



Functional Series [400](#)
Personnel

INTERIM UPDATE 06-04

SUBJECT: New USAID Foreign Service Tenure System

NEW MATERIAL: This Notice describes a major change in USAID's system for tenuring Foreign Service Officers. This Notice provides comprehensive information on the rationale for the change, key elements of the new system, and an explanation of how the process works.

EFFECTIVE DATE: 04/20/2006

ATTACHMENTS:

1. [Precepts for USAID's Foreign Service Tenure Board](#)
2. **Tenure Evaluation Form – Foreign Service, USAID 400-25 (04/06)** [Note: This document is only available on the USAID Intranet (<http://inside.usaid.gov/forms/a400-25.doc>) Please contact ads@usaid.gov if you need a copy].

POLICY

USAID/GENERAL NOTICE
M/HR/EPM
04/20/2006

SUBJECT: New USAID Foreign Service Tenure System

This Notice describes a major change in USAID's system for tenuring Foreign Service Officers. This Notice provides comprehensive information on the rationale for the change, key elements of the new system, and an explanation of how the process works.

The new tenuring policy is effective as of the date of issuance of this Notice and applies to all untenured USAID FS career candidates. M/HR advises affected employees to review this Notice carefully.

M/HR will incorporate the new tenuring policies/procedures in ADS 414, Foreign Service Appointments, and issue the chapter in the near future. In addition, M/HR will make conforming changes to ADS 463, Foreign Service Boards, ADS 461, Employee Evaluation Program, Foreign Service and Senior Foreign Service, ADS 440, Time-in-Class (TIC) Limitations and Limited Career Extensions (LCEs), and ADS 470, Termination of Time Limited Appointments. In the interim, the policies/procedures set forth in this Notice take precedence over the tenuring provisions in these chapters.

1. BACKGROUND AND RATIONALE

The Office of Human Resources (M/HR) has decided to recreate a more formal tenure review system via the re-establishment of Tenure Boards. "Tenuring" a Foreign Service career candidate in USAID means offering an employee a career appointment in the Agency as a commissioned U.S. Foreign Service Officer.

USAID will again base the process of making tenure decisions on the recommendations of Foreign Service Tenure Boards. USAID will discontinue the current practice of using FS Performance Board ratings for tenure decisions, except as indicated in this Notice.

M/HR is taking this action for the following reasons:

- The decision to offer tenure to career candidates is one of the most important personnel decisions made by the Agency.
- Review of a candidate's entire career and recommendations from Rating Officials provide a more complete picture of the candidate's likelihood of success as a career Foreign Service Officer.
- Tenuring of Foreign Service Officers is a statutory requirement of Section 306 of the Foreign Service Act of 1980, as amended.

Over the next several years, USAID will consider increasing numbers of FS career candidates for tenure because of expanded recruitment. It is, therefore, critical that USAID complete a full and rigorous examination of these employees to ensure they demonstrate their aptitude and fitness for career service as required by the standards of performance for tenured Foreign Service Officers. If aptitude and fitness is not demonstrated, career candidates will be separated.

Officials and Tenure Board members who evaluate career candidates for tenure must assess whether each employee eligible for tenure in USAID is an individual who will contribute to USAID achieving its mission as a Foreign Affairs Agency.

2. ELEMENTS OF THE NEW TENURE SYSTEM; HOW IT WILL WORK

A. Tenure Policy

The Agency's decision whether or not to offer tenure to a Foreign Service career candidate is 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 a USAID career Foreign Service Officer over a normal career span, extending to and including class FS-01. The standard is individualized rather than comparative. This criterion is more fully explained in tenuring precepts provided for the Tenure Board's guidance by M/HR. (See the Attachment to this Notice, "Precepts for USAID's Foreign Service Tenure Board.")

Covered employees are those who are serving under a limited appointment as a career candidate for a trial period not to exceed five years in accordance with section 306 of the Foreign Service Act of 1980, as amended.

Since USAID recruits candidates in response to defined staffing needs, the Agency will not place a limit on the number or position categories of positive tenuring recommendations by the Tenure Board.

