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# ADS Chapter 436

## Foreign Service Assignments and Tours of Duty

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**ADS 436 – Foreign Service Assignments and Tours of Duty**

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## ADS 436 – Foreign Service Assignments and Tours

### 436.1 OVERVIEW

Effective Date: 06/02/2005

This chapter covers the responsibilities, policy directives, regulations, and required procedures for assignments and tours of duty for Foreign Service (FS) employees. These policy directives and required procedures apply to all U.S. direct-hire FS employees except those assigned to positions on Non-Career appointments, Executive Level Senior Management Group (SMG) positions, and FS employees of the Office of the Inspector General (OIG).

### 436.2 PRIMARY RESPONSIBILITIES

Effective Date: 06/02/2005

**a. The Bureau for Management, Assistant Administrator for Management (AA/M)** is responsible for rendering decisions when there are disagreements on assignment-related matters between Bureaus and the Office of Human Resources.

**b. The Bureau for Management, Office of Human Resources Director (M/HR/OD)** is responsible for:

- Approving extensions of USAID/Washington assignments beyond eight years;
- Approving third-tour requests;
- Approving assignments of employees to positions with grades that are three pay grades higher or lower than the employee's individual rank;
- Approving reimbursable details to other agencies and international organizations, within delegated authority, and other bodies as described in [ADS 432, Details: Civil and Foreign Service](#) and [ADS 434, Details and Transfers to International Organizations](#); and
- Reviewing and making decisions on employee or management (Bureau, Office or Mission) appeals of decisions made by the Chief, Office of Human Resources, Personnel Operations Division (M/HR/POD) on tour [curtailments](#), extensions of rotational assignments beyond the normal three-year tour, leave without pay (LWOP) requests beyond 90 days; and next assignments.

**c. The Chief, M/HR/POD** is responsible for:

- Overseeing the FS assignment process and ensuring that all assignment actions are in accordance with applicable laws, regulations, and internal policies and procedures;

- Approving all non-SMG and non-OIG FS employee assignments, except third tours and assignments involving three-grade spread;
- Approving/disapproving [direct transfers](#), curtailment of tours, and out-of-cycle bid requests;
- Approving/disapproving extensions of USAID/Washington assignments up to eight years; and
- Approving/disapproving requests for shortening tours for more than 30 days or extending tours of duty for more than 90 days.

**d. The Bureau for Management, Office of Human Resources, Personnel Operations Division, Special Programs Team (M/HR/POD/SP) is responsible for:**

- Implementing the FS Open Assignment process in accordance with all applicable laws, regulations, and internal policies and procedures; and
- Providing assignment counseling to employees and managers, as appropriate.

**e. [Assignment and Performance Counselors \(APCs\)](#) are responsible for providing counsel to FS employees grades FS-01 and below on future assignments, and advising them of assignments and training needed to develop skills and broaden their experience. They ensure that the assignment process considers the employee's interests, preferences, and career development needs.**

**f. The Foreign Service Assignment Team** consists of Bureau and Independent Office (B/IO) management staffs, Washington Bureau technical representatives, Management Bureau representatives, Team Leaders for the Foreign Service Staffing (M/HR/POD/ST) and Foreign Service Special Programs (M/HR/POD/SP) Teams as well as Assignment and Performance Counselors (APCs) in M/HR/POD. It is responsible for assisting and supporting the Chief, M/HR/POD in assignment decisions by reviewing individual cases and recommending assignments in accordance with applicable laws, regulations, guidelines, policies, and procedures.

**g. The Bureau for Management, Office of Human Resources, Personnel Operations Division, Foreign Service Staffing Team (M/HR/POD/ST) is responsible for processing personnel actions on transfers and making all logistical arrangements, i.e., [medical clearances](#), training, and travel arrangements, for an employee's assignment to post.**

**h. Deputy Assistant Administrators (DAAs) for all Washington Bureaus and Office Directors, as applicable, are responsible for:**

- Ensuring that [Operating Units](#) in their areas comply with the policies, procedures, and deadlines of the FS Open Assignment process;

- Deciding the positions to be filled during the open assignment cycle, including the establishment of new positions, through a Validation process of positions in the Operating Unit;
- Designating priority positions within their bureaus, as applicable;
- Making candidate selections from Position Certificates of Eligible Bidders (CERTs) or providing written justification for not selecting a primary and two alternate candidates from the eligible bidders on the CERT for each open position at the Operating Unit, provided that there are sufficient eligible bidders; and
- Appealing assignment decisions by providing written justification.

