a monetary award;

- employees who have received a QSI within the last 52 weeks may receive a monetary award.

## Chapter 7. INCENTIVE AWARDS FOR PMRS, PMS AND SES

Incentive awards (Superior Accomplishment Award) may be granted to PMRS, PMS and SES employees. Performance Awards and Presidential Awards are not covered.

Incentive awards may be monetary or non-monetary. The value of incentive awards should be commensurate with that of the contribution being recognized.

Incentive awards shall not be used as a substitute for other personnel actions or as a substitute for pay.

SES members are eligible only for incentive awards that recognize special acts or services.

### Program Effectiveness

Active and positive administration of this awards program is necessary so that the U.S. Government, the Agency and AID employees receive the most benefits. Employees with supervisory responsibility are encouraged to identify employee contributions and recommend awards. Adequate funds will be made available to grant appropriate monetary awards.

### Recommendation and Approval

Awards must be justified in writing, and must be approved at a management level higher than that of the individual recommending it:

| | |
|---|---|
| Up to $2,000 | Assistant Administrator |
| Up to $5,000 | Agency Awards Committee |
| Up to $10,000 | Administrator |

### Credit for Promotion

Recipients of incentive awards will earn credit for those awards when being rated and ranked under the AID Merit Promotion Program.

Awards will be used as a basis to determine the extent to which an employee meets the selective evaluation factors as established in the rating plan.

## Chapter 8. UNACCEPTABLE PERFORMANCE

### Applicability

This chapter applies to PMRS and PMS employees. Excluded are members of the Senior Executive Service (SES), and Schedule C and Administratively Determined (AD) employees.

### General

An employee whose performance of one or more critical elements is unacceptable shall be given an opportunity period in which to improve job performance. During the opportunity period, management shall help the employee improve his/her performance. Assistance may include formal and/or on-the-job training, counseling and/or closer supervision. The employee must be advised in writing of deficiencies and the standards that must be met in a Notice of Unacceptable Performance.

Employees whose performance in one or more critical elements continues to be unacceptable after an opportunity period is provided, must be reassigned, reduced in grade or removed from the Agency.

### Basis for Adverse Action

An adverse action may be taken only when an employee performs one or more critical elements at the Unacceptable level, has received an opportunity period and fails to improve his/her performance. The employee must be informed of the performance standard he/she must reach -- Fully Successful for PMRS employees and Minimally Successful for PMS employees.

If the performance of a PMRS employee is at the Minimally Successful level after having received an Unacceptable rating and after having been given an opportunity period, no adverse action is permitted; the employee shall continue to be placed under opportunity periods until he/she improves to the Fully Successful level. In addition, the employee's rating of record shall be revised to reflect the level of performance at the conclusion of the opportunity period(s).

### Opportunity Period

The opportunity period is initiated when the employee is given a written Notice of Unacceptable Performance. An opportunity period should begin as soon as practical following a determination of unacceptable performance of any critical element. The opportunity period should allow the employee a reasonable amount of time in which to improve performance. The amount of time may vary from situation to situation, depending on the nature of the deficient performance.

## Preparing a Notice of Unacceptable Performance

The Notice (see Exhibit B) will indicate the standards for acceptable performance that must be met, define management's role in assisting the employee, and state the consequences of continued performance at the Unacceptable level.

The Notice is to be prepared and implemented when unacceptable performance evolves into a continuing pattern and counseling, feedback and additional job instructions do not result in sufficient improvement. At this point, the servicing personnel specialist should be advised. In the case of an ongoing performance problem, managers should make such determinations and communicate their recommendations prior to the final 30 days of the rating cycle.

The first step in resolving consistently unacceptable performance is to conduct a progress review with the employee at which time the supervisor reviews the employee's unacceptable performance in terms of the elements and standards established in the performance plan. The face-to-face nature of the progress review allows for give-and-take communication between the supervisor and employee and an opportunity to resolve misunderstandings regarding expectations and standards for acceptable performance. Immediately following this a Notice of Unacceptable Performance may be prepared.

## Documentation, Withdrawal of and Effects of the Notice of Unacceptable Performance

A copy of the Notice of Unacceptable Performance will be placed in the employee's Employee Performance File immediately upon issuance and will be used in making subsequent personnel decisions regarding reassignment and promotion. The Notice shall be removed when the employee's performance reaches the acceptable level. This constitutes a withdrawal of the Notice which may be made at the end of or at any time during the opportunity period. The Notice must be withdrawn when the employee is reassigned out of the same organization or from the same line of work to work requiring different skills, is promoted, or is reassigned to a new supervisor unfamiliar with the employee's performance and work of the organization.

In the case of a PMRS employee who continues to perform at the Minimally Successful level, a new Notice documenting the subsequent opportunity period shall be filed in the EPF with the previous Notice. In addition, the PMRS employee's rating of record shall reflect the level of performance at the conclusion of the opportunity period(s).

EXHIBIT A

## Timetable of Performance Appraisal Cycle

| | |
|---|---|
| June 30* | End of appraisal period for PMRS and PMS employees. |
| July 1* | Rating and reviewing officials should begin finalizing PARs. Rating officials are responsible for obtaining performance appraisals from other supervisors for employees on detail from their positions of record during the appraisal period and who meet the requirements for interim appraisals. Information from these documents to assess the employee for summary rating purposes. Employees and rating officials should start developing performance plans for the new rating cycle. |
| July 31* | Performance plans for the new appraisal period should be in place. |
| Mid-August | Rating tendencies must have been discussed with and approved by pool managers. Ratings must be completed, reviewed and signed by rating and reviewing officials. |
| Third week, August | All PMRS and PMS PARs, documented and signed by the rating and reviewing officials, are due to the pool manager via EMSs. Included are the performance plan, progress review(s), summary rating and a memo from the rating and reviewing officials recommending performance awards for PMRS employees and cash awards/quality step increases for PMS employees. Pool managers must submit to M/PM/CSP a list of employees for whom PARs were not prepared and why. |
| Last week, August | Pool managers prepare documentation to send performance award recommendations to the Administrator for final concurrence. Pool managers should return PARs to rating officials to discuss summary ratings with employees. |
| Third week, September | After the Administrator's concurrence is obtained, pool managers are encouraged to institute procedures to communicate performance awards to appropriate rating and reviewing officials and employees. |
| Last week, September | EMSs collect PARs and forward them to M/PM/CSP. |
| End of October | Performance awards for PMRS and PMS employees and merit increases for PMRS employees are processed. |

*Effective: fiscal 1988 rating cycle.

EXHIBIT B

## Notice of Unacceptable Performance

MEMORANDUM

TO: Employee

FROM: Immediate Supervisor

SUBJECT: Notice of Unacceptable Performance

1. Note previous progress review at which time the supervisor discussed with the employee the critical elements in which performance was unacceptable.

2. Document specific instances of deficient performance. Examples:
   - The following assignments were not completed within acceptable deadlines;
   - Content of work is insufficient due to factual errors, failure to adhere to appropriate guidelines, etc.

3. State standards for unacceptable performance.

4. State that, as a result of this determination, the employee shall be given "X" number of days from the date of this notice to demonstrate acceptable performance (Minimally Successful for GS, Fully Successful for PMRS).

5. State that, for the employee to improve his/her performance to the acceptable level (Minimally Successful for PMS employees, Fully Successful for PMRS employees), he/she must meet the following standards:
   State the standard(s) to achieve Fully Successful (for PMRS employees); Minimally Successful (for PMS employees).

6. Indicate assistance management will provide to help the employee meet the standards for acceptable performance. This may include, but is not limited to:
   - formal or on-the-job training;
   - counseling;
   - closer supervision and more frequent review of work; and/or
   - restructuring of work assignments.

7. Conclude by indicating the consequences of continued deficient performance:
   - For PMRS and PMS at the Unacceptable level: reassignment, reduction in grade or removal.
   - For PMRS at the Minimally Successful level: establishment of an additional opportunity period.

Remind the employee of the importance of achieving and maintaining an acceptable level of performance.

8. Provide a signature line for the employee. If an employee refuses to sign (refusal to sign does not prevent or delay the beginning of the opportunity period), the supervisor should annotate his/her copy of the Notice to indicate the date it was delivered to the employee. The Notice is delivered by the immediate supervisor who will meet with the employee to discuss the Notice and its implications.

EXHIBIT C

**AGENCY FOR INTERNATIONAL DEVELOPMENT**

# PERFORMANCE APPRAISAL REPORT FOR PMRS, GS, AND PREVAILING RATE EMPLOYEES

This page is to be signed and dated by the employee and supervisor when the performance plan is prepared.

| Rating Period FROM | TO |
|---|---|
| | |

**EMPLOYEE INFORMATION**

| Employee's Name | Position Title |
|---|---|
| GRADE:_____ ☐ PMRS ☐ GS OR PREVAILING RATE | Organization |

**RATER/REVIEWER INFORMATION**

| Rating Officer's Name | Position Title |
|---|---|
| Reviewing Officer's Name | Position Title |

SAMPLE

| Date that performance plan was provided to employee | |
|---|---|
| Rating Officer's Signature | Date |
| Reviewing Officer's Signature | Date |
| Employee's Signature | Date |

| Progress Review(s) were held with the employee on the following date(s) |
|---|
| |

**RATING OF RECORD**
*(completed by Management Officer following approval by appropriate Pool Manager)*

| | | |
|---|---|---|
| ☐ OUTSTANDING | ☐ FULLY SUCCESSFUL | ☐ UNACCEPTABLE |
| ☐ EXCEEDS FULLY SUCCESSFUL | ☐ MINIMALLY SUCCESSFUL | |

AID 410-11 (6-87)–Page 1

*(See Privacy Act Statement on reverse of page 5)*

## INSTRUCTIONS FOR PREPARING ELEMENTS (PERFORMANCE RQUIREMENTS)

Describe individual job responsibilities for this rating period. Consider job responsibilities in terms of both ongoing tasks *(those that remain largely unchanged from year to year)* and special projects or initiatives unique to this rating cycle. At least one of these elements must be designated "critical". Critical elements are those of such importance that **minimally successful or unacceptable** performance in one or more denotes an overall rating of **less than fully successful.**

Accomplishment of organizational objectives should, when appropriate, be included in performance plans by incorporating objectives, goals, program plans, or by other similar means that account for program results.

## INSTRUCTIONS FOR PREPARING PERFORMANCE STANDARDS

State the Performance Standard for each element. Standards are meant to be the individual yardstick against which the employee's performance is measured. They should describe the **fully successful** level of performance for each individual element. Avoid standards that cannot be used to measure accomplishment. While purely qualitative standards may be unavoidable in some instances, try to include specific goals, i.e., dates for completion, target amounts, or percentages achieved.

SAMPLE

## INSTRUCTIONS FOR PREPARING PERFORMANCE APPRAISAL OF INDIVIDUAL ELEMENTS

Describe how the responsibility was met in terms of the criteria established in the standard. Avoid excessive use of superlatives. Adjectives describing the quality of performance should be followed by **specific, concrete, examples of achievement.** A narrative statement for each element is *not* required if performance in that element is indicated as **fully successful.**

*(Space is provided for six individual elements. Page 2A may be reproduced if more are necessary.)*

Employee's Name

Page_____ of_____

PERFORMANCE PLAN

**ELEMENT:** Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:**

**Performance Appraisal:**

SAMPLE

Overall Performance Rating For This Element
☐ OUT ☐ EFS ☐ FS ☐ MS ☐ UNACC

**ELEMENT:** Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:**

**Performance Appraisal:**

Overall Performance Rating For This Element
☐ OUT ☐ EFS ☐ FS ☐ MS ☐ UNACC

| Employee's Name | Page_____ of_____ |
|---|---|

**PERFORMANCE PLAN**

**ELEMENT:** Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:**

**Performance Appraisal:**

SAMPLE

Overall Performance Rating For This Element
☐ OUT ☐ EFS ☐ FS ☐ MS ☐ UNACC

**ELEMENT:** Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:**

**Performance Appraisal:**

Overall Performance Rating For This Element
☐ OUT ☐ EFS ☐ FS ☐ MS ☐ UNACC



(TM 25:137)

| Employee's Name | Page_____ of_____ |
|---|---|

**PERFORMANCE PLAN**

**ELEMENT:** Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:**

**Performance Appraisal:**

Overall Performance Rating For This Element
☐ OUT ☐ EFS ☐ FS ☐ MS ☐ UNACC

SAMPLE

**ELEMENT:** Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:**

**Performance Appraisal:**

Overall Performance Rating For This Element
☐ OUT ☐ EFS ☐ FS ☐ MS ☐ UNACC



(TM 25:137)

## MANDATORY ELEMENTS FOR ALL SUPERVISORY PERSONNEL

The elements for Performance Planning and Appraisal and EEO Responsibilities are applied to all supervisory personnel. Either element may be designated as critical or noncritical.

Instructions for Performance Planning and Appraisal:

The standard for this element describes the minimum activities necessary to sustain fully successful performance in this element. Performance that exceeds the fully successful level might include:

- consideration of performance deficiencies as well as potential when considering individuals for training;
- work assignments coordinated to match abilities to tasks as well as provide on-the-job developmental opportunities.

**NOTE:** Supervisors rated less than **fully successful** in the performance planning and appraisal element will not receive a performance bonus.

SAMPLE

(TM 25:137)

Employee's Name

Page_____ of_____

## MANDATORY ELEMENTS FOR ALL SUPERVISORY PERSONNEL

**ELEMENT:** Performance Planning and Appraisal. Is this a critical element of the job? ☐ YES ☐ NO

Performance of subordinate personnel is managed in an effective fashion with employee's skills and abilities efficiently utilized.

**Performance Standard:**

High quality Performance Appraisal Reports (PARs) and Evaluation Reports (EERs) are executed at the planning and appraisal stages in a timely manner. At least one progress review is conducted for each employee supervised. Performance objectives are discussed with employees, their input solicited and utilized in performance plan preparation.

**Performance Appraisal:**

Overall Performance Rating For This Element

☐ OUT ☐ EFS ☐ FS ☐ MS ☐ UNACC

SAMPLE

**ELEMENT:** Equal Employment Opportunity (EEO) Responsibilities. Is this a critical element of the job? ☐ YES ☐ NO

Gains knowledge of and implements Agency/bureau/office affirmative action goals through training, contact with the Office of Equal Opportunity Programs (EOP), review of EOP notices on affirmative action, attendance at EEO briefings, and review of bureau/office affirmative action plan maintained in the bureau/office administrative office.

**Performance Standard:**

Utilizes this knowledge to identify organizational or other barriers to equal employment opportunity within immediate span of control. Develops strategies for overcoming barriers and/or proposes same to higher level management in a timely fashion. Takes positive steps toward meeting affirmative action goals when making human resource management decisions in the areas of hiring, promotion, training, career development, position abolishment, reassignment, detail and TDY assignments.

**Performance Appraisal:**

Overall Performance Rating For This Element

☐ OUT ☐ EFS ☐ FS ☐ MS ☐ UNACC

## INSTRUCTIONS FOR PROGRESS REVIEWS

At least one progress review is required for all GS/GM and prevailing rate employees. A narrative appraisal of performance at the Progress Review is **OPTIONAL** if performance is **fully successful** or better. In such cases, check that box which indicates the current level of performance. Include date(s) of review(s) and signature(s) here and on page 1.

A progress review must be conducted and documented when a supervisor completes the probationary period for new supervisors.

When performance falls to **Minimally Successful** at least two reviews should be conducted and documented. Frequent informal progress reviews are also encouraged.

Areas of performance needing improvement should be discussed with the employee as early as possible in the rating period. Comments by rating official should reflect how well the employee responded to suggestions on how to improve effectiveness and should indicate where additional effort is needed. Recommendations for training to overcome weakness should be entered. In addition, guidance on the establishment of an opportunity period(s), when performance is unacceptable, should be obtained from the Civil Service Personnel Division (CSP).

SAMPLE

| Employee's Name | Page_____ of_____ |
|---|---|

**PROGRESS REVIEWS**

Overall Performance FROM _____ TO _____ discussed below.

Overall Performance:
☐ Meets or exceeds the standards for fully successful.

☐ Does not meet standards. Specify which elements/standards in written narrative (above).

Supervisors serving probationary period *(For new supervisors ONLY)*
Demonstrated Supervisory Skills are ☐ ACCEPTABLE ☐ UNACCEPTABLE

Progress review was discussed with employee on

SAMPLE

| Supervisor's Signature | Date | Employee's Signature | Date |
|---|---|---|---|

Overall Performance FROM _____ TO _____ discussed below.

Overall Performance:
☐ Meets or exceeds the standards for fully successful.

☐ Does not meet standards. Specify which elements/standards in written narrative (above).

Supervisors serving probationary period *(For new supervisors ONLY)*
Demonstrated Supervisory Skills are ☐ ACCEPTABLE ☐ UNACCEPTABLE

Progress review was discussed with employee on

| Supervisor's Signature | Date | Employee's Signature | Date |
|---|---|---|---|



(TM 25:137)

## INSTRUCTIONS FOR PREPARING SUMMARY RATING

### Deriving Summary Ratings

In deriving the summary rating, the supervisor should review the appraisal of each performance element giving predominant weight to the critical elements, and assign the summary rating which most accurately reflects the employee's overall performance. The summary rating must be consistent with and supported by the critical element ratings. A narrative statement made by the rating officer on the following page is mandatory regardless of summary rating level.

—*Outstanding*–the summary rating of outstanding should be used very rarely and must be supported by outstanding ratings for all critical elements. The majority of the noncritical elements should be at least exceeds fully successful with none less than fully successful. A summary rating of outstanding requires the personal certification of the pool manager attesting to the organizational achievements for each critical element rated.

—*Exceeds Fully Successful*–the summary rating of exceeds fully successful is supported when the majority of the critical elements are rated exceeds fully successful or higher. None can be rated lower than fully successful. In a case where critical elements are evenly divided between fully successful and exceeds fully successful or higher, the sumary rating of fully successful shall be awarded. The majority of non-critical elements should be at the fully successful level.

—*Fully Successful*–the sumary rating of fully successful is when the majority of critical elements are rated fully successful or higher. None of the critical elements may be rated less than fully successful. The majority of the non-critical elements should be rated fully successful or higher, but none less than minimally successful.

SAMPLE

—*Minimally Successful*–the summary rating of minimally successful is assigned when one or more critical elements are rated minimally successful with none rated lower. Noncritical elements may be a mix of element ratings.

—*Unacceptable*–if performance on any critical element is unacceptable, the summary rating must be unacceptable. Non-critical elements may be a mix of element ratings.

### Interim Rating Requirements

—An interim performance appraisal report is required when:

- the employee is reassigned, promoted, or transferred to another assignment after 90 days have elapsed; OR a decision is made to withhold a within grade increase.

In these cases the supervisor will:

- Have a review with the employee and discuss performance to that point;
- Prepare a summary rating as outlined above.
- Forward the performance package *(plan, review and rating)* to the executive management staff to transmit to the gaining supervisor or to the gaining EMS officer for appropriate action. Interim appraisals must be considered in preparing the employee's next rating of record.

A summary rating is *encouraged* when the rating officer leaves during the rating cycle or when major chanages in duties and performance requirements necessitates a new plan. It is important that every assignment and period of service be documented to show duration and quality of service and that there is documentation available that can be considered by the officer who prepares the rating of record.

| Employee's Name | Page_____ of_____ |
|---|---|

**SUMMARY RATING**

Rating Officer's narrative statement highlighting the employee's overall performance during the appraisal cycle.

This is a ☐ Summary ☐ Interim Rating

☐ OUTSTANDING ☐ EXCEEDS FULLY SUCCESSFUL ☐ FULLY SUCCESSFUL

☐ MINIMALLY SUCCESSFUL ☐ UNACCEPTABLE

SAMPLE

| Rating Officer's Signature | Date |
|---|---|

Reviewing Officer's Comments

| Reviewing Officer's Signature | Date |
|---|---|

Employee's Comments *(optional)*

| Employee's Signature | Date |
|---|---|

## PRIVACY ACT STATEMENT

The following statement is required to be attached to the subject form by the Privacy Act of 1974 (Public Law 93-579; 88 Statute 1896).

This form is used to evaluate the performance of members of GS, GM and Prevailing Rate employees. The Civil Service Reform Act of 1978 (Public Law 95-454) constitutes authority for collecting this information.

Disclosure of information provided will not be made outside the Agency without written consent of the employee concerned except (a) pursuant to any applicable routine use listed under AID's Civil Service Employee Office of Personnel Record System (AID 2) in AID's Notice of System of Records for implementing the Privacy Act as published in the Federal Register, or (b) when disclosure without the employee's consent is authorized by the Privacy Act and provided for in AID Regulation 15. *(A copy of the Regulation and Notice of Systems of Records is available from AID Distribution on request.)*

SAMPLE

## Part II. SENIOR EXECUTIVE SERVICE PERFORMANCE MANAGEMENT SYSTEM (SESPMS)

### Chapter 1. OVERVIEW

#### Purpose

Senior AID management's principle program and organizational and managerial objectives are defined through the use of performance plans. SES performance plans are expected to provide each executive with a clear understanding of special initiatives for the current appraisal period as well as management's expectations regarding the execution of continuing responsibilities.

Through resources managed by the executive, goals are translated into organizational objectives and integrated into the performance plans of subordinate staff. Evaluation of performance is based on the accomplishment of program and administrative goals, and serves as an assessment of the Agency's progress in accomplishing major program initiatives as well as an indicator of overall cost effectiveness, efficient utilization of resources, and effective integration of the functions of each major Agency component.

The Agency's Performance Review Board is responsible for making certain that a strong positive correlation exists between the SES members' achievement of results and the awarding of performance bonuses, changes in individual SES pay levels and nominations for Presidential rank awards.

#### Definitions

Appraisal. The act or process of reviewing and evaluating the performance of an executive against the described performance standards.

Appraisal Period. The period of time established by an appraisal system for which an executive's performance will be reviewed. For most AID executives, the appraisal period will be for one year, October 1-September 30. An appraisal period may be as short as 90 days.

Appraisal System. A system that provides for the establishment of performance standards, identification of critical and noncritical elements, communication of standards and elements to executives, establishment of methods and procedures to appraise performance against established standards, and appropriate use of appraisal information in making personnel decisions.

Critical Element. A component of a position consisting of one or more duties and responsibilities that contributes toward accomplishing organizational goals and objectives and that is of such importance that unacceptable performance on the element would result in unacceptable performance in the position. The lowest rated critical element of an executive's performance appraisal indicates the overall final rating.

Final Rating. The rating of record assigned to an executive after the recommendations of the Performance Review Board have been considered.

Initial Rating. The summary rating made by an executive's supervisor and provided to the Performance Review Board.

Noncritical Element. A component of a position that is of such significance that it should be included in a performance plan but is not so significant as to be designated a critical element.

Performance. An executive's accomplishment of assigned work in the critical and noncritical elements of the executive's position.

Performance Appraisal Report (PAR). The completed AID form (410-10 (9-86)) used to document the performance plan, progress review(s), modifications (if any), interim ratings and the rating of record.

Performance Award (Bonus). A cash payment to an executive based on the executive's rating of record and degree of accomplishment relative to that of other career members of AID's SES. On an annual basis, career executives rated Outstanding or Exceeds Fully Successful shall be eligible to receive a bonus of 5-20% of their annual salary. However, total compensation shall not exceed the scheduled annual salary for EX-OI. Executives receiving Presidential rank awards shall not receive a bonus in the same calendar year.

Performance Award Budget for SES. A pool of funds from which SES performance bonuses may be awarded. The pool shall be comprised of 3% of the aggregate annual payroll for AID's career SES population, as computed on the last day of the current fiscal year.

Performance Plan. The aggregation of an executive's written critical and noncritical elements and performance standards (Part I, AID form 410-10(9-86)).

Performance Review Board. The Board that reviews individual executive's job performance and makes recommendations regarding performance-related decisions.

Performance Standard. A statement of the expectations or requirements established by senior management for critical and noncritical elements at the rating level of Fully Successful. Wherever possible, a performance standard should be derived from quantifiable measures of job performance based on such factors as quality, quantity, timeliness and cost reduction.

Progress Review. A review of the executive's progress in achieving the performance standards. The review, in itself, is not a rating.

Rating. The level of performance the employee has attained for each critical and noncritical element. The five rating levels are Outstanding, Exceeds Fully Successful, Marginally Successful and Unsuccessful.

Rating of Record. The overall rating derived from the rating of performance elements. The five ratings of record are Outstanding, Exceeds Fully Successful, Fully Successful, Marginally Successful and Unsuccessful.

Special Act or Service. A nonrecurring contribution or accomplishment in the public interest that is within or outside of job responsibilities, a suggestion, a scientific achievement or an act of heroism.

## Training

M/PM is responsible to make certain that executives and supervisors of executives understand AID's performance appraisal systems and are competent at using the Agency's performance planning documents to develop and articulate organizational goals into meaningful performance requirements and standards to evaluate achievement. M/PM will provide new executives with formal training and written guidance on the proper completion and usage of performance-related documents. Performance Review Board members may, on an ad hoc basis, meet with individual executives to help revise SES performance plans or individual elements and standards the Board has deemed inadequate, vague or defining responsibilities beyond the executive's control.

Executives will prepare an Individual Development Plan (IDP) on which formal training and developmental activities and strategies are outlined. The PRB may make suggestions to the executive or his/her supervisor on items to include in the IDP.

## Performance Records

Completed PARs reviewed by the PRB and the summary rating approved by the Administrator shall be filed in a separate Employee Performance Folder (EPF) maintained for each executive for a minimum of five years. Upon transfer of the executive to another Federal agency, the documents shall be included with the Official Personnel Folder transmitted to the gaining agency; all appropriate performance related documents five years old or less shall be forwarded to the gaining agency. Justifications and documentation of awards other than those based on the PAR shall be retained in the EPF.

The executive shall review his/her appraisal and have an opportunity to comment on its content or on any aspect of his/her performance prior to transmittal to the reviewing official. The executive's comments, if any, shall be made available to the PRB. The executive shall be provided with a copy of his/her appraisal, including comments, if any, made by the reviewing official at the time the reviewing official completes his/her review of the appraisal, coincidental with its transmittal to the PRB.

Managers must provide each executive a copy of the following documents at the time they are prepared: the initial rating, with notification of the right to respond in writing and to request a higher level review before the rating becomes final; comments and recommended changes by a higher level executive, and the final rating. All performance-related records must be maintained for five years from the date the rating is issued.

## System Evaluation

The PRB will evaluate all aspects of the SES performance appraisal system. The PRB will evaluate the system on an annual basis and report its findings and recommendations to the Agency's Executive Resources Board (ERB). This usually will be done upon completion of the PRB's annual deliberations regarding review of final ratings and recommendations for bonuses, pay level adjustments and Presidential rank award nominations.

## Chapter 2. PERFORMANCE APPRAISAL

### Applicability

This section applies to all AID SES members serving under Career, Noncareer, Limited Term and Limited Emergency appointments.

Performance plans, progress reviews and subsequent appraisals will be prepared or conducted for all AID SES members with the exception of those on detail away from the Agency or on long-term training.

### Policies

1. Performance elements and standards are to be communicated to the executive at or before the beginning of the appraisal period. SES performance plans will be prepared in writing and provided to the executive at the beginning of the appraisal period or within 30 days of the beginning of the appraisal period. Additionally, within 30 days of entry into the SES or upon permanent reassignment, the executive will receive a written performance plan. Performance plans will be documented on the approved Performance Appraisal Report, AID form 410-10 (9-86).

2. Each performance plan must include at least two critical elements.

3. The appraisal period shall begin on October 1 and end on September 30. When an executive has not served the minimum 90 days as of the end of the rating period, the executive's appraisal period shall be extended for the time necessary to meet the 90-day requirement. The Administrator may terminate the appraisal period for an SES member at any time after a minumum of 90 days if it is believed there is adequate basis on which to appraise and rate the executive's performance. For a career SES member, no appraisal shall be made within 120 days of the beginning of a new Presidential administration.

4. Performance plans will be established in consultation with the executive and transmitted to the Executive Secretary, Performance Review Board. The supervising official has the final authority to establish performance plans.

5. Performance elements and standards will be based on the requirements of the executive's position and must include organizational objectives.

6. Performance standards will define the level of accomplishment necessary to sustain a rating of Fully Successful for each element.

7. All SES performance plans will contain mandatory elements (performance management, EEO, cost control and audit resolution) and standards that have been preprinted on AID Form 410-10 (9-86). The elements are intended to be noncritical. However, in individual cases, rating officials may develop unique elements and standards covering any of the above responsibilities and designate them as critical or noncritical.

8. Ratings will be based on a comparison of performance against written standards.

9. The SES performance appraisal system uses employs five rating levels: Outstanding; Exceeds Fully Successful; Fully Successful; Minimally Satisfactory, and Unsatisfactory

10. Executives shall be given an opportunity to improve Minimally Satisfactory or Unsatisfactory performance through formal or on-the-job training, counseling or closer supervision.

11. There will be no predetermined distribution of ratings by level of performance.

12. A written rating of record of the rated executive's performance shall be reviewed for approval by the Administrator or the Deputy Administrator on an annual basis after considering PRB recommendations.

## Chapter 3. PROGRESS REVIEWS AND RATINGS OF RECORD

### Progress Reviews

Progress reviews shall be conducted for each executive at least once during the appraisal period. The review will compare the executive's job performance against established performance elements and standards. Formal ratings will not be given as a result of the review. Although documentation of progress reviews is not required, reviews citing Minimally Satisfactory or Unsatisfactory performance should be documented by the rating official and a copy provided to the executive and the PRB Executive Secretary.

### Ratings of Record

A rating of record must be prepared when an executive changes from a position that he/she held for 120 days or more. A summary rating prepared when an executive changes positions during an appraisal period is not considered an initial rating, but shall be considered in arriving at the summary rating for the rating period in which performance occurred.

Each performance element must be defined. The only exception is for instances in which the executive did not have sufficient opportunity to demonstrate performance in the element in question. Often, this will be the case regarding the mandatory element for audit resolution.

Appraisal of job performance of executives on details or long-term training:

- When an executive is detailed within the Agency for a period expected to last 120 days or longer, a performance plan shall be prepared covering the performance requirements of the new position within 30 days of the effective date of the detail. A summary rating shall be prepared at the conclusion of the detail and shall be used in arriving at the rating of record for the appraisal period in which job performance occurred.

- When an executive is detailed away from the Agency, a reasonable effort will be made to obtain appraisal information from the outside organization; the information shall be considered in deriving the rating of record for the appraisal period in which job performance occurred.

- A long-term training assignment shall be treated the same as a detail away from the Agency.

#### Levels

The Senior Executive Service Performance Appraisal System uses a five-level system to rate executives:

Outstanding. Performance that is substantially higher than the standard for Fully Successful and represents a level of performance not all employees could be expected to achieve. A rating of Outstanding is meant to connotate an extraordinary level of achievement and commitment in terms of time, technical knowledge and skill, ingenuity, creativity and initiative in the attainment of organizational objectives.

Exceeds Fully Successful. Performance that consistently and significantly exceeds the level of accomplishment that would otherwise be required to meet the standard for Fully Successful.

Fully Successful. Performance that fully and consistently meets the requirements and expectations of the job laid out for the Fully Successful standard.

Minimally Satisfactory. Performance that does not fully meet the performance standard set for Fully Successful. This may be evidenced by the need for greater supervisory review, or discussion and correction than is necessary at the Fully Successful level. When performance falls below Fully Successful, remedial action should be taken.

Unsatisfactory. Performance that clearly fails to meet a performance standard set at at the Fully Successful level. When performance is Unsatisfactory on a critical element, corrective action must be taken.

Deriving Ratings of Record

Ratings of record must be based on how the executive performed on identified critical and noncritical performance elements. The executive's overall summary rating shall be be derived as follows:

- Outstanding. All critical elements and the majority of noncritical elements shall be rated Outstanding;

- Exceeds Fully Successful, Fully Successful or Minimally Satisfactory. The majority of critical and noncritical elements should have the same individual rating as that of the summary rating. No critical element shall be rated less than one level below that of the summary rating.

- Unsatisfactory. When any one critical element is rated Unsatisfactory, the rating of record shall be Unsatisfactory.

Basis for Adverse Action

The following actions shall be taken for performance rated as less than Fully Successful:

| Rating of Record | Action |
|---|---|
| One Unsatisfactory rating | Removal from position or SES |
| Two Unsatisfactory ratings within five consecutive rating years | Removal from SES |
| Two ratings below Fully Successful within three consecutive rating years | Removal from SES |

Provisions of the Appraisal System

The appraisal system provides for:

- written initial rating of the executive's performance made by the executive's rating official, and provided to the rated executive;

- an opportunity for the rated executive to respond in writing to the initial rating;

- an opportunity for a reviewing official to review an executive's rating, unless there is no one at a higher level, before PRB review;

- provision for PRB review of the reviewing officer's comments;

Performance Review Board

The PRB makes recommendations on executives' job performance.

Responsibilities

- Review and approve individual performance plans at the beginning of each appraisal period.

- Review standards and ratings of record for difficulty and strictness of application to ensure that only those executives whose job performance exceeds normal expectations are rated at levels above Fully Successful.

- Make recommendations regarding the approval of the rating of record for each executive,

- Make recommendations regarding the allocation of the performance award budget for the SES including the amounts of individual performance bonuses.

- Make recommendations regarding the adjustment of an executive's individual SES pay level.

- Make recommendations regarding nominations of executives for Presidential rank awards.

- Transmit copies of reviewing official's comments to rated executive and rating official.

Precepts

A comprehensive statement of the PRB's responsibilities and operations is contained in the PRB Operating Guidelines. The following precepts govern PRB appointment and operation:

1. the PRB will consist of at least three members appointed by the Administrator or the Deputy Administrator;

2. notice of appointment of an individual to the PRB will be published in the Federal Register;

3. PRB members will be appointed in such a manner as to assure consistency, stability and objectivity in performance appraisal;

4. when appraising a career executive, the majority of the PRB shall consist of career appointees;

5. the PRB will review and evaluate the initial rating, the rated executive's written response and the written comments of a higher level executive, if any, and will conduct such further review as the PRB finds necessary;

6. individual PRB members shall not take part in PRB deliberations involving their appraisals, or those of their immediate supervisor or executives under their immediate supervision;

7. the PRB shall make written recommendations concerning each executive's rating of record;

8. the PRB shall review and approve recommendations for incentive awards for SES members based on a special act or service, i.e. an invention, suggestion, act of heroism, or other one-time accomplishment that may or may not be a part of the executive's job responsibilities. In addition to determining that the act cited for an incentive award is one for which an executive may be recognized, the PRB shall adhere to all applicable guidelines of the Agency's Incentive Awards Program (Chapter 7, Part A).

EXHIBIT D

# AGENCY FOR INTERNATIONAL DEVELOPMENT

# PERFORMANCE APPRAISAL REPORT FOR THE SENIOR EXECUTIVE SERVICE

*This page is to be signed and dated by the executive and supervisor when the performance plan is prepared.*

| Rating Period FROM | TO |
|---|---|
| | |

| | | |
|---|---|---|
| Executive's Name | Position Title | |
| Organization | | ES-Pay Level |
| Rating Official's Name | Position Title | |

**Organizational Description:** Briefly describe the executive's role in the organization. *(Include the number of people and organizational elements supervised, as well as a description of resources managed.)* Describe the executive's position in terms of policy making responsibilities, program and management support activities, development project portfolio *(if applicable)*, and organizational responsibilities. **DO NOT** attach position descriptions or functional statements. **DO NOT** exceed the space provided below.

SAMPLE

| | | |
|---|---|---|
| Executive's Signature | | Date Written Elements and Standards Provided |
| Rating Official's Signature | Date | Date PRB Approved |

AID 410-10 (9-86)- Page 1

*(See Privacy Act Statement on reverse of page 6)*



(TM 25:137)

## INSTRUCTIONS FOR PREPARING PERFORMANCE REQUIREMENTS

Consider job responsibilities in terms of both ongoing tasks *(those that remain largely unchanged from year to year)* and special projects or initiatives unique to this rating cycle. The executive's performance plan shall consist of no fewer than 5 nor more than 8 such elements. At least two of these elements must be designated "critical". Critical elements are those of such importance that unsatisfactory performance in one or more denotes an overall rating of unsatisfactory. The limitation on the number of elements does not include the 4 mandatory performance requirements found at the end of the Performance Plan section of this form.

## INSTRUCTIONS FOR PREPARING PERFORMANCE STANDARDS

Standards are meant to be the individual yardstick against which the executive's performance is measured. They should describe the fully successful level of performance for each individual Performance Requirement. Avoid standards that cannot be used to measure accomplishment. While purely qualitative standards may be unavoidable in some instances, try to include specific goals, i.e., dates for completion, target amounts, or percentages achieved.

SAMPLE

## INSTRUCTION FOR PREPARING PERFORMANCE APPRAISAL OF INDIVIDUAL ELEMENTS

Avoid excessive use of superlatives. Adjectives describing the quality of performance should be followed by specific, concrete, examples of achievement.

**N O T E: ALL ENTRIES ON THIS FORM MUST BE CONFINED TO THE SPACE ALLOTTED**

| Executive's Name | Page _____ of _____ |
|---|---|

**PERFORMANCE PLAN**

**Performance Requirement:** Describe *one* responsibility for this rating period.

The above element is a ☐ continuing responsibility ☐ special initiative

Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:** State the performance standard for carrying out this responsibility in a fully successful manner.

SAMPLE

**Performance Appraisal:** Describe how the responsibility was met in terms of the criteria established in the standard. Cite specific examples of substantive accomplishments.

Overall Performance Rating for This Element

☐ OUTSTANDING ☐ EXCEEDS FULLY SUCCESSFUL ☐ FULLY SUCCESSFUL

☐ MINIMALLY SATISFACTORY ☐ UNSATISFACTORY

| Executive's Name | Page _____ of _____ |
|---|---|

**PERFORMANCE PLAN**

**Performance Requirement:** Describe *one* responsibility for this rating period.

The above element is a ☐ continuing responsibility ☐ special initiative

Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:** State the performance standard for carrying out this responsibility in a fully successful manner.

SAMPLE

**Performance Appraisal:** Describe how the responsibility was met in terms of the criteria established in the standard. Cite specific examples of substantive accomplishments.

Overall Performance Rating for This Element

☐ OUTSTANDING ☐ EXCEEDS FULLY SUCCESSFUL ☐ FULLY SUCCESSFUL

☐ MINIMALLY SATISFACTORY ☐ UNSATISFACTORY

| Executive's Name | Page _____ of _____ |
|---|---|

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**Performance Requirement:** Describe *one* responsibility for this rating period.

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☐ MINIMALLY SATISFACTORY ☐ UNSATISFACTORY

| Executive's Name | Page _____ of _____ |
|---|---|

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☐ MINIMALLY SATISFACTORY ☐ UNSATISFACTORY

| Executive's Name | Page _____ of _____ |
|---|---|

**PERFORMANCE PLAN**

**Performance Requirement:** Describe *one* responsibility for this rating period.

The above element is a ☐ continuing responsibility ☐ special initiative

Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:** State the performance standard for carrying out this responsibility in a fully successful manner.

**Performance Appraisal:** Describe how the responsibility was met in terms of the criteria established in the standard. Cite specific examples of substantive accomplishments.

SAMPLE

Overall Performance Rating for This Element

☐ OUTSTANDING ☐ EXCEEDS FULLY SUCCESSFUL ☐ FULLY SUCCESSFUL

☐ MINIMALLY SATISFACTORY ☐ UNSATISFACTORY

Executive's Name

Page _____ of _____

**PERFORMANCE PLAN**

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The above element is a ☐ continuing responsibility ☐ special initiative

Is this a critical element of the job? ☐ YES ☐ NO

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SAMPLE

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Overall Performance Rating for This Element

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☐ MINIMALLY SATISFACTORY ☐ UNSATISFACTORY

| Executive's Name | Page _____ of _____ |
|---|---|

**PERFORMANCE PLAN**

**Performance Requirement:** Describe *one* responsibility for this rating period.

The above element is a ☐ continuing responsibility ☐ special initiative

Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:** State the performance standard for carrying out this responsibility in a fully successful manner.

SAMPLE

**Performance Appraisal:** Describe how the responsibility was met in terms of the criteria established in the standard. Cite specific examples of substantive accomplishments.

Overall Performance Rating for This Element

☐ OUTSTANDING ☐ EXCEEDS FULLY SUCCESSFUL ☐ FULLY SUCCESSFUL

☐ MINIMALLY SATISFACTORY ☐ UNSATISFACTORY

| Executive's Name | Page _____ of _____ |
|---|---|

**PERFORMANCE PLAN**

**Performance Requirement:** Describe *one* responsibility for this rating period.

The above element is a ☐ continuing responsibility ☐ special initiative

Is this a critical element of the job? ☐ YES ☐ NO

**Performance Standard:** State the performance standard for carrying out this responsibility in a fully successful manner.

SAMPLE

**Performance Appraisal:** Describe how the responsibility was met in terms of the criteria established in the standard. Cite specific examples of substantive accomplishments.

Overall Performance Rating for This Element

☐ OUTSTANDING ☐ EXCEEDS FULLY SUCCESSFUL ☐ FULLY SUCCESSFUL

☐ MINIMALLY SATISFACTORY ☐ UNSATISFACTORY

## INSTRUCTIONS FOR MANDATORY PERFORMANCE REQUIREMENTS

The four mandatory performance requirements and the standards against which performance is to be measured have been defined for all executives. When utilized in this format it is intended that they be non-critical. However, if required by individual situations, the executive and supervisor may develop one or more of these elements into a unique performance requirement and standard utilizing one of the previous pages. In such case the element could be designated critical or non-critical, continuing responsibility or special initiative. These mandatory elements are not counted in the limitation of 5 to 8 elements required in the previous portion of the Performance Plan. No rating shall be made for Audit Resolution if the executive had no responsibility for resolving audit findings during the rating period.

SAMPLE

**N O T E: ALL ENTRIES ON THIS FORM MUST BE CONFINED TO THE SPACE ALLOTTED**

Executive's Name

Page _____ of _____

PERFORMANCE PLAN

## MANDATORY PERFORMANCE REQUIREMENTS

For the 4 performance requirements listed below, "X" the box corresponding to the overall level of performance in each area. Space is also provided for **optional** narrative assessment.

| | OUTSTANDING | EXCEEDS FULLY SUCCESSFUL | FULLY SUCCESSFUL | MINIMALLY SATISFACTORY | UNSATISFACTORY |
|---|---|---|---|---|---|
| **A. PERFORMANCE MANAGEMENT**<br>• Performance Appraisal Reports (PARS) and Employee Evaluation Reports (EERS) were executed at the planning and appraisal stages in a timely manner.<br>• Performance objectives were discussed with employees, their input solicited and utilized in Performance Plan preparation.<br>• Progress reviews were conducted for all employees.<br>• Throughout the rating period, assignments were made to subordinate staff in a fashion that matched abilities to tasks and provided on-the-job developmental opportunities. | ☐ | ☐ | ☐ | ☐ | ☐ |
| *Optional Narrative Appraisal (must be completed if performance in this element is less than fully successful).* | | | | | |
| **B. EQUAL EMPLOYMENT OPPORTUNITY**<br>• The Executive took an active role in developing the affirmative action plan for the organization under his/her supervision.<br>• The Executive took positive steps to achieve the goals set forth in the affirmative action plan for his/her organization. | ☐ | ☐ | ☐ | ☐ | ☐ |
| *Optional Narrative Appraisal (must be completed if performance in this element is less than fully successful).* | | | | | |
| **C. COST CONTROL**<br>• Areas of possible cost reduction were identified and alternate proposals developed and investigated.<br>• Positive steps were taken to reduce operating, administrative, or program expenditures. | ☐ | ☐ | ☐ | ☐ | ☐ |
| *Optional Narrative Appraisal (must be completed if performance in this element is less than fully successful).* | | | | | |
| **D. AUDIT RESOLUTION (if applicable)**<br>• Resolution of audit findings was completed in a timely fashion.<br>• Resolution of audit findings was supportive of program requirements. | ☐ | ☐ | ☐ | ☐ | ☐ |
| *Optional Narrative Appraisal (must be completed if performance in this element is less than fully successful).* | | | | | |

SAMPLE

## INSTRUCTIONS FOR OVERALL APPRAISAL

Cite specific examples of achievement during the past rating period. Include mention of any ad hoc assignments that developed during the rating period that were not anticipated or covered by the elements in the **Performance Plan.**

**NOTE: ALL ENTRIES ON THIS FORM MUST BE CONFINED TO THE SPACE ALLOTTED**

SAMPLE

## INSTRUCTIONS FOR SUMMARY RATING

The summary rating is derived from the ratings of the individual elements according to the following criteria:

- For a summary rating of **outstanding**, all critical elements shall be rated outstanding and the majority of non-critical elements also rated outstanding;
- For a summary rating of **exceeds fully successful, fully successful, or minimally satisfactory**, the majority of critical and non-critical elements should have the same individual rating as that of the summary rating. No critical element shall be rated less than one level below that of the summary rating;
- When any one critical element is rated **unsatisfactory**, the summary rating shall be **unsatisfactory.**

| Executive's Name | Page _____ of _____ |
|---|---|

**PERFORMANCE APPRAISAL**

**Overall Appraisal:** The rating officer will provide a narrative statement highlighting the executive's accomplishments during the appraisal cycle.

SAMPLE

Progress Review(s) Were Conducted on the Following Dates. They ☐ were ☐ were not documented.

Summary Rating

☐ OUTSTANDING ☐ EXCEEDS FULLY SUCCESSFUL ☐ FULLY SUCCESSFUL

☐ MINIMALLY SATISFACTORY ☐ UNSATISFACTORY

| Rating Officer's Signature | Date |
|---|---|



(TM 25:137)

N O T E: ALL ENTRIES ON THIS FORM MUST BE CONFINED TO THE SPACE ALLOTTED

SAMPLE

| Executive's Name | Page _____ of _____ |
|---|---|

**PERFORMANCE APPRAISAL**

**Areas In Which the Executive Might Improve** *(To be completed by the rating officer)* **NOTE:** This section must be completed regardless of the executive's summary rating.

*(OPTIONAL)* **Executive's Comments** *(To be completed by the Executive being rated)*

SAMPLE

| Executive's Signature | Date |
|---|---|



(TM 25:137)

## INSTRUCTIONS FOR REVIEWING OFFICER'S STATEMENT

In those instances in which the executive's reviewing officer is a bureau head or the Deputy Administrator, completion of this section is mandatory. If the reviewing officer is the Administrator, completion of this section is optional at the request of the executive. In such cases, if the executive does not request a review by the Administrator, the section below regarding bonus, rank award and pay level adjustment shall be completed by the executive's supervisor *(rating officer).*

In all cases, the Executive's Performance Appraisal Report shall be reviewed by the Performance Review Board before finalization of the summary rating.

SAMPLE

**N O T E: ALL ENTRIES ON THIS FORM MUST BE CONFINED TO THE SPACE ALLOTTED**

| Executive's Name | Page _____ of _____ |
|---|---|

**PERFORMANCE APPRAISAL**

**Recommendations of Bureau Head or Deputy Administrator:** Provide a narrative statement highlighting the executive's accomplishments during the appraisal cycle.

SAMPLE

Indicate recommendations regarding performance bonus, rank award nomination, or pay level adjustment.

| | | |
|---|---|---|
| Performance Bonus | ☐ YES<br>_____ AMOUNT *(5% to 20% of salary)* | ☐ NO |
| Rank Award Nomination | ☐ YES<br>☐ MERITORIOUS<br>☐ DISTINGUISHED | ☐ NO |
| Pay Level Adjustment | ☐ YES<br>_____ RECOMMENDED SES LEVEL | ☐ NO |

| Bureau Head or Deputy Administrator's Signature | Date |
|---|---|
| | |

## PRIVACY ACT STATEMENT

The following statement is required to be attached to the subject form by the Privacy Act of 1974 (Public Law 93-579; 88 Statute 1896).

This form is used to evaluate the performance of members of the Senior Executive Service. The Civil Service Reform Act of 1978 (Public Law 95-454) constitutes authority for collecting this information.

Disclosure of information provided will not be made outside the Agency without written consent of the employee concerned except (a) pursuant to any applicable routine use listed under AID's Civil Service Employee Office of Personnel Record System (AID 2) in AID's Notice of System of Records for implementing the Privacy Act as published in the Federal Register, or (b) when disclosure without the employee's consent is authorized by the Privacy Act and provided for in AID Regulation 15. *(A copy of the Regulation and Notice of Systems of Records is available from AID Distribution on request.)*

SAMPLE

# CHAPTER 16

# THE MERIT PROMOTION PROGRAM

## 16A. Purpose

The purpose of the Merit Promotion Program is to provide Agency policies and procedures for meeting its internal staffing needs with the best qualified candidates available through the Civil Service employment system; to assure that employees have a fair and equitable opportunity to develop and advance to their full potential according to their capabilities; and to provide incentive for employees to improve their performance and develop their knowledge, skills and abilities.

## 16B. Applicability

1. AID's Merit Promotion Program applies to employees in the General Schedule (GS) and Performance Management and Recognition System (GM) at grades 1 through 15 as well as Wage Grade (WG) employees in the competitive service. The competitive procedures of this chapter apply unless the action is specifically excepted from AID's Merit Promotion Program.

2. Career Executive Assignments at GS-16, 17, and 18 are made under the Executive Assignment System (FPM Ch. 305 and FPM Supplement 305-1).

3. Separate requirements, instructions and guidance covering positions in the Senior Executive Service are contained in FPM supplements to FPM Ch. 920 and AID HB 25, Ch. 13, Executive Personnel, AID/Washington.

## 16C. Authorities

1. Office of Personnel Management (OPM) Handbook X-118, "Qualification Standards for Positions Under the General Schedule."

2. Federal Personnel Manual, Ch. 335, "Promotions and Internal Placement."

3. 5 CFR 335.102.

16D. Definitions

1. Accretion of Additional Duties and Responsibilities. A situation where the incumbent has acquired additional duties and responsibilities through unplanned management action which, when fully performed, warrant promotion to a higher grade. The additional duties and responsibilities must represent a logical extension of the old job.

2. Area of Consideration. The area in which the Agency makes a search for eligible candidates in a specific promotion action as determined by M/PM. The primary area of consideration is AID/Washington (AID/W):

a. The area of consideration may be extended when normal staffing efforts fail to produce a reasonable number of well-qualified candidates.

b. The primary area of consideration may be reduced when circumstances prohibit consideration of candidates from outside the smaller area. M/PM must concur on the circumstances which justify the smaller area and the concurrence will be made a part of the promotion record. The need to maintain ceiling controls and to place surplus employees is the primary circumstance that would prevent an organizational unit from adding to its staff. If an organizational unit is below its authorized ceiling level, the area of consideration will be no smaller than AID/W.

3. Best Qualified Candidates. Candidates considered to be the best of the group of highly qualified candidates or, if none, the best of the group of qualified candidates after evaluation and relative comparison with other candidates in the same group.

4. Career-Ladder Position. A position of increasing difficulty in the same line of work through which an employee may progress from a lower or entry level to the level of full performance. Career-ladder positions announced only in AID/W will be designated Upward Mobility positions. Employees in Upward Mobility career-ladder positions are given training and developmental assignments as indicated in an individual development plan and may be promoted without further competition as they demonstrate ability to perform at the next higher level.

a. Entry Level. The lowest grade level in a career-ladder.

b. Full-Performance Level. The highest grade level to which all employees in a career-ladder may be promoted noncompetitively.

16D

5. Demotion. The change of an employee to a lower grade when both the old and the new positions are under the same pay schedule, e.g., GS or WG, or when the old and new positions are in different pay schedules with the new position offering a lower rate of pay.

6. Detail. The temporary assignment of an employee to a different position for a specified period of time, with the understanding that the employee will be returned to his or her position of record at the end of the detail.

7. Employee Performance File (EPF). Incorporates all records maintained on an employee which are identified in writing by the Agency as relating to performance, e.g., performance appraisals, training certificates, letters of commendation.

8. Highly Qualified Candidates. Candidates whose experience and training substantially exceed the minimum qualification requirements to the degree that they possess knowledge, skills, and abilities which indicate they are likely to be able to perform in the position in a superior manner.

9. Planned Management Action. Through consent, initiation or assignment by a responsible supervisor or management official, an employee acquires additional duties and responsibilities which warrant promotion to a higher grade. When the assignment is clearly the most efficient of several alternative workload assignments, the situation will be defined as a "planned management" action. The additional duties and responsibilities must represent a logical extension of the old job.

10. Promotion. The change of an employee to a position at a higher grade level within the same job classification system and pay schedule or to a position with a higher rate of basic pay in a different job classification system and pay schedule.

11. Position Change. A specific Nature of Action involving a promotion, demotion or reassignment made during an employee's continuous service (within the same Federal agency) and establishes the employee's eligibility for grade retention (5 U.S.C. 5362), and may also involve a change of official headquarters or post of duty within the Agency.

16D

12. Positions with Known Promotion Potential. Career-ladder, trainee and understudy positions and positions filled at a grade below the established or anticipated grade.

13. Qualified Candidates. Candidates who are determined by M/PM/CSP to have met the U.S. OPM general and specialized experience standards for the position.

14. Reassignment. The change of an employee from one position to another without promotion or demotion.

15. Reemployment. The noncompetitive reemployment of former Agency employees granted reemployment rights under OPM regulations and Agency policy.

16. Reinstatement. The noncompetitive employment of a career or career-conditional employee or a person formerly employed in the competitive service who held competitive status or was serving probation when separated from that service.

17. Selecting Official. The individual responsible for making a careful analysis of the qualifications of each candidate certified for a vacancy and for making a selection based on his/her judgement of which candidate could perform best in the job to be filled.

18. Selection Certificate. An alphabetical list of the best qualified candidates who are referred to the selecting official for consideration for a vacancy or several identical vacancies.

19. Selective Factors. Specific knowledges, skills, and abilities essential for satisfactory performance on the job and represent an addition to the basic qualification standards for a position.

20. Status Quo Employee. An employee who failed to acquire competitive status when the position in which serving was placed in the competitive service by a statute, Executive Order or Civil Service Rule which permitted the employee's retention without the acquisition of status.

21. Trainee Position. A position involving a well-defined training program (which may include both on-the-job and classroom training) of a definite duration and the performance of assigned tasks, on a rotating

16D21

or non-rotating basis, under close guidance and instruction, with promotion scheduled upon satisfactory completion of the training period. A trainee who does not satisfactorily complete the training period will be reassigned to a different position.

22. Transfer. The employment of a career or career-conditional employee when moving from one agency to another (with or without promotion) without a break in service of one full work day.

23. Understudy. An employee selected under merit staffing procedures for the purpose of being trained to assume the duties of a position scheduled to be vacated in a definite period of time, normally one year or less.

16E. Responsibilities

1. Deputy Administrator (DA/AID)

Serves as adjudicator of formal appeals by the Office of Equal Opportunity Programs (EOP) of final selection decisions by M/PM/OD (also see 16N6c).

2. AID Office of Personnel Management (M/PM)

a. Director (M/PM/OD)

(1) Maintains oversight of the Merit Promotion Program;

(2) Makes final determination on whether a promotion certificate is valid when a promotion certificate is challenged.

b. Civil Service Personnel Division (M/PM/CSP)

(1) Administers the Agency's Merit Promotion Program, ensuring that there is a Merit Promotion chapter covering all appropriately designated positions and that OPM requirements are met;

(2) Interprets guidelines, regulations and policy to ensure that violations of the Merit Promotion Program do not occur either by error or design;

(3) Keeps supervisors and employees informed of regulatory and administrative requirements which have an effect on the way in which vacancies can be filled;

(4) Makes an intensive search to locate eligible candidates. Ensures that employees who are absent on detail, on leave at training courses, in the military service, serving with public international organizations or on Intergovernmental Personnel Act assignments receive appropriate consideration for promotion;

(5) Determines whether candidates meet minimum qualification standards prescribed by OPM to be eligible for promotion or placement. Notifies candidates orally and in writing why they do not meet the requirements for a position vacancy;

(6) Obtains appropriate evaluation material from supervisors of candidates who apply for promotion consideration;

(7) Convenes Merit Promotion Evaluation Panels;

(8) Prepares and issues a Selection Certificate and/or list of other eligible candidates to the selecting official;

(9) Informs employees about the general purpose and operation of the Merit Promotion Program and, in particular, advises applicants regarding action taken on specific vacancies. Candidates not selected are notified in writing as to whether they were listed on the Selection Certificate, who was selected for the vacancy or the disposition of the vacancy if the Selection Certificate was not used;

(10) Maintains the recordkeeping and documentation of all promotion actions processed under this chapter and provides necessary information to employees and the public, ensuring that individuals' rights to privacy are protected.

c. Labor/Management Relations Division (M/PM/LMR)

Negotiates with labor organizations as required and/or appropriate under the provisions of the Federal Labor-Management Relations Program. Informs labor organizations about regulatory and administrative requirements which have an effect on the way in which vacancies can be filled.

16E2

d. Position Management and Classification Division (M/PM/PMC)

Classifies Agency positions in accordance with OPM position classification standards.

3. Supervisors and Selecting Officials

a. Anticipate staffing needs and initiate actions (i.e., submission of formal request for personnel actions) to obtain candidates in sufficient time to allow for careful consideration and proper selection;

b. Define, develop and justify selective placement factors, critical job elements, performance standards, and evaluation methods;

c. Make accurate, adequate, and timely appraisals and reviews of the performance of employees;

d. Encourage and release employees to serve on Merit Promotion Panels;

e. Make a careful analysis of the qualifications of each candidate certified for a vacancy and make a selection based on judgement of which candidate could best perform in the job to be filled;

f. Ensure that violations of the Merit Promotion Program do not occur either by error or design;

g. Promptly release employees selected for other positions.

4. Administrative/Management Offices

a. Participate, with the selecting official, in the development of position requirements and selective factors for vacancies;

b. Submit requests for personnel actions, with appropriate accompanying documentation, to M/PM/CSP for the purpose of filling vacant positions. Coordinate actions through to completion;

c. Distribute vacancy announcements and/or printed circulars to employees;

d. Advise absent employees of procedures to be followed if they wish to be considered for promotion opportunities during their absence (see 16E2b(4));

e. Ensure that all vacancy announcements are posted promptly in an area which is accessible to all employees;

f. Ensure fair consideration of employees referred for vacancies in their Bureaus/Offices;

g. Ensure that action on Selection Certificates is accomplished within specified time frames.

5. Office of Equal Opportunity Programs (EOP)

Reviews selections to determine any adverse impact a selection might have on the Agency's Equal Opportunity and Affirmative Action Programs.

6. Employees

a. Keep informed of promotion opportunities by consulting the postings on bulletin boards, on file with Administrative Offices, and in M/PM/CSP, and seek out answers to their questions concerning the Merit Promotion Program;

b. Submit applications for vacancy announcements in a timely manner so they are received in M/PM/CSP by the closing date indicated on the announcement;

c. Complete the Merit Promotion application to the fullest extent possible by outlining training and experience relevant to the posted position. Describe relevant training and experience as completely as possible on the application while indicating how the training and experience is pertinent to the knowledge, skills, and abilities required to perform the posted job;

d. Keep Employee Performance File (EPF) current by updating training and experience documentation when changing jobs or obtaining additional education and training. May periodically submit revised Standard Form 171, Application for Federal Employment, and if necessary, SF-171A, continuation sheet, for inclusion in their EPF;

16E6

e. Notify appropriate Bureau/Office Administrative/Management Office and M/PM/CSP of desire to be considered for promotion during a temporary absence from AID. This notification must be in writing and should list the kinds and grades of positions in which interested, indicate how long the employee expects to be absent and include a mailing address;

f. Assume responsibility for self-development and remain alert to promotional opportunities for which qualified.

16F. Policies

It is the policy of the Agency that positions be filled with the best qualified individuals. To accomplish this objective the following basic guidelines will govern the Agency's Merit Promotion Program:

1. Selective factors, including knowledge, skills, abilities and personal attributes, will be realistic and directly related to position requirements and requisites for effective performance of the job. Evaluation methods will be applied equitably and consistently in assessing candidates' qualifications against the requirements of the job.

2. Promotion actions made under this chapter shall be made without regard to political, religious, or labor organization affiliation or nonaffiliation, marital status, race, color, sex, national origin, nondisqualifying physical or mental handicap or age, and shall be based exclusively on job related criteria.

3. The employee must have demonstrated a capacity to assume and discharge the more responsible duties of the new position.

4. Orientation and supervisory training courses will be conducted on a scheduled basis and will provide at least one session devoted to discussion of the AID Merit Promotion Program.

5. Selection Consideration

a. Management's Right to Select. This chapter shall not preclude management's right to select or not select from among a group of best qualified candidates or to select from other appropriate sources when filling a competitive service position.

16F5

b. Repromotion Consideration. An employee who was demoted without personal cause will receive special consideration for repromotion to a position at the employee's former grade for which the employee has demonstrated that he/she is qualified. Such repromotion consideration shall be limited to three years. M/PM/CSP will maintain a central list of repromotion eligible employees.

c. Priority Consideration. If an employee failed to receive proper consideration in a prior promotion action for which he/she competed and the erroneous promotion is allowed to stand, the employee may be granted priority consideration for the next appropriate vacancy for which he/she qualifies without further competition. M/PM/CSP will provide the selecting official the names and files of priority placement candidates who are qualified for reassignment, promotion or repromotion. An employee is entitled to only one consideration under this provision.

d. Legal and Regulatory Requirements. Candidates must meet the time-in-grade, time-after-competitive appointment (ninety days), and qualification requirements for merit staffing actions no later than thirty days after the announcement closing date.

## 16G. General

### 1. Authority to Change Employee's Position

a. Career and career-conditional employees may be promoted, demoted, reassigned, or transferred.

b. Indefinite and status quo employees may be promoted, demoted, or reassigned if they meet legal and qualification requirements.

c. Employees appointed to a position under the Term Appointment Authority may be promoted, demoted, or reassigned to another position covered by the same term appointment authorization.

d. An employee on a TAPER (temporary appointment pending establishment of a register) appointment may be reassigned to any position to which the original appointment could have been made by the same appointing officer from the same recruiting list in the same order of consideration.

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2. Effect of Changes in Employee's Position

a. An employee's tenure is not changed by promotion, demotion, or reassignment except as provided in FPM Ch. 316 (status quo employee).

b. The tenure of a present or former officer or employee of the Foreign Service or Peace Corps appointed in the competitive service under Civil Service regulations 315.606 or 315.607, respectively, is changed from the Excepted Service to competitive status.

c. An employee appointed under Executive Order 12362, Overseas Employment, becomes a career-conditional employee.

d. Probationary period

(1) A career or career-conditional employee who is promoted, demoted or reassigned before completing a one-year probation may be required to complete the probationary period in the new position. No new probation is required if one is completed before the action.

(2) Newly appointed managers and supervisors and employees appointed under E.O. 12362 (spouses of former direct-hire overseas employees) or CFR 315.607 must serve a one-year probationary period.

(3) A present or former career member of the AID Foreign Service appointed in the competitive service under Civil Service regulation 315.606 is not required to serve a new probationary period, except as provided in (2) above.

e. Simultaneous actions. When a position or appointment change and entitlement to a higher rate of pay occur simultaneously, the higher rate of pay is deemed an employee's existing rate of basic pay. If the employee is entitled to two benefits simultaneously, AID shall process the changes in the order which gives the employee the maximum benefit.

3. Implementing Changes in the Employee's Position

The effective date of any change in an employee's position is determined by M/PM/CSP. However, a change in position may not be made effective before: (a) the position has been properly classified by M/PM/PMC; (b) the employee meets all legal and qualifications requirements; and (c) applicable advance-notice requirements are met when the change in position involves reduction in rank or pay.

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4. Corrective Actions

Failure to adhere strictly to laws, OPM regulations (FPM Ch. 335-1) and instructions and Agency policies and procedures will be rectified promptly. Action to rectify a violation may involve an employee who was erroneously placed in a vacancy, who was not placed in a vacancy or who was not considered due to the violation. Corrective action may involve correction of program deficiencies. The nature and extent of actions taken in each case will be determined on the basis of all the facts in the case, with due consideration to the circumstances surrounding the violation, the equitable and legal rights of involved parties, and the interests of the Government.

16H. Personnel Actions Covered by AID's Merit Promotion Plan

1. Promotions

All promotions effected under 5 CFR 335.102 must be filled through the internal competitive merit promotion procedures unless excepted elsewhere in this chapter.

2. Temporary Promotions

Competitive procedures must be used for temporary promotions to a higher graded position for a period of over 120 days.

a. A temporary promotion is the most appropriate means of meeting a situation requiring the temporary service of an employee in a higher grade position. It may be used, for example, in the following situations:

- An employee must perform the duties of a position during the incumbent's extended absence (prolonged illness or long-term training);

- To fill a vacant position when a permanent appointment is delayed due to extenuating circumstances (employment freeze or pending reorganization);

- To assume responsibility for additional duties performed at a higher grade for a limited period of time.

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b. An employee selected for a temporary promotion must be informed in writing of the circumstances of the action, including its expected duration and the fact that the employee will be returned to his/her permanent grade when the temporary promotion ends or is terminated. The facts are to be documented and made a matter of record.

c. The period of a temporary promotion normally does not exceed one year. If the employee's services are still needed after the initial temporary promotion, M/PM/CSP will review the request to extend the action with the employing office to determine whether the position should be filled permanently. M/PM/CSP may extend an action for one additional year without the prior approval of OPM.

d. A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and all potential candidates were advised that the action might lead to a permanent promotion.

3. Details

Competitive procedures must be used for a detail to a higher-graded position or a position with known promotion potential when the detail will exceed 120 days. Competitive procedures also apply when an employee is detailed to a higher-graded position and subsequently promoted temporarily, if the combined time frame of the actions will exceed 120 days in a one-year period.

4. Training

Selection for training which is given primarily to prepare an employee for advancement and/or promotion must be made under competitive procedures.

5. Reassignment or Demotion

Competitive procedures apply when an employee is reassigned or demoted to a position with greater promotion potential than the position last held (except as permitted by RIF regulations, i.e., management may assign an employee to a position with greater potential than the grade of record without competition as a means of minimizing or avoiding a RIF).

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6. Transfer

Competitive procedures apply when an employee is transferred from another Federal agency to a position in AID that represents a promotion.

7. Reinstatement

Competitive procedures must be used when an employee is reinstated to a permanent or temporary position at a higher grade than that last held in the competitive service.

8. Appointment of a Career Foreign Service Employee

Competitive procedures must be used when an appointment to a position in the competitive service under 5 CFR 315.606 (E.O. 11219) has the same effect as a promotion or is an assignment to a position with known promotion potential to a grade comparably higher than last held.

9. Appointment of Present and Former Peace Corps Personnel

Competitive procedures must be used when an appointment to a competitive service position under 5 CFR 315.607 has the same effect as a promotion or is an assignment to a position with known promotion potential to a grade comparably higher than last held.

10. Appointment Under Executive Order (E.O.) 12362

E.O. 12362 allows for consideration of spouses of former direct-hire overseas employees for competitive Civil Service positions without OPM approval, consistent with OPM regulations.

16I. Personnel Actions Excepted from Competitive Merit Promotion Procedures

1. Career-Ladder Promotions

A career-ladder promotion is excepted from further competitive merit promotion procedures if the employee entered the career-ladder through the Merit Promotion Program or an approved exception to those procedures.

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2. Promotion to Position Upgraded Without Significant Changes in Duties and Responsibilities

When a position is upgraded without significant changes in duties and responsibilities as a result of a new position classification standard or the correction of an initial classification error, the promotion is an approved exception.

3. Promotion When A Position is Reclassified at a Higher Grade Under Accretion of Additional Duties and Responsibilities or Planned Management Action

Such a promotion results when an employee's position is reclassified at a higher grade in the same general line of work due to additional duties and responsibilities that were assigned through gradual accretion of additional duties and responsibilities or planned management action. The new duties and responsibilities must be logical extensions of the existing position. The following criteria must be met when using this type of promotion as an exception to competitive procedures:

a. The employee must continue to perform the major duties of the old position and assume responsibilities for the newly assigned work. (A new position description incorporating both the old and new duties must be prepared).

b. The employee must be the only employee in the organizational unit eligible for the higher level duties.

c. Except in unusual cases, the new and old positions must be in the same promotion pattern, e.g., if the old position was in a one-grade interval promotion pattern, so must the new position.

d. There must be no adverse impact on grade controlling duties and responsibilities of any other position.

e. The new position's grade must not be based on the addition of project/team leader or supervisory duties to a nonsupervisory position.

f. An employee being promoted as a result of a planned management action must have encumbered the superseded position for at least 90 days.

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g. The employee must meet all other requirements, e.g., time-in-grade and qualifications.

h. A justification must be prepared outlining how the additional duties and responsibilities of the proposed position evolved.

The above determinations, except for items f and g (determined by the Staffing Specialist), are made by M/PM/PMC Position Classification Specialists who will provide appropriate remarks on SPARs which could result in direct promotions. However, the authority to process promotions rests with M/PM/CSP Personnel Staffing Specialists as part of their overall responsibility for affecting all personnel actions.

4. Promotion to a Grade/Position from Which Demoted Without Personal Cause

Repromotion to a grade or position from which an employee was demoted without personal cause and not at the employee's request is excepted from competitive procedures.

5. Position Changes Permitted by RIF Regulations

OPM regulations mandate that position changes permitted by RIF regulations be excepted from competitive merit promotion procedures.

6. Promotions Required as Remedy

Promotions required as a remedy in grievance procedures are excepted from competitive merit promotion procedures.

7. Temporary Promotions of 120 Days or Less

Temporary promotions of 120 days or less may be excepted from competitive procedures. Temporary promotions should not be used as a means of training or evaluating an employee for a higher grade position.

8. Promotion of an Understudy

An Understudy selected under the Merit Promotion Program, may be promoted to the target position without further competition.

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9. Promotion of an Employee Undergoing Training or Evaluation

a. The promotion of an employee who satisfactorily completes training under an OPM-approved training agreement or executive development agreement may be processed noncompetitively if the agreement specifically provides for such promotion.

b. The promotion of an employee detailed for the purpose of training or evaluation for a higher-graded position or a position with known promotion potential may be processed noncompetitively.

10. Selection of Candidates from Reemployment Priority Lists

Candidates may be selected noncompetitively from Reemployment Priority Lists for positions at the same grade as the one last held in the competitive service.

11. Career-Ladder Promotion Following Noncompetitive Conversion of Cooperative Education Students

Such promotions may be made in accordance with FPM Ch. 308.

12. Position Changes from a Position Having Known Promotion Potential to a Position Having No Higher Potential

The reassignment, transfer or reinstatement of an employee from a position having known promotion potential to a position having no higher potential may be processed noncompetitively.

16J. Career-Ladder Promotion Policies (Positions Designated Upward Mobility)

1. Development of Upward Mobility Career-Ladder Positions

Career-ladder positions designated as Upward Mobility require stringent selective placement factors, a vigorous evaluation process, and a strong monitoring role for M/PM/CSP.

a. Career-ladder positions will be announced as Upward Mobility assignments when the area of consideration is limited to AID/W.

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b. There will be direct linkage of performance appraisal to the selection process.

c. M/PM/CSP will coordinate closely with the supervisor the development of knowledge, skill and ability standards necessary to do the job, which will be used in the evaluation process.

d. Each career-ladder announcement will contain a clear definition of the benchmarks that must be accomplished before progression to the next grade.

e. When a selection is made, the supervisor and M/PM/CSP will develop a training plan specific to the needs of the selected candidates.

f. M/PM/CSP will monitor the employee's training and performance progress to ensure that performance benchmarks are met before promotion to the next grade.

2. Selection and Development of Employee

a. Before a career-ladder promotion may be made, the employee must have clearly demonstrated the ability to perform at the next higher grade and once the promotion has been made, the work assigned must justify the higher grade.

b. Entrance into a career-ladder position does not guarantee promotion at any time. Career-ladder positions are developmental in nature with increasing difficulty of work for higher-graded positions within the career-ladder. To be eligible for promotion, an employee must:

(1) Perform the duties and responsibilities at the Fully Successful performance level with an overall performance rating of Fully Successful or higher and also carry out specific assignments or projects (or currently noncritical job elements) typical of a higher-graded position in the career ladder at a Fully Successful level; or

(2) Regularly demonstrate a combination of knowledge, accuracy, productivity, skill, ability, judgement, reliability and other pertinent work behavior which are greater than the required level of performance in the current position, and which clearly indicate the probability of successful performance in the next higher career-ladder position.

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3. M/PM/CSP Responsibilities

Before processing a career-ladder promotion, M/PM/CSP must ensure that:

a. The employee's performance satisfies the performance benchmarks necessary for promotion to the next level;

b. The supervisor recommends the employee for promotion;

c. The employee has demonstrated the ability to do higher-level work; and

d. The supervisor will assign higher-level duties to the employee.

4. Supervisor's Responsibility

Supervisors are expected to assign to each employee in a career-ladder position developmental work or projects of sufficient complexity and responsibility to allow the employee to demonstrate whether he/she is capable of performing satisfactorily at the next higher level. The supervisor should provide each employee with feedback on employee performance during and at the completion of any developmental assignment.

5. Progression Within a Career Ladder

An employee in a career-ladder position must progress steadily within the terms of the training plan or program and must meet the performance benchmarks before promotion to the next grade. Employees who are unable to acquire the skills or abilities to advance may be reassigned to another position.

16K. Locating Candidates and Publicizing Vacancies

1. Locating Candidates

Candidates will be located by advertising or other methods, e.g., priority referrals, reassignments, transfers. Management may recruit candidates and make selections from any appropriate source, including transfer or reinstatement eligibles, individuals within reach on OPM registers, displaced career employees, handicapped individuals, and veterans readjustment appointments.

2. Area of Consideration

a. Primary Area of Consideration. AID/Washington;

b. Extended Area of Consideration. The primary area of consideration may be extended beyond AID/W initially or at any stage in the Merit Promotion process to search for additional qualified candidates.

c. The primary area of consideration may be reduced under prescribed circumstances (see 16D2b).

3. Candidates to be Considered

When positions are announced, the following categories of candidates are to be considered:

a. All AID/W employees, including excepted service employees, who file in response to an announcement, except when the area of consideration is reduced;

b. Any AID employee who files an application for reassignment, except when the area of consideration is reduced, provided he/she meets qualification requirements;

c. Transfer eligibles from other government agencies when the area of consideration is extended to include Governmentwide consideration;

d. Nonstatus candidates when vacancy announced Nationwide.

4. Vacancy Announcements

a. Content

Announcements will contain the following information:

- Title, series and grade of the position;
- Organizational unit where the position is located;
- Area of consideration;
- Description of duties;
- Qualifications required;
- Selective placement factors;
- Application procedures and deadline;

- Opening and closing dates of the announcement;
- Information about the evaluation methods to be used; and
- Equal employment opportunity statement.

When applicable, the following information also will be included:

- A statement that the position has known promotion potential and a subsequent promotion may be made noncompetitively; or
- The number or approximate number of vacancies if more than one position will be filled under the announcement.

b. Posting Period

The posting period, i.e., the time an announcement will remain open, will be determined by the area of consideration. Closing dates must be on work days. In occupational categories where there are frequent turnovers, announcements may remain open continuously. Generally, the minimum requirements for the posting period are:

- Reduced Area of Consideration (Bureau/Office): 5 work days;
- AID/W and Governmentwide announcements: 10 work days; and
- Nationwide announcements: 15 work days.

c. Distribution

Vacancy announcements will be posted on Agency bulletin boards throughout AID/W, or the smaller designated area of consideration, and will be made available to AID employees on the basis of one for each five employees within the area of consideration. When the area of consideration is extended, announcements will be distributed, as appropriate, to other Federal agencies, public organizations, universities, and other recruitment sources most likely to produce well-qualified candidates.

d. Announcement of Vacancies at Multiple Grade Levels

If a vacancy announcement covers multiple grade levels, candidates will be evaluated and a Selection Certificate issued for each grade level.

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5. Application Procedures

a. AID Employees

AID employees must file an up-to-date, completed Applicant Questionnaire -- Merit Promotion, form AID 4-489, and any other evaluation material requested in the announcement which will document their performance in areas demonstrating the desired knowledge, skills, and abilities required for the posted position.

b. Non-AID Candidates

Non-AID candidates must submit a completed SF-171, current or most recent performance appraisal showing job elements, performance standards and observed performance in areas demonstrating the desired knowledge, skills and abilities required for the posted position, and other material requested in the announcement which may be required for the evaluation process. If job elements and performance standards for prior experience are not available, the candidate may request the appropriate supervisor to write a narrative description of the candidate's performance, focusing on the desired knowledge, skills and abilities. If it is not possible to provide job elements and performance standards or a narrative description by the supervisor, the candidate should detail on the SF-171 the work performed.

c. Filing Applications

Applications must be received on or before the closing date of the announcement. All applications must be received in M/PM/CSP by the close of business on the closing date of the announcement. Determination of acceptance beyond this period will be made by M/PM/CSP, which will consider extenuating circumstances on a case-by-case basis.

16L. Determining Basic Eligibility

1. Minimum Qualification Standards

All candidates will be evaluated to determine their eligibility for the vacant position and the degree to which they possess the qualifications necessary for successful performance of the position. The minimum

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qualification standards used shall be those prescribed by OPM in Handbook X-118, including provisions for in-service placement and appropriate special qualifications requirements. All candidates who meet the appropriate standards have basic eligibility for the vacancy. A summary of these standards shall be included in vacancy announcements and the complete standards shall be available for review in M/PM/CSP.

2. Special Qualification Requirements

Special qualification factors, i.e., selective factors, will be used in addition to the minimum qualification standards. Selective factors will be used in accordance with OPM policy when they are essential to the successful performance of the position to be filled.

16M. Rating and Ranking of Candidates

1. Merit Promotion Panels

a. Candidates will be rated or ranked by either a Personnel Staffing Specialist or a Merit Promotion Panel.

b. The Merit Promotion Panel consists of three members, one of whom must be technically competent in the subject matter of the target position and be at a grade level at least comparable to that of the position being filled; the two additional members are appointed ad hoc by the Director, M/PM, or designee, and must also be at a grade level at least comparable to that of the position being filled. Neither the supervisor nor the selecting officer will serve on the Merit Promotion Panel, but, if necessary, the supervisor or office representative may, at the request of the Panel, be called upon to define the position or provide such additional information as the Panel may require. Service on Merit Promotion Panels is an employee responsibility. Employees will be selected to serve without regard to union affiliation.

c. M/PM/CSP will determine appropriate panel members, ensuring that panels are representative of the Agency's work force to the extent possible.

d. M/PM/CSP will inform panel members of their role and responsibility in serving on the evaluation panel.

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2. Candidates who meet the basic eligibility requirements will be evaluated on each selective factor and rated as follows:

(0) Indicates the candidate does not meet the minimum or basic requirement of the evaluation factor;

(-) Indicates the candidate has a minumum degree of the knowledge, skills and abilities specified in the evaluation factor;

(✓) Indicates the candidate has the basic knowledge, skill or ability specified in the evaluation factor and/or is fully competent;

(+) Indicates the candidate has knowledge, skill or ability in the evaluation factor which exceeds the position requirements, or is outstanding, or is beyond the level of fully competent.

Based on this evaluation, candidates will be placed in one of the following categories: highly qualified, qualified, minimally qualified, or not qualified. From the candidates ranked highly qualified or, if none, from among those ranked qualified, the Merit Promotion Panel or Personnel Staffing Specialist will identify the best qualified candidates for referral to the selecting official.

## 16N. Certification and Selection

### 1. Selection Certificate

As a result of the evaluation process, an alphabetical list of best qualified candidates will be included on the Selection Certificate.

### 2. Validity of Certificate of Eligibles

Certificates are valid until a selection or other decision has been made. If a selectee declines or resigns within sixty calendar days of the initial selection, the list of eligible candidates may be used again to develop a second selection certificate. If one or more similar vacancies arise anywhere in the Agency within sixty days from the date of initial selection for which the list of best qualified candidates is appropriate, the list may be used again to certify for the vacancies, provided that the other positions are of the same classification series and grade, and have the same minimum qualification requirements, special qualification requirements, knowledge, skills, and abilities.

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3. Selecting Official

a. The selecting official may make his/her selection from any of the candidates identified as best qualified on the Selection Certificate or from among other eligibles, which may include referrals for demotion, reassignment, transfer, reinstatement, reemployment, displaced career employees, handicapped individuals, veterans readjustment appointees, individuals within reach on OPM registers, nonstatus candidates and career Foreign Service employees.

b. The selecting official will be provided with sufficient information about the qualifications of the candidates referred.

4. Interviewing Candidates

If the selecting official chooses to select a candidate from the Selection Certificate, the selecting official, or designee, or a selection panel must interview all candidates listed as best qualified on the Selection Certificate. All candidates must receive full and fair consideration for the position.

5. Selection

No recommending or selecting official may show or give preference to any candidate based upon factors not pertinent to the candidate's qualifications for performing the work of the vacant position. The name of the selected candidate should be submitted promptly, within five working days of its receipt, to EOP. If the selecting official returns the certificate without selecting a candidate from it, he/she should provide an explanation of the reason for nonselection from the certificate. If the selecting official considers that none of the candidates are well suited to the vacancy, the selecting official may:

a. With justification, request the area of consideration be extended to recruit additional candidates;

b. Fill the vacancy by other means (e.g., rotation, reassignment);

c. Formally withdraw the request to fill the vacancy, specifying the reason. If a request is withdrawn after application of competitive promotion procedures, M/PM/CSP will not act upon a subsequent request to fill the same or similar vacancy for ninety days following withdrawal of the original request unless approval for earlier action is granted by the Chief, M/PM/CSP.

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6. Office of Equal Opportunity Programs (EOP) Clearance:

a. If a selection is made from the Selection Certificate, the Bureau/Office having the vacancy will submit the Certificate, showing the selection, to EOP. EOP will examine the Certificate against the Agency hiring patterns and return it to M/PM/CSP within five working days of receipt. In instances where EOP is not satisfied that reasonable efforts were made to consider minority or women candidates, and an adverse impact on the minority or women profile of the particular office will result, EOP will return the Certificate within the five working days, along with its findings, to the selecting official with copies to the head of the Bureau/Office concerned and M/PM/CSP. If the selecting official, after reconsideration of the proposed selection in light of EOP's findings, reaffirms the proposed selection, with the concurrence of the head of the Bureau/Office concerned, the Certificate with appropriate justification will be returned to EOP within five working days of receipt. Provided EOP accepts the selecting official's justification, the Certificate will be cleared and forwarded to M/PM/CSP.

b. In the event EOP does not concur with the selecting official's justification, the proposed selection will be transmitted within five working days, accompanied by appropriate documentation and comments, to the Director, M/PM, for final review and decision.

c. This procedure, which begins with the date a selection is made by the selecting official and ends with a transmittal memorandum to the Director, M/PM, must be completed within fifteen working days. EOP will be advised of the final decision and may, within five working days, file a formal appeal to the Deputy Administrator, with a copy to the Director, M/PM, for adjudication.

7. Release for Placement

Employees selected for promotion are to be released from their old positions normally within two weeks from the date of selection. Employees selected for reassignment are to be released from their old positions normally within thirty days from the date of selection.

160. Records, Review, Employee Complaints, and Corrective Actions

1. Records

M/PM/CSP will maintain adequate promotion records to: (a) evaluate the overall Merit Promotion Program; (b) demonstrate that selections are being made on a sound, fair basis and in accordance with the objectives and principles of the Federal Merit Promotion Policy and OPM requirements; and (c) provide answers to questions that management or employees may raise about the promotion program in general or specific selection actions. M/PM/CSP will maintain the following records:

a. The Merit Promotion chapter and any guidelines covering positions in the competitive Civil Service;

b. A temporary record of each promotion made under this chapter will be retained for two years and must contain sufficient information to allow reconstruction of the promotion action. M/PM/CSP will retain the records for two years following the effective date of the action, or longer if the records are needed in connection with a grievance, complaint, or other official purpose.

2. Program Evaluation

M/PM/CSP will conduct a review of the Merit Promotion Program annually to ensure that:

a. Promotion policies and this chapter are as effective as possible;

b. The promotion program is most useful to management;

c. Promotion actions are taken promptly and properly and that employee complaints are also handled promptly and properly;

d. Promotion actions are used effectively to encourage competent employees to strive for advancement, to open careers to them, and to make the best use of employee skills; and

e. Employees, supervisors and managers have a full understanding of the Merit Promotion Program.

f. Remedial Actions. When weaknesses are identified following the annual program evaluation, M/PM/CSP will take necessary measures to improve guidelines and to ensure full understanding of the promotion system by Agency employees and supervisory/managerial officials.

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3. Grievances

a. Employees who feel that an action fails to comply with the Agency's established promotion policies and this chapter should discuss the action with the appropriate division/office official, personnel specialist, or the Director, M/PM/CSP. If after such consultation the complaint cannot be resolved, such complaints shall be resolved under Agency grievance procedures or the negotiated grievance procedures, as appropriate, except when a complaint is covered by a statutory appeals procedure. The standards for adjudicating complaints are set forth in HB 29, Ch. 3, and FPM Ch. 335.

b. While the procedures used by AID to identify and rank qualified candidates are proper subjects for formal complaints or grievances, nonselection from among a group of properly ranked and certified candidates is not an appropriate basis for a formal complaint or grievance. There is no right of appeal to OPM, but OPM may conduct investigations of substantial violations of requirements.

# CHAPTER 17

(RESERVED)

# CHAPTER 18

# ADMINISTRATION OF PERSONNEL COMPLEMENTS

## 18A. Purpose

This chapter states the policies, standards, responsibilities, and procedures for administration of personnel complements, and outlines special conditions resulting from assignment of AID employees to those complements.

## 18B. Definition and Responsibilities

Each major AID/W organizational unit and each Mission is given an employment limitation within which its assigned staff must be accommodated. For employees in a transitional situation, the Office of Personnel and Training (OPT) is provided with a special employment limitation (personnel ceiling); i.e., a personnel complement. There are several personnel complements or subcomplements. OPT administers the personnel complements and approves or disapproves placements on complement and transfers between complements.

## 18C. Applicability

This chapter applies to Civil Service employees and to direct hire U.S. Citizen Foreign Service employees except for resident employees and executive employees as defined by Chapters 8 and 13 of this Handbook.

## 18D. Policy

### 1. Civil Service Employees

Personnel complements for Civil Service employees are used to enable AID to manage and control special personnel situations more effectively. In certain recruitment and training situations, it protects position-based rights of the GS employees. The complements are also used to simplify the administration of special programs, such as the Summer Employment Programs and Youth Opportunity Campaign.

### 2. Foreign Service Employees

a. Personnel complements are similarly employed for Foreign Service employees. They are also used to avoid unreasonable charges to Mission rolls after an employee has completed an assignment with the Mission and related leave.

b. Placement of employees on personnel complements while in the United States awaiting regular assignment is normally limited to career employees and is not used as a substitute for careful reassignment planning. The duration of complement assignments is held to a minimum.

## 18E. Types of Complements and Subcomplements

### 1. Suballocated Employment Limitations

An employment limitation is allocated to OPT by the Office of Financial Management (FM) reflecting the authorized levels approved for the various complements and subcomplements. These complements and subcomplements are shown below for the purpose of describing, controlling, and reporting the manner in which they are used.

AID/W Regular Complements

a. Foreign Service Complements

(1) Foreign Service Detail Support Subcomplement (U.S.) - for the assignment in the United States of AID Foreign Service personnel on detail to other Federal agencies, international organizations, and state or local governments under the Intergovernmental Personnel Act (IPA).

(2) Foreign Service Detail Support Subcomplement (Overseas) - for the assignment overseas of AID Foreign Service personnel on detail to international organizations.

(3) Foreign Service Reassignment/Medical/Separation Subcomplement - for the assignment of AID Foreign Service personnel without forward assignments, pending medical clearance, and/or separation.

(4) Leave Without Pay (LWOP) Subcomplement - for Foreign Service employees on extended leave without pay.

b. Civil Service Complements

(1) Civil Service Recruitment Subcomplement - for the hiring of clerical personnel on temporary appointment pending completion of full-field investigations.

c. Training Complements

(1) Language - for employees assigned on Home Leave and Transfer or Home Leave and Return to Post travel orders who are assigned to language training. *Foreign Service employees with no immediate on-going assignments who have sufficiently high MLAT scores (50 or better) may be reassigned to this complement based upon anticipated needs of the Agency. (See Handbook 28, Chapter 4J.*

(2) Long-Term Training Subcomplement

(a) Senior Training - for senior-level employees to study at such institutions as: FSI Senior Seminar in Foreign Policy; National War College or other service colleges; Sloan Program at M.I.T.; Center for International Affairs at Harvard; Woodrow Wilson School at Princeton; research fellowships and officers in residence.

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(b) Academic Studies - for employees selected for year-long study at universities such as the JFK School at Harvard, Maxwell School at Syracuse, and others.

(3) FSS Career Development Program Subcomplement - for FSS employees selected for career development to FSR status for the duration of the program.

(4) Junior Officer and Minority Entry Level Subcomplement - for minority employment at the professional level.

(5) International Development Intern Program Subcomplements (AID/W and Overseas) - for applicants selected to serve in an entrance level training program (2 years) for career positions in the Foreign Service. Two separate subcomplements have been established, one for those assigned initially to Washington Offices and Bureaus, and for those assigned to Missions.

(6) Cooperative Education Subcomplement - for Student Trainee Accountants who receive on-the-job and university or college training.

(7) Project Stride Subcomplement - for employees with developmental potential who are selected for an intensive 2- to 3-year work/study program.

d. Youth Opportunity Campaign Complement (YOC) - for employees appointed to part-time or intermittent positions of a routine nature for the purpose of encouraging youth to continue or resume their education. *

*e. Leave with Pay-Disability Retirement Complement - for employees who are pending disability retirement.*

*f. Special Complements (AID/W and Overseas) - (as approved by AA/SER from time to time) a present complement is the Sinai Support Mission - for support of the peace-keeping effort in the Sinai area.*

2. *Additions, Deletions, or Changes in Subcomplements*

*a. Additions, deletions, or changes in subcomplements are processed in accordance with the Guidelines and Change Procedures in Chapters 3 and 4 of Handbook 17 - AID Organization.*

*b. Upon approval of such additions, deletions, or changes, the Office of Management Planning issues a new Advice of Authorized Positions and Employment Limitations (AAPEL) reflecting such approvals.*

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## 18F. Eligibility Requirements for Placement on Subcomplements

### 1. Uniform Requirements for all Subcomplements

a. The employee must be in a pay status (except for LWOP Subcomplement).

b. In the case of a Foreign Service employee other than an International Development Intern, the employee must have departed from post of assignment and, as appropriate, have completed home leave and other authorized paid leave; Mission authorized training (except for assignment to the Training Complement); TDY authorized by or beneficial to the Mission, or approved for service on an AID/W panel or board; and TDY in AID/W authorized by the Mission for reassignment purposes.

c. Except for the Training Complement and Medical Subcomplement, Foreign Service employees serving under time-limited appointments may be transferred to complement only after approval by the Chief, Foreign Service Personnel Division (PM/FSP).

### 2. Requirements for Foreign Service Detail Support Subcomplement

The detail of the employee is requested by another agency of the Federal Government, a public international organization, or by a state or local government and approved in accordance with Chapter 22 of this Handbook.

### 3. Requirement for Training Subcomplements

Training for the employee must be requested and approved in accordance with Handbook 28 - Training and Staff Development.

### 4. Requirements for Civil Service Recruitment Subcomplement

a. The appointment must be in an occupation and at a grade level which has been approved by SER/PM for placement on the Recruitment Subcomplement because of an urgent and recurring need for employees and the difficulty of prompt recruitment, and

b. The employee must be awaiting completion of security clearance after which the employee will be placed in a "sensitive" position.

18F

5. Requirements for Foreign Service Reassignment Subcomplement

SER/PM must have attempted to effect timely placement of the employee (a) after the employee's last assignment, (b) upon removal from the Detail Support Subcomplement or Medical Subcomplement, or (c) following service with an international organization, but was unable to locate a suitable position for the employee.

6. Requirements for Foreign Service Medical Subcomplement

a. The Medical Division, Department of State, must certify that, for medical reasons, the employee cannot be cleared for overseas service at the time.

b. The period allowed for medical evacuation, if any, and any subsequently approved TDY must have expired.

7. Requirements for Separation Subcomplement

The employee must (a) be in the United States *or* (b) have been returned to the United States on a Notice of *Separation*. *No* reassignment is sought and continuance on another subcomplement is inappropriate.

18G. Conditions for Retention on Certain Personnel Complements

1. Civil Service Recruitment Subcomplement

PM/*PO*/CSP transfers newly recruited employees who are assigned to Civil Service Recruitment Subcomplement positions to vacant positions in Offices or Bureaus as soon as possible after their security clearance is obtained. Normally, an employee is not retained on the subcomplement longer than 3 months. During this period, PM/*PO*/CSP is responsible for detailing the employee to work which is compatible with the employee's subcomplement position description.

2. Foreign Service Medical Subcomplement

SER/PM coordinates closely with the Medical Division, Department of State, on all employees on the Medical Subcomplement in order to know as early as possible when an employee will be available for service or be separated by retirement or other means. PM/*PO*/FSP plans for the placement of an employee as soon as the probable date of availability is known. Upon receipt of medical clearance, the employee is assigned to a Foreign Service position, transferred to the Foreign Service Reassignment Subcomplement while awaiting final action on reassignment to a Foreign Service position, or transferred to the Foreign Service Separation Complement.

18G

3. Foreign Service Detail Support Subcomplement

Foreign Service employees who are assigned to the Detail Support Subcomplement submit Completion of Assignment Reports on the same schedule as do other Foreign Service employees. The employee's reassignment is planned accordingly by PM/PO/FSP in order that the employee mav be transferred directly to an AID Foreign Service position or to the appropriate Subcomplement immediately upon completion of the detail.

4. Foreign Service Separation Subcomplement

Foreign Service employees in the process of separation are retained on the Separation Subcomplement until completion of authorized service in a pay status not to exceed 3 months or if later, the effective date of an application for retirement. If such an employee is placed on LWOP and subsequently returns to a pay status prior to retirement, the employee is placed on a Separation Subcomplement for such period. Employees who are on authorized sick leave *pending* disability retirement are *placed on the Leave With Pay-Disability Retirement Complement.*

5. Foreign Service Reassignment Subcomplement

PM/PO/FSP continuously seeks an assignment for an employee throughout the period of assignment to the Reassignment Subcomplement. Removal of employees from the Subcomplement requires planning and attention by PM/PO/FSP to negotiate the employee's suitable placement in AID/Washington or abroad.

6. Utilization of Employees on Foreign Service Subcomplements

Except for employees on the Detail Support Subcomplement, SER/PM is responsible for detailing employees on Foreign Service Subcomplements to appropriate work most useful to AID, subject to limitations imposed by the Medical Division, Department of State.

18H. Conditions Resulting from Movement of Foreign Service Employees from Overseas or Other Duty Post of Assignment to Personnel Subcomplement

1. Employee on Reassignment, Detail Support, or Training Subcomplement for 4 Months or Less After Completion of Overseas Tour

a. The family remains at home leave residence or travels to employee's duty post at employee's expense.

b. Household effects are loose-packed and held at the last overseas or other duty post, shipped to the nearest authorized storage point if adequate storage facilities are not available at post, or at

18H1b

employee's request, may be advance-shipped in accordance with Handbook 22, Travel and Transportation, Appendix 9A, Foreign Service Travel Regulations.

c. Overseas allowances and differential are paid or terminated in accordance with applicable portions of the Department of State Standardized Regulations (Government Civilians, Foreign Areas).

d. The employee is not eligible for a Home Service Transfer Allowance.