Tenure Boards will meet twice per year: first, in the summer, normally in July; second in the winter, normally in January, to review:

- Candidates who meet eligibility for tenure on March 31st of each year for the July Board and on September 30 of each year for the following January Board;
- Employees not eligible for tenure whose performance is determined by a Performance Board not to be meeting the standards of their class; and
- Candidates for whom USAID has previously deferred a tenure decision.

If a career candidate's five-year limited appointment will expire before Tenure Board review and recommendation, the Director, Office of Human Resources (M/HR/OD), in very limited circumstances may authorize an extension of the candidate's appointment. In accordance with section 309(b)(c) of the Foreign Service Act of 1980, as amended, Where the Director, M/HR/OD, determines that an extension of a five-year limited appointment is appropriate to remedy a cognizable grievance, the Director, M/HR/OD, may authorize the Chief, Personnel Operations Division (M/HR/POD), to extend the candidate's appointment. Any such extension would be granted only to allow time for the next Tenure Board to complete its review of the candidate and make a recommendation to the Director, M/HR/OD, based on its findings.

USAID discourages FS career candidates from taking leave without pay (LWOP) prior to tenure. The use of LWOP is to be restricted because LWOP of 80 hours or more in one year cannot be counted as part of the three-year service requirement in the five-year limited appointment. Excessive use of LWOP by career candidates adversely affects meeting qualification requirements for tenuring. (See ADS 480.3.11.)

Candidates not ultimately recommended for tenure by the Tenure Board will have their limited appointment terminated and be separated from the Foreign Service.

B. Eligibility Requirements for Tenure

(1) To be eligible for tenure consideration, a FS employee hired through the FS career candidate entry programs (i.e., the New Entry Professional (NEP) and International Development Intern (IDI) Programs) must have, as of March 31 for the July Tenure Board review and as of September 30 for the January Tenure Board review:

- Attained class FS-04;
- 36 months of continuous service in USAID as a Foreign Service career candidate;
- Served a minimum of eighteen (18) months overseas as a U.S. direct hire career candidate in USAID (Temporary duty for continuous and consecutive periods of at least six months or more may be counted toward the 18-month requirement if the work performed is directly related to the employee's occupational specialty.);
- Satisfied foreign language proficiency requirements (see ADS 463, Foreign Service Boards); and
- Satisfied other conditions regarding tenure eligibility, e.g., medical, security clearance, the absence of any unresolved administrative or Office of the Inspector General (OIG) investigations, and certification as to availability for worldwide service (see ADS 463, Foreign Service Boards).

Language, medical, security, investigational and certification requirements must be fully satisfied prior to the date the Tenure Board convenes.

(2) Civil Service (CS) employees appointed under the Civil Service to Foreign Service Appointment Program (see ADS 415) are reviewed for tenure after the first full 12-month rating cycle following conversion to their career candidate appointment.

FS career candidate(s) who were competitively selected and appointed under the Foreign Service Limited (FSL) appointment authority served initially under a non-career appointment. If they were subsequently converted to a career candidate appointment, then they would be reviewed for tenure after the first full 12-month rating cycle following conversion to their career candidate appointment.

To be eligible for tenure consideration, these employees must have:

- Attained class FS-04 or higher;
- Served overseas the preceding three years (two years in a non-career appointment and one year as a career candidate);
- Demonstrated the required language proficiency; and
- Satisfied other conditions regarding tenure eligibility, e.g., medical, security clearance, the absence of any unresolved administrative or OIG investigations, and certification as to availability for worldwide service.

The Personnel Operations Division (M/HR/POD) in M/HR determines eligibility of employees for tenure consideration.

C. Tenure Boards

(1) Re-establishment of USAID Tenure Boards

The Agency convenes Tenure Boards to review: (a) the performance of Foreign Service career candidates meeting all eligibility requirements for tenure review; and (b) the performance of career candidates not yet eligible for tenure who, based solely on a Performance Board's determination, appear to be failing to meet the standards of their class.

The Tenure Board makes recommendations for tenure, deferral of tenure, or non-tenure of career candidates eligible for tenure based on the individual merits of the candidates (see section 2C(5)). Consistent with section 2C(7), it also recommends retraining for career candidates not eligible for tenure and provides advice and counsel regarding skills and other areas in which the employee must improve to subsequently qualify as a career candidate for favorable tenure consideration.