**i. Mission Directors or designees** are responsible for:

- Approving or disapproving employee requests for shortening tours of duty for up to 30 days or lengthening tours of duty for up to 90 days;
- Deciding the positions to be filled during the open assignment cycle, including the establishment of new positions, through a Validation process of positions in the Operating Unit;
- Making candidate selections from Position Certificates of Eligible Bidders (CERTs) or providing written justification for not selecting a primary and two alternate candidates from the eligible bidders on the CERT for each open position at the Operating Unit, provided that there are sufficient eligible bidders; and
- Submitting written justification to support appeals of assignment decisions. See **436.3.3** for a description.

**j. Bureau and Independent Office (B/IO) management staffs** are responsible for:

- Assisting and supporting the FS Open Assignment process by participating in the Validation of open positions, including identifying priority positions;
- Providing information, including position narratives, on open positions and eligible bidders through the FS Assignment Process; and
- Representing Bureaus and Missions at assignment meetings.

**k. FS employees** are responsible for:

- Reading and following all FS Open Assignment instructions and procedures;
- Submitting an [Employee Bidding Form \(EBF\)](#) in accordance with the bidding instructions of the FS Open Assignment process;
- Appealing decisions on their individual assignments by providing written justification; and
- Fulfilling the terms and conditions associated with their onward assignment. After being assigned, employees are responsible for promptly making the necessary arrangements to facilitate their arrival at post as agreed between losing and gaining Missions and the respective Bureaus.

**436.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

Effective Date: 06/02/2005

**436.3.1 Assignment Decisions Based On Merit Principles**

Effective Date: 06/02/2005

In accordance with [Section 105 of the Foreign Service Act of 1980, as amended,](#) and [Executive Order 13087,](#) the Bureau for Management, Office of Human Resources (M/HR) must make FS assignments without regard to race, color, religion, sex, sexual orientation, national origin, age, physical or mental disabilities, marital status, geographic or educational affiliation within the United States, or political affiliation.

Pursuant to [Section 812 of the Foreign Service Act of 1980, as amended,](#) there is a mandatory retirement age of 65 for Foreign Service Officers. Therefore, no assignment is permitted to extend beyond the employee's 65<sup>th</sup> birthday. (See Mandatory Reference, [Foreign Service Act of 1980, as amended, Section 812](#))

**436.3.2 Foreign Service Open Assignment Process**

Effective Date: 06/02/2005

The goal of the assignment process is to support the strategic allocation of Agency human resources to meet Agency program and administrative requirements, provide for the career development of USAID's Foreign Service, and accommodate employee preferences for available positions to the extent possible. The structure of the assignment process ensures that the Agency's critical and priority positions are filled before assignments to all other positions are made.

Foreign Service positions are designated as: 1) critical positions; 2) priority positions; or 3) all other Foreign Service positions.

**Critical Positions:** The Administrator or his designee determines which Foreign Service positions are deemed critical. Assignments to these positions are prioritized in the assignment process.

**Priority Positions:** DAAs determine, within a percentage range established by M/HR, which Foreign Service positions are considered priority. Assignments to priority positions will be made after M/HR determines that the critical positions in the particular **backstop** or relevant clusters of backstops have been adequately filled.

**Other Foreign Service Positions:** These positions are not considered either critical or priority. Assignments to these positions are made after HR determines that critical and priority positions have been adequately filled.

At its discretion, HR may reserve the right to reschedule the Calendar of Events for the assignment cycle if critical or priority positions remain unfilled. In addition, HR, at its discretion, may delay assignments to selected backstops that have unfilled critical or priority positions.

The Open Assignment Cycle runs from January 1 to December 31 each year. The assignment process begins in May preceding the beginning of the next assignment cycle.

Before, during, and after the assignment process, M/HR/POD/SP issues USAID General Notices to communicate all assignment activities, as follows:

- a.** A Calendar of Events for the cycle, which is issued 60 days before the Validation process begins;
- b.** Major Listing of Open Positions and amendments, including critical and priority positions, position narratives, bidding instructions, posts with one-year assignments, and one-and **two-tour post** designations; and
- c.** Approved Assignment Actions, including those subject to the open assignment process.

Subsequent assignment notices reference all of these notices throughout the cycle. Agency management must make assignment notices and information available to all USAID Foreign Service employees.

Each notice regarding the open assignment process may also be issued via selected Agency e-mail networks, e.g., EXONET.

There are eight major steps in the FS Open Assignment Process:

- 1.** Pre-Validation, M/HR/POD/SP issues a Calendar of Events.