2. Employee on Reassignment, Detail Support, or Training Subcomplement, for More Than 4 Months After Completing Overseas Tour

a. The losing Mission is requested to issue a travel order, or amend an existing travel order, authorizing travel of the employee and dependents from any place, where presence is due to travel under Government orders, to the employee's duty post in the United States.

b. Shipment of unaccompanied baggage is authorized to the duty post.

c. Shipment of household effects and personally owned automobile from previous post and authorized storage point is authorized to the new post.

d. Home Service Transfer Allowance is authorized under provisions of Standardized Regulations:

(1) Upon transfer to complement, and

(2) Upon execution of the form AID 4-187, Conditions Governing Assignment of a Foreign Service Employee to a Position in the United States.

e. Overseas allowances and differential are terminated in accordance with provisions of Standardized Regulations.

3. Employee on Medical Subcomplement After Completion of Overseas Tour

a. Conditions a, b, c, and d under 18H.1 apply when the Medical Division, Department of State, certifies in writing that, although medical clearance cannot be granted at the time, the employee will be cleared for overseas service within 4 months.

b. Conditions 18H2a, b, c, d, and e apply if the Medical Division, Department of State, certifies that the employee must remain in the United States for medical reasons and will not be cleared for more than 4 months.

c. If the employee applies for disability retirement based upon medical condition:

18H3c

(1) An SF 50 (form AID 4-520) is issued to transfer the employee to the *Leave With Pay-Disability Retirement Complement* and U.S. duty post;

(2) Separation travel is authorized to permit travel of employee and dependents, and shipment of household effects and privately owned automobile, to separation residence;

(3) Overseas allowances and differential are paid or terminated in accordance with applicable portions of Standardized Regulations;

(4) The employee is not eligible for a Home Service Transfer Allowance.

4. Employee on Separation Subcomplement Who Was in the United States or Returned to the U.S. for Voluntary or Involuntary Separation for Nonmedical Reasons

a. Separation travel is authorized. The employee is authorized travel to Washington, D. C., from any place where his or her presence is due to travel under Government travel orders. The dependents are authorized travel only to the employee's separation address. If dependents are in the United States under home leave/transfer or home/leave return to post orders and the employee voluntarily resigns, travel of dependents to separation residence is on a constructive-cost basis. (See Handbook 22 - Travel and Transportation, for definition of constructive cost.)

b. Shipment of household effects and personally owned automobile is authorized to separation residence.

c. Overseas allowances and differential are paid or terminated in accordance with applicable portions of Standardized Regulations.

d. The employee is not eligible for a Home Service Transfer Allowance.

5. Employee Returned to the United States Under Medical Evacuation or Temporary Duty Orders Prior to Completion of Tour

a. The employee is paid per diem under regulations applicable to medical evacuation or TDY orders.

b. If the employee must remain in the United States for a period in excess of that for which per diem is payable under applicable regulations, the employee's status is determined on the basis of the following:

18H5b

(1) A written statement from the Medical Division, Department of State, which specifies the length of time the employee must remain in the United States for medical treatment/observation; or

(2) An administrative determination on the length of time the employee must remain in the United States pending approval of an ongoing assignment.

c. The employee's Mission will be requested to approve TDY, or extension of TDY, in AID/W for a total period not to exceed 120 days, if it is determined under 5b above that the employee must remain in the United States for a period in excess of that covered by medical evacuation or TDY orders, but for a maximum period of 4 months or less.

d. If it is determined under 5b that the employee must remain in the United States for a period in excess of 4 months, the provisions of paragraph 18H2, 3b, or 3c above apply depending on the nature of the case. If the employee is voluntarily or involuntarily separated, the conditions under paragraph 18H4 are applicable.

6. Foreign Service Employees Returned to AID Rolls, After Completion of Assignment under the Intergovernmental Personnel Act (IPA) or with an International Organization, Assigned to Complement

a. Assignment of 4 months or less

(1) Family remains at home leave or separation address in the United States or travels to employee's duty post at employee's expense.

(2) Household effects are held at the separation address of an employee returning from an international organization (unless the international organization ships employee's household effects to duty post). For an employee returning from an IPA assignment, household effects are loose-packed and held at the last overseas or other duty post, or shipped to the nearest authorized storage point if adequate facilities are not available at post. Employees in either group may request advance shipment in accordance with Foreign Service Travel Regulations, contained in Handbook 22.

(3) The employee is not eligible for Home Service Transfer Allowance.

b. Assignment of more than 4 months

(1) Shipment of unaccompanied baggage may be authorized to duty post from the international organization separation address in the United States or IPA duty station.

18H6

(2) Shipment of household effects and personally owned automobile from the international organization separation address in the United States or IPA duty station is authorized to the new duty post.

(3) Travel of employee and dependents from the international organization separation address in the United States or IPA duty station is authorized to duty post.

(4) Employee is eligible for Home Service Transfer Allowance provided he or she is returning from overseas assignment with an international organization or under IPA. Employee is not eligible for Home Service Transfer Allowance based on an assignment in the United States.

# CHAPTER 19

# DETAILS - FOREIGN SERVICE

## 19A. Purpose

1. This chapter provides the policies, regulations and procedures which govern the detail of Foreign Service (FS) employees within the Agency, to other federal agencies and to the White House, and the detail of employees of other federal agencies to AID FS positions.

2. Details within the Agency primarily are intended:

--to meet emergency workload conditions;
--to expedite staffing of new offices or missions;
--to afford career development opportunities;
--pending classification of a new position.

3. Details to other agencies are considered in such terms as:

--the best interest of the U.S. Government;
--career development possibilities afforded employees;
--Agency interest in the assignment;
--Agency cost;
--whether the lending AID office can spare the employee's services.

## 19B. Applicability

1. This chapter applies to the detail of AID FS and Senior Foreign Service (SFS) employees to positions within the Agency or to other federal agencies, and the detail of employees of other federal agencies to AID FS or SFS positions.

2. Assignments of FS or SFS employees to a Member or office of Congress, to a state or local government or an institution of higher education, or to a position under the Pearson Program are covered under Ch. 45; details to an international organization, Ch. 44; details to AID under the Intergovernmental Personnel Act and Joint Career Corps Program, Ch. 22 and Supp. 22A, respectively.

## 19C. Authorities and References

1. Foreign Service Act of 1980, as amended, sec. 503(a)(1)
2. 5 U.S.C. 3341
3. 3 U.S.C. 112

19D. Definitions

1. Detail. The temporary assignment (TDY) of an employee to a different position for a specific period. A TDY authorized in accordance with this chapter is a detail. The employee retains the official title of the position from which he/she was detailed.

2. Emergency Detail. A detail, including a TDY, made to meet emergency needs of the Service caused by abnormal workload, special projects or studies, change in mission or organization or unanticipated absences.

3. Employing Office. Employing office means:

a. the Foreign Service Personnel Division (PFM/PM/FSP) for all FS and SFS employees except as noted in 19D3b and c below;

b. the Executive Personnel Management Staff (PFM/PM/EPM) for employees serving in executive positions;

c. the Office of Administration, Office of the Inspector General (IG/ADM), for Foreign Service Auditors and Investigators (BS-08).

19E. Policies

1. Details shall not be used to circumvent the FS assignment system or regulations regarding the establishment of positions.

2. Emergency and short-term details may be made for up to, but not more than, six months. Any extension beyond six months must be approved by the AA/PFM or the IG, or their designee.

3. Employee consent is not required for a detail, but the Agency will consider valid objections.

4. Details during the first or last three months of an overseas tour of duty are discouraged.

5. Any employee may be detailed to work outside his/her normal field to meet Agency operational needs and to promote the efficiency of the Service.

6. Employees on an emergency or short-term detail are eligible for travel allowances in accordance with HB 22, Travel and Transportation.

19E

7. Employees on short-term details within the Agency are counted against the personnel ceilings of their regular unit. Employees on long-term details are carried on the appropriate PFM/PM or IG personnel complement.

8. A Letter of Agreement is required for details of federal employees to the Agency and details of AID employees to other federal agencies, including details to the White House or to a Congressional Committee.

9. Agency employees detailed to other federal agencies are subject to the rules and policies of the agency to which detailed.

19F. Responsibilities

1. Approval of Details

a. Reimbursable details are approved by the Deputy Administrator (executive level personnel/positions), the Inspector General (BS-08 personnel/positions), or the Assistant to the Administrator for Personnel and Financial Management (all other personnel/positions).

b. Nonreimbursable details of employees outside their normal field for more than 60 days are approved by the Director, PFM/PM/OD or the Inspector General, as appropriate.

c. Nonreimbursable details of employees outside their normal field for 60 days or less are approved by the employing office.

d. The directors of the lending and borrowing Missions, or their designees, approve nonreimbursable details of 60 days or less between Missions and advise the employing office in writing.

e. For details between overseas posts in excess of 60 days, the bureau acting for the gaining post submits a written request to the employing office for approval 30 days prior to the proposed effective date, providing the information specified in 19Gla. The request must indicate that the required post and country clearances have been received.

f. All other details are approved by the employing office.

2. Employing Office

a. Reviews all requests for details and notifies the requesting unit or other federal agency, in writing, of approval/disapproval.

19F2

b. Negotiates formal agreement with the borrowing/lending unit or agency, obtaining all appropriate clearances/approvals.

c. Prepares Letters of Agreement (Attachment 19A), as required. For details to established positions that exceed 30 days, and to extend or terminate details, prepares SF 50s, Notification of Personnel Actions.

d. Counsels employees regarding the terms of their detail agreement and their rights/benefits during the detail.

3. Bureaus/Offices/Overseas Posts

a. Coordinate with supervisors, managers and employing office to identify, and recommend tasks and/or circumstances suitable for, filling positions on a detail basis.

b. The lending and borrowing Agency organizational units must reach all necessary agreements on allotment and appropriation charges for regular salary and allowances before a detail is made in excess of 30 days for Washington employees and 60 days for Mission employees.

c. Secures necessary bureau/office clearances prior to submitting requests for details to the employing office.

19G. Procedures

1. Details of AID Employees in AID/W

a. The borrowing AID/W unit submits a written request to the employing office which includes:

- o employee's name, present organization title, grade, salary and organizational designation;
- o the period for which the detail is requested;
- o a description of duties, or if the detail is to an existing position, the position title, grade and position description number;
- o the agreed upon allotment and appropriation charges, if any.

The bureau acting for a gaining post submits the request to the employing office for concurrence/approval 30 days prior to the proposed effective date of a detail.

19G1

b. If a continuing new position is to be established in which the detailed employee will serve, the borrowing unit submits form AID 4-512, Staffing Pattern Action Request (SPAR), or position description to the employing office. The formal request for the detail is sent to the employing office after the borrowing unit has been notified that the position has been established.

c. An SF-50 terminating the detail is prepared automatically unless the borrowing unit requests, and is granted, an extension.

2. Details From AID to Other Federal Agencies

a. An agency wishing to detail an AID employee on a reimbursable or nonreimbursable basis sends a formal request to the Director, PFM/PM/OD or the IG, as appropriate. The request must specify the duration of the detail, nature of work, reasons justifying the detail and proposed funding arrangements.

b. The employing office:

(1) requests concurrence of the proposed detail from the bureau, office or post to which the employee is assigned;

(2) notifies the requesting agency of the approval/disapproval of the detail;

(3) negotiates terms of agreement with borrowing agency and prepares Letter of Agreement;

(4) prepares SF-50s to effect and terminate detail assignments.

c. Employees may use the form AID 4-253, Completion of Assignment Report, to indicate their interest in detail assignments to other federal agencies.

3. Details to AID/W from Other Agencies

a. The AID office or bureau requesting the detail of an employee from another federal agency submits a written request to the employing office. In addition to the information specified in 19G1a, the following must be included in the request:

(1) justification for not using existing AID staff;

19G3

(2) names of officers in AID and the lending agency which participated in arranging the detail and officers in the lending agency to be contacted in connection with formal negotiations;

(3) financial arrangements, such as whether travel costs are to be authorized and paid by AID directly to traveler or whether the lending agency authorizes travel and wishes to be reimbursed; and

(4) statement of the total estimated cost.

b. The employing office determines whether a qualified Agency employee is available and, if so, takes necessary actions to effect the detail of that employee. If no AID employee is available, the employing office negotiates an agreement with the lending agency and prepares the Letter of Agreement.

4. Details to Overseas Posts from Other Agencies

a. The post forwards request to the appropriate Bureau, providing the information specified in 19G1a and 19G4a.

b. If the bureau approves the request, the bureau requests employing office action in the same manner as for details to AID/W positions from other agencies, including submission of a travel itinerary and any special instructions if the travel authorization will be issued by AID

c. The employing office takes the necessary actions.

19H. Funding and Reimbursement

1. Details Within AID

Details usually are made on a reimbursable basis. A nonreimbursable detail within the Agency is permitted when:

a. both positions are covered by the same appropriation;

b. the position to which detailed is covered by a different appropriation but the detail involves a matter related to the loaning unit's appropriation and will help it accomplish the purpose for which appropriations are provided; or

19H1

c. the position to which detailed is covered by a different appropriation but, regardless of the purposes of the appropriation, the detail will have negligible impact on the loaning unit's appropriation.

2. Details from AID to Other Federal Agencies

a. A nonreimbursable detail to another federal agency is permitted when the detail involves a matter related to AID's appropriations and will help it accomplish the purpose for which appropriations are provided; or is for 30 days or less.

b. Payment by the Agency for travel expenses, overtime or other special charges must be specified in the Letter of Agreement.

c. All other interagency details must be on a reimbursable basis unless AID has specific statutory authority exists to approve nonreimbursable details.

d. Details that exceed 30 days are made on a reimbursable basis and documented with a Letter of Agreement. Reimbursement is made on the basis of regular salary and authorized employee expenses agreed to in writing by AID and the borrowing agency.

3. Details to the White House

Details to the White House in excess of 180 days in a fiscal year must be made on a reimbursable basis.

4. Details to Congressional Committees

Unless otherwise provided by law, details to Congressional committees usually are made on a reimbursable basis and are subject to the time limits specified in 19I. Nonreimbursable details shall not exceed 90 days.

19I. Miscellaneous Provisions

1. Extensions and Modification

Extensions of details initially approved for less than six months, subject to the time limitations specified in 19E3. Modifications to the terms of an agreement are processed in the same manner as the original detail.

19I

2. Medical Examination, Immunization and Insurance - Overseas Details

a. All individuals proposed for overseas details must obtain any required immunizations. Information concerning required immunizations will be provided by the Department of State, Medical Division (M/MED), through the employing office.

b. The employing office will obtain M/MED clearance for FS and SFS employees of the foreign affairs agencies proposed for overseas details.

c. Civil Service (CS) employees proposed for overseas details for 90 days or more must have a physical examination. M/MED will provide a courtesy examination. CS employees detailed overseas are eligible for coverage under the Foreign Service Medical Program, evacuation travel or a physical examination on return to the United States.

d. Information concerning the Federal Employees Health Benefits Program will be provided by the employing office.

3. Time and Attendance

a. For details within the Agency, the borrowing unit is responsible for Time and Attendance Reports.

b. For employees on detail to other agencies, maintenance and submission of time and attendance records shall be specified in the Letter of Agreement.

c. Annual and sick leave and overtime are authorized by the borrowing office/agency. Overtime will not be approved unless provided for in the Letter of Agreement or requested in writing by the borrowing agency and agreed to, in writing, by the employing office. Authorized overtime is recorded on the timecard and submitted to PFM/PM/OS/P with a copy of form AID 190-3, Overtime Authorization and Report.

4. Performance Evaluation

a. AID employees detailed within the Agency or to another federal agency are evaluated under the Foreign Service Evaluation Program. For AID employees detailed to another federal agency, evaluation requirements will be specified in the Letter of Agreement.

19I4

(1) The specific objectives to be accomplished should be discussed at the beginning, and will be the basis for the evaluation prepared at the end, of the detail assignment.

(2) Regular or interim Employee Evaluation Reviews (EER) are required for details which exceed 120 days and are processed as indicated in Ch. 40.

(3) Memoranda of Performance are required for details of 30-120 days. The original is sent to the employee's rater at his/her duty station to be used to prepare a regular or interim EER. The employee is given a copy.

b. Employees on detail to AID from another federal agency are evaluated only at the request of the employee's parent agency.

ATTACHMENT 19A

**Letter of Agreement**
**Between the**
**U.S. Agency for International Development**
**and**

_____

The U.S. Agency for International Development (AID) hereby enters into an agreement for the temporary detail of _____ to _____. This assignment shall be made on a (reimbursable/ nonreimbursable) basis in accordance with the provisions set forth herein.

1. PURPOSE:
(Nature of Work, justification for assignment)

2. SCOPE OF WORK:

A. Duties and Responsibilities of Assignee

B. Controls over Work

3. DURATION, EXTENSION AND TERMINATION OF ASSIGNMENT:

A. This assignment is for the period beginning _____(date)_____ and ending _____(date)_____.

B. The period of assignment, if less than six months, may be extended with the mutual consent of the parties to the agreement and the assignee. An extension must be documented with an amendment and personnel action or memorandum, as appropriate.

C. This agreement may be terminated by mutual consent of both parties, with reasonable notice to the assignee, or upon ( # ) days notice in writing by either party of its intention to terminate the assignment.

4. RIGHTS AND BENEFITS:

A. The workweek and hours of duty will be determined by the gaining agency subject to applicable federal regulations.

B. The assignee will continue to accrue annual and sick leave in accordance with the provisions of AID Handbook 27, Attendance and Leave. Use of leave will be approved by the supervisor designated for the period of assignment. The gaining agency will advise AID of any leave taken (method of reporting). _____ will maintain the assignee's official leave record.

C. The assignee's coverage under federal retirement, group health benefits and life insurance programs shall continue during the period of assignment. The assignee's share of costs for such coverage will continue to be withheld from salary. Payment of the employer's share of costs shall be as indicated in 5A below.

D. The gaining agency shall complete the Employee Evaluation Report, form AID 420-4, in accordance with the procedures contained therein.

5. REIMBURSMENT PROVISIONS:

A. Salary and Fringe Benefits.

B. Travel, Transportation and Allowances.

C. Overtime or Other Special Charges.

D. Method of Reimbursement.

6. ESTIMATED COSTS:

| | AID |
|---|---|
| Salary | |
| Fringe Benefits | |
| Allowances | |
| Travel/Transportation | |
| Overtime | |
| Special Charges | |

7. RULES, REGULATIONS AND POLICIES:

A. The assignee is subject to the federal statutory and regulatory provisions which govern ethical and other standards of conduct, conflicts of interest, suitability, security, and limitations on political activity (18 U.S.C. 203, 205, 207, 208 and 209); and to any applicable state and local government statutory and regulatory provisions.

B. The federal tort claims statutes and any other federal tort liability statute shall apply to the assignee.

C. The rules and policies that govern the internal operation and management of the gaining agency are applicable to the assignee.

D. Travel, transportation and related allowances may be authorized only in accordance with the Federal Travel Regulations when such expenses will be funded (or reimbursed) by AID

8. CONTACTS:

AID

(Other Organization)

Personnel Matters:

(Employing Office)
(Mailing Address)
Agency for International Development
Washington, DC 20523

Billing Information:
Operating Expense Branch (PFM/FM/AD/OEB)
Office of Financial Management
Room ___, SA-2
Agency for International Development
Washington, DC 20523

9. SIGNATURES:

AID*

(Other Organization)

_____
(Title)

_____
(Title)

_____
(Date)

_____
(Date)

*See Ch. 19, sec. 19F1, Approval of Details

# CHAPTER 20

(RESERVED)

*To be renumbered Chapter 15, HB 25, Book A, in the new Handbook series

# CHAPTER 21A*
# DETAILS AND TRANSFERS TO INTERNATIONAL ORGANIZATIONS - CIVIL SERVICE

## 21A. Purpose

This chapter provides the authorities, policies, responsibilities, and procedures for details and transfers of AID Civil Service personnel to qualified public international organizations.

## 21B. Applicability

### 1. Details

Any AID Civil Service employee who is a U.S. citizen is eligible to be detailed to an international organization (IO). An employee so detailed remains an employee of AID for all purposes throughout the term of the detail, including extensions.

### 2. Transfers

Any AID Civil Service employee who is a U.S. citizen is eligible to be transferred to an international organization, except for Presidential appointees and certain personnel serving in other than career appointments. A transferred employee enters a new position and is separated from AID, except for retention of the rights and benefits specified in this chapter.

## 21C. Authorities

1. E.O. 11552
2. 5 USC, section 3343 and sections 3581 through 3584
3. 5 CFR, Part 352, Subpart C
4. FPM, Chapter 352, Subchapter 3

## 21D. Policy

1. It is the policy of the U.S. Government to assist international organizations to obtain well-qualified U.S. citizens to serve in their secretariats and technical assistance programs. The law

authorizes and encourages details and transfers of Federal employees as a way of making them available to international organizations in support of this policy.

2. AID actively assists international organizations in finding well-qualified U.S. citizen AID personnel for their programs.

3. Details and transfers of AID personnel to international organizations shall be made without regard to race, sex, age, color, religion, or national origin.

4. Details or transfers to international organizations will to the extent possible be based on the preference, skills, experiences, abilities, and career interests of the AID employee being considered for the detail.

5. AID employees under consideration for detail or transfer will be notified by the Office of Personnel Management (M/PM) as soon as possible and prior to being notified by the international organization.

6. Attachment 21A to this chapter provides a list of the approved agencies to which details and transfers may be made. The Agency may detail or transfer an employee to another public international organization only when the U.S. Office of Personnel Management (OPM), after consultation with the Department of State, agrees that such other organization is qualified for inclusion on the list.

## 21E. Responsibilities

### 1. Secretary of State

a. Approves, in cooperation with the parent agency of the employee, extensions of details or transfers to international organizations beyond the five year period. However, time served under one or more of such details or transfers, including extensions, may not exceed a total of eight years.

b. Defines and specifies the pay, allowances, post differential and other monetary benefits to be considered in determining the basis on which the equalization allowance is made. (See paragraph 21F4c.)

### 2. Office of Personnel Management (M/PM)

Takes action on written requests from international organizations for the detail or transfer of AID employees, and for extensions, unless the total time (including an extension) would exceed five years.

21E

3. Office of Financial Management, Employee Services Division, Compensation and Accounting Control Branch (M/FM/ESD/CACB)

a. Is responsible for pay and allowances and related matters for employees on detail.

b. Serves as accounting and depositing office for contributions made by a transferred employee for retirement, health benefits, and insurance coverage.

4. Employee Transferring to an International Organization

a. Acknowledges, in writing, notice from AID concerning benefits, and states intentions concerning retention of retirement, health benefits, and life insurance coverage while on the rolls of the international organization.

b. Remits contributions, as appropriate for retirement, health benefits, and insurance to the Central Accounting Division (M/FM/CAD), AID/W Cashier.

c. Indicates disposition to be made of accumulated and current accrued annual leave.

d. Forwards annually a completed form AID 410-1, Equalization Allowance Information (Attachment 21B), to M/FM/ESD/CACB.

e. Sees that required performance evaluations are prepared by the organization on him/herself and forwarded to M/PM in a timely manner. (See 21F3f below.)

21F. Terms of Details and Transfers

1. A detail or period of transfer in excess of 365 days does not constitute a break in Federal employment and employees will continue to be covered by the retirement system to which their appointment with AID would otherwise entitle them (transferred employees, see 21F4b below).

2. AID employees on detail or transfer with an international organization are subject to Agency regulations governing employee responsibilities and conduct, including limitations on political activity, financial disclosure requirements, and post employment restrictions.

3. Conditions Applicable to Employees on Detail

a. Length of Detail

An employee may be detailed to an international organization for periods up to five years, which may be extended for not more than 3 years when the Secretary of State, at AID's request, determines the extension to be in the national interest. Normally, the initial period of the detail is three years or less.

b. Status of Employee on Detail

An employee on detail continues to be an AID employee and to draw pay and allowances from AID. The employee retains privileges, rights, seniority, and all other employee benefits. Leave is earned and used under AID regulations.

c. Oath of Office

The international organization may require an employee on detail to sign a declaration form. Signing this form is not considered to be in conflict with the employee's AID oath of office, provided the declaration is merely a formal written recognition of an employer-employee type relationship.

d. Reimbursement for Employee Expenses

An AID employee on detail may be reimbursed for allowances and expenses by an international organization without regard to 18 USC 209. An employee may not accept reimbursement from both AID and the international organization for the same expense. However, if reimbursed less by the international organization than permitted under AID regulations, the Agency shall reimburse the employee for the difference.

e. Ceiling Charge

Employees on detail continue to be counted against the AID position ceiling.

f. Employee Evaluation and Promotion

(1) An employee's work performance while on detail shall be evaluated according to AID regulations, and this requirement shall be contained in the detail agreement with the international organization.

(2) An employee on detail may apply for and be considered for every promotion for which the employee would be considered if serving in the employee's AID position.

(3) Any promotion or upgrading of the employee's AID position, made while the employee is on detail, will be effective the day it would have been effective if the employee were present and actually serving in the AID position (see 21F4g, Reemployment Rights).

4. Conditions Applicable to Transferred Employees

a. Length of Transfer

An employee may be transferred to an international organization for a period of up to five years, which may be extended for not more than three additional years when the Secretary of State, at the request of AID, determines the extension to be in the national interest. The initial period of a transfer is typically three years or less.

b. Rights and Benefits Retained by Employee

(1) During the period of reemployment rights, an employee who transfers to an international organization retains retirement, health benefits, and insurance coverage provided the appropriate contributions are deposited currently with AID. Except for health benefits, payments and contributions to those funds are based on the rate of pay the employee would have received if he/she had not transferred. The Agency is responsible for determining this rate. Thus, the Agency must establish when the transferred employee would have received a within-grade increase, or general pay increase. Also, any promotions made during the period of transfer must be taken into account. Health benefits payments depend upon the premium of the plan in which the employee is enrolled and type of enrollment (family or self only). The Agency must be sure the employee payments are adjusted whenever necessary.

(2) Employee payments are considered to be deposited currently if received by AID before, during, or within three months after the end of the pay period during which coverage is provided. Failure to deposit these payments currently terminates the transferred employee's coverage on the last day of the pay period for which payments were currently deposited, subject to a 31-day extension of life insurance and health benefits coverage as provided by regulations. Terminated coverage may not be renewed until the employee actually reenters on duty in a pay status in AID.

(3) An employee who transfers retains coverage and all benefits and rights to compensation for work injuries. However, such compensation may not be drawn from both the international organization and the U.S. Government.

c. Equalization Allowance

(1) A transferred employee may be entitled, upon reemployment, to an equalization allowance. An equalization allowance is defined as the difference between the specified pay, allowances, post differential, and other monetary benefits a

transferred employee receives from the international organization, and the amount which would have been received if detailed to the international organization from the Federal Government. Factors considered in calculating the difference noted above are:

(a) For the Federal Government

Net Salary (as defined below)
Living Quarters Allowance
Post Allowance
Post Differential
Education Allowance

(b) For the International Organization

Net Salary (as defined below)
Post Adjustment
Dependent Grant
Repatriation Grant
Education Allowance
Special Post Allowance

The Department of State defines net salary (i) for the Federal Government, as the amount paid an employee before the deduction of State and local taxes, but after the deduction of hypothetical U.S. Federal tax using the standard deduction considering the number of exemptions and appropriate tax table prescribed by the Department; (ii) for the international organizations, following the Common System of Salaries and Allowances of the United Nations and Specialized Agencies, as the amount actually paid to the employee after the deduction of the Staff Assessment; (iii) for the other international organizations, as the amount actually paid to the employee. In cases where pay is subject to State and local taxes, this shall be the pay before the deduction of the taxes.

(2) An employee who transfers to an international organization for a period of less than one year may be paid per diem in lieu of some or all of the above allowances. Upon returning to AID, the employee shall be reimbursed for the difference between the gross salary, per diem, and allowances (if any) received while transferred and the gross salary and per diem the employee would have received on an AID detail to the same duty station.

(3) At the end of each calendar year and at the end of the term of employment, the employee must furnish a statement of all pay, allowances, and other monetary benefits received from the international organization; changes in family status and the applicable dates; and appropriate supporting evidence prescribed by AID to substantiate employee's claim for equalization amounts.

21F4c(3)

Form AID 410-1, Equalization Allowance Information (Attachment 21B), is to be used to submit this information to the Compensation and Accounting Control Branch, M/FM/ESD/CACB. Copies of this form will be given to a transferred employee at the beginning of the transfer.

d. Leave

(1) A transferred employee may elect to retain with AID all accumulated and current accrued annual leave for which the employee is eligible to receive a lump-sum payment; or the employee may request a lump-sum payment at any time prior to reemployment with AID. The employee must refund the amount of the lump-sum payment if reemployed by AID within six months after transfer.

(2) Annual Leave. Upon reemployment, an employee is entitled to have the period of separation covered by the transfer and the period necessary to effect reemployment counted as creditable service for determining the rate at which annual leave is accrued. If not previously liquidated by lump-sum payment, the employee's annual leave account retained with the Agency at time of transfer is reinstated upon reemployment. Leave earned in the employ of the international organization is not creditable when exercising reemployment rights.

(3) Sick Leave. Upon reemployment, an employee's sick leave account will be restored to the status at the time of the employee's separation and transfer. Sick leave earned while in the employ of the international organization will not be credited to the employee's account upon reemployment in AID.

e. Employee Evaluation and Promotion

(1) M/PM shall request that the international organization evaluate the work performance of an employee on transfer in accordance with AID regulations.

(2) An employee who transfers may apply for and be considered for every promotion for which the employee would have been considered had the employee remained in AID.

(3) Any AID promotion made while the employee is on transfer will be effective the day it would have been effective if the employee were on the AID rolls.

f. Step Increases

The personnel and pay records of a transferred employee are updated to reflect step increases as they become due. Appropriate adjustments are made in the amounts due from the employee for retirement and life insurance.

g. Reemployment Rights

(1) An employee who transfers to an international organization has a right to reemployment in the AID position held at time of transfer, or to one of like seniority, status, and pay, if the following conditions are met:

(a) Employee is separated either voluntarily or involuntarily, at the expiration of or within the period of transfer and employment with the international organization; and

(b) Employee applies for reemployment to AID no later than ninety calendar days after separation.

(2) Upon reemployment within the above statutory limitations (5 USC 3582), an employee is entitled to have the period necessary to effect reemployment counted as creditable service for all appropriate Federal employment purposes, such as determining the rate at which annual leave is accrued.

Attachments:
A--OPM List of IOs
B--Equalization Allowance Form
C--Summary of Certain Tax Provisions

ATTACHMENT 21A-A1

# *LIST OF INTERNATIONAL ORGANIZATIONS WITHIN THE MEANING OF THE FEDERAL EMPLOYEES INTERNATIONAL ORGANIZATION SERVICE ACT

United Nations and Specialized Agencies and Special Programs of the United Nations

Food and Agriculture Organization
Intergovernmental Maritime Consultative Organization
International Bank for Reconstruction and Development (including International Finance Corporation)
International Civil Aviation Organization
International Labor Organization
International Monetary Fund
International Telecommunication Union
United Nations
United Nations Children's Fund
United Nations Educational, Scientific and Cultural Organization
*United Nations Environment Program
United Nations Relief and Works Agency for Palestine Refugees in the Near East
Universal Postal Union
World Health Organization
World Meteorological Organization

Inter-American Organization

Inter-American Children's Institute
Inter-American Development Bank
Inter-American Indian Institute
Inter-American Institute of Agricultural Sciences
Inter-American Tropical Tuna Commission
Organization of American States
Pan American Health Organization[1]
Pan American Institute of Geography and History
Pan American Railway Congress Association
Postal Union of the Americas and Spain

Other Regional Organizations

Caribbean Organization
Colombo Plan Council for Technical Cooperation in South and Southeast Asia
*Great Lakes Fisheries Commission
*North Atlantic Assembly
North Atlantic Treaty Organization
South Pacific Commission

Other International Organizations

African Development Bank
Asian Development Bank
*Asian Productivity Organization
*Asian Vegetable Research and Development Center
Central Commission for the Navigation of the Rhine
*Commission for the Conservation of Antarctic Marine Living Resources
European Atomic Energy Community
General Agreement on Tariffs and Trade of the Interim Commission of the International Trade Organization
Intergovernmental Committee for European Migration
International Agreement on the Maintenance of Certain Lights in the Red Sea
International Atomic Energy Agency
International Bureau for the Permanent Court of Arbitration
International Bureau for the Protection of Industrial Property
International Bureau for the Publication of Custom Tariffs
International Bureau of Weights and Measures
International Cotton Advisory Committee
*International Council for the Exploration of the Sea
International Council of Scientific Unions and Associated Unions
International Criminal Police Organization
*International Crops Research Institute for the Semi-arid Tropics
*International Fertilizer Development Center
International Hydrographic Bureau
International Institute for the Unification of Private Law
*International Maritime Satellite Organizations

[1]Previously known as Pan American Sanitary Organization

International North Pacific Fisheries Commission
International Organization for Legal Metrology
International Pacific Halibut Fisheries Commission
International Pacific Salmon Fisheries Commission
International Rubber Study Group
International Secretariat for Volunteer Service
International Seed Testing Association
International Sugar Council
International Union of Official Travel Organizations
International Whaling Commission
International Wheat Council
Interparliamentary Union
Organization for Economic Cooperation and Development
Permanent International Association of Navigation Congress
*Secretariat to the Convention on International Trade in Endangered Species of Wild Fauna and Flora
Suez Canal Users Association
The Hague Conference on Private International Law
*Multinational Force and Observers
*United States-Iranian Claims Commission

Notes

(1) The preceding list contains the names of a number of small highly specialized international bodies not maintaining normal secretariats and not expected to require the full-time services of Federal personnel. They have been included on the list, however, because they may request the short term detail of a Federal employee and they do qualify as international organizations under Public Law 85-795.
(2) This list does not include SEATO or Baghdad Pact. Although these are international organizations in which the United States Government participates, assignments of Federal personnel are coordinated by the Department of State and are made under statutory authority other than Public Law 85-795.

ATTACHMENT 21A-B1

# EQUALIZATION ALLOWANCE INFORMATION

## AUTHORITY

FPM Chapter 352, Subchapter 3 - Detail and Transfer of Federal Employees to International Organizations, and HB 25, Employment and Promotion, provide that each employee on transfer is required to submit to the Agency for International Development at the end of each calendar year and at the end of his term of employment (1) a statement, certified by a competent official of the international organization, of payments for pay, allowances and other monetary benefits received from the international organization, (2) a statement of any changes in family status and the applicable dates, and (3) appropriate supporting evidence prescribed by the Agency to substantiate the employee's claim for equalization allowance.

## INSTRUCTIONS

PART I—TO BE COMPLETED BY THE EMPLOYEE AND THE INTERNATIONAL ORGANIZATION

1. Prepare original and one copy.
2. If no changes have occurred in any item since the last report, indicate "No change from previous submission."
3. Item C. Employment Reporting Period is one of the following:
   a. For new employees, date salary and allowances commence with the international organization through December 31.
   b. For continuing employees, January 1 through December 31.
   c. For returning employees, January 1 through date of departure from post.
4. Item K. Show annual living quarters expense (no breakdown needed).
5. Item O. To be certified by an appropriate official of the international organization as to the contents of Item N.
6. Submit original to: Agency for International Development, Office of Financial Management, Employee Services Division, Central Payroll Branch (FM/ESD/CPB) Washington, D.C. 20523. Retain one copy for personal records.

PART II—ALL SECTIONS ARE TO BE COMPLETED BY THE AID OFFICE OF FINANCIAL MANAGEMENT

Item II.B. To find amount of equalization allowance, take the total from line 6, Item II.A., AID Computed Salary, Allowances, and Differentials, and subtract the total from line 6 in Item I.N., Salary and Allowances/Grants Paid During Period of Employment.

Office of Financial Management is to retain original for official record.

## PART I—TO BE COMPLETED BY THE EMPLOYEE AND THE INTERNATIONAL ORGANIZATION

| A. EMPLOYEE NAME | B. INTERNATIONAL ORGANIZATION | C. EMPLOYMENT REPORTING PERIOD FROM | TO |
|---|---|---|---|
| D. POST OF ASSIGNMENT *(City and Country)* | E. DATE EMPLOYEE ARRIVED AT POST | F. LWOP DURING REPORTING PERIOD FROM | TO |
| G. FOREIGN CURRENCY EXCHANGE RATE. *(Most favorable rate of exchange at which you obtained foreign currency. If more than one rate prevailed during reporting period, quote and explain in Item P.)* | | $ 1 U.S. EQUALS | |
| H. QUARTERS OCCUPIED *(Street address, city, and Country)* | I. APT. OR ROOM NO. / J. DATE OCCUPIED | K. ANNUAL LIVING QUARTERS EXPENSE *(U.S. Dollars)* | |

L. FAMILY DOMICILED AT POST OF ASSIGNMENT

| NAME | RELATIONSHIP | DATE OF BIRTH | DEPENDENCY | PLACE OF RESIDENCE STREET ADDRESS AND CITY | DATE OF ARRIVAL AT POST |
|---|---|---|---|---|---|
| 1. | | | % | | |
| 2. | | | % | | |
| 3. | | | % | | |
| 4. | | | % | | |

M. FAMILY DOMICILED AWAY FROM POST *(If applicable.)*

| NAME | RELATIONSHIP | DATE OF BIRTH | DEPENDENCY | PLACE OF RESIDENCE STREET ADDRESS AND CITY | DATE OF DEPARTURE FROM POST |
|---|---|---|---|---|---|
| 1. | | | % | | |
| 2. | | | % | | |
| 3. | | | % | | |
| 4. | | | % | | |



CONTINUED ON REVERSE SIDE.

| N. SALARY AND ALLOWANCE/GRANTS PAID DURING REPORTING PERIOD OF EMPLOYMENT | |
|---|---|
| ITEM | AMOUNT *(U.S. Dollars)* |
| 1. NET SALARY *(Gross less staff assessment)* | |
| 2. POST ADJUSTMENT | |
| 3. DEPENDENT GRANT | |
| 4. REPATRIATION GRANT | |
| 5. EDUCATION ALLOWANCE *(Kindergarten through 12th grade)* | |
| 6. SPECIAL POST ALLOWANCE | |
| 7. PER DIEM *(See HB 25, Chap. 21)* | |
| 8. TOTAL SALARY AND ALLOWANCES/GRANTS PAID | |
| 9. EMPLOYEE'S CERTIFICATION *(Signature)* | 10. DATE |

| O. INTERNATIONAL ORGANIZATION CERTIFICATION | |
|---|---|
| 1. TYPED NAME | 2. TITLE |
| 3. SIGNATURE | 4. DATE |

P. REMARKS

**PART II—TO BE COMPLETED BY THE OFFICE OF FINANCIAL MANAGEMENT**

A. AID COMPUTED SALARY, ALLOWANCES, AND DIFFERENTIALS

| TYPE OF ALLOWANCE | AMOUNT *(U.S. dollars)* | EFFECTIVE DATE | |
|---|---|---|---|
| | | BEGAN | ENDED |
| 1. NET SALARY | | | |
| 2. LIVING QUARTERS ALLOWANCE | | | |
| 3. POST ALLOWANCE | | | |
| 4. POST DIFFERENTIAL | | | |
| 5. EDUCATION ALLOWANCE *(Kindergarten through 12th grade)* | | | |
| 6. PER DIEM *(See HB 25, Chap. 21)* | | | |
| 7. TOTAL AID COMPUTED | | | |

B. EQUALIZATION ALLOWANCE DUE EMPLOYEE

| | | 4. PERIOD COVERED | |
|---|---|---|---|
| 1. TOTAL AID COMPUTED | | FROM | TO |
| 2. TOTAL SALARY AND ALLOWANCES/GRANTS PAID | | | |
| 3. EQUALIZATION DUE | | | |

ATTACHMENT 21A-C1

SUMMARY OF CERTAIN TAX
PROVISIONS WHICH MAY BE AVAILABLE
TO TRANSFERRED U.S. GOVERNMENT EMPLOYEES

1. Foreign Earned Income Exclusion

a. Personnel who transfer to an international organization and are employed abroad may qualify to exclude up to $85,000 of foreign earned income in 1984, $90,000 in 1985, and $95,000 in 1986 and later years.

b. To claim the foreign earned income exclusion the taxpayer, per IRS tax guidance (1983 publication 54), must have foreign earned income, a tax home in a foreign country, and must be:

(1) A U.S. citizen who is a bona fide resident of a foreign country or countries for an uninterrupted period that includes an entire tax year, or

(2) A U.S. citizen who is physically present in a foreign country or countries for at least 330 full days during any period of 12 consecutive months.

c. If the employee's spouse has income earned abroad and can meet either of the above tests, each may exclude such income up to the above limits for each tax year, i.e. a total of $170,000 for 1984, $180,000 for 1985, and $190,000 for 1986 and later years.

2. Foreign Housing Exclusion or Deduction

a In addition to the foreign income exclusion, transferred personnel may also claim an exclusion or a deduction from gross income for a housing amount if their tax home is in a foreign country and they qualify under either the bona fide residence test or the physical presence test (1-b, above).

b. The "housing amount" per IRS 1983 Tax Guidance (Publication 54), is an amount equal to the excess of reasonable foreign housing expenses over a base housing amount. The base housing amount is

16% of the annual salary of a GS-14, step 1, U.S. Government employee, figured on a daily basis for the days meeting the bona fide residence test or the physical presence test. The annual salary is the GS-14-1 salary on January 1 of the year in which the employee's tax year begins.

3. Puerto Rico, Virgin Islands, Guam, and Northern Mariana Islands

   a. Residents of Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands are not entitled to the exemption for U.S. citizens in possessions, or to the exclusion of foreign earned income, or the exclusion or deduction of foreign housing amounts under the bona fide residence or physical presence rules related in 1-b, above.

   b. Puerto Rico. Generally, a U.S. citizen who is a bona fide resident of Puerto Rico for an entire year is not subject to U.S. tax on income from Puerto Rican sources (this does not include amounts paid by the United States). However, income from sources outside Puerto Rico is subject to U.S. tax. Expenses allocable to the exempt income may not be deducted (see IRS Publication 570).

4. U.S. Government Employees

   a. For the purposes of both the foreign earned income exclusion and the foreign housing exclusion or deduction, foreign earned income generally does not include any amounts paid by the United States or any of its agencies to its employees.

   b. However, amounts paid by the United States or its agencies to persons who are not their employees, i.e., contractors, may qualify as foreign earned income for purposes of exclusion or deduction.

   c. If you are a U.S. Government employee paid by a U.S. agency that assigned you to a foreign government to perform specific services, for which the agency is reimbursed by the foreign government, your pay is from the U.S. Government and does not qualify for the exclusion or deduction.

5. Income Averaging

   An employee who chooses to figure tax under the income averaging method may not claim the foreign earned income exclusion or the foreign housing exclusion in the computation year. See IRS publication 506 for information on Income Averaging.

6. GENERAL NOTE

It should be emphasized that this is a general and simplified summary of certain provisions in the tax code which may be of use to employees who are transferred and who are employed overseas. Each employee's situation is unique, and the individual should consider the specific rules. The IRS publications referenced herein, No. 54, "Tax Guide for U.S. Citizens and Resident Aliens Abroad," No. 570, "Tax Guide for U.S. Citizens Employed in U.S. Possessions," and No. 506, "Averaging," can be obtained from local IRS offices and should prove useful to employees in the exploration of their personal tax situations.

# CHAPTER 22

# TEMPORARY ASSIGNMENTS UNDER THE INTERGOVERNMENTAL PERSONNEL ACT

## 22A. Purpose

This chapter sets forth the policies, regulations and procedures which govern the temporary assignment of personnel under Title IV of the Intergovernmental Personnel Act (IPA) of 1970, as amended.

## 22B. Applicability

1. This chapter applies to the temporary assignment of personnel between AID and state, local and Indian tribal governments; institutions of higher education; and other organizations as defined in this chapter (hereafter referred to as participating organizations). Temporary assignments under this chapter will focus primarily on professional, administrative and technical occupations (e.g., GS, GM, FS, SFS and SES).

2. AID Career Civil Service employees are eligible for assignment under this chapter. AID employees under the following types of appointments are ineligible for assignment: temporary, time-limited, term, non-career, limited Senior Executive Service (SES), Schedule C, and Administratively Determined (AD).

3. Assignments may not be made to state or local government elected official positions. Assignment to a similar Indian tribal government position is subject to the approval of the U.S. Office of Personnel Management (OPM).

4. Participants in the Technical Advisors for Child Survival (TACS) Program and participants involved in activities relating to research on, and the treatment and control of Acquired Immune Deficiency Syndrome (AIDS) in developing countries, are eligible for IPA assignment under the guidelines stated in this chapter.

5. Career employees of participating organizations who are U.S. citizens and who have been employed in a permanent position for at least ninety days are eligible for assignment to AID. Excluded from participation are university students employed as research, graduate or teaching assistants, and in similar scholarship-related positions.

6. This chapter does not apply to assignments of FS employees under Section 503 of the FSA of 1980, as amended, which also authorizes assignment to State and local governments and educational institutions, among others.

## 22C. Authorities and References

1. Title IV, Intergovernmental Personnel Act of 1970, as amended
2. 5 U.S.C. 3371-3375
3. 5 CFR 334
4. FPM Chapter 334
5. Section 625(d) of the Foreign Assistance Act of 1961
6. The Foreign Service Act of 1980
7. Section 545, Child Survival and AIDS Activities, of the Foreign Assistance Appropriations Act

## 22D. Definitions

1. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and territories or possessions of the United States; an instrumentality or authority of a state; or a Federal-state authority or instrumentality.

2. "Local Government" means a city, town, county or other subdivision or district of a state, including agencies, authorities and instrumentalities of any of the foregoing and any combination of such units or combination of such units and state.

3. "Instrumentality or Authority" means an organization which: (a) is government created or controlled; (b) is public and nonprofit; (c) has some governmental function delegated to it; and (d) is recognized as an instrumentality or authority by the state or local government. Public school districts and other special purpose districts and authorities, such as housing authorities and those providing water and sewer services, fall within the definition of a local government instrumentality or authority.

4. "Institution of Higher Education" means accredited private and public four-year colleges and universities, and technical and junior colleges located in the United States or within U.S. territories or possessions.

22D

5. "Indian Tribal Government" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act (85 State. 688), recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and includes any tribal organization as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act.

6. "Other Organizations" means a national, regional, statewide, areawide, or metropolitan organization representing member state or local governments; an association of state or local public officials; or, a nonprofit organization which offers as one of its principal functions professional advisory, research, educational or development services, or related services, to governments or universities concerned with public management.

Organizations interested in participating in the IPA program as an "other organization" must be certified as eligible by OPM before they may enter into an IPA agreement. Written requests should include a copy of the organization's: (a) articles of incorporation, (b) bylaws, (c) evidence of nonprofit status, and (d) any other information describing the organization's activities as they relate to the public management concerns of governments or universities. Requests should be sent to: Personnel Mobility Programs, Workforce Effectiveness and Development Group, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415.

7. "Participating Organization(s)" means those organizations as defined in this chapter.

22E. Policies

1. It is AID's policy to cooperate in IPA assignments both to and from the Agency when such assignments provide mutual benefits, including the sharing of scarce expertise, to all parties to the agreement.

2. IPA assignments shall not be used to fill positions if qualified AID employees are eligible and available for placement.

3. Personnel selections and assignments processed under this chapter shall be in accordance with AID's policy of nondiscrimination.

4. AID will not enter into an agreement under which an AID employee would be assigned to a position which required union membership as a condition of employment.

22F. Responsibilities

1. U.S. Office of Personnel Management (OPM)

OPM is responsible for issuing regulations regarding the implementation and administration of assignments under Title IV of the IPA. OPM provides guidance and direction concerning all aspects of the IPA program and monitors overall usage of this authority through periodic evaluations.

2. Assistant to the Administrator for Personnel/Financial Management (AA/PFM)

The AA/PFM, or designee, authorizes all assignments, whether by appointment or by detail, under the provisions of this chapter for all employees (minus BS-08 employees).

3. Office of the Inspector General (IG)

The Office of the Inspector General, or designee, authorizes all assignments, whether by appointment or by detail, under the provisions of this chapter for BS-08 employees.

4. Office of Personnel Management (PFM/PM)

a. Monitors selection criteria based on Agency priorities.

b. Approves assignment terms, conditions and rates of compensation. All Assignment Agreements are signed by the Director, PFM, or designee.

c. Prepares periodic evaluation reports for OPM and provides other information as requested or required.

5. Civil Service Personnel Division (PFM/PM/CSP)

a. PFM/PM/CSP is responsible for the overall management of IPA assignments within AID and ensuring that all assignments are effected in accordance with applicable laws, regulations, and internal policies and procedures.

b. PFM/PM/CSP is responsible for ensuring that all required personnel actions for employees assigned under the IPA are effected in accordance with applicable laws, regulations and Agency policies, e.g., ensures that the descriptions of duties to be performed are current, accurate and appropriately classified; processes assignment actions; obtains required performance evaluation reports of AID employees under IPA assignments; processes periodic step increases and pay actions as applicable.

c. Provides technical guidance to AID Geographic Bureaus and Offices, participating organizations and IPA participants.

6. Office of Financial Management (PFM/FM)

PFM/FM is responsible for ensuring that all fiscal obligations specified in, or required as a result of, AID's participation in an IPA agreement are satisfied in accordance with applicable laws, Federal regulations and internal policies and procedures.

7. AID Geographic Bureaus and Independent Offices

a. Advises PFM/PM/CSP of long-range plans and requirements, initiates requests for the assignment of participating organization employees to AID in accordance with established procedures and participates in the preliminary negotiations with participating organizations.

b. In conjunction with PFM/PM/CSP, establishes selection criteria and prepares the description of duties for the position.

c. When it is in the interest of the Agency and the employee, concurs in the release of a Bureau or Office employee for assignment to a participating organization under this chapter.

8. Employees

Employees assigned under this chapter, whether to or from AID, are responsible for fulfilling the terms and conditions to which they have agreed by signing the Assignment Agreement.

9. Office of the General Counsel (GC)

Deputy Ethics Officials in GC/EPA are available to counsel candidates for IPA assignments on potential conflicts of interest or related matters.

## 22G. Assignment Procedures

### 1. Assignment of AID Employees to a Participating Organization

#### a. By Detail

AID employees detailed to a participating organization are considered AID employees in all respects except supervision, and retain all the rights and benefits of Federal employment. They are paid by AID and count against AID's full-time equivalent (FTE) ceiling, unless the participating organization pays 50% or more of the employee's salary costs.

#### b. By Appointment

AID employees may be granted Leave Without Pay (LWOP) and subsequently be appointed to a participating organization. Such employees, although paid by the participating organization, remain AID employees and retain all the rights and benefits of Federal employment. Service under an IPA is creditable in full for Federal salary purposes, including within-grade increases, retention, and leave accrual purposes. Employees on LWOP continue to remain incorporated in the Agency's personnel system but do not count against the FTE ceiling after the first 30 days of their IPA assignment.

### 2. Assignment of Participating Organization Employees to AID

#### a. General

The assignments of participating organization employees to AID are initiated by AID Geographic Bureaus and Offices. All IPA assignments, whether by detail or by appointment, must be authorized by the AA/PFM. After this authorization has been received, the requesting office must submit to PFM/PM/CSP a completed Request for Employment Under the Intergovernmental Personnel Act of 1970, form AID 410-2 (see Att. 22A), and pre-employment forms, which include an updated Application for Federal Employment, form SF-171. The requested effective date of assignment must provide adequate time to complete the required security clearance and negotiations among all parties to the agreement.

b. By Detail

(1) Employees of a participating organization may be detailed to AID. Such personnel remain employees of their parent organization for all purposes except that they are subject to the Federal and AID regulations outlined in 22G above. Employees on detail to AID do not count against the FTE ceiling. Participants involved in the TACS and AIDS programs do not count against the FTE ceiling.

(2) The assignment may be to an established position or may entail a set of ad hoc duties that have been given a GS-equivalency grade. Such assignments are controlled to the extent required to ensure that the services provided are productive and mutually beneficial and that the costs do not exceed the amount allocated. Detailees normally serve on staff assignments or in an advisory or consultative capacity rather than performing line management functions, and serve under AID supervision.

c. By Appointment

(1) Employees of participating organizations may be appointed to AID while on LWOP from their parent organization. Appointees are AID employees for all purposes except entitlement to retirement and other benefit programs. IPAs may be appointed to GS/GM/SES positions.

(2) Personnel appointed to AID are included in AID's personnel system. Appointees count against the FTE ceiling.

(3) Appointments, rather than details, should be used if supervision of AID employees or line management responsibilities are involved. IPA appointments may be used to temporarily fill AID positions only when such positions clearly and demonstrably cannot be filled by the promotion or reassignment of a qualified career employee and recruitment is neither feasible nor appropriate.

## 22H. Statutory Provisions

### 1. Liability Statues

The Federal tort claims statutes and any other Federal tort liability statute shall apply to all personnel assigned under this chapter.

2. Privacy Act and Freedom of Information Act

Assignment Agreements and other records pertaining to IPA assignments are subject to the provisions of the Privacy Act of 1974 and the Freedom of Information Act of 1967, as amended. Disclosure of information under the provisions of either Act may be made only in accordance with the regulations set forth in HB 18, Part III, Ch. 10, Public Access to AID Records, and/or HB 18, Part III, Ch. 12, Access to and Protection of Records on Individuals, Privacy Act - 1974, as appropriate. Requests for information under the provisions of either Act should be sent to AID's Office of Public Inquiries (XA/PI).

3. Employee Responsibilities, Conduct and Political Activity

a. Employees assigned under this chapter, whether to or from AID, are subject to the Federal statutory and regulatory provisions which govern ethical and other standards of conduct, conflicts of interest, suitability, security, and limitations on political activity (see HB24:2, Employee Responsibilities, Conduct and Political Activity); and to applicable state and local government statutory and regulatory provisions. Prospective employees shall be informed, and provided a copy, of such regulations, and shall indicate in writing on the assignment agreement that such information and documentation has been received.

b. Before any proposed disciplinary or adverse action is taken against an employee assigned to AID under the IPA, representatives of the participating organization and AID shall consult concerning the proposed action. Issues to be resolved may include responsibility and jurisdiction for the action, suitability of the proposed action, and protection of employee rights and appeals. HB30:6, Disciplinary/Adverse Actions, shall apply for AID employees.

22I. Assignment Agreements

1. General

a. IPA assignments are implemented using an Assignment Agreement, form OF 69 (see Att. 22B). The agreement documents the conditions of the assignment including job duties, fiscal obligations and employee benefits, rights and obligations. PFM/PM/CSP provides copies of each new agreement to OPM, all parties to the agreement, PFM/FM/ESD, and PFM/FM/BUD. PFM/PM/CSP retains the original of the agreement and any supporting documentation.

b. Before an agreement may be effected, AID and the participating organization must reach all necessary agreements regarding allotment and appropriation charges for salaries and allowances. Financial costs and billing instructions must be specified in the agreement, including the billing addresses of both the host and lending agencies; starting and ending dates; name, grade, step, and salary of the employee; names of contact persons; and any other pertinent billing information.

c. Assignees must be informed of their choices in connection with their rights and benefits, including retirement, group life insurance or health benefits programs, and of their obligations and responsibilities for preserving such rights and benefits.

d. All agreements with AID must specify that the assignee can return to the position occupied prior to the IPA assignment, or to one of comparable pay, duties and seniority and that the assignee's rights and benefits will be fully protected.

e. Agreements with AID are authorized by the Assistant to the Administrator for Personnel/Financial Management, AA/PFM, and are signed by the Director, Office of Personnel Management, PFM/PM/OD, or designee.

f. Any significant changes in an employee's responsibilities, duties, salary, duty station or supervisory relationships should be documented as a modification to the original agreement. Agreements which are modified, extended or terminated before the original completion date must be sent to OPM within thirty days after the revised agreement is signed. Copies of the revised form are sent to OPM, all parties to the agreement, PFM/FM/ESD and PFM/FM/BUD.

2. Duration, Extension and Termination of Assignments

a. An agreement may be made for up to two years and may provide for intermittent, part-time or full-time employment, but should be kept to the minimum time necessary to complete the assigned tasks.

b. Assignees who have served for 48 consecutive months, whether on an intermittent, part-time, or full-time basis, may not serve under another, IPA assignment without at least a 12-month return to duty with their parent organization. Successive assignments with a break of less than sixty calendar days is considered continuous service.

c. AID employees who have served under IPA assignments in excess of six years during their Federal career may not be considered for another IPA assignment. This provision may be waived only by OPM at the request of the head of the Agency, or designee.

d. Requests for extensions and/or replacement personnel must be authorized by the AA/PFM. The Director, PFM/PM, or designee, may approve the extension of an assignment not to exceed 48 consecutive months. Extensions are documented with a revised agreement which explains the reason(s) for the extension beyond the first two years, and the participating organization's original plan for utilizing the assignee at the completion of the assignment.

e. An assignment may be terminated at any time at the request of AID or the participating organization. Thirty days advance notice, along with a statement of the reason(s), should be sent to all parties to the agreement. If the assignee, whether appointed or detailed to AID, ceases to be employed by the participating organization, the agreement must be terminated immediately. If an assignment is found to be in violation of the IPA or 5 CFR 334, Temporary Assignment of Employees Between Federal Agencies, OPM may direct AID to terminate the assignment or take other corrective action(s).

## 22J. Assignment Provisions

### 1. Obligated Service Agreement

As a condition of acceptance, AID employees, whether appointed or detailed to a participating organization, must agree to return to Federal service for a period of time equal to the length of their IPA assignment. Reimbursement to AID for its share of the assignment costs, exclusive of salary, will be required if an employee fails to carry out this agreement. Reimbursement may be waived by the Head of the Agency, or designee, for reasons acceptable to the Agency.

### 2. Personnel Actions During Assignment

a. All personnel actions which could apply to an AID employee or the employee's position, e.g., reclassification, transfer of function, or reassignment, are applicable while an employee is on an IPA assignment. An employee should be notified of any organizational or staffing changes affecting the position from which he/she was assigned.

b. AID Reduction-In-Force (RIF) provisions outlined in HB30:2, Involuntary Separations - Civil Service, continue to apply. In some cases, a temporary or continuing exception to a RIF order may be justified to avoid interruption or untimely termination of an assignment. Specific criteria for exceptions are provided in FPM Chapter 351.

c. Notification of Personnel Actions, SF-50s, must be processed to effect, correct, extend, amend, and terminate all reimbursable and nonreimbursable assignments.

3. Performance Evaluations, Promotions and Awards

a. Performance Evaluations

(1) For AID employees serving under an IPA assignment, performance evaluations shall be prepared by the IPA supervisor in accordance with the procedures outlined in the Assignment Agreement. AID performance evaluation forms should be used.

(2) Official performance evaluations of employees of participating organizations will be prepared by the employee's immediate supervisor only at the request of the employee or the participating organization.

b. Promotions

AID employees are eligible to participate in the AID Merit Promotion Program. Employees should forward a statement to their prior Executive Management Staff or Administrative office or to M/PM/CSP listing the types and grades of positions for which they wish to apply. The statement must indicate also the planned duration of the IPA assignment and the employee's current mailing address.

c. Awards

(1) An AID employee assigned under the IPA is not eligible for a Quality Step Increase (QSI). However, an employee may receive a cash or honorary award for performance or suggestions related to the IPA assignment. The grant of a cash award must document substantial benefits which have accrued to AID programs or activities. The cost of a cash award may be shared between AID and the participating organization. If a participating organization wishes to grant a cash or honorary award, AID must be informed of the award, the reasons for it, and must concur in the action. A copy of any applicable documentation will be filed in the employee's Official Personnel Folder (see HB32:1, Official Personnel Files and Records).

(2) AID employees assigned under the IPA are eligible for within-grade increases in accordance with HB26:3, Pay Under the General Schedule. Determination of an acceptable level of competence is waived for the period of assignment.

(3) The interrupted service benefit will be applied in accordance with OPM statutory regulations.

(4) Employees appointed to AID for a period of more than one year may be considered for within-grade increases.

(5) All employees assigned to AID under the IPA are eligible for honor awards. Only employees appointed to AID are eligible for cash awards. In conjunction with a recommendation for an award, the concurrence of the participating organization should be obtained. Employees assigned to AID are not eligible for QSIs.

4. Completion of Assignment

a. Participants in the IPA program may be awarded a Certificate of Recognition, OPM form 1161, upon completion of their assignment (see Att. 22C).

b. Employees of AID must be returned to the position occupied at the time of assignment or be reassigned to a position of like pay and grade level. If promoted while on assignment, the employee must be returned to the new position. The Agency must notify the employee of the position to which he/she will be returned at least thirty days before the end of the IPA assignment. If the position offered is of a lower grade or pay than the position held immediately before the IPA assignment, the proposed action must be treated as an adverse action under HB30:6, Separations and Disciplinary Actions, if applicable.

c. A returning employee who is not satisfied with the position to which he/she will be assigned may seek relief through the appropriate Agency channels.

5. Injury or Death Compensation

If an employee on LWOP from AID or a participating organization is injured or killed in the performance of official duties, the employee or beneficiaries may elect to receive benefits under either Subchapter 1 of Chapter 81, 5 U.S.C., Compensation for Work Injuries ("Federal Employees' Compensation Act), or the benefits to which entitled from the participating organization, but not both. The election shall be made within one year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

22K. Reimbursement Provisions

1. Reimbursable Costs

Assignments may be made on a wholly or partially reimbursable basis, including payment of travel, transportation and related costs, basic pay, and supplemental pay. The recipient organization normally should pay at least 50% of the total salary costs and 50% of the employer's share of fringe benefits costs.

2. Nonreimbursable Costs

Nonreimbursable costs include, but are not limited to, the following indirect or administrative costs: charges for negotiating the agreement, preparing and maintaining payroll records, developing IPA reports, tuition credits, office space and furnishings, supplies, staff support, and computer time.

3. Cost-Sharing Arrangements

a. Cost-sharing should be based on the extent to which each party benefits from the assignment. While the largest share of costs should be borne by the party which benefits most, generally the recipient organization, rare exceptions may occur when available resources will not permit cost-sharing on a relative basis.

b. Relative benefit should be based on the assignment purposes listed in the Principal Benefits chart shown below, and a statement of relative benefit must be included in Part 6, Reason for Mobility Assignment, of the Assignment Agreement (see Att. 22B).

c. Factors other than or in addition to relative benefits must be explained in Part 9, Fiscal Obligations, of the Assignment Agreement.

**PRINCIPAL BENEFITS**

| | PRINCIPAL AID | BENEFICIARY Non-AID |
|---|---|---|
| AID Employees to Non-Federal Organization | | |
| - Support AID's mission | [ X ] | [ ] |
| - Provide developmental opportunity which will enhance the assignee's job performance | [ X ] | [ ] |

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| | | |
|---|---|---|
| - Support government-wide initiatives | [ X ] | [ ] |
| - Strengthen intergovernmental relations | [ X ] | [ X ] |
| - Share scarce expertise [ ] | [ X ] | |
| - Assist in transfer of new ideas and technology | [ ] | [ X ] |
| Non-Federal Employees to AID | | |
| - Meet temporary need for skilled personnel | [ X ] | [ ] |
| - Provide development opportunity which will enhance the assignee's job performance | [ ] | [ X ] |

22L. Travel and Transportation

1. The following travel and transportation expenses may be authorized in conjunction with all assignments under this chapter in accordance with the IPA and the Federal Travel Regulations, FTR, (see HB22, Travel and Transportation):

a. Travel, including per diem, to and from the official duty station and for official Government business during the assignment. Reimbursement of authorized expenses incurred during assignment to AID will be made to the employee through the appropriate AID Bureau or Office, unless such travel is performed at the request of the participating organization.

b. Travel and transportation of immediate family and household and personal effects to and from the official duty station, including temporary storage of effects not to exceed sixty days. Nontemporary storage expenses may be authorized in connection with assignment to an isolated location.

c. Subsistence allowances for the employee and immediate family while occupying temporary quarters at the assignment location and on return to the former duty post.

d. Per diem or relocation allowances, but not both. Per diem normally is authorized only for short term assignments or when it is not feasible to move the employee's family and effects for a period of less than one year. When authorized, per diem is payable for the employee only and is calculated on a decreasing scale for assignments in excess of thirty calendar days. Per diem may be authorized concurrently at the duty station and during official travel not to exceed the statutory daily limitation.

e. Transportation of the remains and personal effects of an employee or family member if death occurs during the assignment.

2. Prior to travel at AID expense, assignees must agree in writing to serve the entire period of the assignment or one year, whichever is shorter, unless the assignment is terminated for reasons acceptable to AID or the participating organization, as applicable. If the assignment is terminated for reasons deemed unacceptable, the travel and transportation expenses are recoverable from the assignee as a debt due the United States. The head of the Agency, or designee, may determine a waiver is justified and waive the right to recovery from a participating organization employee.

3. Allowable expenses may be authorized an AID employee, or reimbursed a participating organization, only in accordance with the provisions of the IPA and the FTR, whether paid by AID or the participating organization.

4. Due to the temporary nature of IPA assignments, househunting trips and the costs of selling or purchasing a residence, including real estate costs, may not be authorized.

## 22M. Compensation

### 1. AID Employees on Detail to a Participating Organization

AID employees on detail are paid by AID and are entitled to their federal rate of pay. If the rate of pay for the position to which detailed is higher, the assignee may receive a supplementary salary from the participating organization in accordance with its regulations.

### 2. AID Employees Appointed to a Participating Organization

a. AID employees are paid by the participating organization to which appointed. If the rate of pay is less than that received from AID prior to the appointment, AID will pay the employee an amount equal to the difference (supplemental pay).

b. Supplemental pay is authorized and approved by the Director, M/PM, and is payable biweekly for the duration of the assignment. An employee will be advised of any entitlement to supplemental pay, including the method of payment, before execution of the agreement. The amount of the payment may vary during the assignment due to such things as promotion, within-grade increases and pay plan revisions, or comparable changes in pay from the participating organization.

c. If the rate of pay is greater than the basic pay received from AID prior to the appointment, the Federal rate of pay shall constitute the maximum salary rate which may be considered for retirement purposes.

3. Employees on Detail to AID

The rate of pay approved for employees on detail to AID will be the highest rate established using the following criteria:

a. An amount equal to that received from the participating organization, including a university (if university employment is for less than 12 months, the salary may be annualized);

b. The Federal rate authorized for the grade level at which the position was established; or

c. A rate equal to annual university earnings plus foregone consulting income in an amount up to 15% of the university earnings. Reimbursement of foregone consulting income in excess of 15% must be approved by the AA/PFM. University earnings are not annualized if foregone consulting income is included in the salary computation.

4. Employees Appointed to AID

a. The minimum rate of the grade level established for a position is usually authorized. Higher rates for positions at the GS-11 to GS-15, or equivalent, grade levels may be authorized based on the superior qualifications of the applicant and subject to the approval of either OPM or AID, as appropriate.

b. AID appointees are entitled to cost of living increases.

22N. Allowances and Differentials

For allowances and differentials associated with overseas assignments, see HB 26:13, Overseas Allowances and Differentials.

22O. Attendance and Leave

1. Employees on Detail to a Participating Organization

a. Basic Workweek and Hours of Duty

The workweek and hours of duty, which will be specified in the Assignment Agreement, will be determined by the participating organization subject to the 40-hour workweek and 8-hour nonovertime day requirements for Federal employees.

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b. Holidays

On Federal holidays, employees are either excused from duty without charge to leave or, if required to work, may receive holiday pay or compensatory time off (see HB26:8, Premium Pay). Employees on an IPA assignment with a state or local government may be excused from duty without charge to leave on state or llocal government holidays, but may not receive premium pay if required to work. Premium pay must be approved in advance by AID.

c. Annual and Sick Leave

Annual and sick leave continue to accrue in accordance with the provisions of HB 27, Attendance and Leave. Arrangements for maintaining leave records, both for earnings and charges, will be specified in the Assignment Agreement.

2. Employees Appointed to a Participating Organization

a. Basic Workweek and Hours of Duty

The workweek and hours of duty will be determined by the participating organization and should be specified in the Assignment Agreement.

b. Holidays

Entitlement is determined by the participating organization in accordance with its regulations.

c. Annual and Sick Leave

(1) Employees on LWOP are entitled to accrue annual and sick leave at the rates prescribed in HB 27. If the rates authorized by the participating organization are less than those prescribed in HB 27, the appropriate leave accounts will be adjusted to reflect the difference upon the employee's return to AID. This provision must be specified in the Assignment Agreement.

(2) Responsibility for the maintenance of leave records for AID employees on LWOP, although normally assigned to the participating organization, will be specified in the Assignment Agreement.

3. Employees on Detail to AID

a. Basic Workweek and Hours of Duty

The workweek and hours of duty normally will be the same as for AID direct-hire employees (see HB27:1, Hours of Duty). However, if the workweek of a state or local government is shorter by state law or local ordinances, the employee's workweek will be adjusted. Employees detailed to AID/W are eligible to participate in the authorized Agency flextime schedule with the approval of their immediate supervisor, unless this practice conflicts with state law or local ordinances.

b. Holidays

Employees on detail to AID may be excused from duty for state holidays in accordance with state or local laws and regulations, and for all Federal holidays.

c. Annual and Sick Leave

Employees on detail to AID are covered under their parent organization's leave system. The Assignment Agreement will specify the procedures by which leave is approved and reported to the parent organization. AID will not reimburse detailees for unused leave. If an employee earns less leave while detailed to AID, the parent organization will either pay the employee for the additional leave or will make the balance available upon the employee's return to the organization.

4. Employees Appointed to AID

a. Basic Workweek and Hours of Duty

Employees appointed to AID have the same workweek and hours of duty, including participation in the Agency's flextime schedule, as AID direct-hire employees (see HB27:1, Hours of Duty).

b. Holidays

Appointees are eligible for all Federal holidays.

c. Annual and Sick Leave

Appointees are entitled to accrue and use leave to the same extent as other Agency employees (see HB 27).

22P. Employee Benefits

1. AID Employees on Detail to a Participating Organization

a. Retirement

Employees on detail who are eligible for coverage under the Civil Service Retirement System (CSRS) or other Federal retirement systems will continue to be covered. Likewise, employees subject to mandatory Social Security (FICA) and Civil Service Retirement coverage under the provisions of Public Law 98-369 will continue to be covered. The applicable biweekly salary deduction will continue to be withheld. Funding arrangements governing AID's contributions will be specified in the agreement.

b. Federal Group Life Insurance and Health Benefits

Employees on detail continue to be covered under Federal group life insurance and health benefits programs. An employee's contributions for such programs continue to be deducted biweekly. Funding arrangements governing AID's contributions are specified in the Assignment Agreement.

2. AID Employees Appointed to a Participating Organization

a. Retirement

(1) Employees on LWOP from AID who are eligible for full coverage under the CSRS or that portion under the provisions of Public Law 98-369, may elect to continue coverage. Coverage is continued when an employee's contribution to the appropriate retirement fund is currently deposited. Contributions are considered currently deposited if received by AID within three months of the end of the pay period for which payment was due. The Assignment Agreement will specify the procedures by which the employee's and AID's contributions will be made. If an employee remains under a Federal retirement system, the Assignment Agreement should specify also that the employee is exempt from contributing to any mandatory state or local retirement system.

(2) Employees who elect not to make retirement contributions will receive, if under the CSRS, credit for up to six months LWOP in a calendar year.

(3) Contributions may not be made retroactively. However, full retirement credit may be reinstated retroactively if OPM determines that failure to make current deposits was due to administrative error or to circumstances beyond the control of the employee and the required payments were deposited at the first reasonable opportunity.

(4) Employees who are injured or disabled while on LWOP may not receive both Federal disability retirement and compensation from a participating organization for the same period. This provision does not bar the right of employees to receive the benefit paying the greater amount, or to their right to a Federal retirement annuity based on service, i.e., a nondisability annuity.

(5) If an employee, or his/her survivor, elects to receive any benefit from a participating organization's retirement system which OPM determines is similar to the employee's Federal retirement system, Federal retirement credit will not be allowed for the period of the employee's appointment to the participating organization.

b. Social Security and Medicare

(1) Employees on LWOP are covered by Social Security only if they were covered under this system during their Federal employment.

(2) Wages paid after December 31, 1982 are taxed the hospital insurance portion of the FICA tax for Medicare coverage, Part A. Deductions are withheld and reported in accordance with the Treasury Fiscal Requirements Manual Instructions.

c. Federal Group Life Insurance and Health Benefits Programs

(1) Employees appointed under the provisions of this chapter may continue Federal group life insurance and health benefits coverage for the duration of their appointment. Coverage is continued when an employee's contribution to the appropriate program is currently deposited. Contributions are considered currently deposited if received by AID within three months of the end of the pay period for which payment was due. AID will make matching contributions upon receipt of the employee's portion. Such coverage will be continued when an employee returns to AID upon completion of the IPA assignment.

(2) Failure to deposit payments currently for either program will result in the termination of coverage effective the last day of the pay period for which payment was currently deposited, subject to a 31-day extension as provided by Federal regulation. Once terminated, coverage may not be reinstated until an employee actually enters on duty in a pay status in AID in a position not excluded from coverage. However, such coverage may be reinstated retroactively if OPM determines that failure to make current deposits was due to administrative error or other circumstances beyond the control of the employee and that payments were deposited at the first reasonable opportunity.

(3) Coverage under a Federal life insurance or health benefits program must be terminated if an employee elects coverage under a participating organization's life insurance or health benefits program which OPM determines is similar to the Federal program. Terminations are processed by PFM/PM/CSP in accordance with established procedures.

3. Employees on Detail to AID

Employees detailed to AID are not eligible to participate in Federal retirement, group life insurance or health benefits programs.

4. Employees Appointed to AID

a. Retirement

Appointees are not eligible to participate in a Federal retirement system.

b. Social Security

If an appointee was covered by social security in his/her parent organization, the appointee may continue to be covered, but as an employee of the parent organization rather than AID. Coverage should not be extended to appointees who were excluded from coverage in their parent organization.

c. Federal Group Life Insurance and Health Benefits Programs

(1) Appointees are not eligible to participate in the Federal Employee's Group Life Insurance (FEGLI) program.

(2) Appointees are eligible to participate in the Federal health benefits program only if appointment to AID results in the loss of coverage under their parent organization's health benefits program, the premium for which has been paid in whole or in part by the parent organization.

d. Failure of Employer to Pay Contribution

If a participating organization fails to continue the employer's contribution to the organization's retirement, life insurance or health benefits programs, AID may pay the employer's contributions, or any part of them, for the employee's period of assignment. Such contributions will be sent by AID directly to the organization's system or to the appropriate fund. The employee must continue his/her contributions to the applicable benefit program. The procedures for any such payments must be specified in the Assignment Agreement.

22Q. Employee Development

1. AID Employees Assigned to a Participating Organization

a. AID employees assigned to a participating organization are subject to the policies and procedures contained in HB 28, Training and Staff Development.

b. An AID employee on detail must obtain the concurrence of the participating organization for training scheduled during the employee's normal hours of duty. Such concurrence must be forwarded with the training request.

c. An AID employee appointed to a participating organization must obtain the concurrence of the participating organization for all training requests. Such concurrence must be forwarded with the training request.

2. Employees Assigned to AID

a. Employees assigned to AID may be admitted to AID training programs for professional, administrative or technical personnel in accordance with established Agency policies and procedures (see HB 28 for application procedures).

b. Payment from, or in behalf of, a participating organization for training costs may be waived by the Chief, Training Division (M/PM/TD), or designee, in whole or in part. Payments reserved by the Agency for training shall be credited to the appropriation or fund used for paying the training costs.

22R. Forms and Attachments

Attachment 22A - Request for Employment Under the Intergovernmental Personnel Act of 1970, form AID 410-2
Attachment 22B - Assignment Agreement, form OF 69
Attachment 22C - Certificate of Recognition, OPM form 1161

| REQUEST FOR EMPLOYMENT UNDER THE INTERGOVERNMENTAL PERSONNEL ACT OF 1970 | INSTRUCTIONS: For Departmental Service: Submit original and 1 copy to PM/CSP. For Overseas Service: Submit original and 1 copy to PM/ESP. (See M.O. 419.5) | (CHECK ONE) ☐ DETAIL ☐ EXTENSION OF DETAIL |
|---|---|---|

| REQUESTING ORGANIZATION | ASSIGNMENT LOCATION (Division, Branch, Unit) | DUTY STATION | DURATION OF ASSIGNMENT (Mos.) |
|---|---|---|---|
| | | | |

JUSTIFICATION FOR USE OF IPA (Why is IPA assignment needed? State why the work cannot be performed effectively and more appropriately by regular AID employees. State specific objectives and anticipated results.)

(Continue on reverse, if necessary)

DUTIES: (Describe work to be performed and level of responsibility. If an existing position, clearly identify.)

(Continue on reverse, if necessary)

MINIMUM QUALIFYING EDUCATION AND/OR TRAINING: (Degree and field of specialization)

(Continue on reverse, if necessary)

MINIMUM QUALIFYING EXPERIENCE (Include duration and type of experience and level of responsibility):

(Continue on reverse, if necessary)

CERTIFICATION: I certify that the individual appointed or detailed under the terms of Public Law 91-648 will be assigned only the duties and responsibilities described above and they will neither conflict with nor unnecessarily duplicate those of other AID employees.

| SIGNATURE OF CERTIFYING OFFICER | TITLE | DATE |
|---|---|---|
| | | |

AID 4102 (11/73) (Continue on reverse)

BEST AVAILABLE COPY

Use this space for continuation of answers on reverse. Include item to which answer applies.

OF69 - Rev. 9/79
Office of Personnel Management
FPM Chapter 334

HB 25 (TM 25:123)

# ASSIGNMENT AGREEMENT

## Title IV of the

## Intergovernmental Personnel Act of 1970

## (5 U.S.C. 3371 - 3376)

## INSTRUCTIONS

This agreement constitutes the written record of the obligations and responsibilities of the parties to a temporary assignment arranged under the provisions of the Intergovernmental Personnel Act of 1970.

The term "State or local government," when appearing on this form, also refers to an institution of higher education, an Indian tribal government, and any other eligible organization.

Copies of the completed and signed agreement should be retained by each signatory.

Within 15 days of the effective date of the assignment, two copies of this form must be sent to:

Faculty Fellows and Personnel Mobility Division
Office of Intergovernmental Personnel Programs
Office of Personnel Management
P.O. Box 14184
Washington, DC 20044

Procedural questions on completing the assignment agreement form or on other aspects relating to the mobility program should be addressed to either mobility program coordinators in each Federal agency or to the staff in the Intergovernmental Personnel Programs Division in Office of Personnel Management's regional office.

### PART 1—NATURE OF THE ASSIGNMENT AGREEMENT

1. ☐ New Agreement ☐ Modification ☐ Extension

### PART 2—INFORMATION ON PARTICIPATING EMPLOYEE

2. Name *(Last, First, Middle)*

3. Social Security Number

4. Home Address *(Street, City, State, ZIP Code)*

5. - A. Have you ever been on a mobility assignment?
☐ YES ☐ NO

5. - B. If "YES", date of each assignment *(Month and Year)*
FROM: TO:

### PART 3—PARTIES TO THE AGREEMENT

6. Federal Agency *(List office, bureau or organizational unit which is party to the agreement)*

7. State or Local Government *(Identify the governmental agency)*

8. Is assignment being made through a faculty fellows program? If yes, give name of program.
☐ YES ☐ NO

### PART 4—POSITION DATA

#### A—Position Currently Held

9. Employment Office Name and Address *(Building, Street, City, State and ZIP code)*

10. Employee's Position Title

11. Office Phone No. *(Area Code)*

12. Immediate Supervisor *(Name and Title)*

#### B—Type of Current Appointment

13. Federal Employees *(Check appropriate box.)*
☐ Career Competitive
☐ Other *(Specify)*

Indicate GS Level

14. State and Local Employees

State or Local Annual Salary

Original Date Employed by the State or Local Government

#### C—Position To Which Assignment Will Be Made

15. Employment Office Name and Address *(Building, Street, City, State and ZIP code)*

16. Assignee's Position Title

17. Office Phone No. *(Area Code)*

18. Immediate Supervisor *(Name and Title)*



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## PART 5—TYPE OF ASSIGNMENT

19. Check Appropriate Box

- [ ] On detail from a Federal agency
- [ ] On leave without pay from a Federal agency
- [ ] On detail to a Federal agency
- [ ] On appointment in a Federal agency

20. Period of Assignment *(Month, Day, Year)*
FROM : TO:

## PART 6—REASON FOR MOBILITY ASSIGNMENT

21. Indicate the reasons for this mobility assignment and discuss how the work will benefit the participating governments. In addition, indicate how the employee will be utilized at the completion of this assignment.

## PART 7—POSITION DESCRIPTION

22. List the major duties and responsibilities to be performed while on the mobility assignment. Attach an accurate current description of the position being filled through the IPA assignment.

## PART 8—EMPLOYEE BENEFITS

23. Rate of Basic Pay

24. Special Pay Conditions *(Indicate any conditions that could increase the assigned employee's compensation during the assignment period)*

25. Leave Provisions *(Indicate the annual and sick leave benefits for which the assigned employee is eligible. Specify the procedures for reporting, requesting and recording such leave)*

## PART 9—FISCAL OBLIGATIONS

Identify, where appropriate, the office to which invoices and time and attendance records should be sent.

| 26. Federal Agency Obligations *(If paying more than 50 percent of a Federal employee's salary beyond a 6-month period, specify rationale for cost-sharing decision.)* | 27. State or Local Government Agency Obligations |
|---|---|
| | |

## PART 10—CONFLICTS OF INTEREST AND EMPLOYEE CONDUCT

☐ 28. Applicable Federal, State or local conflict-of-interest laws have been reviewed with the employee to assure that conflict-of-interest situations do not inadvertently arise during this assignment.

☐ 29. The employee has been notified of laws, rules and regulations, and policies on employee conduct which apply to him/her while on this assignment.

## PART 11—OPTIONS

30. Indicate coverage or "N.A." if not applicable

A. Federal Employees Group Life Insurance

☐ Covered ☐ N.A.

B. Federal Civil Service Retirement

☐ Covered ☐ N.A.

C. Federal Employee Health Benefits

☐ Covered ☐ N.A.

31. State or Local Agency Benefits *(Indicate all State employee benefits that will be retained by the State or local agency employee being assigned to a Federal agency. Also include a statement certifying coverage in all State and local employee benefit programs that are elected by the Federal employee on leave without pay from the Federal agency to a State or local agency.)*

32. Other Benefits *(Indicate any other employee benefits to be made part of this agreement)*

## PART 12—TRAVEL AND TRANSPORTATION EXPENSES AND ALLOWANCES

33. Indicate: (1) Whether the Federal agency or State or local agency will pay travel and transportation expenses to, from, and during the assignment as specified in Chapter 334, of the Federal Personnel Manual, and (2) which travel and relocation expenses will be included.

## PART 13—APPLICABILITY OF RULES, REGULATIONS AND POLICIES

34. Check Appropriate Boxes

YES
Yes, with exceptions attached

A. The rules and policies governing the internal operation and management of the agency to which my assignment is made under this agreement will be observed by me.

B. I have been informed that my assignment may be terminated at any time at the option of the Federal agency or the State or local government.

C. I have been informed that any travel and transportation expenses covered from Federal agency appropriations may be recoverable as a debt due the United States, if I do not serve until the completion of my assignment (unless terminated earlier by either employer) or one year, whichever is shorter.

D. I have been informed of applicable provisions should my position with my permanent employer become subject to a reduction-in-force procedure.

E. I agree to serve in the Civil Service upon the completion of my assignment for a period equal to that of my assignment. Should I fail to serve the required time, I have been informed that I will be liable to the United States for all expenses (except salary) of my assignment. *(For Federal employees only)*

## PART 14—CERTIFICATION OF ASSIGNED EMPLOYEE

In signing this agreement, I certify that I understand the terms of this agreement and agree to the rules, regulations and policies as indicated in Part 13 above.

| 35. Location of Assignment *(Name of Organization)* | 36. Date *(Month, Day, Year)* From: To: |
|---|---|
| 37. Signature of Assigned Employee | 38. Date of Signature *(Month, Day, Year)* |

## PART 15—CERTIFICATION OF APPROVING OFFICIALS

In signing this agreement, we certify that:

- the description of duties and responsibilities is current and fully and accurately describes those of the assigned employee;
- this assignment is being entered into to serve a sound, mutual public purpose and not solely for the employee's benefit;
- at the completion of the assignment, the participating employee will be returned to the position he or she occupied at the time this agreement was entered into or a position of like seniority, status and pay.

| State or Local Government Agency | Federal Agency |
|---|---|
| 39. Signature of Authorizing Officer | 40. Signature of Authorizing Officer |
| 41. Date of Signature *(Month, Day, Year)* | 42. Date of Signature *(Month, Day, Year)* |
| 43. Typed Name and Title | 44. Typed Name and Title |

## PRIVACY ACT STATEMENT

Sections 3373 and 3374, Assignment of Employees To or From State or Local Governments, of Title 5, U.S. Code, authorizes collection of this information. The data will be used primarily to formally document and record your temporary assignment to or from a State or local government, institution of higher education, Indian tribal government, or other eligible organization. This information may also be used as the legal basis for personnel and financial transactions, to identify you when requesting information about you, e.g., from prior employers, educational institutions, or law enforcement agencies, or by State, local, or Federal income taxing agencies.

Solicitation of your Social Security Number (SSN) is authorized by Executive Order 9397, which permitted use of the SSN as an identifier of individual records maintained by Federal agencies. Furnishing your SSN or any other data requested is voluntary. However, failure to provide any of the requested information may result in your being ineligible for participation in the Intergovernmental Assignment Program.



BEST AVAILABLE COPY

# CERTIFICATE OF RECOGNITION

*is presented to*

In recognition of participation in strengthening
our federal system of government by serving with the

*from* *to*

on a temporary assignment under the Intergovernmental Personnel Act

_____ _____

OPM Form 1161 (Rev. 1-79)
U.S. Office of Personnel Management

BEST AVAILABLE COPY

SUPPLEMENT 22A

# JOINT CAREER CORPS PROGRAM

## 1. Purpose

This supplement provides the authority, responsibilities and assignment provisions applicable to temporary assignments to and from the Agency under the Joint Career Corps (JCC) Program. Under this program, AID negotiates an "umbrella" agreement with a university whereby a select number of faculty members, who are engaged in fields of science and technology relevant to AID's programs in developing countries, alternate between university and AID Foreign Service assignments while retaining their university appointments, and FS and SFS members may be assigned to participating universities. JCC assignments are implemented as details under Title IV of the Intergovernmental Personnel Act of 1970 (IPA), as amended. The overall regulations governing IPA assignments are contained in HB25:22, Temporary Assignments Under the Intergovernmental Personnel Act. Only those regulations or policies specifically approved by the Office of Personnel Management (OPM) for the JCC Program, or which differ from those contained in Chapter 22, are included in this supplement. The user should consult both Chapter 22 and this supplement for complete information on assignments under the IPA.

## 2. Applicability

a. This supplement applies to the temporary overseas assignment of university faculty members under the JCC. JCC members normally will be senior-level, tenured professionals able to provide technical, scientific and policy-related advice to AID Missions, high-level host government officials, and, in some cases, AID/W Bureaus. Only faculty members of universities that have entered into an "umbrella" agreement with AID are eligible for assignment under this program.

b. This supplement also applies to the temporary assignment of AID Foreign Service and Senior Foreign Service (FS and SFS respectively) members to participating universities in the United States (Reverse JCCs).

## 3. Authority and References

Title IV, Intergovernmental Personnel Act of 1970, as amended

4. Policies

a. Nature of Assignments

(1) Assignments are implemented using an Assignment Agreement, form OF-69, which documents the terms and conditions of the assignment (see also HB25:22 and Att. 22B).

(2) JCC members usually will spend approximately one-third of their careers on assignments with AID, primarily at overseas posts. Two-thirds of their careers will be spent at the university in a reserve status, during which the JCC members' services may be utilized by AID via short term (TDY) consultancies. The combination of university and AID assignments will permit JCC members to develop extensive experience in their technical specialities within both the U.S. and developing countries.

(3) The length of an overseas JCC assignment with AID is subject to biannual negotiation and generally will conform with the assignment policies which govern AID Foreign Service members. In no case will an assignment be for more than four years.

b. Performance Evaluation

The performance of JCC members will be evaluated annually and formal evaluation reports prepared by the appropriate AID supervisors. Copies of such evaluations will be provided to the applicable universities for use as an additional means of documenting professional contributions and evaluating performance for purposes of salary and promotion.

c. Reimbursement Provisions

Allowable expenses will be specified in the "umbrella" agreement between AID and the participating university. Funding arrangements will be specified in the Assignment or "umbrella" agreements, as appropriate. Costs associated with JCC assignments may include, but are not limited to, the following:

(1) Basic salary, which will be set by PFM/PM in accordance with established guidelines;

(2) University fringe benefits, including health and life insurance and contributions to retirement accounts;

(3) Overseas allowances and benefits allowable under the Standardized Regulations (Government Civilian, Foreign Areas) (see HB26:13, Overseas Allowances and Differentials); and

(4) Travel, transportation and related costs allowable under the Federal Travel Regulations (see also HB22, Travel and Transportation).

5. Responsibilities

a. U.S. Office of Personnel Management (OPM)

OPM is responsible for the implementation and administration of assignments under the IPA. OPM provides guidance and direction concerning all aspects of IPA assignments and monitors overall usage of this authority through periodic evaluations.

b. Assistant to the Administrator for Personnel/Financial Management (AA/PFM)

The AA/M authorizes the number of assignments under the JCC program and determines the funding source(s).

c. Overseas Missions and AID/W Bureaus or Offices

Identify needs and complete the Request for Employment Under the Intergovernmental Personnel Act of 1970, form AID 410-2.

d. Bureau of Science and Technology (S&T)

(1) Screens requests from Missions and AID/W Bureaus or Offices for services under the JCC program and identifies university faculty members to fill positions within the authorized numbers.

(2) Negotiates the "umbrella" JCC agreement with appropriate universities in accordance with guidelines established by AA/M and arranges for signing of such agreements after concurrence by M/PM.

e. Office of Personnel Management (PFM/PM)

Approves assignment terms, conditions and rates of compensation. Assignment agreements are signed by the Director, PFM/PM, or designee.

f. Foreign Service Personnel Division (PFM/PM/FSP)

(1) PFM/PM/FSP is responsible for overall management of JCC assignments and for ensuring that assignments are effected in accordance with applicable laws, regulations and internal policies and procedures.

(2) Obtains necessary security and medical clearances (or waivers, as appropriate), determines the rate of compensation, prepares IPA agreements and obtains the necessary clearances and approvals, processes other appropriate assignment actions, prepares or authorizes travel authorizations, and obtains performance evaluation reports.

(3) Provides technical guidance to Missions, AID/W Bureaus and Offices, and JCC members.

g. Office of Financial Management (PFM/FM)

PFM/FM is responsible for ensuring that all fiscal obligations specified in, or required by, an agreement are satisfied in accordance with applicable laws and regulations, and internal policies and procedures.

h. Universities and JCC Members

Universities and JCC members are responsible for fulfilling the terms and conditions of the "umbrella" JCC Agreement and the IPA agreement to which they have agreed.

6. Assignment Provisions - RJCC

a. Nature of Assignments

(1) A reciprocal arrangement, the RJCC, is written into all "umbrella" agreements with participating universities. Under the RJCC, FS and SFS members undertake teaching, research/extension and/or serve as technical resource persons at participating universities. Such assignments benefit AID by providing an opportunity for such members to update their knowledge and skills in areas of professional interest and need to the Agency. An RJCC assignment may involve some liaison responsibilities for, or technical linkage with, an AID project or activity being undertaken by the participating university.

(2) RJCC assignments normally will be for a minimum of one academic year. The period of assignment will be specified in the Assignment Agreement.

(3) RJCC assignments are viewed as sabbatical or visiting staff arrangements, rather than school-student relationships which would be authorized under the Agency's employee development and training regulations. Registration for courses by RJCC assignees normally will be in addition to the assignee's full-time university responsibilities.

b. Assignment Procedures

RJCC assignments are implemented as details under the IPA and are documented with an Assignment Agreement (see 5a(1) above).

c. Performance Evaluation, Promotions and Awards

The evaluation and promotion regulations contained in HB25:40, The Foreign Service Employee Evaluation Program, are applicable to RJCC assignees. Participating universities are required to complete the Employee Evaluation Report (Foreign Service), form AID 420-4. The regulations provided in HB30:5, Incentive Awards Program, also continue to apply to RJCC assignees.

d. Reimbursement Provisions

RJCC detail assignments normally are made on a wholly or partially reimbursable basis. Universities are expected to pay at least half of the salary of RJCC assignees. Allowable expenses, fiscal obligations and reimbursement provisions must be specified in the Assignment Agreement.

e. Travel, Transportation and Related Benefits

(1) FS and SFS members detailed to a university from a post within the United States are eligible for the Domestic Relocation Allowance (see HB22:9A, sec. 148).

(2) Members detailed from an overseas post are eligible for the same allowances and benefits that would be authorized for an AID/W rotation assignment (see HB22:App. 9A and HB26:13).

(3) If a member's dependent(s) elect not to accompany the member to the university, Separate Maintenance Allowance (SMA) will not be payable.

CHAPTERS 23 - 30

(RESERVED)

# CHAPTER 26

# PART-TIME CAREER EMPLOYMENT

## 26A. Purpose

These regulations implement P.L. 95-437, the Federal Employees Part-Time Career Employment Act of 1978, by establishing a continuing program in AID to provide career part-time employment opportunities.

## 26B. Policy

It is the policy of AID to provide career part-time employment opportunities in positions through GS-15 or equivalent subject to the Agency's resources and requirements. AID recognizes the importance of this program in providing career opportunities for individuals at all levels with productive potential which goes unused because they cannot meet the requirements of a standard workweek. In particular, the program should provide (1) older employees with an opportunity for a gradual transition into retirement; (2) employment opportunities for the handicapped who require a reduced workweek; (3) parents with an opportunity to balance family responsibilities with the need for additional income; (4) benefits to students who must finance their own education or vocational training.

## 26C. Definitions

For the purpose of these regulations--

1. "Agency" means the Agency for International Development.

2. "Part-time career employment" means part-time employment of 16 to 32 hours a week under a schedule consisting of an equal or varied number of hours per day, whether in a position which would be part-time without regard to this section or one established to allow job-sharing or comparable arrangements, but does not include employment on a temporary or intermittent basis.

## 26D. Applicability

1. These regulations apply to: (a) all AID employees serving under competitive or excepted appointments through GS-15 or equivalent.

2. Excluded from application of these regulations are: (a) Foreign Service employees (U.S. and Foreign National) and (b) individuals employed on a temporary or intermittent basis.

26E. Responsibility for Implementation

1. Office of Personnel Management

PM/PO/W will have central responsibility for implementing the part-time career employment program in the Agency. A part-time employment coordinator will be designated who will be responsible for:

-- working with Bureaus and Offices in the development of Agency-wide plans, goals, and timetables for the implementation of an Agency-wide part-time employment program;

-- surveying full-time GS employees to determine how many, if any, would convert to part-time if the opportunity were made available;

-- responding to requests for advice and assistance on the part-time employment program and providing information to managers and supervisors on the basic rules governing part-time employment and position management/work assignment techniques which can lead to more productive use of part-time employees;

-- monitoring Agency progress reports in expanding part-time opportunities and preparing reports as required by OPM and the Congress;

-- consulting and coordinating with the Office of Equal Opportunity regarding part-time employment matters as they relate to the EEO program;

-- maintaining liaison with groups interested in promoting part-time employment opportunities;

-- consulting with FM with regard to availability of part-time ceilings.