(2) Staffing of Tenure Boards

The Director, Office of Human Resources (M/HR/OD), appoints members to the Tenure Board.

Each Tenure Board consists of five members chaired by a member of the Senior Foreign Service (SFS). The other Tenure Board members may be SFS, FS-1, or FS-2 Foreign Service Officers and may include one (1) USAID Foreign Service retiree. Members are selected primarily from Foreign Service staff serving in USAID/W. The Agency makes every effort to include minority and female representation to serve on each Tenure Board.

To the extent practicable, the Agency selects members from different backstops to serve on each Tenure Board. Assignments to a Tenure Board are expected to last at least two years, unless the Board member's service is exempted so that he/she can fill a priority staffing need overseas.

The Executive and Performance Management Division (M/HR/EPM) in M/HR convenes and guides the Tenure Board in the technical procedures and actions to follow. The Board addresses all questions regarding its work to M/HR/EPM staff.

(3) Scheduling of Tenure Boards

USAID convenes Tenure Boards in July and January of each year. M/HR issues a General Notice, providing the exact dates the Tenure Board will meet and identifying the members.

The following timeline shows the sequence and approximate timing of activities associated with the new tenuring system:

Date	Activity
May	Annual Evaluation Forms (AEFs) due to M/HR/EPM
June	Tenure Evaluation Forms (TEFs) due to M/HR/EPM
June	Performance Boards convene
July	Tenure Board convenes
August	Tenure recommendations and counseling letters completed
November	TEFs due to M/HR/EPM
January	Tenure Board convenes
February	Tenure recommendations and counseling letters completed

(4) Tenure Board Action on Candidates Eligible for Tenure Review

The Tenure Board reviews applicable precepts and regulations and all information properly part of the career candidate's performance evaluation file to evaluate the candidate's fitness and aptitude for the work of USAID's Foreign Service.

This information includes: (a) all Annual Evaluation Forms (AEFs) to date, (b) the new Tenure Evaluation Form (TEF), USAID 400-25 (4/06), discussed in section 2D, (c) any previous Tenure Board counseling letters, (d) previous TEFs (if a career candidate has been deferred by a previous Tenure Board), (e) awards and commendations, (f) reprimands or other disciplinary actions, and (g) the Employee Data Record (EDR). For career candidates referred to the Tenure Board prior to becoming eligible for a tenure recommendation, the Board also reviews the Performance Board referral memorandum and the information specified in section 2C(7).

Following completion of its actions, the Tenure Board prepares a Board report to the Director, M/HR/OD, announcing its recommendations.

The majority of the Tenure Board members must concur in all Tenure Board determinations. All Tenure Board members must review and consider all information in the career candidate's file before making a tenuring determination.

The Tenure Board considers all candidates with fairness and equity, solely on the merits of each individual's case. The Tenure Board must not disadvantage any candidate for reasons of race, color, religion, sex, age, national origin, sexual orientation, marital

status or plans or method of entry into the Foreign Service, initiation or participation in grievance or discrimination complaint procedures, membership in or activity on behalf of an employee organization, or political affiliation. Medical problems and personal or physical qualities must not be considered, unless they affect performance or potential.

(5) Recommendations of Tenure Boards

At the conclusion of its review(s), the Board makes the following recommendations for employees eligible for tenure to the Director, M/HR/OD:

- Recommends tenure - The Tenure Board determines that the career candidate has the potential for a full career in the Agency in that s/he has demonstrated the requisite aptitude and fitness.

- Recommends deferral of tenure candidates for a period of up to 12 months - The Tenure Board finds that there is insufficient information/evidence to determine whether or not the career candidate has the potential for a full career in the Agency.

- Recommends tenure not be granted - The Tenure Board determines that the career candidate does not have the potential for a full career in the Agency. Candidates who are not recommended for tenure by the Tenure Board will have their limited appointment terminated and will be separated from the Foreign Service unless the Director, M/HR/OD, sets the decision aside based on extenuating circumstances not presented to the Tenure Board.

For employees not eligible for tenure who are referred to the Tenure Board, the Board recommends both performance-related guidance and advice to assist these employees in positioning themselves for a favorable tenure recommendation or termination (see 2C(7)).

