

Major Functional Series 400: PERSONNEL
ADS Chapter 485 - DISCIPLINARY ACTION - FOREIGN SERVICE

Table of Contents

<u>485.1</u>	<u>Authority</u>	2
<u>485.2</u>	<u>Objective</u>	2
<u>485.3</u>	<u>Responsibility</u>	2
<u>485.4</u>	<u>Definitions</u>	3
<u>485.5</u>	<u>POLICY</u>	3
<u>485.5.1</u>	<u>REASONABLENESS OF ACTION</u>	3
<u>E485.5.1</u>	<u>Reasonableness of Action</u>	3
<u>485.5.2</u>	<u>PENALTY SELECTION</u>	3
<u>E485.5.2</u>	<u>Penalty Selection</u>	4
<u>485.5.3</u>	<u>SPECIAL CONSIDERATION IN OVERSEAS AREAS</u>	4
<u>E485.5.3</u>	<u>Special Consideration in Overseas Areas</u>	4
<u>485.5.4</u>	<u>FAILURE TO ACCEPT ASSIGNMENT</u>	4
<u>485.5.5</u>	<u>DISCIPLINARY ACTION (INCLUDING SEPARATION FOR CAUSE)</u> .	5
<u>E485.5.5</u>	<u>Disciplinary Action (Including Separation for Cause)</u>	5
<u>485.6</u>	<u>Supplementary Reference</u>	5

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485.1 Authority

[Foreign Service Act of 1980, as amended](#)

485.2 Objective

This chapter provides policies and essential procedures for Foreign Service (FS) [disciplinary actions](#), including [separation for cause](#).

This chapter applies to U.S. citizen [employees](#) holding FS appointments with USAID. It is applicable to employees holding time-limited appointments if the proposed action is based on misconduct. Also, the chapter applies to situations in which the Agency proposes an assignment for a career FS employee to the same or a different post, country, region, or organizational location, but the employee refuses to accept. Similarly, this chapter applies to an employee holding a limited appointment, who, upon appointment, signed an agreement to serve at such post or posts as assigned.

Excluded from coverage are separations resulting from reduction-in-force, security determinations, abandonment of position, selection-out, termination of time-limited appointment for reasons other than misconduct, disability, termination of executive personnel who serve at the discretion of the Administrator, and failure of Senior Foreign [Service](#) (SFS) employees to accept an overseas assignment in connection with the granting of a Limited Career Extension (LCE).

485.3 Responsibility

- I. USAID Supervisors are responsible for:
 - a. Recognizing shortcomings in their subordinates' conduct or performance to a degree, which necessitates corrective action, and to initiate such action promptly, impartially, and constructively;
 - b. fully informing the employee of the reasons for the Agency action;
 - c. giving the employee an opportunity to answer the charges;
 - d. carefully weighing all of the circumstances, considering fully the employee's previous record, character and potential, and

contemplating probable consequences before initiating disciplinary action; and

e. initiating disciplinary action when warranted.

2. The Bureau for Management, Office of Human Resources, Labor and Employee Relations and Performance Management Division, Labor and Employee Relations Branch (M/HR/LERPM/LER) is responsible for providing, upon request, general advice on and assistance with disciplinary matters to supervisors, operating officials, employees and bureau/office Administrative Management Staffs (AMS).

485.4 Definitions (See [ADS GLOSSARY](#) and [3 FAM 400 \(Old 3 FAM 761.2\)](#))

ADMONISHMENT
AGENCY
DAYS
DECIDING OFFICIAL
DISCIPLINARY ACTION
EMPLOYEE
PROPOSING OFFICIAL
REPRIMAND
SEPARATION FOR CAUSE
SERVICE
SUSPENSION

485.5 POLICY

The following are the official Agency policies and corresponding essential procedures:

485.5.1 REASONABLENESS OF ACTION

In administering disciplinary actions, the Agency must seek to maintain reasonable consistency and equity by taking, where possible, comparable action in comparable cases. It is not realistic, however, to suppose that a prescribed schedule of offenses and penalties can be applied mechanically to achieve this end.

E485.5.1 Reasonableness of Action - N/A

485.5.2 PENALTY SELECTION

Management officials shall normally take whatever corrective measures are appropriate and feasible (including imposition of lesser disciplinary

action) in order to avert separation for cause. However, separation action must be initiated immediately if necessary to promote the efficiency of the service (e.g., in case of serious misconduct or malfeasance).

E485.5.2 Penalty Selection

The [Agency](#) shall adhere to the Penalty Selection policies and essential procedures as stated in 3 FAM 4300. **(See Mandatory Reference [3 FAM 4300 \(Old 3 FAM 760\)](#)).**

485.5.3 SPECIAL CONSIDERATION IN OVERSEAS AREAS

Special consideration must be given in cases involving breaches of conduct occurring overseas.

E485.5.3 Special Consideration in Overseas Areas

Foreign Service (FS) employees to whom this chapter applies must be available for service on a world-wide basis. Accordingly, FS employees who fail to accept assignments shall be subject to initiation of separation action in order to promote the efficiency of the service.

485.5.4 FAILURE TO ACCEPT ASSIGNMENT

- a) An employee must state in writing the reasons for declining a proposed assignment. The statement must be signed.
- b) The written statement is forwarded through administrative channels to the Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR). Upon consideration of the employee's noncompliance statement and examination of possible courses of action, the DAA must decide whether or not to initiate separation.
- c) If a decision to propose separation for failure to accept an assignment is reached, the procedures and responsibilities set forth in 3 FAM 4300 (Old 3 FAM 760) are applied to career employees. Employees holding time-limited appointments are separated under procedures outlined in Chapter 450. Notices to employees are written in such a way as to remove any implication of misconduct or incompetence. **(See Mandatory Reference [3 FAM 4300](#)).**
- d) If a separation for "failure to accept assignment" is proposed for a career employee, then the employee may appeal the reason for the separation pursuant to 3 FAM 4300 (Old 3 FAM 760). Employees holding time-limited appointments do not have these appeal rights. **(See Mandatory Reference [3 FAM 4300](#)).**

485.5.5 DISCIPLINARY ACTION (INCLUDING SEPARATION FOR CAUSE)

The Agency shall adhere to the policies and procedures contained in 3 FAM 4300 (Old 3 FAM 760), Disciplinary Action (including separation for cause). **(See Mandatory Reference [3 FAM 4300](#)).**

E485.5.5 Disciplinary Action (Including Separation for Cause) - N/A

485.6 Supplementary Reference - N/A

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