2. Bureaus/Offices

Appropriate officials in AID/W Bureaus and Offices should be alert to ways and means of expanding part-time career employment at all levels within the Agency. Each Bureau/Office in AID/W shall designate an individual who will be responsible for coordinating with supervisors, managers, and PM/PO/W in:

-- reviewing positions as they become vacant to determine if they are conducive to filling with a part-time employee;

26E2

-- entertaining request from current employees for conversion to part-time status and providing guidance to employees desiring to make a change;

-- identifying and recommending positions and/or occupations that are suitable for filling on a part-time basis;

-- assuring that part-time employees are not regularly exceeding the number of hours in the employee's scheduled workweek and that overtime for part-time employees is held to a minimum essential to carry out the Agency's requirements, and when necessary, is scheduled so as to provide maximum benefit to the Agency;

-- establishing annual Bureau/Office goals and timetables in providing career part-time opportunities and submitting such plans to the PM/PO/W Coordinator for part-time employment;

-- request authorization from FM for ceilings to cover new part-time position requirements or for the withdrawal of full-time permanent ceilings with a corresponding increase in part-time ceilings:

3. Office of Financial Management

The Office of Financial Management is responsible for:

a. Reviewing requests for and allocating part-time ceilings to other Bureaus/Offices

b. In consultation with PM and other appropriate offices, developing internal Agency procedures governing the allocation of personnel ceilings and the counting of part-time employees.

c. Periodically reviewing actual hours worked (including overtime) by part-time employees against scheduled hours to assure that adherence to work schedules is reasonably maintained, and bringing any significant continuing abuses to the attention of appropriate officials in Bureaus/Offices.

26F. Conversion of Full-Time to Part-Time

1. The Agency shall not abolish any position occupied by a full-time employee in order to make the duties of such position available to be performed on a part-time basis.

2. An employee who is employed on a full-time basis shall not be required to accept part-time employment as a condition of continued employment.

26F.

3. An employee may request consideration for conversion to part-time.

4. Conversion is contingent on the Agency's ability to:

a. Change the employee's position to part-time taking into account such factors as:

-- whether regular or peak workloads lend themselves to a part-time schedule;

-- adaptability of the work to be performed on a part-time basis;

-- necessity of having coverage of the position on a full-time basis;

-- benefits to the employee.

b. Reassign or promote the employee to another established part-time position.

All actions will be subject to the Agency's normal assignment and merit promotion policies on the same basis as for full-time employees.

5. Part-time vacancies will be publicized through normal Agency channels, e.g., Merit Promotion Vacancy Announcements, recruiting bulletins and vacancy listings in Front Lines, etc.

26G. Workweek

1. A permanent part-time employee shall be scheduled to work no more than 32 hours per week and normally no less than 16 hours per week. No exceptions are permitted to the maximum number of hours per week. The scheduled workweek must be stated on the SF 50 in terms of actual days of the week and number of hours each day (not to exceed 8) to be worked, e.g., 24 hours, Monday through Thursday, 6 hours per day.

2. The Agency is not restricted from temporarily increasing an employee's hours of duty above the number of hours scheduled, including above the 32 hour limit; however, such increases should be held to emergency or extremely heavy workload situations that are temporary in nature or to training opportunities for a part-time employee.

3. A change in work schedule can be accomplished only by a Notice of Personnel Action effecting such change which must be initiated by a written request through the supervisor and approved by the appointing authority.

26G.

4. A part-time employee is entitled to overtime payments for hours worked in excess of 8 hours per day or 40 hours per week. Overtime should be held to a minimum essential to carry out Agency requirements. When necessary, overtime work should be scheduled in such a manner that the number of days in excess of 8 hours is minimized even though the total workweek exceeds the normally authorized workweek.

26H. Tenure

Part-time employees shall have the same protection against removal during or after the probationary period as full-time employees. The probationary period and the conversion from Career-Conditional to Career Status for part-time employees shall be computed on the basis of calendar time, the same as for full-time employment. The Service Computation Date is also the same for part-time work as for full-time. Since part-time employment constitutes a separate competitive level from full-time employment, an employee would compete only with other part-time employees during a Reduction in Force (RIF). Therefore, retention status will depend on which competitive level, in the judgment of management, requires a RIF.

26I. Earnings

The rate of pay for part-time employees shall be proportionate to the time scheduled to work. Waiting periods for within-grade increases shall be based on calendar weeks of creditable service.

26J. Promotion

Part-time employees shall be eligible to apply under the merit promotion program for vacancies on the same basis as full-time employees. Part-time experience shall be credited on a pro-rata basis according to the relation it bears to a full workweek.

26K. Overtime

Under Title 5 U.S.C., hours of work must exceed 40 hours in an administrative workweek (excluding holidays and paid leave), or 8 hours in a day to be considered overtime.

26L. Leave

1. Annual leave shall be earned on a pro-rata basis and be determined by years in service. Maximum carryover at the end of a leave year shall be the same as for full-time employees.

2. Sick leave shall be earned at the rate of one hour for every 20 hours in pay status.

26L.

3. No leave (annual or sick) shall be earned for hours worked in excess of 80 in a pay period.

4. Part-time employees are not eligible for Military leave.

5. Other leave categories (e.g., Absence Without Leave, Leave Without Pay, Funeral Leave, Excused Absences) shall apply to part-time employees in the same way they apply to full-time employees.

6. For all categories of leave to which part-time employees are eligible leave shall be charged only for absences during those hours the employee is scheduled to work.

26M. Holidays

Holiday pay shall be received only if an employee is regularly scheduled to work on that day and only for those hours regularly scheduled.

26N. Life Insurance Coverage

In the case of a conversion from full-time to part-time employment, the amount of insurance carried will automatically decrease whenever the annual pay rate is decreased by an amount sufficient to lower pay to a different $1,000 bracket (except that it cannot be lower than a $10,000 minimum insurance amount).

26/O. Health Insurance Coverage

Employees who become part-time on or after April 8, 1979 and who are enrolled in the FEHB will receive a proportionate percentage of what the Government's contribution toward the cost of enrollment is for full-time employees. For example, if enrollment is in a plan toward which the Government contribution is $30 for a full-time employee, an employee scheduled to work 50 hours during a pay period would be entitled to $18.75 as the Government contribution, with the balance of $11.25 being added to the portion of the employee's premium.

$$\frac{\text{Scheduled Hours}}{\text{Regular Hours}} = \frac{50}{80} = .6250$$

| | |
|---|---|
| Government Contribution for Full-Time- | $30.00 |
| | x.6250 |
| Government Contribution for Part-Time | $18.75 |

This provision does not apply to any employee serving in a position on a part-time career employment basis prior to April 8, 1979, for such period as the employee continues to serve without a break in service in that or any other position in the Agency on such part-time basis.

26P. Retirement Date Eligibility

Service is credited by calendar days.

26Q. Retirement Annuity

The computation is based on the highest average annual basic pay for any three consecutive years, regardless of whether employment was full-time or part-time during those years.

26R. Converting to Full-Time Duty

1. If a position of equal or lower grade is vacant and the basic requirements for the job are met, an employee can be placed in the job if selected by the selecting official and approved by the appointing officer.

2. If the position being sought is a promotion or has promotion potential, a part-time employee must compete with other applicants as well as meet the basic requirements for the job.

26S. Training

Part-time employees are eligible for training opportunities on the same basis as full-time employees. It may be necessary for the employee to exceed hours in a scheduled workweek temporarily in order to participate in a training program that is conducted on a full-time basis.

26T. Union Representation

If an employee organization has been accorded exclusive recognition with respect to a unit within an agency, then the employee organization shall be entitled to represent all employees within that unit employed on a part-time career employment basis, as well as the full-time employees.

26U. Evaluation and Reporting

1. PM will conduct periodic reviews and evaluations of the Part-Time Employment Program as part of the Agency's internal personnel management evaluation process.

2. Biannual reports for the periods ending on March 31 and September 30, will be submitted to OPM not later than May 15 and November 15, respectively, on the Agency's progress in meeting employment goals, and shall indicate impediments encountered and measures taken to overcome them. The reports also shall include indications of the extent to which part-time career employment opportunities have been extended to older persons, the handicapped, persons with family responsibilities, and students, and shall include copies of any agency-wide instructions or regulations issued during the preceeding period.

CHAPTERS 27 - 30

(RESERVED)

# CHAPTER 31

# FOREIGN SERVICE PERSONNEL RECRUITMENT

## 31A. Purpose

This chapter provides the policies and procedures which govern the recruitment and selection of applicants for appointment to the AID Foreign Service (FS).

## 31B. Applicability

1. This chapter applies to applicants for appointment as U.S. citizen direct-hire members of the AID Foreign Service (FS).

2. Procedures governing the recruitment and selection of categories of U.S. citizen FS members excluded from this chapter are located as follows: Senior Foreign Service members, HB 25, Ch. 8; International Development Interns, HB 28, Ch. 5; and Resident Hire and American Family Member personnel, HB 25, Ch. 7 and Appendix 7A, respectively; and Foreign Service National personnel, HB 31.

## 31C. Authorities and References

1. Foreign Service Act of 1980, Sections 301, 303 and 309 (the Act).

2. Title VII, Civil Rights Act of 1964 (as amended by P.L. 92-261).

The Presidential Memorandum of November 20, 1975, addressed to the Heads of all Departments and Agencies, emphasized, and AID strongly endorses, the applicability of this Act to all Federal personnel actions irrespec- tive of exclusionary policies that may have been adopted by some foreign countries.

3. Age Discrimination in Employment Act of 1967 (as amended by P.L. 95-256).

4. Defense Authorization Act of 1986, section 1622.

5. Rehabilitation Act of 1973 (as amended by P.L. 95-602).

## 31D. Policies

1. AID endeavors to fill positions with the best qualified applicants available, either from within the Agency or through outside recruitment. Applicants are considered without regard to race or national origin; color; creed; religion; marital status; sex; political affiliation; mental or physical handicap, except when disqualified for overseas duty by the Medical Division, Department of State; or age, except as indirectly limited by Section 812 of the Act.

2. A Technical Review Committee (TRC) is used to assess and select applicants to meet the Agency's FS personnel needs. The TRC reviews written materials and conducts personal interviews prior to making appointment recommendations. Final hiring decisions are based on TRC recommendations.

3. AID recruitment requirements are derived from assessments of the short and long-term imbalances between AID personnel resources and its organizational and programmatic needs. Recruitment plans for technical and generalist career officers are to be consistent with long-term sector and regional strategies and programs. Overseas needs for highly technical specialists should be met through the recruitment of personnel for noncareer appointments. Foreign Service noncareer or career candidate appointments are not used to meet AID/W personnel staffing needs, although initial assignments in AID/W are permitted for orientation and training.

## 31E. Selective Service Registration

1. Applicants born after December 31, 1959 who are or were required to register under Section 3 of the Military Selective Service Act, are prohibited from appointment to a Federal position if the applicant knowingly or willingly failed to register with the Selective Service System.

2. To be eligible for appointment, applicants must be registered before their 26th birthday.

3. A Pre-Appointment Certification Statement for Selective Service Registration (see Att. 31A) must be completed by covered applicants who have not been employed previously in a Federal position. Certifications are permanent employment records and are maintained in the Official Personnel Folder (see Part I of Supp. 1A to HB 32, Ch. 1, Official Personnel Files and Records).

31F. Age and Citizenship Requirements

1. Applicants must be at least 18 years of age at the time of appointment.

2. Applicants must be U.S. citizens at the time of appointment.

31G. Unit Responsibilities and Procedures

1. General

The Office of Personnel Management (M/PM) directs all recruitment action for the Agency, seeking support as necessary from other AID units. M/PM consults with regional and central bureaus and staff offices and, as appropriate, with Agency Sector Councils, and establishes long-range work force requirements in order to determine recruitment needs.

The Foreign Service Personnel Division (M/PM/FSP) determines the extent of external recruitment necessary for staffing AID positions.

2. Recruitment Staff (M/PM/R)

Conducts or coordinates the following AID FS recruitment activities:

a. Develops internal and external recruitment plans in accordance with Agency requirements.

b. Conducts or approves the conduct by others of all Agency recruitment trips.

c. Approves and requisitions all paid recruitment advertising on form AID 5-7.

d. Receives all applications, including referrals from AID offices and other sources, and maintains control system on recruitment. Maintains files of the TRC for an appropriate period on applicants not hired by AID.

e. Reviews applications to determine if applicant possesses minimum qualifications as established by the TRC.

f. All applications are acknowledged and basic data filed in a computerized applicant tracking system. Applicants are advised either that they do not meet minimum qualifications and will not receive further consideration, or that their application will be kept in a futures file to be considered when appropriate vacancies occur.

g. Seeks, as appropriate, additional or clarifying information from applicants, including affirmation of interest in overseas assignments.

h. Collects equal employment opportunity (EEO) information, i.e., Background Survey Questionnaires submitted by applicants, for all qualified applicants.

i. Serves as Chairperson of the TRC.

j. Schedules MLATs and, as appropriate, foreign language proficiency tests.

k. Advises applicants of nonselection after interviews.

3. Foreign Service Personnel Division (M/PM/FSP)

a. Identifies and advises M/PM/R of skills categories where recruitment is necessary. Recruitment requirements, especially for technical backstops, are to be consistent with projected trends of Sector and Regional strategies and programs. Backstop analyses and recruitment requirements shall reflect also such staffing dynamics as: projected training and career development patterns, employees' retirement eligibility, movements of personnel into and out of functional backstops, mandatory retirement projections, changing character of the work force and duties performed.

b. After considering AID FS employees, initiates request for outside recruitment with special emphasis on applications from AID General Schedule (GS) employees interested in FS appointments.

c. Advises M/PM/R of needs sufficiently in advance of proposed TRC meetings to allow full recruitment effort and to ensure that all available applications are reviewed at the meeting.

d. In conjunction with M/PM/R and the TRCs, periodically reviews and updates recruitment targets and selection criteria.

e. Serves as a voting member on the TRC and provides the Committees with appropriate information concerning current or projected vacancies in the category under consideration.

f. Conducts reference checks.

g. Produces progress report on processing of approved applicants.

31G3

h. Initiates hiring and initial placement of applicants selected for employment in accordance with established procedures.

4. Bureaus, Offices and Sector Councils (for Technical Applicants)

a. Consult periodically with M/PM/FSP and M/PM/R regarding near and long-term FS recruitment needs.

b. Advise M/PM/R on productive sources for recruitment advertising. When requested, identify appropriate advertising media and prepare drafts of proposed advertisements for use by M/PM/R.

c. When requested by M/PM/R, utilize their contacts with universities, professional societies, private firms, and other appropriate sources to attract well-qualified applicants.

d. Assist in recruitment travel as requested by M/PM/R. Recruitment travel plans for Bureau or Office personnel must be approved by M/PM/R.

e. Forward any applications received to M/PM/R for processing.

f. Provide qualified and responsible representatives to serve as TRC members and alternates.

5. Office of Equal Opportunity Programs (EOP)

a. Advises M/PM/FSP and M/PM/R on affirmative action and EEO matters related to selection activities, e.g., identification of barriers to selection of qualified minorities and women.

b. Advises M/PM/R on productive sources for recruitment of minorities and women. Utilizes contacts in the minority community to suggest appropriate sources to attract well qualified applicants.

c. Refers inquiries from potential applicants to M/PM/R.

d. Serves as a nonvoting member on the TRCs.

31H. TRC Reviews and Applicant Processing

1. Initial Assessment and Applicant Interviews

a. The processing of applicants will be administered in two stages as indicated in (1) and (2) below:

31H1

(1) Initial TRC review of the SF-171 and/or resume against established selection criteria to determine whether the applicant is qualified for further processing.

(a) The initial paper reviews will be made by the TRC on a periodic basis as directed by M/PM/R. Applicants who pass the paper review will be eligible to be called for the personal interview stage.

(b) Initial review recommendations shall be based upon a review of an applicant's SF-171 or resume. TRC members may not contact the applicant, the applicant's employer or the applicant's references.

(2) In-depth preemployment interviews provide the opportunity to obtain additional information from the applicant and to clarify and substantiate information on the applicant's SF 171 or resume.

(a) When hiring needs are confirmed, personal interviews will be scheduled for applicants who pass the initial paper review. Invitational travel for preemployment interviews will be arranged by M/PM/R, when authorized. Unless approved otherwise by the Director, M/PM, such travel may be authorized only once for each applicant. Applicants residing in a foreign area normally will not be brought to AID/W for a preemployment interview. M/PM/R will make special arrangements for interviewing such applicants.

(b) The preemployment interview will assess an applicant's technical qualifications, writing ability, and interpersonal skills and characteristics, including management potential and suitability for work in the AID Foreign Service. When interviewing and assessing an applicant, the TRC shall keep in mind those characteristics and requirements necessary to succeed under AID's appointment, tenuring and performance evaluation systems. The TRCs will rate and score each applicant immediately after interview and give written scores and comments to Chairperson. Members of the TRC who participated in the initial review of applicant's SF-171 will, when possible, participate in the preemployment interview.

(3) No applicant will be hired by the Agency without a preemployment interview by the TRC or, if applicant is overseas, a video tape may be submitted for review by the TRC provided the same criteria and procedures are used for overseas interviews as for those in AID/W. Applicants may be required to take a foreign language examination if language proficiency is a selection factor.

31H

2. Technical Review Committees

a. Committee Composition

(1) Heads of Agency Offices and Bureaus represented on the TRC recommend their primary and alternate committee members. Members will be sufficiently senior in grade and technically qualified. Members must agree to serve as an assigned responsibility.

(2) TRC members will be expected to be trained in interviewing techniques and to have a sensitivity to AID's affirmative action goals and its commitment to hiring qualified women and minority applicants.

(3) Other resource persons may be invited to participate at TRC meetings, but will not have a vote. Scores will be used to determine TRC recommendations and rankings for paper review and interviews.

(4) The Inspector General has personnel authority under the Inspector General Act of 1978 (P.L. 95-452). The IG TRC will be governed by the guidelines outlined in section 31H2b.

(5) A chart outlining the composition of the TRC is included as Attachment 31B.

b. Technical Review Committee (TRC) Guidelines

(1) In assessing applicants, the TRC must consider applicants against established selection criteria which is based in part on the qualifications and functional criteria for each occupational category (see HB 33).

(2) The primary purpose of the TRC is to identify applicants having the highest technical and managerial qualifications, in a competitive setting, to perform the duties of the functional backstops under consideration. TRC members must therefore function as representatives of the Agency as a whole and not any particular segment of it. Any applicant, other than for noncareer appointments, approved by the TRCs will be considered acceptable for assignment worldwide. M/PM will not consider appeals of assignment based on inadequate qualifications.

c. Committee Members' Responsibilities

(1) Review and rank all minimally qualified applicants and determine those to be interviewed.

31H2c

(2) Retain copies of materials on successsful applicants for use in preparing for interviews.

(3) For applicants with highly specialized skills in limited demand overseas, recommend whether they should be considered for career candidate or noncareer member appointments.

(4) Participate in interviews, score each applicant and submit written comments to support nonselection to the TRC Chairperson.

3. Final Selection and Placement

a. M/PM/FSP uses the "best qualified" list prepared by the TRC to make final selections. Only "best qualified" applicants will be eligible for immediate processing. Applicants not eligible for immediate processing may be placed on a deferred hiring roster or, at the discretion of the Agency, may be reevaluated in a subsequent competition cycle. A "best qualified" list normally will remain open for one year.

b. The fact that an applicant for appointment to the Foreign Service is a veteran or disabled veteran shall be considered an affirmative factor in making such appointments (see section 301(c) of the Act, and FPM Ch. 211, subchapter 2-2).

c. M/PM/FSP is responsible for the hiring and initial placement, when appropriate, of applicants selected for processing as Foreign Service career candidate or noncareer limited appointees.

Attachment 31A to
HB 25, Ch. 31

## PRE-APPOINTMENT CERTIFICATION STATEMENT FOR SELECTIVE SERVICE REGISTRATION

**Important Notice**

If you are a male born after December 31, 1959, and you want to be employed by the Federal Government, you must (subject to certain exemptions) be registered with the Selective Service System.

**Privacy Act Statement**

We need information on your registration with the Selective Service System to see whether you are affected by the laws we must follow in deciding who may be employed by the Federal Government.

**Criminal Penalty Statement**

A false statement by you may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001).

**Review**

If your employing agency has informed you that you cannot be appointed to a position in an executive agency because of your failure to register, and you wish to establish that your non-compliance with the law was neither knowing or willful, you may write to:

U.S. Office of Personnel Management
NACI Center
IOD-SAB
Boyers, Pennsylvania 16018

### CERTIFICATION OF REGISTRATION STATUS

[ ] I certify that I am registered with the Selective Service System.

[ ] I certify that I am not required to be registered with the Selective Service System.

Legal signature (please use ink) _____ Date Signed (please use ink) _____

Att. 31B to
HB 25, Ch. 31

## TECHNICAL REVIEW COMMITTEE COMPOSITION

| | | | | | | |
|---|---|---|---|---|---|---|
| **BACKSTOP** | 04 | 05/07 | 03* | 02* | 10/14 | 08 |
| | 15 | 11 | 92* | 21* | 12 | |
| | 20 | | 93* | 94* | 25 | |
| | 85 | | 06 | | 30 | |
| | | | | | 72 | |
| | | | | | 75 | |
| | | | | | 50 | |
| | | | | | 60 | |
| **TRC MEMBERS** | | | | | | |
| M/PM | 2 | 2 | 2 | 2 | 2 | 2 |
| EOP** | 1 | 1 | 1 | 1 | 1 | 1 |
| Regional Bureaus | | 2 | | 3 | 2 | |
| **AD HOC MEMBERS** (for applicable BS) | | | | | | |
| S&T | | | | | 1 | |
| M/FM | 2 | | | | | |
| GC | 2 | | | | | |
| FVA | 2 | | | | | |
| PRE | 2 | | | | | |
| M/SER/EOMS | | | 1 | | | |
| M/SER/AAM | | | 1 | | | |
| IG | | | | | | 2 |

* Backstops reviewed as a group ** Nonvoting member

## BACKSTOP GROUP

| | | | |
|---|---|---|---|
| 02 | Program Analysis | 20 | Housing, Urban and Community Development |
| 03 | Administrative Management | 21 | Business, Industry & Private Enterprise |
| 04 | Financial Management | 25 | Engineering |
| 05 | Secretarial Support | 30 | Natural Resources & Energy Management |
| 06 | General Services | 50 | Health Sciences, Medical & Population |
| 07 | Administrative Support | 60 | Human Res, Education & Participant Trng |
| 08 | Audit and Inspection | 72 | Social Services |
| 10 | Agriculture | 75 | Physical & Social Science |
| 11 | Economics | 85 | Legal |
| 12 | Program Management | 92 | Commodity Management |
| 14 | Rural Development | 93 | Contract Management |
| 15 | Food for Peace | 94 | Project Development |

# CHAPTER 32

# REEMPLOYMENT RIGHTS - AID FOREIGN SERVICE

## 32A. Purpose

This chapter provides the regulations and procedures which govern the granting of reemployment rights to personnel appointed to limited Foreign Service positions in AID.

## 32B. Applicability

1. This chapter applies to persons serving in positions in the Federal Government that are: (a) in the competitive service under career or career-conditional appointments, (b) in the excepted service under career candidate and noncareer appointments with AID, (c) in non-AID excepted service positions without specific time limitations, and (d) in the Career Senior Executive Service.

2. Employees who accept limited Foreign Service appointments in AID with the consent of the head of their agency may be granted reemployment rights.

3. This chapter does not apply to: (a) reinstatement rights of Administratively Determined (AD) personnel (see HB 25, Ch. 12); (b) reemployment rights of AID employees serving with international organizations (see HB 25, Ch. 21A and 21B); and (c) reemployment rights of personnel appointed to AID Civil Service positions (see Ch. 11).

## 32C. Authorities and References

1. Section 310 of the Foreign Service Act of 1980 (FSA), as amended.

2. Chapter 352 of the Federal Personnel Manual.

3. 5 U.S.C. 3597.

## 32D. Definition

### Former Position

The position in AID or other Federal government agency that the employee was occupying on a regular nontemporary basis at the time of appointment to AID without a break in service.

## 32E. Policies

5 USC 3597 entitles an employee to reemployment to his/her former position in his/her parent agency upon expiration of a limited Foreign Service appointment in AID, provided that the head of the parent agency agrees to such rights at the time of the limited appointment. If an employee cannot be returned to the former position he/she is entitled to a similar position comparable in grade and in salary to the former position; or a higher position, if qualified. When reemployed, the employee is entitled to any within-grade increases which would have been received in the former position.

## 32F. Responsibilities

### 1. Executive Personnel Management Division (M/PM/EPM)

a. For a Federal employee transferring without a break in service to an executive level position in AID, M/PM/EPM will notify the personnel office of the employee's parent agency of the reemployment rights which may be granted when the transfer is with the consent of the head of that agency, and ascertain in writing whether reemployment rights are granted.

b. Advises the employee about reemployment rights, limitations thereto, and procedures for exercising reemployment rights.

c. Processes appropriate personnel action to document an employee's reemployment rights. Such documentation will be included in the employee's Official Personnel Folder (see HB 32, Ch. 1).

### 2. Foreign Service Personnel Division (M/PM/FSP)

M/PM/FSP performs the same activities as indicated 32E1 above for nonexecutive-level personnel transferring to the AID Foreign Service with the consent of the head of their agency.

## 32G. Duration of Entitlement to Reemployment Rights

1. Federal employees who accept a limited appointment in the AID Foreign Service retain rights to reemployment to their parent agency for the duration of the limited appointment, not to exceed five years.

2. A limited appointment employee's entitlement to reemployment rights terminates upon the employee's acceptance of a Foreign Service career appointment.

32H. Procedures

1. Initial Appointment

a. Non-AID Employees

An employee's eligibility for reemployment rights will be determined by M/PM/EPM and M/PM/FSP, as appropriate, prior to the employee's entrance on duty. When reemployment rights are granted by the employee's parent agency, M/PM/EPM and M/PM/FSP will advise the employee about the rights, limitations thereto, and procedure for exercising reemployment rights. The grant and duration of reemployment rights will be specified in the appointment action (Notification of Personnel Action, SF-50). Those offices will also notify the employee if the parent agency has denied reemployment rights.

b. AID employees

AID employees accepting a Foreign Service limited appointment are entitled to reemployment rights unless such rights are denied by the Director of Personnel.

2. Separation--Reemployment Rights to Agencies Other than AID

a. M/PM/EPM or M/PM/FSP, as appropriate, notifies the employee's former agency, in writing, at least 90 days in advance of the proposed separation date.

b. When an employee's duty station is AID/W, M/PM/EPM or M/PM/FSP, as appropriate, will advise the employee, in writing, of an intended separation at least 60 days prior to the last day on active duty.

c. When an employee's duty station is overseas, the head of the overseas post will advise the employee, in writing, of an intended separation at least 60 days prior to the last day on active duty.

d. Employees who wish to exercise their reemployment rights to their former agency must apply for reemployment directly to their former agency. This should be done as soon as possible upon being notified of the pending termination of the employee's appointment with AID, but no later than 30 days after separation from AID. Employees should update their employment record (Application for Federal Employment, SF-171) at the time they apply for reemployment.

3. Separation--Reemployment Rights to AID

a. M/PM/EPM or M/PM/FSP, as appropriate, takes action similar to that described above to advise the Mission Director or Washington office and the employee.

b. Notifies the employee promptly if the employee's application for reemployment is denied. The written notice includes a statement of the basis for the decision and the employee's rights of appeal (see 32J).

c. If reemployment of the returning employee requires a reduction-in-force, the employee is placed on the RIF retention register appropriate to the position the employee held immediately before entering the Foreign Service.

32I. Waiver of Reemployment Rights to AID

1. An employee waives reemployment rights upon accepting a position in any Federal agency other than AID or a career Foreign Service appointment; or if the employee fails to excercise reemployment rights to AID within 30 days from the termination date of the limited Foreign Service appointment.

2. If an employee accepts a limited Appointment with the AID Foreign Service when the head of the Agency refuses to grant reemployment rights, at the time of the appointment, there are no reemployment rights.

32J. Right of Appeal If Reemployment Rights Are Denied

1. If an employee is notified by a former agency that the application for reemployment is denied on grounds of ineligibility, or reemployment is not effected within the prescribed time, the employee may appeal the decision to the Merit Systems Protection Board.

2. The appeal must be made within 15 calendar days after the employee receives the agency decision or after the time limit on reemployment expires.

3. AID employees who previously encumbered a Civil Service bargaining unit position must grieve through the GS negotiated grievance procedure.

4. The appeal should be sent to the Merit Systems Protection Board, Washington, D.C.

5. Additional information on appeal rights may be obtained by the employee from the personnel office of the agency concerned.

ATTACHMENT - A

# SAMPLE LETTER

MEMORANDUM FOR: Head of Agency or Designee

FROM: Director of Personnel, M/PM, AID

SUBJECT: Reemployment Rights of Employee Accepting a Limited Appointment in the Foreign Service

(Name of Employee) is currently an employee of (agency) serving as a (position title and series) at the (grade level and step). (Employee) has accepted the offer of a Limited Foreign Service appointment in AID. The duration of this appointment will be (years, months--or from date to date).

Section 3597 of 5 U.S.C. and Section 310 of the Foreign Service Act of 1980 authorize the granting of reemployment rights to Federal employees who accept Foreign Service appointments. The statutes entitle an employee to reemployment to his/her former position in the parent agency upon expiration of the Foreign Service appointment, provided that the head of the parent agency agrees to such rights. If the employee cannot be returned to the former position the employee is entitled to a similar position comparable in grade and in salary to the former position. When reemployed, the employee is entitled to any within-grade increases which would have been received in the former position.

Prior to expiration of the Limited Foreign Service appointment AID will notify your agency personnel office of the pending reemployment action. (Employee) is responsible for applying to the parent agency in order to exercise reemployment rights. This should be done as soon as possible upon being notified of the pending termination, but no later than ( ) days after separation from AID.

(Employee) is hereby granted reemployment rights with (agency) upon termination of a Limited Foreign Service appointment with AID.

Concur: _____ Date: _____

Name and title
of signatory _____

# CHAPTER 33

## MARRIAGE, EQUIVALENT BONDS AND COHABITATION

33A. Purpose

This chapter provides the uniform regulations of the foreign affairs agencies for reporting instances of marriage, equivalent bonds and cohabitation (see Appendix 33A). The sole purpose of this requirement is to identify situations in which security risks to the person or the Service may exist. A.I.D.-specific procedures and requirements provided in the following paragraphs. The user should consult both these introductory paragraphs and Appendix 33A.

33B. Applicability

See Appendix 33A, 3 FAM 629.1.

33C. Authority

Section 206, Foreign Service Act of 1980.

33D. Changes to Employment Documents

1. Employees should notify M/PM/FSP, M/PM/EPM or IG/EMS (for personnel in BS-08), as appropriate, through their management office, when a name change is involved, so that the necessary personnel action may be effected.

2. Employees stationed overseas should report to M/PM/FSP, M/PM/EPM or IG/EMS, as appropriate, through their management office any changes to in employment documents, e.g., designation of beneficiary (see HB 29, Ch. 2); health benefits form (see HB 29, Ch. 1); or the Residence and Dependency Statement, form A.I.D. 490-2 (see HB 32, Supp. 1B). Employees stationed in A.I.D./W should report such changes directly to M/PM/FSP, M/PM/EPM or IG/EMS. The Health Benefits Registration Form, SF-2809, must be changed within sixty days following a change in marital status.

# 629 EMPLOYEE MARRIAGE, EQUIVALENT BONDS, AND COHABITATION

*(TL:PER-97 6-20-88)*
*(Uniform State/AID/USIA/USDA/Commerce)*

## 629.1 Applicability

These regulations apply to all U.S. citizen Foreign Service employees of State, AID, USIA, the Department of Agriculture (USDA), and the Department of Commerce (DOC), and all other Department of State employees and contractor personnel with sensitive duties (see also 3 FAM 160). Additionally, the Arms Control and Disarmament Agency (ACDA) has agreed to abide by these regulations. For changes in employment status see section 121.3-4; for AID, Handbook (HB) 25, chapter 33; for AID contractor personnel, HB 6, Chapter 2 and HB 14.

## 629.2 Policy Relevant to Foreign Nationals

### 629.2-1 Reporting Criteria

a. Applicable employees who intend to marry a foreign national must inform the employing agency in writing at least 120 days prior to the expected date of marriage.

b. Reporting also is required when an employee cohabits, or develops a romantically or sexually intimate and continuing relationship, with a foreign national. *Homosexual and heterosexual relations are treated identically for the purposes of these regulations.* This requirement is not designed to monitor the lifestyle of employees, or to intrude on private decisions concerning choice of a cohabitant or partner in a relationship; and all reports will be kept confidential in the individual's official security file. Rather, the purpose is to identify situations in which security risks to the person or the Service may exist. In fact, the employee is strongly urged to contact Security early to request the conduct of checks of local records and available U.S. national indices to determine whether the intended cohabitant/partner in a relationship has connections with known elements involved in foreign intelligence collection or international terrorism. In this connection, risks to the person that are identified will be made known to the individual for use as he/she sees fit. Additional guidelines are provided below:

(1) Report any relationship (not only continuing relationships) with a national of a Communist-governed/allied country; such relationships should be reported at the first opportunity (see also II FAM 236.3).

(2) Report any cohabitation with a foreign national within one month of the date cohabitation begins. Cohabitation will be defined as living together; that is, sharing a living unit such as a house or apartment *on a regular basis for at least the majority of a week,* without regard to the nature of any interpersonal relationship or reason for sharing living quarters.

(3) Relationships involving continuing romantic or sexual intimacy without cohabitation are reportable when the employee determines that it is, in fact, a continuing relationship. *Employees are not required to report sporadic relationships with non-communist governed/allied country nationals until such time as an employee contemplates marriage, cohabitation or a commitment to a long term relationship.* It is recognized that employees must be allowed reasonable discretion in determining when to report such a relationship. However, employees are urged to contact Security early for discreet assistance in ensuring that the intended partner poses no potential threat to the employee personally or to the employee's career and continued security clearance eligibility. Security can also be consulted on the advisable timing of formal reporting, considering such factors as the frequency of contact, exclusive attachment (on the employee's part), or continued romantic or sexual intimacy for an extended period. *Nonreporting of a relationship under this section (629.2-1b(3)) will not constitute a security violation or result in disciplinary action, as self-determination is the intent of the criterion. Moreover, security clearance will not be suspended solely because the employee did not report a relationship under this criterion.*

c. Employees are responsible for using sound judgment when entering into relationships or cohabitation with foreign nationals, and for seeking security counsel regarding the applicability of the foregoing guidelines. Employees must maintain an awareness of the applicability of security concerns regarding cohabitation or relationships which involve a potential for influence or pressure to act contrary to the national security or foreign relations interests of the United States. Bonds of affection or obligation may result from such cohabitation or relationship, and

Security must carefully consider such potential bonds in evaluating the possible impact of information of security concern on the individual's continuing security clearance eligibility. *The RSO may seek to discuss a relationship with an employee which is not otherwise required to be reported to the extent that there is a specific security concern on the RSO's part.*

## 629.2-2 Reporting Procedures

a. An employee assigned abroad must report to the principal agency representative at the duty post, as soon as the above criteria become applicable, to permit the earliest conduct of appropriate checks enabling the foreign affairs agencies to determine the extent to which significant security issues may exist.

b. For an applicable employee assigned in the United States, the report must be submitted to the appropriate employing agency/office (see section 629.2-3).

c. Employees (including contract employees) to whom the above criteria apply but who have not previously reported the marriage, relationship, or cohabitation will report at the first opportunity via the same channels and forms provided in this regulation.

d. (State only) Contractor employees will submit notice through appropriate post/bureau contracting officials for review/counseling, and submission of security background documents to DS/PI/EV to initiate required investigation. Contracting officials at post should also contact both the post Administrative or Personnel Officer and Regional Security Officer for assistance in processing such cases and counseling employees. (End State only.)

## 629.2-3 Offices of Primary Responsibility

References to employing agencies or offices, for reporting purposes or for particular responsibilities, will refer to the following:

a. Department of State – refer to PER/ER/CSD for Foreign Service; PER/CCA/ER for Civil Service; DS/PI/DIS for requesting investigations; DS/PI/EV for security evaluations; and the responsible Bureau Executive Director for contractor employees.

b. United States Information Agency – refer to the Director, Office of Security (M/S) who will advise the Director, Office of Personnel (M/P or VOA/P) of the results of the investigation. The head of the overseas establishment will provide overseas employee with the appropriate forms to be completed and counsel employee after the investigation is completed.

c. Agency for International Development – reports regarding intent or marriage to a foreign national refer to M/PM/FSP, MIPM/EPM, or IG/EMS, as appropriate; for contractor personnel, refer to M/SER/PPE; reports regarding equivalent bonds and cohabitation, refer to IG/SEC.

d. Arms Control and Disarmament Agency – refer to the Director, Office of Security.

e. Department of Agriculture – refer to Director, Personnel Division, Foreign Agricultural Service, or refer to Director, Human Resources Division, Animal and Plant Health Inspection Service, as appropriate.

f. Department of Commerce – refer to Director, Office of Foreign Service Personnel.

## 629.2-4 Initial Counseling

*(STATE/AID/ACDA/USDA/Commerce/ Treasury only)*

Immediately upon receipt of the required report, the designated career development officer or other appropriate official in the employing agency (see section 629.2-3, if the employee is currently in the United States, will interview and counsel the employee on points listed in paragraphs a through e below.

Outside the United States, the counseling will be by a counselor of the embassy (or higher authority) or the principal officer at a constituent post for State; for AID, by the principal officer at post; and for the Department of Agriculture, by the post Administrative Counselor/Officer (or higher authority).

The counseling officer will, at the time of this discussion, supply the employee with the necessary forms to be transmitted to Washington. The points to be covered, as applicable, are:

a. The effect the marriage/relationship/cohabitation might have on the employee's career or future assignments in the Service/Department.

b. Employee's continued effectiveness in representing the United States.

c. Problems that might arise with regard to the employee's continued access to classified material.

d. Continued employment of the employee if the spouse/ intended spouse, cohabitant or partner in the relationship, is employed by a foreign government or an instrumentality of a foreign government.

e. For Foreign Service personnel, a medical examination and clearance of the spouse and any other acquired legal dependents as defined in section 3 FAM 681.6a is required in accordance with 3 FAM 684.2. Results of a physical examination must

## 629.2-5 Reporting Procedure

Upon receipt of the forms listed below, the employee must immediately complete them and transmit them promptly (normally within 5 days) to the employing agency/office (see section 629.2-3). Employees counseled under the provisions of section 629.2-4 will forward the forms through the counseling officer.

a. Report of proposed relationship (see applicable criteria in section 629.2-1).

b. Memorandum of Conversation. A memorandum prepared by the counseling officer summarizing the discussion between that officer and the employee. The memorandum should indicate that all matters outlined in section 629.2-4 were discussed, if applicable, and made known to the employee. (Not applicable to USIA.)

c. Security Forms

(1) OF-174 completed by the foreign national spouse, fiance(e), cohabitant, or partner in the relationship, excluding photograph.

(2) Brief biographic sketch concerning the foreign national spouse/fiance(e)/cohabitant/partner in the relationship, and family, together with a complete list of relatives (that is, parents, stepparents, grandparents, children, brothers, sisters, aunts, uncles), and former spouses or dependents, giving the full name, relationship, citizenship, and residence (city and country) of each.

(3) A certified copy of divorce decree or other evidence of termination of any former marriage of employee or the foreign national spouse/fiance(e)/cohabitant/partner in the relationship.

(Copies of these forms, or documents, are given to the regional or post security officer in order that the officer may immediately conduct the local security investigation, for PRIORITY submission to DS/DSS.)

d. Medical Forms (for Foreign Service only). The report(s) of medical examination for the spouse and any other acquired legal dependents must be in the English language, and are forwarded in a sealed envelope marked "Medically Privileged, ATTENTION: Medical Director, Department of State." The envelope should also contain a memorandum identifying the full name and date of birth of the employee the individual married.

## 629.2-6 Washington Action on Receipt of Report

a. All required forms are forwarded IMMEDIATELY to the agency's security office for the scheduling of an appropriate security investigation.

b. As soon as possible, the agency's security office will determine the effect the marriage/cohabitation/relationship would have on the employee's security clearance. This security determination will be provided to the appropriate employing agency/office (see section 629.2-3) for preparation of a report to the principal agency representative at the employee's post of assignment.

c. This report will contain definitive instructions on the action the principal representative is to take, based on the points in section 629.2-4 and relevant issues of the case. For employees in the United States, the office preparing the report has action.

## 629.2-7 Final Counseling

Upon receipt of the report specified in section 629.2-6, the counseling officer will meet with, and advise the employee of the effect the marriage/relationship may have on continued service. Notice and appeal procedures of 3 FAM 160 will be used in the event revocation or reduction of clearance is proposed.

## 629.2-8 After Marriage

a. Within 30 days after the marriage, the employee must submit to the appropriate agency official a revised Residence and Dependency Report (OF-126 for State, Agriculture, Commerce, and USIA; for AID, form AID 490-2, see HB 32, Supp IB).

b. The appropriate agency official advises the employee of the opportunity to enroll or change enrollment in the Health Benefits program and provides assistance in completing necessary forms.

## 629.2-9 After Naturalization

a. There is no requirement that a foreign-born spouse become naturalized. If the spouse chooses to do so under the expeditious naturalization program, a minimum of 90 days advance notice must be given to the employing agency/office (see section 629.2-3), which will provide the necessary forms and processing information. Eligibility under the expeditious naturalization program requires that the employee either (1) be scheduled for an overseas assignment which will last a minimum of one full year after the date of naturalization, or (2) if ex-

peditious naturalization is to be accomplished during home leave (and return to the same post), R&R, or annual leave travel in the U.S., the employee must have at least one full year remaining to the overseas tour of duty after the date of naturalization. The naturalization hearing will only be scheduled within the 60-day period immediately preceding the spouse's travel to the post of assignment. The spouses of employees who are returning to the U.S. for a domestic assignment are not eligible for the expeditious naturalization program until a new overseas assignment is received. Spouses residing in the U.S. for three years or more under immigrant status, are eligible for regular naturalization processing at the completion of that period. The above requirements may not be waived.

b. Within 30 days of a spouse's naturalization, the employee must submit a revised Residence and Dependency Report (see 629.2-8).

### 629.2-10 Medical Clearance

*A MEDICAL EXAMINATION IS NOT REQUIRED FOR THE INTENDED SPOUSE PRIOR TO MARRIAGE. However, the medical examination must be completed and the results forwarded to MIMED CLEARANCES within 90 days after the marriage takes place in order to determine the newly acquired dependent's medical clearance status and confirm eligibility for benefits under the Department's Medical and Health Program.*

## 629.3 Policy Relevant to U.S. Citizens

*a. Within 30 days after marriage to a U.S. citizen, a Foreign Service employee of the participating agencies, or other Department of State employee in a sensitive position, wherever assigned, shall submit to the appropriate agency official the following forms or documents:*

(1) Residence and Dependency Report (see 629.2-8).

*(2) SF-86, Questionnaire for Sensitive Positions, or other appropriate personnel security questionnaires in use by the participating Federal agencies, must be completed in duplicate, with the following items completed or otherwise included on the forms or documents: (The original of the personel security questionnaire will be transmitted to the employing agency's security office. The duplicate, which is to be filed in the employee's official personnel folder, is sent to the appropriate employing agency/office (see section 629.2-3).)*

(a) Date and place of marriage; name and address of employer of spouse, as well as any previous U.S. Government employment; and the serial number and social security number of a spouse who is in the Armed Forces.

(b) List for spouse and self all relatives (that is, parents, stepparents, grandparents, children, brothers, sisters, aunts, uncles), former spouses or dependents, who reside abroad, including those temporarily in the United States. Also, list all names by which the spouse has been known; full name, date and place of birth, and address of any former spouse.

(c) Include in the Continuation space, if this information is not otherwise requested, answers to the following questions:

- Are you now involved in any litigation or separation agreement? If "Yes", give details.
- Do you know of any prospective litigation in which you may be involved? If "Yes", give details.
- Have you been divorced? If "Yes", give court, location, decree and date final decree granted.
- Does your present financial position permit discharge of all current debts? If "No", give details.
- Are you involved in a dispute with tax authorities which has not yet been settled? If "Yes", give details.

(3) A certified copy of a divorce decree or other evidence of termination of any former marriage of employee or spouse. This information is forwarded with original of SF-86 to employing agency's security office (for AID, to M/PM/FSP, M/PM/SPM, or IG/EMS, as appropriate).

b. Report(s) of medical examination for the spouse and any other acquired legal dependents are forwarded in a sealed envelope marked "Medically Privileged, Attention: Medical Director, Department of State." The "Purpose of Examination:" on the medical examination report should be filled in "New dependent of _____" and should include full name and date of birth of employee concerned. These reports must be submitted within 90 days after the marriage (see 3 FAM 684.6-2, 684.7-3).

c. The appropriate agency official advises the employee of the opportunity to enroll or change enrollment in the Health Benefits program and provides assistance in completing necessary forms.

# SECURITY CRITERIA REGARDING COHABITATION OR OTHER RELATIONSHIPS WITH FOREIGN NATIONALS

## Favorable Criteria.

Fiance(e)/spouse/partner/cohabitant:

- Is national of U.S. ally
- Is employee of U.S. Government/business
- Is former/present resident of U.S.
- Has relatives in U.S. (or similar ties)
- Intends to become naturalized as soon as possible
- Intends to formally renounce non-U.S. ties

## Unfavorable Criteria.

Fiance(e)/spouse/partner/cohabitant:

Is national of criteria country, and:

— Former military/diplomatic/intelligence service (or other Government/Opposition party) employee;

— Present or former member of Communist Party;

— Relatives work for Government in native country;

— Close relatives remain in native country;

— Maintains frequent/close ties with relatives/friends;

— No intention to become naturalized and/or maintains criteria country citizenship.

Is national of non-criteria country, and:

— Employee of military/diplomatic/intelligence service, or other Government/Opposition party position;

— Employee of criteria country Government/contractor;

— Maintains ties to criteria country or Communist Party (personal or family ties);

— Maintains frequent/close ties with relatives/friends in native country;

— No intention to become naturalized and/or maintains native citizenship;

— Relatives employed by native Government (especially military/diplomatic/intelligence services).

Noncooperation with investigation, or cannot be adequately investigated to enable a security risk/clearance determination.

be submitted in the English language, through the counseling officer, to M/MED within 90 days of a marriage for review and determination of medical clearance level and eligibility for medical coverage. All costs relating to such examination will be paid by the U.S. Government because a medical clearance determination must be made on each eligible Foreign Service dependent. Report(s) must be sent in a sealed envelope marked "Medically Privileged, ATTENTION: Medical Director, Department of State."

*(End STATE/AID/ACDA/USDA/Commerce/Treasury only)*

f. Provided below for counseling purposes are relevant security policy and guidelines used in evaluating whether continued security clearance is clearly consistent with the interests of national security. Except for criteria specifically stated as policy, these factors are weighed in the context of all available information to arrive at nonarbitrary decisions consistent with the best interests of the national security and the efficiency of the service:

(1) It is the policy of the applicable foreign affairs agencies that reportable relationships, under the circumstances detailed below, will preclude continued security clearance for access up to and including Top Secret information, and assignment to sensitive duties/posts which relate to the nationality of the intended spouse, cohabitant, or partner in a relationship. Under the circumstances described below, security clearance will be suspended pending completion of full investigation and evaluation of the foreign national and any areas indicating a potential for vulnerability or conflict- of-interest with regard to the security clearance of the employee/contractor. Under such circumstances, the employee/contractor must be immediately reassigned to duties of low sensitivity, pending final decision on continued eligibility for security clearance (see section 629.2-7).

(a) National of Communist-governed/allied countries.

(b) Foreign national employed by a national security-sensitive agency (Foreign military, intelligence, or diplomatic service agencies; or under contract to such agencies or to Communist-governed/allied countries).

(2) Except for circumstances involving the specific policy outlined above, the development of a close relationship with a foreign national does not immediately preclude security clearance and assignment eligibility for sensitive positions/posts.

(a) Security clearance may be suspended, and reassignment to duties of low sensitivity may be required, pending final determination, if the information available indicates reason for doubt that continued clearance is clearly consistent with the interests of national security. Should it be impossible to conduct sufficient investigation to confidently make such a determination, the foreign affairs agency may require reassignment to the United States for up to two years, even if security clearance is not suspended or reduced. Such action may be required to permit the agency an adequate period for investigation and evaluation of the foreign national spouse/fiance(e)/cohabitant/partner in a relationship in a setting that permits meaningful investigation (normally within the U.S.).

(b) General criteria that will be considered as positive or negative factors bearing on employee's/applicant's security clearance, or on eligibility for assignment/continued assignment to specific sensitive duties/posts are provided below. These factors will not generally be sufficient individually to be decisive regarding the issue of the employee's continued security clearance eligibility, but will be evaluated in the context of all other factors and available information.

# CHAPTER 34

# RESIDENT HIRE APPOINTMENTS AND EMPLOYMENT

## 34A. Purpose

This Chapter provides the policies, regulations and procedures which govern the appointment, employment and separation of U.S. citizens employed overseas by AID as resident hire employees. The regulations governing the appointment of American Family Members (AFMs) to FSN/AFM designated positions are included in Supplement 34A. Information on the Official Personnel Files maintained for resident hire employees is contained in Handbook 32, Official Personnel Actions, Records and Reports.

## 34B. Scope

This Chapter applies to all AID resident hire appointments.

## 34C. Authority

Foreign Service Act of 1980, Section 303.

## 34D. Definitions

1. Resident hire employees. AID Foreign Service (FS) employees who are unable to accept all the obligations of a long-term, worldwide career service, or who reside in the country of assignment primarily for reasons other than employment in the Foreign Service, e.g.:

a. A dependent of a U.S. citizen employed overseas who is at least 18 years of age and who is expected to remain at a post only for the duration of the employee's assignment or a vacation period.

b. A U.S. citizen who resides in a country primarily for reasons other than employment with a U.S. Government agency.

c. An employee who, for personal reasons, is unwilling to transfer to another post.

2. Part-time employment. Employment of 16 to 32 hours per week where there has been established in advance a regular and specific tour of duty on two or more days of each administrative workweek.

3. Intermittent employment. Employment where there has not been established in advance a regular work schedule and where compensation is based on a "When Actually Employed" (WAE) basis.

4. Regular employees. FS employees who accept all the obligations of worldwide service and may be appointed to any AID post, including AID/W, in accordance with the needs of the Agency.

34E. Responsibilities

1. The Head of an Overseas AID Mission or Office

a. May recruit, select and recommend to AID/W U.S. citizens residing abroad for excepted appointments not to exceed ninety days at the FS-9 level and excepted appointments not to exceed twelve months at all grade levels. May appoint such personnel upon receipt of AID/W approval.

b. May recruit, select and appoint U.S. citizens residing abroad for excepted appointments not to exceed ninety days at the FS-9 level. Such appointments may be made only to established positions.

c. May terminate the appointment of any resident hire employee initially appointed at post when it is determined that the employee's services are no longer required, or when the Assignment Board approves the assignment of a regular FS employee to a position encumbered by a resident hire employee (see 34F8 below and Handbook 25, Chapter 36).

d. Notifies FA/HRDM/SCD when a regular FS employee has declared non-availability for worldwide assignment and whether the employee has requested conversion to resident hire status (see 34K below).

2. The Staffing and Career Development Division (FA/HRDM/SCD)

a. The Chief, FA/HRDM/SCD, approves excepted appointments not to exceed twelve months and excepted appointments not to exceed ninety days above the FS-9 level.

b. FA/HRDM/SCD prepares Notification of Personnel Actions, SF-50s, for resident hire employees upon receipt of the appropriate information or documentation from the field.

3. Employees

Employees shall notify the designated officer at their post (usually the Personnel or Executive Officer) when they are no longer available for worldwide service, and shall indicate at that time whether conversion to resident hire status is desired.

34F. Appointment Policies

1. Applicants must be citizens of the United States and must be at least 18 years of age at the time of appointment.

2. Selections are based on the applicant's qualifications, i.e., education and experience, for the position to be filled.

* 3. The appointment is effective on the date the appointee enters on duty and is available to perform a federal function. *

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4. Appointments are subject to AID's policy of nondiscrimination and may be made only to established positions within a mission's employment limitation.

5. Appointments may be made only to established positions. This provision may be waived only by the Director, FA/HRDM or designee. Retroactive pay actions may not be approved for candidates who begin working before positions are established.

6. All new appointments will be made on a calendar year basis, i.e., appointments will be terminated by FA/HRDM/SCD on December 31 of the applicable calendar year. Subject to AID/W approval of a mission request, extensions may be effected as of January 1 of the new calendar year (see 34I and 34J below).

This provision does not affect employees serving under 30-month appointments. Upon termination of such appointments, employees may be extended, subject to AID/W approval, for a period of up to twelve months not to exceed December 31. The entitlement of such employees for coverage under the Civil Service Retirement System (CSRS) will continue provided there is not a break in service of more than three days between appointments.

7. Members of the same family may not be employed in a supervisor-subordinate relationship and should not be employed in the same organizational unit.

8. The appointment of dependent(s) of a Mission Director, Deputy Mission Director, or AID Representative may be approved by the Director, FA/HRDM.

9. If a regular AID FS employee is available for assignment and the only position available is encumbered by a resident hire employee, the regular employee has priority for assignment to the encumbered position (see also 34E1c above and Handbook 25, Chapter 36).

10. All appointments require full-field security clearance under E.O. 10450. Temporary appointments not to exceed 90 days may be made pending receipt of clearance subject to approval by FA/HRDM/SCD. Employees under such appointments may not be permitted access to classified material until FA/HRDM/SCD and the post are notified by the Office of Security, IG/SEC, that security clearance has been granted.

11. All personnel actions, e.g., appointments, promotions, within-grade increases or other pay changes, or terminations, must be documented with an appropriate Notification of Personnel Action, SF-50.

34G. Types of Appointments

There are two types of appointments, temporary appointments not to exceed ninety days and excepted appointments not to exceed twelve months. Each type of appointment may be made for full-time, part-time or intermittent employment. Personnel employed on an intermittent basis are compensated only for the days/hours actually worked and danger pay, when applicable.

34H. Establishment of Positions

Mission requests to establish resident hire positions are sent to the Position Management and Classification Branch, (FA/HRDM/PPM/PMC), through the appropriate Bureau Administrative or Management Office in AID/W. The mission should forward also a copy of the position description and, in accordance with the procedures of the relevant Bureau, a Staffing Pattern Action Request, SPAR, for AID 4-512. At the same time, the mission may forward to FA/HRDM/SCD the information and forms listed in 34L below with a note indicating the date the request to establish a position was sent to AID/W. Approval to appoint will be cabled to the mission by FA/HRDM/SCD after the position has been established.

34I. Excepted Appointments Not to Exceed Ninety Days

1. An excepted appointment not to exceed ninety days may be offered only to the dependent of a U.S. citizen employed by the U.S. Government overseas provided that the candidate: (a) was a dependent at the time of the employee's assignment to post, (b) was given medical clearance in connection with Government-paid travel to post, and (c) is living at post.

2. When a candidate has been identified for an established position and the approving authority is FA/HRDM/SCD, the mission forwards to FA/HRDM/SCD a request to appoint along with the information and forms listed in 34L below. To expedite processing, the required information may be cabled to FA/HRDM/SCD. The cable must specify the date the forms were mailed to FA/HRDM/SCD. Approval to appoint will be cabled to the mission. Upon receipt, the mission may appoint the candidate for up to ninety days not to exceed December 31. When a candidate has been identified for an established position and the approving authority is the head of the mission, the above procedures apply except that AID/W approval is not required.

3. Appointments may be extended for an additional ninety days at the request of the mission subject to AID/W approval and, if security clearance is still pending, IG/SEC concurrence. Missions should cable such requests to FA/HRDM/SCD at least fifteen days before the end of the current appointment. When security clearance is issued, a new appointment for up to twelve months may be requested (see 34J below).

34J. Excepted Appointments Not to Exceed Twelve Months

1. In addition to the family members indicated in 34I1 above, excepted appointments not to exceed twelve months may be offered to regular FS employees who wish to convert to resident hire status (see 34K below) and to U.S. citizens who reside in the cooperating country but are not employed by, or related to employees of, the U.S. Government.

2. All appointments under this section are subject to FA/HRDM/SCD approval. When a candidate is identified for an established position, the mission forwards a request to appoint to FA/HRDM/SCD along with the information and forms listed in 34L below. Security and medical clearances are required prior to the appointment of U.S. citizens who reside in the cooperating country.

3. When all clearances have been received, approval to appoint will be cabled by FA/HRDM/SCD to the mission. Upon receipt, the candidate may be appointed for up to twelve months not to exceed December 31.

4. Employees may be extended at the request of the mission subject to AID/W approval. Missions should cable such requests to FA/HRDM/SCD at least fifteen days before the end of the current appointment.

34K. Conversion Action

When a regular employee has declared nonavailability for worldwide assignment, the mission may request that the employee be separated from regular FS status and be given an appointment as a resident hire under one of the two types of appointments described in 34G above. The post should seek specific AID/W guidance in such cases.

34L. Forms and Information Required for Processing Appointments

1. The forms and information listed below must be submitted to FA/HRDM/SCD prior to the appointment of resident hire employees (see also Handbook 25, Chapter 35, Supplement 35A, Employment Forms).

- SF-171, Application for Federal Employment;
- CSC-1267A, Supplemental Federal Application Statement;
- SF-86, Security Investigation Data for Sensitive Position;
- SF-87, U.S.C.S.C. Fingerprint Chart;
- SF-144, Statement of Prior Federal Service;
- AID 6-85, Foreign Residence Data;
- AID 610-14, Authority for Release of Information;
- DD 214, Military Discharge, if applicable;
- SF-189, Classified Information Nondisclosure Agreement;

34L1

- SF-181, Race and National Origin Identification;
- SF-256, Self-Identification of Reportable Handicap;
- Proposed Grade and Salary (see Handbook 26, Chapter 2);
- A statement indicating if the employee is transferring from another Federal agency without a break in service and if eligible for reemployment rights;
- A statement that the candidate has a valid medical clearance as a dependent of a U.S. Government employee or has been examined and meets minimum medical requirements and is free of any contagious disease. If the latter, the examination must be conducted in accordance with post regulations based on prevailing medical standards for employment among progressive local employers. The medical determination is made by the post medical officer (or local examining physician if there is not a post medical officer) and the results are maintained in the candidate's personnel file.

2. The following forms are executed, as applicable, at the time of appointment and forwarded to FA/HRDM/SCD:

- SF-61, Appointment Affidavits;
- SF-61B, Declaration of Appointee;
- SF-53, Waiver of Life Insurance Coverage, if appropriate;
- SF-1152, Designation of Beneficiary for Unpaid Compensation of Deceased Civilian Employee;
- SF-2809, Health Benefits Registration Form, if appropriate;
- OF-106, Confidential Statement of Employment and Financial Interests, if appropriate;
- Conditions of Employment (see Attachment 34A and 34B).

3. For temporary appointments not to exceed ninety days, the information listed below may be cabled in advance of the forms listed in 34L1 above.

34L

- o Name of Candidate;
- o Social Security Number;
- o Date of Birth;
- o FEGLI Status;
- o Duration of Appointment;
- o Legal Residence (State);
- o Work Schedule--for part-time, actual days/hours must be included, e.g., 32 hours per week, Monday through Thursday, 8 hours/day;
- o Proposed Effective Date;
- o Position Number (POSNO);
- o Pay Plan, Proposed Grade/Step;
- o Appropriation;
- o Name of related government employee, relationship, position held by related employee and the name of the employing Agency;
- o Date Employment Forms sent to AID/W (see 34L1 above).

34M. Employee Benefits and Related Topics

1. Resident hire personnel employed on an intermittent basis (WAE) are compensated only for the days/hours actually worked plus danger pay, if applicable.

2. Resident hire personnel employed on a full-time basis are eligible for post allowance (Section 226, SR).

3. Resident hire employees employed on a full- or part-time basis are eligible for:

a. Danger pay (Section 650, SR).

b. Accrual and use of annual and sick leave - Handbook 27, Attendance and Leave.

c. Evaluation and promotion (see Handbook 25, Chapter 40).

d. Within-grade and meritorious increases (Handbook 26, Chapter 2).

e. Immunizations authorized for the post and use of the post health unit facilities.

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f. Compensation for injury, death or disability (Handbook 29, Chapter 1).

g. Coverage under Social Security for all new appointments of twelve months or less (see 34F5 above and Handbook 29, Chapter 1.

h. Lump-sum payment for accrued annual leave upon separation from AID (Handbook 26, Chapter 11).

i. Home leave and home leave travel - if an employee established eligibility to earn home leave under a regular FS appointment, the employee continues to accrue this leave and may be authorized home leave on a one-time basis upon completion of the initially prescribed tour of duty as a regular employee if the post has approved return to post to a full-time resident hire position. The rate of accrual may change upon the conversion to part-time resident hire status (see Handbook 27, Chapter 5).

j. In addition, resident hire employees are subject to the requirements of other regulations including, but not limited to, the following:

(1) employee responsibilities, conduct and political activity, Handbook 24, Chapter 2; (2) grievances, Handbook 29, Chapter 4; and (3) suspension or other disciplinary actions, Handbook 30, Chapter 5.

3. Resident hire employees are not eligible for:

a. Medical benefits other than those indicated in 34M2e above, unless the resident hire qualifies as a dependent of a covered employee.

b. Coverage under the Civil Service Retirement, Group Life Insurance or Health Benefits programs, unless the employee converts from a covered position without a break in service of three days or less (see also 34F5 above).

c. The accrual and granting of home leave and home leave travel, except as provided in 34M2i above.

d. Rest and recuperation (R&R) travel, except as a dependent of a U.S. Government employee, or an AID participating agency employee who is eligible for travel (see Handbook 22).

e. Separation travel and transportation of effects unless the employee was converted from a regular FS appointment. In such cases, the actual departure of the employee and dependents, if applicable, and the transportation of all effects shall be effected within twelve months following conversion.

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f. Storage of household and personal effects unless the employee was converted from a regular FS appointment. In such cases, the employee is eligible for continued storage of effects for the balance of the initial tour, or if conversion is due to marriage to an employee of State/AID/ USIA, until the spouses's weight allowance is increased, whichever is earlier.

34N. Separation

1. Missions shall advise AID/W as soon as possible in advance of the anticipated termination of a resident hire employee and indicate if a replacement candidate has been identified. Except in emergency situations, a minimum of two weeks notice is required.

2. All resident hire employees are separated at post. The post sends the employee's letter of resignation, or statement from the head of the AID Mission or Office, that the resident hire employee's appointment has been or will be terminated, giving the reasons and the effective date. AID/W will issue the separation personnel action (SF-50).

3. A separation medical clearance, or waiver of a medical clearance, is not required upon separation from a resident hire appointment.

ATTACHMENTS:

Att. 34-1 Conditions of Employment - Resident Hire Employees Recruited at Post
Att. 34-2 Conditions of Employment - Employees Converted from a Regular Appointment

Supp. 34A American Family Member (AFM) Appointments
Supp. 34B Guide for Preparing Form SF-50; FSN/AFM Appointment
Supp. 34C Performance Appraisal Report, JF-57

ATTACHMENT A

CONDITIONS OF EMPLOYMENT
RESIDENT HIRE EMPLOYEES RECRUITED AT POST

In accepting appointment for employment with USAID/(Name of Post), I hereby understand and agree:

1. That my appointment is limited to the need of my services at this Mission and may be terminated when the need no longer exists, as determined by the Mission or by AID/W.

2. That I am not eligible for transfer to any other Mission.

3. That I am not entitled to any allowances or differentials, except Post Allowance and Danger Pay, if granted for the post.

4. That I will abide by the regulations of the Agency and in particular to the regulations relating to personal conduct and conflicts of interest. I have read and understand these regulations (attached).

5. I am not eligible for medical benefits, other than immunizations authorized for this post and use of the post health facilities, under the Health Benefits Program, except as a dependent of a covered employee.

6. I am not eligible for home leave travel or separation travel or storage of household or personal effects.

Signature:_____

Date:_____

Witnessed:

_____
Executive Officer or
Personnel Officer, as appropriate.

_____
(date)

ATTACHMENT B

CONDITIONS OF EMPLOYMENT
EMPLOYEES CONVERTED FROM A REGULAR APPOINTMENT

I, the undersigned Foreign Service employee of AID, understand and agree that:

1. My appointment as _____title, class_____ for duty at USAID/(Post)_____has been converted to resident status effective _____ because _____(reason)_____.

2. My resident appointment is limited to the need of my services at this post and may be terminated when the need no longer exists, as determined by the post or by AID/W.

3. I am not eligible for transfer to any other post as a resident employee.

4. Effective as of the date of conversion, I am no longer entitled to payment of any allowances or differential, except Post Allowance and Danger Pay, if granted for the post.

5. I am not eligible for Rest and Recuperation Travel except as a dependent of an employee who is eligible for such travel.

6. I am not eligible, for medical benefits, other than immunizations authorized for the post and use of the post health unit facilities, under the Health Benefits Program except as a dependent of a covered employee.

7. I may be eligible for the accrual and granting of Home Leave and Home Leave Travel only if I complete my original prescribed tour of duty and if I am authorized to return to this post for full-time duty as a resident employee.

8. If I elect to travel for home leave purposes under my own travel authorization, I am not eligible for travel as a dependent of my spouse when my spouse becomes eligible for home leave travel. (Use only when employee and spouse are both eligible for home leave travel at U.S. Government expense.)

9. If I am eligible for return travel to the United States for separation purposes, I must exercise this option within twelve months, or forfeit it.

10. I am eligible for continued storage of household and personal effects (a) for the balance of my initially prescribed tour or (b) until my spouses's weight allowance is increased because of a change in marital status, whichever is earlier. (Include item (b) only when resident employee and spouse are both employees of a U.S. Government agency.)

11. If I have reemployment rights to a Federal agency, I must exercise them within 30 days or forfeit them.

Signature_____

Date_____

Witnessed:

_____

Executive Officer or Personnel Officer
(Date)

Supplement 34A

# AMERICAN FAMILY MEMBER (AFM) APPOINTMENTS

## A. Purpose

This supplement sets forth the policies and procedures which govern the appointment of American Family Members (AFMs) to certain Foreign Service National (FSN) positions. While such appointments are governed largely by the Uniform Regulations (3 FAM 122.8), which comprise the bulk of this supplement, the AID-specific guidelines for processing AFMs are provided below. In addition, instructions for the preparation of the initial and subsequent personnel actions, including a sample appointment Notification of Personnel Action, SF-50, are included as Attachment 34A-1. The user should consult both these introductory paragraphs and the Uniform Regulations.

## B. Guidelines for Processing AFM Appointments

1. To nominate an FSN position for AFM staffing, the post must send to the Office of Human Resources Development and Management, Staffing and Career Development Division (FA/HRDM/SCD), two copies of the current FSN position description and must indicate the FSN classification (title and grade). After approval by FA/HRDM/SCD for AFM staffing, and classification of the position under the FS schedule by the Position Management and Classification Branch (FA/HRDM/PPM/PMC), the post will be notified by cable of the approved grade and salary levels. Upon receipt of such approval, the post may initiate recruitment for the position in accordance with the instructions set forth in the Uniform Regulations, Section 122.8-3d.

2. After selection of a candidate, the following information must be cabled to FA/HRDM/SCD:

(a) position description number,

(b) name of candidate,

(c) candidate's Social Security Number,

(d) candidate's medical clearance status, and

(e) date security forms were pouched to FA/HRDM/SCD (see Chapter 1E of Handbook 6, Security).

3. Upon notification by the Office of Security (IG/SEC) that security clearance has been issued, FA/HRDM/SCD will cable approval to appoint.

## C. Payrolling AFMs

1. Upon the appointment of an AFM, the following information and forms must be forwarded to the Employee Services Division, Office of Financial Management (FA/FM/P):

a. Notification of Personnel Action, SF-50, appointing the AFM;

b. A copy of FA/HRDM/SCD's cable approving the appointment;

c. Authorization for Deposit of Federal Recurring Payments, SF-1199A, if the employee's paycheck is to be sent to a financial organization by EFT/Direct Deposit;

d. Request by Employee for Allotment to a Savings Account with a Financial Organization, SF-1189, if applicable;

e. Federal, and as required, state tax withholding forms; and

f. Initial timecards.

2. The appointment SF-50 must reflect: Tenure Code "0", Appointment Type "42," and Work Schedule "1" or "2."

3. An AFM appointment does not qualify the appointee for coverage under the Foreign Service or Civil Service retirement systems, Federal Employees Group Life Insurance, or Federal Employee Health Benefits Program. However, if an appointee has previously served under a Federal civilian appointment with retirement or insurance coverage and has not had a break in service in excess of three calendar days or more from such appointment, coverage under the previous retirement and/or insurance may be continued during the AFM appointment. In such cases, the SF-50 should state in the remarks section, "No break in service," and what coverage was provided under the prior service. The necessary forms for coverage must be included with the appointment SF-50.

4. The envelope containing the above material should be addressed as follows:

FA/FM/P
SA-2, Room 403
Washington, DC 20523

5. After the initial timecards have been submitted as indicated in C1 above, subsequent timecards should be batched with the rest of the mission's timecards.

6. All within-grade, promotion, termination, or other action affecting the pay of an AFM must be documented with an SF-50, a copy of which must be forwarded to FA/FM/P.

7. Missions should report AFMs in the same manner as resident hires on the periodic "Pay-All" cables.

8. For FTE reporting, missions will not report FTE hours to FA/B/SB for AFMs on their foreign national cable. FTE hours for AFMs will be reported through the AID/W payroll system, since AFMs are included under the American direct-hire ceiling.

## 122.8 Temporary Appointment of American Family Members to Certain Foreign Service National Positions

*(TL:PER-2 5-4-84)*
*(Effective date: 6-24-84)*
*(Uniform State/AID/USIA/Commerce/Agriculture/Peace Corps)*

These regulations authorize the temporary appointment of American family members (AFM) of U.S. Government personnel assigned abroad to certain designated Foreign Service National (FSN) positions at a uniform, worldwide rate of pay. These positions, referred to as FSN/AFM, are paid at either a (1) salary rate under the Foreign Service Schedule or at a (2) salary rate under the Extended Foreign Service Schedule A-E if the duties and responsibilities of the positions are below those generally performed by Foreign Service personnel assigned to class 9 of the Foreign Service Schedule.

The goal of the FSN/AFM program is to provide maximum employment opportunities for American family members at Foreign Service posts, protect and safeguard the integrity of the FSN career service system, and to provide overseas posts with additional flexibility for the use of available family member skills and abilities when required to meet their ordinary and/or special staffing requirements for FSN positions.

### 122.8-1 Authority

Sections 311 and 407 of the Foreign Service Act of 1980, as amended, grant the authority to appoint and pay the salaries of employees covered by this regulation.

### 122.8-2 Definitions

As used in these regulations:

a. "FSN/AFM position" means a Foreign Service National position approved for temporary staffing by an American family member which is classified and paid under the Foreign Service Schedule or the Extended Foreign Service Schedule A-E and funded from the post's operating expense allotment.

b. "American family member" (AFM) or "family member" means a U.S. citizen dependent as defined in 6 FAM 117k, or child as defined in section 281(d) of the Standardized Regulations (Government Civilians, Foreign Areas), residing with a U.S. citizen Government employee or residing apart from the U.S. Government employee solely because the employing agency does not authorize family members to reside with the employee at the current post of assignment.

c. "Bureau" means the geographic regional bureaus, the Bureau of Administration, and the Bureau of International Organization Affairs for State; and each department or agency authorized under the Foreign Service Act of 1980, as amended.

d. "Bureau executive director" means the executive director of a bureau for State; the Chief, Overseas Personnel Division (M/PM/OS) of AID; the director of the appropriate Area Office or the Director of Personnel of the Bureau of Broadcasting, as appropriate, for USIA; the Director, Office of Foreign Service Personnel, U. S. and Foreign Commercial Service, for Commerce; the Chief, Foreign Service Operations of the Foreign Agricultural Service, or Chief, International Programs Management and Liaison Staff, Animal and Plant Health Inspection Service, respectively, for Agriculture; and the Director of Personnel Management, for Peace Corps.

e. "Extended Foreign Service Schedule A-E" means the five grades and salary rates established below class 9 of the Foreign Service Schedule for certain FSN/AFM positions where the duties and responsibilites of the FSN positions are of a more routine nature than are generally performed by Foreign Service personnel assigned to class 9.

f. "Post" means all overseas establishments of the foreign affairs agencies.

g. "Qualified family member" means an American family member who possesses the necessary knowledge, skills, and ability to perform the requirements of the position after a reasonable training period, if necessary, as determined by the appointing authority.

h. "When continuity over a long term is not a significant consideration" means that the incumbent of the position may be expected to perform the requirements of the positon, as determined by the hiring authority, after a reasonable training period and that the frequent turnover of employees appointed under the FSN/AFM program will not diminish post operating efficiency to any significant degree.

### 122.8-3 FSN/AFM Program Administration

The following offices within each foreign affairs agency shall administer the FSN/AFM program, as follows:

**a. Establish and Cancel FSN/AFM Positions**

(1) **State**: Bureau executive directors in consultation with the Office of Foreign Service National Personnel (PER/FSN);

(2) **AID**: The bureau executive director as defined in section 122.8-2d;

(3) **USIA**: The Area Office Director, in consultation with the Foreign Service National Personnel Staff (M/PFN) or the Director of Personnel, Bureau of Broadcasting, in consultation with appropriate office and/or division directors. Posts shall request telegraphic approval giving date FSN position is expected to become vacant, grade and title of position, and approximate duration of AFM appointment (followed by two copies of current FSN position description);

(4) **Commerce**: The bureau executive director as defined in Section 122.8-2d;

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(5) **Agriculture**: The respective bureau executive director as defined in section 122.8-2d;

(6) **Peace Corps**: The Director of Personnel Management with the concurrence of the Associate Director for Management and the Associate Director for International Operations.

**b. Grade Structure, Salary Schedule, and Position Classification**

(1) **Grade Structure**: The FSN/AFM grade structure includes a grade on the Foreign Service Schedule or the Extended Foreign Service Schedule A-E. The Extended Foreign Schedule is established by the Secretary of State in accordance with Section 407 of the Foreign Service Act of 1980, as amended. The Extended Foreign Service Schedule has 5 grade levels (A, B, C, D, and E) with 5 steps (1, 2, 3, 4, and 5) at each grade level. Grades A, B, C, and D, steps 1 through 5, correspond directly with General Schedule grades 4, 3, 2, and 1, steps 1 through 5, respectively. Grade E is linked to the U.S. minimum wage rate at step 1 and it also has 5 steps. (See 4 FAM 545 for actual salary rates.)

(2) **Salary Schedule**: Salary rates for the FSN/AFM grade structure are normally adjusted at the same time adjustments are made under the Pay Comparability System (5 U.S.C. 5301) for the Foreign Service and General Schedule salary rates or when the U.S. minimum wage rate is adjusted (5 CFR 551.301). The Extended Foreign Service Schedule is updated as necessary by the Department of State, the Office of Position and Pay Management (PER/PPM) and published in 4 FAM 545. FSN/AFM appointees are paid in U.S. dollars.

(3) **Agency Administration of Position Classification**: Authority to classify and set initial salary rates for FSN/AFM positions is as follows:

(a) **State**: The Office of Position and Pay Management (PER/PPM), Bureau of Personnel, sets the classification level and salary rate for the FSN/AFM position in consultation with the appropriate bureau executive director.

(b) **AID**: The Office of Position Management and Classification (M/PM/PMC) recommends the classification level and salary rate. If a mission does not follow M/PM/PMC's recommendation, the Chief, Overseas Personnel Division (M/PM/OS) must provide justification in a memorandum to the Director, Office of Personnel Management (M/PM/OD), with a copy to M/PM/PMC.

(c) **USIA**: Domestic Personnel Division (M/PDP) or the Office of Personnel, of the Bureau of Broadcasting (B/P) sets the classification level, step, and salary rate. Posts are required to submit a copy of selectee's SF-171 and any previous SF-50's, or cable pertinent data, to enable M/PDP or B/P to assign proper step and salary based on previous U.S. Government service.

(d) **Commerce**: The Office of Foreign Service Personnel, U.S. and Foreign Commercial Service, sets the classification level, step, and salary rate for FSN/AFM's.

(e) **Agriculture**: The respective bureau executive director (as defined in section 122.8-2d) determines the classification level, step, and salary rate.

(f) **Peace Corps**: The International Operations Division, Office of Personnel Management (M/PM), sets the grade level, step, and salary rate.

**c. Selection, Nomination, Approval, and Cancellation Procedures**

(1) While the goal of the FSN/AFM program is to staff overseas missions with the highest quality personnel available and to expand employment opportunities for family members of U.S. Government personnel assigned abroad, Foreign Service national employees shall not be removed or separated from a position to provide a vacancy for an American family member. Posts should carefully consider the positions they nominate. Only positions "when continuity over a long term is not a significant consideration" should be nominated. The use of positions which might have an adverse effect on the morale of Foreign Service national employees, supervisory positions and positions, which form progressive steps in a career ladder and could provide promotion opportunities to FSN employees should not be nominated. Where any vacant FSN position exists which does not require long-term continuity (even positions at the more senior and supervisory levels) for which the mission cannot find qualified host country nationals and therefore, would consider a third country national (TCN) employee, a qualified American family member must be considered before the employment of a TCN (see section 927.2).

(2) To nominate a FSN position for AFM staffing, the post sends two copies of the current FSN position description to the appropriate approving authority listed in section 122.8-3.

**d. Recruitment Requirements**

(1) FSN/AFM positions must be publicized for at least 2 weeks so that all family members have the opportunity to apply for the position. Announcements should include the basic requirements for the position as described in the position description and any conditions which might limit eligibility for applicants.

(2) Employment committees must be established to review applications systematically, (a) to screen out unqualified applicants, (b) to identify the best qualified candidates, and (c) to make recommendations for final hiring to the head of the overseas hiring agency. The employment committee may include representatives from participating agencies, the administrative or personnel officer, and the office in which the American family member employee would work. Applicants must submit Form SF-171, Application for Federal Employment, and any other documentation the Employment Committee may require to identify the best qualified applicant.

(3) The following steps shall be taken to prevent nepotism (5 U.S.C. 3110) and the appearance of or actual conflict of interest in the employment process:

(a) Selection of applicants must be based solely on their qualifications to meet the requirements of the position;

(b) Selection or recommendation for selection must be made by an official who does not have family members among the applicants;

(c) All employees must refrain from any action which can be construed as recommending particular candidates;

(d) Written records must be kept on each step of the employment process: recruitment announcement, list of applicants and qualifications, and the basis for selection. These records may be destroyed after 3 years; and

(e) For State, particular attention also is drawn to sections 141.6b and 141.6c; for AID, see Handbook 25, chapter 6; for USIA, see MOA V-B 580.

**e. Employment Requirements**

(1) Applicant must be a U.S. citizen and an American family member. Non-U.S. citizen family members are not eligible for this program but may apply for Foreign Service National positions according to section 920;

(2) Status as a veteran or disabled veteran shall be considered an affirmative factor required by section 301(c) of the Foreign Service Act of 1980, as amended;

(3) The same medical examination is required as established under post policy for FSN employees if the applicant is not covered as a dependent under the Department of State's medical program;

(4) Applicants are subject to security investigation and clearance;

(5) Applicants are subject to queries by posts to enable posts to determine qualifications or skills proficiency needed to meet the position's requirements;

(6) The provisions of section 141.6d which preclude employment of a family member in a position which is under the general supervision of another family member, except under the conditions outlined, are applicable. (See Handbook 25, chapter 6, for AID; and MOA V-B 580 for USIA); and

(7) The provisions of section 922.4e which preclude FSN employees of AID from supervising U.S. citizen employees, on a regular basis, are applicable. Requests for waiver will be considered, however, and should be submitted through the Director of Personnel Management, Agency for International Development, Washington, D.C. 20523.

**f. Limiting Conditions**

(1) FSN/AFM appointments are not career appointments; they are temporary appointments not to exceed 52 weeks. However, the bureau executive director listed in section 122.8-2d may approve an additional and final 52-week reappointment based on the post's Employment Committee certification, after the position has been advertised for 2 weeks, and if other family members do not meet the qualifications required or are not available to fill the position. In exceptional cases, where such extensive training is involved that the FSN/AFM employee does not reach the full performance level until well into the period of appointment, the supervisor may request in writing that the Post Employment Committee recommend the rehiring of the appointee for a second year. The Committee must assure that (1) the duties are of sufficient difficulty that the time required to train a new employee would adversely affect the office's operations, and (2) that no applicant for the position has the appropriate experience.

(2) Appointments are terminated on expiration of the 52 weeks limitation unless a reappointment is authorized by the bureau executive director (see section 122.8-2d) or on the transfer or separation of the U.S. Government employee assigned to the post. Appointments may be terminated sooner if the services of the appointee are no longer required, if the American family member fails to perform the duties satisfactorily, or if there is misconduct on the part of the American family member.

(3) Applicable U.S. labor laws and standard agency practices in filling FSN positions should be observed, e.g. minimum age requirements.

(4) Official travel authorized is limited to TDY travel required by the post, bureau, or agency.

## 122.8-4 Appointment Procedures

Posts may take action to appoint a FSN/AFM applicant only after (1) receiving cable approval for AFM staffing from the bureau executive director (see section 122.8-2d); (2) receiving notification of the appropriate grade and salary level for the position; (3) appropriate review by the post's employment committee; (4) satisfactory completion of preemployment medical examination, if required; and (5) the requisite approval of the appropriate security office.

**a. Documentation**

(1) The following forms are completed: (a) SF-50, Notification of Personnel Action; (b) SF-61, Appointment Affidavit; (c) SF-61B, Declaration of Appointee; (d) SF-144, Statement of Prior Federal and Military Service; and (e) for State only, the Forms listed in section 122.5-3b.

(2) A copy of the cable approving the appointment should be attached to the SF-50 and sent to the payrolling office to support the action.

**b. Official Personnel Folders**

In all cases, the current or most recent employing agency is responsible for maintaining and retiring the Official Personnel Folder (OPF) of an FSN/AFM employee by the agency's established procedures.

(1) **State**: The OPF is established and maintained in the Personnel Records Branch (PER/MGT/RR/P), Bureau of Personnel, Department of State. All personnel information initiated at post must be sent to the bureau executive director (see section 122.8-2d) for distribution. The bureau executive director forwards to PER/MGT/RR/P the forms listed in section 122.8-4a and performance evaluations for the OPF. The OPF is held for 1 year in the Branch after termination of the appointment. If the employee receives another appointment within 1 year's time, the OPF becomes an active folder and remains in PER/MGT/RR/P. Otherwise, the OPF is transferred to the National Personnel Records Center (NPRC) in St. Louis after 1 year.

(2) **AID**: The OPF is established and maintained at post for a period not to exceed 2 years following the employee's departure from post. The post will transfer the OPF directly to the National Personnel Records Center in St. Louis.

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(3) **USIA**: Upon appointment, the post Personnel Office establishes an OPF or, in the case of an employee who has had prior service, shall request the OPF from the Transactions, Records, and Reports Staff (M/PDST), or the Office of Personnel, of the Bureau of Broadcasting (B/P) of USIA, or from the appropriate personnel records office in the case of previous appointments with other agencies. The OPF is maintained at post until the employee's permanent departure from post. At that time, the post sends the OPF, to the Transactions, Records, and Reports Staff (M/PDST) or the Office of Personnel, of the Bureau of Broadcasting (B/P) in USIA where it will be held for 1 year. If the employee receives another appointment within 1 year's time, the OPF is transferred to the post of the new appointment. Otherwise, the OPF is transferred to the National Personnel Records Center in St. Louis after 1 year. All requests for previously established OPF's should be made directly to M/PDST or B/P, as appropriate.

(4) **Commerce**: The OPF is established and maintained at post until the employee's permanent departure from post. The post then forwards the OPF to the Records Office, Foreign Commercial Service, Washington, D.C. 20230.

(5) **Agriculture**: The OPF is established and maintained at post. Copies of all personnel information initiated at post must be sent to the respective bureau executive director (see section 122.8-2d) in Washington, D.C. The post forwards the OPF to the NPRC in St. Louis 1 year after termination of employment.

(6) **Peace Corps**: The OPF is established and maintained at post until employee's permanent departure from post. The post then forwards the OPF to the Records Section, Peace Corps, Washington, D.C. 20526.

**c. Termination of Appointment**

The post shall advise the bureau executive director (see section 122.8-2d) by cable and will issue an SF-50 on the expiration date authorized for the appointment or at the actual termination of the appointment, whichever is earlier.

**d. Applicable Regulations**

The provisions of sections 621, 622, 628, 630, 640, 650 (State and AID only; for USIA, MOA V-B 513), and 660 are also applicable to FSN/AFM appointments and/or appointees.

## 122.8-5 Performance Evaluation

Performance of U.S. citizens employed abroad on an FSN/AFM appointment will be evaluated on Form JF-57, Performance Appraisal Report, consistent with the instructions on the form. The report should be prepared in an original with one copy. The original should be placed in the employee's Official Personnel Folder; the employee receives the copy.

## 122.8-6 Compensation

a. Salary received is subject to Federal withholding tax, social security tax, Medicare, and any other taxes required by U.S. Federal and state laws or regulations.

b. The salary for the FSN/AFM position will normally be set at step 1 of the grade. However, the office authorized to set the classification level and salary step rates [see section 122.8-3b(3)], may take into consideration the appointee's highest previous rate when determining the rate at which the FSN/AFM is to be appointed. Their consideration will be based upon a properly documented U.S. Government personnel action (posts must submit proper documentation to authorizing office prior to the effective date of appointment) indicating that the appointee served at least 90 consecutive days in the same or closely related occupational series.

c. In some circumstances, a step rate higher than step 1 must be granted upon appointment to the FSN/AFM program. If there is not a break in service of more than 52 weeks, prior civilian Federal service including service abroad as an FSN/AFM employee, as a PIT employee (section 122.7), as a USIA resident secretary, or under a Foreign Service limited appointment of more than 1 year (section 122.6b) shall count toward the waiting period for advancement to the next higher step. The previous regular hours worked abroad under one of these programs, for which there is a record of satisfactory or better performance, shall count as creditable service for step purposes on the basis of 2087 hours equating to 1 year's work. The maximum period that may be counted is 1 year unless, after taking into consideration the highest previous rate the appointment would be to steps 10 through 13 of the Foreign Service Schedule. In that case, the maximum period that may be counted is 2 years. (For further information on waiting periods, see section 222 for State and MOA V-B 235 for USIA.)

d. For FSN/AFM appointments to the regular Foreign Service Schedule, within-grade increases to the next higher salary rate within the position's grade level are authorized upon completion of satisfactory service of: 52 calendar weeks for steps 1 through 9; and 104 calendar weeks of service in steps 10 through 13, based exclusively on qualifying period(s) of service by the appointee at the same grade and step in an appointment under this program, or other limited appointments at overseas posts.

e. For FSN/AFM appointments to the Extended Foreign Service Schedule A-E, within-grade increases to the next higher salary rate within the position's grade level are authorized upon completion of satisfactory service of 52 calendar weeks of service in steps 1 through 4, based exclusively on qualifying period(s) of service by the appointee at the same grade and step in an appointment under this program, or other limited appointments at overseas posts which, because

of their temporary nature preclude eligibility for within-grade increases granted other U. S. Government employees. Any creditable service granted for the waiting period towards the next within-grade increase must be documented and submitted to the approving office for a qualifying determination.

f. Form SF-50 is issued by the post to authorize within-grade increases.

g. Premium compensation as outlined in section 230, including overtime pay and regular compensatory time off for which eligible is authorized.

### 122.8-7 Benefits

a. FSN/AFM appointments do not qualify the appointee for coverage under the Foreign Service or Civil Service Disability and Retirement Systems, Federal Group Life Insurance (FEGLI), Federal Employee Health Benefits Program (FEHBP), participation in the State Department's Medical Program (except as stated in paragraph d below), or any allowances authorized in the Standardized Regulations (Government Civilians, Foreign Areas) or any local compensation plan at post. If an FSN/AFM appointee has previously served in Federal civilian appointments with retirement or insurance coverage and has not had a break in service of 3 days or more from such an appointment, coverage under the previous retirement and/or insurance may be continued during the FSN/AFM appointment.

b. FSN/AFM appointments do not affect any benefits the appointee is currently authorized or entitled to as a dependent of a U.S. Government employee.

c. Leave benefits of sections 420, 430, 440, 460, 465, and 470 are authorized.

d. Immunizations and use of the post health unit facilities are authorized.

e. Compensation for disability or death resulting from work injuries or compensation for medical services and other benefits for work injuries may be applicable under the Federal Employees' Compensation Act (5 U.S.C. 8101 et. seq.).

### 122.8-8 Security Clearances

The following procedures are necessary to safeguard classified information at posts:

a. **State/Commerce/Agriculture/Peace Corps**: Posts **must obtain the approval of the responsible security officer before appointing the candidate selected to fill the FSN/AFM position. Initially, appointees shall not be allowed access to classified materials or information but, with the approval and authorization of the responsible security officer, may be granted access to administratively controlled materials (LIMITED OFFICAL USE). A SECRET access clearance may be requested by the post for the FSN/AFM employee on a need-to-know basis only. Such requests shall be submitted to the bureau executive director (see section I22.8-2d). It should be understood that additional time will be required by the bureau executive director (see section I22.8-2d) to obtain this SECRET access clearance.**

(This does not authorize the American family member to perform routine duties which involve the handling of classified materials; however, the American family member may be temporarily reassigned to duties which involve the handling of classified material provided the temporary detail of such an employee is reviewed every 90 days with the certification by the post that the detail is critical to the continued operation of that element of the mission. The appropriate bureau executive director (see section I22.8-2d) must be informed of the total length of time it anticipates that such access will be required, and the Office of Security determines what type of investigation is necessary based upon this information.)

b. **AID**: Clearances for FSN/AFM appointees are processed by the Office of Security (IG/SEC) under AID Handbook 6, Chapter 1. Questions about security clearances should be referred to IG/SEC through the USAID Executive or Management Office.

c. **USIA**: The scope of investigative processing for FSN/AFM appointees is determined by the Office of Security of USIA. When an applicant is selected, but prior to appointment, the following information must be submitted to the Area Office or to the Office of Personnel, of the Bureau of Broadcasting (B/P); (1) the full name (including maiden name, if applicable), grade, position title, and one copy of SF-86 (in an emergency, post may cable items 1-8 of SF-86 plus Social Security number followed by pouch submission of SF-86); (2) full name, Social Security number, and date and place of birth of sponsor (U.S. Government employee); (3) sponsor's employing agency and name of department or agency which conducted the investigation on the sponsor. If sponsor has never been investigated, a National Agency Check and Inquiries (NAC&I) on applicant is conducted prior to appointment. (This takes USIA's Office of Security (M/S) about 32 days.) M/S's **minimum** clearance is National Agency Check (NAC) **and** confirmation of sponsor's security investigation. Approximate time required by M/S for this is 1 week.

Non-critical sensitive clearance giving access up to and including SECRET is granted for 1 year. If extension is required, M/S must be notified 30 days in advance. Clearance will be revalidated for the duration of the extension approved by the appropriate Area Office, or the Office of Personnel, of the Bureau of Broadcasting (B/P). The Area Office or B/P will cable security clearance to post. Questions on security matters about the program and security clearances should be referred to M/S through the appropriate Area Office or B/P.

This does not authorize the American family member to perform duties which involve the handling of classified material; however, under exceptional circumstances and with the prior approval of the Area Director and M/PFN or B/P, as appropriate, the American family member may be temporarily reassigned to duties which involve the handling of classified material for a period not to exceed 60 days. Post's request for approval must contain justification and duration of detail. The Area Office or B/P will obtain M/S concurrence. No extensions will be granted.

### 122.8-9 Problem Areas

Posts which are concerned that implementation of the FSN/AFM program will create compensation problems, taxation complications, host government difficulties, American employee or FSN employee morale problems, etc., should report their findings to the appropriate bureau executive director (see section I22.8-2d).

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SUPPLEMENT 34B

Guide for Preparing Form SF-50:
FSN/AFM Appointment

ITEM #1: Enter full name by which employee is known or designated in capital letters in following order:

SURNAME, FIRST NAME OR INITIAL, MIDDLE NAME(S) OR INITIAL(S).

NOTE: If employee has no middle name or initial, enter "NMN." Titles such as Mr., Mrs., Miss, Dr., etc. should not be used on SF-50. An employee's name should be shown consistently and identically on all U.S. Federal employment and pay records.

When documenting a name change, show employee's new name in Item 1. Show former name in Item 18B; for example, (780 Name Change from _____ ).
(Previous Name)

ITEM #2: Enter U.S. Social Security Number.

ITEM #3: Make no entry.

ITEM #4: Enter month, day, and year of birth in six numerals, for example, "09-15-60," for September 15, 1960.

ITEM #5: Enter appropriate one digit code.

ITEM #6: Enter month, day, and year in six numerals, for example, "10-02-65," for October 2, 1965.

ITEM #7: Enter "O" for all AFMs.

ITEM #8: Enter the number shown in this item which indicates the retirement system to which deductions from the employee's pay are credited. See 3 FAM, Sec 122.8-7.

ITEM #9: Enter "A" (ineligible) for all AFMs except as noted in 3 FAM, Sec 122.8-7.

ITEM #10: Enter "E" for all AFMs.

ITEM #11: Enter "F" for female or "M" for male.

ITEM #12: Enter "1". All AFMs must be U.S. citizens.

ITEM #13: Make no entry.

ITEM #14: Enter the month, day, and year in six numerals, for example, "01-03-80" for January 3, 1980.

ITEM #15: Enter "9" for all AFMs except: Enter "1" if AFM is a reemployed CSR annuitant.

ITEM #16: Enter "F" for full-time, "P" for part-time.

ITEM #17: Make no entry.

ITEM #18A: Enter one appropriate Nature of Action Code.

ITEM #18B: Enter one appropriate Nature of Action.

ITEM #18C: Enter "ZLM" in all cases of AFMs.

ITEM #18D: Enter Sec. 311 of FS Act of 1980.

ITEM #18E and 18F: Make no entry.

ITEM #19A through 19F: Make no entry.

NOTE. Normally, items 19 through 26 are not completed on Appointment and Name Change actions. If the AFM is being appointed without a break in USG service, make appropriate notation in "Remarks."

ITEMS #20 through 26: Make no entry.

ITEM #27: Position title and number to which employee assigned.

ITEM #28: Enter full name of unit (if applicable) and name of section or division to which AFM is newly assigned. Enter geographic location of present employing office if it differs from entry in Block 34.

NOTE: Items 27 through 33 must be completed for all actions except separations which are not immediately followed by appointment in another USG agency without break-in-service, and when an employee is entering a period of non-pay status and return to pay status is anticipated.

ITEM #29: Enter "AF".

ITEMS #30 through 33: Enter appropriate data.

ITEM #34: Enter city and country or city and locality where AFM is employed.

ITEM #35: Enter numeral "2" in all cases.

ITEM #36: Enter appropriation and allotment codes supplied by funding office of employing agency.

ITEM #37: See Sample SF-50 provided for required standard remarks.

ITEMS #38A, 38B, and 38C: Must be completed on all actions.

ITEM #39: Enter agency codes in Block I, as appropriate: Dept. of Agriculture, AG OO; Commerce, CM OO; State, ST OO; USIA, IB OO; AID, AM OO; Library of Congress, LC OO; Justice, DJ OO; Defense, DD OO; Action, KG OO; Health and Human Services, HE OO; Treasury, TR OO.

Enter location code in Block 39J.

Make no entry in 39A, B, C, D, E, F, G, H, K, or N through Q.

ITEM #40: Enter full name of employing Agency.