2. Bureaus, Offices, and Missions validate positions in the Operating Unit.
3. M/HR/POD/SP issues a Major Listing of Open Positions for employee bidding.
4. Eligible bidders submit an Employee Bidding Form (EBF).
5. M/HR/POD/SP issues Position Certificates of Eligible Bidders (CERTs) to Selecting Officials for selection consideration and decision.
6. Operating Units select bidders.
7. Assignment Team provides recommendations to Chief, M/HR/POD.
8. Chief, M/HR/POD approves assignments, and M/HR/POD/SP issues Notices of assignment decisions including employees approved for Home Leave/Return to Post (HL/RTP), approvals of employees' requests for tours extensions and shortened tours, and, as required, Update Notices of positions remaining unfilled.

#### **436.3.2.1 Pre-Validation, Validation, and Announcement of Open Positions**

Effective Date: 06/02/2005

- a. **Pre-Validation.** Operating Units must send requests for the establishment of new positions or reclassification of existing positions to M/HR/POD at least 30 days before the initiation of the Validation process.
- b. **Validation.** At the start of the assignment cycle, M/HR/POD issues Validation requests and instructions to all Missions and USAID/Washington (USAID/W) Offices via e-mail. Validation instructions must include a listing of positions in the staffing pattern that have an end-of-tour date during the upcoming calendar year (January 1 – December 31). The validation exercise requires Bureaus, Offices, and Missions to review the listings sent by M/HR/POD and certify all positions that will actually open in the cycle. The certification includes HL/RTP and employees' requests for tour extensions and shortening of tours.

Validation information requests also cover Language Designated Positions (LDPs) that will become vacant during the first quarter of the next cycle. For example, if a Mission has an LDP that will become vacant in the first calendar quarter of 2005, it can be advertised with the 2004 cycle openings, which are validated in August 2003. This allows sufficient time for language training, if necessary. The incumbent for that LDP is not an eligible bidder until the cycle of the incumbent's end-of-tour date.

HR consults with senior management to determine which of the validated positions will be advertised as critical positions. In addition, by close of Validation, each Bureau must provide to M/HR/POD a listing of positions for priority designation by Backstop (BS), position number, title, grade, and location, approved at the DAA level. See 436.3.2.2 for a description of criteria and procedures.

**c. Announcement of Open Positions.** M/HR/POD/SP publishes a list of positions available during the assignment cycle through a USAID General Notice. The General Notice includes bidding instructions for eligible bidders and narratives for all open positions, provided earlier in the process by the B/IO management staffs. The position narrative includes information on the roles and responsibilities of the position, the skills and abilities required and desired, to whom the position reports, the portfolio, and a contact person for additional information.

#### **436.3.2.2 Criteria and Procedures for Priority Positions**

Effective Date: 06/02/2005

Bureaus, with the approval of their senior management (DAA level), must send M/HR a listing of priority positions to be included with regular positions in the Validation of Open Positions. Washington Bureaus and technical centers that backstop specific overseas field positions in technical areas supported by the Bureau must also rank positions in order of priority. M/HR compares the lists from all Bureaus and technical offices/centers for matches and prepares the final list of priority positions, which reflects the consultative process between the Bureaus and the centers.

Positions are designated as priority based on:

- Bureau managers' assessment of the position's geopolitical significance;
- Developmental significance to sector, country, or office;
- Size, complexity, and developmental stage of program/sector;
- Organizational structure; and
- Skill level required of the position.

M/HR determines the actual number and percentage of priority vacancies after validation of all positions. These positions are designated as priority on the Major Listing/General Notice and on subsequent Updates.

All bidders must include at least one critical and one priority position in their EBFs, as long as at least one such position in the backstop on which they are bidding is included as critical or priority, respectively. M/HR assigns employees to critical and priority positions before other positions are filled.

#### **436.3.2.3 Employee Bidding Forms (EBFs) from Eligible Bidders**

Effective Date: 06/02/2005

Employees eligible to transfer during the assignment cycle must review the instructions for bidding in the Major Listing/General Notice, examine each vacancy announcement,

and submit an EBF accordingly, using the automated process, on or before the deadline date listed in the Notice.

**a. Extensions**

[Section 504 of the Foreign Service Act of 1980, as amended](#), provides the authority for limiting the service time of career members of the FS in the U.S. Under the terms of this provision, continuous domestic service must not exceed eight years, but the USAID Administrator may approve extensions beyond that period. The Administrator has delegated this authority to the AA/M, who has delegated the authority to the M/HR/OD, under [ADS 103, Delegations of Authority](#). Because of the statutory nature of the eight-year rule, requests for extensions of this limitation receive close scrutiny.