(6) Action by the Director, M/HR/OD

Upon receipt of the Tenure Board's recommendations, the Director may accept the Tenure Board's findings or return them to the Tenure Board for additional review if questions exist on proper use of procedures and/or precepts to reach their findings. If the latter occurs, the Tenure Board reconvenes to address the issues raised. If the Tenure Board wishes to modify its recommendations, the Board submits a revised report to the Director, M/HR/OD. Otherwise, the Board resubmits its original recommendations.

Following receipt or re-submittal of Tenure Board recommendations, the Director, M/HR/OD, takes action as follows:

- For Employees Recommended for Tenure

The Director, M/HR/OD, initiates actions to effect the career candidates' appointments as career Officers in the Foreign Service, if the Tenure Board's recommendations are accepted and the candidates have satisfied all other requirements for tenuring.

If there are any unresolved administrative or OIG investigations pending against the career candidate(s), the Director, M/HR/OD, defers the Tenure Board's recommendation regarding the concerned candidate(s) until completion or resolution of such investigation or proceedings. Such a deferral generally does not result in lengthening the candidate's limited appointment. However, if it is determined that continued service is appropriate to remedy a matter that would be cognizable as a grievance, extension of the appointment may be authorized using section 309(b)(3) of the Foreign Service Act of 1980, as amended.

If after USAID completes any investigation(s) and the Director, M/HR/OD, concludes that there is no basis for any administrative action, the Director must initiate action to effect the candidate's appointment as an Officer in the Foreign Service, if all other eligibility requirements continue to be met and the employee is not otherwise subject to termination.

If USAID terminates the employee's career candidacy, USAID will terminate the employee's limited appointment and separate him/her from the Foreign Service.

Employees who have Civil Service reemployment rights under section 310 of the Foreign Service Act of 1980, as amended, following termination from the Foreign Service may elect to exercise those rights within 30 days after separation from the Foreign Service. (See ADS 412, Reemployment Rights.)

Other employees, involuntarily separated, are eligible to participate in the Department of State's Career Transition Program as outlined in USAID General Notice issued on October 10, 2000.

- For Employees Recommended for Deferral of Tenure

A Tenure Board's recommendation for deferral must be based on: (1) an assessment that there is not enough information to determine the career candidate's potential for a full Foreign Service career; or (2) that a deficiency in skills or other characteristics exists, and additional time is needed to assess whether the candidate will meet the appropriate standard.

The Director, M/HR/OD, may accept or reject the Tenure Board's recommendation to defer a decision. If rejected, M/HR returns the recommendation to the Board for its reconsideration.

Career candidates who are deferred are reviewed by the next scheduled Tenure Board. Except in accordance with an order from the Foreign Service Grievance Board, or other authorized adjudicative body, a decision by the Tenure Board, or as a remedy to a

cognizable action, a career candidate may not receive more than two (2) reviews for tenure by a Tenure Board.

The Director, M/HR/OD, provides counseling letters prepared by the Tenure Board for career candidates reviewed for tenure but deferred to a future Tenure Board for tenure review. The counseling letter includes the Board's rationale for deferring a tenure decision and states when the candidate will be reviewed again.

To the extent possible, counseling letters issued by the Tenure Board:

- a. Gives examples of expected changes in behavior and/or performance and suggests ways in which the Officer and his/her rater should interact to effect needed improvements in the employee's performance; and
- b. Indicates that the career candidate should work with his/her rater, as well as with senior management in the respective Bureau, Office, or Mission to successfully resolve gaps in performance or competencies.

During the period of deferral, an affected career candidate is eligible to transfer to another assignment as long as the assignment gives the employee sufficient time to receive a new Tenure Evaluation Form (TEF).

- For Employees Not Recommended for Tenure

The Director, M/HR/OD, terminates the career candidacy of employees not recommended for deferral or tenure by the Tenure Board and approves their separation from the Foreign Service, if the recommendations are accepted. The Chief, M/HR/POD, coordinates the separation date with the employee and his/her respective Bureau, Office, or Mission. USAID normally establishes the effective date within 60 days of the Tenure Board's determination.

Candidates not recommended for tenure are eligible to participate in the Department of State's Career Transition Program as indicated in the USAID General Notice mentioned above.