Standard Form 50 - B
Rev. January 1982
US Office of Personnel Management
FPM Chapter 296

# NOTIFICATION OF PERSONNEL ACTION

SUPPLEMENT 34B

| | | | |
|---|---|---|---|
| 1. Name (Last, First, Middle): Zero, Penelope W. | 2. SSN: Fill in | 3. Position Sensitivity (Opt.) | 4. Date of Birth: Fill in |
| 5. Veteran Preference: 1–None, 2–5 Pt., 3–10 Pt. Disab., 4–10 Pt. Comp., 5–10 Pt. Other, 6–10 Pt./30% Comp. | 6. Serv. Comp. Date (Leave): Fill in | 7. Tenure: 0 | 8. Retirement: 1-CS, 2-FICA, 3-FS, 4-None, 5-Other, 6-CS Spec |
| 9. FEGLI: A | 10. FLSA: E (E-Exempt, N-Nonexempt) | 11. Sex: F | 12. Citizenship: 1 (1-US, 8-Other); 13. Comp. Level (Opt.) |
| 14. Effective Date: 01/25/85 | 15. Annuitant Indicator: 1-Reempl Ann-CS, 2-RETO, 3-RETM, 4-RETO & CS, 5-RETM & CS, 9-Not Applicable | 16. Work Schedule: F (F–Full-time, P–Part-time, I–Intermittent, G–FT Seasonal, Q–PT Seasonal, J–INT Seasonal) | 17. (Reserved for OPM Use) |
| 18-A. NOAC: 171 | 18-B. Nature of Action: EXC APPT NTE 52 Weeks | 19-A. NOAC: | 19-B. Nature of Action: |
| 18-C. Auth Code: ZLM | 18-D. Authority: Secs. 311 of FSA 1980 | 19-C. Auth Code: | 19-D. Authority: |
| 18-E. Auth Code: | 18-F. Authority: | 19-E. Auth Code: | 19-F. Authority: |
| 20. FROM: Position Title and Number: | | 27. To: Position Title and Number: Payroll Clerk 312801 | |
| 21. Name and Location of Employing Office: | | 28. Name and Location of Employing Office: USAID/Ulan Bator Outer Mongolia | |

| 22. Pay Plan & Occupational Code | 23. Grade or Level | 24. Step or Rate | 25. Salary | 26. Pay Basis | 29. Pay Plan & Occupational Code | 30. Grade or Level | 31. Step or Rate | 32. Salary | 33. Pay Basis |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | AF | AA | 1 | $12,427 | P.A. |

| | | |
|---|---|---|
| 34. Duty Station: Ulan Bator, Outer Mongolia | 35. Position Occupied: 2 (1-Competitive, 2-Excepted, 3-SES General, 4-SES Career Reserved) | 36. Appropriation Code (Optional): 1940113, 4A4127 |

37. Remarks

Appointment Type 42
Temporary Appointment NTE 52 Weeks
Mrs. Zero is being appointed under the Foreign Service National/American Family Member Program effective 01/25/85.
Authorization STATE _____ (Copy Attached)
Ineligible for Health Benefits (if applicable). Not Eligible for Post Differential or Quarters Allowance.
Not authorized return travel or transportation to the United States at USG expense by virtue of this appointment. Employee has received a copy of Chapter 2, Handbook 24, Employee Responsibilities and Conduct.

| | | | | | |
|---|---|---|---|---|---|
| 38. Approval | | 39. FPMIS Data | | | |
| A. Title of Approving Official: Personnel Officer | B. Date: 01/26/85 | A. Supv. or Nonsupv. Ind. | B. VEV IND | C. PRD | D. Barg. Unit Status / E. Functional Class |
| C. Signature/Authentication of Approving Official | | F. Ed. Level | G. Year Degree Attained | H. Academic Discipline | I. Agency Code: Fill in |
| | | J. Location Code: Fill in | | | K. SON |
| 40. Employing Department or Agency: U.S. Agency for International Development | | | N. | O. | P / Q. |

5 Part — 1 - Employee Copy

Previous Editions Unusable After 12/31/81
NSN 7540-01-110-4907

# NOTICE TO EMPLOYEE

SUPPLEMENT 34B

**KEEP THIS DOCUMENT FOR YOUR RECORDS. IT IS YOUR COPY OF THE OFFICIAL RECORD OF A PERSONNEL ACTION AFFECTING YOUR EMPLOYMENT. PROMPTLY CALL ANY ERROR TO THE ATTENTION OF YOUR SUPERVISOR OR YOUR PERSONNEL OFFICE.**

## I. Conditions Pertinent To All Types of Personnel Actions

The personnel action identified on the face of this form is subject to all applicable laws, rules and regulations governing Federal employment and may be subject to investigation and approval by the U.S. Office of Personnel Management. The action may be corrected or canceled if not in accordance with all legal requirements, or if based upon your misrepresentation or fraud.

*In addition,* the grade of the position to which you are officially assigned may be reviewed and corrected by your agency personnel office, or by the U.S. Office of Personnel Management.

Items 8 and 9 show common types of payroll deductions: "FEGLI" for Federal Employees Group Life Insurance, "CS" for Civil Service Retirement, "FICA" for Social Security, and "FS" for Foreign Service. Additional deductions may be made under the Federal Employees Health Benefits Program, and for income taxes, bonds, and other purposes authorized by law.

## II. Information About Appointments

*Appointments to positions in the competitive service:* The Civil Service Act places most positions in the "competitive service." The U.S. Office of Personnel Management sets qualification requirements and controls recruitment for such positions. As a general rule, persons selected from civil service registers to fill continuing jobs in the competitive service are given career-conditional appointments. Such appointments are secured through direct competition with other members of the general public seeking similar work in Government agencies, and permit qualified employees to be assigned without further competitive examination to other jobs in the competitive service. Career-conditional appointments become career appointments upon completion of 3 years of substantially continuous creditable service.

The first year following a nontemporary competitive appointment generally is a probationary period during which an appointee must demonstrate full competence and fitness for Federal employment. Reinstatements are also subject to a probationary period unless one was previously completed. Transfers, promotions, changes to lower grade, and reassignments during a probationary period are subject to completion of probation.

Temporary appointments do not confer a civil service status and do not lead to a career or career-conditional appointment without some further examination or qualification. Limited temporary appointments are made when there is no continuing need for a person's service, regardless of the manner in which he or she qualified for appointment; acceptance of such appointment will not remove a person's name from a civil service register on which he or she may later be reached for career-conditional appointment.

*Appointments to positions in the excepted service.* Excepted appointments are made to positions which are excepted from the competitive service by law or other special authority. Generally the employing agency sets qualification requirements and conducts recruitment for such positions. Such appointments do not confer a competitive civil service status or eligibility for movement to jobs in the competitive service; they may be made without restrictions on tenure, with a conditional or indefinite limitation, or with a definite time limitation. A trial period may be required at the discretion of the employing office.

*Appointment to positions in the Senior Executive Service (SES).* SES appointments are made to executive positions with managerial, supervisory, or policy functions. Initial SES career appointments are obtained through competition with other civil service employees, or civil service employees and members of the general public. The first year of an initial SES career appointment is a probationary period, during which the appointee must demonstrate full competence and fitness for such employment.

SES noncareer and limited appointments do not confer competitive civil service status or lead to SES career appointments.

## III. Information About Tenure Groups

Employees are ranked in tenure groups according to the nature of their appointment: those with unrestricted tenure are placed in Group 1; those serving under conditional appointments which automatically lead to full tenure after a prescribed time and without further qualification are placed in Group 2; and those serving under temporary or indefinite appointments not limited to an exact time or date are placed in Group 3. Within each tenure group, ranking is determined by veteran preference, performance rating, and total Federal service. If it should become necessary to reduce force, employees are selected for separation or change to lower grade according to the general ranking. Employees serving under competitive appointments and those serving under excepted appointments are ranked separately for reduction in force purposes.

Tenure group as used for reduction in force purposes does not apply to the Senior Executive Service. Code 0 may be shown in the tenure group block for these employees.

## IV. Information About Your Status After Separation

If you are separated or placed in a nonpay status for an extended period, your employing agency will furnish you with Standard Form 8 explaining your rights for unemployment insurance benefits. If you were covered by the Civil Service Retirement System or Federal Employees Group Life Insurance, you have previously been furnished certificates describing these programs. Such certificates have information regarding your rights and possible benefits after separation.

If you are separated from a career or career-conditional appointment, you may have reinstatement eligibility and may apply directly to any Federal activity and may be employed without further competitive examination. If you are a nonveteran and you are separated from a career-conditional appointment your eligibility for reinstatement is generally limited to 3 years from the date of separation. If you are separated from a temporary or excepted appointment; you have no reinstatement privileges based upon such service.

If you are separated from an SES career appointment, you may have reinstatement eligibility to the SES. You should apply directly to any Federal activity. If you are separated from an SES noncareer or limited appointment, you have no reinstatement privileges based upon such service.

You will be given any lump sum payment that may be due you for annual leave at the time of separation. Refund of an appropriate portion of this payment will be required if you are reemployed in a Federal agency in a position under the same leave system during the period covered by such payment.

## V. Availability of Further Information

Consult your supervisor if you have questions about the above statements or the entries on the front of this form, or about other matters concerning your employment. This is particularly important on questions involving granting of leave, assignment of duties, and hours of work which are generally under the supervisor's control. If your questions are technical, your supervisor may refer you to your personnel office, which will have copies of controlling civil service regulations, as well as your individual records, and so can best explain how they apply in your case.

☆ U.S. GOVERNMENT PRINTING OFFICE: 1982 354-767

NATURE OF ACTION CODES (NOACs) AND REMARKS WHICH MAY BE APPLICABLE TO FSN/AFM PERSONNEL ACTIONS

| | |
|---|---|
| NOAC: 171 EXC APPT NTE ******* | REMARKS: Ineligible for Health Benefits. Not eligible for Post Differential or Quarters Allowance. Not Authorized Return Travel or Transportation to the United States at USG expense by virtue of this appointment. Employee has received a copy of Chapter 2, Handbook 24, Employee Responsibilities and Conduct. |
| 001A Cancellation<br>002A Correction | |
| 292 Return to Duty | Employee has been on LWOP since ********** (Date) |
| 317 Resignation | Employee gave no reason for resignation; no other information available. Or, Resigned to Return to School. Or, Resigned to Accept Employment with Private Industry. |
| 355 Termination<br>EXP of Appt | 1. Name of Employee<br>2. U.S. Citizen<br>3. U.S. $12,427 (or other currency)<br>4. Lump Sum annual Leave payment authorized for _____ hours.<br>5. Mailing address ********* |
| 460 LWOP NTE ********* | In accordance with HB ____Chapter___Sec. ____ |
| 721 Reassignment | |
| 773 Ext of LWOP NTE | |

| | |
|---|---|
| 780 Name Change From **** | (Event permitting change; i.e. date of marriage, or divorce or other legal action). |
| 892 Quality Increase | Approved by the Joint Country Awards Committee on (Month, Day, Year). |
| 893 Within Grade Increase | (If appointment is to regular Foreign Service Schedule) |
| 894 Pay Adjustment | Salary rate(s) reflects pay adjustment authorized by Executive Order -----, dated (month, day, year) effective (month, day, year) |

AUTHORITY CODE FOR ALL FSN/AFM
PERSONNEL ACTIONS IS "ZLM"

# Performance Appraisal Report
# JF-57
# Instructions for Preparation

Foreign affairs agencies should use Form JF-57 in evaluating the performance of U.S. citizens employed overseas in part-time, intermittent, or temporary (PIT) positions under agency-only regulations, or in American Family Member positions under 3 FAM 123. The form also should be used for USAID resident hires at the FS-9 level and for USIA resident secretaries. Posts should consult the Agricultural Foreign Affairs Manual (3 FAM 123) regarding evaluations of USDA U.S. resident secretaries.

Evaluations should be prepared at least annually with the employee's date of appointment to the position establishing the beginning of the annual cycle. When an individual's responsibilities change substantially, the rating officer should prepare separate reports for each period of activity. Evaluations should be completed within 15 working days of the completion of an annual cycle or the termination of a particular set of duties, including separation. An evaluation should be prepared for all periods of employment; however, for employment periods of less than 90 days, rating officers may omit any narrative portions of the form and merely indicate whether the performance was satisfactory by checking the appropriate box in Part III. This completed form will serve as evidence of a family member's satisfactory performance in a temporary overseas position for purposes of eligibility for noncompetitive appointment to a Civil Service competitive service position under the terms of E.O. 12362 of May 12, 1982.

Appraisals should be prepared by the immediate or principal supervisor of the rated employee and reviewed by the next appropriate officer in the line of supervision. Supervisors should consult periodically with employees to discuss performance and possible areas for improvement. The rating officer must make a qualitative statement about the rated employee's work, focusing on the Principal Responsibilities of the Position, Part II of Form JF-57. This narrative should be consistent with the overall rating given and should include specific examples of accomplishments and shortcomings. The report must not include any inadmissible comments as described in 3 FAM 527 (State); instructions issued annually by USAID for the USAID Foreign Service Employee Evaluation Report (EER); MOA-V-B 454.5, where relevant for USIA; or other agency regulations.

A reviewing statement is required if an unsatisfactory rating is given, or if the rating officer is not a U.S. citizen employee. Reviewing statements are encouraged for all reports covering periods of 90 days or more. Reviewing statements should always be prepared by a U.S. citizen officer. All reports covering periods of more than 90 days should be reviewed for specific examples of performance and the absence of inadmissible material by a special post review committee, or, for State personnel, the regular post review panel. Special review committees should have at least three members and ideally would compare in composition to the post employment committee.

Employees are encouraged to add their own comments in Part VI. This statement should include an appraisal of their more significant accomplishments during the rating period and aspects of their performance which they believe should be highlighted or which are not addressed to their satisfaction by the rater or reviewer. Employees may use additional pages as necessary.

The report should be prepared in an original with one copy. The original should be placed in the employee's official personnel folder; the employee receives the copy. Employees are urged to retain their personal copies, which serve to document satisfactory overseas employment.

# FOREIGN AFFAIRS AGENCIES PERFORMANCE APPRAISAL REPORT FOR OVERSEAS TEMPORARY RESIDENT AND AMERICAN FAMILY MEMBER EMPLOYEES

UNITED STATES DEPARTMENT OF STATE
UNITED STATES INFORMATION AGENCY
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT
FOREIGN COMMERCIAL SERVICE
FOREIGN AGRICULTURAL SERVICE

| | |
|---|---|
| NAME OF EMPLOYEE | |
| SOCIAL SECURITY NO. | |
| POST OR ORGANIZATION | POSITION NO. AND GRADE |
| RATER<br>TITLE: CLASS: | FUNCTIONAL TITLE |
| REVIEWER<br>TITLE: CLASS: | PERIOD COVERED<br>From: To: |

## I. Employee's Job

State briefly where the position fits in the staffing pattern and the nature of any supervisory responsibilities.

## II. Principal Responsibilities of the Position

Responsibilities should be listed in priority order.

## III. Performance of Responsibilities

Check box that most nearly exemplifies overall rating.

☐ Unsatisfactory ☐ Satisfactory ☐ Excellent ☐ Outstanding

Discussion of work performance.

## IV. Potential for Assuming Greater Responsibility and Suitability for Future Government Employment

## V. Reviewing Officer's Statement

## VI. Employee's Statement

| | |
|---|---|
| Signature of Rating Officer | Signature of Rated Employee |
| Signature of Reviewing Officer | Date Report Completed |

## VII. Post Review Committee Statement
**(To be completed by the Special Post Review Committee or, for State personnel, by the regular Post Review Panel)**

**Example of Performance:** Specific examples have been provided to support the ratings given the employee. _____ (Check for yes; if not, return to rater for rewrite.)

**Certification:** This report has been prepared according to the regulations and contains no inadmissible material

| | |
|---|---|
| Date | Signature(s) of Committee of Panel Chairperson or members |

# CHAPTER 35

# FOREIGN SERVICE APPOINTMENTS

## 35A. Purpose

This Chapter sets forth the policies, responsibilities, requirements and conditions for the appointment of certain categories of employees in the Agency's Foreign Service.

## 35B. Applicability

This Chapter applies all U.S. citizens appointed to the Agency's Foreign Service except Resident Hires, Senior Foreign Service and executive employees, Foreign Service Nationals, consultants and experts.

## 35C. Authorities and References

1. Foreign Assistance Act of 1946, as amended, Section 412, 413.
2. Foreign Service Act of 1980, as amended, Section 302(a), 303, 308(b), 310, 402, 403, 611, 904, 2301.
3. 5 U.S.C. 2108(3), 2302
4. 22 U.S.C. 3941
5. Executive Order 10450, as amended (April 27, 1953)
6. 3 FAM 125.5, Foreign Service Annuitants; 126.6, Civil Service Annuitants

## 35D. Responsibilities

1. Administrator, A/AID

a. Approves career appointments of commissioned FS officers.

b. Approves all FS appointments other than those covered by the FSA, Section 302(a).

c. Prescribes regulations governing FS appointments.

d. Terminates, at any time, the appointment of an employee serving under a limited appointment.

2. Assistant Administrator, Directorate for Finance and Administration (AA/FA)

Exercises responsibilities cited in 35D1b and c, as delegated.

3. Director, Office of Human Resources Development and Management (FA/HRDM/OD)

1. Exercises responsibilities cited in 35D2, as delegated.

2. Approves the reappointment of a former FS career employee.

35E. Policies

1. FS appointments will be made without regard to race, sex, color, age, religion, national origin, handicapping conditions, marital status or political affiliation.

2. An employee who accepts a limited appointment is entitled, upon termination of the limited appointment, to be reemployed by the Agency as provided for by the Agency's policies, procedures and regulations.

* 3. The appointment is effective on the date the appointee enters on duty and is available to perform a federal function. *

35F. Requirements and Conditions for Appointment

a. Age - Applicants must be at least 18 years old and must not have attained 59 years of age at time of appointment.

b. Citizenship - Appointees must be U.S. citizens at the time of appointment.

c. Security Clearance - Appointees must meet the security clearance requirements for critical-sensitive positions.

d. Medical Clearance - Prior to appointment, the Medical Director of the Department of State must determine that the employee or applicant and dependents qualify without limitation for worldwide assignment, unless in exceptional circumstances this requirement is waived by the Director, FA/HRDM.

e. Worldwide Availability - Except for noncareer appointments, appointees must certify their availability for worldwide assignment and service.

35G. Types of FS Appointments

1. Temporary Appointment

An appointment limited to a period of one year or less.

2. Limited Appointment

An appointment, either as a Career Candidate or Noncareer employee, of a specified duration from one to five years.

a. Career Candidate

(1) Career Candidate appointments are appropriate for persons who aspire to a long-term AID Foreign Service career and whose qualifications meet a continuing requirement.

(2) Appointments initially are for a period not to exceed 45 months, and may be amended not to exceed a total of 60 months. A

* REVISED

candidate's qualifications for appointment are determined after formal evaluations of his/her education and experience.

(3) Most Career Candidates are covered by the Foreign Service Pension System (FSPS).

b. Noncareer Employees

(1) Noncareer appointments are appropriate when the knowledge or skills required for a particular program or project cannot reasonably be provided by career employees; when temporary program expansions or shifts in program emphasis create short-term personnel requirements or, when development specialists pursuing other careers, such as under academic appointments, may be available for service abroad only for limited periods.

(2) Appointments are limited to short-term, specific operational needs overseas, and may be of variable duration as established at the time of appointment not to exceed five years.

(3) Most Noncareer employees are covered by the Federal Employees Retirement System (FERS).

(4) Requests to change from a Noncareer employee to a Career Candidate should be made by the employee in writing to FA/HRDM/SCD. Upon determining that a continuing requirement exists, FA/HRDM will forward the request to the appropriate Selection Panel, which will review the Noncareer employee's performance, academic background and experience to determine whether his/her assignments have been comparable in substance to those expected of a Career Candidate, and whether the applicant possesses the qualifications to be appointed as a Career Candidate in the indicated category. If the Panel recommends a change of status and the Director, FA/HRDM, approves the change, the Noncareer employee may be given a new limited appointment as a Career Candidate for at least three years. Service overseas as a Noncareer employee may be applied toward the 24 months overseas service requirement, but may not be counted toward satisfaction of the three years service as a Career Candidate unless the Director, FA/HRDM, approves. Approvals are restricted to those cases wherein the employee's conversion to Career Candidate status was dependent upon receipt of adequate medical clearance and delays with respect to same were not the employee's fault.

3. Career Appointment

a. Presidential Appointments

See Handbook 25, Supplement 41A.

b. Career Candidates (Supplement 35B)

See Supplement 35A, Tenuring of Foreign Service Career Candidates.

35G3

c. Reappointment of Former FS Career Employees

Former FS career employees, including those formerly employed by other agencies authorized by law to use the FS personnel system, may be reappointed as FS career employees without review by a Tenure Board, provided that they meet all the requirements and conditions specified for career appointments. For persons who do not meet the required FSI-tested foreign language proficiency, they will be given a limited noncareer appointment. Upon meeting the foreign language proficiency requirement, they will be reappointed as career employees of AID's Foreign Service.

d. Tenuring of FS Candidates Initially Appointed Prior to 2/15/81

Such appointees will be reviewed by Tenure Boards and recommended for conversion to career status in accordance with criteria in effect at the time of their initial appointment.

35H. Other Employment Mechanisms

1. Reemployment of FS Annuitants

a. An FS employee who retired under the FSRDS or FERS and is reemployed in any appointive position on a part-time or full-time basis is entitled to receive the salary of the position in which he/she is serving plus as much of the annuity as, when combined with salary, does not exceed during any calendar year the basic salary he/she was entitled to receive on the date of retirement. If the salary during any calendar year exceeds the salary at retirement, the employee shall be entitled to receive the salary of the position in which reemployed, but no annuity shall be payable. Federal Insurance Contributions Act (FICA) deductions are withheld from the salary of an FS annuitant reemployed under a type of appointment which excludes him/her from coverage under the Civil Service Retirement System.

b. FS employees who retire and are immediately reemployed under a limited appointment should discuss with an AID retirement counselor options to receiving the FS retirement annuity. An employee who accepts such a limited appointment is not required to sign a waiver of annuity, but may wish to defer the date when he/she begins to receive the annuity.

2. Employment of Civil Service Annuitants

The salary of a reemployed Civil Service annuitant is reduced by the amount of annuity allocable to the period of reemployment. Retirement deductions or FICA are not withheld from the salary.

ATTACHMENT 35-A

Employment Forms

The following forms must be completed at the time of, or prior to, appointment. The number of copies to be completed is indicated as well as references, where applicable for policy or procedural purposes, to Agency handbooks.

**Forms required for all employees:**

| Form No. | Title | Direct-Hire, FS/SFS | Resident-Hire | American Family Member |
|---|---|---|---|---|
| SF-61 | Appointment Affidavits | 2 | 2 | 2 |
| SF-61B | Declaration of Appointee | 2 | 2 | 2 |
| SF-50 | Notification of Personnel Action | 1 | 1 | 1 |
| SF-171 | Application for Federal Employment | 3 | 3 | 3 |
| CSC-1267 | Supplemental Federal Application | 3 | 3 | 3 |
| SF-86 | Security Investigation Data for Sensitive Position (HB 6, Ch. 1) | 6 | 6 | 6 |
| SF-87 | U.S. OPM Fingerprint Chart | 2 | 2 | 2 |
| AID 6-85 | Foreign Residence Data (HB 6, Ch.1) | 6 | 6 | 6 |
| AID 610-14 | Authority for Release of Information | 3 | 2 | 2 |
| SF-144 | State of Prior Federal Service | 2 | 2 | 2 |
| DD-214 | Military Discharge (if applicable) | 1 | 1 | 1 |
| SF-189 | Classified Information Nondisclosure Agreement | 2 | 2 | 2 |
| SF-181 | Race and National Origin Identification | 1 | 1 | 1 |

Forms required for all employees:

| Form No. | Title | Direct-Hire, FS/SFS | Resident-Hire | American Family Member |
|---|---|---|---|---|
| SF-256 | Self-Identification of Reportable Handicap (HB 32, Ch. 1) | 1 | 1 | 1 |
| DS-823 | Medical Clearance of Statement of Clearance (HB 25, Ch. 34, 35) | 1 | 1 | 1 |
| SF-1152 | Designation of Beneficiary--Unpaid Compensation of Deceased Civilian Employee (HB 25, Ch. 34; HB 29, Ch. 2) | 2 | 2 | 2 |
| N/A | Pre-Appointment Certification Statement for Selective Service Registration (HB 25, Ch. 1, 31) | 1 | 1 | 1 |
| AID 490-2 | Residence and Dependency Statement | 4 | | |
| SF-2809 | Health Benefits Registration Form HB 25, Ch. 34; HB 29, Ch. 1) | 1 | 1 | |
| SF-2817 | Life Insurance Election (HB 25, Ch. 34; HB 29, Ch. 1) | 1 | 1 | |
| SF-2823 | Designation of Beneficiary - FEGLI Program (HB 25, Ch. 34; HB 29, Ch. 1) | 1 | 1 | |
| JF-33 | Designation of Beneficiary - FSRS, FSPS (HB 29, Ch. 2) | 1 | | |
| AID 450-1 | AID/W Emergency Locator Card (initial assignment in AID/W) (HB 29, Ch. 2) | 1 | | |
| OF-190 | Foreign Service Emergency Locator Information (initial assignment overseas) (HB 29, Ch. 2) | 1 | | |
| OF-106 | Confidential Statement of Employment and Financial Interests (if applicable) (HB 24, Ch. 2; HB 32, Ch. 1) | 2 | 2 | |
| SF-278 | Executive Personnel Financial Disclosure Reports (SFS only) (HB 24, Ch. 2; HB 32, Ch. 1) | 2 | | |
| N/A | Conditions of Employment | 2 | 2 | |

ATTACHMENT 35-B

CERTIFICATION OF WAIVER -- FOREIGN SERVICE ANNUITY

On _____, I will retire from the Foreign Service of the United States and I am eligible for an immediate annuity payable from the Foreign Service retirement system.

I am accepting a limited Foreign Service appointment on _____ for a period not to exceed _____ (days/months). For purposes of that appointment, under the authority of the Foreign Service Act of 1980, as amended, Section 308(b), I hereby waive the payment of my Foreign Service annuity for the period of time I will serve under this limited FS appointment.

_____

_____

(Date)

# SUPPLEMENT 35A

## TENURING OF FOREIGN SERVICE CAREER CANDIDATES

1. Purpose

This supplement sets forth procedures for the tenuring of career candidates at the FPL-01 level and below. It specifies the composition and functions of the AID Foreign Service Tenure Board, precepts for the Board and the use of evaluation reports for tenuring purposes.

2. Authority

Foreign Service Act of 1980, as amended, Sect 306

3. Policies

a. The Agency's decision whether or not to offer an FS career candidate tenure shall be based on recommendations by the Tenure Board. The sole criterion for a positive tenuring recommendation is the candidate's demonstrated potential, assuming normal career growth and development, to serve effectively as an AID career FS officer over a normal career span, with promotion potential to Class FS-01 or the highest class attainable within the limitations imposed by the candidate's specialized occupational back-stop (see Attachment A to Supplement 35A).

b. No numerical limit will be placed on the number of positive tenuring recommendations by the Tenure Board; candidates' records will be reviewed for individual merits.

c. Candidates recommended for non-tenure by the Tenure Board shall have their candidacy terminated and, if AID has no further need for their services, shall be separated from the Agency.

d. The Tenure Board shall make its initial review of a career candidate as soon as practicable after he/she has met tenuring eligibility requirements (see 5a). The Board may recommend continuation of a candidate's trial period and subsequent review(s). In unusual circumstances, such as the unavoidable absence of an evaluation report, recent assumption of new duties or other conditions that would make Board review impracticable, the candidate may request that his/her review be deferred until a succeeding Board session. Also, if unusual circumstances exist, the Director, Office of Human Resources Development and Management, may defer a candidate's review. A deferral requested by a candidate may take place only with Agency concurrence, but in no case will deferral itself lead to the extension of a limited appointment.

4. Responsibilities

a. Administrator

(1) Appoints members to the Tenure Board.

(2) Terminates appointment to the Board to meet the needs of the Service (e.g., transfer, retirement, etc.)

b. Director, Office of Human Resources Development and Management (FA/HRDM)

(1) Decides whether to defer review of a career candidate if there are unusual circumstances.

(2) Certifies candidates for tenuring review.

(3) Reviews Tenure Board recommendations and takes appropriate action.

(4) Reviews Board recommendations and records to make certain they are in accordance with precepts.

c. Office of Human Resources Development and Management, FA/HRDM

(1) FA/HRDM/SCD or FA/HRDM/EM, as appropriate, advises bureaus and offices of the names of candidates to be reviewed by an upcoming Tenure Board.

(2) FA/HRDM/PMES/PM provides administrative support to Tenure Boards.

d. Employee

Requests deferment of tenuring review if unusual circumstances would make a Board review impracticable.

5. Procedures

a. Tenuring Review Eligibility Requirements

(1) General Requirements

Except as noted in 5a(2), a career candidate must meet all of the following requirements to be certified for tenuring review:

(a) must have been a career candidate in the AID Foreign Service for at least three years prior to the review[1];

(b) must have served as a career candidate or noncareer appointee overseas for at least 24 months[1/];

(c) must satisfy other conditions regarding appointment and tenuring eligibility, e.g., received adequate medical clearance(s), passed background checks and received security clearance(s), made a certification as to availability for worldwide service (see Handbook 25, Chapter 35);

(d) must possess foreign language proficiency levels [see 5a(2)];

(e) must be certified that there is a continuing need for his or her services as evidenced by possession of skills (as determined by the candidate's current AOSC, education and experience) required by the Agency in an occupational category which is not surplus.

(2) Foreign Language Proficiency

(a) A career candidate must demonstrate foreign language capability to be certified for tenuring review. The following career candidates are excepted from the requirement to meet proficiency in a foreign language prior to tenuring:

BS-08 (Auditors and Investigators)
General Clerical and Administrative Series 0301.93 and .94
Miscellaneous Clerical and Administrative Series 0303.01 and .06
Secretary Series 0318.01 and .03.

(b) The Director, FA/HRDM, in exceptional cases, may certify a candidate for review who has not yet met his/her language proficiency requirements. In such cases, the Board may render a favorable recommendation, conditioned on subsequent achievement of the prescribed language rating.

(c) Tenuring action may **not** be initiated until the required language rating is achieved. If satisfactory progress is not made by a candidate subsequent to the Board's recommendation and/or the prescribed language proficiency rating is not achieved within a period of time as prescribed by FA/HRDM, the Agency may terminate the candidate's appointment.

---

1/ Career candidates who previously served as Section 631(b) appointees may not include service under such appointments to satisfy the three-year requirement, but they may include 631(b) time served overseas towards satisfaction of the 24-month requirement. No service shall be included which is prior to 10 years before the candidate is to be considered by the Tenure Board.

b. Candidate Appraisals and Review

(1) Performance Appraisals

The performance and potential of career candidates are evaluated in accordance with the schedule, procedures and current appraisal form for FS employees. The rating and reviewing officers' appraisals of a candidate should fully describe the candidate's performance and assess his/her demonstrated potential, assuming normal career growth and development, to effectively perform as an AID career FS officer, and comment on whether the candidate should be granted career status and/or whether additional probationary service is appropriate.

For a candidate scheduled for review by the Tenure Board, FA/HRDM may request an interim performance appraisal for any undocumented period of performance in excess of 60 days.

(2) Performance Review Materials

Besides performance evaluation reports, other materials used to evaluate career candidates may include commendations, awards, reprimands and any other material used by Selection Boards to evaluate career members in connection with annual performance evaluations. All evaluation materials will remain a permanent part of the individual's official performance evaluation file.

c. Tenure Board Reviews

Boards will be convened at least twice a year. The Board will review the files of candidates who meet eligibility requirements at least 60 days before the date on which the Board is to be convened. If a candidate is not reviewed at the first appropriate Board session, he/she will be reviewed as soon as practicable.

d. Tenure Board Appointment

Prior to appointment, a list of officers being considered for appointment to the Board shall be submitted to the exclusive employee representative which will have 10 days to comment. Comments will not be binding upon final appointment(s).

e. Tenure Board Functions

(1) Composition and Service

(a) The Board shall consist of four members of the AID Foreign Service, two of whom may be retired, holding the personal rank of at least FS-01 and one employee of a foreign affairs agency other than AID, or, in lieu thereof, a public member who was not formerly a career member of the AID Foreign Service. The Chairperson shall be the ranking active FS member of the Board. The Board shall include

minority and female representation whenever possible. FS members shall represent and/or be knowledgeable of the various functional clusters (program direction, program operations and management, program support and administrative).

(b) FS members shall serve for a two-year term. The non-AID member will serve for two years and may be replaced by another non-AID member, if necessary, to complete an unexpired term.

(2) Responsibilities

The Board reviews, with guidance provided by the regulations and precepts in Attachment A to Supplement 35A, the official performance files of candidates certified to it for consideration. The Board shall make recommendations regarding the continued candidacy or tenuring of all such candidates. If an extension of the probationary period is recommended, the Board will prepare an appropriate guidance statement to inform the candidate of the performance areas requiring improvement or additional assessment. Concurrence of the majority of the Board members is required for all Board determinations. No action unfavorable to a candidate may be taken without consideration of his/her file by all Board members.

The Board also may provide observations to the Director, FA/HRDM, on the operation of the tenuring process and the Board's precepts and procedures with such recommendations as it may wish to make. The Board's report shall be submitted to the Director, FA/HRDM, at the conclusion of each review session.

(3) Recommendations

At the conclusion of its review(s) the Board shall, as appropriate, recommend to the Director, FA/HRDM, that the candidate(s):

--be appointed as a career member of the AID Foreign Service;

--not be appointed as a career member of the AID Foreign Service;

--serve for a longer probationary period and be considered by a subsequent Board at least 60 days prior to the expiration of the candidate's limited appointment. The Board may request supplemental evaluative materials for a second review.

f. Action by the Director, FA/HRDM

(1) Upon receipt of the Tenure Board's recommendations, the Director, FA/HRDM, shall review the lists of evaluated candidates and the records of Board proceedings to ensure that Board actions and recommendations are in accordance with precepts. If it appears the precepts may have been violated, the Director, FA/HRDM, shall discuss such violations with the Board Chairperson. If substantive violations

of the precepts or significant technical errors are discovered, the Chairperson shall reconvene the Board to address the issues raised. If the Board wishes to modify its recommendations, the changed list(s) shall be submitted to the Director, FA/HRDM. Otherwise, the original Board recommendations shall be resubmitted.

(2) Following receipt or resubmittal of Board recommendations, the Director, FA/HRDM, will take action as follows:

(a) For candidates not recommended for appointment: Terminate candidacy and, if AID has no further need for their services, separate them from the Agency.

(b) For candidates recommended to serve a longer period of candidacy: Provide each candidate with guidance statements prepared by the Board and advise him/her when their candidacy will be again reviewed. The candidate's limited appointment may not, however, be extended or renewed. The Director, FA/HRDM, shall coordinate with candidates' organizational units to make certain that appropriate evaluation reports are prepared in time for subsequent Board review.

(c) For candidates recommended for career appointment: Review each candidate's file and consult with appropriate offices to determine if he/she has been or currently is the subject of an investigation, administrative action or proceeding relating to matters covered by 3 FAM 622, Suitability Guidelines for Appointment and Continued Employment. For candidates who have not been the subjects of such investigations, actions or proceedings, or who have been the subject of same but have been exonerated, the Director, FA/HRDM, shall initiate actions to effect such candidates' appointments as career officers in the Service.

If there are any unresolved or pending investigations, actions or proceedings of such type, the Director, FA/HRDM shall set aside the Tenure Board recommendation regarding the concerned individual(s) until completion or resolution of such investigations or proceedings. A set aside will not, however, have any effect to lengthen the individual's limited appointment.

If the Director, FA/HRDM, concludes that the candidate was exonerated or that the Board's recommendation for tenuring is nevertheless sustainable, the Director shall initiate appropriate action to effect the candidate's appointment as an AID career FS employee.

If an adverse decision is of a significant nature, the Director, FA/HRDM, can delay the candidate's tenuring for up to one year or terminate that individual's career candidacy. A delay would not have any impact on the individual's appointment since such a limited appointment may not be extended or renewed. If the individual's career candidacy is terminated and AID has no further need for the candidate's services, he/she will be separated from the Agency.

ATTACHMENT A TO SUPPLEMENT 35A

PRECEPTS FOR AID's FOREIGN SERVICE TENURE BOARD

1. Operations of the Board

The determination whether or not to offer a Career Candidate tenure in AID's career Foreign Service shall be decided by the Director, Office of Human Resources Development and Management (FA/HRDM), based upon recommendations of the Tenure Board. The Board shall be organized and shall carry out its responsibilities in accordance with the provisions of Supplement 35A, as supplemented by these precepts. Within the scope of these regulations and precepts, the Board shall establish such internal operating procedures as necessary to fulfill its responsibilities. The Board shall review the performance evaluation file of each Career Candidate referred to it, evaluate the candidate's fitness and aptitude for the work of the AID Foreign Service, and make a recommendation to the Director, FA/HRDM, regarding the tenuring of each candidate.

2. Basis for a Board Recommendation

a. General Framework. The sole criterion for a positive tenuring recommendation shall be the candidate's demonstrated potential, assuming normal growth and career development, to serve effectively as an AID Foreign Service (FS) officer over a normal career span, with potential for promotion to class FS-1, or to the highest class below FS-1 attainable within the limitations imposed by the candidate's specialized occupational backstop.

b. Equality of Consideration. The Board shall consider all candidates solely on merit with absolute fairness and justice. In particular, the Board shall not disadvantage any candidate directly or indirectly for reasons of race, color, religion, sex, age, or national origin. This responsibility requires that the Board not only equitably weigh the performance data on the individual, but also discount any apparent biases or unfairness, either conscious or unconscious, in the material being reviewed. The performance rating process must be insulated from irrelevant or improper influences. Stereotypes, group assumptions, and sexist or ethnic comments must not affect evaluations.

If the Board discerns an indication of unfairness in a performance file for any reason, it shall discount the statement or implications and refer the matter to the Director, FA/HRDM, for correction of the file, as appropriate.

c. Assignments. Different assignment patterns inevitably present candidates with varying opportunities to demonstrate the qualities important to the Board's judgments. All candidates, regardless of specialization, area of assignment or diversity of experience, should receive equal consideration.

d. Demonstrated Skills. There are five areas of skills important for successful performance in AID's Foreign Service. These areas, along with functional abilities and shortcomings (Section 2e), will be reviewed as the sole basis for the Board's assessment of a candidate's potential for development and performance. No candidate can be expected to have displayed abilities in all of these skill areas and their subgroups; thus the Board should avoid making negative assumptions regarding skills that the candidate has had no practical opportunity to demonstrate. The Board should, however, heed documented evidence that the candidate displays shortcomings or deficiencies in these skills to an extent that development of satisfactory competence in any one of the five broad skill areas appears doubtful. The Board should give positive consideration to evidence that early weaknesses in these skills and their subgroups have been or are being overcome.

The five skills areas and their sub-elements to help guide the Board are:

(1) Substantive Knowledge and Skills

(a) Preparation: The extent to which the employee exhibits a grasp of professional, technical and administrative knowledge necessary for superior performance in the area or function of career concentration.

(b) Application: Ability to apply professional, technical and administrative knowledge and skills effectively in the achievement of organizational and program objectives.

(c) Standing: Ability to elicit the respect and cooperation of others in the member's professional or technical field.

(d) Adaptation: Capacity for adaptation of professional and technical concepts and approaches to differing political and economic conditions.

(e) Perspective: Ability to place professional and technical concerns in proper perspective vis-a-vis other considerations that affect Agency plans and programs.

(f) Communication: Ability to present professional and technical concepts so as to be clearly understood by persons of different education and background.

(2) Leadership

(a) Presence: The employee's self-presentation, determination, energy and self-confidence.

(b) Effective Oral Communication: The ability to speak clearly, sensibly, and persuasively in groups and in direct conversation, in foreign languages as well as English.

(c) Foresight: The ability to anticipate problems and to plan or initiate actions accordingly.

(d) Positiveness: Confidence in oneself and one's goals despite setbacks and disappointments and the ability to instill or encourage by example similar qualities in others.

(e) Negotiating Skill: The ability to present and defend a set of interests in developing an agreement or settling a dispute. This skill includes a capacity to perceive alternative courses that will satisfy one's own requirements, but will offer greater acceptability to others.

(3) Managerial Skills

(a) Concern for Influence: Demonstrated aptitude for guiding others and skill in influencing events through the action of others.

(b) Objectivity of Purpose: The placement of job goals and responsibilities above personal interests or the desire to simply accommodate associates or subordinates.

(c) Self Control: The ability to contain impulsive emotional behavior.

(d) Achievement Orientation: Interest in achievement, in fostering institutional improvements, in producing highest return at lowest cost, in seeing that resources are used so as to accomplish planned objectives.

(e) Operational Effectiveness: Reliability in getting a job done efficiently, on time and with mastery of all essential details.

(4) Intellectual Skills

(a) Conceptual Ability: The ability to organize data sensibly and translate it into practical implications and to establish rational priorities.

(b) Logical Thinking: The ability to reach sound conclusions from explicit assumptions and to communicate the reasons clearly and rationally.

(c) Judgment: The ability to discern relationships of authority in varying contexts; understanding the effective range and use of one's own authority and position to further a desired goal, including the skill to challenge superiors effectively, if necessary.

(d) Skill in Written Communication: Ability to write clearly and correctly.

(e) Language Skills: Ability and motivation to learn foreign languages as a tool for more effective performance of one's duties. Demonstrated ability to communicate effectively in foreign languages.

(f) Cultural Sensitivity: The ability to acquire, understand and interpret clearly the relevant information regarding another society, its values and its institutional processes, and relate such information to American interests and objectives.

(5) Interpersonal Skills

(a) Equal Employment Opportunity Sensitivity: Commitment to the principles of fair treatment and equality of opportunity in dealings with all persons as a fundamental aspect of good management. Also, possessing an understanding of equal employment opportunity and the role of the Agency's Affirmative Action Plan in contributing to its equal opportunity goals and objectives.

(b) Social Sensitivity: The disposition and ability to solicit and understand the points of view of others and to respond in a manner that will gain their cooperation.

(c) Training Skill: The ability to train and guide others, including host country nationals, by fostering initiative and responsibility.

(d) Counseling Skill: The ability to win the confidence of others and to listen and make realistic and supportive recommendations.

(e) Relations: Creating and maintaining successful relations with AID staff, officials of the host country and other agencies' representatives as a means of advancing AID objectives and programs.

e. Functional Abilities and Shortcomings

(1) In reviewing a candidate's performance and evaluating the individual's fitness, aptitude and potential as an officer in the AID career Foreign Service, the Board also should be alert to a candidate's demonstrated strengths or weaknesses with respect to specific functions which are important in the AID development context, as follows:

(a) understanding the political, social and economic context of AID activities at both the macro- and micro-levels, particularly as related to the candidate's functional backstop;

(b) ability to function effectively within AID Mission and AID/W environments;

(c) capacity to translate development issues and needs into program strategies, plans and documentation leading to program or project approval;

(d) effectiveness in pursuing program implementation, monitoring and evaluation actions, including (as appropriate) negotiations, planning, contracting, logistics management, administrative support, reporting, and project and portfolio control.

(2) The Board should also be alert to deficiencies such as noted below. To the extent such deficiencies are documented in the candidate's performance file, they should be weighed against a tenuring recommendation and may, of themselves, be grounds for recommending that a candidate not be tenured:

(a) reluctance to accept responsibility;

(b) failure to carry out properly assigned tasks within a reasonable time;

(c) low productivity or work poorly done;

(d) lack of adaptability;

(e) refusal to accept or carry out legitimate directives from properly authorized officials;

(f) inability to work fairly and cooperatively with supervisors, colleagues, subordinates, or foreign counterparts;

(g) ineffectiveness in managing subordinates, indifference, delinquency or lack of honesty in preparing evaluation reports on subordinates;

(h) lack of courage and reliability under conditions of hardship and danger;

(i) lack of understanding and/or sensitivity for the traditions, feeling and aspirations of host countries, their institutions and peoples.

3. Board Procedures and Actions

a. Information to be Considered

(1) The Board shall base its decisions only on material properly part of the candidate's performance evaluation file. Notwithstanding, a Board may seek additional insights into a Rating Officer's evaluation style by reviewing other evaluations prepared by that Rating Officer.

(2) The Board shall ignore any information in the file that is inadmissible. Such information shall not be the subject of discussion or a basis for the Board's decisions.

(3) Medical problems, personal and physical characteristics shall not be considered unless they affect performance or potential.

(4) Board members shall neither seek nor receive any information on candidates other than that properly included in the performance file.

(5) A Board member shall not bring to the Board's attention personal knowledge of a candidate except for information relevant to the candidate's performance or potential and then only by means of a signed memorandum. A copy of the memorandum shall be forwarded promptly, by cable if necessary, to permit the candidate to comment on it before the Board completes its review, but such completion shall not be delayed for more than 10 days pending receipt of the memorandum by the candidate.

(6) Board members shall be provided with:

--a set of these tenuring regulations;
--each candidate's performance evaluation file;
--instructions for the preparation of the Employee Evaluation Report (AID form 420-4);
--a copy of the Foreign Service Act of 1980;
--a dictionary.

b. Counseling Statements

For a candidate who is to be extended and considered again by a subsequent Board, the current Board shall prepare a written guidance statement identifying skill and other areas in which he/she should direct efforts to improve. Similar statements also shall be prepared for candidates who are recommended for termination, to include reasons for such recommendations. Any such statements shall be given only to the candidate in question and the candidate's designated career counselor If it wishes, the Board also may prepare written statements for the guidance of any other candidate.

c. Submission of Findings and Recommendations

Following completion of its actions, the Board shall prepare a report of findings for the Director, FA/HRDM, under cover of a transmittal letter signed by the Board Chairperson. The Director may accept the Board's findings or return them for review where there are questions or concerns regarding procedures followed and/or violations of the precepts.

In addition, the Board may prepare the following reports and/or recommendations:

(1) A list of rating and reviewing officers who merit commendation or criticism for the evaluation reports they prepared. In each case where an officer is criticized, the Board must prepare a written statement citing deficiencies. The statement will be sent to the officer and a copy placed in the individual's performance evaluation file.

(2) Recommendations for training, future assignment or particular aspects of counseling for any candidate under review.

d. Oath of Office

Each Board member will execute the following oath of office and adhere to the precepts:

"I _____, do solemnly swear (or affirm) that I will, without prejudice or partiality, perform the duties of the AID Foreign Service Tenure Board faithfully and to the best of my ability; that I will adhere to the precepts; that I will apply the precepts and criteria without prejudice or partiality; and, that I will not reveal to unauthorized personnel any information concerning the personnel records used or the deliberations, findings, and recommendations of the Board (so help me God)."

Failure to observe these instructions may result in disciplinary action or penalties as prescribed by the Privacy Act. Board members should report to the Director, FA/HRDM, any attempt to provide them information not authorized by the precepts.

4. Administrative Support

FA/HRDM/PMES/PM will guide the Board in the technical procedures and actions to be followed. The Board will address all queries regarding its work only to those staffs.

SUPPLEMENT 35B

# MEDICAL CLEARANCES AND WAIVERS AT THE TIME OF APPOINTMENT TO AND TENURING IN THE AID FOREIGN SERVICE

1. Purpose

This supplement sets forth medical clearance requirements and describes situations under which certain kinds of waivers may be considered at the time of initial appointment and prior to granting career status to Career Candidates.

2. Applicability

This supplement applies to appointments of Career Candidates or Noncareer employees in the AID Foreign Service personnel category, the AID Senior Foreign Service, and executive appointments under the Foreign Assistance Act, Section 631(b). It does not apply to Resident Hire, Foreign Service National or Consultant and Expert appointments.

3. Physical Standards for Appointment

General and specific physical standards are developed, amended and administered by the Director, Office of Medical Services, Department of State (M/MED).

4. Medical Clearance Waivers

There are instances wherein applicants for employment in the AID Foreign Service or their dependents may not meet established standards but such applicants may have skills required by the Agency and may, with limited assignment possibilities, still have the potential for a successful FS career, or have a temporary medical condition that may be corrected within a specified period of time to allow for unlimited worldwide service.

5. Types of Waivers

a. Permanent Medical Waiver

A permanent medical waiver based on the recommendation of the Medical Review Committee (MRC) may be granted by the Director, Office of Human Resources Development and Management (FA/HRDM), when the medical condition of a Career Candidate or applicant, or dependent(s) of either, is such that assignment limitations do not exclude more than 49% of AID overseas posts relevant to the Candidate's or applicant's occupational specialty, and the Career Candidate or applicant's knowledge and skills are in a shortage category and deemed crucial to the accomplishment of Agency programs.

b. Temporary Medical Waiver

For initial appointment as a Career Candidate, there may be situations wherein a medical condition that normally would be grounds for disqualification of an applicant may be temporary in nature, e.g., pregnancy of the applicant or an applicant's spouse, which prevents completion of a physical examination.

For example, in case of pregnancy, a temporary medical waiver based on the MRC's recommendation may be appropriate when no other medical condition or complications are evident. Such a waiver, however, shall be conditioned, i.e., if neither a full clearance(s) nor a permanent medical waiver(s) is granted to the individual following the pregnancy, the candidate may not be given a career appointment when subsequently reviewed by a Tenure Board.

If an applicant whose condition or whose dependent's condition of pregnancy is further complicated by a medical condition coexisting with the pregnancy that might preclude medical clearance after the birth of the child, an applicant may be considered for a temporary waiver but, if granted, will be offered a Noncareer appointment. If such a medical condition is resolved or improves at a later date to the point wherein an in-service medical waiver is granted, the Noncareer employee may be offered a new limited appointment as a Career Candidate if he/she meets the requirements and conditions for appointment.

In either case, M/MED must be informed that until full medical clearance is attained or a permanent medical waiver is given, all subsequent medical examinations must be treated as though the employee or dependents were being examined for initial appointment -- not under the different criteria applied in the case of "in-service" examinations.

6. AID Medical Review Committee

The MRC reviews all cases referred to it and makes recommendations to the Director, FA/HRDM, for medical waivers on the merits of each case. The MRC is composed of five direct-hire employees appointed by the Director. M/MED provides a medical officer to serve as a consultant/technical advisor to the MRC (Attachment A to Supplement 35B).

7. Timing of MRC Actions

The MRC reviews cases of possible waivers of unlimited medical clearance usually when an individual is an applicant for initial appointment in the AID Foreign Service and when a Career Candidate is to be considered by a Tenure Board for tenuring as a career employee.

ATTACHMENT A TO SUPPLEMENT 35B

GUIDELINES FOR THE MEDICAL REVIEW COMMITTEE

The Medical Review Committee (MRC) evaluates and recommends to the Director, FA/HRDM, whether applicants for employment in the Foreign Service have the potential to be successful Foreign Service (FS) employees, even though the applicants or their dependents failed to meet established physical standards.

The appropriate Placement Officer, FA/HRDM/SCD, provides applicants' official personnel files or records to the MRC, and obtains from the applicants or dependents written permission to review and discuss with a medical doctor from the Office of Medical Services, Department of State, (M/MED) why the applicants or dependents failed to meet physical standards.

Criteria the MRC will consider in conducting its review of an applicant or dependent includes:

1. Whether an existing medical condition:

--is static and not progressive in nature;

--may preclude availability for assignment to a wide variety of posts or, at least, 51% of AID posts relevant to applicant's occupational specialty;

--will constitute significant risk to the life or limb of the applicant or dependent or a significant risk to the life or limb of a fellow employee(s);

--will result in excessive medical costs for treatment and/or special or emergency travel for medical treatment;

--will result in significant periods of absence from duty.

2. Whether the knowledge and skills of the applicant are critical and in a shortage category.

# CHAPTER 36

# FOREIGN SERVICE ASSIGNMENTS AND TOURS OF DUTY

## 36A. Purpose

This chapter provides the policies, authorities, regulations and procedures for assignments and tours of duty for U.S. citizen employees of the AID Foreign Service.

## 36B. Applicability

This chapter applies to all AID U.S. direct-hire Foreign Service (FS) employees except those assigned to Executive Level (Ch. 39) and Resident-Hire (Ch. 34) positions, and direct-hire FS employees of the Office of Inspector General. The latter shall be governed by regulations and procedures for assignments and tours of duty as may be promulgated by the Inspector General under applicable authority.

## 36C. Authority

Foreign Service Act of 1980, as amended, Sec. 105, 502, 503, 504, 505.

## 36D. Definitions

1. Completion of Assignment Report (COAR). A completed COAR (AID 4-253) is the basic source of information for planning subsequent assignments for FS employees assigned to positions in the United States or in an overseas post.

2. Danger Pay Post. An overseas post that has civil insurrection, civil war, terrorism or wartime conditions that threaten physical harm or imminent danger to the health or well-being of employees.

3. Direct transfer. The reassignment of an FS employee from a post in one country to a post in another country or to the United States after completing 24 months service with deferred home leave.

4. Excursion tour. The assignment of an FS employee to a position in a field other than his/her speciality to broaden the experience and perspective of the employee.

5. Midtour transfer. The reassignment of an FS employee from a post in one country to a post in another country or to the United States prior to completion of a prescribed tour of duty.

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6. Rotation assignment. The assignment of an FS employee to the United States.

7. Tandem AID Foreign Service couple. A married couple one of whom is an employee of AID and the other an employee of AID or any other U.S. foreign affairs agency.

36E. Policies

1. FS assignments will be made without regard to race, sex, color, age, religion, national origin, handicapping conditions, marital status or political affiliation.

2. AID FS career and career-candidate employees are required, as a condition of initial and continuing employment, to accept assignments on a worldwide basis at the discretion of the Agency for such periods of time as required by the Agency. Failure to accept an assignment may be cause for separation.

3. When considering Assignment Board recommendations, the Director, Office of Personnel Management (PFM/PM), or designee, will consider Agency needs, as well as a FS employee's assignment preferences, experiences, skills and abilities, career interest, language proficiencies, and health limitations, including that of individuals in the FS employee's family.

4. FS employees will serve two consecutive tours in one country, unless the post of assignment is designated as a one-tour post. After two consecutive tours in the same country, employees will be assigned to another country unless there is a strong justification for a third-tour assignment to the same country. An employee is eligible for a rotation assignment to the United States after a minimum of two tours overseas. Exceptions based on compassionate or compelling reasons may be approved by the Chief, Foreign Service Personnel Division (PFM/PM/FSP), or designee.

5. Foreign language competency is not a justification for retaining an employee beyond eight years in a geographic bureau, or beyond two tours of duty at a given post, except in special circumstances. Exceptions must be approved by the Director, PFM/PM, or designee. Exceptions usually will be made only for language-designated positions (LDP) and incumbents who have language competency at the S-3/R-3 level or above when potential language-qualified replacements are not available or cannot be expected to acquire the LDP proficiency within the required time period.

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6. FS employees will serve in two or more geographic areas in two-tour and one-tour posts during their AID Foreign Service career.

7. FS employees must serve one tour of duty in the United States during each 15 years they are in the Service. An employee may not be assigned to duty in the United States for any period of continuous service exceeding eight years, except for special circumstances. Exceptions must be approved by the AA/PFM.

8. FS employees may not be assigned to continuous duty overseas for more than eight years, except for urgent Agency program needs. Exceptions must be approved by the Director, PFM/PM, or designee.

9. FS employees usually will be assigned to positions classified at the individual's personal rank or to positions classified one grade higher or lower than the individual's personal rank. Assignments to positions two or more grades above or below the individual's personal rank are exceptions and require justification and approval by the Director, PFM/PM, or designee. Employees serving in secretarial and executive assistant functions are exempted from the one-grade spread limitation.

10. Midtour transfers generally will not be made. Requests for such transfers must be justified by urgent Agency program needs or compassionate reasons.

11. The Agency may assign, when practical, both members of an AID tandem FS couple to the same overseas mission in positions appropriate to each employee's class level and qualifications. If this is not feasible, the two employees will be assigned to different posts, or one employee will be granted leave without pay (LWOP) for one tour. The employees will be counseled on possible assignment alternatives. (For information on how LWOP could have an adverse effect on a career candidate meeting the length of service necessary for tenuring, see HB 25, Ch. 5; HB 27, Ch. 7.)

When appropriate from the standpoint of the Agency and the tandem couple, consideration will be given to assigning one employee to a part-time position when fulltime positions are not available for both employees (in such cases, HB 25, Ch. 26 will apply). Members of the same family may not be assigned in a supervisory-subordinate relationship, and generally should not be assigned in the same working unit of an organization.

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12. When a Mission Director or Deputy Mission Director, or other head or deputy head of a major AID overseas organization is part of a tandem FS couple, his/her spouse may be employed in the same organization provided the spouse is not supervised nor performance rated or reviewed by him/her. The assignment in each case will be considered on its own merits and must be approved by the Director, M/PM, or designee.

13. An FS employee being considered for an assignment to a LDP for which he/she meets the foreign language, technical/professional and grade level qualifications, usually will be assigned to that LDP in preference to an employee competing for the position who meets all qualifications except for language.

14. When an employee without the required foreign language competence is assigned to an LDP, he/she will be assigned to language training prior to travel to post.

15. FS employees on rotation to AID/W should be assigned to positions designated and classified as FS positions. However, FS employees may be assigned to any vacant position.

16. An FS employee shall be required to repay the cost(s) of home leave for him/herself and dependents if the employee voluntarily separates or retires prior to completing at least six months of an assignment in the United States; of an overseas tour that begins or resumes upon completing home leave; or a combination of overseas and U.S. service, if applicable.

36F. Responsibilities

1. The Administrator (A/AID)

a. Assigns an AID FS employee:

- to any established FS position in AID/W or abroad (including Senior Foreign Service positions);

- to a non-FS (including Senior Executive Service) position in AID/W;

- with the concurrence of the agency, organization or other body concerned, to that agency, international organization, international commission or other international body; to a domestic or international trade, labor, agricultural, scientific or other conference, congress or gathering; to special instruction, training or

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orientation at or with a public or private organization; or to a state or local government, a public or private nonprofit organization (including an educational institution in the United States or in any territory or possession of the United States or in the Commonwealth of Puerto Rico), or to a Member or office of the U.S. Congress.

b. Extends a detail to other agencies and international organizations and bodies beyond four years of continuous service because of special circumstances, not to exceed an aggregate of eight years.

2. The Assistant Administrator for Personnel/Financial Management (AA/PFM)

a. Exercises responsibilities cited in 36F1a and b, as delegated.

b. Approves extensions of AID/W assignments beyond eight years.

3. The Director, Office of Personnel Management (PFM/PM/OD)

a. Exercises responsibilities cited in 36F1a and b, as delegated.

b. Directs the assignment of an FS employee.

c. Approves direct transfers based on Agency program needs or compassionate reasons.

4. Chief, Foreign Service Personnel Division (PFM/PM/FSP)

a. Exercises responsibilities cited in 36F1a, as delegated.

b. Approves or disapproves requests for shortening tours of duty or lengthening tours of duty in excess of three months.

c. Convenes Foreign Service Assignment Boards.

d. Verifies and prepares annual lists of AID FS positions expected to be vacant during the next assignment cycle.

e. Serves as Chairperson and a voting member of Assignment Boards.

f. Advises FS employees of assignment determinations and issues appropriate travel authorizations.

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5. Foreign Service Assignment Boards

Assist and support the Director, PFM/PM, or designee, by reviewing individual cases and recommending to the Director, PFM/PM, or designee, assignments in accordance with assignment precepts cited in Supp. 36B.

6. Mission Director

Mission Director, or designee, in consultation with the appropriate AID/W bureau, may approve the shortening of a tour for up to 30 days.

36G. Types of Assignments

1. Initial Assignment in AID/W

a. Career Candidates

Career Candidates are initially assigned to AID/W for orientation and initial professional (classroom and on-the-job) and language training. Initial assignments usually will not exceed one year plus time for language training. Career Candidates requiring less than six months of orientation and training are assigned directly to an overseas position. Career candidates requiring more than six months of orientation and training are assigned to positions within AID/W ceilings, unless participating in a formal training program for a specific occupational category. Initial assignments to AID/W of more than one year, excluding language training, must be approved by the Director, PFM/PM, or designee.

b. Noncareer Foreign Service Appointees

Noncareer FS appointees are selected to meet special Agency technical, professional or skills needs, usually of shorter duration than regular needs. Noncareer appointees have shorter orientation and initial training periods than Career Candidates, and usually will be assigned directly overseas.

c. Initial Orientation and Training

Orientation and training programs are designed for Career Candidates and noncareer appointees by M/PM in collaboration with appropriate AID/W bureaus and offices to meet overseas position requirements.

2. Rotation Assignment

a. Rotation assignments include, but are not limited to, assignments to AID/W; positions in state or local governments; international organizations in the United States or nonprofit institutions (including educational); a Member or office of the U.S. Congress; long-term training; details to other federal agencies; or the AID/W reassignment complement.

b. An FS employee may be assigned to any vacant position in the Agency for which he/she is eligible and qualified.

3. Overseas Assignment

An FS employee may be assigned to any overseas post at the Agency's discretion.

a. Midtour Transfers

Midtour transfers must be justified by urgent Agency program needs or compassionate reasons, and must be approved by the Director, PFM/PM, or designee.

b. Direct Transfers

Direct transfers must be justified by urgent Agency program needs or compassionate reasons, and must be approved by the Director, PFM/PM, or designee.

4. Excursion Tour Assignment

a. FS employees may seek or be encouraged to serve in fields other than their assigned occupational specialties. Excursion tours need not be cleared by a Technical Review Committee, but must be approved by the Director, PFM/PM, or designee.

b. After completing an excursion tour, an FS employee may return to his/her primary occupational specialty or may continue on excursion tours. An employee who wants to be permanently assigned to the occupational category he/she served in during an excursion tour should inform PFM/PM/FSP of his/her interest so the employee's file can be reviewed to determine if he/she satisfactorily completed the excursion tour.

c. PFM/PM/FSP will inform the employee of the decision. PFM/PM/FSP will identify areas where qualifications are lacking; employees will be informed. Career Development Officers will provide guidance to help and FS employee gain the qualifications required for the occupational specialties in which he/she is interested.

5. Optional Tour of Duty

a. An FS employee who has been assigned to an AID overseas regional office (e.g., REDSO, ROCAP, RHUDO and RDO) and who has not yet departed for post may elect an optional tour of duty as follows:

(1) for posts authorized R&R, a three-year tour of duty with two R&Rs;

(2) for posts not authorized R&R, two 18-month tours with home leave after the first 18-month tour.

b. An FS employee must advise PFM/PM/FSP or PFM/PM/EPM, as appropriate, in advance of arrival at post whether he/she elects the optional or normal two 24-month tour. An employee who elects option (1) and later decides to return for a second tour must complete a full two-year tour.

6. Other Assignments

Release of employees for assignments or details to organizations outside AID (e.g., international organizations, state and local governments, educational institutions) depends on Agency needs. Each request will be determined on a case-by-case basis, with consideration given to career development prospects of the concerned employee.

When outside assignments are contemplated, the following AID HB provisions will apply:

- to other U.S. agencies: HB 25, Ch. 43.
- to International Organizations: HB 25, Ch. 44.
- to state and local governments and educational institutions: HB 25, Ch. 45.
- to long-term training: HB 28, Ch. 9.

(2) An extension of a rotation assignment up to five years due to medical disqualification of the FS employee or dependent(s) must be approved by the Chief, PFM/PM/FSP, or designee.

(3) An extension of a rotation assignment up to eight years must be approved by the Director, PFM/PM, or designee.

(4) An extension of a rotation assignment beyond eight years for any reason must be approved by the AA/M.

5. Reducing a Tour of Duty

a. Overseas

(1) The Chief, PFM/PM/FSP, or designee, in consultation with the overseas mission and the appropriate AID/W bureau, may approve the shortening of a tour of duty. Mission Director, or designee, in consultation with the appropriate AID/W bureau, may approve the shortening of a tour for up to 30 days. (To determine home leave eligibility and R&R repayment liability if tour of duty is shortened, see HB 27, Ch. 5)

In reviewing requests for shortened tours, PFM/PM/FSP will consider:

(a) The need for an FS employee to adjust arrival/departure dates to coincide with arrival dates of replacements and school schedules for dependent children. After a 24-month tour followed by approximately two months of home leave, arrival dates for each successive tour are pushed forward, placing the employee's departure/arrival more and more out of line with school schedules.

(b) Abolishment of an FS employee's position for program reasons and the condition that there is no other suitable position in the unit to which the affected employee can be assigned.

(c) Impairment of an FS employee's efficiency by climatic or other environmental conditions that affect the health of the employee or his/her dependents.

(d) Performance or conduct of an FS employee that has been documented as less than satisfactory or less than acceptable.

(e) Special program requirements or personal circumstances that adversely affect the employee or his/her dependent(s). If a tour of duty is shortened to less than 24 months solely for the convenience of the employee or if the employee resigns or retires prior to completing a full tour of duty, he/she may be liable for repayment of the costs of home leave, R&R and/or separation travel and transportation. See HB 27, Ch. 5F, and HB 30, Ch. 1C.

b. United States

An FS employee may be assigned to another overseas post after less than 36 months in the United States. The shortening of a rotational tour will be based on special or critical needs for the employee's service overseas. The timing of such transfers shall be established following consultation with the office/or other organization to which the employee is assigned.

## 36I. Foreign Service Assignment System

The AID FS assignment system considers program and administrative needs of the Agency as well as employee preferences and career development objectives. In general, the system works as follows:

Spring. PFM/PM/FSP verifies and prepares a list of overseas and AID/W positions (new and continuing) that must be filled during the next assignment cycle.

Summer. FS employees eligible for a new assignment during the next assignment cycle express their preferences for assignment to announced positions.

Fall/Winter. Assignment Boards review and recommend to the Director, PFM/PM, or designee, assignments of eligible FS employees to vacant positions and positions becoming vacant in the next assignment cycle. PFM/PM/FSP notifies receiving organizational units and employees of the new assignments as soon as the Director, PFM/PM, or designee, makes an assignment decision.

At the appropriate time, FS employees stationed overseas travel to the United States for home leave and, if applicable, consultation and training, after which they proceed to their next post of assignment. In the case of midtour or direct transfers, employees travel directly to the new post of assignment with, if appropriate, consultation and training en route in AID/W; home leave is arranged for at a later time.

36H. Tours of Duty

1. General

The Director, PFM/PM, or designee, and the Assistant Administrators of the geographic bureaus annually review the tours of duty for each mission within the respective bureaus. The review and any changes agreed to will be referred to the Administrator for approval and will be reflected in PFM/PM's annual cable and AID General Notice on the AID Foreign Service Assignment System. If there is disagreement between an AA/PFM and the Director, PFM/PM, or designee, the matter will be referred to the Administrator for final decision.

2. Overseas

a. Length of Tour

The standard length of a tour of duty overseas is 24 months. Exceptions are assignments at posts the Secretary of State designates as danger posts. For danger posts that do not allow dependents to accompany the FS employee, the length of tour is 18 months. For danger posts that do allow dependents to accompany the employee, the tour is 24 months, whether or not the employee elects to have dependents accompany him/her.

b. Classification of Overseas Posts

AID posts are classified as one-tour and two-tour posts.

(1) Assignments to one-tour posts are made for one 24-month tour unless an additional tour is requested by the employee. Extensions are encouraged. If an employee is assigned to a one-tour post that is changed to a two-tour post before his/her arrival at post, he/she will be expected to serve two tours at post. If the designation is changed to a two-tour post after arrival at post, the employee will have the option of transferring upon completion of one tour unless Agency needs dictate otherwise.

(2) Assignments to two-tour posts are made for two 24-month tours. If an FS employee is assigned to a two-tour post that is changed to a one-tour post before his/her arrival at post, he/she will have the option of transferring at the end of one tour unless Agency needs dictate otherwise. If the designation is changed to one-tour after the employee's arrival at post, he/she will be expected to serve for two years after the date of the one-tour designation or until originally scheduled to depart post, whichever date occurs first.

(3) Whenever a change in designation of a post requires an adjustment in an FS employee's tour(s), consideration will be given to extenuating personal circumstances, such as schooling or health problems.

(4) The list of overseas posts by one-tour category is included in PFM/PM's annual cable and AID General Notice on the AID Foreign Service Assignment System.

3. United States

A tour of duty for a rotation assignment is 36 months. Rotation assignments are made to a position in AID/W but may include assignment to another federal agency or state or local government, reassignment or training complement, or a combination.

4. Extending a Tour of Duty

a. Overseas

A Mission Director, or designee, may approve the extension of an FS employee's tour of duty up to three months without AID/W approval. The Chief, PFM/PM/FSP, or designee, must be notified prior to such extension, so that the extension may be taken into consideration in planning forward assignments and training.

The Chief, PFM/PM/FSP, or designee, with mission recommendation and in consultation with the appropriate AID/W bureau, may authorize extensions in excess of three months but not to exceed one year. Such extensions must be granted before an Assignment Board acts on the employee's next assignment. Extending a tour of duty shall not result in the employee being assigned continuously overseas for more than three years without home leave, unless approved by the Administrator, or designee.

b. United States.

The extension of a rotation assignment beyond three years requires approval at different levels of authority. Requests for extensions beyond four years must include medical, compassionate or strong program justification.

(1) An extension of a rotation assignment up to five years for other than medical reasons must be approved by the Chief, PFM/PM/FSP, or designee.

36J. Foreign Service Assignment Procedures

1. Position Vacancy Lists, Member Eligibility

All vacancies covered by the bargaining unit will be identified in worldwide cables and in AID/W General Notices that will include position level, backstop and language requirements. This information will be updated at least four times during the cycle. FS employees will be provided the information in time to express preferences for positions for which they are eligible and qualify. Employees who have not received assignment notification may express preferences based on periodic updates.

2. Completion of Assignment Report

FS employees assigned overseas should use cables to indicate their preferences for positions and posts, to initiate requests for shortening or extending tours, and/or to state their intentions to apply for training. Cables must contain information required on the COAR form (AID 4-253) and certification that the employee is aware of the cable content and concurs. Cables should be marked "Personal Information." The COAR form is required for employees assigned to the United States.

36K. Actions Following Assignment Determinations

1. PFM/PM/FSP informs relevant parties of assignment determinations.

2. Travel authorizations will state one of the following determinations:

a. Post Determined. PFM/PM/FSP notifies the FS employee's mission/office and authorizes Home Leave/Return to Post, Home Leave and Transfer, Midtour Transfer, Direct Transfer or Rotation to the United States, as appropriate. Members will be informed as to the length of their next assignment and, as appropriate, the intended scheduling of home leave.

b. Assignment to Complement. If an assignment determination has not been made before an FS employee is scheduled for departure from a current assignment, PFM/PM/FSP will authorize home leave, midtour or direct transfer, as appropriate, to the reassignment complement.

36L. Special Assignment Problems

1. When an FS employee is identified as having a special placement problem, PFM/PM/FSP will determine whether it is performance-related or caused by other factors. The review will be conducted by the appropriate Career Development Officer (CDO) and will be based on the employee's personnel file, documented performance history, background and skills.

2. If the PFM/PM/FSP review indicates that an FS employee is in an occupational skills category surplus to current Agency needs, the CDO will counsel the employee with regard to the nature of the placement problem, prospects for assignments and possible actions that might be taken to alleviate or resolve the problem. Courses of action may include:

- consideration of an excursion tour to gain professional or technical skills necessary to change the employee's field of specialty;

- a combination of self-study or on-the-job and formal training to help make the employee more competitive in the assigned occupational category, or to prepare the employee for positions in nonsurplus specialties.

3. If review results indicate that the FS employee's placement problem is due to performance, the CDO will provide counseling on steps the employee might take to improve performance to acceptable levels. If the employee's performance level is improved and documented as having reached a level of operational acceptability, but placement of the employee is not forthcoming, PFM/PM/FSP may recommend that the Director, PFM/PM, or designee, direct the assignment of the employee to a suitable position.

ATTACHMENT 36A

AGENCY USE [ ] Regular. [ ] Supplemental

AGENCY FOR INTERNATIONAL DEVELOPMENT

# COMPLETION OF ASSIGNMENT REPORT

Projected data in blocks 1 as of: (Month, Year)

| 1. Employee's Name (last, first, middle initial) | 2. Grade (2 digits) | 3. Backstop (2 digits) | 4. POSNO (9 digits) | 5. Organization |
|---|---|---|---|---|
| | | | | |

36

| 6. Social Security Number | 7. Date Began O/S or Rotation Assignment | 8. Date Arrived at Present Post | 9. Date Started Current Tour | 10. Employee Desired Departure Date | 11. Mission/Office Proposed Departure Date |
|---|---|---|---|---|---|
| | | | | | |

## 12. ASSIGNMENT PREFERENCES

*NOTE: Before completing, employee should consider personal career plans as well as the Agency's assignment precepts (HB 25, Chap. 9). Also refer to annual instruction and announcement cables. Positions listed which do not appear on announcement cables cannot be acted upon. If additional space is required to list preferences, please attach a separate sheet. Follow same format as below.*

| | Position Number (9 digits) | Title | Grade (2 digits) | Country | Date of Vacancy (4 digits) | Language Requirement (4 digits) |
|---|---|---|---|---|---|---|
| (a) | | | | | | |
| (b) | | | | | | |
| (c) | | | | | | |
| (d) | | | | | | |
| (e) | | | | | | |
| (f) | | | | | | |
| (g) | | | | | | |
| (h) | | | | | | |
| (i) | | | | | | |
| (j) | | | | | | |
| (k) | | | | | | |
| (l) | | | | | | |
| (m) | | | | | | |
| (n) | | | | | | |
| (o) | | | | | | |

SAMPLE

Until a new COAR form is issued, employees should use this form. Employees should NOT complete crossed out boxes on page 1; other corrections are noted.

13. The above represents my preference. I understand that AID will consider my desires, but actual assignment must also depend upon availability of a position and Agency personnel needs.

Signature of Employee _____ Date _____

14.
[ ] I have taken an R&R on current tour: Number of trips _____ Date travel initiated _____
[ ] I plan to take an R&R on current tour.
[ ] I have not taken/do not plan to take R&R on current tour.

15. MISSION/OFFICE CONCURRENCE

I [ ] do [ ] do not concur in employee's requested departure date.
I [ ] do [ ] do not concur in employee's requested return to post.
I [ ] do [ ] do not concur in employee's requested within Mission/Bureau reassignment.

Signature of Mission/Office Director or Designee _____ Date _____

AID 4-253 (6-85) - Page 1

AID/W, PM/FOREIGN SERVICE PERSONNEL DIVISION

| PAGE NO. | EFFECTIVE DATE | TRANS. MEMO NO. | AID HANDBOOK 25 |
|---|---|---|---|
| 36A-2 | March 31, 1988 | 25:144 | |

| 1. Employee's Name *(last, first, middle initial)* | 2. Grade *(2 digits)* | 3. Backstop *(2 digits)* | 5. Organization |
|---|---|---|---|
| | | | |

16. EMPLOYEE'S COMMENTS: Use this space, if necessary to clarify any entries made on page 1, or provide any additional pertinent information you wish to be considered in connection with your next assignment. This can include, but is not limited to limitations on assignment *(such as medical, dependent education, etc.)*, language training for tenure or LDP, short and long-term training, desire to exercise re-employment rights, etc. Give specific justification for an assignment preference which conflicts with normal agency policy or practice. *(See Handbook 25, Chapter 5 for assignment precepts.) Do not exceed space provided.*

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17. MISSION COMM

SAMPLE

18. ~~OVERSEAS~~ PERSONNEL DIVISION *(Acknowledge receipt to employee and indicate actions taken)*

FOREIGN SERVICE

AID/W Bureau/Office Distribution

☐ COAR received after established deadline and is being returned to employee without action. Employee will be considered for assignment to any position for which qualified.

| Typed Name | Title | Date |
|---|---|---|
| | | |

AID 4-253 (6-85) - Page 2

AID/W, PM/FOREIGN SERVICE PERSONNEL DIVISION

Supp. 36A

# COMPLETION OF ASSIGNMENT REPORT (COAR)
# AID 4-253 (10-85)

1. Purpose

This supplement describes the responsibilities of FS employees, field missions and AID/W organizational units regarding COARs.

2. Applicability

This supplement applies to all A.I.D. U.S. direct-hire FS employees except those assigned to Executive (Chapter 39) and Resident-Hire positions (Chapter 34), and direct-hire FS employees of the Office of Inspector General. The latter shall be governed by regulations and procedures for assignments and tours of duty as may be promulgated by the Inspector General under applicable authority.

3. Submission of COARs

a. FS employees are responsible for the proper completion and timely submission of COARs according to the schedule in M/PM's annual worldwide cable and the A.I.D. General Notice on the Foreign Service Assignment System.

b. FS employees must complete COARs according to assignment precepts. Failure to do so may cause the COAR to be rejected and the assumption that the employee is available for any announced position.

c. Field missions and AID/W organizational units should establish and maintain controls to assure that completed COARs are forwarded to reach M/PM/FSP by the due date. If timely delivery to M/PM/FSP is a problem, COAR information may be submitted by cable. The COAR format must be followed if a cable is used, or M/PM/FSP will reject the cable.

4. Position Preferences

a. Referring to the position vacancy lists and according to instruction messages, FS employees identify their preferences for positions.

(1) Employees must express preferences for at least four vacancies in the employee's current backstop and/or in any backstop for which he/she has been approved, if at least four such positions appear on the vacancy list. There is no limit to the number of bids that may be submitted.

(36A4)

(2) Employees serving at less than 25% differential posts must include at least two preferences for positions in 25% posts or posts where a combination of differential and danger pay exceeds 25%.

(3) Employees who will have served two current and consecutive tours in a region must express preferences for at least two positions outside of that region. AID/W is considered a region.

(4) Employees completing four years on rotation must express preferences for overseas positions.

(5) Employees who will have served overseas for eight years must express preferences for AID/W positions.

(6) Employees may express requests for long-term training, for detail assignments to other agencies or international organizations, or for shortening or lengthening their current tours of duty. Requests may be expressed in connection with preferences provided pursuant to the initial vacancy list and subsequent lists.

(7) Employees at the FS-1 level and above may request to be considered by the Executive Personnel Assignment Panel for executive level positions in the bargaining unit.

(8) Employees may express special concerns or needs, such as educational facilities, spousal employment and health considerations.

b. FS employees who do not state assignment preferences are presumed to have none.

c. Assignment action may be taken even though a COAR has not been received from an FS employee.

5. COAR Resubmissions

a. FS employees must follow instructions as specified in Sec. 4, Position Preferences when resubmitting COARS.

b. Resubmissions should be sent to M/PM/FSP within established deadlines.

c. Resubmissions are made to:

(1) add new positions announced in updates or delete original bids provided notification of onward assignment has not been received;

(36A5c)

(2) change other information, such as requesting that a tour be lengthened or shortened, change a departure date or change the mission recommendation when fully justified for urgent Agency program needs or compassionate reasons;

(3) shorten a tour because the FS employee's specialty is no longer required at the mission or AID/W organizational unit. If this situation arises before the employee is due to submit a COAR, the submission will constitute an original COAR submission.

b. Resubmissions for compassionate reasons may be sent to M/PM/FSP at any time.

Attachment:
Att. 36A-1, Completion of Assignment Report (COAR), AID 4-253 (10-85)

| AGENCY USE | ☐ Regular ☐ Supplemental | AGENCY FOR INTERNATIONAL DEVELOPMENT<br>**COMPLETION OF ASSIGNMENT REPORT** | Preprinted data in blocks 1 - 10 as of: *(Mo/Day/Yr)* |
|---|---|---|---|

| 1. Employee's Name *(last, first, middle initial)* | 2. Grade *(2 digits)* | 3. Backstop *(2 digits)* | 4. POSNO *(9 digits)* | 5. Organization |
|---|---|---|---|---|
| | | | | |

| 6. Social Security Number | 7. Date Began O/S or Rotation Assignment | 8. Date Arrived at Present Post | 9. Date Started Current Tour | 10. Employee Desired Departure Date | 11. Mission/Office Proposed Departure Date |
|---|---|---|---|---|---|
| | | | | | |

## 12. ASSIGNMENT PREFERENCES

*N O T E: Before completing, employee should consider personal career plans as well as the Agency's assignment precepts (HB 25, Chap. 6). Also refer to annual instruction and announcement cables. Positions listed which do not appear on announcement cables cannot be acted upon. If additional space is required to list preferences, please attach a separate sheet. Follow same format as below.*

| | Position Number *(9 digits)* | Title | Grade *(2 digits)* | Country | Date of Vacancy *(4 digits)* | Language Requirement *(4 digits)* |
|---|---|---|---|---|---|---|
| (a) | | | | | | |
| (b) | | | | | | |
| (c) | | | | | | |
| (d) | | | | | | |
| (e) | | | | | | |
| (f) | | | | | | |
| (g) | | | | | | |
| (h) | | | | | | |
| (i) | | | | | | |
| (j) | | | | | | |
| (k) | | | | | | |
| (l) | | | | | | |
| (m) | | | | | | |
| (n) | | | | | | |
| (o) | | | | | | |

13. The above represents my preference. I understand that AID will consider my desires, but actual assignment must also depend upon availability of a position and Agency personnel needs.

Signature of Employee _____ Date _____

14.

☐ I have taken an R&R on current tour: Number of trips _____ Date travel initiated _____

☐ I plan to take an R&R on current tour.

☐ I have not taken/do not plan to take R&R on current tour.

15. MISSION/OFFICE CONCURRENCE

☐ do ☐ do not concur in employee's requested departure date.

☐ do ☐ do not concur in employee's requested return to post.

☐ do ☐ do not concur in employee's requested within Mission/Bureau reassignment.

Signature of Mission/Office Director or Designee _____ Date _____

| 1. Employee's Name *(last, first, middle initial)* | 2. Grade *(2 digits)* | 3. Backstop *(2 digits)* | 5. Organization |
|---|---|---|---|
| | | | |

16. EMPLOYEE'S COMMENTS: Use this space, if necessary to clarify any entries made on page 1, or provide any additional pertinent information you wish considered in connection with your next assignment. This can include, but is not limited to limitations on assignment *(such as medical, dependent tion, etc.)*, language training for tenure or LDP, short and long-term training, desire to exercise re-employment rights, etc. Give specific justification for an assignment preference which conflicts with normal agency policy or practice. *(See Handbook 25, Chapter 6 for assignment precepts.) Do not exceed space provided.*

17. MISSION COMMENTS

18. OVERSEAS PERSONNEL DIVISION *(Acknowledge receipt to employee and indicate actions taken)*

AID/W Bureau/Office Distribution _____

☐ COAR received after established deadline and is being returned to employee without action. Employee will be considered for assignment to any position for which qualified.

| Typed Name | Title | Date |
|---|---|---|

# FOREIGN SERVICE ASSIGNMENT BOARDS

1. Purpose

This supplement describes the operations of the A.I.D. Foreign Service Assignment Boards (ABs), including their authorities, composition, responsibilities and assignment precepts, and provides guidance to the ABs. The ABs assist and support the Director, M/PM, or designee, in exercising assignment authority.

2. Applicability

This supplement applies to all A.I.D. U.S. direct-hire FS employees except those assigned to Executive (Ch. 39), Resident-Hire (Ch. 34) and Inspector General (IG) positions. IG assignments are made by the IG as determined by the needs of that office, and are based on the assignment precepts included in this Supplement except for the use of the ABs.

3. AB Composition, Procedures and Administration

a. AB Membership

(1) Each AB has six permanent members: Chief, M/PM/FSP, or designee, who serves as AB chairperson; one AID/W senior official from the Bureaus of Africa, Asia and Near East and Latin America and the Caribbean; a representative of the Director, Office of Equal Opportunity Programs; and a Career Development Officer, M/PM/FSP.

(2) Permanent AB members attend all sessions for all backstops; each permanent member has one vote.

(3) Ad hoc AB members are added to the permanent AB membership as required. Ad hoc members who may cast votes for FS assignments according to specific backstop groups regardless of the location of the assignment are cited in App. 36B-1. Other ad hoc members may cast votes only on FS employees being considered for assignment to their respective bureau or office.

b. AB Meetings

AB meetings will be called by the chairperson as often as necessary.

(36B3)

c. Interim Actions between AB Meetings

All proposed assignments are recommended for consideration in a scheduled meeting. In exceptional situations, when an assignment decision must be made before the next scheduled AB meeting, the chairperson may contact members to obtain recommendations to act on a proposed assignment action.

d. Confidentiality of AB Deliberations

**All discussions and comments made during AB meetings are confidential, and must not be discussed by any attendees in any way or at any time outside of AB meetings.**

e. AB Recommendations

AB recommendations are based on a majority vote of its members.

f. Appeal of Assignments and Appeal Process

Appeal of an assignment may come from:

(1) The principal A.I.D. officer of an overseas post may appeal the assignment of an FS employee to that post. The appeal, with justification, must be provided in writing to the Director, M/PM, or designee, within 10 working days of being notified of the assignment. In forwarding the appeal, the principal officer must exercise discretion to protect the reputation and privacy of the affected employee. The affected employee can request a copy of the principal officer's appeal, and has 10 days to forward comments to the Director, M/PM.

(2) An FS employee may appeal his/her assignment, with justification, in writing, to the Director, M/PM, within 10 working days of being notified of the assignment. A cable may be used to meet the time requirement. Upon receipt of the employee's appeal, M/PM will obtain relevant comments from the parent bureau.

(3) An Assistant Administrator or head of office may appeal the assignment of an FS employee to that bureau or office. The appeal, with justification, must be provided in writing to the Director, M/PM, within 10 working days of being notified of the assignment. In forwarding the appeal, the Assistant Administrator or head of office must exercise dis-

(36B3f)

cretion to protect the reputation and privacy of the affected employee. The affected employee can request a copy of the Assistant Administrator's or head of office's appeal, and has 10 days to forward comments to the Director, M/PM.

(4) Any persons named in this section can appeal an assignment decision to the Assistant to the Administrator for Management.

g. AB Support

M/PM/FSP provides the following support services:

--schedules AB meetings;
--prepares AB meeting agendas;
--prepares background information on FS employees being considered for assignments;
--matches FS employee preferences to vacant positions;
--provides information, technical advice and recommendations regarding individual assignments;
--keeps minutes of AB meetings;
--records AB recommendations;
--disseminates minutes;
--prepares and obtains clearances and approvals of all formal communications on assignments and required personnel actions to the field and to AID/W.

4. Guidance to ABs

ABs will make individual assignment recommendations within the context of the following general criteria and basic concerns of the Agency:

a. Agency Program Needs. The needs of the Agency will be the predominant factor in determining FS employees' assignments.

b. Career Development Needs and Personal Preferences. Assignment decisions will take into consideration FS employee needs and preferences regarding such factors as health; prior assignments; children's schooling; job responsibilities; post preference; opportunity for use of language capability and substantive training; need for language and other training; skills; academic background, experience and demonstrated abilities; grade; and opportunities for a broadening and enriching experience for the employee and his/her family. Employees are encouraged to provide their views on these matters in their COARs and to discuss their assignment preferences with their respective Career Development Officers.

(36B4)

c. Assignment Continuity. An assignment should be of sufficient length to allow time for the development of individual expertise and for meeting Agency needs for program continuity.

d. U.S. Government Perspective. Care must be taken to avoid the development of too strong a client orientation. Assignments of very long duration or repeated assignments to a particular country will not be permitted.

e. U.S. and A.I.D. Perspective. Periodic rotation assignments will be made to ensure that FS employees have the opportunity for reorientation to life in the United States and to overall A.I.D. policies, and to apply their overseas experience to AID/W operations.

5. Assignment Precepts

a. Standard Tours

The standard overseas tour is 24 months followed by home leave. An FS employee should serve two standard tours at two-tour posts, provided the occupied position is continuing or another suitable position is available. Exceptions:

--danger posts that do not allow dependents;
--urgent Agency program needs;
--compelling personal circumstances.

b. Midtour Transfers

(1) Midtour transfers will be considered only if there are justifiable compassionate reasons or Agency program needs.

(2) FS employees midtour transferred from one overseas post to another post must serve the appropriate number of months overseas to qualify for home leave.

(3) If not inconsistent with other portions of this chapter, FS employees transferred midtour to a post must fulfill the tour required of that post.

(4) Midtour transfers made for the Agency's benefit shall not disadvantage the FS employee, e.g., eligibility for R&R or repayment of R&R costs if time at post requirements are not met.

(36B5c)

c. Extensions

(1) If an extension is granted on the first tour at a two-tour post, the FS employee will return after home leave to complete a second full tour.

(2) Decisions to approve more than two tours at a two-tour post will take into consideration the need to accommodate employees who have been serving at one-tour or danger posts.

(3) After two consecutive tours in the same country, an employee will be assigned to another country unless there is strong justification for a third tour to the same country.

(4) Continuous overseas service of more than eight years is an exception and requires justification based upon urgent Agency program needs and approval of the Director, M/PM, or designee.

d. Rotation Assignments

(1) A standard rotation assignment is for 36 months. An FS employee is eligible for a rotation assignment after two tours overseas.

(2) A rotation assignment may be shortened if there are urgent Agency program needs. Rotation aassignments also may be extended.

(3) An FS employee who has served continuously overseas for four or more tours will receive special consideration for a rotation assignment.

(4) An FS employee must be assigned in the United States for at least one rotation tour during each 15 years of service.

(5) An FS employee serving in a continuous rotation assignment for 48 months or more shall receive priority consideration for an overseas assignment.

(6) After continuous service of eight years in the United States, an FS employee will be assigned to an overseas post unless there are special circumstances.

(36B5e)

e. Miscellaneous

(1) Service of eight years in the same geographic bureau (AID/W and overseas) creates a very strong presumption for assignment to another geographic bureau. Shifting boundries of geographic bureau responsibility should not detract from the concept that FS employees should serve in different geographic areas during their careers.

(2) FS employee career patterns should reflect a balanced proportion of service at A.I.D. one-tour posts.

(3) The medical condition of an FS employee or dependents is a valid reason to temporarily alter the normal pattern of assignments.

Attachment:
Att. 36B-1, Assignment Board Members and Voting Responsibilities

Att. 36B-1

## ASSIGNMENT BOARD MEMBERS AND VOTING RESPONSIBILITIES

| BACKSTOP GROUPS* | 02 | 03 | 04 | 10 | 15 | 20 | 85 |
|---|---|---|---|---|---|---|---|
| | 05 | 06 | | 12 | | 21 | |
| | 07 | 92 | | 14 | | | |
| | 11 | 93 | | 25 | | | |
| | 72 | | | 30 | | | |
| | 94 | | | 50 | | | |
| | 95 | | | 60 | | | |
| | | | | 75 | | | |

**BOARD MEMBERS**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| PERMANENT MEMBERS: | | | | | | | |
| Chief, M/PM/FSP, or designee | X | X | X | X | X | X | X |
| M/PM/FSP/CD | X | X | X | X | X | X | X |
| EOP | X | X | X | X | X | X | X |
| Africa Bureau | X | X | X | X | X | X | X |
| Asia/Near East Bureau | X | X | X | X | X | X | X |
| Latin America Bureau | X | X | X | X | X | X | X |
| AD HOC MEMBERS: | | | | | | | |
| M/FM | | | X | | | | |
| M/SER/EOMS | | X | | | | | |
| GC | | | | | | | X |
| FVA | | | | | X | | |
| PRE | | | | | | X | |
| S&T | | | | X+ | | | |
| PPC | | | | | | | |

+excluding behavioral sciences

***BACKSTOP GROUPS**

| | | | | | |
|---|---|---|---|---|---|
| 02 | Program Analysis | 11 | Economics | 50 | Health Sci, Medical & Pop |
| 03 | Adm Mgt | 12 | Program Mgt | 60 | Hum Res, Edu & Part Train |
| 04 | Financial Mgt | 14 | Rural Dev | 72 | Social Services |
| 05 | Secretarial Support | 15 | Food for Peace | 75 | Physical & Social Science |
| 06 | General Services | 20 | Hous, Urban & Com Dev | 85 | Legal |
| 07 | Adm Support | 21 | Bus, Ind & Priv Ent | 92 | Commodity Mgt |
| 08 | Audit & Inspection | 25 | Engineering | 93 | Contract Mgt |
| 10 | Agriculture | 30 | Nat Res & Energy Mgt | 94 | Project Development |

# CHAPTER 37

## TIME IN CLASS LIMITATIONS
## (Classes FS-01 and Below)

### 37A. Purpose

This chapter provides the policies and regulations which govern time in class (TIC) limitations for A.I.D. career Foreign Service employees. The regulations governing TIC limitations for A.I.D. career Senior Foreign Service employees are included in HB 25, Ch. 38, Senior Foreign Service.

### 37B. Applicability

This chapter applies to all A.I.D. direct-hire, U.S. citizen Foreign Service (FS) employees in classes FS-01 and below. TIC limitations shall not apply to employees in classes FS-05 or below, or employees serving under limited appointments, i.e., career candidates and noncareer appointees.

### 37C. Authorities and References

Foreign Service Act of 1980 (FSA), as amended; sect. 607, 609, 806, 811-813, 2102, 2103 and 2106.

### 37D. Responsibilities

#### 1. Foreign Service Personnel Division (M/PM/FSP)

M/PM/FSP is responsible for establishing and managing the necessary system(s) to implement and administer this regulation for all FS employees in classes FS-01 and below except as provided in 37D2 and D3.

#### 2. Executive Personnel Management Staff (M/PM/EPM)

M/PM/EPM is responsible for managing the necessary system(s) to implement and administer this regulation for all FS employees assigned to executive level positions (see HB 25, Ch. 39).

#### 3. Office of Administration, Office of the Inspector General (IG/ADM)

IG/ADM is responsible for managing the necessary system(s) to implement and administer this regulation for FS employees in BS-08 (Auditors and Inspectors).

37E. Policies

1. Any action(s) resulting from this regulation shall be in accordance with the Agency's policy of nondiscrimination and in compliance with equal employment opportunity laws, regulations and procedures.

2. The cumulative TIC limitations specified in 37G shall apply to all occupational categories (backstops).

3. Employees who have applied for SFS promotion consideration will be subject concurrently to the seven-board review limitation specified in HB 25, Ch. 38 and the TIC limitations prescribed in this chapter, whichever occurs first.

4. Except as provided in 37I, all service with the Agency in career status in classes FS-04 and above will be considered in TIC computations including service under the Foreign Service Act of 1946.

37F. Objectives

1. The purpose of this regulation is to ensure a steady flow through the Service of highly skilled employees who display maximum effectiveness in furthering the Agency's mission.

2. The intent of the Agency's policy is to maintain a career FS system that allows for the progressive advancement of talent through the ranks while balancing this against the need to retain the expertise and experience of its most capable senior employees.

3. The goals of the Agency's policy are threefold:

a. to reward with progressive advancement those employees identified as exceptional performers;

b. to afford a suitable career to employees who perform satisfactorily; and

c. to retire those employees who fail to demonstrate sustained achievement in their careers.

37G. TIC Limitations

1. Employees Appointed At or Promoted To FS-04, or Equivalent

Employees appointed at, or promoted to, class FS-04 or equivalent (see 37I3), are subject to a cumulative TIC limit of 25 years from class 04 through class FS-01. Service under a limited appointment ("L" status) and/or in a grade below FS-04 or equivalent will not count against the cumulative TIC limitation.

2. Lateral Entrants

Employees appointed to classes above the FS-04 level (lateral entrants) are subject to the cumulative TIC limits specified below. Service in "L" status will not count against the cumulative TIC limitation.

Cumulative Limits

| | | |
|---|---|---|
| FS-03 through FS-01 | - | 22 yrs |
| FS-02 through FS-01 | - | 20 yrs |
| FS-01 | - | 18 yrs |

37H. Procedures

1. Transition Provisions

a. Within 12 months from the effective date of this chapter, M/PM/FSP, M/PM/EPM and IG/ADM, as appropriate, will notify, in writing, all employees subject to TIC limitations of their projected TIC expiration date.

b. Employees who as a result of this regulation have exceeded their maximum TIC will be retired 12 months after receipt of the above notifica- tion or, for those who have applied for SFS promotion consideration, upon expiration of the seven-board review limitation, whichever occurs first.

c. Employees covered by this transition provision will be eligible for promotion, except that employees who have applied for SFS promotion consideration will be subject to the seven-board review limitation.

d. Employees who have not exceeded their time in class will be notified, in writing, by M/PM/FSP, M/PM/EPM or IG/ADM, as appropriate, in advance of the actual date their time in class will expire.