The Chief, M/HR/POD authorizes extensions of rotational assignments in USAID/W up to eight years. Requests for extensions beyond six years must include medical, compassionate, or strong programmatic justification. Requests for extensions beyond eight years for any reason must be approved by the M/HR/OD.

**b. Eligibility to Bid**

The General Notice with bidding instructions describes who is eligible to bid and explains the bidding rules for various types of bidders. The following employees are generally eligible to bid:

- Employees who will complete their required period of service in their rotational assignment (USAID/W) or whose end-of-tour date (overseas) falls during the advertised assignment cycle.
- Employees otherwise ineligible to bid can submit a one-bid EBF for a position at their current post. USAID/W is considered one post.

Only an EBF submitted by the deadline can determine an employee's onward assignment preferences. M/HR has the authority to assign any eligible bidder who fails to submit an EBF or who submit EBFs that do not comply with the published bidding rules will be assigned to any appropriate vacant position.

**c. Completing an EBF**

Other than one-bid EBFs, an EBF must include a minimum of three bids and a maximum of eight. Eligible bidders must bid on at least one critical and one priority position if any such positions are open in their current backstop or in other backstops on which they bid. All eligible bidders, except those bidding from a critical post, must also submit a bid on at least one hardship post, provided that there is an open position at a hardship post in the bidder's backstop or in other backstops on which he/she bids. A hardship position is one where a combination of differential and danger pay is 25% or

greater. If a critical or priority position listed in a bidder's EBF is at a hardship post, the bidder's obligation to bid on a hardship post is satisfied.

In the General Notice issued at the beginning of the bidding process, M/HR provides additional guidance on bidding instructions and criteria for determining employee bidding eligibility.

Bidders have three weeks from the release date of the Major Listing General Notice to submit an EBF located at [http://165.13.59.132/ebf/print\\_save.cfm](http://165.13.59.132/ebf/print_save.cfm) . They have two weeks from the release of the Update Notice announcing open positions and bidding instructions to submit an EBF. M/HR/POD considers all bids to be serious; therefore, employees must bid only on positions for which they are willing or able to be posted, with or without eligible family members. However, this caveat does not exempt a bidder from bidding on a minimum of three positions. Bidders must consider their personal, family, medical, and educational requirements before including a bid on their EBF. All bids are valid assignment possibilities.

In the Notice, M/HR/POD encourages bidders to review the FS Skills Matrix of the Employee Evaluation Program (<http://www.usaid.gov/policy/ads/400/463mab.pdf>) to help them establish a bid list that can make them more competitive in their class.

#### **d. Bid Out-of-Cycle (BOC) Requests**

Employees submit requests to bid out-of-cycle for mid-tour and direct transfers at the beginning of an assignment cycle. All requests must be submitted to the Chief, M/HR/POD for approval. The FS Staffing (M/HR/POD/ST) and FS Special Programs (M/HR/POD/SP) Teams consider the requests and make a recommendation for approval/disapproval to the Chief, M/HR/POD based on all applicable laws, regulations, policies, procedures, and past precedents. The Chief, M/HR/POD considers the recommendation and makes a final decision. Employees may appeal decisions to the Director, M/HR, within 10 calendar days of notification of the Chief's, M/HR/POD, decision.

#### **436.3.2.4 Certification of Eligible Bidders**

Effective Date: 06/02/2005

M/HR/POD sends a Certificate of Eligible Bidders (CERT) for each open position via e-mail to the appropriate Operating Unit.

#### **436.3.2.5 Selecting Bidders**

Effective Date: 06/02/2005

Selecting Officials have 10 work days to review eligible bidders for their positions, select a primary choice and two alternates for each position, and then make CERTs available to M/HR/POD, with copies to the appropriate B/IO management staffs. If there are eligible and qualified bidders and the Selecting Official does not select a primary and two alternates, as part of the CERT, the Selecting Official must provide written

justification why each eligible bidder was not selected. Failure to select from the bidders or justify non-selection results in either a directed assignment or the position being left unfilled at the end of the cycle assignment phase. If there are not enough bidders for the selecting official to select three, the selecting official must identify a primary choice.

Selecting Officials may write on the CERT the names of FS employees who did not bid on the position; however, a selecting official must still submit written justification to M/HR/POD outlining the reason for not selecting the bidders referred on the CERT. M/HR will review the Selecting Official's reason for passing over eligible bidders on the CERT and will decide whether or not to allow the assignment of the requested employee.

