



Precepts for USAID's Foreign Service Tenure Board

A Mandatory Reference for ADS Chapter 414

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Precepts for USAID's Foreign Service Tenure Board

1. Operations of the Board

The Director, M/HR/OD, decides whether to offer a career candidate tenure in USAID's career Foreign Service, based upon recommendations of the Tenure Board. The organization of the Tenure Board and its responsibilities are set forth in Supplement A to ADS 414, Foreign Service Appointments. Within the scope of these regulations and precepts, the Tenure Board establishes such internal operating procedures as necessary to fulfill its responsibilities. The Tenure Board must review the performance evaluation file of each career candidate referred to it, evaluate the candidate's aptitude and fitness for career service as required by the standards of performance for tenured Foreign Service Officers, assess whether each career candidate eligible for tenure is an individual who will contribute to USAID achieving its mission as a Foreign Affairs Agency, and make a recommendation to the Director, M/HR/OD, regarding the tenuring of each candidate.

2. Basis for a Tenure Board Recommendation

a. General Framework.

The sole criterion for a positive tenuring recommendation is the career candidate's demonstrated potential, assuming normal career growth and development, to serve effectively as an USAID career Foreign Service Officer over a normal career span, extending to and including class FS-01. The standard is individualized rather than comparative.

b. Equality of Consideration.

The Tenure Board considers all candidates with fairness and equity, solely on the basis of merit of each individual's case. The Tenure Board must not disadvantage any candidate directly or indirectly for reasons of race, color, religion, sex, age, national origin, sexual orientation, marital status or plans or participation in grievance or discrimination complaint procedures, membership in or activity on behalf of an employee organization, or political affiliation.

If the Board discerns an indication of unfairness in a performance file for any reason, it must discount the statement or implications and refer the matter to the Chief of the Executive and Performance Management Division (EPM), 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 are to receive equal consideration.

d. Demonstrated Skills.

There are four areas of skills important for successful performance in USAID's Foreign Service. These skill areas are broken down into four to five sub-skills. USAID has developed a Skills Matrix to establish the skill standards for all grade levels by which covered employees are expected to perform. All employees will be evaluated against each of the four skill areas as appropriate. These areas, along with functional abilities and shortcomings (Section 2e) are reviewed as the sole basis for the Tenure 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 Tenure Board should avoid making negative assumptions regarding skills that the candidate has had no practical opportunity to demonstrate. The Tenure Board should, however, heed documented evidence that the career candidate displays shortcomings or deficiencies in these skills to an extent that development of satisfactory competence in any one of the four 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 four skills areas and their sub-groups to help guide the Tenure Board are:

(1) Resource Management: Manages one or more of the following Agency resources to maximize organizational performance and/or produce development results: Financial, Human Resources, Contracts/Grants or Physical Assets. Leverages Agency resources to achieve Agency's objectives.

- Budgeting and Financial Management
- Human Resources Management
- Procurement and Contract/Grant Management
- Asset Management

(2) Leadership: Assesses the environment and draws upon staff input to establish direction and vision for the operating unit. Builds consensus to implement vision. Motivates and empowers staff to solve problems and delegates decision making as appropriate. Takes responsibility for own professional development. Mentors and guides staff to assume increasing levels of responsibility in the organization.

- Direction and Vision
- Consensus Building
- Motivation and Empowerment
- Staff Development

(3) Technical and Analytical Skills: Blends knowledge of technical, program or administrative disciplines with knowledge of USAID values and business processes and applies them to the particular setting to solve problems, meets customer needs and achieves results that support Agency objectives. Remains abreast of developments in the discipline and trends in U.S. foreign policy.

- Professional Expertise
- USAID Values and Business Processes
- Information Gathering, Analysis, and Problem Solving—Includes Knowledge Management
- Customer Service

(4) Teamwork and Professionalism – Conducts self professionally, fostering an organizational environment characterized by open communication, cultural sensitivity and respect for divergent employee backgrounds, management styles and point of view. Inculcates respect for equal employment opportunity principles and ensures their uniform application in the workplace.