(7) For Employees not Eligible for Tenure Review

If a Foreign Service Performance Board identifies career candidates not eligible for tenure who appear to be failing to meet the standards of their class, M/HR refers their Performance Evaluation files to the Tenure Board for review. M/HR advises the employee in writing that he/she is being referred to the Tenure Board and states the reason for the referral.

The Tenure Board reviews all AEFs and Performance File information for employees who are referred for their review. Career candidates referred to the Tenure Board for this purpose are not required to have a completed Tenure Evaluation Form (TEF).

At the conclusion of its review, the Tenure Board:

- Documents its findings on each career candidate reviewed in a report to the Director, M/HR/OD;
- Writes a letter to each employee that contains the Tenure Board's findings and what must be done; e.g., to improve performance in certain skill areas before the next Tenure Board review, or if recommended for termination, a detailed explanation of the basis for the recommendation; and
- Gives the actual date the Tenure Board plans to review the career candidate to determine whether tenure will be offered or not.

If after conducting its review, the Tenure Board concludes that the employee does not meet the standards of his/her class, the employee's case is referred to the Director, M/HR/OD. Before making a decision about the employee, the Director, M/HR/OD, must consult with the employee's rating official to determine whether the rating official agrees with the Performance Board and Tenure Board assessments of the employee. Once the Director, M/HR/OD, reviews this information, he/she decides whether to terminate the employee.

D. Performance Appraisal

The Annual Evaluation Form (AEF) and a Tenure Evaluation Form (TEF) are the official forms for use in evaluating career candidates for tenuring. The TEF, AID Form 400-25 (04/06), is a new form developed by M/HR to provide supplemental evaluation material to the Tenure Board to assess the candidates' potential and fitness for career service. It is absolutely essential that there be as much information made available to the Tenure Board as possible regarding the employee's contributions and potential.

AEFs and TEFs must be completed for career candidates being considered for tenure at the end of the rating cycle on March 31st of each year. AEFs produced in the normal course of business and TEFs completed for the period ending September 30 will be reviewed by the January Tenure Board. Both forms are found on the Agency's Forms website located at: <http://inside.usaid.gov/forms/a400-25.doc>.

Instruction and guidance on preparation of the AEF are found in Chapter 461, Employee Evaluation Program, Foreign Service and Senior Foreign Service, and the Employee Evaluation Program Guidebook. The TEF is described below.

The following performance appraisal requirements apply under the new tenure system:

- (1) The rating officer's appraisal of a career candidate must fully describe the candidate's performance. The completed AEF is reviewed by the Appraisal Committee (AC) for sufficiency.

(2) For overseas, the Mission Directors/Deputy Directors, and for USAID/W, the Office Directors/Deputy Office Directors, are responsible for preparing the TEF with input from the rater and providing comments for the TEF on whether the candidate should be granted career status. The completed form is submitted to the Bureau/Independent Office (B/IO) management staff for transmittal to the Executive and Performance Management Division (M/HR/EPM) so that eligible career candidates can be reviewed by the next scheduled Tenure Board.

In addition to a narrative section, the TEF includes a section on Areas for Growth. In this section of the form, the Director or Deputy Director discusses skill areas that the career candidate needs to address to have a successful career. In the narrative section, the Director/Deputy Director explains whether and how the candidate has met requirements for the principal skill areas, and whether, in his/her judgment, the candidate has demonstrated the potential to achieve full career performance expected of a Foreign Service Officer.

E. Supervision, Mentoring, and Development of New Employees

M/HR/EPM issues guidance to Mission Directors/Deputy Directors and Office Directors/Deputy Directors for preparation of the tenure recommendations for eligible career candidates scheduled to be reviewed by the upcoming Tenure Board. The guidance reiterates that the above-mentioned senior managers have the primary responsibility for preparing the Tenure Evaluation Form (TEF) and for recommending or not recommending a career candidate for tenure.

Attachments: Precepts for USAID's Foreign Service Tenure Board
Tenure Evaluation Form - Foreign Service, USAID 400-25 (04/06)

POINT OF CONTACT: Questions regarding this Notice may be directed to Darren Shanks, M/HR/EPM, (202) 712-5685.

Notice 0464

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