The FS Assignment Coordinator on the M/HR/POD/SP Team must ensure that the selections are entered onto the Assignment Agenda within five working days of the return deadline. M/HR/POD distributes the Assignment Agenda, reflecting CERT decisions, to members of the FS Assignment Team prior to the Assignment Team meeting.

#### **436.3.2.6 Approving Assignment Selections**

Effective Date: 06/02/2005

After consultation with the Assignment Team, the Chief, M/HR/POD makes all final FS assignment decisions.

The Assignment Team includes a Chairperson, who is the Chief, M/HR/POD, Assignment and Performance Counselors (APCs), B/IO management staff from each Bureau or Office, as appropriate, a representative from the Foreign Service exclusive bargaining unit, and technical office representatives, as necessary.

The Assignment Team holds meetings after each vacancy listing as indicated in the schedule of events during the assignment cycle. Dates may vary depending on the availability of team members. During these meetings, M/HR/POD records the comments and assignment preferences of all parties about the strategic allocation of the Agency's human resources. All consultations, discussions, and comments made during assignment meetings are considered to be manager-to-manager and must not be discussed outside these meetings.

FS assignments are made according to the following precedence:

1. Critical positions,
2. Overseas priority positions,
3. USAID/W priority positions,
4. Remaining overseas openings, and

5. Remaining USAID/W positions.

M/HR/POD publishes approved assignment decisions in a USAID General Notice or other forms of notification, e.g., letters, memoranda or e-mail. This constitutes official notification to employees of assignment decisions.

When M/HR/POD must fill critical vacancies and make an assignment decision before the next scheduled assignment meeting, M/HR/POD retains the right to solicit expressions of interest to make assignments.

See section 436.3.8 for additional factors in assignment decisions.

### **436.3.3      Appealing Assignment Decisions**

Effective Date: 06/02/2005

Only the interested parties listed below may appeal assignment decisions. Appeals must be submitted within 10 calendar days after notification of approved assignment decisions.

M/HR/OD has delegated to the Chief, M/HR/POD authority to review and decide assignment appeals at their initial stage. These parties may refer additional appeals to the M/HR/OD or, if necessary, to the AA/M, for final decision.

**a.      Principal USAID Officer.** The principal USAID officer (Mission Director or designee) of an overseas post may submit an appeal of an employee assignment to that post. The principal USAID officer must send the appeal in writing, with justification, to the Chief, M/HR/POD within 10 calendar days of notification of the assignment. In forwarding the appeal, the principal officer must be discreet to protect the reputation and privacy of the assigned employee. M/HR/POD must notify the assigned employee that an appeal of his/her assignment to the position has been made. The employee has the option to request that M/HR/POD provide him/her with a copy of the principal officer's appeal. The employee has 10 calendar days from notification to forward comments on the appeal to the Chief, M/HR/POD and may use a memorandum or e-mail to meet the time requirement.

**b.      DAA or Office Head.** The DAA or Office Head may appeal the assignment of an employee to a respective Bureau, Office, or Mission. The DAA or Office Head must send the appeal in writing, with justification, to the Chief, M/HR/POD within 10 calendar days of notification of the assignment. In forwarding the appeal, the DAA or Office Head must be discreet to protect the reputation and privacy of the assigned employee. The assigned employee must be notified that an appeal of his/her assignment to the position has been made. The employee has the option to request that M/HR/POD provide him/her with a copy of the DAA's or Office Head's appeal. The employee has 10 calendar days

from notification to forward comments to the Chief, M/HR/POD and may use a memorandum or e-mail to meet the time requirement.

**c. FS Employee.** An FS employee may submit an appeal of his/her assignment in writing, with justification, to the Chief, M/HR/POD within 10 calendar days of notification of the assignment. The employee may use a memorandum or e-mail to meet the time requirement. Upon receipt of the employee's appeal, the Chief, M/HR/POD must obtain relevant comments from the concerned Bureau, Office, or Mission and render a decision.

**d. Additional Appeal.** An employee, Bureau, Office, or Mission can make an additional appeal to the M/HR/OD if not satisfied with the decision rendered by the Chief, M/HR/POD. M/HR/POD must notify the affected employee that a Bureau, Office or Mission has submitted an appeal. The employee has the option to request that M/HR/POD provide him/her with a copy of the appeal. The employee has 10 calendar days to forward comments to the M/HR/OD, and may use a memorandum or e-mail to meet the time requirement.