2. New Hires

a. All employees newly appointed to a class subject to TIC limitations will be notified, in writing, of their projected TIC expiration date at the time of their appointment or tenuring, whichever is later.

b. Such employees will again be notified, in writing, generally within six months in advance of the the actual expiration date.

37I. Computing Time in Class

1. TIC is computed from the date of career appointment to classes FS-04 through FS-01, or date a career employee is promoted to class FS-04, whichever is later.

2. The calculation shall include all periods of career service in classes FS-04 and above, or equivalent (see 37I3), but excluding:

a. a break in service. For the purpose of this regulation, periods during which an employee was seconded to an international organization with reemployment rights to A.I.D. are not considered a break in service;

b. periods under a competitive service appointment with A.I.D. (career service before or after a competitive service appointment will be counted);

c. periods for which M/PM or IG, as appropriate, determined that, to correct denial of opportunity for promotional consideration resulting from inadequate or incorrect performance data or administrative error; and

d. periods which are non-rated by direction of the FS Grievance Board, the Merit Systems Protection Board or through a formal EEO determination, i.e., settlement of final Agency decision; and

e. periods spent in agency sponsored training of one year or more.

3. Service under the FSA of 1946 will be credited as shown below to determine cumulative time in class:

FSR-06 -- FS-04; FSR-05 -- FS-03; FSR-04 -- FS-02; FSR-03 -- FS-01

37J. Separation Actions

1. Except as provided in 37J3 and 4, employees shall be mandatorily retired in accordance with sec. 607 of the Act upon expiration of the TIC limits specified in 37E.

a. All employees at class FS-01, regardless of eligibility, and other employees who are eligible for voluntary retirement are entitled to annuity benefits in accordance with HB 30, Supp. 3C (3 FAM 673).

b. Employees in class FS-02 and below who are not eligible for voluntary retirement are entitled to severance pay and may elect to receive a refund of their retirement contributions or a deferred annuity as specified in HB 26, Ch. 10.

2. The effective date of retirement for employees other than those appointed to positions by the President (see 37J3) or who are covered by the transition provisions (37H1) shall be set by the Director, M/PM and shall be within six months after expiration of the TIC limitation. Within 30 days after the date an employee's TIC expires, the employing office will advise the employee of the effective date of retirement or of any extension granted by the Administrator (see 37J4).

3. The effective date of retirement for employees serving as Presidential appointees in positions to which they were appointed by the President, by and with the advice and consent of the Senate, shall be the end of the month in which the appointment is terminated, unless postponed in accordance with 37J4.

4. Notwithstanding 37J1 above, the Administrator may, in special circumstances, postpone the effective date of retirement in the public interest. Such postponement may not exceed one year. Employees whose retirement date is postponed under this section will not be eligible for promotion.

Agency for International Development
Washington, D.C. 20523

AID General Notice
FA/HRDM/PPM/PP
Date: 2-6-92

**SUBJECT: Revised Senior Foreign Service Chapter**

REF: Handbook 25 Chapter 38

For all foreign service officers

1. Management and AFSA are pleased to announce that agreement has been reached on a significantly revised Senior Foreign Service Chapter. The revised Chapter 38 of Handbook 25 was recently issued under TM 25:154 and should be filed within the handbook. The effective date of the revision is 9 December 1991.

2. The purpose of this notice is to advise the A.I.D. Foreign Service of the major changes agreed to as part of the revised chapter and the rationale behind making these changes. We also want to alert certain groups of officers to the options they have as part of the implementation of the revised chapter.

3. Background: The Foreign Service Act of 1980 significantly changed the manner by which the Foreign Service was to be managed, particularly for A.I.D. Most notably, the so called "up or out" system became applicable to A.I.D. by virtue of the Agency's inclusion in the Act and the Senior Foreign Service (SFS) was established.

The introduction of the "up or out" system necessitated the establishment of time in class (TIC) limitations, limited career extension (LCE) policy and procedures and a host of related procedures. In regard to the SFS, the Act specified that the Agency prescribe the length of the period that officers could compete for the SFS (the Threshold window) and procedures for requesting and withdrawing from consideration for promotion. Underlying both systems was the requirement that decisions on the numbers of officers to be promoted into and retained in the SFS be based on projections and needs designed to provide: "a regular, predictable flow of recruitment into the service" and "a regular, predictable flow of talent upward through the ranks and into the Senior Foreign Service."

Since 1981, the Agency has developed and implemented regulations designed to implement the various provisions of the Act including the establishment of TICs and the threshold window and development of LCE policies/procedures. As experience has been gained in managing and administering the foreign service under the Act, we have been able to identify those areas where adjustments were needed in order to improve the management of the system and to make it

more fair and equitable. These changes have been incorporated into the revised chapter. Needless to say, as we gain more experience, additional modifications will no doubt be needed to fine tune the system.

4. Key Changes: Management, with the encouragement of AFSA, developed the various revisions as a package, covering the entire chapter. This allowed us to develop a more balanced regulation, considering the needs of the Agency and our Foreign Service Officers along with the requirement to maintain the flow of talent through the ranks and into the SFS. Three major changes were made to the chapter:

o The Senior Foreign Service Threshold for FS-01s was extended from the current 8 Board reviews to being coterminous with the FS-01's TIC.

o A combined OC/MC TIC of 12 years (7 year OC + 5 year MC) was established for those SFS officers promoted to MC.

o The criteria, policies and procedures regarding the management of Limited Career Extensions (LCEs) were significantly tightened and brought more in line with the "Up or Out" concept.

These changes and the rationale for the revisions are discussed in more detail below.

A. Senior Foreign Service Threshold: The previous regulations established a maximum of 8 (originally 7) board reviews for promotion to the SFS. An individual not promoted by the 8th board, was mandatorily retired within 6 months of the adjournment of the Board. Officers did have the alternative of withdrawing from competition prior to the 8th Board but could not, thereafter, request consideration for promotion.

The new provision ties the period of consideration to the individual's career FS TIC which applies to ranks FS-04 through FS-01 and varies with the rank at which the individual was tenured (see HB 25, Ch. 37). For example, the 25 year TIC of an individual tenured as an FS-04 in 1980, expires in 2005. If promoted to FS-01 in 1992, the individuals may request and be considered for promotion beginning with the 1994 Senior Threshold Board and continue to compete until TIC expiration in 2005. Under the old rules, the officer could compete only through the 2001 Selection Board (8 Boards).

Individuals must still formally request consideration for promotion and may still withdraw if they so choose. The one year in class requirement for eligibility to compete remains but a requirement for 6 years A.I.D. direct hire experience overseas has been added to insure that officers promoted to the SFS have adequate experience in A.I.D. operations overseas. In recognition that some FS-01s have based their career plans on the 8 board threshold, a grandfather clause has been added applicable to FS-01s promoted to FS-01 prior to December 1990 allowing a choice between the old and new provisions. See paragraph 6A for details.

There were several concerns with the 8 board window that led to the revision. First, we found that several very good officers were dropping from competition, either through mandatory retirement or, more often, through withdrawal from competition. While the actual numbers were not large, it made little sense to continue with a system that did not maximize competition. Secondly, we saw no advantage in arbitrarily limiting the individual's period of competition, especially considering the effects that a slow down in promotions or that one or two less than outstanding EERs could have on one's chances for promotion with such a limited window. Thirdly the percentage of LCEs being granted each year was significant enough to have clogged the SFS flow-through, thereby greatly reducing the number of 01s who could be promoted. We think the longer threshold will allow such aberrations to be averaged out and will thereby prove advantageous to employees and the Agency alike.

We also found that we were creating a new class of FS-01s, those who chose to withdraw from competition rather than face possible mandatory retirement. Needless to say, finding it necessary to withdraw has a demoralizing effect and absent the possibility of promotions, there was little incentive to perform at one's peak. It also created an extremely difficult process to administer, given the variety of groups at the FS-01 level.

The threshold window has been criticized by a number of selection boards and the Thomas Commission, which prepared a report on the Department of State's personnel system recommending that the window be dropped. We have, in fact, been unable to identify any rational justification for the Threshold. Extending the window will not alter the number of promotions to SFS nor will it significantly affect overall flow-through (less than 5 officers a year have departed as a result of mandatory retirement). The TIC provision, not the threshold, is the primary means of insuring a flow. It will, however, increase the number of officers competing for promotions at the 01 level as FS-01s will no longer be forced to withdraw. In sum, we determined that the benefits of tying the period of consideration for promotion to the individual's FS TIC far out weighed the disadvantages - especially when considered in conjunction with the revised LCE policy. USIA has already made a similar change to its threshold regulations.

As a result of the revision, those FS-01s who had previously withdrawn from consideration will be placed back into competition and will be considered by selection Boards starting in 1992.

B. OC/MC combined TIC: The change to the OC/MC TIC was based on the need to more fairly level career spans for MC level officers, regardless of when promotion to MC occurs during the 7 year OC TIC. Under the previous regulations, rapid promotion from OC to MC penalized "fast trackers". This occurred when an employee at the OC level was promoted to MC before exhausting all his/her allotted TIC time at the OC level, i.e., an OC promoted to MC after 3 years was faced with a total TIC period, adding OC and MC periods, of 8 years (3+5). This contrasts with an officer promoted to MC after 7 years who would realize a 12 year TIC (7+5). The "fast tracker" would find his/her career shortened and the Agency would find itself without a top line officer

and possibly forced into giving a LCE. Clearly, this is neither fair to the individual nor is it good management.

The new provision combines the two TIC periods for a total TIC for those promoted to MC of 12 years. Importantly, any time spent in LCE status at the OC level counts towards the 12 year TIC. Otherwise, the above error would be repeated. Absent the new provisions, LCEs would be used to extend careers.

The primary disadvantage of the change is that by extending the period of the TIC, the flow-through is somewhat slowed. The actual effect is limited given the small number of MC level officers (55 to 75) and the fact that extended LCEs would be granted in the absence of the new provisions. Both State and USIA have already adopted the combined OC/MC TIC. Current MC level officers have been afforded, as part of the provision, a one time opportunity to choose between their present 5 year MC TIC and the new combined TIC.

C. Limited Career Extensions: The major impediment to the "up or out" system has been the Agency's LCE policy/practice. With the exception of 1991, approximately 80% of those SFS officers eligible for LCEs were granted LCEs - usually for 3 year periods. Moreover, the old regulations were written in a manner that allowed management the leeway to approve LCEs as long as the officer was recommended for an LCE by the Selection Board and an assignment could be identified - up to age 65. While this was not a significant problem when attrition levels were high, it becomes a problem when attrition rates slow as they have since 1990, reflecting the desire of SFS officers to establish a high 3 under the new salary levels.

The new approach seeks to balance the requirement to maintain the flow-through with the Agency's Management needs. The new provision will award LCEs first to permit completion of tours, usually defined as 4 years at the SMG level. It made little programmatic or financial sense to pull a senior officer from an assignment at the mid-tour point. A second, smaller group of LCEs will be awarded for programmatic reasons to those officers with an assignment and who are in a shortage category, have special skills or experience, or are needed to wrap-up an activity being phased out.

The length of the individual LCE is to be tied to the assignment/tour, not to exceed 3 years and combined periods in LCE status will not exceed 5 years. Five years was considered sufficient time for the Agency to adjust to critical requirements by training/promoting other officers.

The number of LCEs granted will decrease somewhat as a result of the change. More importantly, the total periods on LCE will decline leading to an improved flow.

5. Other changes:

o The previous regulation included a provision that any officer refusing an onward assignment in connection with an LCE would be subject to separation for cause. AFSA requested that this be changed. Management agreed, and the language has been modified to provide that officers who do not accept an assignment under an LCE will be retired for expiration of TIC.

o Management submitted a proposal that would allow OCs to add up to 3 years to their OC TIC if, by virtue of their promotion, they would realize a career TIC, counting time at the FS and OC levels, of less than 25 years. This change has not been implemented. Both management and AFSA agreed that the proposal warrants further study, and we will be working together over the next year to consider the merits of the proposal.

o Most of the other changes were editorial in nature.

6. Implementation: The effective date of the revised chapter is 9 December 1991. As noted above, some grandfather provisions were included that require actions by affected officers.

A. FS-01s. As noted above, officers promoted to the FS-01 class prior to December 31, 1990 will have a one time opportunity to choose between remaining under the old, 8 board review system and the new system. Affected FS-01s have until May 31, 1992, to make their choice. If they choose to remain under the old system, they must so indicate by cable or 2 way memo. Cable/memo must be received by FA/HRDM/PMES, attn: Sylvia Sumter Rm. 1127 SA-1 by 31 May 1992. Absent such an indication, officers will be automatically covered under the revised regulations. See HB 25, Chapter 38, part 38F2 of revised regulations for additional details.

B. Letters will be issued shortly to FS-01 officers who had previously withdrawn informing them of their status and advising that EERs for this cycle should be written considering their competitive status.

C. Current MC level officers: Current MC officers have the option to retain their present 5 year MC TIC if they so choose. Letters have been issued requesting their decision.

7. The development and negotiations of this chapter have been long and difficult. However, we (AFSA and Management) firmly believe that the changes represent very positive steps toward a better and more fairly managed Foreign Service. Should you have questions regarding your status under the revised regulations, please contact your career development officer or, in the case of SMG and SFS officers, executive management (FA/HRDM/EM) office.

DISTRIBUTION:

AID List # 1 & List # 2

FILE: This circular should be filed in front of Chapter 38

TRANSITION PROVISIONS

SFS TIME-IN-CLASS LIMITATIONS

The time-in-class limitations which apply to officers who, as career members of the Service, were appointed or promoted to their present class (including appointment or promotion to the former FSR-1 or FSR-2 grades) on December 31, 1983 or before, are as follows:

| CLASS | DATE OF CAREER APPOINTMENT OR PROMOTION | YEAR TIC EXPIRES |
|---|---|---|
| Career Minister | January 1, 1983 to December 31, 1983 | 1988 |
| Minister Counselor (former FSR-1) | December 31, 1978 or before | 1987 |
| | January 1, 1979 to December 31, 1981 | 1988 |
| | January 1, 1982 to December 31, 1983 | 1989 |
| Counselor (former FSR-2) | December 31, 1972 or before | 1987 |
| | January 1, 1973 to December 31, 1975 | 1988 |
| | January 1, 1976 to December 31, 1978 | 1989 |
| | January 1, 1979 to December 31, 1981 | 1990 |
| | January 1, 1982 to December 31, 1983 | 1991 |

For time-in-class limitations for career members appointed or promoted on or after January 1, 1984, see Chapter 38, Section 38J2.

# CHAPTER 38

## SENIOR FOREIGN SERVICE

### 38A. Purpose

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

### 38B. Applicability

1. This chapter applies to all noncareer and career candidate limited appointees, and career members of the AID SFS.

2. Generally, this chapter shall apply to SFS employees working in the Office of the Inspector General (IG). However, the IG has separate authority to structure and administer the SFS program, including Selection Boards, for SFS auditors and investigators (BS-08). As used in this chapter and any supplements, the Director, Human Resource Management and Development (FA/HRDM/OD) also shall mean the Inspector General for employees in BS-08.

### 38C. Authorities and References

1. Foreign Service Act of 1980 (the Act), as amended.
2. 22 U.S.C. 3965 (Performance Pay).
3. P.L. 97-241 (8/24/82) and 3 FAM 226.4-3 (Salary Level Adjustments).
4. Executive Order 12293 (2/23/81) (Salary Classes).
5. HB 25, Chapter 40, Foreign Service Evaluation Program (Supp. 40B, General Precepts for AID Selection Boards; Supp. 40C, Precepts for Promotion; Supp. 40D, Limited Career Extensions for SFS Employees).
6. HB 30, Chapter 5, Disciplinary Action - Foreign Service.

### 38D. Policies

1. AID is committed to maintaining a vigorous SFS characterized by strong policy formulation capabilities, outstanding executive leadership qualities and highly developed functional, foreign language and area expertise.

2. 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.

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3. The AID SFS shall be composed primarily of career employees promoted from the top class of the Foreign Service (FS) schedule, but opportunities also will exist for a modest number of highly skilled persons to enter the SFS as career candidates or to serve on a time-limited basis in positions for which there is not a continuing need. AID encourages all employees to compete for training and assignment opportunities and to develop skills necessary to maintain a viable corps of senior executives.

4. Decisions on the numbers of individuals to be promoted into and retained in the Senior Foreign Service shall be based upon a systematic long-term projection of personnel flows and needs designed to provide:

a. a regular, predictable flow of recruitment in the Service;

b. effective career development patterns to meet the needs of the Service; and

c. a regular, predictable flow of talent upward through the ranks and into the Senior Foreign Service.

38E. Responsibilities

1. Secretary of State

Responsible for overall administration and direction of the Foreign Service and coordinating certain activities of the various foreign affairs agencies using the Act (Sec. 201(a) of the Act).

2. AID Administrator

a. Makes limited appointments to the SFS under sec. 303 of the Act.

b. Recommends to the President persons to be appointed as career members of the SFS under Sec. 302 of the Act.

c. Determines the amount of performance pay available each year and distributes such based on the recommendations of the Consolidated SFS Selection Board (C/Board).

d. Grants LCEs in accordance with recommendations of the C/Board and established criteria (see Section 38K.4).

3. Office of Human Resource Development and Management (HRDM)

As provided for by the Act and within the framework of regulations and delegations of authority, HRDM is responsible for day-to-day management of the SFS. It maintains personnel files and records,

38E3

supports various boards impacting on the SFS, manages and supports the selection, assignment and promotion process and recommends decisions reserved for the Administrator. Except as prohibited by law, Agency discretionary provisions in this chapter may be waived by the Director, HRDM, based on the needs of the Agency.

4. Consolidated SFS Selection Board (C/Board)

The Board is responsible for evaluating the performance, competence and potential of Senior Foreign Service employees. The Board will recommend promotions, 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. The Board shall also review the character, quality of work, industry, usefulness and experience of employees identified for LCEs and inform the SMRB of LCE recommendations, as discussed in this chapter.

5. Senior Management Review Board (SMRB)

The Senior Management Review Board (SMRB) is responsible for recommending SFS employees for Presidential awards and adjudicating denial of FS and SFS Agency performance pay award cases referred by the Director of Human Resources and for advising the Deputy Administrator on Limited Career Extensions. The SMRB is chaired by the Deputy Administrator and includes, as permanent members, the Associate Administrators, the Counselor to the Agency, the Director of Human Resources Development and Management, the Chief of Executive Management; and, when convened, each SMRB will include, on a rotating basis, the Asst. Administrator (or Deputy/AA) of one of the Regional Bureaus.

38F. Selection and Appointment

Employees may be appointed to the SFS under career, career candidate or noncareer appointments. The Act requires that the SFS be comprised of not less than 95 percent career officers, with the exceptions noted in 38F3a. Career employees are appointed through promotion of AID career FS employees, reappointment or recall of former career employees; or career appointment following service as a career candidate. The appointment of members of the Senior Executive Service (SES) to the Senior Foreign Service (SFS) may not be made to a class higher than Minister Counselor (MC).

1. Promotion into SFS

a. Only career employees who have had (1) at least one year in class FS-01 and (2) at least six years of A.I.D. 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 will be reviewed by Senior Threshold Boards until they are promoted, their time-in-class expires, or they withdraw from competition, whichever is earliest. Those not promoted prior to the expiration of their time in class will be mandatorily retired within six months of the conclusion of the threshold board or the expiration of their TIC, whichever is later, unless extended (a) until termination of appointment for those in positions to which appointed by the President (sec. 607(d)(1) of the Act) and/or, (b) in the public interest for up to a maximum of one year by the Administrator (sec. 607(d)(2)).

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

2. Employees promoted to FS-01 prior to December 31, 1990

a. Current FS-01 employees who were promoted to FS-01 prior to December 31, 1990, may irrevocably elect, on a one-time basis, to continue to be considered under the one year in class eight board review provisions. Such election must be submitted in writing signed by the employee and received by FA/HRDM no later than May 31, 1992.

b. Employees who apply for promotion under the eight board review provision will 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) until termination of appointment for those in positions to which appointed by the President (sec. 607(d)(1) of the Act) and/or, (b) in the public interest for up to a maximum of one year by the Administrator (sec. 607(d)(2)). Employees who withdraw from competition prior to their eighth Board will revert to their previous status but may not again apply or be considered for promotion into the SFS.

3. Career Candidates

a. An individual may be appointed to the Senior Foreign Service as a career candidate unless such appointments would cause the number of members in the Senior Foreign Service serving under limited appointments to exceed five percent.

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b. Career appointments may be offered to career candidates who have successfully completed a trial period as limited appointees in the SFS (sec. 306(a) of the Act).

c. The procedures and criteria for selection, evaluation and conversion to career status of SFS career candidates are provided in Supp. 38A.

d. Appointment to career status as an SFS officer is made by the President with the advice and consent of the Senate.

4. Limited Appointments

a. Not more than five percent of the SFS employees may hold limited appointments at any time. 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.

b. Noncareer appointments are used primarily to fill special needs overseas for skills categories not required on a long-term basis. Appointments are made by the Administrator and may not exceed five years.

c. SFS employees under noncareer limited appointments may apply for career candidate status if they qualify under the standards and criteria established for selection of SFS career candidates (see Supp. 38A).

* 5. The effective date of an initial appointment in the SFS (career candidate or limited) is the date the appointee enters on duty and is available to perform a federal function.

38G. Compensation *

1. General

There are three classes in the SFS (Career Minister, Minister Counselor and Counselor), which are divided into several pay rates equivalent to those established for the SES (see below).

| 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 |

2. Presidential Appointments

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

* REVISED

the President alone, shall receive the salary and leave (if any) of the position to which appointed by the President (sec. 302(b) of the Act).

3. Pay Setting Process

a. Civil Service (CS) Employees Entering the SFS

CS employees granted limited appointments to the Counselor or Minister Counselor classes will receive the lowest 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 may be granted by the Administrator, or designee, if it is determined that the employee possesses needed qualifications not currently available in AID and which warrant a higher ES level (this usually will apply to SES employees; CS employees in grades GS/GM-15 and below usually are not appointed to the SFS). SES employees converting to the SFS may not be appointed to a class higher than Minister Counselor (see 38F above).

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):

- The employee shall preserve the benefits of the existing payable rate (and the existing scheduled rate of pay, if different).
- The employee's SES existing payable rate shall be adjusted by fifty percent of each subsequent SES pay adjustment granted under 5 USC 5382.
- 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.

b. Appointments From Outside the Government

The salary level for those appointed from outside the government to a limited appointment normally will 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 AID, and (2) the individual's documented annual earnings, e.g., by most recent Federal income tax return.

4. Promotion

a. AID employees promoted to Counselor will 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, but not to exceed the ES-4 level.

38G4

b. The salary level for employees promoted to the Minister Counselor class will be ES-4 unless the promotee was already at that level, in which case, the salary level will be ES-5.

c. The salary level for employees promoted to the Career Minister class will be ES-6.

5. Salary Level Adjustments

a. General

Employees in the Counselor and Minister Counselor classes are eligible to receive adjustments in their FE (SFS pay plan) salary levels. (see Supp. 38 B)

Employees serving in positions to which appointed by the President or who are paid at an extraordinary rate or under other assignment modalities will be eligible for the FE salary levels which would have been received if they had been continuously paid under the SFS salary schedule.

HRDM shall periodically review the eligibility of employees for salary adjustments. Based on C/Board and Performance Standards Board (PSB) recommendations, HRDM will determine the action necessary and will effect the indicated salary adjustments.

b. Adjustments in FE Salary Levels

Adjustments in FE salary levels may 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 |

c. Eligibility for an Increase

If provided for in the above table and not otherwise affected by sections 5e and/or f below, an increase of one FE level may be granted if the employee has:

- Served at least two years in AID's SFS since his/her last FE salary level adjustment. The two-year 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;

- As determined by the C/Board and/or PSB, fully met the standards of performance of his/her class during the prior two years, and

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

d. Effective Date of Increases

Except as provided in sections e and f below, a salary level increase may 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.

e. Deferred Increases

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

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 HRDM shall have their salary level increase waiting period extended by at least two years for each such determination.

Additionally, the Director, HRDM, may order deferral of a salary level increase if he/ she determines such increase would be inconsistent with the national interest or efficiency of the Service. Such reasons must be based on:

- Issues of loyalty, security, misconduct, suitability or malfeasance; or

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

If not inimical to the inquiry or investigation, the Director, HRDM, will promptly inform the employee in writing of the action taken and will initiate, pursue or monitor such inquiry, investigation or proceeding as is appropriate to the issue giving rise to the deferral. If so notified, the employee will be given an opportunity to submit to the Director whatever documents and information the employee believes are pertinent to the case.

38G5e

Upon completion of the review or resolution of the issue(s), the Director, HRDM, will:

- 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; or

- Defer the increase and require completion of a new two-year waiting period which will begin as of the date the decision to defer was made.

- Take such action(s) as outlined in f(2) below.

f. Reduction in FE Salary Level

(1) If a PSB determines that an employee did not meet the performance standards of his/her class and the employee receives a letter to this effect from HRDM, 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 38G5e, if the nature of the infraction is, in the judgment of the Director, HRDM, grossly inconsistent with the national interest or efficiency of the Service, he/she may 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.

g. Recertification

Salary and grade levels are also subject to adjustments through the recertification process (see Supp. 38C).

38H. Promotion Within the SFS

Employees compete for promotion on a classwide basis. The evaluation files of all employees are reviewed annually by a C/Board, which recommends employees for promotion and ranks them in order of merit (see HB 25, Supp. 40C). The Administrator determines the number of promotions to be awarded for each class based on HRDM recommendations.

38I. Performance Pay

1. General

a. Performance pay includes Agency and Presidential awards (see Supp. 38B).

38I1

b. Noncareer 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 for performance pay.

Except as provided above, employees serving under career or career candidate appointments, noncareer appointments with reemployment rights under sec. 310 of the Act as career SES appointees, or limited career extensions are eligible to compete for Agency awards.

c. Employees eligible for performance pay awards are reviewed as a group by the C/Board. The C/Board recommends employees for awards and ranks them in order of merit (see Supp. 38B and HB 25, Supp. 40B).

d. Agency nominations for Presidential awards are recommended by a Senior Management Review Board (SMRB) composed and appointed by the Administrator, or designee. The SMRB also adjudicates denial of FS and SFS performance award cases referred by the Director of Human Resources.

e. Employees will be compared and judged solely on merit with absolute fairness and justice. In particular, no employee will 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.

f. Not more than 50 percent of the members of the Senior Foreign Service may receive performance pay in any fiscal year.

g. Awards of performance pay shall take into account the criteria established by HRDM for performance awards under sections 5384 and 4507 of the United States Code.

2. Agency Awards

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

b. Individual awards may not exceed twenty percent of basic salary and are subject to the limits on the total number of awards established by law.

c. An employee must have been a member of the SFS on the last day of the rating period and have been evaluated on the Employee Evaluation Report, Ambassadorial letter, or as otherwise provided in HB 25, Ch. 40, for a period of at least 90 days during the rating period.

38I

3. Presidential Awards

a. 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.

b. 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.

c. Presidential awards may 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.

d. The employees cited in 38I2c 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.

e. 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.

4. Payment of Performance Pay

a. 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.

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

c. If an employee who is selected for a Presidential award has been paid an Agency award already, the Agency award will be cancelled and the employee will receive the Presidential award instead. The amount of the Presidential award will be reduced by the amount already

38I4c

paid as an Agency award. The employee's name will then be deleted from the Agency award list. For each Presidential award recipient so deleted, an alternate Agency awardee will be added starting with the first employee ranked below the C/Board's initial cut-off point for Agency awards. Assuming funding availability, alternate awardees will receive awards in the amount recommended by the C/Board for the lowest ranking employee on the initial Agency award list.

38J. Assignments

1. 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.

2. Employees may 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. AID will assign career employees to duty in the United States at least once during each fifteen year period, except where Agency needs dictate otherwise.

3. Except for LCEs granted in accordance with 38K(4)(d)(2) below, SFS officers with one year or less remaining in their TIC/LCE will not be considered for an onward assignment. Such officers will be extended in their present position to complete their careers.

4. Employees are assigned to positions through either of the following assignment mechanisms:

a. 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 executive level positions overseas and in AID/W. (See HB 25, Ch. 39).

b. Assignment Board

Assignments for employees not being considered for executive-level positions are made in accordance with HB 25, Ch. 36.

5. Career Counseling

a. The Executive Management Staff (HRDM/EM) provides a career counseling service designed to ensure full consideration of executive personnel 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 AID's executive corps.

38J5

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

c. HRDM/EM also oversees a uniform system of policies and practices covering entry into the SFS, promotions, tenuring, training, assignments, evaluation, pay adjustments, performance pay, retention and retirement.

6. Sabbaticals

The Administrator may grant SFS career employees sabbaticals with full pay for not to exceed eleven months to permit an employee to engage in study or uncompensated work experience which will contribute to the employee's development and effectiveness.

38K. Separation From the Senior Foreign Service

1. Termination of Limited Appointments

The Agency may terminate at any time the appointment of any employee serving under a limited appointment (except as provided in sec. 610(a) of the Act).

2. Leave Accumulation

Annual leave accrued by SFS employees is not subject to any limitation on accumulation (5 U.S.C. 6304g). At time of separation SFS employees receive lump-sum payments for all unused annual leave.

3. Retirement for Expiration of Time In Class (TIC)

a. Career SFS employees are subject to the following limitations on the maximum time which may be spent in any one class of the SFS:

| Class | Time-in-Class Limitation |
|---|---|
| Career Minister (CM) | 4 Years |
| Minister Counselor (MC) | 5 Years (cumulative OC/MC 12 years) |
| Counselor (OC) | 7 Years |

These time-in-class (TIC) limitations apply to all career employees from the time they enter a class or attain career status within a class and to SFS employees promoted from one class to the next higher class. For the Minister Counselor (MC) class, there is a 12-year combined TIC for SFS employees promoted from the Counselor (OC) level. Periods at the OC level during a Limited Career Extension appointment will count against the 12 year cumulative time-in-class period.

b. Persons at the Minister Counselor rank may exercise a one time irrevocable election to remain under the five year TIC limitation. Such election must be submitted in writing signed by the employee and received by HRDM no later than May 31, 1992.

4. Limited Career Extensions

a. Section 607(b) of the Act authorizes the Agency to grant appointment extensions to career employees who have reached their maximum TIC. Such limited career extensions (LCEs) may be offered to nonpromoted SFS employees during the last two years of their TIC. LCEs may be granted or renewed by the Administrator, or designee, in accordance with C/Board recommendations and the criteria established below. In making determinations relative to LCEs, the SMRB serves as an advisory panel to the Administrator.

b. Employees eligible for LCEs are reviewed as a group by the C/Board. The C/Board recommends employees for LCEs and ranks them as eligible for a classwide or backstop-specific LCE.

c. The Director, FA/HRDM, shall review the C/Board rankings and determine which employees intend to retire or separate prior to expiration of their TICs within the LCE planning period. Employees who confirm in writing that they will voluntarily retire or separate prior to the LCE planning period will be deleted from the LCE rank-ordered list(s). The Director will also determine for those eligible for LCEs the period of time necessary for the employee to complete his or her present tour.

d. LCEs may be granted by the Administrator or his designee only when the employee has been recommended by the C/Board for such an LCE and either:

(1) The LCE is necessary to allow the employee to complete his/her present tour, provided it is in the Agency's interest to do so. For the purpose of LCEs, overseas tours are defined as two years for one tour posts and four years for all two tour posts and SMG positions. All A.I.D./W assignments are for a three year period. Or

(2) To retain an employee only in connection with a programmatic need of the Agency where a position or assignment has been identified and (i) where there is a demonstrated severe shortage of personnel in the individual's backstop, or (ii) where an activity is being phased out and hiring a new short-term replacement is inappropriate (where there is a temporary critical need an LCE need not be for the duration of an entire tour), or (iii) where there is a

38K4D(2)

critical need for specific skills, expertise and experience for a particular assignment while taking into account the effect any such LCE would have on the need to provide a regular and predictable flow of talent through the ranks and into the SFS.

Except for LCEs granted in accordance with 38K(4)(d)(2) above, SFS officers with one year or less remaining in their TIC/LCE will not be considered for an onward assignment. Such officers will be extended in their present positions to complete their careers.

e. LCEs will be granted on the condition that the recipient complete an assignment or assume a position as provided for in Section 38(K)(4)(d). LCE recipients who do not satisfy this condition will be subject to retirement for expiration of time-in-class.

f. The length of individual LCEs will not exceed 3 years and the combined time in LCE status will not exceed 5 years. Actual duration of the LCE will be determined by the time remaining on the officer's present tour or onward assignment under Section 38K4d(2) above, where applicable. In order to retain an employee whose original LCE is due to expire (including those granted an LCE of less than 3 years), the employee must again be reviewed by the C/Board and the SMRB.

g. Employees not granted an LCE are subject to mandatory retirement under HB 30, Supp. 3A, unless otherwise extended by the Administrator, or designee (see 38K4J). Employees retired for expiration of TIC or nonrenewed LCE are eligible for retirement benefits specified in sec. 609(a) of the Act.

h. Members of the Service serving under such limited career extensions shall continue to be career members of the Service in accordance with Section 607 of the Foreign Service Act of 1980, as amended.

i. The appointments of employees completing the last year of their initial TIC limit or LCE, but who are serving in positions to which they were appointed by the President with the advice and consent of the Senate will be extended until the appointments to such positions are terminated.

j. The Administrator may extend the appointments of career employees whose TIC or LCE expires up to one year if such is determined to be in the public interest (sec. 607(d)(2) of the Act).

5. Retirement Based on Relative Performance

Career employees are subject to retirement based on relative performance in accordance with sec. 608 of the Act (see HB 30, Supp. 3B).

38K

6. Separation for Cause

a. The Administrator may separate any Foreign Service employee for such cause as will promote the efficiency of the Service as provided in HB 30 (see sec. 610 of the FSA of 1980).

b. An FS employee who is under consideration for separation under this section will have the remedies available under HB 30, Att. 5A.

c. Any participant in the Foreign Service Retirement and Disability System (FSRDS) or Foreign Service Pension System (FSPS) who is separated for cause is entitled to receive a refund of the contributions made by the employee to the retirement fund. Except in cases where it is determined that separation was based in whole or in part on the ground of disloyalty to the United States, an employee who has at least five years of service credit toward retirement under a FS retirement program (excluding military and naval service), may elect to receive an annuity commencing at age 60 (under FSRDS) or age 62 (FSPS) in lieu of refund (sec. 610(b) of the Act). Specific information is contained in HB 30, Ch. 5.

7. Voluntary Retirement

Any participant who is at least 50 years of age and has 20 years of creditable service, including at least 5 years of service credit toward retirement under the system (excluding military and naval 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).

8. Mandatory Retirement

Participants under the FSRDS or FSPS are mandatorily retired from the Service at the end of the month in which they reach age 65 and have at least five years of service credit toward retirement (excluding military and naval service). Participants occupying positions to which they were appointed by the President with the advice and consent of the Senate, will be retired when their appointments are terminated. If it is determined to be in the public interest, the Administrator, may retain on active service for a period not to exceed five years an employee who is otherwise required to retire for age. More detailed information regarding the rules and procedures applying to mandatory retirement are found in HB 30, Ch. 3 and section 812 of the FSA of 1980.

Supplements:

38A. Senior Foreign Service Career Candidate Program
38B. Selection Board Precepts - SFS Salary Level Adjustments and Performance Pay
38C. U.S. Agency For International Development Senior Foreign Service Recertification Plan

FILE This circular should be filed in front of Supplement 38A, Senior Foreign Service Career Candidate Program

1. Purpose

This circular implements changes to the tenuring requirements for Senior Foreign Service (SFS) career candidates in BS-08 (Auditors and Investigators).

2. Applicability

This circular only applies to SFS career candidates in BS-08.

3. Authorities

a. Sec. 301, Foreign Service Act of 1980, as amended

b. International Security and Development Cooperation Act of 1981, as amended

4. Effect

The effect of this circular is to except SFS career candidates in BS-08 from the requirement to meet proficiency in a foreign language for purposes of tenuring.

Supplement 38A

# SENIOR FOREIGN SERVICE CAREER CANDIDATE PROGRAM

## A. Purpose

This supplement provides procedures for determining the eligibility of applicants for AID's SFS Career Candidate Program, the application and examination process and the terms of appointment for successful applicants. It is to be read in conjunction with 3 FAM 122.3 (App. 38A-3) and supersedes such FAM where indicated by modified language.

## B. Eligibility

### 1. Citizenship

SFS career candidates must be citizens of the United States at the time of appointment.

### 2. Service

a. On the date of application, an applicant must have had a minimum of 15 years of professional work experience, including at least 5 years of service in a position of responsibility in a Federal government agency(ies) or private sector organizations. The experience acquired should be approximately equivalent to that of AID Foreign Service members in classes FS-3 through FS-1. The duties and responsibilities of the position the applicant occupied also must have been similar to that of an AID FS member in terms of the knowledge, skills and abilities required. While relevant overseas experience would be an important asset, applicants with technical or managerial experience in developmental-type programs in the United States also will be considered. The applicant must be, or have been, in a position comparable in responsibilities with that of a member in class FS-1 or higher for at least one year.

b. Applicants from outside the Federal Government and Federal employees who at the time of application lack the 15 years of professional experience or the 5 years of service in a position of responsibility (see 2a above) may be considered if they are found to possess a combination of educational background, professional work experience and skills needed by AID at the senior level in job categories normally not staffed by promotion of mid-level career officers.

## C. Certification of Need

Before an application can be processed, the Director, of Office of Human Resources Development and Management (FA/HRDM), 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. This certification is included in the file established for the applicant.

D. Application Procedure

1. Written Application

Applicants must submit to FA/HRDM an Application for Federal Employment, form SF-171, and a narrative statement (not exceeding four typewritten pages) describing his/her pertinent background and professional work experience. Applicants must also certify that they are willing and able to accept the obligation of worldwide service. During the course of the review and examination process, additional written information may be requested.

2. Agency Review

FA/HRDM will 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 will include the personnel (performance) file from the employing agency. FA/HRDM will 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 will 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.

3. Qualifications Evaluation Panel (QEP)

On receipt of the applicant's file, the BEX (see FSA, sect. 211) will appoint a QEP to determine whether the applicant meets eligibility requirements, to assess the applicant's skills against the criteria in App. 38A-1, and to recommend whether the applicant should be examined for possible appointment as an SFS career candidate. The Panel shall consist of three Deputy Examiners, at least two of whom are AID SFS career officers. One of the AID Deputy Examiners, who should be of at least equivalent rank to that of the position for which the applicant is applying, will serve as Panel Chairperson.

The other AID Deputy Examiner will 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 should 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 will inform FA/HRDM of the reasons for the decision.

E. Examination Process

1. Oral Examination

a. An applicant recommended for further consideration after completion of the qualifications evaluation review outlined above will be given an Oral Examination by a panel of SFS Deputy Examiners of the BEX. The Oral Examining Panel, which shall be Chaired by an SFS career officer of AID of a rank at least equivalent to that of the position for which the applicant is applying, shall be composed of at least one additional Deputy Examiner who is an SFS career officer of AID 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.

b. To enable the Examining Panel to judge the applicant's effectiveness of written expression, the applicant will be asked to write an essay prior to the oral examination on a specified topic related to Foreign Service work. This requirement may be waived by the BEX at the request of the Director, FA/HRDM.

c. 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 will question the applicant on matters relevant to his/her qualifications in light of this objective and the criteria in App. 38A-1.

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

e. The AID member of the Examining Panel who did not serve as Panel Chairperson will 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 should 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.

f. FA/HRDM informs unsuccessful applicants of an Examining Panel's decision that there will 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

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

3. Medical Examination

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 may, however, be given further consideration if granted waivers of medical deficiencies in accordance with the Agency policies and procedures (see Handbook 25, Supplement 5E).

4. Foreign Language Requirement

Applicants who pass the Oral Examination will 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 may not be commissioned as a career SFS officer unless language proficiency required for tenuring is achieved (see App. 38A-2, sect. B, Eligibility). FA/HRDM is responsible for so informing the applicant at the time of appointment as an SFS career candidate.

5. Final Review Panel

a. 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 will be reviewed and graded by a Final Review Board consisting of three or more Deputy Examiners of the BEX. The Final Review Panel will decide whether to recommend the applicant for appointment. The Final Review Panel shall be Chaired by a Deputy Examiner who is an AID career SFS officer of at least equivalent rank to that for which the applicant is applying; the majority of Panel members shall be AID 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.

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

F. Appointment

1. Certification of Appointment

An applicant found to meet AID's standards for appointment shall be offered appointment as an SFS career candidate in accordance with the certification of need made by the Director, FA/HRDM. 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.

2. Class of Appointment

In determining the class at which an SFS applicant should be examined and appointed, consideration will be given to the needs of the Agency and the applicant's, e.g., skills, abilities, level of experience and prior income. In evaluating qualifications and in conducting examinations, panels will 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, will have an important bearing on AID's decision to certify an applicant for appointment. However, FA/HRDM may certify an applicant for appointment at or within a different SFS class when the applicant's qualifications clearly warrant such action. AID normally will not appoint applicants at the Career Minister level since this class is typically reserved for Minister-Counselor promotees (also see Chapter 38).

3. Terms of Appointment

Offers of appointment will be made in writing by FA/HRDM. SFS career candidates will 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 will 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 AID or employees of other Federal Government agencies who were appointed with the consent of the head of that agency, will be entitled to reemployment rights in the agency from which they came in accordance with section 310 of the Act and 5 U.S.C. 3597.

Appendices

A -- Criteria for Appointment as a Career Candidate in the SFS of AID
B -- Evaluation and Tenuring of SFS Career Candidates
C -- 3 FAM 122.3

Appendix 38A to Supplement 38A

# CRITERIA FOR APPOINTMENT AS A CAREER CANDIDATE IN THE SENIOR FOREIGN SERVICE OF AID

## A. General Qualifications

In considering applicants for the AID Senior Foreign Service (SFS), examination and review panels will assess candidates in relation to the five areas of competency used to judge the performance of persons already in the AID Foreign Service (FS): substantive knowledge, leadership qualities, managerial skills, analytical skills and interpersonal skills. Evidence of effectiveness in each of these areas will be judged in the context of AID'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 will give particular attention to the following factors which are relevant to AID's overseas development role:

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

-- Adaptability. Ability to adjust in a foreign setting (especially an LDC environment), including interest, understanding, and accommodation regarding host country organizations and processes, as well as the ability to function in the AID/Washington setting.

-- 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 AID strategy and documentation leading to program/project approval.

-- 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.

-- 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 AID objectives and programs.

B. Special Considerations

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 should 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 will 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 will be exceptional specialists who, by virtue of their outstanding professional or technical competence, merit inclusion in the SFS.

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 should have demonstrated a broad capacity for managing programs in their own professional discipline and preferably across functional lines as well. While they should 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, should be an acknowledged and established leader in his/her field.

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 AID and Assistant Secretaries in the Department of State. Thus, officers promoted to Career Ministers should have the capacity to serve as an Assistant Administrator, or in other position of comparable rank in AID, the Department of State or international organizations. Consequently, no officer should be considered for appointment as a Career Minister who does not have broad and proven ability to plan and manage large and complex programs.

Appendix 38B to Supplement 38A

# EVALUATION AND TENURING OF SFS CAREER CANDIDATES

## A. Purpose

This Appendix describes the policies and procedures governing the eligibility and review of senior career candidates for tenuring and their subsequent appointment as Senior Foreign Service (SFS) Officers in accordance with section 302(a) of the Foreign Service Act of 1980 (the Act).

## B. Policy

The Agency's decision to offer a senior career candidate a career appointment in the SFS will be based on the recommendation of the Senior Tenure Board (the Board) that the candidate possesses the fitness and aptitude for the work of the SFS. Besides having met eligibility requirements discussed in D below, the basic criteria for a positive tenuring recommendation will be the senior candidate's demonstrated:

-- ability to perform at or above the standards of performance of other members in his/her class, and

-- potential to serve effectively as a member of the corps of leaders and experts responsible for the management of the Service and performance of its functions.

The Board is not constrained by any quotas in making its tenuring recommendations. Each certified senior candidate will be evaluated as to his/her individual fitness and aptitude for the work of the SFS. Senior candidates being reviewed are not to be considered in competition with or to be judged against other senior candidates under review.

## C. Authority

The career candidacy trial period and Board reviews and recommendations for senior candidates are authorized under section 306 of the Act.

## D. Eligibility

To be certified by the Director, Office of Human Resources Development and Management (FA/HRDM), for tenuring review, a senior candidate must meet the following requirements:

1. Have been a member of the SFS (or equivalent) or the career Senior Executive Service (SES) for at least 36 months prior to review;

2. Served at the senior level on overseas assignment(s) for at least 24 months; and

3. Achieved, except as provided in D5, an FSI-tested foreign language proficiency of S-2/R-2 in a Category A language or an S-2/R-2(R-N) in an AID incentive language; and

4. Satisfied other conditions regarding senior career candidacy, i.e., received adequate medical clearance(s), passed background checks, received security clearance(s), and made a certification as to availability for worldwide service.

5. Notwithstanding D3 above, in exceptional cases the Director, FA/HRDM, may certify a senior candidate for tenuring review who has not yet met language proficiency requirements. In such cases, the Board may render a favorable recommendation, conditioned on subsequent achievement of the prescribed language rating. However, tenuring action may not be initiated until the required language rating is achieved. If satisfactory progress is not made by a senior candidate subsequent to the Board's recommendation and/or the prescribed language proficiency rating not achieved within a period of time, as prescribed by FA/HRDM, then the Agency may terminate the senior candidate's appointment.

E. Rating Cycle and Performance Evaluation Files (PEFs)

1. Senior candidates will be evaluated as prescribed in Handbook 25, Chapter 40. During senior candidacy, the candidate's reviewing officer normally shall be at least a Deputy Mission Director or Deputy Assistant Administrator.

2. Other evaluation materials prepared on candidates may include commendations and awards. The rules of inclusion and admissibility that apply to evaluation materials on other FS members apply to senior candidates.

Nothwithstanding the above, relevant guidance statements prepared by the Board (see G3 below) for candidates whose tenuring decision was deferred

NOTE: Regarding D1 and 2--senior candidates who served as Sect. 631(b), FAA appointees may not count such service to satisfy the 36-month requirement of D1, but they may count 631(b) time served overseas to satisfy the 24-month requirement of D2. However, no service prior to ten years before the candidate is to be considered by the Board will be included. Members initially appointed prior to February 15, 1981, are only required to have been a limited career candidate appointee (or equivalent) for at least three years, of which at least 18 months would have been served on overseas assignment(s).

until review by a subsequent Board, will be made available to the subsequent Board after the Board has made its preliminary determinations. All senior candidate evaluation materials will remain a permanent part of the candidate's Performance Evaluation Files (PEFs). If FA/HRDM/EM considers that the PEF of a senior candidate is not sufficiently documented, it may request an interim performance appraisal if undocumented periods exceed 60 days.

F. Certification of Candidates for Review

1. At least once each calendar year, FA/HRDM/EM will review Agency needs for senior officers and the eligibility of candidates for Senior Tenure Board review. As appropriate, FA/HRDM/EM will prepare a list of candidates who meet review eligibility requirements and schedule a Board session. The Chief, FA/HRDM/EM, will certify this list to the Board and prepare candidate PEFs for Board review.

2. Senior candidates normally will be reviewed upon completion of at least 36 months of service and only once by the Board. Usually, the Board may recommend a second review which would be scheduled to take place no later than sixty days before the expiration of the candidate's limited appointment.

G. The Senior Tenure Board

1. Composition

a. The Senior Tenure Board (the Board) will be Chaired by a Career Minister or Minister-Counselor and will include three others of whom at least two will be AID career SFS members at the Minister-Counselor class or above. These members will be broadly experienced in various major AID occupational areas. Additionally, the Board will include a career member of the SFS from another foreign affairs agency at the appropriate senior level.

b. If such expertise is not represented by any continuing member of the Board, to the extent practical a career SFS member at the Minister-Counselor class who is in the same or a closely allied occupational category as the candidate will replace a regular member of the board for consideration of the candidate. The ad hoc member will participate fully in the Board's decisions.

2. Appointment to the Board

a. The Director, FA/HRDM will appoint members to the Board, who should have qualifications similar to those required of Selection Board members (see Chapter 40). Prior to any appointments, a list of the SFS members being considered for Board appointment will be submitted to the employee's exclusive representative, which will have ten days in which to offer comments. Such comments will be considered, but will not be binding upon the Director, FA/HRDM.

b. All members will be appointed for a two-year term, subject to early termination authorized by the Director, FA/HRDM to meet the needs of the Service, i.e., transfer or retirement. Terms may be extended to three years, circumstances permitting, at the discretion of the Director.

3. Board Action

The Senior Tenure Board will review the PEFs of candidates certified to it for consideration. The Board will be guided in its determination by these regulations and, in general, by precepts of the Tenure Boards for Career Candidates below the SFS level as negotiated with the employee's exclusive representative (see Supplement 5C, Handbook 25, Chapter 5 [to be renumbered Chapter 35]). In making its determination as to the candidate's: (a) ability to perform at or above the standards of performance of other members of the candidate's class and (b) potential to serve effectively as a member of the corps of leaders and experts responsible for the management of the Service and its functions, the Board shall be alert to the candidate's demonstrated ability with regard to executive leadership qualities, strong policy formulation and communications capabilities, and highly developed functional and area expertise.

The Board will review and make recommendations regarding continued candidacy or tenuring of all candidates certified to it. If an extension of the candidacy period is recommended, the Board shall prepare an appropriate statement so that the candidate will be informed as to areas of performance requiring improvement or additional assessment. Concurrence of a majority of the Board members is required for all Board determinations. No action unfavorable to a candidate may be taken without consideration of the candidate's file by all members of the Board.

4. Board Recommendation

At the conclusion of its review work, the Board will, as appropriate, recommend to the Administrator or his/her designee that the candidate(s):

-- be appointed as a career member of the Senior Foreign Service;

-- not be appointed in the career Senior Foreign Service;

-- serve for a longer period of time and be considered again by the Board at least sixty days prior to the expiration of the candidate's limited appointment. (The Board may request supplemental evaluative materials for such a second review.)

H. Action by the Director of The Office of Human Resources Development and Management (FA/HRDM)

1. Upon receipt of Board recommendations, the Director FA/HRDM, shall review the lists of candidates evaluated and the records of Board proceedings to ensure that Board actions were in accordance with the precepts. If it appears that the precepts may have been violated, the Director shall discuss same with the Board Chairperson. If substantive violations of the precepts or significant technical errors are discovered, the Chairperson shall reconvene the Board to address the issues raised. If the Board modifies any of its recommendations after reconvening, the changed lists shall be submitted to the Director, FA/HRDM. Otherwise, the original Board recommendations shall be resubmitted.

2. Following receipt or resubmittal of Board recommendations, the Director, FA/HRDM, shall take action as outlined below:

a. Candidates not Recommended for Appointment. The Director shall take appropriate actions to terminate their candidacy and, if AID has no further need for their services, separate them from the Agency.

b. Candidates Recommended to Serve for a Longer Period of Candidacy. The Director shall notify each such candidates, providing them the guidance statements prepared by the Board and advising as to when their candidacy will be again reviewed. However, the candidates' limited appointments may not be extended or renewed. The Director shall coordinate with such candidates' organizational units to ensure that appropriate evaluation reports are prepared in time for subsequent Board review.

c. Candidates Recommended for Career Appointment.

(1) The Director shall review the candidates' PEFs and consult with appropriate offices to determine whether any of the recommended candidates have been or currently are the subjects of an investigation, administrative action or proceedings relating to matters covered by 3 FAM 622, Suitability Guidelines for Appointment and Continued Employment.

(2) For candidates who have not been the subjects of such investigations, actions, or proceedings and for candidates who have been the subject but have been exonerated thereby, the Director shall initiate actions to effect such candidates' appointments as career officers in the SFS.

(3) If the Director finds that there are any unresolved or pending investigations, actions or proceedings of such type, he/she shall temporarily set aside the Tenure Board recommendations regarding the concerned individual(s) until completion or resolution of such investigations or proceedings.

(4) Where a candidate has been the subject of an investigation, action, or proceeding resulting in adverse decision against the candidate, the Director shall review the decision and determine whether to follow the Board's recommendation or to delay tenuring action for an additional probationary period of up to one year. Following review of the SFS career candidate's PEFs and other information of record, including the results of completed investigations, actions, or proceedings, if the Director concludes that the candidate was exonerated or the Board's recommendation for tenuring is nevertheless sustainable, he/she shall initiate appropriate actions to effect the candidate's appointment as a career officer in the SFS.

I. Action by the Administrator

Should the review by the Director, FA/HRDM, relating to candidate suitability (3 FAM 622) raise significant doubt as to the appropriateness of accepting the Board's recommendations that a candidate be given a career appointment, the Director shall refer the files and other relevant information to the Administrator who shall make the final decision regarding that candidate's career appointment to the SFS. Following the Administrator's determination, the Director, FA/HRDM, shall initiate actions, as appropriate, to (a) effect the candidate's career appointment, (b) defer tenuring decision until subsequent Board review and specify an appropriate date by which the candidate's performance will again be reviewed, or (c) terminate candidacy and, if AID has no further need for the candidate's services, separate the candidate from AID.

Appendix C to Supplement 38A

## 122.3 Senior Foreign Service Officer Career Candidate and Limited Non-Career Appointments

*(TL:PER-563 10-27-83)*
*(Effective date: 8-18-83)*
*(Uniform State/AID/USIA/Commerce/Agriculture)*

### 122.3-1 General Considerations

a. Career officers at the Senior Level normally shall be appointed as the result of promotion of Mid-Level career officers. Where the needs of the Foreign Service at the Senior Level cannot otherwise be met by this approach, limited appointments may be granted to applicants as Senior Career Candidates or as limited non-career appointees under these regulations. However, as required by section 305(b) of the Foreign Service Act of 1980, as amended (hereinafter referred to as the Act), but qualified by sections 305(b)(1) and (2) and section 2403(c) of the Act, the limited appointment of an individual in the Senior Foreign Service shall not cause the number of members of the Senior Foreign Service serving under limited appointments to exceed 5 percent of the total members of the Senior Foreign Service.

b. Successful applicants under the Senior Career Candidate Program will be appointed to Career Candidate status for a period not to exceed 5 years. Such limited Career Candidate appointments may not be renewed or extended beyond 5 years.

c. Under section 306 of the Act, Senior Career Candidates may be found qualified to become career members of the Senior Foreign Service. Those who are not found to be so qualified before the expiration of their limited appointments will be separated from the Career Candidate Program no later than the expiration date of their appointments. Separated candidates who originally were employees of a Federal department or agency, and who were appointed to the Senior Foreign Service with the consent of the head of that department or agency, will be entitled to reemployment rights in that department or agency under section 310 of the Act and section 3597 of title 5, United States Code.

d. The following regulations shall be utilized in conjunction with section 593, Senior Foreign Service Officer Career Candidate Program. (Also see Foreign Affairs Manual Circulars No. 8 [applicable to the Department of State only] and No. 9 [applicable to the Departments of State, Agency for International Development, the United States Information Agency, Commerce, and Agriculture], dated March 6, 1981.)

### 122.3-2 Senior Career Candidate Appointments

**a. Eligibility Requirements**

Senior Career Candidates must meet the following eligibility requirements:

(1) **Citizenship.** Each person appointed as a Senior Career Candidate must be a citizen of the United States.

(2) **Age.** All career candidate appointments shall be made before the candidate's 60th birthday. Appointments by the United States Information Agency shall be made before the candidate's 58th birthday. The maximum age for appointment under this program is based on the requirement that all career candidates shall be able to:

(a) Complete at least two full tours of duty, exclusive of orientation and training;

(b) Complete the requisite eligibility period for tenure consideration; and

(c) Complete the requisite eligibility period to receive retirement benefits, prior to reaching the the mandatory retirement age of 65 prescribed by the Act.

(3) **Service**

(a) On the date of application, an applicant must have completed a minimum of 15 years of professional work experience, including at least 5 years of service in a position of responsibility in a Federal Government agency or agencies or elsewhere equivalent to that of a Mid-Level Foreign Service officer (classes FS-1 through FS-3). The duties and responsibilities of the position occupied by the applicant must have been similar to or closely related to that of a Foreign Service officer in terms of knowledge, skills, abilities, and overseas work experience. In addition, an applicant must be currently in, or have been in, a position comparable to a Foreign Service officer of class 1 (FS-1) or higher.

(b) Applicants from outside the Federal Government, and Federal employees who at the time of application lack the 15 years of professional work experience or the 5 years of service in a position of responsibility as defined in the preceding paragraph, may be considered, however, if they are found to possess a combination of educational background, professional work experience, and skills needed by the Foreign Service at the Senior Level in employment categories which normally are not staffed by promotion of Mid-Level career officers.

(c) Non-career members of the Senior Foreign Service of a Federal Government department or agency also may apply for the Senior Career Candidate Program if they meet the eligibility requirements for the program.

(4) **Certification of Need.** Before an application can be processed, the Director of Personnel of the foreign affairs agency concerned must certify that there is a need for the applicant as a Senior Career Candidate based upon (a) the projections of personnel flows and needs mandated by section 601(c)(2) of the Act, and (b) a finding 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 within the Senior Foreign Service, including by promotion and/or special training of career personnel. This certification of need will be requested by the Board of Examiners for the Foreign Service from the appropriate foreign affairs agency Director of Personnel.

**b. Application**

All applicants for the Senior Career Candidate Program must apply in writing through the prospective employing agency to the Board of Examiners for consideration. The applicant shall submit a completed Standard Form 171, Application for Federal Employment, to the Board. In addition, the applicant shall submit a narrative statement, not exceeding four typewritten pages in length, describing the applicant's pertinent background and professional work experience, which includes a statement of the applicant's willingness and ability to accept the obligation of worldwide service. The Board may request additional written information from the applicant following receipt of the initial application.

**c. Qualifications Evaluation Panel**

(1) The Board of Examiners will establish a file for each applicant, placing in it all available documentation of value in evaluating the applicant's potential for service as a Senior Career Candidate. For an applicant from within the Federal Government, this will include the personnel file from the employing department or agency.

(2) The complete file will be reviewed by a Qualifications Evaluation Panel of the Board of Examiners to determine whether the 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. If the Qualifications Evaluation Panel decides that the applicant is not eligible for examination, the prospective employing agency shall be informed by the Board of the reasons for that decision.

**d. Written Examination**

The Board of Examiners, normally, will not require Senior Career Candidate applicants to undergo a written examination. However, the Board, upon securing the agreement of the prospective employing agency, may decide that such applicants should be required to take an appropriate written examination prescribed by the Board. If so, an applicant whose score on the written examination is at or above the passing level set by the Board will be eligible for selection for the oral examination.

**e. Oral Examination**

(1) **Examining Panel.** Applicants recommended by the Qualifications Evaluation Panel will be given an appropriate oral examination by a Panel of Senior Foreign Service deputy examiners of the Board of Examiners. The Oral Examining Panel shall be composed of at least two deputy examiners who are Senior Foreign Service career officers of the prospective employing agency, and at least one deputy examiner who is a Senior Foreign Service career officer from another foreign affairs agency operating under the Foreign Service Act. The Examining Panel shall be chaired by a deputy examiner who is a Senior Foreign Service career officer of the prospective employing agency. At least one of the Examining Panel members shall represent the functional or specialist field for which the applicant is being examined. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners.

(2) **Criteria**

(a) The Examining Panel will question the applicant regarding the indicated functional or specialist field and other matters relevant to the applicant's qualifications for appointment as a Senior Career Candidate. Prior to the oral examination, the applicant will be asked to write an essay, on a topic related to Foreign Service work, to enable the Examining Panel to judge the applicant's effectiveness of written expression. This essay requirement may be waived at the request of the head of the prospective employing agency, if, for example, the applicant is a career member of the Senior Executive Service.

(b) The oral examination will be conducted under written criteria, established in consultation with the prospective employing agency and publicly announced by the Board of Examiners. The examination will seek to determine the ability of the applicant to meet the objective of section 101 of the Act, which provides for a Senior Foreign Service "characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise."

(3) **Grading.** Applicants taking the oral examination will be graded as "recommended," or "not recommended" by the Examining Panel. Those graded as "recommended" also will be given a numerical score, under the standard Board of Examiners scoring criteria, for use by the Final Review Panel.

**f. Background Investigation**

Senior Career Candidate applicants recommended by the Examining Panel will be subject to the same background investigation as required for Junior and Mid-Level Foreign Service Officer Career Candidates. The background investigation shall be conducted to determine suitability for appointment to the Foreign Service.

**g. Medical Examination**

Senior Career Candidate applicants recommended by the Examining Panel, and their dependents, will be subject to the same medical examination as required for the Junior and Mid-Level Foreign Service Career Candidates. The medical examination shall be conducted to determine the applicant's physical fitness to perform the duties of a Foreign Service officer on a worldwide basis and, for applicants and dependents, to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that they would be able to function on a worldwide basis. Applicants and/or dependents who do not meet the required medical standards may be given further consideration, as appropriate, under the procedures of the prospective employing agency.

**h. Foreign Language Requirement**

Applicants recommended by the Examining Panel will be required to take a subsequent examination to measure their fluency in foreign languages, and/or their aptitude for learning them. Senior Career Candidates will be subject to the foreign language requirements established for their occupational category by their prospective employing agency. Senior Career Candidate applicants for the Foreign Commercial Service must demonstrate proficiency by examination in two foreign languages. United States Information Agency Senior Career Candidates, other than Senior Specialist Career Can-

didates, must demonstrate proficiency in at least one foreign language. Except for the Foreign Commercial Service and the United States Information Agency, an applicant may be appointed without first having passed an examination in a foreign language, but the appointed Senior Career Candidate may not be commissioned as a Career Senior Foreign Service officer unless adequate proficiency in a foreign language is achieved. This language requirement will not apply to candidates in occupational categories which, in the judgment of the prospective employing agency, do not require foreign language proficiency.

**i. Final Review Panel**

(1) The entire file of an applicant recommended by the Examining Panel will be reviewed and graded by a Final Review Panel, after the results of the background investigation, medical examination, and language examination are received. The Final Review Panel will decide whether or not to recommend the applicant for appointment, taking into account all of the available information concerning the applicant.

(2) The Final Review Panel shall consist of a chairperson who shall be a Deputy Examiner who is a career Senior Foreign Service officer of the prospective employing agency, and at least two other Deputy Examiners of the Board of Examiners. Of the Deputy Examiners serving on the Final Review Panel, the majority shall be career Senior Foreign Service officers of the prospective employing agency; and at least one shall be a career Senior Foreign Service officer of one of the other foreign affairs agencies operating under the Act.

**j. Certification of Appointment**

The file of an applicant recommended by the Final Review Panel will be submitted to the Board of Examiners for consideration and approval. An applicant found by the Board to meet the standards for appointment as a Senior Foreign Service Career Candidate shall be so certified to the Director of Personnel of the prospective employing agency.

## 122.3-3 Limited Non-Career Appointments

a. Other Senior Foreign Service appointments may be made on a limited non-career basis for individuals who do not wish to compete for career appointments, but for whom a need can be certified by the Director of Personnel of the foreign affairs agency concerned. Such limited non-career senior appointees will be subject to the eligibility requirements set forth in sections 122.3-2a(1) and (4). The maximum age set forth in section 122.3-2a(2) does not apply to such appointments. However, because Foreign Service members generally are subject to the mandatory retirement age of 65, under section 812 of the Act, limited non-career Senior appointments normally will not extend beyond the appointee's 65th birthday. Limited non-career appointees of the United States Information Agency and the Department of Commerce will not be subject to the language requirements of section 122.3-2(h). Applicants for limited non-career senior appointments will be subject to the same background investigation and medical examination required of career candidates, but normally they will not be subject to a written or oral examination, or to approval by the Board of Examiners. Processing procedures for such applicants will be established by the Director of Personnel of the foreign affairs agency concerned. Their appointments normally will be limited to the duration of the specific assignments for which they are to be hired, may not exceed 5 years in duration, and may not be renewed or extended beyond 5 years.

b. Before the expiration of their limited non-career senior appointments, if they meet all the eligibility requirements set forth in section 122.3-2a, such individuals may elect to compete for career candidate status in the Senior Foreign Service by qualifying at that time for and taking the examinations required of career candidates. If appointed as career candidates, the length of service under their previous limited non-career appointments may be counted under the procedures of the employing agency as part of the trial period of service prescribed before a career candidate can receive a career appointment. The total period of limited appointment (non-career and career candidate) of such individuals may not exceed 5 years in duration.

c. Nothing in this section will limit the right of an individual who has previously served as a limited non-career senior appointee from subsequently applying for consideration as a new applicant and being appointed as a Senior Career Candidate after a limited non-career appointment has expired.

## 122.3-4 Reporting Requirement

The Director of Personnel of each foreign affairs agency shall report annually to the Director General of the Foreign Service, Department of State, the number and nature of the limited Senior Foreign Service appointments (non-career and career candidates) made by that agency under these regulations.

# SUPPLEMENT 38B

## SELECTION BOARD PRECEPTS -- SFS SALARY LEVEL ADJUSTMENTS AND PERFORMANCE PAY

A. Purpose

This supplement outlines the procedures and criteria to be used by the SFS Consolidated Selection Board (C/Board) and the Senior Management Review Board (SMRB) in making recommendations for SFS salary level adjustments and performance pay awards under Handbook 25, Chapter 38, Senior Foreign Service.

B. Applicability

Applicability shall be as that provided under Chapter 38, Section 38B.

C. Directives to the C/Board

1. General

a. In making recommendations, the C/Board will be guided entirely by these precepts, especially the criteria in sections D and G.

b. In applying these criteria, the Board should recognize that not all employees will have had the opportunity to demonstrate achievement in all of the areas cited. Board members should not assess performance on the basis of the number of criteria met, but rather the demonstrated contributions and accomplishments achieved.

c. Board members shall not be eligible to receive any type of performance pay or a salary level adjustment for the period(s) being reviewed.

2. Inadmissible Comments

The Board shall ignore any information in the evaluation file which is inadmissible by regulation (see Handbook 25, Supplement 40A). Such information shall not be the subject of discussion or a basis for Board decisions.

3. Briefings and Materials for the Board

a. FA/HRDM/PMES/PM (IG/ADM for BS-08 personnel) will guide the Board on technical procedures. The Board will address all queries regarding its work to that office only.

b. The Board will be provided:

- o A set of these Precepts;

o Each employee's Performance Evaluation File (PEF);

o Instructions for the Employee Evaluation Report, or equivalent;

o A copy of the Act and related Agency regulations on the SFS performance evaluation and promotion systems.

o A memorandum from the Director, FA/HRDM indicating the number and amounts of awards available for authorization.

D. Salary Level Adjustments

If requested by the Director, FA/HRDM, the C/Board will review the performance standing of employees eligible for salary level adjustments. Reviews shall establish the employee's class ranking, e.g. top two-thirds, on a performance basis. The Board may recommend an increase, decrease or deferral of the adjustment as provided by Chapter 38, Section 38G, and will include such in its report to the Director.

Factors that may be considered in making decisions on ranking for purposes of salary adjustments include Performance Pay criteria (see Section G) and/or:

o Relative value of the employee's contribution to the Agency mission;

o Extent to which achievement was characterized by executive leadership, sound policy formulation and/or highly developed functional or professional expertise;

o Effective management of resources, e.g., achievement in areas of cost reduction, efficiency, productivity, quality of work and timeliness;

o Support for Agency goals regarding effective supervision, equal opportunity employment and development and evaluation of subordinates;

o Degree of difficulty inherent in one's assignment; and

o Achievement in the identification and correction of waste, fraud and mismanagement.

E. Performance Pay - Agency Awards

1. C/Board Review and Recommendations

a. The Administrator will determine the number and amounts of awards. The Board will be advised by memorandum in advance by the Director, FA/HRDM of the number and amounts of awards the Board may designate. A copy of the memorandum will 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.

b. The C/Board will review the files of eligible employees as a group.

c. The Board will 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, recommend awards within the number authorized. The Board will rank those recommended in order of merit. The full number of awards authorized will be paid in the order recommended.

d. The Board will base its decisions only on material properly part of an employee's PEF. Board members should neither seek nor receive any information on employees other than that included in their PEF.

e. 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 by signed memorandum. The memorandum must be sent to the employee immediately (by immediate cable if overseas). The employee shall have five working days from receipt in which to provide a written or cable response to the Board. If comments are not received within this time period, the Board shall be free to complete its deliberations without the benefit thereof. A copy of the memorandum and employee comments, if any, will be placed in the PEF for use by this Board, after which it will be removed and made a part of the Board's official findings.

2. Submission of Award List and Recommendations

a. The Board will 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. The list shall also include the names of up to twenty rank-ordered alternate awardees should any names subsequently be deleted from the list. 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.

b. The Director, FA/HRDM may accept the report or return it for review if questions exist on use of procedures and/or precepts. Upon accepting the report, the Director will forward the award list to the Administrator. Except as provided in 2c, the Agency will, 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.

c. The Director, FA/HRDM shall review the Board's rank-ordered lists of awardees and alternates 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 Director, FA/HRDM.

When a name is temporarily removed from the list, the award or alternate status 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 Director determines such would not be 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 Director determines granting the award would be inconsistent with the national interest or efficiency of the Service, he/she shall void the employee's status. If the employee was a designated awardee, award funds shall be allocated to the ranking alternates. Performance award monies will be paid as soon as feasible after conclusion of a covered action.

F. Performance Pay - Presidential Awards

1. Agency nominations for Presidential Awards are made by a Senior Management Review Board (SMRB) appointed by the Administrator.

2. To facilitate the SMRB's work, the C/Board will nominate employees for consideration by the SMRB. The Director, FA/HRDM will advise the C/Board in advance of the authorized number of nominations for the Distinguished and Meritorious Service awards. The Board will review the records of all eligible employees together and without regard to its recommendations for Agency awards. Applying the criteria in Section G, the Board will nominate and rank in order of merit up to, but not more than, the authorized number of nominees for each award. The list of nominees will be included in the Board's report to the Director and will be made available to the SMRB.

3. The SMRB will review the PEFs of employees nominated by the C/Board and of any other eligible employees it judges worthy of consideration. The SMRB will bear in mind the criteria in section G and give due weight to the C/Board recommendations. Keeping within the authorized number of nominations, the SMRB will nominate and rank in order of merit those employees it recommends for each Presidential award. Statements of justification supporting nominations will be prepared by FA/HRDM/EM.

4. The SMRB will submit its report of nominations, with the justification statements, to the Administrator, who will review these recommendations 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 will forward approved nominations, with justification statements, to the Interagency Selection Board for consideration in accordance with agreed interagency procedures.

G. Selection Criteria

1. General

Comparing the performance and accomplishments of employees will require difficult judgments. Outstanding achievement may be found in professional and courageous handling of emergency situations; significant accomplishments may result from resourceful completion of specific projects or negotiations; major benefits may result from imaginative and sensitive policy initiatives or from thoughtful and efficient management of important programs or missions. There is no formula whereby varying performance records may be measured and weighed with mathematical accuracy. Board members must apply the relevant criteria as realistically and fairly as possible, discuss their views where differences exist, and exercise their judgment to the fullest extent of their wisdom and experience.

The Board should be alert to evidence, through evaluation reports or letters of criticism, of an employee's indifference or lateness in completing evaluations on subordinates. This represents failure in supervisory responsibilities which may disadvantage the rated employee. The Board should give due weight to such failures when comparing that employee's performance against others for performance awards. Similarly, evidence of an employee's failure to support affirmative action goals and equal opportunity requirements also should be given due weight.

2. Agency Awards

Recommendations for Agency awards shall be based on the following:

o Relative value of the employee's achievement to the accomplishment of the Agency's mission;

o Degree of difficulty inherent in successful achievement;

o Extent to which achievement was characterized by strong executive leadership and significant contributions in the formulation of Agency policies and programming;

o Extent of demonstrated, highly developed functional, foreign language and area expertise;

o Effective supervision and development of subordinates;

o Achievements in the areas of cost reduction, efficiency, quality of work, productivity and timeliness to the end of improving Foreign Service managerial flexibility and effectiveness;

o Meeting affirmative action goals and achievement of equal opportunity requirements; and

o Achievements in the identification, correction and control of waste, fraud and mismanagement.

3. Presidential Award Nominations

a. In addition to the criteria in G2, employees must have demonstrated sustained superior or outstanding accomplishment as an SFS employee (or equivalent) for at least three rating periods. Evidence of such sustained accomplishment may be found in, e.g.:

o Significant contributions to the national interest in the area of foreign affairs;

o Managerial accomplishments in cooperative efforts with other foreign affairs agencies, federal agencies, Government entities and/or the private sector;

o Achievements of Agencywide importance in policy, technical, program and/or human resource terms.

b. Nominations for Presidential awards should 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.

Supplement 38C

# U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT SENIOR FOREIGN SERVICE RECERTIFICATION PLAN

1. Purpose

This supplement to Chapter 38 provides the policies and procedures that govern Senior Foreign Service (SFS) Recertification. Recertification is a vehicle for ensuring that the performance of career SFS members demonstrates the excellence needed to meet the objectives set by the Foreign Service Act of 1980; that is, "a Senior Foreign Service which is characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise.

2. Authority

Career Senior Foreign Service (SFS) members in the Agency for International Development are subject to recertification, pursuant to Section 305 of the Foreign Service Act of 1980, as amended by Section 506 of the Ethics Reform Act of 1989 (Public Law 101-194, November 30, 1989).

3. Coverage and Applicability

a. This supplement applies to all SFS employees of AID. Generally, employees working in AID's Office of the Inspector General (IG) will be subject to recertification as outlined in this supplement. However, the IG has separate authority per the IG Act of 1978, as amended, to administer the Human Resources Development and Management function of that office.

b. SFS career employees who have been continuously employed in the SFS for 156 weeks preceding the end of the recertification period are subject to recertification. This period includes any service as an SFS noncareer or limited appointee as well as SFS service in another agency.

c. One or more breaks in SFS service of a total of 6 months or less do not interrupt the 156 weeks of continuous employment.

(1) For this purpose, "breaks in service" would include periods when the member was separated from the Senior Foreign Service (including Presidential appointments at Executive Level V or higher) or seconded to an international agency with reemployment rights in the SFS.

(2) Among periods which would not be considered a break in SFS service are: sabbaticals, training, details to other federal agencies,

details to state and local governments or private organizations while still remaining on the federal payroll, or service with the American Institute of Taiwan or Multi-National Observers.

d. SFS career appointees who are on extended detail or absence from their positions at the time of recertification will generally be subject to recertification, so long as they were in career SFS status at the end of the recertification period and meet the 156 week length of service requirement.

e. This recertification plan does not apply to SFS noncareer, SFS limited appointees, or former SFS career appointees who are on Presidential appointments with Senate confirmation at Executive Level V or higher regardless or whether they elected to retain SFS benefits. However, performance while serving on such appointments may be taken into consideration in recertification.

4. Relationship to Annual Performance Appraisal Process

a. Recertification complements other AID personnel programs mandated by the Foreign Service Act of 1980 which also seek to ensure excellence in the Senior Foreign Service. To the extent possible, recertification procedures will parallel those for other SFS personnel actions.

b. Recertification strengthens the AID regular reviews of executive excellence. Unlike Limited Career Extensions and promotions, decisions on recertification are made irrespective of workforce planning concerns--i.e., the predictable flow through the ranks sought by the FS Act. There may not be a prescribed distribution of how many or what percentage of executives will be recertified, conditionally recertified, or not recertified.

c. A member who has been recertified remains subject to retirement for expiration of time-in-class. Recertification does not preclude any personnel action based on the decisions of the Senior Foreign Service Consolidated Selection Board in subsequent years.

5. Recertification Period

a. The initial recertification period ended on March 31, 1991, which is the end of the annual performance appraisal period. Subsequent recertification shall take place every third calendar year thereafter, with the end of the annual performance appraisal period continuing to serve as the end of the 156-week employment period for calculating recertification eligibility.

b. An individual who transfers to AID after having been recertified as an SFS member by another agency within the same calendar year, is not subject to recertification in AID.

c. An individual who transfers from another agency without having been recertified as an SFS member in the same calendar year is subject to recertification in AID. The Office of Human Resources Development and Management (FA/HRDM), will request the required performance appraisals and other relevant information from the previous agency.

6. Standard for Recertification

a. To be recertified, members of the Senior Foreign Service must have performed at the level of excellence expected of a senior executive during the recertification period in the following areas:

(1) Planning for, substantially advancing, and attaining presidential, agency, or organizational goals and objectives that required a sustained superior effort;

(2) Taking specific initiatives that advanced a major policy and/or significantly improved delivery of services;

(3) Taking the necessary actions to ensure the achievement of a quality product in a timely manner; and

(4) Making significant technical, scientific, or professional contributions.

b. Also, if applicable to the responsibilities of the senior executive, excellence is demonstrated by:

(1) Achieving substantial savings in the execution of programs under his or her direction;

(2) Maintaining the high quality and effectiveness of a program under his or her direction with reduced resources;

(3) Providing strong leadership to enhance the development, utilization and achievements of subordinate personnel, including achievement of equal employment opportunity goals; and/or

(4) Superior Accomplishment in long-term training.

7. Recertification Recommendation and Determination Procedures

a. Because of the mobility of the Senior Foreign Service, few supervisors are able to recommend certification based on three years' performance, as intended by the Ethics Reform Act. Thus, the annual Consolidated Selection Board (C Board) meeting in the year of recertification will make the recommendation. The Board will make its recommendation based on all the material in the SFS member's official performance file, including the annual recommendations of the supervisor(s), related to performance during the previous three rating

years and whatever additional materials the member may submit. These procedures will be incorporated in the C Board precepts and will be subject to the general procedures governing the Board.

(1) The Standards for Recertification will be incorporated in the instructions for the Foreign Service EER form.

(2) Rating officials will be urged to keep these criteria in mind as they set annual work requirements and draft the narrative portions of each member's EER. In addition, rating officials will check a box on the EER form each time that a rating is prepared, specifically recommending whether the rated officer should be recertified as a senior executive.

(3) SFS members may submit materials in support of their recertification, in addition to any comments in the rated officer's portion of the EERs. These materials will become part of the performance file and are subject to provisions on "inadmissible comments."

b. The C Board, after completing its deliberations on recertification, will forward the following to the Director of Human Resources Development and Management:

(1) a list of those SFS members it recommends for recertification;

(2) a list of those SFS members it recommends for conditional recertification;

(3) a list of those SFS members it recommends not be recertified; and

(4) a recertification form for each member indicating the action recommended, and signed by the Board Chairperson and each member.

In addition, the Board will prepare a written justification for each SFS member in (2) and (3) above, specifying those aspects of the standards for recertification that have not been met, citing examples and, as appropriate, quoting from the performance record. This justification will not only provide a basis for the member's response and the Agency's final decision, but will serve as a guide to performance improvement for those conditionally recertified.

c. Impact on Other Selection Board Recommendations

When the C Board recommends that a member be conditionally recertified it may not recommend the member for promotion, a Limited Career Extension, a Performance Award or a Presidential Award and should consider low-ranking the member. Normally, the Board should also recommend either that such a member's next ES pay level increase be denied or that the member's pay be reduced by one level within the same class.

8. Decisions on C Board Recommendations

The Director of Human Resources Development and Management has the delegated authority to make final decisions on behalf of the Agency. Hereafter, the Director of Human Resources Development and Management is referred to as the Deciding Official.

a. Decisions to Recertify

(1) The Deciding Official will normally accept and implement - on behalf of the Administrator - a C Board recommendation to recertify an SFS member. The Deciding Official will sigh the recertification form, and the member will remain in the SFS.

(2) However, the Deciding Official may return a recommendation to the Panel and defer a final decision pending resolution of any questions on conformity with regulations or precepts. The Deciding Official any also defer a final decision if the employee is subject to an ongoing investigation or adverse action involving issues of loyalty, security, misconduct, or malfeasance. If the reason for any deferral is resolved in favor of the SFS member or if any disciplinary action taken falls short of removal, the Deciding Official will make the final decision on recertification retroactive to the effective date of the list from which the member's name was initially excluded.

b. Decisions to Conditionally Recertify or Not to Recertify

(1) The Deciding Official (DO) will first conduct an administrative review of each case to ensure conformity with regulations and precepts. The DO may return any or all of the recommendations to the C Board and defer further action until questions are resolved.

(2) The records of members not recommended for recertification will be reviewed on a confidential basis within the Office of Human Resources Development and Management and/or the Office of Medical Services before the Board's non-recertification recommendations are implemented. The DO may, on the basis of their recommendations, determine that for compelling medical or compassionate reasons, a member should not be non-recertified or notified of non-recertification. In this event, the individual shall be given the same treatment as members who have been recertified.

(3) In the case of recommendations for conditional recertification, the DO will send a letter notifying the affected member of the C Board's recommendations. The letter will include:

(a) Copies of the completed recertification determination for and the Board's justification for the recommendation;

(b) An explanation of the terms of conditional recertification:

(i) That the member is responsible for undertaking an intensive, 12-month program to correct the deficiencies cited in the Board's justification memorandum;

(ii) That the DO will make a final decision on whether to recertify or to remove the member from the SFS based on the recommendation of the next annual C Board to convene after 12 months have expired;

(iii) That the member shall be retained in the SFS if recertified and shall have any reduction in ES pay level made under paragraph 7.C. restored as of the beginning of the first pay period following recertification when 12 months have elapsed since the pay reduction.

(iv) That the C Board will make a recommendation on whether to recertify after reviewing: the three years' performance record on which the conditional recertification recommendation was made; the justification for conditional recertification; and the member's success in overcoming the cited deficiencies as evidenced in subsequent EERs and any written statement the member might wish to make;

(v) That the decision to conditionally recertify may not be grieved or appealed, though a subsequent decision not to recertify could be appealed either to the Foreign Service Grievance Board or a Special Review Board.

(4) In the case of recommendation for non-recertification, the DO will send a letter notifying the affected member of the C Board's recommendation. The letter will include:

(a) Copies of the completed recertification determination form and the Board's justification for the recommendation;

(b) Notice that the member is entitled to a reasonable time to respond to the recommendation of non-recertification. The member may respond either in a personal appearance before the DO or in writing, or both, to show cause why the recommendation should not be implemented. The response time - after the member has received notification from the DO of the recommended action - will not exceed 20 days for members assigned in the U.S. or 40 days for members assigned overseas;

(c) Notice that the member has the right to be represented by counsel or by any other representative of the member's own choosing, but that a personal appearance before the DO is not a formal hearing which is adversarial in nature; and

(d) Notice that the member will be provided a reasonable amount of official time to prepare and to present a response to the recommended action.

(5) The DO will consider any response made by the member in making a final decision on the C Board's recommendation not to recertify and will provide the member with written notice of the decision within 90 days after receipt of the member's response.

(6) The DO's notification of a decision not to recertify a member will include the following:

(a) A copy of the completed recertification determination form and supporting documentation;

(b) Notification that the member will be retired involuntarily for failure to be recertified;

(c) The member so retired shall be entitled to the same benefits as personnel retired under Section 608 of the FS Act of 1980 and implementing regulations issued thereunder;

(d) The date on which the member will be retired;

(e) The member's right to appeal the basis of the decision either to the Foreign Service Grievance Board or to the Special Review Board, but not to both, and copies of the regulations governing both procedures.

(f) The time limits for filing an appeal are in accordance with the appropriate regulation (3 FAM 662.7 for the FS Grievance Board and HB 30, Chapter 3B, para. 4b for the Special Review Board).

(g) The officer's appeal of involuntary retirement does not waive any existing right to retire voluntarily at any time prior to the effective date of involuntary retirement.

(7) The effective date for retirement due to failure to be recertified will be within 6 months of the date of the official notification of the final decision by the Director of Human Resources Development and Management. The date may be temporarily postponed, however, by the Director of Human Resources Development and Management where the interests of the service so require, but in no case may such postponement exceed one year.

Supplement 38C Attachment A

SENIOR FOREIGN SERVICE RECERTIFICATION CY 1991

Name of Executive:

Recertification Period
FROM: TO:

Standard for Recertification

1. The career appointee must perform at the level of excellence expected of a senior executive. Excellence means that the executive has demonstrated over the recertification period that he or she has achieved excellence in:

a. Planning for, substantially advancing, and attaining Presidential, agency or organizational goals and objective that required a sustained superior effort.

b. Taking specific initiatives that advanced a major policy and/or significantly improved delivery of services.

c. Taking the necessary actions to ensure the achievement of a quality project in a timely manner.

d. Making significant technical, scientific, or professional contributions.

2. Also if applicable to the responsibilities of the senior executive, excellence is demonstrated by:

a. Achieving substantial savings in the execution of programs under his or her direction.

b. Maintaining the high quality and effectiveness of programs under his or her direction with reduced resources.

c. Providing strong leadership to enhance the development, utilization and achievement of subordinate personnel, including achievement of equal employment opportunity goals.

The following recommendations/decision are based on an assessment of the executive's overall performance during the recertification period in relation to the above Standard for Recertification stipulated in law, regulation, and agency written procedures and include consideration of the executive's performance ratings, awards and other recognition, developmental activities, and other relevant factors related to performance during the period.

Consolidated Selection Board (C Board) Recommendation:

Recertify_____ Conditionally Recertify_____
Not Recertify____

Recommend pay adjustment to FE-____ No pay adjustment recommended____

C Board Chairperson's Signature Date

Appearance Before the Deciding Official if Recommendation is to Not Recertify:

Yes____ Date _____ Declined appearance (documentation attached)_____

Deciding Official's Decision:

Recertify_____ Conditionally Recertify_____
Not Recertify____

Pay rate adjustment to FE-____ No pay rate adjustment _____

Deciding Official's Signature and Title Date

# CHAPTER 39

## EXECUTIVE LEVEL ASSIGNMENTS - AID FOREIGN SERVICE

### 39A. Purpose

This chapter provides the policies and procedures which govern the assignment of Foreign Service (FS) and Senior Foreign Service (SFS) members and other personnel to executive level positions in AID.

### 39B. Applicability

1. This chapter applies to the recruitment, selection, appointment, assignment and compensation of executive personnel overseas and in AID/Washington (see 39F).

### 39C. Authorities and References

1. Sections 101(b)(2), 202, 302 and 303 of the Foreign Service Act of 1980 (FSA), as amended.

2. Section 631(b) and (c) the Foreign Assistance Act of 1961 (FAA), as amended. The President is authorized by section 631 (b), FAA to appoint Chiefs or Deputy Chiefs of Aid missions abroad and by section 631 (c) to appoint the Chairman, DAC. The authority to appoint and terminate such appointments has been redelegated to the Adminstrator.

3. Title VII, Civil Rights Act of 1964, as amended.

4. Age Discrimination in Employment Act of 1967, as amended.

5. Rehabilitation Act of 1973, as amended.

### 39D. Policies

1. The Agency seeks the most talented executives available to manage its programs overseas and in AID/W. While most executives are drawn from the ranks of career employees, AID may periodically recruit from outside the Agency.

2. Employees are considered for assignment on the basis of performance, demonstrated leadership and management capabilities, foreign language aptitude and/or proficiency as well as special needs of the position.

3. Acceptance of an executive position does not jeopardize the tenure rights of career employees. AID FS and SFS members are assigned without a change in their appointment status. GS/SES employees may be granted reemployment rights for the duration of their limited FS appointment.

4. Assignment or appointment to an executive position does not in any way guarantee for future executive assignments.

5. Assignments to executive positions will be made in accordance with the Agency's policy of nondiscrimination.

39E. Responsibilities

1. AID Administrator (A/AID) and Deputy Administrator (DA/AID)

a. Approves or disapproves appointments and assignments to AID FS executive positions;

b. Approves any significant changes in the executive positions or in the levels of these positions; and

c. Chairs the Executive Personnel Assignment Panel (EPAP).

2. Assistant Administrators and Heads of Independent Offices

Manage the personnel resources and the executive positions in their respective bureaus, offices and overseas posts. In consultation with the Director, Office of Personnel Management (M/PM), anticipate vacancies, identify potential executive talent within or, as appropriate, outside AID, and participate in EPAP and related placement processes.

3. Director, Office of Personnel Management

The Director, M/PM is responsible for the overall management of the Agency's personnel authorities and systems.

4. Executive Personnel Management Staff (M/PM/EPM)

a. Maintains a list of executive positions in AID/W and overseas. In consultation with the concerned bureau or office, revises the list as programmatic needs change;

b. Coordinates and supports the processes to identify, recruit, and assign executive personnel and prepares relevant personnel action documentation;

c. Provides staff support to the EPAP and prepares the assignment decision memoranda for the Administrator's signature; and

d. Counsels FS personnel seeking executive assignments and attempts and seeks potential candidates for such assignments.

39F. Executive Positions

1. Overseas

Positions filled through the EPAP process may include, but are not limited to:

Mission Directors/Deputies/Associate Directors
Associate Director, USAID/Cairo
AID Representatives
AID Affairs Officers
Regional Directors/Deputies
Principal Officers in FODAG/Rome
Chairman, Development Assistance Committee (DAC), Paris, France
U.S. Representative, DAC

2. AID/W

a. AID/W executive positions are filled through the EPAP process for FS and SFS members or other discretionary authorities e.g., Executive Schedule, Administratively Determined. GS, PMRS and SES personnel may be assigned to such positions, as appropriate.

b. Positions included in the EPAP process for FS and SFS assignments may include, but are not limited to:

Counselor to the Agency
Special Assistants to the Administrator/Deputy Administrator/Counselor
Executive Secretary
BIFAD Deputy Director
Deputy Assistant Administrators, Bureaus/Independent offices
Office Directors/Deputies within Bureaus and Independent Offices
Director/Deputy Director; Chiefs, Foreign Service Personnel, Executive Personnel Management, Labor Management Relations Divisions, Office of Personnel Management
Deputy Controllers
Senior Development Coordination Officers, USUN/New York
Directors, Management Staffs Bureaus and Independent Offices

c. When positions are changed or senior ones established in AID/W, M/PM, in collaboration with the bureau or office involved and in consultation with the DA/AID, determines the executive level status of the position.

## 39G. Recruitment

### 1. General Qualifications

Applicants are reviewed against the standards and qualifications contained in AID HB 33, Overseas Position Management; the extensiveness of their knowledge and experience, including in-depth understanding of socio-economic-political problems in less developed countries; and specific position requirements. Other skills and abilities may include, but are not limited to: supervisory and management skills, effective oral and written communication, conceptual ability, negotiating skills, cultural and social sensitivity, equal opportunity leadership and sensitivity and foreign language ability.

### 2. Internal Recruitment

a. Personnel applying for executive assignments usually have already performed successfully in senior level assignments. However, personnel with executive potential also are identified through the following means:

(1) AAs and the heads of AID/W independent offices and overseas posts periodically are asked to identify persons with executive potential;

(2) Employees are encouraged to advise M/PM/EPM of their interest in such assignments through correspondence or personal visits; and

(3) FS and SFS members may indicate their interest in, and their supervisors may comment on their potential for, such assignments on the completion of Assessment Report (form AID 4-253).

b. M/PM/EPM reviews the files of employees who have indicated an interest in executive positions and who have been identified as having executive potential. Employees judged as having executive potential are kept under active consideration; employees judged not ready for such assignments are counseled regarding their potential (see 39G1).

### 3. External Recruitment

a. If there is not a sufficient number of qualified employees, the Agency may seek external candidates.

b. Applications are reviewed and evaluated by M/PM/EPM (see 39G1). When appropriate, applicants are interviewed and assessed by senior personnel in bureaus or offices offering potential assignments.

c. Qualified applicants who have been identified for positions of a continuing nature are processed by M/PM/EPM.

## 39H. Appointment to Executive Level Positions

### 1. Overseas Positions

#### a. Foreign Service Act (FSA)

Executives from outside the Foreign Service may be appointed as career candidates under the FSA. However, for an SFS career candidate appointment, the Director, M/PM must certify that there is a need for the person's services and that the skills he/she possesses are not available within the career service. (FS career candidates are processed under HB 25, Ch. 5; SFS career candidates are processed under HB 25, Supp. 8A.) Non-AID personnel also may be given noncareer time-limited appointments.

#### b. Foreign Assistance Act (FAA)

Most noncareer appointments are made under the FAA. Appointments are not made on a time-limited basis. Employees appointed under the FAA serve at the Administrator's discretion and may be terminated at any time with minimal notice.

### 2. AID/Washington Positions

a. Internal and external candidates for non-FS executive positions usually are appointed under the authorities covering EX, SES, GS, AD, or other FAA statutory positions (see HB 25, Ch. 13). When appropriate, FS and SFS appointees may be assigned to these positions.

b. FS-designated positions normally are filled by the reassignment of career and career candidate members or reappointment of former career members (see 39H1a). Other categories of employees may be appointed as provided in statutory and/or Agency procedures. The fact that FS and SFS career candidates must serve overseas two years within the five-year limited appointment periods will be considered when initial assignments in AID/W are approved.

c. FS and SFS noncareer limited appointments normally are not used for AID/W assignments. The FAA appointment authority may not be used for filling AID/W positions.

## 39I. Assignments

### 1. General

The FS executive assignment process is carried out on an annual cycle. M/PM/EPM should be advised of anticipated vacancies nine to twelve months in advance so that assignments can be decided within six months of incumbents' expected departure dates. EPAP usually meets in the Fall and assignments approved by the end of the year. When unanticipated vacancies occur or assignment changes are required, M/PM and the bureau(s) or office(s) involved make joint recommendations to the Administrator.

### 2. Executive Personnel Assignment Panel

#### a. Functions and Membership

EPAP assesses candidates and makes recommendations to the Administrator for appointments/assignments to all FS executive positions. EPAP also considers senior-level training courses or programs. EDAP menbers include: the Administrator or DA/AID (Chairperson); Assistant Administrators for each Bureau; Assistant to the Administrator for Management; Counselor to the Agency; General Counsel; Directors of the Offices of Legislative Affairs, Personnel Management and Equal Opportunity Programs; Executive Secretary; and Executive Secretary for EDAP.

#### b. Staff Support

(1) M/PM/EPM provides staff support the Chief serving as Executive Secretary. The Administrator may designate a person to serve as his/her liaison with the executive recruitment and placement processes.

(2) For EPAP meetings, M/PM/EPM:

(a) Consults with bureaus and offices to identify future vacancies and executive level personnel available for assignment;

(b) Clarifies bureau/office/employee assignment preferences;

(c) Reviews and assesses employees' performance files;

(d) Prepares agenda for EPAP meetings showing positions to be filled and candidates recommended for consideration.

(e) Maintains and distributes to EPAP members in advance of meetings, biographic summaries for all persons under active consideration. M/PM/EPM considers bureau/office and candidate interests and preferences, but independently assesses candidates' qualifications.

39I2b

c. EDAP Meetings and Follow-up

(1) Attendance is limited to the designated members and/or their deputies. The DA/AID must approve participation by any other person.

(2) The Executive Secretary records the conclusions reached in the meetings and prepares recommendations by the Decision Memoranda for the Administrator. The Administrator's or DA/AID's signature constitutes approval of the proposed assignments or other actions.

(3) Following the signing of the decision memoranda, M/PM/EPM prepares cables to seek formal concurrence of the Ambassador or other appropriate officials for overseas assignments.

(4) The bureau or office involved arranges for swearing-in ceremonies and issues press releases through the Bureau of External Affairs, as appropriate.

(5) M/PM/EPM notifies persons not placed and arranges for them to be considered for placement through the Foreign Service Assignment Board or other appropriate process.