- Communication
- Professional Conduct
- Adaptability and Flexibility
- Cultural Sensitivity and Respect for diversity
- Diversity, Equal Employment Opportunity Knowledge and Implementation

e. Functional Abilities and Shortcomings

(1) In reviewing a career candidate's performance and evaluating the individual's aptitude, fitness, and potential as an Officer in the USAID career Foreign Service, the Tenure Board also should be alert to a candidate's demonstrated strengths or weaknesses with respect to specific functions which are important in the USAID development context, as follows:

(a) understanding the political, social and economic context of USAID activities at both the macro- and micro-levels, particularly as related to the candidate's functional backstop;

(b) ability to function effectively within USAID Mission and USAID/W environments;

(c) capacity to translate development issues and needs into program strategies, plans and documentation leading to program or project approval; and

(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 Tenure Board must also be alert to deficiencies such as noted below. To the extent such deficiencies are documented in the career 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; and

(i) lack of understanding and/or sensitivity for the traditions, feeling and aspirations of host countries, their institutions and peoples.

3. Tenure Board Procedures and Actions

a. Information to be considered:

(1) The Tenure Board must base its decisions only on material properly part of the candidate's performance evaluation file (PEF).

(2) The Tenure Board must ignore any information in the file that is inadmissible. Such information shall not be the subject of discussion or a basis for the Tenure Board's decisions.

(3) A Tenure Board member who is/was the career candidate's rating officer or served on the candidate's Appraisal Committee (AC) under the EEP system must recuse himself/herself from participating in decisions concerning the candidate.

(4) Tenure Board members are provided with:

- A set of these tenuring regulations;
- Each candidate's performance evaluation file (PEF) with all AEFs completed to date;
- The new Tenure Evaluation Form (TEF);
- Chapter 461, Employee Evaluation Program Foreign Service and Senior Foreign Service), the Employee Evaluation Guidebook and Attachment A – Skills Matrix;

- A copy of the Foreign Service Act of 1980, as amended;
- Counseling statements prepared by a prior Tenure Board and previous TEFs on candidates whose tenuring

decisions were deferred until review by a subsequent Tenure Board;

- Awards and commendations;
- Reprimands or other disciplinary actions,
- Employee Data Record (EDR); and
- A dictionary

c. Submission of Findings and Recommendations

Following completion of its actions, the Tenure Board prepares a Board report for the Director, M/HR/OD, under cover of a transmittal letter signed by the Board Chairperson. All Tenure Board members must review and consider all information properly in the career candidate's file before making a tenuring determination. The majority of Tenure Board members must concur in all Tenure Board recommendations.

The Director, M/HR/OD, may accept the Board's findings or return them to the Tenure Board or Chair for review if questions exist on proper use of procedures and/or precepts to reach the findings. If the Tenure Board wishes to modify its recommendations, the Tenure Board submits a revised report to the Director. Otherwise, the Tenure Board resubmits the original recommendations.

(1) For Career Candidates Eligible for Tenure Consideration.

The Board makes the following recommendations to the Director, M/HR/OD, on career candidates eligible for tenure consideration:

- Recommends tenure – The Tenure Board determines that the career candidate has the potential for a full career in the Agency.
- Recommends deferral of tenure 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 have their limited appointment terminated and are

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 a candidate who is to be reviewed again by a subsequent Tenure Board, the current Tenure Board prepares notice and/or counseling letters which explain the Board's rationale for deferring a tenure decision. Notice letters alert employees to the Board's concern over the absence of sufficient information to permit an informed tenure decision. To the extent possible, counseling letters issued by the Tenure Board:

(a) Give examples of expected changes in behavior and/or performance and suggest ways in which the Officer and his/her rater should interact to effect needed improvements in the employee's performance; and

(b) Indicate 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.

(2) For Career Candidates not Eligible for Tenure Board 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 files to the Tenure Board for review. The file includes a signed memorandum from the Chair of the Performance Board stating the reasons for the referral. M/HR advises the employee in writing that he/she is being referred to the Tenure Board and states the reason(s) for the referral.

The Tenure Board reviews all AEFs 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 career candidate 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 next 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 career candidate did 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.

(3) In addition to reviewing career candidates eligible/not eligible for tenure consideration, the Board may make recommendations for training, future assignments or particular aspects of counseling for career candidates under review.

d. Oath of Office

Each Board member must 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 USAID 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 adhere to the Oath of Office may result in disciplinary action or penalties.

4. Administrative Support

The Executive and Performance Management Division (M/HR/EPM) convenes and guides the Tenure Board in the technical procedures and actions to be followed. The Tenure Board will address all queries regarding its work only to responsible staff in the Division.

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