**e. Final Appeal.** An employee, Bureau, Office, or Mission can make a final appeal to the AA/M or designee, if not satisfied with the M/HR/OD's assignment appeal decision. The employee must send the final appeal, with justification, in writing to the AA/M, or designee, within 10 calendar days of notification of the M/HR/OD's assignment appeal decision. M/HR/POD must notify the employee of the assignment appeal submitted by a Bureau, Office, or Mission and must provide the employee a copy upon request. The affected employee has 10 calendar days to forward comments to the AA/M or designee, and may use a memorandum or e-mail to meet the time requirement. M/HR/POD notifies the employee of the AA/M's or designee's final decision.

#### **436.3.4 Initial Overseas Assignments of New Foreign Service Employees**

Effective Date: 06/02/2005

In order to facilitate a smooth transition for new employees into their first overseas placement, M/HR directs the initial overseas assignment for each new Foreign Service employee.

Missions may identify overseas positions appropriate for new employees during the Validation of Open Position phase of the Open Assignment Process. All openings for deputies or second-level positions within a backstop area are assumed to be appropriate for first assignments.

The Agency works to avoid unplanned dislocation. Nonetheless, to facilitate first overseas assignments for junior Foreign Service employees, the Agency may occasionally need to exercise its right to reassign any employee.

An individual's experience, education, and progress consistent with the period and content of the Individual Development Plan (IDP) determine when the individual is ready

for his/her initial overseas assignment. Based upon projected completion of the IDP, M/HR begins the process of identifying an initial overseas assignment. The IDP form is located at <http://www.inside.usaid.gov/form/IDP.doc>.

An initial overseas assignment involves one of two scenarios. In the first, M/HR will place the employee in a Mission where there will be a senior officer, preferably the employee's supervisor, in the employee's backstop. In the second, the employee will be placed in a position where, for training purposes, he or she can overlap for up to six months with the officer whom the employee will replace.

If this is not possible, M/HR looks for assignments where the principal officer has specific experience in the individual's backstop. The Agency is committed to finding appropriate assignments to meet the developmental needs of new Foreign Service employees.

### **436.3.5 Worldwide Assignment Requirement**

Effective Date: 06/02/2005

As a condition of initial and continuing employment, FS career and career-candidate employees must agree to accept assignments on a worldwide available basis at the discretion of the Agency for such periods of time as required by the Agency. If one or more Eligible Family Members (EFMs) cannot accompany the employee for any reason, the employee agrees to remain available for worldwide assignments. Failure to accept an assignment is cause for termination of employment. See [ADS 485, Disciplinary Action – Foreign Service](#) and Mandatory Reference [3 FAM 4300](#).

If an employee must go on assignment or remain at an assigned post without one or more of his or her EFMs, a Separate Maintenance Allowance (SMA) may be available to help defray the cost of maintaining two households for an extended period of time. See [ADS 477, Allowances and Differentials](#) for more information.

During the course of a normal Foreign Service career, employees **must** anticipate service in unaccompanied posts, hardship posts, and posts for which an assigned employee is eligible to receive danger pay.

### **436.3.6 Employee's Pay Grade versus Grade of Position**

Effective Date: 06/02/2005

Employees are generally assigned to positions classified no more than two grades higher or lower than their individual Foreign Service pay grade. Assignments made to positions three or more pay grades above or below the employee's individual pay grade are exceptions. The M/HR/OD must approve such assignments. This is a factor in the assignment process (see 436.2).

After the Assignment Team meeting, M/HR/POD/SP provides the M/HR/OD with an action memorandum requesting approval of all assignments that would result in more than a two-grade differential between position and employee grade.



**436.3.7 Additional Factors in Assignment Decisions**

Effective Date: 06/02/2005

When making assignment decisions, M/HR must also consider the following factors:

- The Agency's corporate and career development needs;
- The employee's assignment preferences, experiences, skills, abilities, and career interests;
- The educational and medical needs of the employee's eligible family members;
- The employee's existing language skills;
- Any applicable medical clearance limitations of the post and the employee; and
- Tandem assignments (see 436.3.14).

**436.3.8 Assignment to Language Designated Positions (LDPs)**

Effective Date: 06/02/2005

Before departure to post, employees assigned to LDPs must receive training by the Foreign Service Institute (FSI) or one-on-one training by an instructor as specified in [HB 28, Chapter 4, Foreign Language Program](#) to achieve the language requirement of the position.

**436.3.9 Intra-Mission Reassignments**

Effective Date: 06/02/2005

Eligible bidders have the option to include bids on their own position, as well as any other openings at their present duty post, as long as their EBF complies with all bidding rules.