3. Off-Cycle Assignments

a. Off-cycle assignments, M/PM/EPM consults with staff members of the concerned bureau/office and identifies candidates. When agreement is reached, a decision memorandum is prepared by M/PM/EPM, cleared by the bureaus/offices or other appropriate parties, e.g., Counselor to the Agency, and forwarded to the Administrator for approval.

b. When off-cycle assignments involve changes of personnel in two or more positions, the Deputy Administrator may call an ad hoc EDAP meeting and may limit attendance to the members of the affected bureaus/offices. Follow-up actions are the same as for full meetings.

39J. Performance Evaluation and Promotions

FS personnel serving in executive positions, including career and noncareer candidates, are reviewed and evaluated by Selection Boards in accordance with HB 25, Ch. 40, Performance Evaluation and Rating Program. Employees appointed under the FAA may be reviewed by the Selection Boards as requested by the Adminstrator.

39K. Tours of Duty

1. The standard length of an overseas tour of duty is two years. While it is generally expected that personnel will serve two consecutive tours at the same post, home leave and return-to-post for a second tour must be reviewed by EPAP and approved by the Administrator. Requests to shorten or extend tours by more than three months must be approved by the Administrator. The standard length of an AID/W rotation assignment is three years.

2. M/PM/EPM, in consultation with the interested bureau/office, may approve requests to shorten or to extend a tour for more than three months.

3. Extensions which would result in an employee being continuously assigned overseas for more than three years (unbroken by home leave) must be approved by the Administrator, or designee.

4. FS and SFS members serving in executive positions are subject to the regulations governing home leave, including eligibility requirements and repayment liabilities (see HB 27, Ch. 5, Home Leave).

5. If a tour of duty is shortened to less than 24 months solely for the employee's convenience after the employee has taken R&R, the employee is liable for all costs associated with the R&R travel, including travel of dependents (see HB 25, Ch. 6, and HB 29, App. 1I).

6. FS or SFS member voluntarily resign or retire from AID before completing a full tour of duty overseas may be liable for the repayment of travel and transportation costs to and/or from the post (see HB 30, Ch. 1).

39L. Compensation

1. Except for the Chairman, DAC, AID executive level personnel are compensated on the basis of their personal rank. However, if appropriate, they may be compensated under the Chief of Mission salary schedule.

2. Salary levels for persons entering the FS and SFS are established as provided in HB 25, Chs. 35 and 38.

3. Salary levels for section 631(b) appointees are recommended by M/PM, based on a review of experience and prior earnings and approved by the Administrator.

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4. Career, career candidate and limited SFS employees with reemployment rights to the SES, receive salaries as provided in HB 25, Ch 38 and may be eligible for performance pay. Foreign Service officers and employees appointed under the FAA are not eligible for performance pay.

39M. Titles and Rank

SFS members are appointed at the personal rank of Counselor, Minister-Counselor or Career Minister. However, this rank does not determine the level of the diplomatic titles and rank, if any, assigned while overseas. Diplomatic titles and ranks for AID employees in executive positions overseas are approved by the Department of State based on the Ambassador's and AID's recommendations (see HB 25, Ch. 9.)

39N. Leave, Travel, Allowances and Benefits

1. Leave

a. Executives paid at Chief of Mission class rates, are excluded from leave regulations (5 U.S.C. 6301). They do not accumulate annual, sick or home leave, nor are they charged leave for absences from their position for whatever reason. Approval for a "leave of absence" following the completion of a tour of duty is handled in the same manner as home leave and return-to-post approvals (see 39K).

b. Other personnel in executive positions accumulate and use leave in accordance with HB 27.

c. Mission Directors and AID principal officers at post may take leave within the country of assignment at their discretion. The AA of the relevant geographic bureau should be informed by cable of the absence and of the name of the officer in charge during the absence. In cases of leave taken outside the country of assignment, advance approval must be obtained from the bureau AA or head of the independent office.

d. Absence of the Deputy is approved by the Mission Director or the AID principal officer at post.

2. Travel

Travel of an incumbent (or acting) Mission Director, and AID principal officers at post outside the country or area (for regional officials) of assignment must be approved in advance by the AA or head of an independent office (see HB 22, App. 9A, sec. 121.3-1a). The approving official shall advise the Administrator and DA/AID of such travel. The Mission Director or principal AID officer at post may approve travel by the deputy director, except for travel incident to a personnel action, home leave or while serving as Acting Director.

3. Allowances

a. Executive personnel usually are eligible for the same allowances as other FS members. Certain benefits, e.g., official residence expenses and representation allowance, are of particular relevance to executives overseas (see HB 26, Ch. 13, Overseas Allowances and Differentials).

b. Executives whether paid at FS and SFS or Chief of Mission salary rates, are eligible for post differential subject to the Standardized Regulations. Officers who are not member of the Foreign Service Retirement and Disability System are not eligible for extra service credit by electing to waive post differential.

4. Benefits

a. Career FS and SFS members in executive positions continue to be eligible for all benefits for which otherwise eligible.

b. Noncareer appointees are eligible for certain benefits e.g., life and health insurance (see HB 29 eligibility requirements).

390. Separation

1. Career FS and SFS members appointed to executive positions retain all the rights of tenure afforded to other FS and SFS members.

2. The conditions of employment afforded to Career Candidate appointees are described in Chapters 35 and 38.

3. Executive personnel appointed under the FAA and noncareer limited appointees serve at the Administrator's discretion and may be terminated if their services are no longer required.

# CHAPTER 40

# THE FOREIGN SERVICE EMPLOYEE EVALUATION PROGRAM

## 40A. Purpose.

This chapter and Supplements 40A through 40D provide the policies, precepts and procedures that govern performance evaluation and promotion of AID Foreign Service (FS) and Senior Foreign Service (SFS) employees and describes the operation of AID Selection Boards. Included are the Agency's policies and guidance that relate performance evaluation to other activities, e.g., those of other official evaluation boards, the Office of Equal Opportunity, the Agency grievance system and the Foreign Service Grievance Board.

## 40B. Applicability.

1. This chapter applies to all U.S. citizen FS and SFS employees of AID appointed under the Foreign Service Act of 1980 or sections 631(b) or (c) of the Foreign Assistance Act of 1961 (FAA), including Resident Hire employees and employees assigned outside the Agency and who have reemployment rights to AID, e.g., appointed to international organizations.

2. Generally, employees working in AID's Office of the Inspector General (IG) will be evaluated as outlined in this chapter. However, the IG has separate authority to structure and administer the evaluation program, including Selection Boards, for all IG employees in Backstop 08.

3. International Development Intern (IDI) Program participants will be evaluated as stated in HB 28, Chapters 5 during AID/W and language training assignments. During an IDI's overseas assignment and upon completion of the program, IDIs are evaluated according to this chapter.

## 40C. Authorities and References.

1. Sec. 405, 406, 601-605, 608 and 2103, Foreign Service Act of 1980 (FSA), as amended.

2. 3 FAM 226.4-3, Performance-Based Salary Adjustments.

3. HB 25, Supp. 35A, Tenuring of Foreign Service Career Candidates.

4. HB 25, Ch. 38, Senior Foreign Service.

40D. Definitions.

1. FAA Section 631(b) and (c) Appointees. Employees assigned under sec. 631(b) or (c) of the FAA to certain executive level positions, e.g., Mission and Deputy Mission Directors, the U.S. Representative and the Chairperson to the Development Assistance Committee.

2. Inadmissible Comments. Subjects which may not be included as direct or indirect comments in any part of an evaluation report. A list of such comments are included in HB 25, Supp. 40A.

3. Mid-Level and Junior Class Officers. AID career, career candidate and noncareer employees in classes FS-02 through FS-09.

4. Selection Boards. Boards periodically convened by the Director, Office of Human Resource Development and Management (FA/HRDM/OD) and the Inspector General for BS-08 personnel to evaluate the performance, competence and potential of FS and SFS employees. Boards include the SFS Consolidated Selection Board (C/Board), Senior Threshold Board, Mid-level and Junior Officer Boards and Performance Standards Board (PSB).

5. Unit Review Panels. Panels convened at overseas missions and in AID/W Bureaus and Offices to review employee evaluations for compliance, consistency and care in preparation prior to submission to FA/HRDM/PMES/PMA for Selection Board consideration.

6. Resident-Hire Employees. FS employees appointed at post for a limited period and who reside at post primarily for reasons other than employment in the AID Foreign Service.

7. Senior Threshold Officers. FS-01 Career officers who have applied for entry into, and are eligible for promotion consideration into, the Senior Foreign Service.

8. Tenure Board. This Board reviews career records of Foreign Service career-candidate employees in order to determine whether or not to recommend tenure (career-status) to employees. Tenuring decisions are based on the eligibility criteria outlined in HB 25, Supp. 35A.

9. Non-Career Employees. An employee whose appointment is limited to short-term, specific operational Agency needs, and may be of variable duration not to exceed five (5) years. Non-career employees are eligible for promotion up to the rank of FS-01 but are not eligible for promotion into the Senior Foreign Service.

40E. Responsibilities.

1. Office of Human Resource and Development (FA/HRDM).

a. Formulates policies; oversees administration of the evaluation program; reviews feedback from employees, supervisors, managers, Unit Review Panels, Selection Boards, etc., and modifies the evaluation program as appropriate.

b. Establishes and announces annual deadlines for processing and submitting evaluations. Ensures that responsible officials at all levels comply with instructions to prepare and submit evaluation reports.

c. Provides detailed information about the program to employees to promote its understanding and effective use; provides instructions or arranges training in the application and use of evaluation techniques.

d. Identifies candidates to serve on Selection Boards; appoints members and provides guidance and administrative support to all Boards.

e. Ensures that employees receive a copy of Selection Board Report Cards (form AID 4-153) and/or decision letters regarding Performance Standards Board determinations, if appropriate.

f. Maintains Performance Evaluation Files (PEFs) and ensures that only authorized materials are included in Performance Evaluation Files (PEFs) reviewed by the Boards, and that such files are used only by authorized individuals.

2. Assistant Administrators/Office Directors/AID Principal Officers.

a. Establish procedures to ensure that work requirements are established and evaluations completed as prescribed and within the established timeframe (see HB 25, Supp. 40A), and that each employee in the organization is rated objectively, fairly and without bias.

b. Ensure that raters, reviewers and Unit Review Panels receive instruction and guidance on preparation of evaluations.

c. Establish Bureau/Office/Post Unit Review Panels. Provide full backing and support to the Panels, releasing panel members from other duties as necessary.

d. Ensure that raters complete evaluations on subordinates when either the rater or employee are transferred and the period covers 60 days or more and that the evaluations are submitted on time.

e. Submit to the Chief, FA/HRDM/PMES/PMA, or IG/RM, no later than the established deadline, written certification that evaluations for the rating period were completed and submitted.

f. Release employees to serve on Selection Boards. Such service is beneficial to both the service and employee.

g. For Mission Directors and AID principal officers: Act as reviewer for career candidates. Such responsibility may be delegated to the Deputy Mission Directors - but no lower.

3. Unit Review Panels.

Unit Review Panels review evaluations to ensure that EERs are prepared in accordance with all applicable instructions and additional precepts/considerations; contain no inadmissible comments; that evaluations are complete, carefully prepared and internally consistent; and that examples of performance are explicit and helpful for Selection Board considerations. Panels also certify that the ratee's commitment to Equal Employment/Policy and Programs has been discussed (see 40I and supplement 40A).

4. Rater.

a. Assists employees being evaluated in their career development through improved performance, skills development and mentoring.

b. Establishes, in consultation with the ratee, work requirements and specific objectives for each subordinate for the rating period, and, as required, modifies work requirements. Insures that specific objectives are established within 30 days of the start of the rating period.

c. Conducts progress reviews with subordinates at least once (usually mid-cycle) during a rating period and counsels employees on needed improvements in performance, and career development. More frequent formal or informal reviews are encouraged. Records any changes in the specific objectives for the rating period.

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d. Prepares evaluations in a timely manner, ensuring that there are no inadmissible comments and that the evaluation is prepared in accordance with all relevant instructions, including additional precepts/considerations for career candidates and FS-01/SFS employees. Discusses drafts with reviewer and rated employees, counseling employees on achievements and skills or areas needing development.

e. Signs the Rating Compliance Statement before forwarding the finalized EER to the reviewing officer. By signing, the rater certifies that he/she has fully complied with the instructions, including special/additional considerations for career candidate, FS-01/SFS officers, etc.

**Note**: Careless, incomplete, hastily prepared EERs and/or EERs that fail to comply with instructions can be detrimental to an officer's career and can mislead Boards. To reduce the incidence of poorly prepared reports, Selection Boards are instructed to evaluate an officer's performance as a rater/reviewer and prepare written commendations or criticisms, when appropriate. Letters of criticism remain in the rater's/reviewer's file for two years, commendations permanently. Letters of criticism can be appealed through FA/HRDM/OD.

5. Reviewer.

a. Participates in establishing work requirements and specific objectives to ensure that unit responsibilities/tasks are reflected. Confirms that progress reviews are held at least once per evaluation period.

b. Makes certain that evaluations prepared by subordinate raters are equitable, objective, submitted on time and that there are no inadmissible comments.

c. Assists raters in developing supervisory and evaluation skills and reinforces their role in career development.

d. Ensures uniformity of rating standards and objectivity of raters supervised.

e. Prepares reviewer section of EER, ensuring that there are no inadmissible comments and that EERs are prepared in accordance with all instructions including any applicable special/additional considerations. (See Note at 4e above concerning letters of criticism/commendation.)

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6. Rated Employee.

a. Participates with rater and reviewer in establishing work requirements and specific objectives and recording of same.

b. Advises rater of problems, progress and achievements in carrying out work assignments and duties.

c. Reviews performance and work progress with rater as required, at least once during the rating period.

d. Discusses evaluation with rater and may provide input to the rater for preparation of the evaluation. Prepares comments with no inadmissible comments on EER in accordance with instructions, and completes tear sheet, as appropriate. Employees are encouraged to discuss their comments with the rater/reviewer, but are not required to do so. However, raters and reviewers are not precluded from reading the employee's comments.

e. Requests training or counseling; addresses performance deficiencies and career development needs in a timely manner.

7. Office of Equal Opportunity Programs (EOP).

a. Examines the decisions of the Boards for any indication of unfair treatment of employees.

b. Serves as an advisor on issues affecting the Agency's Equal Employment/Program and Policy.

c. Attends briefings and debriefings and addresses the Boards as appropriate.

40F. Program Objectives.

1. The Foreign Service employee evaluation program is the primary means of identifying and selecting members for career tenure, promotion, termination/retirement due to relative performance, approval or denial of within class increases, Senior Foreign Service performance pay and limited career extensions (LCEs). The EER is also considered in the assignment process and training assignments.

2. The program is designed to evaluate and record the accomplishment of assigned duties; assess work characteristics for career advancement, to motivate employees to work more effectively and to improve their skills and understanding and to prepare themselves for increased responsibilities.

40G. Reporting Requirements.

1. Coverage. The EER form (AID 420-4) is to be used for the evaluation of all career, career candidate and non-career Foreign Service Officers including Senior Foreign Service, senior threshold, mid and junior level officers and resident hires. Specific instructions for each category of employee are provided at supplement 40A. American Family Member Employees (AFM) are to use form JF-57 (see HB 25, Chapter 34). Foreign Service National (FSN) and Third Country National (TCN) employees are to use form JF-50, Performance Evaluation (see HB 31 and 3 FAM 900). U.S. citizen Personal Services Contractors are to be evaluated in accordance with HB 14 requirements.

2. Rating Period. The rating period runs from 1 April of one year to 31 March of the next year. EERs must be prepared at the end of the rating period; or, when there is a change in the rater, when there is a change in the rated employees assignment (new post) or duties (new position at post) or separation and when the period of supervision covers 60 calendar days or more.

3. Types of Reports.

a. Full EER. Full EERs are to be prepared only when the periods of supervision by the rater covers 150 calendar days or longer. All sections of the EER are to be completed in full. (See Supplement, 40A, of the EER for instructions).

b. Abbreviated EERs. Abbreviated EERs are to be prepared when the period of supervision by the rater is from 60 to 149 calendar days. Abbreviated EERs consist of Section I, II, III, V, VI, and VII of the EER. (Detailed instructions for the completion of the abbreviated form are included at supplement 40A.)

c. Periods of less than 60 days. EERs or abbreviated EERs are not permitted for periods of less than 60 days. To the extent possible, assessments of periods of less than 60 days should be included in the full EER. This does not preclude the preparation of letters of commendation for specific outstanding achievements during the period.

d. Evaluation of TDYs and Detail Assignments.

(1) Separate evaluations by the gaining organizations are required for TDYs or detail assignment of 60 calendar days or longer, using either the Abbreviated or Full EER as appropriate. Specific objectives to be accomplished should be discussed at the beginning of the assignment. The number of specific objectives should be established commensurate with the duration of the assignment. If a 60-day or longer

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TDY/Detail splits a rating period into two periods, the rated employee's supervisor, at his/her permanent duty location, need not prepare two separate evaluations unless the rater considers it more appropriate to do so. Periods when the employee was on the TDY or Detail and the fact that a separate evaluation was prepared should be noted in Section II 3 of the EER form.

(2) For TDYs/details of more than 15 workdays but less than 60 calendar days, the officer charged with supervision or direction of the TDY/detail services shall provide a memorandum on the employee's performance during the TDY/detail to the employee's rater. Such reports shall describe the purpose of the TDY/detail and the employee's achievements during that period and are to be cabled, pouched or hand delivered to the rater on completion of the TDY/detail. The employee's rater is to insure that such reports are received and incorporated into the evaluation.

e. Periods in Full-Time Language Training: End-of-training reports for employees in full-time language training shall be weighed equal to the EER (effective with the 1992-1993 cycle).

4. Submission of Reports.

a. Submission. Completed EERs or abbreviated EERs are to be forwarded to FA/HRDM/PMES/PMA or IG/RM/PFM as applicable and must be received within 45 calendar days after the event requiring the preparation of the EER. Overseas missions are granted a five-day grace period for transit delays. However, such EERs must have been signed and forwarded no later than the close of business of the 45th calendar day. For end of cycle reports, the due date is May 15 (May 20 for overseas). If the 15th or 20th falls on a weekend, EERs are due the next business day, i.e., the first Monday after May 15th or May 20th, for overseas. EERs received after the 45th day (50 days for Missions) will be considered late. See para 40L 1 below regarding late EERs.

b. Certification. For overseas posts, a telegraphic certification, from the AID Principal Officer or EER Coordinator, must be sent by May 15, of each year. The telegrams, to have as the subject "Annual EER Certification 19XX", should be directed to FA/HRDM/PMES/PMA, or IG/RM/PFM as applicable. AID/W Bureaus/Offices are instructed to follow the same procedure utilizing a memorandum. The certification must list the names of all employees at the Post/Office/Bureau at any time during period April 1 - March 31 and indicate for each:

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1. If EERs have been forwarded indicating period(s) covered and when EER was mailed,

2. If no EER was due for part of the annual rating period, indicate period not covered and the reason for EER not being submitted (i.e., rating officer at post less than 60 days or employee may have been on home leave/transfer and/or training and period at post was less than 60 days, EER sent from other post), and,

3. If a late EER is to be submitted and the reason for the late submission showing period covered and rating officer.

c. Acknowledgement. FA/HRDM/PMES/PMA will acknowledge receipt of EERs/Memos. Use of a 2-way memo by submitting organization is required for acknowledgement purposes.

d. Planning. Advance planning and establishing a realistic Mission/Office/Bureau specific schedule are critical in assuring that all EERs are reviewed and submitted in a timely and orderly fashion. When preparing this schedule, organizations must take into consideration the absences of the employee, the rater and the reviewer and allow adequate time to mail the EERs. To insure that the submission schedule is adhered to, each Mission/Office/Bureau should identify an EER Coordinator who will be responsible for managing the EER preparation and submission process and seeing it through to completion.

40H. Procedures.

The following steps must be followed in the order presented:

1. The **rater** and **employee** discuss and establish work requirements (continuing responsibilities and specific objectives) within the first 30 days of a rating period. Work requirements should be within the employee's control to accomplish within the rating period and commensurate with the employee's personal grade, not the position grade. While every effort should be made to reach agreement on work requirements, agreement is not required. The decisions of the rater, as supervisor, prevail in the event of any disagreements on the work requirements. The employee, rater and reviewer are to initial in the place provided on the EER form, even if agreement is not reached. The employee's initials indicate only that the employee has been advised of the work requirements.

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2. Rater conducts at least one progress review with each employee (usually mid-cycle) to discuss performance (not required for abbreviated EERs). Reviews also should be scheduled whenever there is a substantive change in work requirements. More frequent reviews are encouraged. Changes should be recorded on the EER form. Reviewer confirms that review has taken place.

3. Rater prepares draft EER by the end of the rating period, or as required to insure timely submission, and discusses the report first with the reviewer and then the employee. Discussions with the rated employee should include an assessment of the employee's career progress and opportunity for continued development and progression. Reviewer completes a draft of the EER and discusses with the employee.

4. Rater and reviewer should attempt to finalize and sign EERs no later than ten calendar days after the end of the rating period, or as required to ensure timely submission.

5. Employee prepares comments, signs the EER and forwards it for submission to the appropriate Unit Review Panel. This step is to be completed no later than ten calendar days after receipt of the EER from the rater.

6. Unit Review Panels conduct initial review of EERs and return to the Bureau/Office/post coordinator those approved for submission to FA/HRDM/PMES/PMA or IG/RM, and to the rater, reviewer or employee, as appropriate, those not approved for submission. Reviews are to be completed within ten calendar days after the employee comment period. In the case of AID/W panels reviewing overseas EERs, this period can be extended with the approval of FA/HRDM/PMES/PMA or IG/RM at the request of the panel, rater or employee.

7. Mission/Office/Bureaus submit EERs and provide certification. It is essential that posts factor the time required for pouch or express mail type transmission of EERs to AID/W to ensure that EERs are received no later than 45 days after the end of the rating period (50 days with a 5 day grace period).

8. Review of evaluations by AID and IG Selection Boards. Based on the results of the review, Boards, HRDM Career Counselors or other officers may also provide feedback on performance of work, career development and/or critiques on the preparation and review of EERs to the employee, rater, reviewer and/or Unit Review Panel as appropriate.

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9. Resident-Hire Employees: Selection Boards will review resident-hire employees at the same time and under the same precepts as regular FS employees. The rank order lists prepared by Selection Boards and the number of promotions will be separate from those for regular FS employees. Promotions may be approved by FA/HRDM only if the grade of the position is higher than the employee's personal rank.

40I. Mission/Bureau/Office Unit Review Panels.

1. Review panels perform a very important and positive role in the EER process. They in essence are the Agency's quality control teams. Selection Boards have consistently noted the positive difference the Boards make on the quality of evaluations, especially in comparison to those that have not been reviewed. The unit review process is, however, a time consuming and sometimes delicate process for the panel member. Mission, Bureau and Office management should be cognizant of the important role the panels play in the process and are to lend their full support and backing to the panels. The panels should be under no pressure to give anything but an objective review, as detailed below.

2. The head of the organization may establish as many panels as deemed appropriate to meet the requirements. The composition of panels will depend on the size of the organizational unit. Panels for units with 12 or more Foreign Service personnel will be composed of 3 FS employees; those with between 6 and 11 employees will be composed of 2 FS employees. Units with 5 or fewer FS employees will forward their EERs through their respective Bureaus for review by a panel. In this latter case, the head of the mission or organizational unit should review the evaluations for adherence with instructions prior to forwarding to the Bureau in order to hold to a minimum the number of EERs requiring corrective action as a result of the Bureau review. Panels should include at least one experienced employee who has previously served on panels and if possible include a senior employee. Panel members may not review their own evaluation or evaluations they have prepared.

3. Mission panels will review all evaluations prepared at post for employees assigned or on extended TDY to the mission, including those prepared or reviewed by Presidential appointees, but excluding those of the principal AID officer and Deputy Director and others for whom the reviewing officer is located in AID/W, i.e., Regional Legal Officers, etc.

4. AID/W panels will review all evaluations completed by officers located in AID/W, including those prepared or reviewed by Presidential

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Appointees, but excluding those of Deputy Assistant Administrators, their equivalent or higher; Mission Directors and AID Representatives/Affairs Officers. Geographic Bureaus will also review EERs for those employees located at missions with 5 or fewer Foreign Service personnel. The HRDM panel will review evaluations for employees on detail or complement who are not assigned to a bureau or office and for those employees in AID/W offices with 5 or fewer Foreign Service officers.

5. The Inspector General (IG) will designate one or more Panels to review the evaluations of all IG employees.

6. Panels will be convened as necessary to review abbreviated and full EERs.

7. Panels shall return to raters, reviewers or employees evaluations having deficiencies for correction. Any revision by the rater must be shown to the reviewer and employee. Revisions by the reviewing officer must be shown to the employee. The employee may then revise his/her comments. The panel must show the employees statement and any revisions to the rating and reviewing officer when that statement takes issue with their evaluation. In any case, rating and reviewing officers are entitled to read the final and complete evaluation if they choose to do so.

8. If the deficiencies (other than editorial) are not remedied by the concerned party, the panel should note the suggested changes in Section VII and reasons for their rejection.

9. Common deficiencies include but are not limited to:

a. Failure to prepare the evaluations in accordance with instructions, including the supplemental instructions for career candidates and FS-01/SFS Officers (see general instructions). By signing the EER, panel members certify that the instructions have been adhered to unless otherwise indicated. Panels in particular should insure that all specific objectives are addressed, that all required skill areas are discussed (Full EERs only) and that two areas for improvement are discussed (Full EERs only).

b. Inadmissible comments (see Supp. 40A).

c. Technical deficiencies such as improper formatting including incorrect pitch, printing, crowded lines etc.; failure to fill-in/check boxes, sign/initial form; and use of continuation pages (only the employee is allowed a continuation page).

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d. Qualitative deficiencies such as indications of hasty or insufficient preparation; a lack of specific examples of performance, internal inconsistencies and lack of clarity.

10. Where EERs contain differences of opinion, panels are to raise the issue with the parties involved in order to insure that the EER adequately describes the situation and or conflict. While panels may encourage resolution of conflicts, it may not make judgments or determinations on the substance of such conflicts. The evaluation system in fact intends to preserve the concept of professional differences of opinion and constructive dissent. If panel efforts to seek clarification where necessary fail, the panel should note the differences and briefly describe its efforts to obtain clarification.

11. In instances where the panel receives the EER late in the process with insufficient time to adequately review the evaluation in time to meet the submission deadline or where evaluations are returned for correction and the party fails to return the evaluation in a timely manner, panels should note the dates in the remarks section.

12. The Director/HRDM may, based on the recommendation of a Selection Board and the advice of his/her staff, send advisory or guidance letters to panel members when he/she determines that the panel failed to adequately fulfill its responsibilities. Such letters shall be sent "addressee only" to panel members. No copies shall be distributed, retained or placed in any file. If a panel is unable to resolve problems or its suggestions (other than editorial) are rejected, it should specify in Section VII its attempts to resolve issues in order to indicate that it has fulfilled its duties.

40J. AID Selection, Performance Standards and Tenure Boards.

1. General.

a. There are three types of Boards: Selection Boards, Performance Standards Boards and Tenure Boards. The responsibilities of the Boards are explained below.

b. AID Selection and Performance Standards Boards are composed of three AID career FS employees and a public member on each Board. The public member may not be a current Federal employee.

c. Boards are given the evaluation file for each employee under review. This file contains the employee's SF-171, a computer print-out which provides general information (education, language scores, etc.), all evaluations since the employee entered on duty with AID, training requests, training reports, awards and certain disciplinary actions. The Boards also receive copies of the Precepts, the 1980 FS Act and a language proficiency computer report.

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Each Performance Standards Board receives in addition to the above, copies of each referred employee's report card from the current Selection Board and the five previous Boards. They also receive reports of the last three Performance Standards Boards on the referred employees, if such reports exist.

2. Selection Boards.

a. The Foreign Service Selection Boards meet annually to consider all eligible foreign service employees for possible: promotion, performance awards, SFS limited career extensions, denial of within-class increases and selection-out for relative performance.

b. The Selection Boards are: the Consolidated Senior Foreign Service (C/SFS); the Senior Threshold (FP/FO-01); four Cluster Boards (FP/FO-02 and below); the Administrative Board (Backstops 07 and 05); the IG Selection Board (Backstop 08).

c. The Promotion (Selection Board) Process:

1. Using the criteria specified in the Precepts, each Board develops a ranking system by which to evaluate each and every employee. After each member has read an employee's file, the members vote on what ranking to assign to that employee. Only after all the Board members have read the files for the class does the Board develop the rank-order for promotion list.

2. The Board finalizes its decisions on assignment of B, C, D, and E category designations after it has completed the promotion list. The category designations definitions are as follows:

| | |
|---|---|
| Category A: | recommended for promotion |
| Category B: | performance at an acceptable level or higher |
| Category C: | performance is less competitive |
| Category D: | performance is least competitive and employee referred to PSB |
| Category E: | performance of untenured employee is weak and employee may not achieve career status. Employee referred to PSB for possible denial of within-class increase. |

3. The Board completes a report card on every employee reviewed. FA/HRDM/PMES/PMA mails the report to the employee after the Board adjourns.

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d. Performance Standards Board Process:

After a Selection Board completes its duties, it will convene as a Performance Standards Board. It will review the file of all D category employees and decide whether:

1) they meet standards
2) marginally meet standards, or
3) should be selected out for relative performance.

FA/HRDM/OD or IG will notify employees (by letter) of the PSB decision. Enclosed with the letter will be a copy of the PSB decision memorandum.

3. Tenure Boards.

a. Tenure Boards are composed of four AID members and a Foreign Service member from another foreign affairs agency. A public member may serve in lieu of the other foreign affairs agency member. See 35A5(e)(1).

b. The Agency's decision whether or not to offer an FS career candidate tenure shall be based on recommendations by the Tenure Board. The sole criterion for a positive tenuring recommendation is the candidates's demonstrated potential, assuming normal career growth and development, to serve effectively as an AID career FS officer over a normal career span, with promotion potential to class FS-01 or the highest class attainable within the limitations imposed by the candidate's specialized occupational backstop. (Refer to HB 25, Supp. 35A for detailed information on tenuring of FS career candidates).

40K. Promotions.

1. The precepts and eligibility criteria governing the promotion of FS and SFS employees, including resident-hire employees, are included in Supp. 40C.

2. Promotions and/or other personnel actions may be made pursuant to recommendations or orders, as appropriate, of the Foreign Service Grievance Board, an equal employment opportunity officer, or the Special Counsel of the Merit Systems Protection Board.

3. Prior to effecting promotions, officers must be cleared through IG/SEC and IG/I to insure that those officers have no information which would preclude processing the promotion, i.e., ongoing investigation, lifting of clearance, etc.

40K

4. Promotions for employees into class FS-01 and below will be effected by the end of the second full pay period following completion of security clearance processing for the group. When an individual's promotion is delayed by the clearance process, the promotions of other FS employees who have received such clearances will not be delayed. Once an employee receives the clearance, the promotion may be effective retroactively to the same date as the rest of the employees for his/her class.

5. Promotions for SFS employees will be effected the first pay period following the date of the President's attestation.

40L. Pay Adjustments.

1. Performance Awards - FS-01s and Below.

a. Performance awards include Meritorious Step Increases (MSIs) recommended by AID Selection Boards and cash awards and MSIs recommended under the AID FS Performance Awards Program (see HB 29, Supp. 5A, Part III). A promotion and a MSI may not be granted for the same rating period. A Board recommended MSI and a cash award may not be granted for the same rating period. Employees who receive promotions are eligible for cash awards during the same rating period.

2. SFS Performance Pay.

The C/Board will consider and may recommend to the Director, HRDM, pay increases, including Agency and Presidential performance pay awards, or decreases for SFS employees. The IG C/Board will make its recommendations to the Inspector General. No increase may be effected within 12 months of the effective date of an employee's last pay adjustment, i.e., appointment, promotion or change of pay level based on performance (see HB 25, Chapter 38, Section G and I and Supp. 38C.) **Note: Raters, reviewers, Unit Review Panel members and/or employees who do not adhere to the deadline for processing and submitting performance evaluations MAY BE INELIGIBLE FOR PERFORMANCE AWARDS.**

3. Withholding of Scheduled Salary Step Increase.

The next scheduled salary step increase of a career or limited employee in Class FS-01 or below who is referred to a PSB will be withheld if the PSB determines that the employee's performance did not meet the standards of the employee's class during the rating period.

40M. Late Submission of an EER or Failure to Perform Evaluation Responsibilities.

1. EERs received by FA/HRDM/PMES/PMA, or IG/RM for IG employees, after stated deadlines will be reviewed to establish responsibility for late submission. Because Foreign Service EER preparation has several distinct steps involving different individuals, FA/HRDM, or IG/RM for IG employees, will look at dates the rating was written and reviewed, the date of the employee's comments, the date the Unit Review Panel signed off, and any other relevant factors. Individuals believed responsible for delays will be notified of FA/HRDM's or IG/RM's preliminary determination by memorandum or cable, as appropriate, and given an opportunity to provide any information that should be considered in making the determination of responsibility for the delay and whether disciplinary action and/or denial of a bonus/award would be appropriate. The employee's Bureau or Mission management will be notified of the preliminary determination and given an opportunity to participate in the response process. Employees and managers located overseas will be given 30 days to reply; employees and managers in AID/W will be given 15 days.

2. Employee/unit management responses regarding late submissions will be reviewed by FA/HRDM/PMES/PMA, or IG/RM for IG employees, to determine whether the delay has been adequately explained or otherwise justified. If it is determined that the delay was justified, the employee and unit management will be notified and no further action will be taken. If it is determined that the delay was not justified, FA/HRDM or IG/RM, as appropriate, will submit the determination along with the employee/unit management response to FA/HRDM/OD or IG, for IG employees, for review and possible further action.

3. FA/HRDM/PMES/PMA, or IG/RM for IG employees, will refer to FA/HRDM/OD or IG all determinations by Selection Boards, pursuant to established guidelines and precepts, on an employee's failure to perform evaluation responsibilities adequately or appropriately.

4. FA/HRDM/OD, or IG for IG employees, will review the determination of Selection Boards and the responses of the employee and/or unit management. If it is determined that the employee has failed to meet lvaluation deadlines and has failed to adequately explain or justify such deadlines, or that the employee has failed to perform the evaluation responsibilities adequately or appropriately, FA/HRDM/OD or IG may recommend disciplinary action and/or denial or reduction of award/bonus, if such action is warranted. Any action taken shall be taken in accordance with established procedures and requirements governing such action.

40N. Separation Considerations.

1. PSBs may recommend that career FS employees be retired based on relative performance. "Retired for relative performance" is the same as selection out (see HB 30 for more information on FS separations).

2. The Agency may terminate at any time the appointment of any employee serving under a limited appointment, except as provided in sec. 610(a)(2) of the FSA, Separation for Cause.

3. In accordance with HB 30, Separation for Cause, the Agency may initiate action to separate career employees whose performance is determined to be unsatisfactory.

40O. Grievances and Complaints of Discrimination.

1. Employees may grieve the inclusion of an evaluation report or material they feel is inaccurate, erroneous or falsely prejudicial in their evaluation file. The time limit in filing is generally three years with some exceptions. (See Foreign Service Grievance Procedure, 3 FAM 660 and HB 29, Ch. 4, for further guidance).

2. In accordance with amendments to the Foreign Service Act enacted in 1991, employees who feel they have been discriminated against on the basis of race, sex, age, color, national origin, religion, or handicap may EITHER (1) file a grievance under the Foreign Service Grievance Procedure within 180 days of the occurrence giving rise to the grievance OR (2) file a complaint of discrimination. Employees contemplating the latter procedure should contact an EEO counselor promptly and not later than 30 days after the occurrence (HB 24, Chapter 5).

Supp. 40A - Foreign Service Evaluation Program, Forms and Instructions
Supp. 40B - General Precepts for AID Selection Boards
Supp. 40C - Precepts for Promotion
Supp. 40D - Limited Career Extensions for Senior Foreign Service Employees

Supplement 40B to
Handbook 25, Ch. 40

# GENERAL PRECEPTS FOR AID SELECTION BOARDS

A. Purpose

This supplement provides the policies and procedures that govern AID Foreign Service (FS) Selection Boards and AID Senior Foreign Service (SFS) Consolidated Selection Boards (C/Boards).

B. Authorities

Section 406, 601-605, and 608, Foreign Service Act of 1980 (FSA), as amended.

C. Employees to be Rated

1. Boards shall rate all employees whether or not a rating period is covered by performance and/or training evaluations.

2. Career, career candidate and noncareer employees in the Career Minister, Minister-Counselor or Counselor SFS classes.

3. Career, career candidate and noncareer employees in classes FS-09 - FS-01, including resident-hire employees.

4. Employees assigned to international or other organizations, including those in nonpay status, who have reemployment rights to AID will be reviewed by the Board appropriate for their rank and occupational category.

5. All employees, except International Development Interns (IDIs), are subject to performance standards review (see Handbook 30, Supplement 3B).

6. Boards shall not review career employees designated by a Performance Standards Board to be retired and given a retirement date, IDIs who have not completed the training program (see Handbook 28, Chapters 5 and 5A), or career candidates recommended for separation by a Tenure Board.

D. Composition of Selection Boards

1. SFS Consolidated Selection Board (C/Board)

The C/Board will include: (a) a senior-level AID career employee at or above the level of those under review, if available, or a career SFS employee from another foreign affairs agency; (b) a retired AID career SFS employee or equivalent; (c) a public member; and (d) at the option of the Director, FA/HRDM, an additional member from (a) or (b).

The Chairperson shall be the senior-level AID career employee, if available, or the retired AID career employee. To the extent possible, Board membership will include minorities and women.

2. FS Selection Boards

a. FS Selection Boards will include four members: three career FS employees with a personal rank at least one grade above the highest class of employees being evaluated in the respective Board and one public member. To the extent possible, Board membership will include minorities and women.

b. The Senior Threshold Board should include one career employee at the Counselor class.

c. The three career employees on the Mid-Level and Junior Officer Boards should represent as wide a range as possible of experience in the backstop categories included in the clusters covered by each Board.

E. Organization of the Boards

1. C/Board. Evaluates by class, career, career candidate and noncareer employees in the Career Minister, Minister-Counselor and Counselor classes, including FAA Section 631(b) or (c) appointees as indicated by the Director, FA/HRDM.

2. IG Boards. The IG will operate independent Selection Boards for BS-08 employees in classes FS-01 and below and a C/Board for SFS employees.

3. Senior Threshold Board. Evaluates career, career candidate and noncareer employees in class FS-01.

4. Mid-Level and Junior Officer Boards. Career, career candidate and noncareer employees in classes FS-02 and below will be evaluated as follows:

Program Direction and Development Board
Backstop 01 - Mission Directors and Executive Level Personnel
Backstop 02 - Program Analysis
Backstop 11 - Economics
Backstop 21 - Business, Industry and Private Enterprise
Backstop 85 - Legal
Backstop 94 - Project Development

Program Operations and Management Board
Backstop 10 - Agriculture
Backstop 12 - Program Management
Backstop 14 - Rural Development
Backstop 15 - Food for Peace
Backstop 20 - Housing, Urban and Community Development
Backstop 25 - Engineering
Backstop 30 - Natural Resources and Energy Development
Backstop 50 - Health Science, Medical and Population
Backstop 60 - Human Resources, Education and Participant Training
Backstop 72 - Social Services
Backstop 75 - Physical and Social Science

Program Support Board
Backstop 03 - Administrative Management
Backstop 04 - Controller
Backstop 06 - General Services
Backstop 92 - Commodity Management
Backstop 93 - Contract Management

Inspector General Board
Backstop 08 - Audit and Inspections

Administrative Board
Backstop 05 - Secretarial Support
Backstop 07 - Administrative Support

F. Specific Review Functions

1. Promotion Consideration

a. Boards shall review the files of all employees, except those in the Career Minister class, as specified in E above, and shall recommend promotions based on this review (see Supplement 40C for promotion precepts).

b. Boards shall identify employees they judge qualified for promotion without regard to the number of promotion opportunities. After this review the Director, FA/HRDM or the IG, as appropriate, shall provide the Boards, by class, the names of employees recommended for promotion by one or more of the previous three Boards. Boards shall reconsider employees ranked just above or below the "qualified for promotion" cutoff, and may revise their recommendations to ensure careful consideration of decisions affecting employees at the margin of promotion recommendations.

c. Promotions, including those for resident-hire employees, will be made in the various occupational clusters and classes based on employees' eligibility for promotion, the Boards' rank order lists and the number of promotions authorized by AID management (see Supplement 40C).

d. No name on a list shall be passed over except in the case of (1) death, retirement, resignation or termination; or (2) investigations or proceedings involving loyalty, security, misconduct or malfeasance. In a case under the latter provision, the promotion will be effected upon favorable termination of the investigation and will be retroactive to the date that others on the list were promoted. Any current employee passed over for promotion shall be notified, in writing, of the reasons if not inimical to the investigation or proceeding.

2. Meritorious Salary Step Increases (MSIs)

a. The Threshold Board and Boards for classes 02 and below may recommend MSIs within the limits determined by FA/HRDM or IG for employees who performed especially meritorious service during the rating period. Boards may consider class rankings in making MSI recommendations.

b. Raters, reviewers, Unit Review Panel members and/or employees who do not adhere to the deadlines specified annually by FA/HRDM/SCD or IG/RM, for processing and submitting performance evaluations WILL BE INELIGIBLE FOR PERFORMANCE AWARDS. (See Chapter 40, Section 40L.)

3. SFS Performance Pay Awards

a. Within the limits determined by FA/HRDM or IG, as appropriate, the C/Boards may recommend two types of performance pay awards. One is conferred by the Agency based on performance during the most recent rating period. The other is conferred by the President based on the recommendations of an Interagency Selection Board which reviews employees nominated by the foreign affairs agencies (see Handbook 25, Supplement 38D for specific information).

b. Raters, reviewers, Unit Review Panel members and/or employees who do not adhere to the deadlines specified annually by FA/HRDM/SCD, or IG/RM, for processing and submitting performance evaluations WILL BE INELIGIBLE FOR PERFORMANCE AWARDS. (See Chapter 40, Section 40L.)

4. Referral to a Performance Standards Board (PSB)

a. Boards will identify career and limited appointment employees whose performance is relatively less competitive than others in the same rank and class and shall refer separate alphabetical lists of such employees to a PSB. While the Director, FA/HRDM or the IG will designate the percentage or number of files to be referred for a class, boards may refer additional files. FA/HRDM/SCD or IG/RM, as appropriate, will notify, in writing, employees designated for PSB review. (See Handbook 30, Supplement 3B.)

b. Referral to a PSB may result in: (1) withholding of scheduled salary step increases for employees in grades FS-01 or below if a PSB determines that the employees did not meet the performance standards of their class for the rating period (see Handbook 26, Chapter 2); or (2) retirement based on relative performance (Handbook 30, Supplement 3B).

5. SFS Salary Adjustments

SFS employees may receive salary increases, decreases or deferrals based on C/Board or PSB recommendations (see Supplement 40C and Chapter 38, Supplement 38C).

6. Limited Career Extensions (LCEs)

a. The C/Board shall review, by class and occupational category, SFS employees who have reached their maximum time in class (TIC) and recommend LCEs. The precepts for LCE review are included as Supplement 40D.

b. The number of LCEs will be based on an analysis of available and projected personnel and positions. The length of each LCE will be six months to three years. The Administrator may grant or renew LCEs for SFS employees (see Supplement 40D and Chapter 38).

7. Comments on Rating and Reviewing Officers and Unit Review Panels

a. Boards will identify rating and reviewing officers who merit commendation or criticism. The scope of this Board function includes all aspects of the evaluation process, e.g., establishment of work requirements, conduct of progress reviews, quality of evaluation, identification of reports with superficial narrative or lacking specific examples of performance. When appropriate, letters shall also be prepared on the contributions of Unit Review Panels. Boards will prepare a written statement describing the qualities or deficiencies.

b. Letters of criticism will allow 30 days from the date of receipt for addressees to provide reason why the letter should not be formally issued and distributed. Responses will be considered by the Director, FA/HRDM/SCD or IG/RM who will make a final determination. Copies will not be distributed unless and until either the 30-day period has passed without response or the Director, FA/HRDM/SCD or IG/RM determines that the response does not adequately explain the deficiency cited in the letter. Copies of letters will be provided to the relevant Bureau/Office/ Mission director and the employee's evaluation file.

8. Special Recommendations

Boards may provide the Director, FA/HRDM or the IG recommendations concerning the employees under consideration, comments on the materials used in the evaluation process and suggestions for improvements in the evaluation/promotion program.

G. Board Operations, Information and Materials

1. FA/HRDM/SCD or IG/RM shall provide guidance and assistance to the boards on all technical and procedural matters. Boards shall address any and all work related questions to that staff only.

2. Board members will receive the following materials:

a. A copy of Handbook 25, Chapter 40 and Supplements and other relevant Agency issuances; e.g., guidance issued by FA/HRDM/SCD for the rating period;

b. Each employee's Performance Evaluation File (PEF);

c. A summary of employee's record with AID for each employee to be reviewed (if there is a discrepancy in the information on any summary, the official source of information is the PEF);

d. A copy of the FSA and related regulations and guidelines on performance evaluation and promotion;

e. A dictionary and world map or atlas.

3. Official Evaluation Documentation

Boards will base their evaluations only on material properly contained in the employee's PEF and as otherwise provided for herein.

a. Boards will be provided each employee's entire PEF. Boards shall place greater emphasis on the most recent five years of service or the period the employee has been in the present class, whichever is longer. Undue weight shall not be given to any single performance evaluation. However, Boards should focus on earlier evaluation periods if an employee is just above or below the cutoff line for promotion or low-ranking.

b. Some files may contain evidence of relevant prior service in AID or another foreign affairs agency; some files may be incomplete due to interrupted service, training or special assignments or undocumented periods of service. Employees may not be disadvantaged by such variations. Boards shall give full consideration to documented periods of relevant prior service and should not discount performance appraisals because information on earlier periods is not included.

c. Boards shall not seek or receive any information other than that properly included in the PEF. A letter of reprimand in the file must be disregarded if by its terms, it should have been removed. Boards should promptly advise FA/HRDM/SCD or IG/RM of such letters.

d. A board member may provide information to the board that is not in a PEF but is relevant to an employee's performance only by signed memorandum. In such cases, the member may be excused from further review of that employee. The memorandum must be sent to the employee immediately (by immediate cable if overseas). The employee must be advised that the board must receive comments within 10 days of receipt

of the memorandum. The Mission/Bureau shall reply immediately indicating whether delivery was made and whether comments are forthcoming. The employee shall be given a reasonable amount of administrative leave to permit timely response.

The board may take no further action pending receipt of comments, unless advised that comments are not forthcoming. However, a decision need not be delayed more than 10 days unless it determined that the delay will not significantly disrupt the board's duties or schedule. Any signed memorandum considered by the board will not be filed in the employee's PEF, but will be filed with the board's report detailing its decisions and reasons therefor. No other copies of the memorandum or response may be retained.

e. A board member will be excused from deliberations if he/she was the rating or reviewing officer while the employee under review was in his/her present class or, for C/Board members, within the last three rating periods. For IG Boards, a board member who served as the rater or reviewer for the employee under review within the last three rating periods will be excused from deliberations.

f. To the extent not inconsistent with this supplement, boards may establish their own operating procedures concerning workload, discussions, deliberations and decisions.

4. A debriefing will be scheduled with the Director, FA/HRDM or IG, as appropriate, after each Board has concluded its deliberations.

H. Submission of Findings and Recommendations

1. Board findings shall be provided to the Director, FA/HRDM or the IG under cover of a transmittal letter signed by each board member. The Director, FA/HRDM or the IG may accept the findings or return them for review if questions exist on use of procedures and/or precepts. Individual employee rankings or designations and Board comments will be specified on the Selection Board Ranking Report. Supplementary sheets may be attached as needed.

2. Unless instructed otherwise by the Director, FA/HRDM or the IG, all boards shall prepare the following reports by class:

a. An alphabetical list of employees identified as marginal performers in comparison with other employees. A separate list will be prepared for resident-hire employees.

b. An alphabetical list of career employees identified within the marginal performers' group as being least competitive in performance for referral to a PSB.

c. An alphabetical list of other employees reviewed. The C/Boards and Mid-Level and Junior Officer Boards will prepare separate lists for each class reviewed. These officers need not be ranked.

3. Unless instructed otherwise by the Director, FA/HRDM or the IG, boards shall prepare the following reports covering all employees except those in the Career Minister class:

a. Rank order lists, by class and/or occupational cluster, as appropriate, of career and career candidate employees recommended for promotion. Separate lists will be prepared for resident-hire employees.

b. Rank order lists, by class and/or occupational cluster, as appropriate, of noncareer (limited) employees recommended for promotion.

c. An alphabetical list by class of career candidates identified as unlikely to achieve career status even with additional experience. While the Board must consider all career candidates under review, particular attention should be given those with less than fully successful ratings. The Board will prepare a written statement in each case, a copy of which will be given to the employee.

4. Boards may prepare the following statements or recommendations:

a. Alphabetical list(s) of rating and reviewing officers and Unit Review Panel members who merit commendation or criticism for the quality of the reports they prepared. In each case, the board will prepare a brief statement describing the qualities or deficiencies of the reports.

b. Recommendations concerning the assignment, training, counseling or other personnel considerations with respect to any employee or group of employees reviewed.

c. Recommendations concerning policies and procedures for subsequent Boards and improvements to the performance evaluation system.

d. Boards, other than the C/Board, may prepare alphabetical lists of employees (within limits established by FA/HRDM) recommended for MSIs. A written justification shall be prepared in each case.

5. The Senior Threshold Board shall consider for promotion all employees certified to it as eligible and as having requested consideration for promotion into the SFS. Such employees may be reviewed by no more than 7 consecutive Boards. If not promoted within this period, they must leave the Service no later than six months following the last review. The Board should note the special and demanding requirements of the SFS (Supplement 40D). In addition, foreign language proficiency, especially that relevant to an employee's assignment and/or FSI-tested proficiency in AID-useful or other foreign languages, should be a significant threshold promotion factor.

6. The C/Board shall indicate the upper 2/3 of the Counselor and Minister-Counselor classes.

I. Oath of Office

Board members shall execute the following oath of office and adhere to these precepts. Failure to observe these directives may result in disciplinary action or penalties prescribed by the Privacy Act. Board members shall report to the Director, FA/HRDM or IG, as appropriate, any attempt to question them, provide information not authorized by the precepts or influence their deliberations or judgments, before, during or after the setting of the Board.

"I _____do solemnly swear (or affirm) that I will, without prejudice or partiality, perform faithfully and to the best of my ability the duties of a member of an AID (or IG) Selection Board; that I will preserve the confidential character of the personnel records used by the Board, that I will adhere to the directives and precepts; that I will not reveal to any unauthorized person information concerning the deliberations, findings and recommendations of the Boards, so help me God."

# THE A.I.D. FOREIGN SERVICE EVALUATION PROGRAM INSTRUCTIONS FOR PREPARATION (06/92)

This supplement consists of the Employee Evaluation Report (EER) form AID 420-4, which includes specific instructions for preparing EERs, a chronology for the rating period and a checklist for effective evaluation reports.

**References.** For specific guidance and information about the Foreign Service employee evaluation program, see HB 25, Ch. 40 and supplements. For other related information refer to:

- HB 24, Ch. 5, "The AID Equal Opportunity Program"
- HB 25, Ch. 38, "Senior Foreign Service"
- HB 25, Supp. 35A, "Tenuring of FS Career Candidates"
- HB 28, Ch. 4, "Foreign Language Program"

Employee, rater and reviewer are encouraged to read the applicable references **before** preparing and/or commenting on evaluation reports. All prior references or guidance are superseded with this issuance.

***AID FS EMPLOYEE EVALUATION REPORTS MAY BE OBTAINED FROM FA/AS/PP/PP, EER'S CANNOT BE OBTAINED FROM FA/HRDM***

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# B. Performance Evaluation Requirements

**1. Introduction:**
The employee evaluation process serves two important functions. First, the evaluation report is the primary means of identifying and selecting members for career tenure, promotions, termination/retirement due to relative performance, training, within class increases, Senior Foreign Service performance pay and limited career extensions (LCEs). The EER is also considered in the assignment process. It is therefore essential that great care be taken in the preparation of the Report.

**NOTE:**
Careless, incomplete, hastily prepared EERs and/or EERs that fail to comply with instructions can be detrimental to an officer's career and can mislead Selection and Assignment Boards. To reduce the incidence of poorly prepared reports, Selection Boards are instructed to evaluate an Officer's performance as a rating/reviewing officer. The boards written commendations and criticisms are placed into the Performance Files of those officers. Criticisms remain in the files for two years while commendations are in the rater's file permanently. Letters of criticisms can be appealed through FA/HRDM/OD.

Second, the evaluation process is a valuable management tool. Although responsibility for the establishment of the Continuing Responsibilities and Specific Objectives rests with the rater, the EER process affords the employee the opportunity to work in a collaborative manner with the rated officer to establish responsibilities and objectives, and provides the basis for a continuing dialogue on the employee's performance, career development and progress in meeting the specific objectives. To the extent that such a participatory approach can be developed, performance will be improved and achievement of program and organizational goals enhanced.

**2. Employee Coverage:**
This Supplement applies to all Foreign Service and Senior Foreign Service employees of AID appointed under the Foreign Service Act of 1980 or sections 631(b) or (c) of the Foreign Assistance Act of 1961, including career, career candidate/IDI, non-career Foreign Service Officers, Resident Hires and employees assigned outside the Agency and who have reemployment rights to AID, e.g., appointed to an international organization. U.S. citizen Personal Services Contractors are to be evaluated in accordance with HB 14 requirements; Foreign Service National personnel are to be evaluated in accordance with 3 FAM 960 and American Family Members in accordance with HB 25, Supp. 34A.

**3. Rater/Reviewer Designations:**
Raters are the employee's immediate supervisor. For Mission Directors, the Ambassador is the immediate supervisor for EER purposes.

Reviewers are normally the rater's supervisor. See Section V instructions concerning Ambassadors as reviewers. For Mission Directors, the reviewer is the Assistant Administrator for the Geographic Bureau. For Deputy Directors, the DCM or Ambassador serves as the reviewer. Additionally, the Assistant Administrator for the Geographic Bureau, or designee, may provide additional comments or assessments on the Deputy Director if warranted. In some cases, Regional Officers may be reviewed in AID/W, i.e., Regional Legal Advisors.

***Career candidates must be rated or reviewed by Deputy Directors or Directors when overseas and by Office Directors or their Deputies in AID/W.***

**4. Rating Period:**
The annual rating period runs from 1 April of one year to 31 March of the next year. EERs must be prepared at the end of the rating period; or, when there is a change in the rater, a change in the rated employee's assignment (new post) or duties (new position at post) or on separation **AND** the period of supervision covers 60 calendar days or more.

**5. Types of Reports:**

**a. Full EER:**
Full EERs are to be prepared only when the periods of supervision by the rater covers 150

calendar days or longer. All sections of the EER are to be completed.

**b. Abbreviated EERs:**
Abbreviated EERs are to be prepared only when the period of supervision by the rater is between 60 and 149 calendar days. **Abbreviated EERs consist of Sections I, II, III, VI, and VII.** Sections IV and V are not completed and will not be accepted.

**c. Periods of less than 60 days:**
EERs or abbreviated EERs **are not** permitted for periods of less than 60 days. This does not preclude the submission of **Letters of Commendation,** via letter or cable, for specific outstanding achievements during the period, or any time during the year. Letters of Commendation are also encouraged to reflect participation on task forces, selection boards, special committees, etc. To be included in the evaluation file and reviewed by the Boards, letters must be signed by Mission Directors, Deputy Chiefs of Missions (DCMs)/Ambassadors or their equivalent overseas, and by Deputy Office Heads or above in Washington.

**d. Evaluation of TDYs and Detail Assignments:**
For TDYs/details of more than 15 workdays but less than 60 calendar days, the officer charged with supervision or direction of the TDY/detail services shall provide a memorandum on the employee's performance during the TDY/detail to the employee's rater. Such reports shall describe the purpose of the TDY/detail and the employee's achievements during that period and are to be cabled, pouched or hand delivered to the rater on completion of the TDY/detail. The employee's rater is to insure that such reports are received and incorporated into the evaluation. TDY/detail periods of 60 days or more requires an abbreviated or full EER as appropriate.

***For regional officers, raters are to seek input from supported organizations and incorporate the input into the ratee's EER.***

**6. Timing and Submission of Reports:**
Originals of the completed EERs or abbreviated EERs are to be forwarded to FA/HRDM/PMES/PMA or IG/RM as applicable and **must be received within 45 calendar days after the event requiring the preparation of the EER** (May 15th for end of rating period). Overseas missions are granted a five-day grace period for transit delays. However, such EERs must have been signed and forwarded no later than the close of business of the 45th calendar day. EERs received after the 45th day (50 days for Missions) will be considered late. See HB 25, Ch. 40G4, for detailed instructions on submission and certification requirements.

**Please note that raters, reviewers, Unit Review Panel members and/or employees who do not adhere to the deadline for processing and submitting performance evaluations MAY BE INELIGIBLE FOR PERFORMANCE AWARDS.**

## C. General Instructions

**1. Format:**
a. Refer to the "Checklist For Effective Evaluation Reports" in this supplement prior to drafting EERs.

b. All parts except Section VI, "Employee Comments," **MUST be completed in the space provided.** Employees are allowed one continuation page.

c. Use 10 or 12 pitch type only. Do not use script. The key is to make it easy to read.

d. Use **letter quality printers only.**

e. **Do not** reduce type or squeeze lines/use standard paragraphing.

f. EERs prepared on word processing equipment must be password protected.

**2. Personal vs. Position Grade Levels:**
Employees are to be **evaluated based on their personal grade, not the grade of the position encumbered.** Position grades are often out of date and Agency requirements sometimes dictate that employees be assigned to positions above or below their personal grades. Consequently, it is important that the continuing responsibilities and specific objectives be developed commensurate with an employee's personal grade, particularly when there is a two grade or more difference. When the employee is clearly performing at a level higher or lower than their personal rank, regard-

less of the position grade, it is important to discuss this fact in the evaluation of potential providing appropriate examples to support the assessment.

**3. Core Skills Areas:**
The evaluation of the employee's performance and potential, both strengths and weaknesses, is to be prepared in terms of the general core skills areas described below as they relate to the continuing responsibilities and specific objectives established in Section II. Skills areas may be discussed in either Section III, "Evaluation of Performance," or Sec. IV, "Evaluation of Potential," or in both sections, if appropriate. **However, skill areas discussed in Section IV must address performance as well as potential.** For Abbreviated EERs, only those skill areas observed need to be covered.

**Professional Skills:**
Refers to the employee's technical, program and/or administrative skills. Raters are to evaluate the ratee's level of expertise in his/her respective discipline including the degree to which the employee remains abreast of developments in the discipline, adapts the knowledge to the particular setting and translates this knowledge, using his/her technical, program and/or administrative skills into results that support program and organizational objectives.

**Leadership Skills:**
*The exercise of various leadership skills is required in all positions and is not confined to supervisor/subordinate relationships. Evaluators are to assess only those aspects of leadership described below which are appropriate to the responsibilities of the position.*

Degree to which the ratee demonstrates determination, energy and a confident presence. Effectiveness in establishing direction and in motivating and inspiring others - leading to change that is constructive and adaptive. Ability to objectively evaluate and analyze new concepts; to understand the complexities and intricacies of the political, economic and cultural setting; and to develop **effective and innovative** operational and/or program strategies appropriate to the setting. Ratee's willingness to accept risk and take responsibility. Skill in presenting and defending interests, in developing arguments and in resolving a problem in a sensible and persuasive manner including the capacity to consider options and make decisions acceptable to key parties. Degree to which the ratee influences and contributes to the development of the organization's vision and policies, to project development and implementation and/or to operations.

**Operational Skills:**
Ratee's effectiveness in planning, organizing, directing, monitoring and evaluating his/her own work - as well as that of the unit supervised where applicable. Includes an assessment of the ratees' skills in setting objectives and priorities, in developing workplans, **and in managing and accounting for the financial, human and physical resources within the employee's span of control to accomplish the work and produce results in the most efficient and effective manner, i.e., stewardship of resources.** Capacity to monitor/evaluate operations noting both areas of progress as well as problems, making adjustments where necessary to adapt to changing conditions and requirements. Ability to anticipate potential problems and to take preventative measures.

**Interpersonal Skills:**
Ability to create and maintain professional and successful relations with other AID staff (both U.S. and FSN), AID contract personnel, other U.S. Agency staff, officials of the host country, and representatives of other donor institutions. The ratee's sensitivity and respect for the mores and values of other societies and individuals should be considered as well as his/her commitment to the principles of fair treatment, and equality of opportunity in dealing with all persons. Ability to work in a collaborative, team-oriented manner, valuing diversity, within the AID organization, without sacrificing one's independent perspective.

The ability to communicate (orally and in writing) in an effective manner, with both AID and host country personnel, is an important aspect of interpersonal skills and is to be addressed by the rater. One key factor in communications is the employee's effectiveness in using a foreign language when posted to a language designated position. In this regard, where an employee is effectively using a foreign language at post in his/

her job, that fact should be recognized when addressing interpersonal skills. **In some cases, an evaluation of the employee's use of a foreign language is required by law.** Specifically, an employee with an S3/R3 tested language proficiency and occupying a position requiring the use of the tested language is to be evaluated on his/her effectiveness in using the foreign language in his/her work where the rater is capable of doing so, i.e., where the rater has had sufficient opportunity to observe the ratee and the rater possesses an S3/R3 or higher rating in the language. The appropriate box at Section I of the form is to be checked (required for Full EERs only).

**Supervisory Skills:**
*Required for all supervisors of Direct Hires, Foreign Service Nationals/Third Country Nationals, PASAs/RASAs and/or Personal Services Contractors.*

The rater is to evaluate the employee's skill in **working with and through his/her staff** to accomplish organizational goals and responsibilities. Evaluations should consider such aspects of supervision as: the employee's skills in appropriately and clearly delegating responsibility; setting clear performance objectives; motivating and/or building on and encouraging the self-motivation of his/her staff; encouraging open and constructive communications; instilling a sense of shared vision on where the organization is going and development of a collaborative management approach to the extent appropriate and reasonable. Other key considerations in the assessment include the ratee's concern for the career development and growth of his/her subordinates, including providing developmental and substantive assignments in an equitable manner, establishment of effective performance feedback processes and timely and thorough evaluations of performance.

**The supervisor's commitment to and accomplishment of the Equal Employment Opportunity Program and Policy must be evaluated in the narrative of this Skill.** AID's Equal Employment Opportunity Program is mandated by statute and Executive Orders, is endorsed by the Administrator, and represents an integral part of the Agency's personnel and human resources management program. The EEO Policy of the U.S. Government mandates that Federal agencies not discriminate on the basis of race, color, national origin, age, sex, religion or disability in its employment practices, including recruitment, promotions, training, awards, assignments, performance evaluation, etc. Supervisors are to develop a knowledge and understanding of the EEO Policy and Program through periodic training, substantive contacts with the Office of Equal Opportunity Program (EOP), and review of EOP regulations (HB 24 Chapter 5) and notices.

In order to comply with these mandates and to more effectively manage its human resources, the Agency requires that supervisors be evaluated on their commitment and accomplishment of the Equal Opportunity Program. **Accordingly, a continuing responsibility on EOP is required in all EERs for supervisors** of U.S. or Foreign Service National (FSN), Direct Hire/Personal Services Contract employees (see section IIBI) and a statement on the supervisor's adherence to the EOP included in the evaluation. Specific objectives are encouraged. Positive steps that can be taken in support of the program, some of which may be appropriate for specific objectives, include: insuring that all employees are given career enhancing assignments and training opportunities; insuring that his/her staff are briefed on EEO principles and expectations; providing thoughtful career counseling; assuring staff of a work environment free of sexual harassment; insuring compliance with discrimination complaints regulations; and, insuring that employees receive appropriate recognition for their work.

**4. Other Skills/Considerations:**
In addition to the general skills described above, evaluations of career candidates, FS-01/SFS Officers and managers must address certain other skills/considerations as indicated below.

**a. Career Candidates:**
Raters/Reviewers are to refer to HB 25, Supp. 35A, "Precepts for AID's FS Tenure Board." Skills areas listed above are to be substituted for those at subpart 2d of Supplement 35A. **Career candidates must be rated or reviewed by Deputy Directors or Directors overseas and by Office Directors or Deputies in AID/W.**

**b. FS-01 and SFS Officers:**
Refer to HB 25, Ch. 40 Supp. C, subpart 5; "Special Considerations, Threshold and Senior Foreign Service Boards." ALL FS-01s and SFS Officer evaluations are to address the special considerations listed under subpart 5.

**c. SFS Officers (Recertification):**
Raters must annually recommend whether to recertify or not to recertify SFS Officers. See HB 25, Chapter 38. (Required for Full EERs only).

**d. Mission Directors (Gray Amendment):**
Section 567 of the Foreign Assistance Act, the so-called Gray Amendment, requires that the Administrator include, as part of the performance evaluation of any Mission Director, a statement on the Mission Director's efforts to carry out this section (required for Full EERs only).

**e. Management Control and Audit Follow-up Activities:**
In its guidance to implement the Federal Managers Financial Integrity Act, OMB requires all agencies to include management control and audit follow-up responsibilities as a critical element (continuing responsibility) in manager performance appraisals. **Accordingly, the "direction of the bureau, office, or mission management control and audit follow-up process" is to be included as a continuing responsibility in the EER of each manager.** Where appropriate, specific objectives concerning management control and audit follow-up activities should also be established. See instructions for preparing Sections IIB1 and IIB2 of the EER for specific guidance.

**5. Guidance on Inadmissible Comments:**
**a. Inadmissible comments may not be included in any section of the evaluation report** (including the rated employee's comments), nor in other forms of evaluative material (such as inspector's reports, training reports, and letters of commendation). Rating and reviewing officers and review panels should exercise care to avoid the submission of reports containing inadmissible comments.

b. If FA/HRDM/PMES/PMA or Performance Standards, Tenure or Selection Boards discover inadmissible comments in evaluation reports, HRDM/PMES/PMA will make deletions and inform the employees concerned.

c. The following subjects are inadmissible in any part of the report either as direct or indirect comments:

1. Reference to race, religion, sex (does not extend to the use of Mr., Mrs., Miss, Ms., or first names or personal pronouns), national origin, political affiliation and age;
2. Ranking by former Selection Boards or impending selection out;

3. Physical characteristics and personal qualities that do not affect performance or potential;

4. Marital status, reference to spouse or family, including those relating to social activities or the ability of a member of the family to represent the United States;

5. Retirement, resignation, or other separation plans;

6. Grievance, equal employment opportunity, or Merit Systems Protection Board proceedings/ results;

7. Method of entry into the Service (CS/FS conversion, IDI, etc.);

8. Reference to private U.S. citizens by name;

9. Participation or nonparticipation in any organization composed of Foreign Service employees which exists for the purpose, in whole or in part, of dealing with foreign affairs agencies concerning grievances, personnel policies, and practices;

10. Ratings for earlier periods prepared by other supervisors;

11. Reluctance to work voluntary overtime;

12. Leave record, except in the case of unauthorized absences;

13. Letters of reprimand;

14. Negative reference to use of the dissent channel or direct or indirect reference to, or consideration of, judgments in dissent channel messages as a basis for an adverse evaluation of performance or potential.

When the rated member's expression of dissenting views on policy, outside of the dissent channel, raises substantial questions of judgment or obstructionism relevant to the member's performance, it may be the subject of comment. However, general comment may not be used to get around the

proscription of this section. Specific instances must be cited.

15. Negative or pejorative discussion of the performance of another identifiable employee. Raters cannot state "the employee quickly brought order out of the chaos left by his predecessor." On the other hand, the description "the employee is the best administrative officer I have supervised in the past 10 years" is acceptable.; or,

16. Specific identification by rating or reviewing officers of physical handicap or medical problem (including alcoholism, drug abuse, or rehabilitation efforts). General reference may be made to confirm knowledge of a medical problem to the extent it affects job performance or ability to accept overseas assignments. Rated employees may discuss their health problems in specific terms if they believe it has affected their performance.

# D. Section by Section Instructions

## SECTION I - Heading
**(Full and Abbreviated EER)**

The rater completes this section. The "Position Agency Occupational Speciality Code (AOSC) title" can be obtained from the monthly staffing pattern. The "Positon Functional Title" is the title used at the mission, or unit i.e., Regional Economist or Chief, Project Development Division. Indicate at "other" in the career-status box if an employee is a resident hire or non-career FS Officer.

## SECTION II
## Employee's Job and Work Requirements
**(Full and Abbreviated EER)**

This is the only section that is required to be completed at the outset of the rating period, **within 30 days of the start of the period.** However, it is the foundation for the entire EER process - establishing the benchmarks against which the employee is to be evaluated. It is therefore an extremely important step in the process. It must be completed by the rater in collaboration with the employee and with the concurrence of the reviewer. It is also an ongoing process. **The rater must formally review progress against these benchmarks and the ratees general performance at least once during the rating period (Full EERs).** More frequent formal as well as informal reviews are highly encouraged. At the time the final evaluation is drafted, there should be no surprises for either the ratee or rater. The reviewer confirms that progress reviews have taken place by initialing the box in section IIB3 of the EER. The views of the rater, as supervisor, prevail in the event of any disagreements concerning the work requirements to be established.

**1. IIA. - Role in the Organization:** Briefly describe the employee's role in the organization and where the position fits in the staffing pattern or organizational structure. Indicate the number and type of personnel supervised (FS, GS, FSN, PSC, RASA, PASA, JCC, TCN, IPA) and any resources managed. Describe the position in terms of program/policy-making responsibilities, organizational support activities, project development and/or management responsibilities, including the value of the portfolio managed, number of institutional contractors involved, etc.

EXAMPLE: The employee serves as the Chief of the Mission Program Office and as such is responsible for guiding and coordinating the program evaluation and program budgeting processes. Employee reports to the Deputy Director and supervises 5 employees (1 FS Officer, 2 FSN Program Officers, 1 USPSC Program Assistant, 1 FSN Secretary). Ms. X also manages the XYZ project, which has a portfolio value of 1 million dollars. The project is implemented thru a PVO with 2 onsight contractors.

**2. IIB. - Work Requirements:**
Divide work requirements into two categories: Continuing Responsibilities and Specific Objectives for the rating period. The employee, rater and reviewer must initial in the space provided on page 2 of the EER form for items IIB1, 2 and 3. The employee's initials indicate only that the employee has been advised of the work requirements.

**IIB1. - Continuing Responsibilities:**
Continuing responsibilities are ongoing duties that are intrinsic to the position. There are usually no

more than six or seven such responsibilities. For TDYs there may be no continuing responsibilities. The position description may be used for general guidance in developing the responsibilities. DO NOT, however, attach the position description. Where there is a grade difference, especially a two or more grade difference, in the grade of the position and the grade of the employee, the responsibilities of the position may need to be modified to reflect responsibilities more commensurate with the grade of the employee.

**Required Responsibilities**

For **supervisors**, the responsibility to supervise and evaluate subordinates must be included. The following EOP responsibility must also be included: "Support AID's Equal Opportunity Policy and Programs in **all** aspects of Agency personnel policy and practice (employment, development, advancement and treatment of employees), including identifying barriers to equal employment opportunity and taking positive steps towards overcoming those barriers."

For **Assistant Administrators, Office Directors and Mission Directors**, the following management control responsibility is to be included (actual language/criterion to be developed by the rater and the employee): "Directs overall management control and audit follow-up activities in the organization (Mission, Bureau or Office)." In developing the language for this responsibility, the rater and the employee should consider the systems and processes which should be in place to identify material management control weaknesses; to track and correct management control weaknesses; and to track, resolve and close audit recommendations in a timely manner.

For **Line Managers**, raters should ensure that responsibilities for management control, and stewardship of resources/audit follow-up, are included in the EER as a continuing responsibilities.

**IIB2. - Specific Objectives:**
Specific objectives are objectives/assignments on which a qualitative assessment can be made, and that can be accomplished before the end of the rating period. It is strongly recommended that there be **no more than six objectives**, fewer for abbreviated EER's. **Each objective must be addressed in the evaluation.** The selection of objectives should result from a dialogue between the employee and the rater, including the reviewer as appropriate. Objectives should relate not only to specific products but to other work areas as well, such as staff development or personal professional development.

**Objectives are to be product/results oriented, and not simply a repeat of duties/responsibilities. When completing sections III, IV, and V of the form, raters and reviewers must be able to discuss not only how well the objectives were achieved, but what impact each had on such factors as a developing country's economic/political development, mission/unit operations, an employee's or subordinate's professional development, etc.** Objectives are to be developed that are commensurate with an employee's grade and within their control (e.g. skills, resources and authority). However, objectives should challenge employees to demonstrate their innovative or problem-solving as well as analytical skills.

**Where appropriate, an objective focusing on the employee's or their subordinate's professional development and an objective furthering EOP principles should be included.** An objective focusing on career development/skills improvement might involve one or more of the following: arranging access to formal training courses; providing structured on-the-job training opportunities and/or assignments designed to challenge the ratee and expand his/her expertise; exposing his/her to areas outside their immediate expertise through participation on task forces/committees within or outside the office, rotations to other units, etc. Possible areas for EOP related objectives are discussed under supervisory skills.

**Specific objectives concerning management control and audit follow-up activities should also be established when appropriate.** For example, if an effective audit follow-up process does not exist in the bureau or mission, then a specific objective which resembles the following could be included in the manager's EER: "Direct the establishment of an effective audit follow-up system that would include the development of procedures and tracking systems, and result in the timely closure of all audit recommendations." Other examples would include correction of material weaknesses or closure of audit recommendations that would have a significant impact on the organization in

terms of monetary savings or reduction of waste and abuse.

**IIB3. - Special Circumstances/Changes to Work Requirements:**
Describe here any relevant conditions in the work environment that affected accomplishment of the work requirements during the rating period. This might include special circumstances ranging from political unrest in the host country and natural disasters to problems of staffing in the mission/office. If an employee is assigned to a position well above or below their personal rank, it should be noted here. Completion of this section, while optional, can provide the reader useful insights in understanding the evaluation. This section should also be used to reflect major changes in specific objectives, i.e., deletion or addition to the objectives and why they are being made.

## SECTION III
### EVALUATION OF PERFORMANCE
### (Full and Abbreviated EER)

Raters are to describe the employee's performance, i.e., provide a qualitative assessment of performance during the rating period, particularly in relation to accomplishment of the continuing responsibilities and specific objectives established at Section II. Note that **all specific objectives must be covered either in this Section, or in Section IV, as appropriate. Citing examples to support the assessment, describe what was accomplished, how well it was accomplished, what skills were demonstrated by the employee in accomplishing the objective and how the accomplishment of the objective contributed to mission, organizational and/or personal goals and objectives.** Examples are a requirement and must clearly support the rater's assessment. The assessment should be objective, focusing more on the **qualitative rather than the quantitative** aspects of the employee's performance and more on **the impact (results) of the accomplishment** as opposed to the completion of the task.

Work performed for other agencies or outside the rater's personal supervision must be cited. This includes details, TDYs of over 15 workdays, regional duties and work on special taskforces or committees. Raters should solicit assessments from the appropriate supervisors/team leaders to develop the evaluation.

For **supervisors**, the employee's adherence to equal opportunity laws, regulations and principles must be addressed by citing specific acts or examples.

For **Assistant Administrators, Office Directors, Mission Directors and line managers**, management control and audit follow-up responsibilities and related specific objectives must be discussed. See section IIB1 and IIB2 instructions.

For **Mission Directors**, a statement on his/her efforts to carry out the provisions of Section 567 of the Foreign Assistance Act (the Gray Amendment) must be included (required for Full EERs only).

In conclusion, indicate the overall level of performance for the period. The level of performance must be consistent with the foregoing evaluation.

NOTE: **For abbreviated EER's,** this section can also be used to discuss an employee's potential. Only those skill areas observed during the abbreviated period need be discussed (There is no requirement to discuss all five skill areas).

## SECTION IV
### EVALUATION OF POTENTIAL
### (Full EER Only)

Section IV consists of three subsections (A, B, and C), all three of which must be completed for each employee. Although this section is important for all employees in terms of career advancement, **it is of particular significance for career candidates and FS-01 officers seeking promotion to the Senior Foreign Service.** Rating Officers are to insure that they address the Special Considerations/Precepts established for these officers. For career candidates, refer to HB 25, Supp. 35A, and for **ALL** FS-01 and SFS employees, refer to HB 25, Ch. 40, Supp. C, Subpart 5. Failure to address the additional considerations could result in a letter of criticism to the rater from the Selection Boards and more importantly could have a detrimental effect on the rated employee's career. In preparing this section, raters should keep in mind that promotions are based on demonstrated potential, and are not granted as a reward for performance.

**Section IVA. - General Appraisal:**
Part 1 is to be completed for career candidates only, Part 2 is to be completed for all employees and Part 3 for SFS only. Appraisals for career candidates will be used for both Selection Board promotion recommendations and Tenure Board determinations.

The appraisals are to be based on the employee's individual potential to assume increased responsibility considering their present personal grade as a starting point. Raters are to check the box in each applicable part that best describes their appraisal of the employee's potential based on current performance.

**Raters of Senior Foreign Service Officers are to either recommend that the rater be recertified or not be recertified based on the ratees performance considering the standards for recertification. See HB 25, Chapter 38, Supp. C. The narrative of Section III and IV must support the recommendation.**

**Section IVB. - Narrative:**
This section is to be completed for ALL employees. The section is not to be used as a continuation of Section III, "Evaluation of Performance." If specific objectives are to be discussed, they must be discussed in terms of the employee's potential, as well as performance. The narrative must be consistent with the general appraisal in Part A, providing specific examples of performance to substantiate the rater's assessment. Raters should discuss the types and levels of positions (supervisory, technical, program, line or staff, etc.) in which the employee can make the best contribution, short term and long term. If the employee is not presently a supervisor, discuss his/her supervisory potential. Refer also to section C.2 of the instructions regarding personal vs. position grade levels.

**Section IVC. - Areas for Improvement:**
This section must be completed for ALL employees - there is always room for improvement. Specify two areas that could use some improvement and explain what steps the employee can take to improve. The rater and employee may wish to refer to the areas for improvement as a possible source for a specific objective when developing the next year's work requirements. Emphasis should be placed on improvements that would most enhance overall effectiveness in the present position or to better prepare the employee for advancement to greater responsibilities. The rater should not contradict earlier statements, as this can lead to doubts as to the creditability of the evaluation. The areas for improvement also should not come as a surprise to the employee. They should have been discussed as a part of the progress reviews held throughout the rating period.

**Rating Officer's Compliance Statement:**
The rater must complete, date and sign this section before forwarding the EER to the reviewing officer. By signing, the rater certifies that he/she has fully complied with the instructions, including special/additional considerations for career candidate and FS-01/SFS employees.

## SECTION V
## Reviewers Statement
**(Full EER only)**

All Full EERs must have a Reviewer's Statement unless there is no appropriate reviewer assigned, e.g., Mission Director is the rater for staff offices. The lack of a reviewing officer should be explained in this section. Posts, in cases where there is no mission reviewing officer, should consider requesting the Ambassador or DCM to provide a review statement. However, statements must be obtained for all employees in a similar situation at the mission, not just selected employees.

Reviewers should clearly understand and be able to comment meaningfully on the importance of the employee's job in the overall program. The reviewer's statement must include an assessment of the employee's performance and potential, citing examples. Review comments can provide a different, important perspective of the employee's performance. Reviewers are to be aware of, and comment on the employees/raters professional relationships.

The reviewer also shares responsibility for seeing that the employee is adequately and fairly rated. The reviewer should discuss with the rater any instances where the report is inadequately or hastily prepared or in the reviewer's opinion is not

a fair assessment of the employee's performance. However, the rater is not required to change the rating based on such a discussion. As appropriate, the reviewer may comment on the adequacy of preparation and on the candor shown by the rater. Reviewers of Mission Director's EER must ensure that a statement on the Director's efforts to carry out the "Gray Amendment" is included in Full EERs.

The reviewer is to sign and date the report before forwarding to the employee.

## SECTION VI
## Employee's Statement
**(Full and Abbreviated EER)**

Rated Officers are encouraged to take advantage of this section to speak directly to the Selection Boards, as well as key figures in the assignment process. Given the importance of this statement, Rated Officers should make sure that both the substance and the tone of their remarks contribute to the overall impression they seek to make. It should not automatically be construed as a rebuttal of the EER. Completion of this section is particularly important in instances where no Reviewing Officer statement was prepared.

This section permits the Rated Officer to provide additional insights into his/her performance, particularly in areas not mentioned elsewhere in the EER. The Rated Officer may wish to summarize major accomplishments and any special problems or circumstances encountered in meeting the work requirements, and indicate progress towards improving areas discussed in section IVC, "Areas for Improvement." The Rated Officer may also comment on the frequency, content and usefulness of discussions with the Rating Officer during the rating period, if appropriate. Employees are encouraged, but not required, to discuss their comments with the rater and reviewer. Note, however, that raters and reviewers may see the ratee's comments.

**Rated employees are allowed 10 calendar days to complete the section. One continuation sheet is allowed.** By signing and dating this section, the employee acknowledges receipt of a copy of the EER; the signature does not imply agreement. If the employee declines to sign, the rater shall forward it for Unit Review Panel review with a statement indicating only that the employee has declined to sign.

## SECTION VII
## Unit Review Panel Statement
**(Full and Abbreviated EER)**

Unit Review Panels perform a very important and positive role in the rating process. They in essence are the Agency's quality control teams. Panels shall review and return to raters, reviewers or employees, evaluations having deficiencies, i.e., inadmissible comments, internal inconsistencies, lack specific examples of performance, indicate hasty or insufficient preparation, or that are improperly formatted. When reviewing evaluations containing differences of opinion between the rater, reviewer and/or employee, panels should consult with each party to assure that such evaluations adequately describe the situations and/or conflicts. While the Unit Review Panel may encourage resolution of conflict, it should not make judgements or determinations on the substance of such conflicts. It should be remembered that the evaluation system intends to preserve the concept of professional differences of opinion and constructive dissent. Revisions by the rater MUST be shown to the reviewer and employee; revisions by the reviewer MUST be shown to the employee. The employee then may revise his/her comments. Detailed requirements/instructions for unit review panels are contained in HB 25, Ch. 40. Employees serving on panels should become fully familiar with this section. Panel review must be completed within 10 calendar days.

## SECTION VIII
## Submission Control
**(Full EER and Abbreviated EER)**

The box "Date Received-Post/Bureau/Office" should be completed by the Executive Officer or EER coordinator for the Unit. The other 2 boxes in this Section will be completed by FA/HRDM/PMES/PP. In submitting the EER, Missions/Offices/Bureau should submit the original to FA/HRDM/PMES/PP. Two copies should be kept at the unit, one for the files and one for the ratee.

## Career Development and Training (Tear Sheet)

**(Full EER and Abbreviated EER)**

While employees have primary responsibility for completing this section, they are encouraged to solicit advice and guidance from their rater, reviewer and career development officers. This section is not provided to AID Selection Boards, nor is it made a part of the official evaluation file. It will be used and maintained solely by the AID Career Development Officers who support Foreign Service employees in conjunction with their counseling, assignment board and other related activities (see HB 25, Ch. 46).

While completion is not mandatory, employees are encouraged to use this section to the fullest extent possible.

## Checklist for Effective Evaluation Reports

- ☐ **Specific Objectives:** All Specific Objectives discussed.
- ☐ **Skill Areas:** All required skill areas are assessed (Full EERs).
- ☐ **Examples:** Examples provided to support assessment of performance and potential, as well as overall rating.
- ☐ **Consistency:** Narrative is related to the work requirements and specific objectives.
- ☐ **Clarity:** Narrative does not contain innuendos or double meanings.
- ☐ **Completeness:** Report stands on its own.
- ☐ **EOP:** Examples of actions that furthered EOP policy and programs included.
- ☐ **Section IVC:** Rater has described the areas that need improvement (Full EERs).
- ☐ **Potential:** Characteristics and performance relevant to advancement are discussed (Full EERs).
- ☐ **Review statement:** Asssess performance and potential with comment on ratee/rater professional relationship (Full EERs).
- ☐ **Discussion:** Rater sought and considered the employee's reaction to a draft of the report.
- ☐ **Employee Statement:** Comments lend new dimension to the report.
- ☐ **Inadmissible Comments:** Report contains no inadmissible comments.
- ☐ **Timeliness:** Deadlines are met.
- ☐ **Language Assessment:** An assessment of the employee's effectiveness, in his or her work, in using a foreign language, has been made where required - Per 3C, Interpersonal Skills (Full EERs).
- ☐ **Career Candidates:** For Career Candidates, the Rater and Reviewer have discussed the candidate's demonstrated potential to serve effectively as an AID Foreign Service officer over a normal career span, with potential for promotion to class FS-01, or to the highest class below FS-01 attainable within the limitations imposed by the candidate's specialized occupational backstop. Rater's and Reviewer's **are** to refer to HB 25, Supp. 35A, "Tenuring of Foreign Service Career Candidates."
- ☐ **FS-01/SFS Officers:** For **all FS-01 and Senior Foreign Service Officers**, raters and reviewers have discussed the degree to which the officers have demonstrated strong policy formulation responsibilities, outstanding executive leadership qualities and highly developed functional, foreign language and area expertise, along with performance characterized by: initiative and ability to assess how effectively the organization is functioning; capacity to draw on such an assessment and other information to develop a "vision" for where the organization should be going programmatically and organizationally; ability to encourage and instill organizational values; capacity to communicate and gain commitment of staff to "vision" and values; effectiveness in utilizing management skills; and, skill in fostering external relationships.
- ☐ **SFS Recertification:** Box checked at Section IVA and justified. See HB 25, Chapter 38, Supp. C, "AID Senior Foreign Service Recertification Plan" (Full EERs).
- ☐ **Gray Amendment:** For Mission Directors only. A statement has been made concerning the Mission Director's efforts in carrying out the requirements of the Gray Amendment (Full EERs).

## Rating Period Chronology

☐ **April 1:** NEW RATING PERIOD BEGINS

☐ **May 1:** Work requirements must be established by the rater, discussed with the reviewer and employee and formally recorded on the EER form no later than 30 days after the beginning of a rating period.

☐ **September:** Mid-cycle progress review. The rater should schedule at least one meeting with the employee to discuss the employee's progress in meeting job requirements and any difficulties or constraints in meeting such requirements. Changes in the specific objectives must be recorded in Section IIB2 of the EER. The rater, reviewer and employee initial on the bottom of page 2 of the form.

☐ **Jan./Feb.:** FA/HRDM/PMES issues annual guidance specifying deadlines for processing and submitting EERs.

☐ **March:** Rater prepares draft EERs and discusses such with reviewer. Reviewer prepares draft comments **by the end of the rating period.**

☐ **March 31: END OF THE RATING PERIOD.** Draft evaluations (rater and reviewer comments) should be complete.

☐ **April:** Rater discusses draft EERs with employees. EERs should be finalized and signed by the rater and reviewer no later than **10 calendar days** after the end of the rating period, or as required to ensure timely submission.

☐ Employee prepares comments, signs the EER and forwards it for submission to the Unit Review Panel. This step must be completed no later than **10 calendar days** after receipt of the EER from the rater.

☐ Review by the Unit Review Panels must be completed within **10 calendar days** after the employee comment period. EERs approved for Selection Board review are forwarded to FA/HRDM/PMES; those not approved are returned to the appropriate individual for revision.

☐ **May 15:** EVALUATIONS ARE DUE IN FA/HRDM/PMES.

**It is essential that posts factor the time required for pouch or mail transmission of EERs to AID/W to ensure that EERs are received by FA/HRDM/PMES no later than 45 days after the end of the rating period, (50 days for overseas missions - EERs must be signed by 45th day).**

**NOTE:**

For Abbreviated EERs, work requirements must also be established within 30 days of start of period. Completed abbreviated EERs are to be received by FA/HRDM/PMES 45 days after the event requiring the Abbreviated EER. The 10 day requirements for the completion of the various sections do not apply. All participants are expected to complete their respective sections expeditiously given the abbreviated nature of the EER.

# Agency for International Development
# EMPLOYEE EVALUATION REPORT — FOREIGN SERVICE

| Rating Period | |
|---|---|
| From | To |

## SECTION I — (Completed By Rater)

| Employee's Name (Last, First, MI) | Rank | Backstop | Post/AID/W Office | Social Security Number |
|---|---|---|---|---|
| | | | | |

| Position (AOSC) Title | Position Functional Title |
|---|---|
| | |

An evaluation of the employee's effectiveness in using a foreign language is required in accordance with Section C3 of the instructions (Interpersonal Skills):

☐ Yes ☐ No

| Career Status | Type of Report | Reason for Report |
|---|---|---|
| ☐ Career | ☐ Full (150 days or more) | ☐ End of Rating Period |
| ☐ Career Candidate | ☐ Abbreviated (60 - 149 days) | ☐ Change of Rater |
| ☐ Other _____ | | ☐ Duty/Assignment Change |

| Rater's Name | Backstop | Rank | Position Title |
|---|---|---|---|
| | | | |

| Reviewer's Name | Backstop | Rank | Position Title |
|---|---|---|---|
| | | | |

## SECTION II — EMPLOYEE'S JOB AND WORK REQUIREMENTS (Completed By Rater)

*A. Role in Organization:*

*B. Work Requirements*
*1. Continuing responsibilities:*

## PRIVACY ACT STATEMENT

The following statement is required to be attached to the subject form by the Privacy Act of 1974 (P.L. 93-579; 88 Statue 1896).

This form is used to evaluate the performance of Foreign Service and Senior Foreign Service employees. The Foreign Service Act of 1980 (P.L. 96-465) constitutes authority for collecting this information.

Disclosure of information provided will not be made outside the Agency without written consent of the employee concerned except (a) pursuant to any applicable routine use listed under A.I.D.'s Foreign Service Employee Personnel Records System (A.I.D. 1) in A.I.D.'s Notice of System of Records (available from the Property and Purchasing Division) for implementing the Privacy Act published in the Federal Register, or (b) when disclosure without the employee's consent is authorized by the Privacy Act and provided for in A.I.D. Regulation 15.

The Social Security Number is provided voluntarily by the individual to enable proper entry of this report into RAMPS. Failure to provide the required information could lead to mistaken identity entailing administrative complications with possible inconvenient or adverse consequences for the employee.

## CONFIDENTIALITY OF RECORDS

When completed on Foreign Service personnel, this form is an efficiency report which shall be subject to inspection only by those persons authorized by Section 604 of the Foreign Service Act (see HB 32, Chapter 1.)

*2. Specific Objectives:*

*3. Special Circumstances/Changes to Work Requirements:*

| | Employee | Date | Rater | Date | Reviewer | Date |
|---|---|---|---|---|---|---|
| Work requirements established on | | | | | | |
| Work requirements revised on | | | | | | |
| Progress reviews* held on | | | | | | |
| Progress reviews* held on | | | | | | |
| Progress reviews* held on | | | | | | |

*Includes counseling for Career Candidates or others, as required.

## SECTION III — EVALUATION OF PERFORMANCE (Completed By Rater)

## SECTION IV — EVALUATION OF POTENTIAL (Completed By Rater)--Full EERs Only

A. *General Appraisal*

1. Career Candidates Only *(Refer to HB 25, Supp. 35A)*

- [ ] Unlikely to serve effectively in career field even with additional experience.
- [ ] Likely to serve effectively in career field, but additional evaluated experience is needed.
- [ ] Likely to serve successfully across normal career span.

2. All Employees *(including career candidates)*

- [ ] Has not demonstrated potential to perform at a higher level than the employee's personal grade.
- [ ] Needs training or additional experience to perform at higher level than the employee's personal grade (explain in Sec B & C).
- [ ] Has demonstrated potential to perform at next higher level than the employee's personal grade.
- [ ] Has demonstrated exceptional ability for greater responsibility now.

3. Senior Foreign Service Recertification *(Refer to HB 25, Supp. 38C)*

- [ ] Recommend Recertification
- [ ] Do Not Recommend Recertification

B. *Narrative:*



(Full EERs Only)

## SECTION IV — EVALUATION OF POTENTIAL- Continued (Full EERs Only)

*C. Areas for Improvement:*

By Signing, the rater certifies that he/she has fully complied with the instructions, including special/additional considerations for career candidate and FS-01/SFS employees.

| Rater's Signature | Date |
|---|---|

## SECTION V — REVIEWER'S STATEMENT (Full EERs Only)

I hereby certify that this report is complete and conforms with instructions, including special considerations for career candidates and FS-01/SFS employees.

| Reviewer's Signature | Date |
|---|---|

## SECTION VI - EMPLOYEE'S STATEMENT

*Narrative:*

| Employee's Signature | Date |
|---|---|
| | |

## SECTION VII - REVIEW PANEL STATEMENT

This Report, unless otherwise indicated, has been prepared according to all instructions and additional precepts/considerations; is free of inadmissible comments and includes as required, a statement on the employees commitment to the Equal Opportunity Program.

Panel Members' Signatures:

| *Signature* | *Signature* | *Signature* |
|---|---|---|
| *Typed Name/Date* | *Typed Name/Date* | *Typed Name/Date* |

## SECTION VIII - SUBMISSION CONTROL

| Date Received-Post/Bureau/Office | Date Received-HRDM | Date Released to Files |
|---|---|---|
| | | |

**CONTINUATION SHEET FOR**
**SECTION VI – EMPLOYEE'S STATEMENT**

| Employee's Signature | Date |
|---|---|
| | |

# CAREER DEVELOPMENT AND TRAINING

*(tear off sheet)*

Information provided on this page DOES NOT commit the Agency, mission or employee to specific training or assignments. Such decisions are based on COARs, training criteria, enrollment priorities, funding, employee availability, career counselor recommendations and course relevance to employee's job.

| Employee's Name (Last, First, MI) | Rank | Backstop | Soc. Sec. No. |
|---|---|---|---|
| | | | |

*A. Career Development.* Describe job-related experiences (work activities, on-the-job training, TDYs, details) and the type of positions or assignments during the next three years that you would consider enhancing. DO NOT specify a country.

*B. Training.* Describe any in-house or external training that would enhance job performance and career development, e.g., economics, management and supervision, program design or implementation, contracts management, writing and communications, planning and time management, interpersonal skills. For in-house courses, see periodic A.I.D. Notices or contact FA/HRDM/TSD.

*Availability for Training.*

☐ During next 6 months ☐ During next visit to the U.S., scheduled for _____

☐ During next 12 months ☐ At the end of current assignment, scheduled for _____

| Employee's Signature | Date | Rater's Signature *(if applicable)* | Date |
|---|---|---|---|
| | | | |

USAID
U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

PERSONNEL

AID General Notice
M/HR/PMES/PMA
03/23/94

**SUBJECT: Retransmittal of the Revised Foreign Service Promotion Precepts, Handbook 25, Chapter 40, Supplement C**

This Notice retransmits the revised Foreign Service Promotion Precepts that were issued on June 3, 1993. The purpose of this retransmission is to assist employees in the final stages of preparing the Foreign Service Employee Evaluation Reports (EERs), as well as inform them as to the criteria that the 1994 Selection Boards will be using this rating cycle.

It is important that all Foreign Service Employees understand the key role that the Employee Evaluation Reports play throughout their careers. With this in mind, you are strongly urged to obtain a working knowledge of the attached Handbook Supplement.

A copy of the original transmittal General Notice is also attached for easy review of the improvements that have been made over the former precepts. However, please do not refer to the Point of Contact information, as that information is now obsolete. Please see the below information for the new Point of Contact.

Point of Contact: For any additional information regarding this Notice, please contact Sherrie Hailstorks, M/HR/PMES/PMA, at (202) 663-1400.