Employees who are otherwise ineligible to bid may submit a one-bid EBF for an announced position at their current duty post (this includes USAID/W), provided the assignment does not require an extension of their tour of duty beyond five years at the same post overseas or six years in USAID/W.

**436.3.10 Release and Effective Dates of Non-Senior Management Group (SMG) Assignments for Foreign Service Employees**

Effective Date: 06/02/2005

Once an employee is assigned to a new position, the gaining and losing Operating Units negotiate a mutually acceptable release date. If a mutually acceptable release date cannot be negotiated, the previously approved end-of-tour date will be the release date.

The desired departure date on the EBF is only an indication of the employee's particular preference.

The involved Bureaus negotiate release of FS employees returning from SMG assignments. The Executive Management Division, M/HR/EM, assists in the process, as necessary.

#### **436.3.11 Tours of Duty**

Effective Date: 06/02/2005

The following sections contain policy descriptions and required procedures pertaining to various types of tours of duty. Section 436.3.11 pertains to overseas tours of duty; see 436.3.12 for policy descriptions and required procedures pertaining to domestic (United States) tours of duty.

##### **436.3.11.1 Tours of Duty – Overseas**

Effective Date: 06/02/2005

Overseas posts are designated as one-year, one-tour, two-tour, or [optional-tour](#) posts. The standard length of a tour of duty is 24 months.

M/HR/OD or geographic Bureau AAs may recommend changes in tour designations, as follows:

- AAs must submit requests for tour designation changes to M/HR/OD for review and decision.
  - AAs may send an appeal of an M/HR/OD decision to the AA/M within 30 days from the date of the decision.
  - M/HR announces changes to tour policy in a USAID General Notice and in the Assignment System bidding instructions.
- a. One-Year Posts:** Exceptionally challenging posts are designated as one-year assignments. Such assignments count toward completion of a standard 24-month tour of duty for home leave eligibility.
- b. One-Tour Posts:** Assignments to one-tour posts are made for one 24-month tour. An employee may request an additional 24-month tour or an extension of the first tour at that post.

If an employee is assigned to a one-tour post that is changed to a two-tour post before the employee's arrival at post, then the employee is expected to serve two 24-month tours at post. If the designation changes 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.

**c. Two-Tour Posts:** Assignments to two-tour posts are made for two 24-month tours separated by home leave as described in [3 FAM 3430, Home Leave](#).

Employees assigned to two-tour posts that change to one-tour before their arrival have the option of transferring at the end of one tour. If the designation changes to one-tour after their arrival at post, they are expected to serve for 24 months after the date of the one-tour designation or until originally scheduled to depart post, whichever date occurs first.

**d. Optional-Tour Posts and Positions:** To offset the requirements for frequent required travel, optional tours are available to employees who are assigned to designated positions at regional posts (where employees perform duties at more than one post in more than one country).

(1) An employee assigned to a regional office or position overseas may elect an optional tour of duty as follows:

(a) For posts authorized Rest & Recuperation (R&R), a three-year tour of duty with two R&R trips; and

(b) For posts not authorized R&R, two 18-month tours with home leave after each 18-month tour.

(2) Employees must advise M/HR/POD in writing whether they elect the optional or normal two 24-month tour. Employees who select an optional tour and later decide to return for a second tour must complete a full 24-month second tour.

#### **436.3.11.2 Third Tours**

Effective Date: 06/02/2005

M/HR will review third-tour bids on a case-by-case basis, generally at the end of the assignment process. M/HR balances the availability of posts that have good educational and medical facilities with others available on a two-tour basis to spread the advantages to as many employees as possible within the cost savings implicit in an extended stay at post. More than two tours at a post are exceptional and require M/HR/OD approval.

#### **436.3.11.3 Mid-Tours and Direct Transfers**

Effective Date: 06/02/2005

Normally reassignments from one post to another occur after employees complete home leave. Exceptions to the normal process are mid-tours or direct transfers resulting from the approval of employees' requests to bid out of cycle or Agency initiated actions to move the work of one or more employees from one post to another as a transfer of function resulting from a reorganization plan or other authority.

A [mid-tour transfer](#) is the transfer of an FS employee from one post to another or to the United States prior to completion of a full tour of duty. A mid-tour transfer occurs when an employee does not complete 24 months at post.

A direct transfer is the transfer of an FS employee from one post to another following the completion of 24 months or more on the same tour with the deferral of home leave.

Requests to bid out-of-cycle (BOC) for mid-tour or direct transfer are decided on a case-by-case basis. The request must be justified by urgent Agency programmatic or compassionate reasons.