U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

Attachment to AID/G Notice 3/23/94
RETRANSMITTAL

AID General Notice
FA/HRDM/PPM
Issue Date: 6-3-93

**SUBJECT: Transmittal of the Revised Foreign Service Promotion Precepts, Supplement 40C to Handbook 25, Chapter 40**

This Notice transmits the revised Foreign Service Promotion Precepts. The 1994 Selection Boards will be the first Boards to apply these Precepts. We envision this document as one that raters, reviewers and rated employees will refer to often over the course of the rating year.

Our goals for this revision were modest. We have already begun work on a much more ambitious next step which includes redesigning the Employee Evaluation Report (EER) form. We expect to have the draft proposal by year's end.

The attached Precepts establish a clear link between the fulfillment of work requirements (continuing responsibilities and specific objectives) and promotion recommendations. Also, they incorporate the July 1992 EER skills category changes. In concert with those changes, they place increased emphasis on accountability, managing for quality results, stewardship of resources, valuing multi-cultural diversity, collaborative and inclusive team orientation, and team-building.

Some other major changes included in the attached Precepts are:

- Expanded guidance on support of the Agency's Equal Employment Opportunity Program which lists examples of specific steps employees can take.

- Guidance to Selection Boards on giving due weight to service overseas, on Selection Boards, and in non-geographic bureaus. Describes for the first time the Agency's ideal timeframes for service in Washington and overseas recognizing that the ideal is not always possible.

- New section on special considerations for promotion through the mid-level classes up to Class 1 that provides some demarcations between the classes. Enhanced guidance on the special considerations for the Senior Threshold and Senior Foreign Service Selection Boards.

320 TWENTY-FIRST STREET, N.W., WASHINGTON, D.C. 20523

- New emphasis on the need to serve in two or more geographic regions and a non-geographic bureau. Such diversity of assignments is essential for development of executive potential.

- Elimination of the Selection Board's authority to recommend employees for Meritorious Service Increases (MSIs). Beginning with the 1993 Foreign Service Performance Awards, only Pool Managers will have the authority to recommend employees for MSIs. This moves the decision on MSIs, a performance award, closer to the people actually observing the performance and corresponds directly to the way the Civil Service counterpart -- QSIs -- are handled.

These are just some of the changes. We strongly encourage raters, reviewers, and rated employees to take the time to read the entire Precepts, especially Paragraph 3, " Conceptual Framework for Developing a Composite Picture." Please direct any questions regarding the Precepts to Maribeth Zankowski, FA/HRDM/PPM. Ms. Zankowski may be reached by telephone at 202-663-1433, by fax at 202-663-1268 or by e-mail.

Handbook 25, Chapter 40,
Supplement C

# PRECEPTS FOR PROMOTION

## A. Purpose

Annually, the AID and IG Selection Boards assess the performance of Foreign Service (FS) and Senior Foreign Service (SFS) employees, rank order those qualified for promotion and identify those whose relative performance places them in the low-rank zone. This supplement specifies the qualities and capabilities considered essential for successful performance and advancement. As such, they also provide employees with useful guidance for improving their performance and planning their careers.

The Agency is further developing the competencies needed at each salary class level which will provide even greater guidance to Boards and more career direction to employees. This revision is the first step and serves as the foundation. It responds to the Boards' stated need for more specific criteria and the June 1992 change in the EER skills areas.

Each year, after review of employees' performance evaluations, Boards recommend changes to the promotion precepts given below, as part of their responsibilities. Employees may also make precepts improvement suggestions at any time to HRDM/PPM. The Agency may use all such sources when it periodically revises and updates the precepts.

## B. Authority

Section 603, Foreign Service Act of 1980 (FSA), as amended.

## C. The Employee Evaluation Report (EER) as a Basis for Management Action

The employee evaluation system must produce information that will form the basis and documentation to support management decisions in the following areas:

### 1. Promotion

(a) Promotion considerations and recommendations are based solely on the employee performance evaluation process. Selection Boards are asked to recommend for promotion those employees who have clearly demonstrated the ability to perform at the next higher level and have displayed considerable potential for continued growth. Projection of this potential growth is by far the most difficult aspect of the Board review process.

(b) In making promotion recommendations, Boards shall be guided by the criteria provided in section E below and information contained in the employee's evaluation file. Performance is only one factor in arriving at a composite picture of an employee's ability to perform at the next higher level and potential for continued growth.

The composite picture must combine the quality and level of performance to date with the acquisition of knowledge in AID's work, the maturing of core skills, and personal attributes necessary for successful performance at the next higher level and beyond.

2. Pay Adjustments Within-Class

The performance evaluation system must provide specific performance information that can serve as a basis for pay determinations for within-class increases and executive schedule increases. The next scheduled within-class increase of an FS employee referred to a PSB will be withheld if the PSB determines that the employee's performance did not meet the standards of his/her class (see HB 25, Ch. 40). Similarly, the basic salary level of an SFS employee may be maintained at the current level or adjusted downward if a PSB determines that the employee's performance marginally met or did not meet, the standards of his/her class (see HB 25, Ch. 38C).

Employees in Class 1 and below whose performance meets or exceeds the standards of their classes will receive their next regularly scheduled increase. SFS employees, whose performance meets or exceeds the standards of their classes, will receive their next regularly scheduled executive salary increase if they are ranked in the upper two-thirds of their class (see HB25, Chapter 38, Supplement B for additional Board guidance.)

3. Meritorious Service Increases (MSIs)

Beginning with the rating period ending March 31, 1993, MSIs will be granted only as part of the Agency's FS Performance Award Program. Employees will no longer be able to receive an MSI from Boards. This will more closely align the FS Award program with its counterpart, the GS Performance Management System. In essence, all performance pay decisions will be made by those closest to the performance of the rated employee.

For employees in classes FS-9 through FS-1, "exceptionally meritorious" performance during a rating period may be rewarded with a within-class increase (MSI). The performance evaluation system must, therefore, produce the documented evidence that performance was "exceptionally meritorious." An MSI is based on performance during the current rating period.

4. Selection Out for Relative Performance

A career employee may be selected out for failure to meet the standards of performance established for that employee's class (Section 608, Foreign Service Act of 1980, as amended, hereafter referred to as the Act.) The Employee Evaluation Report form (EER) is the principal documentary evidence for Selection, Performance Standards, Special Review and/or Grievance Boards' recommendations and decisions regarding selection out. It is the responsibility of rating and reviewing officers to accurately, precisely and candidly describe employees' performance in EERs.

Information generated from each employee's evaluation file must provide a meaningful distinction between individual performances to justify and document selection out decisions.

Selection Boards first identify those employees who are least competitive with their peers relatively speaking. Upon completion of its Selection Board duties, the Board reconvenes as the Performance Standards Board (PSB) to determine whether those employees who are relatively least competitive with their classmates meet or fail to meet the standards of their class.

5. Performance Pay Bonuses -- FS and SFS

Selection Boards will make SFS performance pay and Presidential Rank award recommendations based on the EERs in the employees' evaluation files. Pool managers will make FS performance pay decisions based on the most recent EER. Handbook 25, Chapter 38B gives the precepts for SFS performance pay and Presidential Rank award recommendations by the Boards. Handbook 25, Chapter 40E contains the regulations governing the FS (Classes 1 through 9) performance pay bonuses.

D. Basis for Promotion in AID

1. Basis for Promotion

Boards will review all eligible employees on the basis of relative merit for promotion to the next higher grade or for possible selection out due to relative performance (i.e., failure to meet standards of the employee's class.) These are the most important Board functions. Boards should exercise these responsibilities with care and discernment.

Boards, without knowledge of the number of promotion opportunities available, will identify for promotion employees who have clearly demonstrated the potential to perform at the next higher level (i.e., higher than the employee's personal rank) and have displayed considerable potential for continued growth.

Promotion is recognition that an employee has consistently and clearly demonstrated the potential for performing the duties and responsibilities of a higher level position (i.e., a position of a higher rank than the employee's personal rank.) It is not a reward for prior service, although the performance of present and past duties is an important indicator in determining whether an employee has developed the qualities needed for successful performance at higher levels.

A primary prerequisite for demonstrating potential is the consistent fulfillment of work requirements (performance plan/work agreement). The fulfillment of the entire work agreements (continuing responsibilities and specific objectives), as modified, for the period under review is a minimum prerequisite for a promotion or SFS performance pay recommendation by a Selection Board. The work requirements' specific objectives must be results or product oriented. It is expected that work agreements will be

modified through the rating period. How an employee responds to extenuating circumstances and shifts in priorities is an indication of the employee's flexibility and resourcefulness.

2. Eligible Employees

All career, career candidate, and resident hires employees are eligible for consideration. Resident hires may only be promoted if their personal rank is lower than the grade of the position they occupy. All career candidates are eligible for review unless they were hired as an IDI and have not graduated from the IDI program as of the last day of the rating period (March 31) which ended immediately prior to the convening of the Selection Board.

If an employee was promoted by an IDI graduation board at anytime during the rating period that concluded immediately prior to a Selection Board sitting, then the employee is not eligible for promotion by that Selection Board. For example, if an IDI was promoted and graduated from the IDI program during the period April 1, 1992 through March 31, 1993, then that employee could not be recommended for promotion by the 1993 Selection Board. The employee would be reviewed by the Board for relative performance (i.e., next WIC increase eligibility), even though the employee is not eligible for promotion.

The Board will not consider any employees who at the time it convenes have received notice of involuntary separation or postponement of mandatory retirement for expiration of time-in-class limitations. If employees retire, resign, or separate while the Board is in session, their files will be withdrawn from promotion.

Non-career employees (who are not resident hires) will not be reviewed by the Board. Employees serving on non-career appointments are hired to perform the duties of a single, specific position for a defined period of time with no formal expectation of a career with the Agency. Therefore, their performance files are unlikely to contain the breadth of documentation necessary to demonstrate the potential for performing at the next higher class. Moreover, given the limited number of promotion opportunities available in each class, the fact that career employees are subject to time-in-class limitations, and the Act requires flow through the ranks for career employees, there are no promotion opportunities available to non-career employees.

E. Guidance to Selection Boards

1. General

The following guidance provides the conceptual framework and limitations within which Boards shall develop their procedures for comparative rankings.

One of the Boards' most important functions is the assessment of the long range potential of the employees they review. Boards shall recommend for promotion those employees who have evidenced considerable long range potential for continuing growth and whose records of sustained high performance indicate the ability to perform at a higher level now (i.e., at a level higher than their current personal rank.) As a minimum, employees must fulfill their work agreements as modified for the period under review in order for the Board to consider them for promotion.

Board members should view Board service as integral to their development and advancement in the Agency and should regard Board responsibilities and proceedings with utmost seriousness. These responsibilities include an equitable weighing of performance data reviewed by the Boards and a positive discounting of any apparent bias or unfairness, either conscious or unconscious found in the performance data.

2. Equality of Consideration

Boards shall compare all employees solely on merit with complete fairness and justice. In this respect, Boards shall not discriminate against any employee, directly or indirectly, for reasons of race, color, religion, sex, age, disabling condition, national origin or means of entry into the Service.

The Board members will be briefed by the Office of Equal Employment Programs (EOP) on EEO matters before they begin their deliberations. The performance rating process shall be insulated from irrelevant or improper influence. Stereotypes, group assumptions and sexist or ethnic comments shall not affect evaluations. If a Board discerns such unfairness in an evaluation file, it shall discount the statement or implication and refer the matter to the Director, FA/HRDM/PMES or IG/RM, as appropriate, or designee, and the Director, EOP, for correction of the file or other appropriate action. If a Board member discerns such unfairness or bias on the part of another Board member, the member should bring his/her concerns to the immediate attention of the Directors, HRDM and EOP for appropriate action.

3. Conceptual Framework for Developing A Composite Picture

In developing procedures for assessing ability to perform at the next higher salary class and potential for considerable continuing growth, Boards will be guided by the following conceptual framework for developing a composite picture. There are four factors to be considered:

- Achievements in the Designated Core Skills Areas;
- Understanding of and Ability to Advance the Agency's Mission;
- Past Performance; and
- Rating and Reviewing Officers' Judgment of Potential.

a. Achievements in the Designated Skill Areas

In developing a process for comparative ranking of employees, Boards should first consider the skills areas specified in the Employee Evaluation Report (EER) form instructions. These are the skills which the Agency has identified as essential for success in carrying out the Agency's mission. The skills are: professional, leadership, operational, interpersonal, and supervisory.

Continuing development of core skills is essential to an employee's success in accomplishing annual work requirements. In tandem, developing core skills and successfully fulfilling annual work requirements as modified are the keys to realizing executive potential. Persistent weakness in any core skill area will normally preclude advancement and could lead eventually to selection-out for relative performance.

Many of these skills can be learned and the Boards in their reviews should be looking not only for basic ability in the appropriate skills but for an indication of progress in increasing and improving skills. The Agency expects that its employees will improve and increase their skills. If the employees are fulfilling this expectation, it is a good indication that they are meeting the needs of their professional area and/or showing the capacity and potential for progressing up the career ladder.

Nearly all employees have program or project management responsibilities. Therefore, Boards shall pay particular attention to the possession and application of implementation skills. For example, does the employee demonstrate a knowledge of and effectively use the implementation processes (contracting for services and goods, grants to organizations and individuals, contractor or grantee oversight, participant training, financial management) for acquisition and administration of these implementation instruments through operational planning and monitoring?

NB: Overarching all the skills areas is support of the AID's Equal Employment Opportunity Program which is mandated by statute and Executive Order. It represents an integral part of the Agency's human resources management program. Employees can take positive steps in support of this program by acting on affirmative employment objectives in hiring, promotions, and assignments. Below are but a few illustrative examples of how employees can support the Agency's EEO program.

For example:

- o insuring that all employees are given career enhancing assignments and training opportunities on an equitable basis;
- o insuring that all staff are briefed on EEO principles and expectations;
- o providing thoughtful career counseling;
- o assuring staff of a work environment free of sexual and racial harassment or prejudice;

o insuring compliance with discrimination complaints regulations;

o insuring that employees receive the appropriate recognition for work done on an equitable basis;

o applying EEO principles and policy in daily work by including minority and female colleagues in office/bureau/mission decisions for example, mission objectives, mission planning, mission budget;

o demonstrating leadership in appreciation and valuing multicultural diversity both with regard to direct hires and foreign service nationals;

o taking actions that reflect fair handedness, respect and 8courtesy with issues related to foreign service nationals, e.g., religious holidays, gender equity in assignments, culture and traditions.

Professional Skills

Boards must assess each employee's technical, program and/or administrative skills. Specifically, Boards need to evaluate:

o skill in applying functional/area/technical knowledge, i.e., the employee's ability to adapt knowledge of the particular setting and translate this knowledge of his/her technical, program and/or administrative skills into results that support Agency and organizational objectives; and

o level of employee's expertise in a designated professional discipline including the degree to which the employee remains abreast of developments in the employee's discipline.

Leadership Skills

The exercise of various leadership skills is required in all positions and is not confined to supervisor/subordinate relationships. Board members are to assess those aspects of leadership described below that are appropriate to the employee's assignments. Specifically Boards must determine the:

o Effectiveness in establishing direction, in accomplishing objectives (results), and in motivating and inspiring others -- leading to change that is constructive and adaptive.

o Ability to objectively evaluate and analyze new concepts; to understand the complexities and intricacies of the political, economic and cultural setting; and to develop effective and innovative operational and/or program strategies appropriate to the setting.

o Degree to which employee influences and contributes to the development of the organizational vision and policies; project development and implementation; and/or operations.

o Willingness to take initiative, risk and responsibility.

o Skill in presenting and defending interests; in defending arguments; and in resolving a problem in a sensible and persuasive manner, including the capacity to consider all options and then to make decisions acceptable to the key parties (conflict resolution).

o Degree to which the employee demonstrated determination, energy, and confidence.

o Senior Foreign Service members need to also exhibit strong policy analysis, formulation and planning skills.

Operational Skills

Boards should consider the following when assessing the employee's operational skills.

o The employee's demonstrated ability to exercise good judgment, anticipate future requirements, plan, establish priorities/organize, and administer increasingly more complex programs in order to achieve Agency/organizational goals and objectives, i.e., manage for quality results.

o The employee's ability to manage and account for financial, human and physical resources, within the employee's span of control, in order to accomplish work and produce desired results in the most effective and efficient manner, i.e., stewardship of resources.

o The employee's success in administering complex programs with competing priorities;

o The employee's capacity to evaluate program and operation performance -- noting both areas of progress as well as problems -- making adjustments where necessary to adapt to changing conditions and requirements.

o The employee's effectiveness in planning, organizing, directing, monitoring and evaluating his/her own work as well as that of the unit supervised, where applicable. This includes the ability to manage one's own and others' time effectively and efficiently.

o The employee's ability to anticipate potential problems and to take preventive measures in a timely manner.

o If employee has program evaluation responsibilities: The employee's ability to conduct effective project and program evaluations and to use the information to improve performance and to target resources.

o If the employee has contract management responsibilities: The employee's ability to effectively manage contracting process to ensure that procurement planning is part of the project planning; that acquisitions and assistance actions are solicited and awarded fairly and in accordance with the appropriate regulations; and that performance is monitored and remedial actions are initiated when appropriate.

Interpersonal Skills

While important for an employee's first day with AID, this skill area takes on increasing importance as an employee moves up the ranks. The Board members must judge the employee's:

o Ability to create and maintain professional and successful relations with other AID staff (direct hire U.S. and Foreign Service Nationals, AID contract personnel); host country citizens and officials; and representatives of other donor institutions and non-government organizations.

o Ability to work in a collaborative, inclusive team-oriented manner, valuing diversity within the AID organization, without sacrificing one's independent perspective.

o Commitment to the principles of fair treatment and equality of opportunity in dealing with all persons.

o Sensitivity and respect for the other societies' and individuals' mores and values.

o Ability to communicate (orally and in writing) in an effective manner, with both AID and external audiences in the United States and overseas is an important aspect of interpersonal skills. One key factor in communications is the employee's effectiveness in using a foreign language when posted to a language-designated position. It is the Agency's goal to have all employees achieve proficiency in two AID relevant foreign languages. Therefore, Boards should rate higher employees who have demonstrated effective use of their foreign language skills in the pursuit of Agency goals.

Where an employee is effectively using a foreign language at post in his/her job, that fact should be recognized. In some cases, an evaluation of the employee's use of a foreign language is required by law. Specifically, an employee with an S3/R3 tested proficiency and occupying a position requiring the use of the tested language is to be evaluated on effectiveness in using the language provided the rating officer is capable of providing such an assessment.

Senior Foreign Service members must also exhibit particularly strong ability to carry on purposeful dialogue and debate with external contacts overseas at the highest levels (in the host country language where appropriate) and in the United States.

TIEBREAKER Provision: Public Law 101-246 , section 164 b requires that Boards should take language ability into account and all things being equal give precedence in promotions to employees who have achieved at least the General Professional Speaking proficiency (S-3) in one or more languages.

Supervisory Skills

AID employees may supervise U.S. direct hires, Foreign Service Nationals, Third Country Nationals (TCNs), PASAs/RASAs, and/or Personal Service Contractors. Boards are required to assess employees' success at working with and through staff to accomplish Agency and organizational goals, objectives, and responsibilities. Employees in the lower and middle grades should not be penalized for lack of direct supervisory opportunities. Boards need to determine the employee's effectiveness in:

o setting clear performance objectives with measurable indicators of success;

o insuring through others the achievement of quality products in a timely and efficient manner that meets the needs of the organization and the Agency;

o concern for the career development and growth of subordinates including providing developmental and substantial assignments in an equitable manner; establishment of effective and timely performance feedback processes; and thorough, candid, timely performance evaluations;

o appropriately and clearly delegating responsibilities and work assignments that enable staff to grow;

o commitment to EEO programs and policies.

o developing a collaborative management approach to the extent appropriate and reasonable.

o motivating and/or building on and encouraging self-motivation of staff;

o encouraging open and constructive communications;

o instilling a sense of shared vision on where the organization is going;

b. Understanding of and Ability to Advance the Agency's Mission is the second factor of the Conceptual Framework for Developing a Composite Picture (paragraph 40C E.3.). This factor may be improved through personal study and the maturing process of experience. As employees progress in the Agency by taking on various assignments, they are expected to show a deeper understanding of the Agency's objectives and how these evolve; how the Agency works (both in the U.S. and overseas); and how individual functions and performance contribute to the Agency's mission and purpose.

A primary purpose of AID's Foreign Service corps is to conduct development work overseas. While a Foreign Service career will consist of both service overseas and in the United States, a considerable portion of the career will be spent in overseas assignments. Given the nature of assignment patterns it may not be possible for all members to match the Agency's ideal of spending no more than six consecutive years in AID/W and not more than ten consecutive years overseas. It is the Agency's goal to have all members serve a substantial amount of time overseas while in the middle and senior grades.

Boards should give considerable weight to those who have served overseas in the last six years and additional weight if while in current grade. Boards should also give additional credit to those employees who have served in two or more geographic bureaus in AID/W or overseas, and those employees who have expanded their understanding of the Agency by serving in the non-geographical bureaus in such areas as personnel, financial management, procurement, budget, information management, and overseas management support. Such diversity in assignments is essential for development of executive potential. This is especially true of assignment in the finance and administration areas listed above.

Also, service on promotion, tenure and technical review boards gives employees understanding of the Agency that is difficult to replicate in any other manner. Boards should give positive weight to such experience. Boards also should view positively similar activities that benefit the Agency as a whole and from which the employee gains a broader and deeper understanding of the Agency as a whole, e.g., a major Agency reorganization task force, committee or working group.

c. Past Performance is the third factor of the Framework. Evaluation reports have been designed to record and assess the ratee's performance achievements. The Boards must, when ranking employees look at performance achievements over the past five years or since last promoted, whichever is longer; and, give high marks to employees who have consistently achieved particularly challenging performance objectives (i.e., completely fulfilled annual work requirements as modified) in an exemplary manner and low marks to those who fail to achieve performance objectives.

Boards must keep in mind that complete fulfillment of work agreements (work requirements) as modified is a minimum prerequisite for a promotion recommendation. They must consider such issues as were the work agreements within the employees' span of control (resources and authority) and were they reasonable expectations. This requirement is to be applied prospectively beginning with the 1992-1993 work agreements. In rare cases, Boards will be asked to bring their judgment to bear in determining whether the agreements were fulfilled such as when the Ambassador failed to note in the EER that the work agreement was modified when in fact it was modified.

The past performance factor is an area subject to Board interpretation and judgment as so many times there are extenuating circumstances (bureaucratic, environmental, societal, political, security) which assist or hinder an employee's performance. Nevertheless, the Agency must rely on the Boards' experience and judgment to arrive at a thoughtful and equitable ranking of the employees they are reviewing.

d. Judgment of Potential by the Rating and Reviewing Officers is the Conceptual Framework's fourth factor. The perspective of these officers is significant for the Board to consider when arriving at its view of the employee. However, the Board is required, and expected, to arrive at its own assessment of potential by developing a composite picture of all four conceptual framework factors discussed above -- not just one.

4. Special Considerations for Promotion through Middle Level Salary Classes

While precise demarcations between classes is yet not possible, Boards should keep the following general guidelines in mind when considering officers for promotion up to class 1. These guidelines are but the first step in an evolutionary process which has as its goal the production of more precise definitions of competencies for each salary class. For promotions into and within the Senior Foreign Service these guidelines are given in paragraph 5, "Special Considerations: Senior Threshold and Senior Foreign Service Selection Boards."

The importance of interpersonal skills increases as one moves up the ranks. The emphasis shifts from technical expertise to managerial/leadership skills such as the ability to build teams, persuade and motivate others, develop a vision, etc. Boards are instructed to pay careful attention to this fact when considering employees for advancement particularly into the FS-01 class and above.

Skills categories order of importance at Junior/Mid-Levels
Class Two and Below

1. professional/operational
2. interpersonal
3. leadership
4. supervisory

Skills categories order of importance at Class One and Senior Foreign Service Levels

1. interpersonal/leadership
2. supervisory
3. operational
4. professional

a. Promotion From Class 4 to Class 3

Employees should have demonstrated strong motivation and commitment to the Foreign Service, adaptability to the demands of living and working overseas, understanding of AID's development role in support of U.S. national interests and good knowledge of employee's professional discipline. Strong interpersonal skills are necessary for the conduct of day-to-day business, e.g., in establishing meaningful contact with host country audiences, and in dealing successfully with colleagues, subordinates, superiors within missions and in AID/W.

b. Promotion From Class 3 to Class 2

Employees' performance should demonstrate increasing sophistication and creativity in advancing the Agency's mission. Employees should have made significant progress in developing and capitalizing on core skills to accomplish organization objectives. They are expected to have demonstrated good managerial, negotiation and analytical skills; well-developed knowledge in their chosen professional discipline; and should display increasing skill in managing larger programs and personnel resources.

c. Promotion From Class 2 to Class 1

Attainment of Class 1 is considered the culmination of a full career. Employees at this rank are expected to formulate and oversee implementation of strategy in a sector or an area; to help formulate internal/external policy and carry out policy dialogue; set implementation targets and assess progress; to be the principal spokesperson for Unit/Sector/Area and/or serve as Senior Technical Advisor. To be promoted to Class 1 employees should have demonstrated considerable skill and resourcefulness in managing programs and potential for supervising large and more diverse staffs, if appropriate for the employee's occupational specialty.

Employees should have clearly demonstrated effectiveness in utilizing management skills such as:

matching leadership styles to specific work situations,
planning work collaboratively,
giving and receiving feedback,
team-building,
strategic planning, conducting program and policy evaluation review and/or using policy and program evaluation data; and
managing conflict.

They must also have demonstrated versatility through performance in significantly different environments, such as different geographic areas and non-geographic bureaus in AID/W., in various functional areas such as personnel, financial management, procurement, Food for Peace, evaluation, research & development, private enterprise, disaster relief, budget, information management, and overseas management support. Such diversity in assignments is essential for development of executive potential. This is especially true of assignments in the finance and administration areas listed above.

Strategic planning and conceptual skills should be evident in their performance as well as demonstrated effective use of a foreign language in an overseas environment.

5. Special Considerations: Threshold and Senior Foreign Service Boards

a. General

In considering employees for promotion into and within the SFS, Boards should be guided by the Foreign Service Act which envisioned "...a Senior Foreign Service...characterized by strong policy formulation capabilities, outstanding executive leadership qualities and highly developed functional, foreign language and area expertise."

Boards should keep in mind that attainment of the FS-01 grade level represents full career achievement and the promotion beyond this level was not envisioned for the vast majority of employees, nor attainable given the small number of SFS positions. Members of the Senior Foreign Service serve in the most demanding and sensitive positions in the Agency overseas and in the United States.

In general to be promoted into the SFS, employees must have successfully completed several diverse and increasingly responsible assignments overseas and in the United States.

It is also desirable to have attained language proficiency (S-3 in a category A language and S-2 in a category B language) in at least one AID useful language and preferably two languages, and to have served in at least one 25% differential hardship post.

Advancement and retention in the SFS will depend primarily on the extent to which executive potential is realized. The assessment and recommendation for promotion of threshold and SFS employees should reflect the determination that an employee has demonstrated the ability to fulfill the leadership and policy-making responsibilities of senior level Agency positions; that the employee has strong strategic thinking and planning skills as evidenced in past performance; and that the employee has demonstrated exceptional ability in achieving Agency and organizational objectives.

In the SFS, successful performance is characterized by strong proficiency in virtually all of the core skills; ability to meld and draw on these core skills to establish and attain Agency and U.S. national interest objectives

and goals; and strong potential for assuming the broad, high-level management and leadership roles which are inherent in any SFS position.

Therefore, Boards should give positive consideration to those employees who have increased the breath and depth of their knowledge of the Agency by serving in more than one geographic area and taking non-geographic bureau assignments in AID/W. in various functional specialities such as personnel, financial management, procurement, Food for Peace, policy and program evaluation, research & development, private enterprise, disaster relief, budget, information management, and overseas management support. Such diversity in assignments is essential for performance in the Senior Foreign Service. This is especially true of assignment in the finance and administration areas listed above.

Performance in SFS positions is further characterized by:

o Strongly developed skill in fostering ("nurturing") external relationships, e.g., Host Governments, Congress, the Department of State or other Federal agencies.

o Ability to manage for development results by obtaining and analyzing information on program performance, and applying this information in relevant management decisions;

o Initiative and ability to assess how effectively the organization or organizational unit is functioning;

o Capacity to draw on such an assessment and other information to develop a "vision" for where the organization should be going -- programmatically as well as organizationally;

o Ability to encourage and instill the Agency organizational values, which support performance;

o Capacity to communicate and gain commitment of staff to "vision" and values;

o Superior managerial effectiveness such as:

matching leadership styles to specific work situations,
planning work collaboratively,
giving and receiving feedback,
team-building,
strategic planning,
conducting program and policy evaluation review and/or using policy and program evaluation data,
fostering EEO, and
managing conflict;

These guidelines have evolved since the 1980 Act. The Agency has already begun work on the next step in this evolutionary process: Production of more precise definitions of competencies for each salary class and for generalists versus specialists.

b. Promotion into the Senior Foreign Service (into the Counselor Class)

Employees promoted to the Counselor level should have a solid record of achieving results and have demonstrated the following competencies in achieving results: program planning; analysis; strategic planning and thinking; managing personnel and other resources; and, have superior long-range potential for assuming higher level responsibilities; e.g., more complex or diverse programs at a larger mission or, in AID/W, on an Agencywide, bureauwide or regional basis.

Boards should give positive consideration to those employees who have increased the breath and depth of their knowledge of the Agency by serving in more than one geographic area and taking non-geographic bureau assignments in AID/W. in various functional areas such as personnel, financial management, procurement, budget, Food for Peace, evaluation, research & development, private enterprise, disaster relief, information management, and overseas management support.

While there are a limited number of senior positions for specialists in the technical and support areas, such positions generally will have significant executive and policy-making dimensions. Boards should keep in mind that upon promotion into the SFS the performance of specialists will be evaluated relative to all employees at their class level -- employees who may have greater executive experience or managerial responsibility.

Except for exceptional circumstances, all employees should have taken the Management Skills Course and the Development Studies Program (or appropriate advance academic training) prior to entry into the Senior Foreign Service. When exceptional circumstances preclude an employee from taking these courses, the employee's EER should explain the circumstances.

c. Promotion into the Class of Minister-Counselor

In considering employees for promotion to the Minister-Counselor level, an even greater emphasis is placed on broad, substantive policy formulation and executive management. To be considered for promotion, employees who have progressed through technical or other professional channels should have demonstrated a broad capacity for achieving results in managing programs in their own professional discipline and preferably across functional lines as well.

Any employee promoted to the Minister-Counselor level based on technical or professional skills alone should be an acknowledged and established leader in his/her field.

Except for exceptional circumstances, all employees should have taken the Senior Management Course prior to promotion into the Minister-Counselor Class. When exceptional circumstances precluded an employee from taking the course, the employee's EER should explain the circumstances.

d. Promotion into the Class of Career Minister

Finally, for consideration for promotion to the Career Minister level, the highest level in the SFS, employees are expected to possess the broadest possible executive leadership and policy-making capabilities. The Career Minister rank is parallel with Executive Level IV, i.e., the rank held by AID Assistant Administrators and Department of State Assistant Secretaries.

The rank of Career Minister is reserved for a small number of truly outstanding senior officers who have consistently demonstrated superior ability in achieving results by discharging the most responsible and difficult duties in support of the Agency's mission and the nation's foreign affairs goals.

Employees promoted to Career Minister rank should have the capacity to serve as a Deputy Assistant Administrator, or in other positions of comparable rank in AID, the Department of State or international organizations. Consequently, no employee should be promoted to Career Minister who does not have a broad and proven ability achieve the highest order results through managing the Agency's largest and most complex programs overseas and in the United States.

6. Other Factors

a. Inadmissible Comments

Boards will ignore any information in the evaluation file identified by regulation as inadmissible (see Supp. 40A, EER Instructions). Such information should not be discussed or be a basis for Board decisions.

b. Assignments

(1) The Agency seeks to move employees, based on performance and potential, through a series of increasingly responsible assignments which promote mastery of the core skills and provide geographic and functional versatility needed to meet the Agency's long-term requirements. However, there is no ideal career path, and individual employees face practical limits in achieving a broad combination of career development objectives given the vagaries of the Agency's needs and assignment process.

The Board should compare employees primarily based on their relative, overall success in meeting the requirements of increasingly more responsible and diverse assignments. The Senior Threshold and Consolidated Boards also may receive lists of all Senior Management Group (SMG) 2assignment decisions made since the end of the last rating period under review and before the Board adjourns, and may take that information into account when Limited Career Extension decisions only.

(2) Many assignments within AID do not provide for supervising personnel. Situations often arise where employees are heavily involved in coordination of other inputs for program activities. Although direct supervision is not a feature of an employee's duties in such cases, Boards will give full consideration to the management of contracted resources and supervision of all employees including all nondirect-hire employees.

Boards will not disadvantage any employee due to a lack of demonstrated supervisory experience when his/her assignment does not provide for such. Lack of demonstrated supervisory experience in the current position alone should not bar a promotion. The only exception to this is for a member of the Senior Foreign Service (SFS). If the SFS member's current position doesn't include supervisory responsibilities and the member has lacked supervisory experience for a period in excess of three consecutive years, then the Board should consider whether this should be a bar to promotion. Supervising resident-hire and/or contractor personnel with varied technical specialties and technical backgrounds should be reviewed comparable to supervision of U.S. direct hires.

(3) Assignments outside the Agency to the Department of State, other Federal agencies, Congress, International Organizations, non-government organizations, and private voluntary organizations, which are related to Agency's primary functions, may provide experiences that will enhance the employee's core skills and thus benefit the Agency. Boards shall give full credit to employees who have been willing to extend professional capabilities by accepting such assignments for appropriate periods of time (not more than three years) and who have used them to enhance their long-term potential within the Agency.

However overly long details, details of three or more years, are detrimental to the employee's overall competitiveness. That being said, it is conceivable in some limited circumstances that the detail assignment is in the Agency's best interest. For example an assignment to the National Security Council which gives the Agency a repected voice; a Deputy Assistant Secretaryship or Ambassadorship to a country where there is an AID presence. Such assignments are in the overriding best interest of the Agency and career enhancing. The employee should clearly document in his or her comments how the assignment is in the best interest of the Agency. For details of over three years, the Director, FA/HRDM, will certify that the assignment is indeed in the Agency's best interest. The certification memorandum will be attached to the EER by the employee.

(4) Boards shall also give positive consideration to employees who have broadened their career potential through multifunctional and non-geographic bureau assignments in AID/W., especially in such areas as Food for Peace, evaluation, health, disaster relief, personnel, financial management, procurement, budget, information management, and overseas management support. Cross-training and multifunctional experience provide the basis for developing program direction skills and executive potential.

Boards shall recognize such experience and accord equal consideration to all employees meeting the specified decision criteria without disadvantaging any employee for time spent in other backstop areas. It should not disadvantage

any employees who are in shortage categories and therefore not permitted to take advantage of multifunctional assignments such as Executive Officers and controllers. Boards will give positive credit for time spent in non-geographic bureaus as such experience broadens the employee's knowledge of the overall workings of the Agency and develops executive potential.

(5) Training assignments are of fundamental importance to career development, i.e, preparing for higher level responsibilities. Boards shall fully consider career development activities, including language and long-term training, undertaken by employees in evaluating their overall performance and potential. This includes, if received by AID, grades and/or other evaluation material of language and other long- or short-term training programs.

(6) Service in hardship assignments (i.e., at posts with 25% post differential and/or danger pay) can demonstrate a dedicated and disciplined attitude toward the Service. Boards shall give due consideration to employees who have worked successfully in difficult and sometimes dangerous environments and who have used such experience to enhance their contributions to the Service and to develop their own performance and potential.

(7) Short-term assignments, in and of themselves, to a complement of a year or less shall not be considered a negative factor in evaluating an employee. Extended periods spent assigned to a complement need to be explained in the employee's EER. Barring exceptional circumstances, such extended periods will result in a lost of competitiveness.

(8) Cross-functional team assignments, such as a major Agency task force, are important both to the employee's career development and to the Agency's ability to accomplish its mission. Employees should receive appropriate credit for such service. Most often, employees will carry out these duties in tandem with their regular assignment. A series of cross-functional team assignments in lieu of a regular assignment is not encouraged and could be detrimental to an employee's career development.

c. Assignment to Other Organizations and Leave Without Pay

Boards shall rate all employees, including those in nonduty status, based on material in their evaluation files including material submitted by the employee explaining how the detail experiences improves the employee's AID related skills. For employees seconded, detailed to other organizations, or on leave-without-pay, Boards shall give due credit to evidence that such employees have made use of such periods to improve Foreign Service related skills. Employees on secondment should assure that current evaluation materials are provided to FA/HRDM/PMES/PMA or IG/RM/PFM, as appropriate, for placement in their official performance evaluation file.

7. Identifying Performance Problems

One of the most important roles of a Selection Board is identifying those employees whose performance is not competitive with their peers (low ranking) or fails to meet the standards of the employee's class. The Agency

tenures employees based on the Tenure Board's determination that the employees have the potential to perform successfully up through class 1 or the highest salary class for their occupational specialty. However, that potential is not always realized and it is not in the interest of the Agency or the employee for persistent performance weaknesses or problems to be ignored.

Boards will give particular attention to an employee's performance in regard to the factors listed below. The presence of one or more of these factors may be cause for precluding a promotion recommendation at the discretion of the Board or, for employees of lesser relative performance, referral to a PSB:

Failure to complete work agreement as modified for current rating period. Failure to complete work agreements for several rating periods (three or more) will result in referral to the Performance Standards Board.

o Reluctance to accept responsibility.

o Marginal productivity in reaching established work goals.

o Lack of adaptability.

o Unreliable performance under conditions of hardship and danger.

o Failure to carry out properly assigned tasks within established timeframe or a reasonable period of time if no deadline established.

o Refusal to accept or implement legitimate directives from authorized officials.

o Inability or unwillingness to work fairly and cooperatively with supervisors, colleagues, or subordinates.

o For supervisors who prepare evaluations -- unfair, biased, evasive or consistently late reports. Evaluation reports which are prepared in a careless or incomplete manner, are biased or evasive, or which overrate an employee are unfair to all employees, detrimental to the rated employee's long-term career and misleading to management.

o General lack of experience that would indicate the employee needs additional development and experience to be competitive at current class level.

o Deficiencies in developing the substantive knowledge required in one's position.

o Inefficient use of financial, human, and physical resources; failure to anticipate and plan for future requirements, failure to meet deadlines; or failure to set appropriate priorities.

o Failure to demonstrate sound organization skills and personal work habits such as ability to plan and organize assigned work effectively, establish priorities, or follow-up and complete tasks on time.

o Micromanaging staff and thus thwarting staff career development.

o Less than full commitment to the Agency's EEO programs and policies.

HB 25, Chapter 40
Supplement D

# LIMITED CAREER EXTENSION PRECEPTS FOR SENIOR FOREIGN SERVICE EMPLOYEES

## A. Purpose

This Supplement provides the Consolidated Senior Foreign Service (SFS) Board (for Backstop 08 employees only) with the Precepts they will use to recommend SFS officers for Limited Career Extensions (LCEs). Handbook 25, Chapter 38K.4. provides the policies and procedures governing LCEs.

## B. Limited Career Extensions (LCEs)

(Cross references on LCEs: Handbook 25, Chapters 38 and Chapter 40, and Supplements B and C of Chapter 40, plus Handbook 30, Chapter 3.)

1. The Foreign Service Act of 1980, Section 607, authorizes the Agency to grand LCEs to career employees who have reached their maximum time-in-class (TIC) limitation. The Agency may offer LCEs to nonpromoted SFS members during the last two years of their TIC or LCE. LCEs are granted, or renewed, by the Administrator, or the Administrator's designee, in accordance with C/Board recommendations; or by the Inspector General in accordance with the IG Board recommendations. However, SFS members will be reviewed only once during the last two years of TIC or LCE. In making the final determinations on who will receive an LCE, the Senior Management Review Board (SMRB) serves as an advisory panel to the Administrator.

2. The effective date of retirement for an officer not granted an LCE is the last day of the month in which the TIC or LCE expires. (Also see Handbook 30, Chapter 3, Supplement A).

3. The chief reasons for granting LCEs are: completion of an officer's present tour and retention of specialized skills or shortage categories, taking into account the effect of the LCE on the need to provide a regular and predictable flow of talent through the ranks including into and out of the SFS. Handbook 25, Chapter 38, paragraph 4D states:

"LCEs may be granted by the Administrator or his designee only when the employee has been recommended by the C/Board (or the IG Board) for such and LCE and <u>either</u>:

(1) The LCE is necessary to allow the employee to complete his/her <u>present tour</u>, provided it is in the Agency's interest to do so. For the purpose of LCEs, overseas tours are defined as two years for one tour posts and four years for all two tour posts and SMG positions except for Mongolia, NIS assignments and Cambodia. All USAID/W assignments are for a three year period. <u>Or</u>

(2) To retain an employee only in connection with a programmatic need of the Agency where a position or assignment has been identified and (i) where there is a demonstrated severe shortage of personnel in the individual's backstop, or (ii) where an activity is being phased out and hiring a new short-term replacement is inappropriate (where there is a temporary critical need an LCE need not be for the duration of an entire tour), or (iii) where there is a critical need for specific skills, expertise and experience for a particular assignment while taking into account the effect any such LCE would have on the need to provide regular and predictable flow of talent through the ranks and into the SFS.

Except for LCEs granted in accordance with 38K(4)(d)(2) [above], SFS officers with one year or less remaining in their TIC/LCE will not be considered for an onward assignment. Such officers will be extended in their present positions to complete their careers.

C. Eligibility

The C/Board or IG Board will consider for LCEs those career members of the Senior Foreign Service whose TIC or LCE will expire at any time during the subsequent calendar year, i.e., the 1993 Boards will consider all SFS members whose TIC or LCE expires on or before December 31, 1994. If an employee up for LCE consideration receives a promotion as a result of the same Board that considered the employee for an LCE, then the Agency will assign the employee a TIC limitation date applicable to the employee's new salary class. A SFS member on a 607(d)(2) extension is ineligible for Selection Board review for promotion and LCEs.

D. Responsibilities

1. FA/HRDM/EM, or IG/RM (for Backstop 08 employees only), will annually review the SFS employees' TIC/LCE expiration dates and shall, when the C/Board convenes, advise the C/Board as to who is eligible for LCE consideration by that C/Board.

2. The Board shall review the character, quality of work, industry, usefulness and experience of employees identified for LCE consideration and compare such performance(s) with those of others in the employee's class or backstop. The Board will review all employees on a classwide basis, and may also review them by backstop (occupational specialty). Given the Board's assessment of each employee's overall ability and desire to perform the work of the Service, the Board shall rank order those employees recommended for LCEs in one of the following categories:

- Eligible for classwide LCE
- Eligible for backstop-specific LCE.

E. Procedures

1. Information and Material

The Board shall have the same information available to it as it had for promotion decisions. In addition to the list of eligibles, the Board

may receive lists of assignment decisions made before the Board adjourns on those under consideration for an LCE. HRDM/EM will provide the assignment decision lists to the C/Board only after it has made its initial (draft) LCE recommendations. IG/RM will provide the same to the IG Board.

2. Submission of Findings

The Board shall prepare the following:

a. A rank-order list of career employees recommended for classwide LCEs;

b. A rank-order list of career employees recommended for backstop-specific LCEs if there are any; and

c. An alphabetical list of all employees reviewed, but not recommended for an LCE.

F. Criteria

The Board will apply the same criteria that applies to promotions (Supplement C of this chapter). Recognizing that employees granted LCEs will serve in their present class, the Board should give greater weight to the quality of performance and potential for continued substantive service in that class.

In considering employees for classwide LCEs, the Board should give weight to evidence of accomplishment and competency demonstrating the capability to carry out executive responsibilities across functional lines. In reviewing employees for backstop specific LCEs, the Board should give particular credit to expertise and achievement in that field.

# CHAPTER 41

# COMMISSIONS, TITLES AND RANK

## 41A. Purpose

This chapter states the policies and responsibilities for granting diplomatic and consular titles, preparation of a Diplomatic List and the Presidential commissioning of AID personnel as Senior Foreign Service (SFS) Officers and Foreign Service (FS) Officers, and tenure of Foreign Service Personnel.

## 41B. Applicability

This chapter applies to all AID Foreign Service employees.

## 41C. Authorities and References

1. The Constitution requires that Ambassadors, other public ministers, and consuls be appointed by the President, by and with the advice and consent of the Senate. The term "other public minister" has been interpreted to include a "Secretary in the Diplomatic Service."

2. Section 312 of the Foreign Service Act of 1980, as amended, provides that the President may, by and with the consent of the Senate, commission a Foreign Service Officer as a diplomatic or consular officer, or both:

> "The Secretary of State may recommend to the President that a member of the Service who is a citizen of the United States be commissioned as a diplomatic or consular officer or both. The President may, by and with the advice and consent of the Senate, commission such a member of the service as a diplomatic or consular officer, or both...All official functions performed by a diplomatic or consular officer, including a vice consul, shall be performed under such a commission..."

3. The Secretary of State shall prepare such commissions as provided for by section 2902, title 5, United States Code.

## 41D. Definitions

1. Commission - A legal recognition granted by the President, with the advice and consent of the U.S. Senate, to certain Foreign Service officers in order to perform various acts or duties (as outlined in the chapter).

2. Tenure - The official act of recognition bestowed to an employee who has meet the performance and potential criteria that is outlined in HB 25, Ch. 35A.

3. Commissioned Diplomatic Title - A title derived from commissions granted under the provisions of the Constitution and inaccordance with United States law. A title which establishes the status of members of the Service in relation to foreign government officials and other diplomatic and consular officers abroad.

4. Personal Rank - Reflects the rank, or grade level, of the employee. Personal rank is different from position rank, which is the rank, or grade level, that an employee is assigned (e.g., an employee may have a personal rank of FS-02, but be assigned to a position that is assigned FS-01.)

Other definitions relating to this chapter are contained in Att. 41A, 3 FAM 610, "Commissions, Titles and Rank."

41E. Policies

1. Diplomatic and consular titles are approved by the Department of State. These titles may be granted to AID Foreign Service personnel if the positions they occupy meet the criteria set forth in 3 FAM 610. (Att. A)

2. AID Mission Directors and Deputy Directors routinely receive titles. Requests for titles for other employees are considered on a case-by-case basis. Requests must be supported by demonstrating what duties of a position have not and cannot be performed in the absence of a title.

3. A title will be granted only if an officer needs the title for effective performance of his/her assignment. Titles will not be granted or authorized for the personal, social, or financial benefit of personnel in the Foreign Service.

4. A title is valid only at the post of assignment and is not retained upon transfer. Each time an officer is assigned to a new post, a new title must be approved. The fact that an officer held a diplomatic or consular title at a previous post is not justification for requesting or receiving the same title at his/her new post.

5. The fact that an officer possesses a commissioned diplomatic or consular title does not authorize use of this title at another mission while on temporary duty from a post of assignment. The Department of State must approve titles for temporary duty use at other missions.

6. Determinations with regard to need for diplomatic and consular titles are based largely on local circumstances as to whether the nature of the officer's assignment requires that he/she serve in a diplomatic or consular capacity and, if so, what title should be used.

7. As noted in 3 FAM 616, the chief of the diplomatic mission is responsible for composition of the diplomatic list for submission to the host country government. Only personnel who have been granted a diplomatic or consular title are eligible for consideration for placement on the diplomatic list.

8. Foreign Service Officers who receive appointments from the President, with the advice and consent of the Senate, are eligible for commissioned diplomatic and consular titles (Counselor, First Secretary, Consul, Second Secretary, etc.). Employees who are not commissioned may receive only non-commissioned diplomatic titles (Attache, Assistant Attache), which cannot be used at constituent (consular) posts.

9. Career Minister, Minister-Counselor and Counselor are personal titles as well as diplomatic titles. Senior officers may not use their personal titles unless these are specifically authorized for use as diplomatic titles at posts of assignment.

10. Non-commissioned diplomatic titles may be granted by the Secretary of State. Normally, the non-commissioned diplomatic title granted to an AID employee is Attache'.

11. As provided for in 3 FAM 610, where it is appropriate to commission an individual and/or award an already commissioned officer a specific diplomatic title (i.e., to facilitate the accomplishment of his/her duties and functions) for use at a post abroad, such commissions and titles do not automatically clear the way for inclusion of that individual on the post diplomatic list. "...Not everyone authorized to use a diplomatic title at a mission is thereby assured of a place on the diplomatic list. As a matter of policy, the best interest of the United States is reflected by a list which is limited to the needs of the mission. Such needs include a fair and equitable representation of all sections and agencies at the post consistent with local conditions and circumstances."

12. Besides foregoing distinctions between being commissioned in the Foreign Service, having a diplomatic title and being or not being included on a post diplomatic list, presidential commissioning of AID personnel may have other implications, depending upon the individual's personal circumstances. (Refer to the examples stated in Ref. B.)

13. Beyond such potential benefits or implications, commissioning within a career service clearly implies a commitment between the organization and the individual to a mutual relationship that would be expected to extend over much of the member's career. Because the commitment is a significant feature of and reinforces the sense of a professional service, commissioning of eligible Foreign Service members hired on or before May 26, 1983 will be based on voluntary member applications. For those members hired after said effective date, commissioning them as SFS Officers or FS Officers will be an understood feature of the AID career Foreign Service system and will be automatically effected for each member upon his or her satisfaction of tenuring and class criteria.

14. In accordance with chapters 1, 3 and 6 of the Act, AID members of the Service may be appointed or promoted into one of the following personnel categories:

- Chiefs of Mission
- Ambassadors at Large
- Members of the SFS
- Foreign Service Officers
- Foreign Service Personnel
- Foreign National Employees or Consular Agents

15. Within the foregoing categories, members of the Service may be recommended for and receive commissions as diplomatic or consular officers or both as outlined below:

a. Presidential Appointees serving under career or limited appointments effected under Section 302 of the Act are, by virtue of such appointments, eligible for presidential commissions.

b. AID Senior Foreign Service Members will receive or be eligible to receive presidential commissions as Senior Foreign Service Officers as a result of:

(1) Appointment into or within the SFS ranks, or

(2) For SFS Career Candidates, having been certified as meeting senior tenuring requirements.

(Note: SFS Limited Appointees appointed under Section 303 of the Act will not be eligible for commissioning as SFS Officers since they are non-career members.)

c. Commissioned AID Foreign Service Officers must have met the following requirements:

(1) become tenured career members of the Service; and

(2) are appointed or promoted to the class of FS-3 or above.

d. Other AID Members of the Service who are not eligible for presidential commissioning may receive commissions by the Secretary of State, providing the duties and functions to be performed by such members will be enhanced and/or made possible by such commissions.

16. In addition to general conditions of eligibility noted above, candidates for commissioning will be required to complete certain documentation prior to being certified as fully eligible for commissioning, e.g., completion of application(s) for appointment or commissioning.

41F. Responsibilities

1. U.S. Department of State

The granting of diplomatic and consular titles is under the jurisdiction of the Department of State. Diplomatic and consular titles may be granted to AID Foreign Service personnel if the positions they occupy meet the criteria set forth in 3 FAM 612-615. The Secretary of State shall prepare such commissions as provided for by section 2902, Title 5, United States Code.

2. Chief of Mission

The Chief of Mission (Ambassador) is responsible for composition of the diplomatic list for submission to the host country government.

3. AID Office of Personnel Management (PFM/PM)

The Office of Personnel Management (PFM/PM) in AID/W serves as the liaison on all matters related to titles and rank for AID employees overseas. PM issues the Notification of Personnel Action (SF-50) after a title has been approved and notifies the officer/mission concerned. PFM/PM notifies the employee and the Mission that the title has been granted.

4. Geographic Bureaus Executive Management Staff

Geographic Bureaus initiate requests for a diplomatic or consular title and rank, and clear and concur in proposals for title and rank before they are forwarded to the Department of State.

5. Employee

Upon notification that a diplomatic or consular title has been approved, the employee executes SF 61, if the title granted is Counselor or Counsel. The Affidavit must be executed even if the employee previously signed one for another purpose.

41G. Procedures

1. Commissioning Procedures:

a. Preparation of Eligibility Lists

The Office of Personnel Management (PFM/PM) shall be responsible for monitoring the eligibility of individual members of the Service in the Commissioning categories. Since eligibility requirements relate to characteristics which change with time (i.e., career status and promotion), reviews of member eligibility shall be organized so as to take place at least two times each year. Members of the Service who satisfy all eligibility requirements for their respective commissioning category during a particular review period will be certified by the appropriate office in PFM/PM (e.g. PM/FSP, PM/EPM) in separate alphabetical listings to the Director, PFM/PM.

b. Review and Approval of Eligibility Lists

Upon receipt of eligibility lists, the Director, PFM/PM shall review such lists to determine that the recommendation of nominees would be consistent with the needs of the Service. Nominees shall be temporarily removed from the list for that period if:

(1) there are investigative or administrative actions pending against the nominee involving issues such as loyalty, security, misconduct, suitability or malfeasance, or,

(2) the nominee is the subject of administrative action(s) or appeal(s) relating to relative or absolute performance; e.g., cited by the Performance Standards Board(s) as needing substantial improvements in performance or as not having met the standards of his/her class within the past two years or involved in reviews or appeals associated with Section 608 or 610 of the Act during the same two year period.

In such cases, the Director, PFM/PM shall temporarily withhold the names of the nominees until the investigations, administrative procedures and/or reviews and appeals are completed. If the nature of such investigation, action or proceeding permits, the concerned nominees shall be notified in writing of the withholding by the Director, PFM/PM.

Upon disposition or resolution of such matters, the Director, PFM/PM will, either:

(a) place the nominee's name on the original or a subsequent commissioning list if the investigation, administrative procedure and/or review is decided in favor of the nominee; or

(b) in the case of completed disciplinary or administrative action(s) against the nominee, if the action precludes commissioning or is of such nature as to reflect characteristics and/or levels of performance inconsistent with those desired of a commissioned Officer, e.g. the nominee has not met the standards of his/her class, the Director, PFM/PM shall formalize the prior withholding of the nominee's name from that commissioning list. If there is any question as to the action to be taken in these regards, the Director, PFM/PM shall refer the matter to the AA/PFM for a final decision. Nominees so withheld shall not be eligible for inclusion in a subsequent commissioning eligibility list until one year following the conclusion of the disciplinary or administrative action.

The Director, PFM/PM shall prepare the final commissioning list and a request for the processing of it by the Department of State.

c. Processing of Presidential Commissioning Lists

In accordance with procedures issued by the Department of State, lists of AID employees recommended for presidential commissioning as Senior Foreign Service Officers or Foreign Service Officers will be sent under signature of the AID Administrator to the Secretary of State (see Attachment D). The Office of Director General of the Foreign Service shall process such lists and provide executed commissions of the appropriate type to the AID Administrator at the conclusion of such processing.

d. Processing of Departmental Commissions

Procedures and documentation for processing vice consular commissions issued by the Secretary of State shall be as provided for in Attachment E. The Director, PFM/PM shall be responsible for processing such requests with, as appropriate, assistance from the Office of the Director General of the Foreign Service.

e. Presentation of Commissions

Presentation of executed commissions to newly commissioned members or officers are issued to officers from AID/W via form SF-50.

f. Resignation of a Commission

If it becomes necessary (e.g., to accommodate personal or family circumstances) for a commissioned member or officer to resign his or her commission, such can be accomplished by submission of a written request therefore to the Director, PFM/PM.

Upon receipt of such a request the Director, PFM/PM will coordinate with the Director General of the Foreign Service or his/her staff to implement the necessary procedures and documentation to effect the requested resignation.

41H. Forms and Attachments

Att. A.: 3 FAM 610-618

Att. B.: Sample Memorandum - Application for Presidential Commissioning as a Foreign Service Officer

Att. C.: Sample Memorandum - Request for Presidential Commissioning as a Foreign Service Officer

Att. D.: Sample Memorandum - Commissioning of Foreign Service Officers

Att. E.: Sample Request for Diplomatic Titles

Att. F.: Application for Presidential Commissioning as a Foreign Service Officer

Att. G.: Sample Commissioning Diploma

Att. B.: Sample Memorandum - Application for Presidential Commissioning as a Foreign Service Officer

ATTACHMENT 41A

# 610
# COMMISSIONS, TITLES, AND RANK

## 611 GENERAL POLICY

*(TL:PER-136 8-2-89)*
*(State Only)*

### 611.1 Definitions

For the purposes of commissions, titles, and rank, the following definitions apply:

a. "Act" or "the Act" means the Foreign Service Act of 1980.

b. "Appointment commission" means a document issued as evidence of any appointment listed in sections 612.2a, b, and d.

c. "Assignment commission" means a document issued as evidence of an assignment as vice consul, consul, or consul general at a specified place; for example, Consul at Maracaibo (see section 612.2c).

d. "Foreign Service post" means any embassy, legation, mission, consulate general, consulate, or other office with a specified diplomatic or consular jurisdiction, operated under the direction of the Secretary of State.

e. "Major section or program activity" means the basic organizational unit responsible for the implementation of the diplomatic or consular functions of the post, such as political, economic, or consular affairs; administration; agriculture; commercial; public affairs; or foreign assistance.

f. "Member of the Foreign Service," "member of the Service," or "member" means a U.S. citizen member of the Foreign Service (but excluding consular agents), as defined in section 103 of the Act.

g. "Permanent rank" means that Foreign Service officers of Classes 1 and 2 under Executive Order No. 2496, effective January 6, 1985, are accorded the permanent rank of First Secretary.

h. "Senior Foreign Service officer" or "Foreign Service officer" means a member of the Service appointed by the President, by and with the advice and consent of the Senate, and commissioned under sections 302 and 312 of the Act.

### 611.2 Purpose

When authorized by law, diplomatic and/or consular titles are granted in the interest of the U.S. Government to enable individuals assigned to Foreign Service posts or to special details, regardless of the departments or agencies they represent, to perform their duties effectively and to ensure the efficient performance of the functions of the diplomatic missions or consular offices of the United States of America.

### 611.3 Official Need as a Basis for Grant and Use of Titles

a. The class of a member of the Service is an important factor in determining functional or organizational assignment. The member's functional or organizational assignment, in turn, is the key factor in determining whether that member needs a diplomatic or consular title in that assignment to discharge duties and those of the post in an effective and efficient manner. Thus the official needs of the member and of the Foreign Service post will be the basic factors in deciding whether a specific title will be granted and authorized for use at the post. No titles will be granted or authorized for the personal, social, or financial benefit of personnel in the Foreign Service.

b. The fact that a member of the Service possesses a commissioned diplomatic and/or consular appointment commission does not by virtue of such possession alone authorize use of it at a post abroad. The member may use a diplomatic and/or consular title only when so authorized by the Department.

c. The possession of a diplomatic passport will not be justification for requesting or receiving a diplomatic and/or a consular title.

d. Diplomatic titles will not be authorized for individuals who are not in the Foreign Service in order to establish their eligibility for the issuance of diplomatic passports.

e. Diplomatic titles will not be authorized for members of the Service or officers not in the Foreign Service when they are serving in a temporary capacity.

f. Diplomatic and/or consular titles are authorized for members of the Service and officers not in the Foreign Service, to use only in the position for which approved at the post of assignment, and will not be retained upon transfer from the position and the post. A diplomatic and/or a consular title must be authorized each time a member is assigned to an embassy or a consular post, or reassigned at post.

g. The fact that members of the Service and officers not in the Foreign Service had a diplomatic and/or a consular title at a previous post will not be justification for requesting or receiving a diplomatic and/or a consular title for subsequent assignments.

h. The personal class designations of career minister, minister-counselor, and counselor for career members of the Senior Foreign Service, and first secretary for classes 1 and 2 commissioned Foreign Service officers, are the same as diplomatic titles commonly used and should not be confused with the diplomatic title which the Department authorizes them to use. An officer may use only the diplomatic title specifically authorized by the Department in the position for which it has been approved at the post of assignment, and should not use any other title on calling cards, invitations, correspondence, diplomatic lists or any other way which would suggest that they have been authorized to use their personal class designations.

## 611.4 Position Titles

Position titles derive from position classification practice. Such titles should always be used in correspondence between posts and the Department when communicating on American positions. Position titles are not to be confused with diplomatic and consular titles, which establish the status of members of the Service in relation to foreign government officials and other diplomatic and consular officers abroad. Neither are position titles to be confused with personal ranks which reflect levels of individuals, independent of the occupational or diplomatic responsibilities of the moment.

## 611.5 Functional and Organizational Titles

Functional titles (for example, military liaison officer, employee relations officer) and organizational titles (for example, chief of political section, chief of personnel unit) may be established by the post and used locally. Such functional and organizational titles shall not include words that may be confused with commissioned or noncommissioned diplomatic titles and commissioned consular titles or with occupational titles, or personal ranks, classes, or grades.

## 611.6 Titles With Adjectives or Descriptive Phrases

Modifying adjectives or phrases denoting a field of specialization (for example, counselor for economic affairs, agricultural attache, civil air attache, commercial attache, labor attache) may be used with a commissioned or noncommissioned diplomatic title when the Department determines that the modifying adjective or phrase provides a more useful title that is internationally recognized. The post will make recommendations to the Department.

## 611.7 Certificate for Deputy Assistant Secretary Appointment

An official assigned to a deputy assistant secretary position may receive a certificate which records the assignment. Certificates are prepared by the Publishing Services Division (FAIM/PS) based on requests from bureau executive directors. The Office of the Director General/Director of Personnel should clear each request.

To obtain certificates, the bureau executive office should send a memorandum addressed to FAIM/PS/GR through M/DGP, subject: "Certificate for Deputy Assistant Secretary". Attach a completed Project Request, Form DS-1141, to the memorandum.

The certificate should include the entry on duty date (month, day, and year). The name of the deputy assistant secretary, as it will appear on the certificate, should be cleared by the requesting office.

# 612 COMMISSIONED TITLES

## 612.1 Definition

Commissioned diplomatic and consular titles are titles derived from commissions granted under the provisions of the Constitution by law enacted in accordance therewith.

## 612.2 Types of Appointment Commissions and Assignment Commissions

In the Foreign Service, appointment and assignment commissions may be granted as follows:

**a. By the President, by and with the advice and consent of the Senate:**

Ambassador Extraordinary and Plenipotentiary
Envoy Extraordinary and Minister Plenipotentiary

Personal Rank of Career Ambassador
Ambassador at Large

Career Member of the Senior Foreign Service (of the class of Career Minister, Minister-Counselor, or Counselor).

Foreign Service Officer
Secretary in the Diplomatic Service
Consular Officer

NOTE.-- In the context of an appointment commission as a Career Member of the Senior Foreign Service, the words Career Minister, Minister-Counselor, and Counselor are used to describe, in descending order, the permanent class or level of the appointee, not necessarily as the specific diplomatic title assigned to the appointee at a particular post.

b. **By the President (without Senate confirmation) or by the Secretary of State :**

Charge d'Affaires

(The Secretary of State may appoint a Charge d'Affaires, but the documentation is not a commission, but a letter of credence to the Foreign Office.)

c. **By the President and the Secretary of State (subsequent to appointment as consular officer):**

Consul General
Consul
Vice Consul

d. **By the Secretary of State:**

Vice Consul (under section 312 of the Foreign Service Act of 1980, as amended).
Consular agent (under section 303 of the Foreign Service Act of 1980, as amended).

## 612.3 Consular Appointment and Assignment Commissions

### 612.3-1 Consular Appointment Commissions

Members of the Service of class 6 and above may be recommended for appointment as Consular Officers of the United States of America (hereafter referred to as Consular Officer(s) of the USA). Such appointments are made by the President, by and with the advice and consent of the Senate, and evidenced by an appointment commission. Such appointments continue in force at the pleasure of the President, unless specifically resigned by the member. (Appointment as a Consular Officer of the USA should not be confused with the functional title of consular officer nor the appointment commission as Consular Officer of the USA with the assignment commission as a consul general, consul, or vice consul (see section 612.3-2).) Under exceptional circumstances, and to meet urgent needs of the Service, members of rank lower than class 6 may be recommended for appointment as Consular Officer of the USA and granted a title as provided in section 615.3-2c for the duration of the assignment for which selected.

### 612.3-2 Consular Assignment Commissions

Members of the Service with appointment commissions as Consular Officers of the United States of America who are assigned abroad to a consular post or to a diplomatic mission where they are to perform consular functions receive from the President and/or the Secretary of State, when required by the host government, consular assignment commissions as consul general, consul, or vice consul at a specific post. (In many countries, notification and recognition of a consular officer is accomplished by an exchange of diplomatic notes between the Embassy and the foreign office.) Consular assignment commissions lapse upon the member's reassignment. When a member is temporarily detailed from post of assignment, the consular assignment commission does not lapse until that member is transferred to a new post. Those members whose assignments abroad do not involve consular activities will not normally be given a consular title and, consequently, they do not have authority to perform those consular functions which require consular recognition by the receiving government.

# 613 NONCOMMISSIONED TITLES

## 613.1 Titles Which May Be Granted

Noncommissioned titles may be granted as follows:

a. **By the President:**

Personal rank of ambassador
Personal rank of minister

b. **By the Secretary of State:**

Attache
Assistant attache
Vice consul
Acting consular agent (see section 993)

## 613.2 Use With a Commissioned Title

When authorized by the Department, noncommissioned diplomatic titles may be used simultaneously

with commissioned consular titles and noncommissioned diplomatic titles may be used simultaneously with commissioned diplomatic titles.

# 614 CRITERIA FOR AMBASSADORIAL, MINISTERIAL, AND COUNSELOR TITLES

## 614.1 Ambassador

### 614.1-1 Personal Rank of Career Ambassador

Under section 302(a)(2)(A) of the Act, the President may, by and with the advice and consent of the Senate, confer the personal rank of career ambassador upon a career member of the Senior Foreign Service in recognition of especially distinguished service over a sustained period. Such member may use the title of ambassador of the United States, except when that member is serving in a position in which the use of the title of ambassador would not serve the best interests of the United States; then that member shall use such other title as may be authorized.

### 614.1-2 Personal Rank of Ambassador

Under section 302(a)(2)(B) of the Act, the President may confer the personal rank of ambassador on a member of the Service or other individual in connection with a special mission of the President of a temporary nature not exceeding 6 months in duration. Such personal rank may be conferred only if, before such conferral, the President transmits to the Committee on Foreign Relations of the Senate a written report setting forth (a) the necessity for conferring such rank; (b) the dates during which such rank will be held; (c) the justification for not submitting the proposed conferral of personal rank to the Senate as a nomination for advice and consent to appointment, and (d) all relevant information concerning any potential conflict of interest which the proposed recipient of such personal rank may have about the special mission. Such report shall be transmitted not less than 30 days before conferral of the personal rank of ambassador except in cases where it is certified in the President's report that urgent circumstances require the immediate conferral of such rank. The title will terminate upon completion of the mission, but in all cases at the end of the 6 months' legal limitation.

## 614.2 Minister

### 614.2-1 Personal Rank of Minister

Under section 302(a)(2)(B) of the Act, the President may confer the personal rank of minister on a member of the Service or other individual in connection with a special mission of the President of a temporary nature not exceeding 6 months in duration. Such personal rank may be conferred only if, before such conferral, the President transmits to the Committee on Foreign Relations of the Senate a written report setting forth (a) the necessity for conferring such rank; (b) the dates during which such rank will be held; (c) the justification for not submitting the proposed conferral of personal rank to the Senate as a nomination for advice and consent to appointment, and (d) all relevant information concerning any potential conflict of interest which the proposed recipient of such personal rank may have about the special mission.

Such report shall be transmitted not less than 30 days before conferral of the personal rank of minister except in cases where it is certified in the President's report that urgent circumstances require the immediate conferral of such rank. The title will terminate upon completion of the mission, but in all cases at the end of the 6 months' legal limitation.

### 614.2-2 Minister-Counselor

a. "Minister-Counselor" is a diplomatic title higher than that of counselor, but subordinate to that held by a chief of mission. The diplomatic title of minister-counselor may be granted only to members who have received an appointment commission as a Secretary in the Diplomatic Service of the United States of America .

b. The title of minister-counselor will not be conferred when a member is serving in a temporary capacity.

c. The title of minister-counselor is conferred on a member only for use in the position to which it pertains. The member will lose the title upon termination of assignment to the position.

d. The title of minister-counselor will be conferred on members who hold appointment commissions as Secretaries in the Diplomatic Service of the United States of America and are assigned as deputy chiefs of missions at *pay level FA-13 missions*.

e. The title of minister-counselor may be conferred on members who hold appointment commissions as Secretaries in the Diplomatic Service of the United States of America and who are assigned to such other positions as may be approved on an ex-

ceptional basis by the Director General of the Foreign Service and Director of Personnel, or the appropriate Deputy Assistant Secretary for Personnel.

## 614.3 Counselor

a. The title of counselor will be granted to those members who have appointment commissions as a Secretary in the Diplomatic Service of the United States of America and have been assigned as follows:

(1) Deputy chief of mission at *pay level FA-14 missions*.

(2) Chiefs of sections at *all missions*, regardless of the position level, if the rank of the member is of class 1 or above.

b. The title of counselor may be conferred, in rare and exceptional circumstances, by the Director General of the Foreign Service and Director of Personnel or the appropriate Deputy Assistant Secretary for Personnel on other members of class 1 or above who have appointment commissions as a Secretary in the Diplomatic Service of the USA and who are assigned to a position at *any mission* where the lack of such title would constitute a major impairment to the effective performance of the member's duties or the function of the mission. The title of counselor will not be conferred when a member is serving in a temporary capacity .

c. The fact that a member held a counselor title at a previous post is not justification for receiving the title for subsequent assignments. A member is authorized to use a counselor title only in the position for which it has been approved at the post of assignment. The member does not retain the title upon transfer from the position and the post of assignment.

# 615 CRITERIA FOR OTHER TITLES IN ORGANIZATIONAL OR FUNCTIONAL POSITIONS

## 615.1 Titles in Organizational Positions

A member of the Service who has not received the title of ambassador or minister, or who has not been commissioned as a Career Member of the Senior Foreign Service of the classes of Career Minister, Minister-Counselor, or Counselor , shall, subject to section 615.3, be deemed to require a diplomatic or consular title, or both, as may be appropriate to the member's assignment in one of the following organizational positions as: deputy chief of mission; chief or director of a major section or program activity at a diplomatic mission; deputy or principal assistant to such chief or director; special assistant to the chief of mission; principal officer of a consular post; deputy or principal assistant to such principal officer; chief or director of a major section or program activity at a consular post; deputy or principal assistant to such chief or director; or when assigned to an organizational position which requires the performance of statutory consular duties or functions.

## 615.2 Titles in Functional Positions

a. A member of the Service who is not assigned to one of the organizational positions listed in section 615.1 may be deemed to require a diplomatic or consular title, or both, as may be appropriate to assignment in a functional position:

(1) When the principal duty under the position to which a member is assigned requires the implementation of one or more diplomatic or consular functions; and

(2) When the effective performance of such duty requires a close and consistent pattern of relations with officials of the national government or of other foreign missions, or in the case of a consular officer, with senior officials of the government within the consular district. The chief of mission or principal officer of a consular office should communicate the justification to the Department for decision .

b. A member of the Service who does not meet the criteria of paragraph a. may be deemed, nevertheless, to require a diplomatic or consular title, or both, as may be appropriate to the member's assignment, where a denial thereof would impair the effective performance of the diplomatic or consular functions of the Foreign Service post concerned. The determination of the chief of mission or principal officer of a consular office in light of the conditions at post should be communicated to the Department with appropriate justification for decision .

c. In the event the chief of mission or principal officer of a consular office is unable to make the determination called for in paragraphs a. and b. before the arrival of the member concerned at post, the grant of authority to use the title will be deferred pending reassessment of the conditions after the member has reported for duty.

d. When a member is assigned as a position replacement for another who used a title, which had been authorized by the Department, in that position, the presumption is that the requirements of the position continue to satisfy the criteria for the need of a title, but not necessarily the same one used by the member's predecessor. Such presumption will form the basis for the Department's grant of a title and the authority to use it, consistent with law and Department policy.

## 615.3 Grant and Use of Diplomatic and Consular Titles

### 615.3-1 Procedures

All individuals, regardless of their parent agency, do not have and should not use a diplomatic or a consular title unless the Department has authorized one as follows:

a. Department of State Personnel: Item 4 of the TMFOUR, Personnel Action and Travel Authorization, will indicate the title or titles authorized.

b. AID, USIA, Commerce/FCS, and Agriculture/FAS: Authorization is by Form DS-1474, Request for Diplomatic or Consular Title, which is prepared by the personnel office of the parent agency and submitted to the Department for consideration. If a title is approved, copy No. 7 of the DS-1474 is sent to the embassy personnel office, indicating the title and its effective date.

c. Military Attaches' and Personnel of Other U.S. Government Agencies: Titles are authorized by *Department telegrams*.

### 615.3-2 Diplomatic Titles

A member of the Service deemed to require a diplomatic title under sections 615.1 and 615.2 (paragraphs a. and b.) may be authorized to use a secretarial title under that member's appointment commission, or an attache title, whichever is appropriate, depending on custom, usage, or local conditions. A member of the Service who does not have an appointment commission and for whom a secretarial title is appropriate may be recommended for such commission. Secretarial and attache titles may be granted on the basis of class rank as follows:

**a. Secretary**

Contingent upon being commissioned in the Diplomatic Service of the USA, a Senior Foreign Service officer (or SFS Career Candidate) and a Foreign Service officer (or FSO Career Candidate) of class 1 or 2 may be designated a first secretary; a Foreign Service officer (or FSO Career Candidate) of class 3 or 4 may be designated a second secretary; and a Foreign Service officer (or FSO Career Candidate) of class 5 or 6 may be designated a third secretary.

**b. Attache and Assistant Attache**

**(1) Officers in the Foreign Service**

The title of attache may be accorded to Senior Foreign Service officers (or SFS Career Candidates), and to Foreign Service officers (or FSO Career Candidates), and other members of the Service at classes 1 through 4. The title of assistant attache may be accorded to Foreign Service officers (or FSO Career Candidates) and other members of the Service at classes 5 through 7.

**(2) Officers Not in the Foreign Service**

The title of attache or assistant attache may be accorded to officers of U.S. Government departments or agencies who are not members of the Foreign Service, and who are assigned to serve at diplomatic missions under the Department's agreement with the parent agency. Officers are authorized to use such titles only after mission's receipt of the Department's formal notification of approval. The title is conferred on an officer only for use in the position to which it pertains at post of assignment. The officer will lose the title upon termination of assignment to the position and the mission.

### 615.3-3 Consular Titles

The consular title of a member of the Service deemed to require such a title under sections 615.1 and 615.2 (paragraphs a. and b.) will be specified in the member's consular assignment commission. A member's consular title will equate, normally, with the member's class, but the nature of a particular assignment may require a higher or lower title than that to which a member would otherwise be eligible by virtue of the member's grade. The conferral of a higher consular title does not signify reward nor does that of a lower title reflect discredit upon a member. As a matter of policy, the Department will not lower a member's consular title during the course of an assignment. Subject to the needs of the Service, consular titles may be accorded as follows:

**a. Consul General**

The title of consul general may be accorded to:

(1) A member of the Service, regardless of class, at a diplomatic mission, who is either the supervisory consular officer or chief of the consular section, if the position level is class 1 or above; or

(2) A member of the Service, regardless of class, who is principal officer at a consulate general, if the position level is class 1 or above.

**b. Consul**

Senior Foreign Service officers (and SFS Career Candidates).

Foreign Service officers and other members of the Foreign Service in classes 1 through 3.

Foreign Service officers and other members of the Foreign Service in class 4 when assigned as principal officers at consular posts.

**c. Vice Consul**

Foreign Service officers and other members of the Service in classes 4 through 6. The title is limited to the duration of the assignment.

# 616 DIPLOMATIC LISTING

## 616.1 Policy

The size of a diplomatic list may vary from post to post depending on a number of variable factors including the local requirements of the host government. Thus, not everyone authorized to use a diplomatic title at a mission is thereby assured of a place on the diplomatic list. As a matter of policy, the best interest of the United States is reflected by a list which is limited to the needs of the mission. Such needs include a fair and equitable representation of all sections and agencies at the post consistent with local conditions and circumstances.

## 616.2 Responsibility

The chief of mission is responsible for the composition and control of the list of names submitted to the authorities of the host government for inclusion in its diplomatic list.

## 616.3 Criteria

a. Every member of the Service and every non-Foreign Service civilian officer serving at a diplomatic mission and authorized to use a diplomatic title shall be considered for a place on a diplomatic list.

b. Every member of the Armed Forces serving at a diplomatic mission as a military attache or assistant military attache, or as a member of a military assistance group or mission under an agreement which accords the officer full diplomatic status, shall be considered for a place on the diplomatic list.

c. In preparing the list of names for submission to the host government, the chief of mission shall select from among the officers under consideration for diplomatic listing those for whom the chief of mission determines listing is necessary for the effective performance of their functions. When, however, the chief of mission decides that it would be in the best interest of the U.S. Government to reduce the size of such list, or when local conditions and circumstances require reduction, the chief of mission may do so either on the basis of rank or function, or both, or under such other criteria as deemed just and proper, so that such list after its modification reflects a fair and equitable representation of all sections and agencies at the mission consistent with its needs.

## 616.4 Precedence

The order of precedence on the lists submitted to the host governments for inclusion in their diplomatic lists shall be governed by the provisions of 2 FAM 300.

# 617 EXCEPTIONS AND CHANGES OF TITLES

## 617.1 Exceptions

There may be extraordinary circumstances or overriding considerations which require on an exceptional basis the officer's use of a specific title or diplomatic listing, or denials thereof, in a particular case. In such case, the Department will issue appropriate instructions, consistent with law and Department policy, to the post concerned.

## 617.2 Change of Titles

Foreign Service posts may recommend to the Department the granting or changing of diplomatic or consular titles, but they have no authority to grant or change any titles other than functional or organizational titles established for local use by section 611.5.

# 618 USE OF TITLES UPON RETIREMENT

a. A career member of the Senior Foreign Service who has attained under the Foreign Service Act of 1980 the personal rank of career ambassador, or the class of career minister, minister-counselor, or counselor, appointed by the President, by and with the advice and consent of the Senate, may use the following titles, as appropriate, upon retirement:

Career Ambassador of the Foreign Service of the United States of America, Retired.

Career Minister of the Foreign Service of the United States of America, Retired.

Minister-Counselor of the Foreign Service of the United States of America, Retired.

Counselor of the Foreign Service of the United States of America, Retired.

b. A member of the Service who attained under the Foreign Service Act of 1946, as amended, the rank of career ambassador, career minister, or career minister for information, appointed by the President, by and with the advice and consent of the Senate, may use the following titles, as appropriate, upon retirement:

Career Ambassador of the United States of America, Retired.

Career Minister of the United States of America, Retired.

Career Minister for Information of the United States of America, Retired.

c. Upon retirement, a member of the Service is authorized to retain and use one of the following titles to which the member is entitled :

Foreign Service Officer of the United States of America, Retired.

Foreign Service Information Officer of the United States of America, Retired.

Consul General of the United States of America, Retired.

Consul of the United States of America, Retired.

**619 (Unassigned)**

ATTACHMENT 41B

SAMPLE MEMORANDUM - APPLICATION FOR PRESIDENTIAL COMMISSIONING AS A FOREIGN SERVICE OFFICER

TO: See Distribution

FROM: Chief, Foreign Service Personnel Division (PFM/PM/FSP)
Room 1107, SA-1

SUBJECT: Application for Presidential Commissioning as a Foreign Service Officer

As provided for under Section 312 of the Foreign Service Act of 1980, and as described in Handbook 25, Chapter 41, U.S. citizen members of the Foreign Service may be recommended by the Secretary of State and, by and with the advice and consent of the Senate, be commissioned by the President as a diplomatic or consular officer or both. Excepting members appointed into or within the Senior Foreign Service, such members will be appointed and commissioned as a Foreign Service Officer, Consular Officer and a Secretary in the Diplomatic Service of the United States of America. Such commissioning "... empower(s) you to do and perform all such matters and things as to the said offices do appertain, and to have and to hold said offices, and to exercise and enjoy all of the rights, privileges and immunities thereunto appertaining during the pleasure of the President of the United States."

To be eligible for Presidential commissioning, an AID member of the Service must be:

- a U.S. citizen;
- a tenured, career member of the Service; and
- appointed or promoted to the class of FS-3 or above.

Members who are considering applying for a Presidential commission should be aware that the provisions of certain statutes treat commissioned officers differently from members who are not commissioned. First, commissioned officers may be treated differently under the State/local administrative tax codes depending on the member's place of residence. Secondly, a military veteran who is also a commissioned Foreign Service Officer loses his/her status as a preference eligible, as defined in 5 U.S.C. 2108(3), for purposes of a reduction in force, 5 U.S.C. 3501.

Thirdly, a preference eligible (military veteran) who becomes a commissioned officer, loses the option to appeal an adverse action (suspension for more than 14 days or termination) to the Merit Systems Protection Board, 5 U.S.C. 7511. He or she may appeal only to the Foreign Service Grievance Board, as is the case for all Foreign Service members who are not military veterans. Finally, a commissioned officer is not eligible for overtime or other types of premium pay such as Sunday, night, stand by, irregular and hazardous duty differential, 5 U.S.C. 5541, as amended by the Foreign Service Act of 1980.

The commissioning of eligible members as Foreign Service Officers is supportive of the professional career service concept fostered by the Foreign Service Act of 1980. All members who meet eligibility criteria are therefore encouraged to submit applications for commissioning at the earliest appropriate opportunity.

A sample Presidential commissioning Request is attached for your convenience.

Attachment:
a/s

Distribution: (To Eligible Members)

ATTACHMENT 41C

SAMPLE MEMORANDUM - REQUEST FOR PRESIDENTIAL COMMISSIONING AS A FOREIGN SERVICE OFFICER

TO: Chief, Foreign Service Personnel Division (M/PM/FSP)
Room 1107, SA-1

SUBJECT: Request for Presidential Commissioning as a Foreign Service Officer

I request that I be considered at the earliest appropriate opportunity as a candidate for Presidential Commissioning as a Foreign Service Officer, Consular Officer and Secretary in the Diplomatic Service of the United States of America. I confirm that I am a career member of the Foreign Service and am available for worldwide assignment. I understand that commissioning as a Foreign Service Officer represents a change in some respects from my current employee status and I knowingly and willingly accept the benefits, limitations and responsibilities following therefrom.

If I am judged eligible and suitable for commissioning as a Foreign Service Officer, the following information should be used in the granting of such commission:

(a) My legal state of residence is _____

(b) I desire to have my name on my commission as follows:

_____
(Please Type or Print)

_____
(Signature)

ATTACHMENT 41D

SAMPLE MEMORANDUM - COMMISSIONING OF FOREIGN SERVICE OFFICERS

MEMORANDUM FOR THE SECRETARY

SUBJECT: Commissioning of Foreign Service Officers

The attached list contains the names of AID members of the Service who are eligible for appointment and/or commissioning as career members of the Service under Sections 302 and 312 of the Foreign Service Act of 1980.

I recommend that the President nominate the named persons for appointment and commissioning as Foreign Service Officers, Consular Officers and Secretaries in the Diplomatic Service of the United States.

Each of the persons recommended herein currently holds a security clearance under Executive Order 10450, "Security Requirements for Government Employment."

(AID Administrator)

Attachment:

List of Members to be Appointed and Commissioned

SAMPLE ATTACHMENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

For appointment as a Career Member of the Foreign Service and commissioning as a Foreign Service Officer, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

| (Name) | (Class and Present Status) (Career/Limited) | (Official/Legal Residence) |
|---|---|---|
| Nathan J. Andrews | FS-1 | Virginia |

(List Alphabetically)

ATTACHMENT 41E

## REQUESTS FOR DIPLOMATIC TITLES

Requests for issuance of diplomatic titles and rank are usually made via cable by the Embassy. Justification must be provided by the field, especially when a new position is involved.

Following receipt of a request from the field, Form DS-1474, "Request for Approval of Diplomatic or Consular Title," is completed by M/PM/EPM or M/PM/FSP and submitted to State/PER/FCA for action.

Commissioned members of AID's Foreign Service or Senior Foreign Service may receive diplomatic titles and rank as provided for in 3 FAM 610. Non-commissioned (FP) members and limited appointees (FSL or FEL) normally will be accorded Attache or, if appropriate, Consular titles. State/PER/FCA reviews such requests and notifies AID/PFM/PM and the Embassy as to disposition/ approval.

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C 20523

ATTACHMENT 41F

TO: Chief, Foreign Service Personnel Division (M/PM/FSP)

SUBJECT: Application for Presidential Commissioning as a Foreign Service Officer

REFERENCE: HB 25, Chapter 9, Supplement 9A

I hereby submit my application as a candidate for Presidential Commissioning as a Foreign Service Officer, Consular Officer and Secretary in the Diplomatic Service of the United States of America. I confirm that I am a career member of the Foreign Service and am available for worldwide assignment. I understand that commissioning as a Foreign Service Officer represents a change in some respects from my current employee status and I knowingly and willingly accept the benefits, limitations and responsibilities following therefrom.

If I am judged eligible and suitable for commissioning as a Foreign Service Officer, the following information should be used in the granting of such commission:

(a) My legal state of residence is _____

(b) I desire to have my name on my commission as follows:

_____
(Please Type or Print)

(c) My date of birth is: _____

_____
(Signature)

_____
(Date)

Mail completed form to:

Wilma Ditter
M/PM/FSP/EE
Room 1140, SA-1
AID/W

ATTACHMENT 41G

SAMPLE

FS APPOINTMENT COMMISSION

# The President of the United States of America

To _____

a Member of the Foreign Service of the United States of America, Greeting:

Reposing special trust and confidence in your Integrity, Prudence, and Ability, I have nominated and, by and with the advice and consent of the Senate, do appoint you a Consular Officer and a Secretary in the Diplomatic Service of the United States of America, and do authorize and empower you to have and to hold the said office, and to exercise and enjoy all the rights, privileges and immunities thereunto appertaining, during the pleasure of the President of the United States.

In testimony whereof, I have caused the Seal of the United States to be hereunto affixed.

Done at the City of Washington this _____ day of _____ in the year of our Lord one thousand nine hundred and _____ and of the Independence of the United States of America the two hundred and _____

By the President:

Secretary of State.

# CHAPTER 42

# CONSULTATION

## 42A. Purpose

This chapter provides the regulations and procedures which govern the request and approval of consultation by AID Foreign Service and Senior Foreign Service employees at locations other than their regular duty post or en route to a new post.

## 42B. Applicability

This chapter applies to U.S. citizen direct hire AID Foreign Service and Senior Foreign Service employees and participating agency employees. It does not apply to experts and consultants, personal service contractors, or resident hire employees.

## 42C. Authorities and References

1. Foreign Assistance Act of 1961, as amended, sec. 621(a)
2. Foreign Service Act of 1980, as amended, sec. 903(c)
3. International Security and Development Cooperation Act of 1981, as amended
4. AID Handbook 22, Travel and Transportation
5. Standardized Regulations (Government Civilians, Foreign Areas) (for payment of per diem, allowances, and differentials)

## 42D. Definitions

1. Consultation. A form of temporary duty (TDY) authorized for meetings away from post between AID employees and Government officials or private sector representatives for the purpose of discussions, advice, counsel, or planning relating to AID program, personnel or administrative matter, including TDY for orientation, as in the case of new employees en route to post via AID/W. Consultation is always indicated in workdays (not calendar days) in travel orders.

2. Office Head. As used in this chapter, the head of an independent office who reports directly to the Administrator.

3. Sending and Gaining Offices. As used in this chapter, the "sending" office is the employee's current duty or TDY post; the "gaining" office" is the host office for the consultation.

42E. Required Approvals

1. No consultation may be undertaken without the prior approval of the sending and gaining offices. Except as provided in 42E3 below, for consultation in the U.S., whether or not in AID/W, approval of the regional bureau(s) and offices concerned with the subject matter is required and advance notice must be provided M/PM/EPM, M/PM/FSP or IG/EMS, as applicable. Approving officers must ensure that clearances and coordination among interested parties in AID/W and overseas have been secured.

2. Consultation in connection with separation must be approved by M/PM/EPM or M/PM/FSP, as appropriate.

3. Mission Directors may approve up to ten days mission-funded TDY to AID/W without formal AID/W approval, except when in connection with separation.

4. Except as otherwise limited by this section, the appropriate Office Head or Assistant Administrator may approve consultation for executive personnel (see Chapters 39 and 13 of this Handbook).

5. Except as otherwise limited by this section, the Mission Director or the sending or gaining AID/W Office head, or designees, propose or approve periods of consultation in excess of ten days.

42F. Proposing Consultation

Proposals for consultation in AID/W or at an overseas post are made by telegram or memorandum, providing sufficient information on costs, purpose, and travel arrangements to evaluate the proposal.

42G. Consultation in Connection With Separation

Consultation in AID/W in connection with resignation, retirement or involuntary separation may be authorized if it is determined to be in the best interests of the Agency. Such may be appropriate for, e.g., Bureau debriefings on projects managed by the employee or briefing of the designated replacement. Consultation will be limited to the time necessary to complete official Agency business, but may not exceed fifteen workdays. The concurrence of the appropriate geographic bureau and office(s) concerned with the consultation is required.

1. An employee at post who is requesting retirement from AID/W may include a request for AID/W consultation as a part of the retirement application (for procedures and approvals, see HB 30, Ch. 3). The employee's retirement proposal should identify and justify the requested consultation period. Consultation must be completed by the effective date of retirement.

2. An employee who separates at post is authorized direct travel to the separation residence. However, if it is determined to be in the Agency's best interests, travel may include consultation in AID/W (for repayment responsibilities, see HB 30, Ch. 8). During such consultation, only travel and per diem will be authorized since salary/compensation is terminated as of the effective date of separation at post. When a post or office considers such consultation necessary, the head of the initiating office sends the request for consultation to M/PM or IG/EMS, as appropriate. Requests initiated at post must be sent through the appropriate Bureau. Requests must identify the objectives of the consultation and proposed itinerary, and justify the period of time requested.

3. Periods of consultation must be indicated on the separation travel authorization, which must cite the approving authority, e.g., number and date of the AID/W cable approving consultation. All travel under this section must be performed within the time limits outlined in HB 22, Travel and Transporation.

4. Nothing in this section shall prohibit personnel who wish to stop in AID/W at their personal expense from travelling to AID/W on a constructive cost basis en route to their separation residence.

## 42H. Responsibilities of the Sending Office

Upon receipt of the appropriate clearances, the sending office briefs the employee on the purpose of the consultation, itinerary, contacts and liaison officers; assists the employee with such matters as passport, visas, travel reservations and immunization; and, advises the employee concerning procedures for pay, mail and travel vouchers.

## 42I. Responsibilities of the Gaining Office

The gaining office designates a liaison officer who is the central point of contact for program and administrative matters for an employee on consultation, e.g., preparing an agenda, scheduling appointments, reporting time and attendance, providing office space and secretarial help, securing visas or exit permits and, when the consultation is in the U.S., coordination with M/PM/EPM for Executive personnel, IG/EMS for IG personnel and M/PM/FSP for others.

## 42J. Dependent Travel

The travel of dependents to any location in connection with an employee's consultation must be in the interest of the Agency and in accordance with applicable travel regulations. Proposals for dependent travel must be separately justified, documented and approved in advance.

# CHAPTER 43

(RESERVED)

# CHAPTER 44

## DETAILS AND TRANSFERS TO INTERNATIONAL ORGANIZATIONS - FOREIGN SERVICE

### 44A. Purpose

This chapter provides the authorities, policies, responsibilities, and procedures for details and transfers of AID Foreign Service members to qualified public international organizations, and for details to certain agencies and other bodies.

### 44B. Applicability

1. Details

Any AID Foreign Service member, other than a career candidate or a noncareer member appointed under section 309 of the Foreign Service Act of 1980 (the Act), who is a U.S. citizen, is eligible to be detailed to an international organization (IO), or to certain agencies or other bodies. A member so detailed remains an employee of AID for all purposes throughout the term of the detail, including extensions.

2. Transfers

Any AID Foreign Service member who is a U.S. citizen is eligible to be transferred to an international organization, except for Presidential appointees (other than a Foreign Service Officer) and certain personnel serving in other than career appointments. A transferred member enters a new position and is separated from AID, except for retention of the rights and benefits specified in this chapter.

### 44C. Authorities

1. E.O. 11552
2. The Foreign Service Act of 1980, section 503
3. 5 USC, section 3343 and sections 3581 through 3584
4. 5 CFR, Part 352, Subpart C
5. FPM Chapter 352, Subchapter 3

44D. Policy

1. It is the policy of the U.S. Government to assist international organizations and (under section 503(a)(1) of the Act) certain agencies and other bodies, to obtain well-qualified U.S. citizens to serve in their secretariats and technical assistance programs. The law authorizes and encourages details and transfers of Federal employees as a way of making them available to international organizations, agencies, and other bodies in support of this policy.

2. AID actively assists international organizations, and certain agencies and other bodies, in finding well-qualified U.S. citizen AID personnel for their programs.

3. Details and transfers of AID personnel to international organizations shall be made without regard to race, sex, age, color, religion, or national orgin.

4. Details or transfers to international organizations to the extent possible will be based on the preference, skills, experiences, abilities, and career interests of the AID employee being considered for the detail.

5. AID employees under consideration for detail or transfer will be notified by the Office of Personnel Management (M/PM) as soon as possible and prior to being notified by the international organization.

6. Attachment 44A provides a list of the qualified public international organizations to which details and transfers may be made under authority of 5 USC 3343 and sections 3581 through 3584 (formerly the Federal Employees International Organization Service Act). The Agency may detail or transfer an employee under the authority of 5 USC 3343 to another public international organization only when U.S. Office of Personnel Management (OPM), after consultation with the Department of State, agrees that such other organization is qualified for inclusion on the list.

7. Career Foreign Service members who are U.S. citizens may be assigned (detailed) under section 503 of the Act, not only to qualified public international organizations, but also to duty in a non-Foreign Service (including Senior Executive Service) position in the Department of State or in another agency, or with an international organization, international commission, or other international body.

8. While the Act does not provide for transfers, Foreign Service members may be transferred to international organizations, with the reemployment rights specified in this chapter, pursuant to 5 USC 3581-3584.

44E. Responsibilities

1. Secretary of State

a. Approves, in cooperation with the parent agency of the employee, extensions of details or transfers to international organizations beyond the five year limitation specified in 5 USC 3343 and 3581-3584.

b. Defines and specifies the pay, allowances, post differential, and other monetary benefits to be considered in determining the basis on which the equalization allowance is made (see paragraph 44F4c).

2. Administrator, AID

Approves extensions of details beyond the limitation of four continuous years specified for details assigned under section 503 of the Act.

3. Office of Personnel Management (M/PM)

Takes action on written requests from international organizations and from agencies or other bodies (see paragraph 44D7), for the detail or transfer of AID employees, and for extensions, unless the total time (including an extension) would exceed five years (four years in the case of details under section 503 of the Act).

4. Office of Financial Management, Employee Services Division, Compensation and Accounting Control Branch (M/FM/ESD/CACB)

a. Is responsible for pay and allowances and related matters for employees on detail.

b. Serves as accounting and depositing office for contributions made by a transferred employee for retirement, health benefits, and insurance coverage.

5. Employee Transferring Under 5 USC 3581-3584

a. Acknowledges, in writing, notice from AID concerning benefits, and states intentions concerning retention of retirement, health benefits, and life insurance coverage while on the rolls of the international organization.

b. Remits contributions, as appropriate for retirement, health benefits, and insurance to the Central Accounting Division (M/FM/CAD), AID/W Cashier.

c. Indicates disposition to be made of accumulated and current accrued annual leave.

d. Forwards annually a completed form AID 410-1, Equalization Allowance Information (Att. 44B), to M/FM/ESD/CACB.

e. Sees that required performance evaluations are prepared by the organization and forwarded to M/PM in a timely manner (see 44F3f below).

44F. Terms of Details and Transfers

1. A detail or period of transfer in excess of 365 days does not constitute a break in Federal employment and employees will continue to be covered by the retirement system to which their appointment with AID would otherwise entitle them (transferred employees, see 44F4b below).

2. AID employees detailed or transferred to an international organization are subject to AID regulations governing employee responsibilities and conduct, including limitations on political activity, financial disclosure requirements, and post employment restrictions (HB 24, Ch. 2).

3. Conditions Applicable to Employees on Detail

a. Length of Detail

(1) Details under 5 USC 3343: A member may be detailed to an international organization for periods of up to five years, which may be extended for not more than three additional years when the Secretary of State, at AID's request, determines the extension to be in the national interest. The initial period of a detail usually is three years or less.

(2) Details under section 503 of the Act: A Foreign Service member may be detailed to an international organization or to any of the agencies or bodies specified in section 503(a)(1) of the Act, for not to exceed four years of continuous service, unless the Administrator, AID, approves an extension on the basis of special circumstances.

b. Status of Member on Detail

As used here, a detail is the assignment or loan of an AID Foreign Service member to an international organization or other agency or body. A member on detail continues to be an AID employee and to draw pay and allowances from AID throughout the period of the detail. The member retains privileges, rights, seniority, and all other employee benefits. Leave is earned and used under AID regulations.

c. Oath of Office

The international organization may require a member on detail to sign a declaration form. Signing this form is not considered to be in conflict with the member's AID oath of office, provided the declaration is merely a formal written recognition of the employer-employee type relationship.

d. Reimbursement for Employee Expenses

A member on detail may be reimbursed for allowances and expenses by an international organization without regard to 18 USC 209. A member may not accept reimbursement from both AID and the international organization, other agency or body, for the same expense. However, if the reimbursement is less than permitted under AID regulations, the Agency shall reimburse the member for the difference.

e. Ceiling Charge

Members on detail are counted against the AID position ceiling.

f. Performance Evaluation and Promotion

(1) A member's work performance while on detail shall be evaluated according to AID regulations. This requirement shall be contained in the detail agreement.

(2) A member on detail shall be considered for any promotion for which the member would be considered if serving in an AID position.

(3) Any promotion of a member on detail will be granted on the effective date of the promotion.

(4) When detailed pursuant to section 503 of the Act, the member's salary shall be the higher of the salary of the member's salary in AID or the salary of the position to which detailed.

4. Conditions Applicable to Transferred Members

a. Length of Transfer

An AID Foreign Service member may be transferred, under 5 USC 3581-3584, to an international organization for a period of up to five years, which may be extended for not more than three additional years when the Secretary of State, at AID's request, determines the extension to be in the national interest. The initial period of a transfer is usually three years or less.

b. Rights and Benefits Retained by Member

(1) During the period of reemployment rights, a Foreign Service member who transfers to an international organization retains retirement, health benefits, and insurance coverage provided the appropriate contributions are deposited currently with AID. Except for health benefits, payments and contributions to those funds are based on the rate of pay the member would have received if he/she had not transferred. AID will determine this rate. AID must establish when the transferred member would have received a within-grade increase, or general pay increase. Also, any promotions made during the period of transfer must be taken into account. Health benefits payments depend on the premium of the plan in which the member is enrolled and type of enrollment (family or self only). The Agency will ensure that member payments are adjusted as necessary.

(2) Member payments are considered to be deposited currently if received by AID before, during, or within three months after the end of the pay period during which coverage is provided. Failure to deposit payments currently terminates the member's coverage on the last day of the pay period for which payments were currently deposited, subject to a 31-day extension of life insurance and health benefits coverage as provided by regulations. Terminated coverage may not be renewed until the member actually reenters on duty in a pay status in AID.

(3) A member who transfers retains coverage and all benefits and rights to compensation for any work related illness or injury. However, such compensation may not be drawn from both the international organization and the U.S. Government.

c. Equalization Allowance

(1) Upon reemployment, a transferred member may be entitled to an equalization allowance. An equalization allowance is defined as the difference between the specified pay, allowances, post differential, and other monetary benefits a transferred member receives from the international organization and the amount which would have been received if detailed to the international organization from the Federal Government. Factors considered in calculating the allowance are:

(a) For the Federal Government

Net Salary (as defined below)
Living Quarters Allowance
Post Allowance
Post Differential
Education Allowance

(b) For the International Organization

Net Salary (as defined below)
Post Adjustment
Dependent Grant
Repatriation Grant
Education Allowance
Special Post Allowance

The Department of State defines net salary (i) for the Federal Government, as the amount paid an employee before the deduction of State and local taxes, but after the deduction of hypothetical U.S. Federal tax using the standard deduction considering the number of exemptions and appropriate tax table prescribed by the Department; (ii) for international organizations, following the Common System of Salaries and Allowances of the United Nations and Specialized Agencies, as the amount actually paid to the employee after the deduction of the Staff Assessment; (iii) for other international organizations, as the amount actually paid to the employee. In cases where pay is subject to State and local taxes, this shall be the pay before the deduction of the taxes.

(2) A member who transfers for a period of less than one year may be paid per diem in lieu of some or all of the above allowances. Upon returning to AID, the member shall be reimbursed for the difference between the gross salary, per diem, and allowances (if any) received while transferred and the gross salary and per diem the member would have received on an AID detail to the same duty station.

(3) At the end of each calendar year and at the end of the term of employment, the member must submit a statement of all pay, allowances and other monetary benefits received from the international organization; changes in family status and the applicable dates; and appropriate supporting evidence prescribed by AID to substantiate member's claim for equalization amounts. This information is submitted to M/FM/ESD/CACB using form AID 410-1, Equalization Allowance Information (see Att. 44B). Copies of this form will be given to a tranferred member at the beginning of the transfer.

d. Leave

(1) A transferred member may elect to retain with AID all accumulated and current accrued annual leave for which the member is eligible to receive a lump-sum payment; or the member may request a lump-sum payment at any time prior to reemployment with AID. The member must refund the amount of the lump-sum payment if reemployed by AID within six months after transfer.

(2) Annual Leave. Upon reemployment, a member is entitled to have the period of separation covered by the transfer and the period necessary to effect reemployment counted as creditable service for determining the rate at which annual leave is accrued. If not previously liquidated by lump-sum payment, the member's annual leave account retained with the Agency at time of transfer is reinstated. Annual leave earned while employed by the international organization will not be credited to the member's account upon reemployment with AID.

(3) Sick Leave. Upon reemployment, a member's sick leave account will be restored to the status at the time of the member's separation and transfer. Sick leave earned while employed by the international organization will not be credited to the member's account upon reemployment in AID.

(4) Home Leave. Upon reemployment of a transferred member, AID will restore the home leave account to the status at time of transfer. The member does not earn Federal home leave credit (5 USC 6305) during service with the international organization.

Leave earned (of any type) while in the employ of an international organization is not creditable when exercising reemployment rights.

e. Performance Evaluation and Promotion

(1) M/PM shall request that the international organization evaluate the work performance of a member on transfer in accordance with AID regulations.

(2) AID must consider a member on transfer for every promotion for which the member would have been considered had he/she remained in AID.

(3) Any AID promotion granted while the member is on transfer will be effective the day it would have been effective if the member were on the AID rolls.

f. Step Increases

The personnel and pay records of a transferred member are updated to reflect step increases as they become due. Appropriate adjustments are made in the amounts due from the member for retirement and life insurance.

g. Reemployment Rights

(1) A Foreign Service member who transfers to an international organization has a right to reemployment in an AID position such as that held at time of transfer, or to one of like seniority, status, and pay, and the member may bid on assignments pursuant to HB 25, Ch. 36 if the following conditions are met:

(a) Member is separated either voluntarily or involuntarily, at the expiration of or within the period of transfer and employment with the international organization; and

(b) Member applies for reemployment to AID no later than ninety calendar days after separation.

(2) Upon reemployment within the above statutory limitations a member is entitled to have the period of separation covered by the transfer and the period necessary to effect reemployment, counted as creditable service for all appropriate Federal employment purposes, such as determining the rate at which annual leave is accrued.

Attachments:
44A--OPM List of IOs
44B--Equalization Allowance Form
44C--Summary of Certain Tax Provisions

# ATTACHMENT A

## *LIST OF INTERNATIONAL ORGANIZATIONS WITHIN THE MEANING OF THE FEDERAL EMPLOYEES INTERNATIONAL ORGANIZATION SERVICE ACT

United Nations and Specialized Agencies and Special Programs of the United Nations

Food and Agriculture Organization
Intergovernmental Maritime Consultative Organization
International Bank for Reconstruction and Development (including International Finance Corporation)
International Civil Aviation Organization
International Labor Organization
International Monetary Fund
International Telecommunication Union
United Nations
United Nations Children's Fund
United Nations Educational, Scientific and Cultural Organization
*United Nations Environment Program
United Nations Relief and Works Agency for Palestine Refugees in the Near East
Universal Postal Union
World Health Organization
World Meteorological Organization

Inter-American Organization

Inter-American Children's Institute
Inter-American Development Bank
Inter-American Indian Institute
Inter-American Institute of Agricultural Sciences
Inter-American Tropical Tuna Commission
Organization of American States
Pan American Health Organization[1]
Pan American Institute of Geography and History
Pan American Railway Congress Association
Postal Union of the Americas and Spain

Other Regional Organizations

Caribbean Organization
Colombo Plan Council for Technical Cooperation in South and Southeast Asia
*Great Lakes Fisheries Commission
*North Atlantic Assembly
North Atlantic Treaty Organization
South Pacific Commission

Other International Organizations

African Development Bank
Asian Development Bank
*Asian Productivity Organization
*Asian Vegetable Research and Development Center
Central Commission for the Navigation of the Rhine
*Commission for the Conservation of Antarctic Marine Living Resources
European Atomic Energy Community
General Agreement on Tariffs and Trade of the Interim Commission of the International Trade Organization
Intergovernmental Committee for European Migration
International Agreement on the Maintenance of Certain Lights in the Red Sea
International Atomic Energy Agency
International Bureau for the Permanent Court of Arbitration
International Bureau for the Protection of Industrial Property
International Bureau for the Publication of Custom Tariffs
International Bureau of Weights and Measures
International Cotton Advisory Committee
*International Council for the Exploration of the Sea
International Council of Scientific Unions and Associated Unions
International Criminal Police Organization
*International Crops Research Institute for the Semi-arid Tropics
*International Fertilizer Development Center
International Hydrographic Bureau
International Institute for the Unification of Private Law
*International Maritime Satellite Organizations

[1]Previously known as Pan American Sanitary Organization

*Federal Personnel Manual
(Appendix A)
Inst. 322 May 3, 1985

International North Pacific Fisheries Commission
International Organization for Legal Metrology
International Pacific Halibut Fisheries Commission
International Pacific Salmon Fisheries Commission
International Rubber Study Group
International Secretariat for Volunteer Service
International Seed Testing Association
International Sugar Council
International Union of Official Travel Organizations
International Whaling Commission
International Wheat Council
Interparliamentary Union
Organization for Economic Cooperation and Development
Permanent International Association of Navigation Congress
*Secretariat to the Convention on International Trade in Endangered Species of Wild Fauna and Flora
Suez Canal Users Association
The Hague Conference on Private International Law
*Multinational Force and Observers
*United States-Iranian Claims Commission

Notes

(1) The preceding list contains the names of a number of small highly specialized international bodies not maintaining normal secretariats and not expected to require the full-time services of Federal personnel. They have been included on the list, however, because they may request the short term detail of a Federal employee and they do qualify as international organizations under Public Law 85-795.
(2) This list does not include SEATO or Baghdad Pact. Although these are international organizations in which the United States Government participates, assignments of Federal personnel are coordinated by the Department of State and are made under statutory authority other than Public Law 85-795.

ATTACHMENT B

# EQUALIZATION ALLOWANCE INFORMATION

**AUTHORITY**

FPM Chapter 352, Subchapter 3 - Detail and Transfer of Federal Employees to International Organizations, and HB 25, Employment and Promotion, provide that each employee on transfer is required to submit to the Agency for International Development at the end of each calendar year and at the end of his term of employment (1) a statement, certified by a competent official of the international organization, of payments for pay, allowances and other monetary benefits received from the international organization, (2) a statement of any changes in family status and the applicable dates, and (3) appropriate supporting evidence prescribed by the Agency to substantiate the employee's claim for equalization allowance.

**INSTRUCTIONS**

PART I—TO BE COMPLETED BY THE EMPLOYEE AND THE INTERNATIONAL ORGANIZATION

1. Prepare original and one copy.
2. If no changes have occurred in any item since the last report, indicate "No change from previous submission."
3. Item C. Employment Reporting Period is one of the following:
   a. For new employees, date salary and allowances commence with the international organization through December 31.
   b. For continuing employees, January 1 through December 31.
   c. For returning employees, January 1 through date of departure from post.
4. Item K. Show annual living quarters expense (no breakdown needed).
5. Item O. To be certified by an appropriate official of the international organization as to the contents of Item N.
6. Submit original to: Agency for International Development, Office of Financial Management, Employee Services Division, Central Payroll Branch (FM/ESD/CPB) Washington, D.C. 20523. Retain one copy for personal records.

PART II—ALL SECTIONS ARE TO BE COMPLETED BY THE AID OFFICE OF FINANCIAL MANAGEMENT

Item II.B. To find amount of equalization allowance, take the total from line 6, Item II.A., AID Computed Salary, Allowances, and Differentials, and subtract the total from line 6 in Item I.N., Salary and Allowances/Grants Paid During Period of Employment.

Office of Financial Management is to retain original for official record.

**PART I—TO BE COMPLETED BY THE EMPLOYEE AND THE INTERNATIONAL ORGANIZATION**

| A. EMPLOYEE NAME | B. INTERNATIONAL ORGANIZATION | C. EMPLOYMENT REPORTING PERIOD FROM | TO |
|---|---|---|---|
| D. POST OF ASSIGNMENT *(City and Country)* | E. DATE EMPLOYEE ARRIVED AT POST | F. LWOP DURING REPORTING PERIOD FROM | TO |
| G. FOREIGN CURRENCY EXCHANGE RATE. *(Most favorable rate of exchange at which you obtained foreign currency. If more than one rate prevailed during reporting period, quote and explain in Item P.)* ▶ | | $ 1 U.S. EQUALS | |

| H. QUARTERS OCCUPIED *(Street address, city, and Country)* | I. APT. OR ROOM NO. | J. DATE OCCUPIED | K. ANNUAL LIVING QUARTERS EXPENSE *(U.S. Dollars)* |
|---|---|---|---|
| | | | |

L. FAMILY DOMICILED AT POST OF ASSIGNMENT

| NAME | RELATIONSHIP | DATE OF BIRTH | DEPENDENCY | PLACE OF RESIDENCE STREET ADDRESS AND CITY | DATE OF ARRIVAL AT POST |
|---|---|---|---|---|---|
| 1. | | | % | | |
| 2. | | | % | | |
| 3. | | | % | | |
| 4. | | | % | | |

M. FAMILY DOMICILED AWAY FROM POST *(If applicable.)*

| NAME | RELATIONSHIP | DATE OF BIRTH | DEPENDENCY | PLACE OF RESIDENCE STREET ADDRESS AND CITY | DATE OF DEPARTURE FROM POST |
|---|---|---|---|---|---|
| 1. | | | % | | |
| 2. | | | % | | |
| 3. | | | % | | |
| 4. | | | % | | |

AID 410-1 (5-78)

CONTINUED ON REVERSE SIDE.

N. SALARY AND ALLOWANCE/GRANTS PAID DURING REPORTING PERIOD OF EMPLOYMENT

| ITEM | AMOUNT *(U.S. Dollars)* |
|---|---|
| 1. NET SALARY *(Gross less staff assessment)* | |
| 2. POST ADJUSTMENT | |
| 3. DEPENDENT GRANT | |
| 4. REPATRIATION GRANT | |
| 5. EDUCATION ALLOWANCE *(Kindergarten through 12th grade)* | |
| 6. SPECIAL POST ALLOWANCE | |
| 7. PER DIEM *(See HB 25, Chap. 21)* | |
| 8. TOTAL SALARY AND ALLOWANCES/GRANTS PAID | |
| 9. EMPLOYEE'S CERTIFICATION *(Signature)* | 10. DATE |

O. INTERNATIONAL ORGANIZATION CERTIFICATION

| 1. TYPED NAME | 2. TITLE |
|---|---|
| 3. SIGNATURE | 4. DATE |

P. REMARKS

**PART II—TO BE COMPLETED BY THE OFFICE OF FINANCIAL MANAGEMENT**

A. AID COMPUTED SALARY, ALLOWANCES, AND DIFFERENTIALS

| TYPE OF ALLOWANCE | AMOUNT *(U.S. dollars)* | EFFECTIVE DATE | |
|---|---|---|---|
| | | BEGAN | ENDED |
| 1. NET SALARY | | | |
| 2. LIVING QUARTERS ALLOWANCE | | | |
| 3. POST ALLOWANCE | | | |
| 4. POST DIFFERENTIAL | | | |
| 5. EDUCATION ALLOWANCE *(Kindergarten through 12th grade)* | | | |
| 6. PER DIEM *(See HB 25, Chap. 21)* | | | |
| 7. TOTAL AID COMPUTED | | | |

B. EQUALIZATION ALLOWANCE DUE EMPLOYEE

| | | | |
|---|---|---|---|
| 1. TOTAL AID COMPUTED | | 4. PERIOD COVERED | |
| 2. TOTAL SALARY AND ALLOWANCES/GRANTS PAID | | FROM | TO |
| 3. EQUALIZATION DUE | | | |

ATTACHMENT C

# SUMMARY OF CERTAIN PROVISIONS WHICH MAY BE AVAILABLE TO TRANSFERRED U.S. GOVERNMENT EMPLOYEES

1. Foreign Earned Income Exclusion

a. Personnel who transfer to an international organization and are employed abroad may qualify to exclude up to $85,000 of foreign earned income in 1984, $90,000 in 1985, and $95,000 in 1986 and later years.

b. To claim the foreign earned income exclusion the taxpayer, per IRS tax guidance (1983 Publication 54), must have foreign earned income, a tax home in a foreign country, and must be a U.S. citizen who is:

(1) A bona fide resident of a foreign country or countries for an uninterrupted period that includes an entire tax year, or

(2) Physically present in a foreign country or countries for at least 330 full days during any period of 12 consecutive months.

c. If the employee's spouse has income earned abroad and can meet either of the above tests, each may exclude such income up to the above limits for each tax year, i.e., a total of $170,000 for 1984, $180,000 for 1985, and $190,000 for 1986 and later years.

2. Foreign Housing Exclusion or Deduction

a. In addition to the foreign income exclusion, transferred personnel may also claim an exclusion or a deduction from gross income for a housing amount if their tax home is in a foreign country and they qualify under either the bona fide residence test or the physical presence test (1b above).

b. The "housing amount" per IRS 1983 Tax Guidance (Publication 54), is an amount equal to the excess of reasonable foreign housing expenses over a base housing amount. The base housing amount is 16% of the annual salary of a GS-14, step 1, U.S. Government employee, figured on a daily basis for the days meeting the bona fide residence test or the physical presence test. The annual salary is the GS-14-1 salary on January 1 of the year in which the employee's tax year begins.

3. Puerto Rico, Virgin Islands, Guam and Northern Mariana Islands

a. Residents of Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands are not entitled to the exemption for U.S. citizens in possessions, or to the exclusion of foreign earned income, or the exclusion or deduction of foreign housing amounts under the bona fide residence or physical presence rules related in 1b above.

b. Puerto Rico. Generally, a U.S. citizen who is a bona fide resident of Puerto Rico for an entire year is not subject to U.S. tax on income from Puerto Rican sources (this does not include amounts paid by the United States). However, income from sources outside Puerto Rico is subject to U.S. tax. Expenses allocable to the exempt income may not be deducted (see IRS Publication 570).

4. U.S. Government Employees

a. For the purposes of both the foreign earned income exclusion and the foreign housing exclusion or deduction, foreign earned income generally does not include any amounts paid by the U.S. or its agencies to its employees.

b. However, amounts paid by the U.S. or its agencies to persons who are not their employees, i.e., contractors, may qualify as foreign earned income for purposes of exclusion or deduction.

c. If you are a U.S. Government employee paid by a U.S. agency that assigned you to a foreign government to perform specific services, for which the agency is reimbursed by the foreign government, your pay is from the U.S. Government and does not qualify for the exclusion or deduction.

5. Income Averaging

An employee who chooses to figure tax under the income averaging method may not claim the foreign earned income or the foreign housing exclusions in the computation year. See IRS Publication 506 for information on Income Averaging.

6. General Note

It should be emphasized that this is a general and simplified summary of certain provisions in the tax code which may be of use to employees who are transferred and who are employed overseas. Each employee's situation is unique, and the individual should consider the specific rules. the IRS publications referenced herein, No. 54, "Tax Guide for U.S. Citizens and Resident Aliens Abroad," No. 570, "Tax Guide for U.S. Citizens Employed in U.S. Possessions," and No. 506, "Averaging," can be obtained from local IRS offices and should prove useful to employees in the exploration of their personal tax situations.

# CHAPTER 45

## FOREIGN SERVICE ASSIGNMENTS - SPECIAL PROGRAMS

### 45A. Purpose

1. This chapter provides the policies, regulations and procedures which govern the assignment of A.I.D. career Foreign Service (FS) and Senior Foreign Service (SFS) employees under section 503(a)(4) of the Foreign Service Act of 1980 (FSA), as amended. This chapter also implements for A.I.D. the Pearson Program, a professional development program authorized under section 503(a)(4) of the FSA (see 45D6 below).

2. The temporary assignment of A.I.D. career FS and SFS employees to state and local governments and institutions of higher education normally will be authorized under this chapter rather than the Intergovernmental Personnel Act (IPA). When such assignments are authorized under the IPA, the regulations contained in HB 25, Ch. 22 shall apply.

3. Information concerning assignments under the Joint Career Corps (JCC) program is included as Supplement 22A to HB 25, Ch. 22. Under this program, A.I.D. negotiates an "umbrella" agreement with a university whereby a select number of faculty employees, who are engaged in fields of science and technology relevant to A.I.D.'s programs in developing countries, alternate between university and A.I.D. Foreign Service assignments while retaining their university appointments, and FS and SFS employees may be assigned to participating universities.

4. For information concerning the detail of career FS and SFS employees to other Federal agencies or their detail or transfer to international organizations, see HB 25, chapters 20 and 44, respectively.

### 45B. Applicability

1. Career FS and SFS employees of A.I.D. are eligible for assignment under this chapter.

2. Eligibility for assignment under the Pearson Program is limited to U.S. citizen mid-level career employees with at least seven years of service.

3. This chapter applies to the assignment of a career employee in the United States, the Commonwealth of Puerto Rico, or a territory or possession of the United States with a state or local government, a public or private nonprofit organization (including an educational institution), a Member or office of the Congress under section 503(a)(4) of the FSA, including assignments under the Pearson Program.

45C. Authority

Sec. 503(a)(4), Foreign Service Act of 1980, as amended

45D. Definitions

1. Employing Office. As used in this chapter, employing office means:

a. The Foreign Service Personnel Division (M/PM/FSP) for all FS and SFS employees employees except as indicated in 45D1b and c below;

b. The Executive Personnel Management Staff (M/PM/EPM) for employees assigned to executive positions (see HB 25, Ch. 39); and

c. The Executive Management Staff, Office of the Inspector General, (IG/EMS) for auditors and inspector, BS-08.

2. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and territories or possessions of the United States; an instrumentality or authority of a state; or a Federal- state authority or instrumentality.

3. "Local Government" means a city, town, county or other district or subdivision of a state, including agencies, authorities and instrumenttalities of any of the foregoing and any combination of such units or combination of such units and state.

4. "Instrumentality or Authority" means an organization which: (a) is government created or controlled; (b) is public and nonprofit; (c) has some governmental function delegated to it; and (d) is recognized as an instru- mentality or authority by the state or local government. Public school districts and other special purpose authorities and districts, such as housing authorities and those providing water and sewer services, fall within the definition of a local government instrumentality or authority.

5. "Educational Institution" means an accredited private or public four-year college or university, or a technical or junior college located in the United States or within U.S. territories or possessions.

6. The "Pearson Program" is a professional development program for mid-level career employees with at least seven years of service. Pearson assignments are intended to provide: (a) experience in positions with program direction responsibility, (b) an opportunity to develop and demonstrate the management skills and breadth of experience essential for advancement to the senior ranks, and (c) an opportunity for exposure to current domestic issues.

## 45E. Responsibilities

### 1. Office of Personnel Management (M/PM) or Inspector General

The Director, M/PM, (Inspector General for BS-08), or designee, approves the terms and conditions of all assignments under this chapter and signs all Letters of Agreement (see Exhibit 45A).

### 2. Employing Office

The employing office is responsible for:

a. ensuring that all assignments under this chapter are effected in accordance with applicable laws, regulations and Agency policies and procedures;

b. preparing Letters of Agreement for all assignments in accordance with established procedures;

c. ensuring that all required personnel actions for employees assigned under this chapter are effected in accordance with applicable regulations, e.g., processes assignment actions, obtains performance evaluations, and processes within-grade increases or other pay actions as applicable; and

d. providing technical guidance to recipient organizations and FS and SFS employees assigned under this chapter.

### 3. Office of Financial Management (M/FM)

M/FM is responsible for ensuring that all fiscal obligations specified in a Letter of Agreement executed under this chapter are satisfied in accordance with applicable laws, Federal regulations and Agency policies and procedures.

4. Office of the General Counsel (GC)

GC Deputy Counselors on Ethical Conduct and Conflicts of Interest are available to counsel FS and SFS employees on potential conflicts of interest and related matters (see 45G below).

5. Employees

Employees assigned under this chapter (assignees) are responsible for fulfilling the terms and conditions specified in the Letter of Agreement.

45F. Policies

1. It is the Agency's policy to support assignments under this chapter when such assignments provide mutual benefits, including the sharing of scarce expertise, to A.I.D. and the recipient organization.

2. The number and types of assignments approved under this chapter will vary depending on the needs of the Agency.

3. The selection of personnel for assignment under this chapter shall be in accordance with the Agency's policy of nondiscrimination.

45G. Statutory Provisions

1. Liability Statutes

The Federal tort claims statutes and any other Federal tort liability statute shall apply to all employees assigned under this chapter.

2. Employee Responsibilities, Conduct and Political Activity

Assignees are subject to the Federal statutory and regulatory provisions governing ethical and other standards of conduct, conflicts of interest, suitability, security, and limitations on political activity (see HB 24, Ch. 2); and to applicable state and local government statutory and regulatory provisions.

45H. Assignment Procedures

1. General

a. Requests for the services of an A.I.D. employee are submitted to the Director, M/PM (Inspector General for BS-08 personnel), and must fully describe: (1) the nature of the work and duties to be performed; (2) any required skills or abilities, e.g., foreign language; (3) proposed duration of the assignment; and, (4) proposed funding arrangements.

b. Employees interested in such assignments should contact their employing office.

c. Assignments will be processed as details to the recipient organizations.

2. Letters of Agreement

a. A Letter of Agreement between A.I.D. and the recipient organization (see Exhibit 45A) will be executed for all assignments.

The agreement documents the terms and conditions of the assignment, including duties of the assignee, fiscal obligations, and employee benefits. The employing office provides copies of each agreement to the parties to the agreement, the assignee, and the Budget and Washington Accounting Operations Division of M/FM (M/FM/BUD and M/FM/WAOD respectively), and places the original and any supporting documents in the assignee's Official Personnel Folder.

b. Before an agreement may be effected, full agreement must be reached regarding allotment and appropriation charges for salaries and allowances. Financial costs and billing instructions must be specified in the agreement, including the billing addresses for both A.I.D. and the recipient organization; beginning and ending dates of the assignment; name, grade, step and salary of the assignee; names of contact persons; and any other pertinent billing information.

c. Any significant changes in the terms and conditions specified in an agreement must be approved by the Director, M/PM, (Inspector General for BS-08) and documented with an amendment. The original and copies of the approved amendment are distributed as indicated in 45H2a above.

3. Duration, Extension and Termination of Assignments

a. An assignment may be approved for up to two years, except for an assignment to a Member or office of the Congress, which normally will be for one year.

b. Requests for extensions are approved by the Director, M/PM, or designee, (Inspector General, or designee, for BS-08) and documented with an amendment which explains the reason(s) for the extension beyond the original term of assignment. Assignments may not exceed four years continuous service for any employee. This provision may be waived only by the head of the Agency.

c. An assignment may be terminated at any time at the request of either party, subject to any advance notification requirement specified in the agreement.

45I. Assignment Provisions

1. Status of Employees While on Assignment

a. A.I.D. employees on detail are considered Agency employees in all respects and retain all the rights and benefits of Federal employment (also see 45K below).

b. Assignees are placed on the Foreign Service Detail Support complement and counted against A.I.D.'s full-time equivalent (FTE) ceiling.

c. Assignees covered under the FS assignment system (see HB 25, Ch. 36), must submit a Completion of Assignment Report, form A.I.D. 4-253, in accordance with established procedures. Specific guidance will be provided by M/PM/FSP or IG/EMS, as appropriate. Assignees subject to the regulations governing assignments to executive positions should indicate their preferences for onward assignments as outlined in HB 25, Ch. 39, Executive Level Assignments - A.I.D. Foreign Service. Guidance will be provided by M/PM/EPM.

2. Personnel Actions

a. Notification of Personnel Actions, SF-50s, must be processed to effect, correct, extend, amend and terminate all reimbursable and nonreimbursable details.

b. A.I.D. reduction-in-force (RIF) regulations and disciplinary or adverse action provisions, as specified in HB 30 Chapters 2 and 5 respectively, are applicable to employees on detail.

3. Performance Evaluation, Promotions and Awards

a. The regulations contained in HB 25, Ch. 10, Performance Evaluation and Rating Program - Foreign Service, are applicable for employees on detail. Recipient organizations are required to complete the Employee Evaluation Report (Foreign Service), form A.I.D. 420-4.

b. The regulations contained in HB 30, Ch. 5, Incentive Awards Program, also continue to apply to employees on detail.

4. Attendance and Leave

a. The workweek and hours of duty will be determined by the recipient organization subject to the applicable Federal regulations.

b. On Federal holidays, assignees are either excused from duty without charge to leave or, if required to work, may receive holiday pay or compensatory time off (see HB 26, Ch. 8, Premium Pay). Members detailed to a state or local government may be excused from duty without charge to leave on state or local government holidays, but may not receive premium pay if required to work. Premium pay must be approved in advance by A.I.D.

c. Annual and sick leave continue to accrue in accordance with the provisions of HB 27, Attendance and Leave. Arrangements for maintaining leave records, both for earnings and charges, will be specified in the Letter of Agreement.

45J. Funding Provisions

1. Assignments to recipient organizations will be implemented as either reimbursable or nonreimbursable details. Assignments may be made on a wholly or partially reimbursable basis, including payment of travel, transportation and related costs, basic pay, and supplemental pay. The recipient organization normally should pay at least 50% of the total salary costs and 50% of the Agency's share of fringe benefits costs.

2. Fiscal obligations must be specified in the Letter of Agreement. Payment by A.I.D. for travel, overtime, or other special charges will be made only if requested in writing by the recipient organization and agreed to in writing by the Agency.

3. Indirect or administrative costs assumed by the recipient organization include, but are not limited to: charges for negotiating the agreement, preparing and maintaining fiscal records, developing reports or employee evaluations, tuition credits, office space and furnishings, supplies, staff support and computer time.

45K. Compensation and Employee Benefits

1. Assignees are paid by A.I.D. and are entitled to their Federal rate of pay. If the rate of pay for the position to which detailed is higher, the assignee may receive a supplementary salary from the recipient organization in accordance with its regulations. If the rate of pay is greater than the Federal rate of pay received prior to the assignment, the Federal rate of pay shall constitute the maximum salary rate which may be considered for retirement purposes.

2. Coverage of assignees under the Federal retirement, group life insurance (FEGLI) and health benefits (GHI) programs will continue. The applicable biweekly salary deductions will continue to be withheld. Funding arrangements governing A.I.D.'s contributions will be specified in the Letter of Agreement.

3. Assignees are subject to the policies and procedures contained in HB 28, Training and Staff Development. The concurrence of the recipient organization is required for training scheduled during the assignee's normal hours of duty. Such concurrence must be forwarded with the training request.

Attachment 45A

(SAMPLE FORMAT)

**Letter of Agreement**
**Between the**
**U.S. Agency for International Development**
**and**
(recipient organization)

The U.S. Agency for International Development (A.I.D.) hereby enters into an agreement for the temporary detail of (name/title) to (gaining agency). This assignment shall be made on a reimbursable/ nonreimbursable basis in accordance with the provisions set forth herein.

1. PURPOSE:
(Nature of work, justification for assignment)

2. SCOPE OF WORK:

A. Duties and Responsibilities of Assignee

B. Controls Over Work

3. DURATION, EXTENSION AND TERMINATION OF ASSIGNMENT:

A. This assignment is for the period beginning (date) and ending (date).

B. The period of assignment may be extended for a specific period of time with the mutual consent of the parties to the agreement and the assignee. An extension must be documented with an amendment.

C. This Agreement may be terminated by mutual consent of both parties, with reasonable notice to the assignee, or upon (no.) days notice in writing by either party of its intention to terminate the assignment.

4. RIGHTS AND BENEFITS:

A. The workweek and hours of duty will be determined by the gaining agency subject to applicable Federal regulations.

B. The assignee will continue to accrue annual and sick leave in accordance with the provisions of A.I.D. Handbook 27, Attendance and Leave. Use of leave will be approved by the supervisor designated for the period of assignment. The gaining agency will advise A.I.D. of any leave taken (indicate method of reporting). A.I.D. will maintain the assignee's official leave record.

C. The assignee's coverage under Federal retirement, group health benefits and life insurance programs shall continue during the period of assignment. The assignee's share of costs for such coverage will continue to be withheld from salary. Payment of the employer's share of costs shall be as indicated in 5A below.

D. The gaining agency shall complete the Employee Evaluation Report, form A.I.D. 420-4, in accordance with the procedures contained therein.

5. REIMBURSEMENT PROVISIONS:

A. Salary and Fringe Benefits.

B. Travel, Transportation and Allowances.

C. Overtime or Other Special Charges.

D. Method of Reimbursement.

6. ESTIMATED COSTS:

| | A.I.D. | GAINING AGENCY |
|---|---|---|
| Salary | | |
| Fringe Benefits | | |
| Allowances | | |
| Travel/Transportation | | |
| Overtime | | |
| Special Charges | | |

7. RULES, REGULATIONS AND POLICIES

A. The assignee is subject to the Federal statutory and regulatory provisions which govern ethical and other standards of conduct, conflicts of interest, suitability, security, and limitations on political activity (18 U.S.C. sections 203, 205, 207, 208 and 209); and to any applicable state and local government statutory and regulatory provisions.

B. The Federal tort claims statutes and any other Federal tort liability statute shall apply to the assignee.

C. The rules and policies that govern the internal operation and management of the gaining agency are applicable to the assignee.

D. Travel, transportation and related allowances may be authorized only in accordance with the Federal Travel Regulations when such expenses will be funded (or reimbursed) by A.I.D..

8. CONTACTS:

| Agency for International Development | (Gaining Agency) |
|---|---|
| Personnel Matters: | |
| (Name) | |
| (Office) | |
| Room _____, Building SA-__ | |
| Agency for International Development | |
| Washington, DC 20523 | |

Billing Information
Office of Financial Management
Washington Accounting Operations Division
Room ____, SA-__
Agency for International Development
Washington, DC 20523

9. SIGNATURES:

Agency for International Development _____

| _____ | _____ |
|---|---|
| (Signature) | (Signature) |
| _____ | _____ |
| (Title) | (Title) |
| _____ | _____ |
| (Date) | (Date) |

# CHAPTER 46

# CAREER DEVELOPMENT PROGRAM

## 46A. Purpose

1. This chapter provides the policies, objectives, responsibilities and organization of the AID Foreign Service career development program, and functioning of the program within the Office of Personnel Management (M/PM).

2. The Foreign Service Act provides the framework for this program. To meet the short and longer term needs of the Agency, the program is also linked to work force planning, training, assignments, and promotions. Specific objectives of the career development function in M/PM are to:

a. be a coordinating unit to assist Agency management in achieving the professional development objectives of the Act, and

b. provide advice and assistance to limited and career appointees regarding training, assignments, performance, and professional growth which are compatible with their career aspirations while simultaneously addressing work force needs of the Agency.

## 46B. Applicability

This chapter applies to all U.S. citizen Foreign Service (FS) employees of AID except those assigned to executive positions (see HB 25, Ch. 39) and Resident Hire employees (see HB 25, Ch. 34).

## 46C. Authorities and References

1. The Foreign Service Act of 1980 (the Act), sections 101(b)(1), 601(c)(2), 703(a) and 703(c).

## 46D. Definitions

1. Career Development. Pursuing the appropriate mix of personal skills, experience, assignments, training, and performance to assure orderly professional growth.

2. Career Development Officers (CDO). Experienced AID FS and GS employees assigned as peer counselor-ombudspersons for FS members within the personnel management system.

46E. Organization and Functions

1. The AID Career Development Branch (M/PM/FSP/CD) operates within the Foreign Service Personnel Division (M/PM/FSP) of M/PM. Staff resources include FS employees with experience in various occupational categories, and GS employees with expertise in personnel regulations, counseling and outplacement to provide training and continuity.

2. The Career Development Officers (CDOs) are to:

a. Become knowledgeable of employees' performance, strengths and weaknesses, personal needs and career aspirations. Information on employees maintained by CDOs may include assignment preferences, career and training plans, special career interests and employee education, skills and previous experience.

b. Provide information and counseling to assist employees in achieving their career goals, including:

o Clarifying and formulating career goals,

o Determining future assignment possibilities,

o Discussing performance and personal factors that affect placement or advancement, and

o Recommending specific types of assignments or training to develop an employee's potential.

c. Participate in the assignment process by working closely with M/PM/FSP Placement Officers and Bureau Executive Management Officers to ensure that career-development needs are addressed. A CDO has one vote on the Assignment Board (see HB 25, Ch. 36).

d. Counsel employees with performance related problems, especially those identified by Tenure, Selection and Performance Standards Boards.

e. Within Agency training policies and directives, work closely with M/PM/FSP Placement Officers and the Training Division (M/PM/TD) to monitor employees' training requests and needs. Approval of training requests shall include consideration of Agency and individual needs and shall be coordinated to the degree possible with FS assignment actions.

f. Participate on FS Selection Panels that review employee qualifications for positions in other occupational categories.

g. Provide outplacement counseling for employees separating from the Agency.

h. Serve as program coordinator for International Development Interns (see HB 25, Chapters 5 and 5A).

46F. Responsibilities

1. Employee

a. Has primary responsibility for his/her own career development.

b. Identifies his/her short- and long-term career goals.

c. Seeks assignments with appropriate operational and development content and bids on them through established Agency procedures.

d. Makes full use of on-the-job and Agency-sponsored training opportunities designed to upgrade and/or broaden skills and prepare the employee for specific assignments.

e. Evaluates own performance based on work plans, feedback from supervisors and formal evaluations to identify areas of performance that could be strengthened.

f. Seeks counsel and advice concerning career path from associates, supervisors, and career development officers.

2. Supervisor

a. Ensures that employee's duties and responsibilities are clearly defined.

b. Provides employees with regular and candid feedback on performance, especially areas of weakness.

c. Ensures that employees are provided opportunities to acquire skills or correct weaknesses through training and work experience.

d. Provides guidance and advice to employees concerning career path options and expectations.

3. Career Development Officer (CDO)

a. Serves as a link between AID FS employees and the personnel management system, and is actively involved in the assignment process.

b. Provides career-related information and guidance to employees.

c. Serves as an ombudsperson for employees.

d. Counsels employees with performance-related problems.

e. Identifies training or work experience which could qualify employees for occupational categories with expanded career potential.

4. Chief, Foreign Service Personnel Division (M/PM/FSP)

a. Provides overall policy guidance, direction, and leadership for the career development program.

b. Monitors operational elements.

c. Reports to the Director of M/PM and senior management on the status, plans, effectiveness and Agency implications of the Program.

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

AID General Notice
September 12, 1989
GC/EPA
Issue Date: 9-14-89

SUBJECT: Spousal Employment

Because of the importance of spousal employment and the legal and ethical issues it raises, we are distributing our June 30, 1989, memorandum on the subject.

We encourage you to contact GC/EPA or a Regional Legal Adviser with any concerns or questions you might have. GC/EPA is in Room 6892 N.S. and their telephone number is (202) 647-8218.

Attachment: Memorandum to Assistant Administrators and Office Directors from John Mullen, Designated Agency Ethics Official, entitled "Conflict of Interest Guidance on Spousal Employment" (June 30, 1989).

DISTRIBUTION:
AID List H, Position 5 (1 for every 3 employees) and
List B-1, Position 8

BEST AVAILABLE COPY

Agency for International Development
Washington, D.C. 20523

*Office of the General Counsel*

JUN 30 1989

MEMORANDUM

TO: Assistant Administrators and Office Directors

FROM: DGC, John Mullen
Designated Agency Ethics Official

SUBJECT: Conflict of Interest Guidance On Spousal Employment.

I. Introduction

The employment of spouses is one of the most troublesome legal and ethical areas, especially in overseas Missions.

The State Department Basic Authorities Act of 1956 specifically states that any member of a Foreign Service family may accept gainful employment in a foreign country, unless it would violate applicable law or, as certified in writing by the Chief of Mission, could damage the interests of the U.S. Moreover, it is A.I.D. policy to encourage the employment of spouses.

Nevertheless, all such employment has serious risks including criminal liability for the employee, if the spouse's employment interest is not sufficiently insulated from the employee in the discharge of his or her official duties and responsibilities. The lines often are not easy to draw. This guidance attempts to delineate the situations in which the employee is at risk.

Please distribute this guidance to the employees in your bureau or office.

II. Applicability and Scope

A. This guidance applies to:

1. All A.I.D. employees in A.I.D./W and overseas [e.g. GS,FS, AD, individuals employed under personal services contracts];

2. Individuals assigned to A.I.D. under the Intergovernmental Personnel Act; and

3. Government employees detailed to A.I.D. from other federal agencies, e.g. PASA/RASA employees.

B. This guidance does not add new standards or regulations beyond the current conflict of interest statutes and standard of conduct regulations. It only attempts to explain their application to one specific area - spousal employment.

III. Applicable Statutes and Regulations

A. 18 USC 208.

The principal conflict of interest statute in this area is 18 U.S.C. 208. Section 208 is a criminal statute dealing with the conduct of a Government employee in an official, as distinguished from a personal, capacity. Subsection (a) of section 208 prohibits a Governmental employee from participating personally and substantially as such in any matter "in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest".

Section 208 is set forth in its entirely as an attachment to this memorandum.

There are several points about section 208 that should be stressed:

1. While a Government employee who also has non-Governmental employment is barred by section 208 from participating in a matter in which his outside employer has a financial interest, the employee is not barred from a matter in which his or her spouse's employer has such an interest, unless the matter would affect the spouse's financial interest, e.g. the size of the spouses salary or continued existence of the spouse's position.

2. The statute prohibits any personal and substantial participation. The fact that an employee does not have final decision-making authority is not a legal defense. Participation takes many forms e.g. clearance, advice, recommendation or investigation. "Substantial" means that the employee's involvement must be of some significance to the

matter, or provide a basis for a reasonable appearance that the involvement has such significance. "Personal" is not limited to the employee's own direct participation; it includes participation of a subordinate when actually directed by the Government employee.

3. The statute does not require proof that there was actually a financial gain to the employee or loss to the Government.

4. Similarly, the statute does not require proof that the employee thought that his conduct was illegal. The fact that the employee did not think there was a conflict between his Government employment and his or her private interest is irrelevant. Thus, the mere fact that the employee engaged in a prohibited activity is sufficient to cause liability under the statute.

B. The Nepotism Statute - 5 U.S.C. 3110.

Section 3110, commonly referred to as the "nepotism statute", provides that an employee may not appoint, employ, promote, advance or advocate for appointment, employment, promotion or advancement in the employee's agency certain relatives of the employee, including spouses.

C. Standard of Conduct Regulations.

1. The joint A.I.D./State/USIA standard of conduct regulations are codified at 22 C.F.R. Part 10 and are found in Handbook 24, Chapter 2, Attachment 2C. The regulations prohibit actions that might result in, or create even the appearance of, certain improprieties or conflicts of interest. Included are the use of public office for the private gain of oneself or others, giving preferential treatment to any person or organization, losing independence or impartiality, and adversely affecting the confidence of the public in the integrity of the Government.

2. Ignorance is no excuse. Employees are under a duty to know where their spouses are employed and the nature of the work, particularly whether their spouse's duties relate in any way to A.I.D. activities.

## IV. Methods for Resolving Conflicts of Interest

Conflicts of interest are resolved through disclosure, disqualification, reassignment, waiver, approval under the standard of conduct regulations or divestiture.

A. Disclosure. The single most important principle applicable to all conflicts of interest, including spousal employment, is up-front, full disclosure of any possible conflict. Full disclosure before the fact permits appropriate Agency officials to work with the employee and spouse to reach a proper resolution.

B. Disqualification. The next step is disqualification from participating in any matters affecting the financial interest. In many cases disqualification is enough to resolve any conflict issues. The disqualification should be in writing.

C. Reassignment. While disqualification is often enough there may be instances where the employee's involvement or participation is operationally necessary. In such cases the Agency may take additional steps to resolve the conflict. One option is to reassign the employee to a new position which doesn't have duties or responsibilities involving the spouse's employment.

D. Waiver. Another option is a waiver of section 208 pursuant to section 208 [b]. Subsection (b) permits a waiver if there has been full disclosure of the financial interest and it is determined that the interest is "not so substantial as to be deemed likely to affect the integrity of the services" of the Government employee. Waivers under section 208 [b] are processed by GC in its role as the Agency's Ethic Official for decision by the Administrator. Generally spousal employment is too substantial an interest to support a waiver under section 208 for participation in matters that would have a direct and predictable effect on the spouse's employment.

E. Approval under the Standard of Conduct Regulations. Where participation would not involve section 208, i.e. where the participation does not have a direct and predictable effect on the spouse's financial interest, and raises only standard of conduct issues, participation may be approved by the Agency.

F. Divestiture. Where the employee's continued participation in the matter involving the financial interest is essential and the conflict issues cannot be resolved by waiver or approval, the Agency can order divestiture. In the case of spousal employment it means that the Agency can order the employee to terminate the spousal employment. Divestiture, especially in cases of spousal employment, is a drastic remedy and is used only when the other options are not feasible. But it is available to the agency and employees should be aware of it.

G. Disapproval of Spouse's Employment. While not a traditional means of resolving conflicts, there is one additional option. If the Agency has approval rights over the contractor or grantee employees (e.g., key personnel clause) the Agency could disapprove a spouse's employment in order to resolve a conflict between the employee's duties and responsibilities and the spouse's employment.

V. Application of Statutes and Regulations to Spousal Employment.

Spousal employment can be divided into two categories:

1. Where the spouse is an employee of the U.S. Government (e.g. as part of a tandem assignment, under a resident-hire appointment, or as a PSC) or is direct contractor with the agency (e.g. under a purchase order), and

2. Where the spouse is an employee, consultant or subcontractor of, or has some other business relationship with, an entity doing or seeking business with A.I.D. (e.g. employee of an A.I.D. contractor/grantee or A.I.D. - financed host country contract).

A. Spouse Employed by the U.S. Government.

1. Unless approved by the agency, an employee may not participate in the following matters involving his or her spouse:

a. establishment of a direct hire or PSC position for which the spouse may reasonably be expected to be a candidate.

b. Evaluation or selection of candidates for a position for which the spouse has applied.

c. Direct supervision of spouse, i.e. immediate supervisor.

d. Rating or reviewing a spouse's performance.

e. Review of spouse's EER as a part of a Mission review board (Employees could be on the board but would have to leave the board's proceedings when the spouse's EER was discussed).

f. Promotions, awards or performance pay.

g. Disciplinary actions.

h. Disputes involving spouse's compensation, allowances and other fringe benefits.

i. Grievances.

j. Approval of travel or training.

3. An employee may participate in routine ministerial acts involving the spouse's employment.

Example: A controller in a Mission could certify the spouse's salary for payment as part of the regular payroll of the mission or could sign a travel order certifying funds availability. On the other hand, an employee could not approve a spouse's travel orders or become involved in a dispute involving the spouse's salary.

Example: The Mission Director is the only contracting office at post. His spouse has been selected to be fill a PSC position. He has not participated in the selection process. May he sign the contract? No, he may not unless he gets a waiver under section 208(b). Signing a contract is not a ministerial act.

4. If the spouse's position is not directly and predictably dependent upon the continuation of a particular project or activity, the employee may participate in the

substantive work being performed by a spouse, such as project design, approval and implementation documents. Direct hire positions, almost always, are not dependent upon the continuation of a particular activity.

Example: Mission Director and spouse are both career members of the Foreign Service and have been given a tandem assignment. The spouse is a project officer in mission's Health and Nutrition Division and is responsible for a proposed Primary Health project. Mission Director may attend design and review meetings, approve and clear project design and approval documents drafted by spouse and otherwise fully participate in project process.

5. If the spouse's employment is directly and predictably dependent on a particular project or activity, the employee should not participate in matters that would have an effect on the continuation of the project, unless approved by the Agency. Thus, in the previous example, if the spouse were a PSC hired to work on the Primary Health project (instead of being a permanent project officer), the Mission Director could not deal with the substance of the Primary Health project unless approved by the Agency.

B. Spouse Employed by, or Having a Business Relationship with, Firms Doing or Seeking Business With A.I.D.

1. Employment of spouses by A.I.D. contractors, grantees and the like is a not as clear cut as A.I.D. employment. Section 208 does not prohibit an employee's involvement in matters in which a spouse's employer has an interest, unless the matter directly affects the spouse's employment interest. However, participation by the employee in matters involving a spouse's employer may raise conflict issues, such as the appearance of giving preferential treatment, using public office for private gain or losing independence or impartiality, even when the matter does not affect the employment interest of the spouse. Because of the likelihood of participation resulting in or creating the appearance of a conflict an employee should disqualify him or herself from any matter involving the employer of his or her spouse, even if the matter does not directly involve the spouse's employment, unless approved by the Agency. The employee should disqualify him or

herself during the any negotiations for such employment as well as actual employment.

2. If the matter will have a direct and predictable effect on the the employment interest of the spouse, e.g. the size of the spouse's salary or continued existence of the position occupied by the spouse, the employee is prohibited by section 208 from participating in that matter, i.e. Agency approval for participation is not possible.

C. Agency Criteria for Approval under Standard of Conduct Regulations.

The focus in conflicts involving spousal employment is not the spouse's employment. The focus of the statutes and regulation is the employee's participation in matters affecting that employment or creating the appearance of a conflict. Except where divestiture is necessary, the issue is not whether or not the spouse can be employed. The issue is what can the employee be involved in or what conditions should apply to the employee's participation.

1. Disqualification, reassignment, or divestiture can be difficult, and, in some cases, may not be necessary or operationally realistic. Therefore, while the standard of conduct regulations states a general rule prohibiting participation in matters affecting spouse's employer, the Agency has the discretion to consider the facts of each case and approve other arrangements for avoiding conflicts. Sometimes the potential conflict or appearance is so remote, that disclosure and Agency approval is all that is necessary. Again, disclosure is the key.

2. In deciding whether to authorize an employee's participation in a particular situation, the following factors are considered:

a. nature of spouse's employment (career, temporary, subcontractor);

b. duties and responsibilities (clerical/ professional);

c. expectation of future or continued employment;

d. position of employee;

e. effect of action on operations or financial position of spouse's employer;

f. the need for the employee's participation;

g. oversight and checks-and-balances in the decisionmaking process, including what additional oversight and checks and balances are needed if the employee is to participate.

Example. Employee is the Mission's program officer and his spouse is employed as a short-term consultant a contractor under an A.I.D. project. The employee could be authorized to participate in general program issues and actions as a) a letter to the host government requesting the host government's request for assistance for the project, on which the contractor is or may be working; b) Mission project design and approval schedule; or c) issues which have a general effect on project portfolio, e.g. exchange rate. The employee could also be authorized to participate in specific project issues but only where there are overriding operational considerations that require his or her involvement.

D. Procedures for Approvals and Waivers.

1. It is important to note that choice of options is not the employee's; it is up to the Agency. The employee's duty is to disclose and to disqualify him or herself until given permission by the agency to participate in matters affecting the spouse or a spouse's employer.

2. For the Agency as a whole, the central point of contact for conflict of interest issues is the General Counsel, his Deputy and the staff of GC/EPA. Overseas, it is the Principal A.I.D. Officer and the Regional Legal Advisor.

3. In A.I.D./W, an employee's participation in matters involving a spouse or a spouse's employer are approved by GC/EPA. Overseas, the Principal A.I.D. Officer can approve such participation for Mission employees, other than the

Principal A.I.D. Officer: provided, it does not involve a waiver under section 208 and, there has been consultation with a Regional Legal Advisor or GC/EPA. Actions involving the Principal A.I.D. Officer or a waiver under section 208 should be referred to GC/EPA.

4. It is imperative that disclosure, disqualification and approval be in writing. It may be common knowledge to those at the Mission or the A.I.D./W office that a spouse is employed by a particular firm. But what is often unclear is whether or not the employee disqualified him or herself, whether or not the employee received approval to participate, and what were the conditions governing the participation.

USAID

U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

AID General Notice
FA/HRDM/PPM
Issue Date: 6-3-93

SUBJECT: **Transmittal of the Revised Foreign Service Promotion Precepts, Supplement 40C to Handbook 25, Chapter 40**

This Notice transmits the revised Foreign Service Promotion Precepts. The 1994 Selection Boards will be the first Boards to apply these Precepts. We envision this document as one that raters, reviewers and rated employees will refer to often over the course of the rating year.

Our goals for this revision were modest. We have already begun work on a much more ambitious next step which includes redesigning the Employee Evaluation Report (EER) form. We expect to have the draft proposal by year's end.

The attached Precepts establish a clear link between the fulfillment of work requirements (continuing responsibilities and specific objectives) and promotion recommendations. Also, they incorporate the July 1992 EER skills category changes. In concert with those changes, they place increased emphasis on accountability, managing for quality results, stewardship of resources, valuing multi-cultural diversity, collaborative and inclusive team orientation, and team-building.

Some other major changes included in the attached Precepts are:

- Expanded guidance on support of the Agency's Equal Employment Opportunity Program which lists examples of specific steps employees can take.

- Guidance to Selection Boards on giving due weight to service overseas, on Selection Boards, and in non-geographic bureaus. Describes for the first time the Agency's ideal timeframes for service in Washington and overseas recognizing that the ideal is not always possible.

- New section on special considerations for promotion through the mid-level classes up to Class 1 that provides some demarcations between the classes. Enhanced guidance on the special considerations for the Senior Threshold and Senior Foreign Service Selection Boards.

- New emphasis on the need to serve in two or more geographic regions and a non-geographic bureau. Such diversity of assignments is essential for development of executive potential.

- Elimination of the Selection Board's authority to recommend employees for Meritorious Service Increases (MSIs.) Beginning with the 1993 Foreign Service Performance Awards, only Pool Managers will have the authority to recommend employees for MSIs. This moves the decision on MSIs, a performance award, closer to the people actually observing the performance and corresponds directly to the way the Civil Service counterpart -- QSIs -- are handled.

These are just some of the changes. We strongly encourage raters, reviewers and rated employees to take the time to read the entire Precepts, especially Paragraph 3, "Conceptual Framework for Developing a Composite Picture." Please direct any questions regarding the Precepts to Maribeth Zankowski, FA/HRDM/PPM. Ms. Zankowski may be reached by telephone at 202-663-1433, by fax at 202-663-1268 or by e-mail.

# PRECEPTS FOR PROMOTION

## A. Purpose

Annually, the A.I.D. and IG Selection Boards assess the performance of Foreign Service (FS) and Senior Foreign Service (SFS) employees, rank order those qualified for promotion and identify those whose relative performance places them in the low-rank zone. This supplement specifies the qualities and capabilities considered essential for successful performance and advancement. As such, they also provide employees with useful guidance for improving their performance and planning their careers.

The Agency is further developing the competencies needed at each salary class level which will provide even greater guidance to Boards and more career direction to employees. This revision is the first step and serves as the foundation. It responds to the Boards' stated need for more specific criteria and the June 1992 change in the EER skills areas.

Each year, after review of employees' performance evaluations, Boards recommend changes to the promotion precepts given below, as part of their responsibilities. Employees may also make precepts improvement suggestions at any time to HRDM/PPM. The Agency may use all such sources when it periodically revises and updates the precepts.

## B. Authority

Section 603, Foreign Service Act of 1980 (FSA), as amended.

## C. The Employee Evaluation Report (EER) as a Basis for Management Action

The employee evaluation system must produce information that will form the basis and documentation to support management decisions in the following areas:

### 1. Promotion

(a) Promotion considerations and recommendations are based solely on the employee performance evaluation process. Selection Boards are asked to recommend for promotion those employees who have clearly demonstrated the ability to perform at the next higher level and have displayed considerable potential for continued growth. Projection of this potential growth is by far the most difficult aspect of the Board review process.

(b) In making promotion recommendations, Boards shall be guided by the criteria provided in section E below and information contained in the employee's evaluation file. Performance is only one factor in arriving at a composite picture of an employee's ability to perform at the next higher level and potential for continued growth. The composite picture must combine the quality and level of performance to date with the acquisition of knowledge in A.I.D.'s work, the maturing of core skills, and persoual attributes necessary for successful performance at the next higher level and beyond.

2. Pay Adjustments Within-Class

The performance evaluation system must provide specific performance information that can serve as a basis for pay determinations for within-class increases and executive schedule increases. The next scheduled within-class increase of an FS employee referred to a PSB will be withheld if the PSB determines that the employee's performance did not meet the standards of his/her class (see HB 25, Ch. 40). Similarly, the basic salary level of an SFS employee may be maintained at the current level or adjusted downward if a PSB determines that the employee's performance marginally met or did not meet, the standards of his/her class (see HB 25, Ch. 38C).

Employees in Class 1 and below whose performance meets or exceeds the standards of their classes will receive their next regularly scheduled increase. SFS employees, whose performance meets or exceeds the standards of their classes, will receive their next regularly scheduled executive salary increase if they are ranked in the upper two-thirds of their class (see HB25, Chapter 38, Supplement B for additional Board guidance.)

3. Meritorious Service Increases (MSIs)

Beginning with the rating period ending March 31, 1993, MSIs will be granted only as part of the Agency's FS Performance Award Program. Employees will no longer be able to receive an MSI from Boards. This will more closely align the FS Award program with its counterpart, the GS Performance Management System. In essence, all performance pay decisions will be made by those closest to the performance of the rated employee.

For employees in classes FS-9 through FS-1, "exceptionally meritorious" performance during a rating period may be rewarded with a within-class increase (MSI). The performance evaluation system must, therefore, produce the documented evidence that performance was "exceptionally meritorious." An MSI is based on performance during the current rating period.

4. Selection Out for Relative Performance

A career employee may be selected out for failure to meet the standards of performance established for that employee's class (Section 608, Foreign Service Act of 1980, as amended, hereafter referred to as the Act.) The Employee Evaluation Report form (EER) is the principal documentary evidence for Selection, Performance Standards, Special Review and/or Grievance Boards' recommendations and decisions regarding selection out. It is the responsibility of rating and reviewing officers to accurately, precisely and candidly describe employees' performance in EERs. Information generated from each employee's evaluation file must provide a meaningful distinction between individual performances to justify and document selection out decisions.

Selection Boards first identify those employees who are least competitive with their peers relatively speaking. Upon completion of its Selection Board duties, the Board reconvenes as the Performance Standards Board (PSB) to determine whether those employees who are relatively least competitive with their classmates meet or fail to meet the standards of their class.

5. Performance Pay Bonuses -- FS and SFS

Selection Boards will make SFS performance pay and Presidential Rank award recommendations based on the EERs in the employees' evaluation files. Pool managers will make FS performance pay decisions based on the most recent EER. Handbook 25, Chapter 38B gives the precepts for SFS performance pay and Presidential Rank award recommendations by the Boards. Handbook 25, Chapter 40E contains the regulations governing the FS (Classes 1 through 9) performance pay bonuses.

D. Basis for Promotion in A.I.D.

1. Basis for Promotion

Boards will review all eligible employees on the basis of relative merit for promotion to the next higher grade or for possible selection out due to relative performance (i.e., failure to meet standards of the employee's class.) These are the most important Board functions. Boards should exercise these responsibilities with care and discernment.

Boards, without knowledge of the number of promotion opportunities available, will identify for promotion employees who have clearly demonstrated the potential to perform at the next higher level (i.e., higher than the employee's personal rank) and have displayed considerable potential for continued growth.

Promotion is recognition that an employee has consistently and clearly demonstrated the potential for performing the duties and responsibilities of a higher level position (i.e., a position of a higher rank than the employee's personal rank.) It is not a reward for prior service, **although the performance of present and past duties is an important indicator in determining whether an employee has developed the qualities needed for successful performance at higher levels**.

A primary prerequisite for demonstrating potential is the consistent fulfillment of work requirements (performance plan/work agreement). The fulfillment of the entire work agreements (continuing responsibilities and specific objectives), as modified, for the period under review is a minimum prerequisite for a promotion or SFS performance pay recommendation by a Selection Board. The work requirements' specific objectives must be results or product oriented. It is expected that work agreements will be modified through the rating period. How an employee responds to extenuating circumstances and shifts in priorities is an indication of the employee's flexibility and resourcefulness.

2. Eligible Employees

All career, career candidate, and resident hires employees are eligible for consideration. Resident hires may only be promoted if their personal rank is lower than the grade of the position they occupy. All career candidates are eligible for review unless they were hired as an IDI and have not graduated from the IDI program as of the last day of the rating period (March 31) which ended immediately prior to the convening of the Selection Board.

If an employee was promoted by an IDI graduation board at anytime during the rating period that concluded immediately prior to a Selection Board sitting, then the employee is not eligible for promotion by that Selection Board. For example, if an IDI was promoted and graduated from the IDI program during the period April 1, 1992 through March 31, 1993, then that employee could not be recommended for promotion by the 1993 Selection Board. The employee would be reviewed by the Board for relative performance (i.e., next WIC increase eligibility), even though the employee is not eligible for promotion.

The Board will not consider any employees who at the time it convenes have received notice of involuntary separation or postponement of mandatory retirement for expiration of time-in-class limitations. If employees retire, resign, or separate while the Board is in session, their files will be withdrawn from promotion.

Non-career employees (who are not resident hires) will not be reviewed by the Board. Employees serving on non-career appointments are hired to perform the duties of a single, specific position for a defined period of time with no formal expectation of a career with the Agency. Therefore, their performance files are unlikely to contain the breadth of documentation necessary to demonstrate the potential for performing at the next higher class. Moreover, given the limited number of promotion opportunities available in each class, the fact that career employees are subject to time-in-class limitations, and the Act requires flow through the ranks for career employees, there are no promotion opportunities available to non-career employees.

E. Guidance to Selection Boards

1. General

The following guidance provides the conceptual framework and limitations within which Boards shall develop their procedures for comparative rankings.

One of the Boards' most important functions is the assessment of the long range potential of the employees they review. Boards shall recommend for promotion those employees who have evidenced considerable long range potential for continuing growth and whose records of sustained high performance indicate the ability to perform at a higher level now (i.e., at a level higher than their current personal rank.) As a minimum, employees must fulfill their work agreements as modified for the period under review in order for the Board to consider them for promotion.

Board members should view Board service as integral to their development and advancement in the Agency and should regard Board responsibilities and proceedings with utmost seriousness. These responsibilities include an equitable weighing of performance data reviewed by the Boards and a positive discounting of any apparent bias or unfairness, either conscious or unconscious found in the performance data.

2. Equality of Consideration

Boards shall compare all employees solely on merit with complete fairness and justice. In this respect, Boards shall not discriminate against any employee, directly or indirectly, for reasons of race, color, religion, sex, age, disabling condition, national origin or means of entry into the Service.

The Board members will be briefed by the Office of Equal Employment Programs (EOP) on EEO matters before they begin their deliberations. The performance rating process shall be insulated from irrelevant or improper influence. Stereotypes, group assumptions and sexist or ethnic comments shall not affect evaluations. If a Board discerns such unfairness in an evaluation file, it shall discount the statement or implication and refer the matter to the Director, FA/HRDM/PMES or IG/RM, as appropriate, or designee, and the Director, EOP, for correction of the file or other appropriate action. If a Board member discerns such unfairness or bias on the part of another Board member, the member should bring his/her concerns to the immediate attention of the Directors, HRDM and EOP for appropriate action.

3. Conceptual Framework for Developing A Composite Picture

In developing procedures for assessing ability to perform at the next higher salary class and potential for considerable continuing growth, Boards will be guided by the following conceptual framework for developing a composite picture. There are four factors to be considered:

- **Achievements in the Designated Core Skills Areas;**
- **Understanding of and Ability to Advance the Agency's Mission;**
- **Past Performance; and**
- **Rating and Reviewing Officers' Judgment of Potential.**

a. Achievements in the Designated Skill Areas

In developing a process for comparative ranking of employees, Boards should first consider the skills areas specified in the Employee Evaluation Report (EER) form instructions. These are the skills which the Agency has identified as essential for success in carrying out the Agency's mission. The skills are: professional, leadership, operational, interpersonal, and supervisory.

Continuing development of core skills is essential to an employee's success in accomplishing annual work requirements. In tandem, developing core skills and successfully fulfilling annual work requirements as modified are the keys to realizing executive potential. Persistent weakness in any core skill area will normally preclude advancement and could lead eventually to selection-out for relative performance.

Many of these skills can be learned and the Boards in their reviews should be looking not only for basic ability in the appropriate skills but for an indication of progress in increasing and improving skills. The Agency expects that its employees will improve and increase their skills. If the employees are fulfilling this expectation, it is a good indication that they are meeting the needs of their professional area and/or showing the capacity and potential for progressing up the career ladder.

Nearly all employees have program or project management responsibilities. Therefore, Boards shall pay particular attention to the possession and application of implementation skills. For example, does the employee demonstrate a knowledge of and effectively use the implementation processes (contracting for services and goods, grants to organizations and individuals, contractor or grantee oversight, participant training, financial management) for acquisition and administration of these implementation instruments through operational planning and monitoring?

NB: Overarching all the skills areas is support of the A.I.D.'s Equal Employment Opportunity Program which is mandated by statute and Executive Order. It represents an integral part of the Agency's human resources management program. Employees can take positive steps in support of this program by acting on affirmative employment objectives in hiring, promotions, and assignments. Below are but a few illustrative examples of how employees can support the Agency's EEO program.

For example:

- o insuring that all employees are given career enhancing assignments and training opportunities on an equitable basis;
- o insuring that all staff are briefed on EEO principles and expectations;
- o providing thoughtful career counseling;
- o assuring staff of a work environment free of sexual and racial harassment or prejudice;
- o insuring compliance with discrimination complaints regulations;
- o insuring that employees receive the appropriate recognition for work done on an equitable basis;
- o applying EEO principles and policy in daily work by including minority and female colleagues in office/bureau/mission decisions for example, mission objectives, mission planning, mission budget;
- o demonstrating leadership in appreciation and valuing multicultural diversity both with regard to direct hires and foreign service nationals;
- o taking actions that reflect fair handedness, respect and courtesy with issues related to foreign service nationals, e.g., religious holidays, gender equity in assignments, culture and traditions.

Professional Skills

Boards must assess each employee's technical, program and/or administrative skills. Specifically, Boards need to evaluate:

- o skill in applying functional/area/technical knowledge, i.e., the employee's ability to adapt knowledge of the particular setting and translate this knowledge of his/her technical, program and/or administrative skills into results that support Agency and organizational objectives; and
- o level of employee's expertise in a designated professional discipline including the degree to which the employee remains abreast of developments in the employee's discipline.

Leadership Skills

The exercise of various leadership skills is required in all positions and is not confined to supervisor/subordinate relationships. Board members are to assess those aspects of leadership described below that are appropriate to the employee's assignments. Specifically Boards must determine the:

- Effectiveness in establishing direction, in accomplishing objectives (results), and in motivating and inspiring others -- leading to change that is constructive and adaptive.

- Ability to objectively evaluate and analyze new concepts; to understand the complexities and intricacies of the political, economic and cultural setting; and to develop effective and innovative operational and/or program strategies appropriate to the setting.

- Degree to which employee influences and contributes to the development of the organizational vision and policies; project development and implementation; and/or operations.

- Willingness to take initiative, risk and responsibility.

- Skill in presenting and defending interests; in defending arguments; and in resolving a problem in a sensible and persuasive manner, including the capacity to consider all options and then to make decisions acceptable to the key parties (conflict resolution).

- Degree to which the employee demonstrated determination, energy, and confidence.

- Senior Foreign Service members need to also exhibit strong policy analysis, formulation and planning skills.

Operational Skills

Boards should consider the following when assessing the employee's operational skills.

- The employee's demonstrated ability to exercise good judgment, anticipate future requirements, plan, establish priorities/organize, and administer increasingly more complex programs in order to achieve Agency/organizational goals and objectives, i.e., manage for quality results.

- The employee's ability to manage and account for financial, human and physical resources, within the employee's span of control, in order to accomplish work and produce desired results in the most effective and efficient manner, i.e., stewardship of resources.

- The employee's success in administering complex programs with competing priorities;

- The employee's capacity to evaluate program and operation performance -- noting both areas of progress as well as problems -- making adjustments where necessary to adapt to changing conditions and requirements.

- The employee's effectiveness in planning, organizing, directing, monitoring and evaluating his/her own work as well as that of the unit supervised, where applicable. This includes the ability to manage one's own and others' time effectively and efficiently.

- The employee's ability to anticipate potential problems and to take preventive measures in a timely manner.

- If employee has program evaluation responsibilities: The employee's ability to conduct effective project and program evaluations and to use the information to improve performance and to target resources.

- If the employee has contract management responsibilities: The employee's ability to effectively manage contracting process to ensure that procurement planning is part of the project planning; that acquisitions and assistance actions are solicited and awarded fairly and in accordance with the appropriate regulations; and that performance is monitored and remedial actions are initiated when appropriate.

Interpersonal Skills

While important for an employee's first day with A.I.D., this skill area takes on increasing importance as an employee moves up the ranks. The Board members must judge the employee's:

- Ability to create and maintain professional and successful relations with other A.I.D. staff (direct hire U.S. and Foreign Service Nationals, A.I.D. contract personnel); host country citizens and officials; and representatives of other donor institutions and non-government organizations.

- Ability to work in a collaborative, inclusive team-oriented manner, valuing diversity within the A.I.D. organization, without sacrificing one's independent perspective.

- Commitment to the principles of fair treatment and equality of opportunity in dealing with all persons.

- Sensitivity and respect for the other societies' and individuals' mores and values.

- Ability to communicate (orally and in writing) in an effective manner, with both A.I.D. and external audiences in the United States and overseas is an important aspect of interpersonal skills. One key factor in communications is the employee's effectiveness in using a foreign language when posted to a language-designated position. It is the Agency's goal to have all employees achieve proficiency in two A.I.D. relevant foreign languages. Therefore, Boards should rate higher employees who have demonstrated effective use of their foreign language skills in the pursuit of Agency goals.

  Where an employee is effectively using a foreign language at post in his/her job, that fact should be recognized. In some cases, an evaluation of the employee's use of a foreign language is required by law. Specifically, an employee with an S3/R3 tested proficiency and occupying a position requiring the use of the tested language is to be evaluated on effectiveness in using the language provided the rating officer is capable of providing such an assessment.

Senior Foreign Service members must also exhibit particularly strong ability to carry on purposeful dialogue and debate with external contacts overseas at the highest levels (in the host country language where appropriate) and in the United States.

TIEBREAKER Provision: Public Law 101-246 , section 164 b requires that Boards should take language ability into account and all things being equal give precedence in promotions to employees who have achieved at least the General Professional Speaking proficiency (S-3) in one or more languages.

Supervisory Skills

A.I.D. employees may supervise U.S. direct hires, Foreign Service Nationals, Third Country Nationals (TCNs), PASAs/RASAs, and/or Personal Service Contractors. Boards are required to assess employees' success at working with and through staff to accomplish Agency and organizational goals, objectives, and responsibilities. Employees in the lower and middle grades should not be penalized for lack of direct supervisory opportunities. Boards need to determine the employee's effectiveness in:

- setting clear performance objectives with measurable indicators of success;
- insuring through others the achievement of quality products in a timely and efficient manner that meets the needs of the organization and the Agency;
- concern for the career development and growth of subordinates including providing developmental and substantial assignments in an equitable manner; establishment of effective and timely performance feedback processes; and thorough, candid, timely performance evaluations;
- appropriately and clearly delegating responsibilities and work assignments that enable staff to grow;
- commitment to EEO programs and policies.
- developing a collaborative management approach to the extent appropriate and reasonable.
- motivating and/or building on and encouraging self-motivation of staff;
- encouraging open and constructive communications;
- instilling a sense of shared vision on where the organization is going;

b. Understanding of and Ability to Advance the Agency's Mission is the second factor of the Conceptual Framework for Developing a Composite Picture (paragraph 40C E.3.). This factor may be improved through personal study and the maturing process of experience. As employees progress in the Agency by taking on various assignments, they are expected to show a deeper understanding of the Agency's objectives and how these evolve; how the Agency works (both in the U.S. and overseas); and how individual functions and performance contribute to the Agency's mission and purpose.

A primary purpose of A.I.D.'s Foreign Service corps is to conduct development work overseas. While a Foreign Service career will consist of both service overseas and in the United States, a considerable portion of the career will be spent in overseas assignments. Given the nature of assignment patterns it may not be possible for all members to match the Agency's ideal of spending no more than six consecutive years in A.I.D./W and not more than ten consecutive years overseas. It is the Agency's goal to have all members serve a substantial amount of time overseas while in the middle and senior grades.

Boards should give considerable weight to those who have served overseas in the last six years and additional weight if while in current grade. Boards should also give additional credit to those employees who have served in two or more geographic bureaus in A.I.D./W or overseas, and those employees who have expanded their understanding of the Agency by serving in the non-geographical bureaus in such areas as personnel, financial management, procurement, budget, information management, and overseas management support. Such diversity in assignments is essential for development of executive potential. This is especially true of assignment in the finance and administration areas listed above.

Also, service on promotion, tenure and technical review boards gives employees understanding of the Agency that is difficult to replicate in any other manner. Boards should give positive weight to such experience. Boards also should view positively similar activities that benefit the Agency as a whole and from which the employee gains a broader and deeper understanding of the Agency as a whole, e.g., a major Agency reorganization task force, committee or working group.

c. Past Performance is the third factor of the Framework. Evaluation reports have been designed to record and assess the ratee's performance achievements. The Boards must, when ranking employees look at performance achievements over the past five years or since last promoted, whichever is longer; and, give high marks to employees who have consistently achieved particularly challenging performance objectives (i.e., completely fulfilled annual work requirements as modified) in an exemplary manner and low marks to those who fail to achieve performance objectives.

**Boards must keep in mind that complete fulfillment of work agreements (work requirements) as modified is a minimum prerequisite for a promotion recommendation. They must consider such issues as were the work agreements within the employees' span of control (resources and authority) and were they reasonable expectations. This requirement is to be applied prospectively beginning with the 1992-1993 work agreements. In rare cases, Boards will be asked to bring their judgment to bear in determining whether the agreements were fulfilled such as when the Ambassador failed to note in the EER that the work agreement was modified when in fact it was modified.**

The past performance factor is an area subject to Board interpretation and judgment as so many times there are extenuating circumstances (bureaucratic, environmental, societal, political, security) which assist or hinder an employee's performance. Nevertheless, the Agency must rely on the Boards' experience and judgment to arrive at a thoughtful and equitable ranking of the employees they are reviewing.

d. **Judgment of Potential by the Rating and Reviewing Officers** is the Conceptual Framework's fourth factor. The perspective of these officers is significant for the Board to consider when arriving at its view of the employee. However, the Board is required, and expected, to arrive at its own assessment of potential by developing a composite picture of all four conceptual framework factors discussed above -- not just one.

4. **Special Considerations for Promotion through Middle Level Salary Classes**

While precise demarcations between classes is yet not possible, Boards should keep the following general guidelines in mind when considering officers for promotion up to class 1. These guidelines are but the first step in an evolutionary process which has as its goal the production of more precise definitions of competencies for each salary class. For promotions into and within the Senior Foreign Service these guidelines are given in paragraph 5, "Special Considerations: Senior Threshold and Senior Foreign Service Selection Boards."

The importance of interpersonal skills increases as one moves up the ranks. The emphasis shifts from technical expertise to managerial/leadership skills such as the ability to build teams, persuade and motivate others, develop a vision, etc. Boards are instructed to pay careful attention to this fact when considering employees for advancement particularly into the FS-01 class and above.

**Skills categories order of importance at Junior/Mid-Levels**
Class Two and Below

1. professional/operational
2. interpersonal
3. leadership
4. supervisory

**Skills categories order of importance at Class One and Senior Foreign Service Levels**

1. interpersonal/leadership
2. supervisory
3. operational
4. professional

a. Promotion From Class 4 to Class 3

Employees should have demonstrated strong motivation and commitment to the Foreign Service, adaptability to the demands of living and working overseas, understanding of A.I.D.'s development role in support of U.S. national interests and good knowledge of employee's professional discipline. Strong interpersonal skills are necessary for the conduct of day-to-day business, e.g., in establishing meaningful contact with host country audiences, and in dealing successfully with colleagues, subordinates, superiors within missions and in A.I.D./W.

b. Promotion From Class 3 to Class 2

Employees' performance should demonstrate increasing sophistication and creativity in advancing the Agency's mission. Employees should have made significant progress in developing and capitalizing on core skills to accomplish organization objectives. They are expected to have demonstrated good managerial, negotiation and analytical skills; well-developed knowledge in their chosen professional discipline; and should display increasing skill in managing larger programs and personnel resources.

c. Promotion From Class 2 to Class 1

Attainment of Class 1 is considered the culmination of a full career. Employees at this rank are expected to formulate and oversee implementation of strategy in a sector or an area; to help formulate internal/external policy and carry out policy dialogue; set implementation targets and assess progress; to be the principal spokesperson for Unit/Sector/Area and/or serve as Senior Technical Advisor. To be promoted to Class 1 employees should have demonstrated considerable skill and resourcefulness in managing programs and potential for supervising large and more diverse staffs, if appropriate for the employee's occupational specialty.

Employees should have clearly demonstrated effectiveness in utilizing management skills such as:

matching leadership styles to specific work situations,
planning work collaboratively,
giving and receiving feedback,
team-building,
strategic planning, conducting program and policy evaluation review and/or using policy and program evaluation data; and
managing conflict.

They must also have demonstrated versatility through performance in significantly different environments, such as different geographic areas and non-geographic bureaus in A.I.D./W., in various functional areas such as personnel, financial management, procurement, Food for Peace, evaluation, research & development, private enterprise, disaster relief, budget, information management, and overseas management support. Such diversity in assignments is essential for development of executive potential. This is especially true of assignments in the finance and administration areas listed above.

Strategic planning and conceptual skills should be evident in their performance as well as demonstrated effective use of a foreign language in an overseas environment.

5. Special Considerations: Threshold and Senior Foreign Service Boards

a. General

In considering employees for promotion into and within the SFS, Boards should be guided by the Foreign Service Act which envisioned "...a Senior Foreign Service...characterized by strong policy formulation capabilities, outstanding executive leadership qualities and highly developed functional, foreign language and area expertise."

Boards should keep in mind that attainment of the FS-01 grade level represents full career achievement and the promotion beyond this level was not envisioned for the vast majority of employees, nor attainable given the small number of SFS positions. Members of the Senior Foreign Service serve in the most demanding and sensitive positions in the Agency overseas and in the United States.

In general to be promoted into the SFS, employees must have successfully completed several diverse and increasingly responsible assignments overseas and in the United States.

It is also desirable to have attained language proficiency (S-3 in a category A language and S-2 in a category B language) in at least one A.I.D. useful language and preferably two languages, and to have served in at least one 25% differential hardship post.

Advancement and retention in the SFS will depend primarily on the extent to which executive potential is realized. The assessment and recommendation for promotion of threshold and SFS employees should reflect the determination that an employee has demonstrated the ability to fulfill the leadership and policy-making responsibilities of senior level Agency positions; that the employee has strong strategic thinking and planning skills as evidenced in past performance; and that the employee has demonstrated exceptional ability in achieving Agency and organizational objectives.

In the SFS, successful performance is characterized by strong proficiency in virtually all of the core skills; ability to meld and draw on these core skills to establish and attain Agency and U.S. national interest objectives and goals; and strong potential for assuming the broad, high-level management and leadership roles which are inherent in any SFS position.

**Therefore, Boards should give positive consideration to those employees who have increased the breath and depth of their knowledge of the Agency by serving in more than one geographic area and taking non-geographic bureau assignments in A.I.D./W. in various functional specialities such as personnel, financial management, procurement, Food for Peace, policy and program evaluation, research & development,private enterprise, disaster relief, budget, information management, and overseas management support.** Such diversity in assignments is essential for performance in the Senior Foreign Service. This is especially true of assignment in the finance and administration areas listed above.

Performance in SFS positions is further characterized by:

- Strongly developed skill in fostering ("nurturing") external relationships, e.g., Host Governments, Congress, the Department of State or other Federal agencies.

- Ability to manage for development results by obtaining and analyzing information on program performance, and applying this information in relevant management decisions;

- Initiative and ability to assess how effectively the organization or organizational unit is functioning;

- Capacity to draw on such an assessment and other information to develop a "vision" for where the organization should be going -- programmatically as well as organizationally;

- Ability to encourage and instill the Agency organizational values, which support performance;

- Capacity to communicate and gain commitment of staff to "vision" and values;

- Superior managerial effectiveness such as:

  matching leadership styles to specific work situations,
  planning work collaboratively,
  giving and receiving feedback,
  team-building,
  strategic planning,
  conducting program and policy evaluation review and/or using policy and program evaluation data,
  fostering EEO, and
  managing conflict;

**These guidelines have evolved since the 1980 Act. The Agency has already begun work on the next step in this evolutionary process: Production of more precise definitions of competencies for each salary class and for generalists versus specialists.**

b. Promotion into the Senior Foreign Service (into the Counselor Class)

Employees promoted to the Counselor level should have a solid record of achieving results and have demonstrated the following competencies in achieving results: program planning; analysis; strategic planning and thinking; managing personnel and other resources; and, have superior long-range potential for assuming higher level responsibilities; e.g., more complex or diverse programs at a larger mission or, in A.I.D./W, on an Agencywide, bureauwide or regional basis.

Boards should give positive consideration to those employees who have increased the breath and depth of their knowledge of the Agency by serving in more than one geographic area and taking non-geographic bureau assignments in A.I.D./W. in various functional areas such as personnel, financial management, procurement, budget, Food for Peace, evaluation, research & development, private enterprise, disaster relief, information management, and overseas management support.

While there are a limited number of senior positions for specialists in the technical and support areas, such positions generally will have significant executive and policy-making dimensions. Boards should keep in mind that upon promotion into the SFS the performance of specialists will be evaluated relative to all employees at their class level -- employees who may have greater executive experience or managerial responsibility.

Except for exceptional circumstances, all employees should have taken the Management Skills Course and the Development Studies Program (or appropriate advance academic training) prior to entry into the Senior Foreign Service. When exceptional circumstances preclude an employee from taking these courses, the employee's EER should explain the circumstances.

c. Promotion into the Class of Minister-Counselor

In considering employees for promotion to the Minister-Counselor level, an even greater emphasis is placed on broad, substantive policy formulation and executive management. To be considered for promotion, employees who have progressed through technical or other professional channels should have demonstrated a broad capacity for achieving results in managing programs in their own professional discipline and preferably across functional lines as well.

Any employee promoted to the Minister-Counselor level based on technical or professional skills alone should be an acknowledged and established leader in his/her field.

Except for exceptional circumstances, all employees should have taken the Senior Management Course prior to promotion into the Minister-Counselor Class. When exceptional circumstances precluded an employee from taking the course, the employee's EER should explain the circumstances.

d. Promotion into the Class of Career Minister

Finally, for consideration for promotion to the Career Minister level, the highest level in the SFS, employees are expected to possess the broadest possible executive leadership and policy-making capabilities. The Career Minister rank is parallel with Executive Level IV, i.e., the rank held by A.I.D. Assistant Administrators and Department of State Assistant Secretaries.

The rank of Career Minister is reserved for a small number of truly outstanding senior officers who have consistently demonstrated superior ability in achieving results by discharging the most responsible and difficult duties in support of the Agency's mission and the nation's foreign affairs goals.

Employees promoted to Career Minister rank should have the capacity to serve as a Deputy Assistant Administrator, or in other positions of comparable rank in A.I.D., the Department of State or international organizations. Consequently, no employee should be promoted to Career Minister who does not have a broad and proven ability achieve the highest order results through managing the Agency's largest and most complex programs overseas and in the United States.

6. Other Factors

a. Inadmissible Comments

Boards will ignore any information in the evaluation file identified by regulation as inadmissible (see Supp. 40A, EER Instructions). Such information should not be discussed or be a basis for Board decisions.

b. Assignments

(1) The Agency seeks to move employees, based on performance and potential, through a series of increasingly responsible assignments which promote mastery of the core skills and provide geographic and functional versatility needed to meet the Agency's long-term requirements. However, there is no ideal career path, and individual employees face practical limits in achieving a broad combination of career development objectives given the vagaries of the Agency's needs and assignment process.

The Board should compare employees primarily based on their relative, overall success in meeting the requirements of increasingly more responsible and diverse assignments. **The Senior Threshold and Consolidated Boards also may receive lists of all Senior Management Group (SMG) assignment decisions made since the end of the last rating period under review and before the Board adjourns, and may take that information into account when Limited Career Extension decisions only.**

(2) Many assignments within A.I.D. do not provide for supervising personnel. Situations often arise where employees are heavily involved in coordination of other inputs for program activities. Although direct supervision is not a feature of an employee's duties in such cases, Boards will give full consideration to the management of contracted resources and supervision of all employees including all nondirect-hire employees.

Boards will not disadvantage any employee due to a lack of demonstrated supervisory experience when his/her assignment does not provide for such. Lack of demonstrated supervisory experience in the current position alone should not bar a promotion. The only exception to this is for a member of the Senior Foreign Service (SFS). If the SFS member's current position doesn't include supervisory responsibilities and the member has lacked supervisory experience for a period in excess of three consecutive years, then the Board should consider whether this should be a bar to promotion.

Supervising resident-hire and/or contractor personnel with varied technical specialties and technical backgrounds should be reviewed comparable to supervision of U.S. direct hires.

(3) Assignments outside the Agency to the Department of State, other Federal agencies, Congress, International Organizations, non-government organizations, and private voluntary organizations, which are related to Agency's primary functions, may provide experiences that will enhance the employee's core skills and thus benefit the Agency. Boards shall give full credit to employees who have been willing to extend professional capabilities by accepting such assignments for appropriate periods of time (not more than three years) and who have used them to enhance their long-term potential within the Agency.

However overly long details, details of three or more years, are detrimental to the employee's overall competitiveness. That being said, it is conceivable in some limited circumstances that the detail assignment is in the Agency's best interest. For example an assignment to the National Security Council which gives the Agency a repected voice; a Deputy Assistant Secretaryship or Ambassadorship to a country where there is an A.I.D. presence. Such assignments are in the overriding best interest of the Agency and career enhancing. The employee should clearly document in his or her comments how the assignment is in the best interest of the Agency. For details of over three years, the Director, FA/HRDM, will certify that the assignment is indeed in the Agency's best interest. The certification memorandum will be attached to the EER by the employee.

(4) Boards shall also give positive consideration to employees who have broadened their career potential through multifunctional and non-geographic bureau assignments in A.I.D./W., **especially in such areas as Food for Peace, evaluation, health, disaster relief, personnel, financial management, procurement, budget, information management, and overseas management support. Cross-training and multifunctional experience provide the basis for developing program direction skills and executive potential.**

Boards shall recognize such experience and accord equal consideration to all employees meeting the specified decision criteria without disadvantaging any employee for time spent in other backstop areas. It should not disadvantage any employees who are in shortage categories and therefore not permitted to take advantage of multifunctional assignments such as Executive Officers and controllers. Boards will give positive credit for time spent in non-geographic bureaus as such experience broadens the employee's knowledge of the overall workings of the Agency and develops executive potential.

(5) Training assignments are of fundamental importance to career development, i.e, preparing for higher level responsibilities. Boards shall fully consider career development activities, including language and long-term training, undertaken by employees in evaluating their overall performance and potential. This includes, if received by A.I.D., grades and/or other evaluation material of language and other long- or short-term training programs.

(6) Service in hardship assignments (i.e., at posts with 25% post differential and/or danger pay) can demonstrate a dedicated and disciplined attitude toward the Service. Boards shall give due consideration to employees who have worked successfully in difficult and sometimes dangerous environments and who have used such experience to enhance their contributions to the Service and to develop their own performance and potential.

(7) Short-term assignments, in and of themselves, to a complement of a year or less shall not be considered a negative factor in evaluating an employee. Extended periods spent assigned to a complement need to be explained in the employee's EER. Barring exceptional circumstances, such extended periods will result in a lost of competitiveness.

(8) Cross-functional team assignments, such as a major Agency task force, are important both to the employee's career development and to the Agency's ability to accomplish its mission. Employees should receive appropriate credit for such service. Most often, employees will carry out these duties in tandem with their regular assignment. A series of cross-functional team assignments in lieu of a regular assignment is not encouraged and could be detrimental to an employee's career development.

c. Assignment to Other Organizations and Leave Without Pay

Boards shall rate all employees, including those in nonduty status, based on material in their evaluation files including material submitted by the employee explaining how the detail experiences improves the employee's A.I.D. related skills. For employees seconded, detailed to other organizations, or on leave-without-pay, Boards shall give due credit to evidence that such employees have made use of such periods to improve Foreign Service related skills. Employees on secondment should assure that current evaluation materials are provided to FA/HRDM/PMES/PMA or IG/RM/PFM, as appropriate, for placement in their official performance evaluation file.

7. Identifying Performance Problems

One of the most important roles of a Selection Board is identifying those employees whose performance is not competitive with their peers (low ranking) or fails to meet the standards of the employee's class. The Agency tenures employees based on the Tenure Board's determination that the employees have the potential to perform successfully up through class 1 or the highest salary class for their occupational specialty. However, that potential is not always realized and it is not in the interest of the Agency or the employee for persistent performance weaknesses or problems to be ignored.

Boards will give particular attention to an employee's performance in regard to the factors listed below. The presence of one or more of these factors may be cause for precluding a promotion recommendation at the discretion of the Board or, for employees of lesser relative performance, referral to a PSB:

- Failure to complete work agreement as modified for current rating period. Failure to complete work agreements for several rating periods (three or more) will result in referral to the Performance Standards Board.
- Reluctance to accept responsibility.
- Marginal productivity in reaching established work goals.
- Lack of adaptability.
- Unreliable performance under conditions of hardship and danger.
- Failure to carry out properly assigned tasks within established timeframe or a reasonable period of time if no deadline established.
- Refusal to accept or implement legitimate directives from authorized officials.
- Inability or unwillingness to work fairly and cooperatively with supervisors, colleagues, or subordinates.
- For supervisors who prepare evaluations -- unfair, biased, evasive or consistently late reports. Evaluation reports which are prepared in a careless or incomplete manner, are biased or evasive, or which overrate an employee are unfair to all employees, detrimental to the rated employee's long-term career and misleading to management.

- General lack of experience that would indicate the employee needs additional development and experience to be competitive at current class level.

- Deficiencies in developing the substantive knowledge required in one's position.

- Inefficient use of financial, human, and physical resources; failure to anticipate and plan for future requirements, failure to meet deadlines; or failure to set appropriate priorities.

- Failure to demonstrate sound organization skills and personal work habits such as ability to plan and organize assigned work effectively, establish priorities, or follow-up and complete tasks on time.

- Micromanaging staff and thus thwarting staff career development.

- Less than full commitment to the Agency's EEO programs and policies.

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AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

AID General Notice
PFM/PM/PCF
Issue Date: 10-17-88

SUBJECT: DIPLOMATIC TITLES

All U.S. Government employees serving abroad enjoy some degree of immunity under the Vienna Convention on diplomatic relations. Immunity varies on whether personnel are assigned to diplomatic or consular posts, whether the employees concerned are commissioned in the diplomatic service or non-commissioned, or whether they are serving as substantive officers or support staff of the U.S. Diplomatic mission. However, not all U.S. Government employees serving overseas, no matter how important their duties, are accredited with diplomatic titles.

Diplomatic and consular titles are approved by the Department of State. These titles may be granted to AID Foreign Service personnel if the positions they occupy meet the criteria set forth in Handbook 25, Chapter 41. 3 FAM 610, which is included in the handbook chapter, also contains government-wide regulations on title, rank and commissions.

The following information is provided to you on the granting and use of titles:

- The Office of Personnel Management (PFM/PM) in AID/W serves as the liaison on all matters related to titles and rank for AID employees overseas. PM issues the Notification of Personnel Action (SF-50) after a title has been approved and notifies the officer/mission concerned. If the title granted is Counselor or Consul, the employee must, upon notification, execute a Civil Officer Appointment Affidavit (SF-61a).

- Foreign Service Officers who are commissioned by the President, with the advise and consent of the Senate, are eligible for commissioned diplomatic and consular titles (Counselor, First Secretary, Consul, Second Secretary, etc.). Employees who are not commissioned may receive only non-commissioned diplomatic titles (Attache, Assistant Attache), which cannot be used at constituent (consular) posts.

- AID Mission Directors and Deputy Directors routinely receive titles. Requests for titles for other employees are considered on a case-by-case basis. Requests must be supported by demonstrating what duties of a position have not and cannot be performed in the absence of a title.

- A title is valid only at the post of assignment and is not retained upon transfer. Each time an officer is assigned to a new post, a new title must be

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approved. The fact that an officer held a diplomatic or consular title at a previous post is not justification for requesting or receiving the same title at his/her new post.

- The fact that an officer possesses a commissioned diplomatic or consular title does not authorize use of this title at another mission while on temporary duty from a post of assignment. The Department of State must approve titles for temporary duty use at other missions (3 FAM 611.3.b).

- Titles are authorized when based on a clear and convincing need for the performance of official duties, and not for privileges and immunities. Titles will not be granted for personal, social or financial benefit of employees. The possession of a diplomatic passport is not justification for requesting a diplomatic or a consular title.

- Career Minister, Minister-Counselor and Counselor are personal titles as well as diplomatic titles. Senior officers may not use their personal titles unless these are specifically authorized for use as diplomatic titles at posts of assignment.

- The Chief of Mission (Ambassador) is responsible for composition of the diplomatic list for submission to the host country government. Only officers who have been granted a diplomatic or consular title are eligible for consideration for placement on the diplomatic list.

- Many AID bilateral agreements provide for diplomatic privilege and immunities for AID employees who are not formally granted diplomatic titles. At other missions, host governments have approved for privileges and immunities purposes, the inclusion of AID employees not having diplomatic titles on the diplomatic list under a separate section using their functional (work) titles.

- By a 1984 agreement between the AID Administrator and Under Secretary for Management, issues involving privileges and immunities are considered jointly by the AID's General Counsel and Personnel Management offices with the State Department's Office of Foreign Missions (A/OFM). Diplomatic titles and rank are governed by separate regulations and cannot be used to resolve such issues.

Should there be any further questions or clarification needed on this subject, please contact Verna Reynolds, PFM/PM/EPM.

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AID List H, Position 5
List B-1, Position 10