Employees must submit BOC requests for mid-tour or direct transfers to the Chief, M/HR/POD for decision. An employee may submit an appeal of a decision by the Chief, M/HR/POD to the M/HR/OD within 10 days of notification of the original decision (see 436.3.2.3).

#### **436.3.11.4 Limit on Continuous Duty Overseas**

Effective Date: 06/02/2005

Consistent with the needs of the Service, M/HR/POD seeks to assign each career FS member to a position at USAID/Washington at least once during each period of 15 years that the member is in the Foreign Service, as described in the [Foreign Service Act of 1980, Section 504](#).

#### **436.3.11.5 Extending an Overseas Tour**

Effective Date: 06/02/2005

- a. Extending a tour of duty must not result in the employee being assigned continuously overseas for more than 36 months without home leave. If M/HR grants an extension on the first tour at a two-tour post, the FS employee must return after home leave to complete a second full tour.
- b. Consistent with paragraph a. above, a tour may be extended for up to three months by Mission management without M/HR/POD's approval. The Mission must notify M/HR/POD before such an extension so that the extension can be taken into consideration in planning for training and onward assignments.
- c. M/HR/POD may authorize tour extensions beyond three months, but not to exceed one year.

#### **436.3.11.6 Shortening an Overseas Tour**

Effective Date: 06/02/2005

Overseas tours may be shortened (curtailed) for programmatic reasons as identified by the Mission, or for personal, compassionate reasons of the employee. The Mission Director can approve employees' requests to shorten a tour by 30 calendar days or less. The Mission Director must notify M/HR/POD before such an action so that it can be

considered in planning for training and onward assignments. The employee or Mission must submit requests to shorten a tour by more than 30 calendar days to M/HR/POD for approval (see paragraphs a. and b., below).

**a. Requests by Employee**

An employee may request a shortening of his or her overseas tour of duty for any reason, including, but not limited to, health, need to care for family members, schooling requirements for family members, and other changing family circumstances. The employee must submit the request for a shortened tour in writing to the Mission Director (if the request is for 30 days or less) or M/HR/POD (if the request is for a period exceeding 30 days). The employee's request must outline the reasons for the request. The employee's request to M/HR/POD must include Mission support for, or opposition to, his or her request for a shortened tour.

These requests must also address whether or not the employee has taken R&R travel. Approval for shortening a tour does not automatically waive repayment of R&R travel costs, as described in [3 FAM 3435, Home Leave in Connection with an Assignment in the United States](#) and [3 FAM 3724, Scheduling for Rest and Recuperation Travel](#).

**b. Requests by Mission**

A Mission may request immediate shortening (curtailment) of an employee's tour of duty if the Mission Director determines that such curtailment would be in the best interest of the employee and/or the post.

The Mission Director must advise the employee of the request for curtailment and provide him/her a copy. The curtailment request is then submitted to the Chief, M/HR/POD along with background information that supports the request.

**436.3.12 Tours of Duty – Domestic (United States)**

Effective Date: 06/02/2005

After a minimum of two tours overseas, an employee is eligible for a domestic tour ([rotation assignment](#)) to the United States. A domestic tour of duty is a rotation assignment that lasts 36 months.

Employees may request exceptions to the two-tour minimum overseas before returning to the U.S. Such requests are submitted to the Chief, M/HR/POD for decision. The employee may appeal decisions by the Chief, M/HR/POD to M/HR/OD within 10 calendar days of notification of the decision.

Employees on rotation assignments are normally assigned to positions in USAID/W that are designated as FS positions. However, FS employees can be assigned to any vacant position listed in the Agency's staffing pattern in USAID/W for which they are

qualified, subject to the needs of the Agency. Rotation assignments also include, but are not limited to

- a. Assignments to positions in state or local governments;
- b. Details or assignments to international organizations in the United States or non-profit institutions (including educational);
- c. Details to a Congressional office;
- d. Long-term training;
- e. Details to other Federal agencies; and
- f. Transfers to the Agency's Foreign Service Reassignment Complement established on the Agency Staffing Pattern for employees awaiting notification of onward assignments.

When employees contemplate assignments outside USAID, the following USAID ADS provisions apply:

- To other U.S. Agencies and Congressional offices: [ADS 432, Details: Civil and Foreign Service.](#)
- To state and local governments and educational institutions: [ADS 437, Temporary Assignments Under the Intergovernmental Personnel Act.](#)
- To international organizations: [ADS 434, Details and Transfers to International Organizations - Civil Service \(CS\) and Foreign Service \(FS\).](#)
- To long-term training: [HB 28, Chapter 9.](#)

#### **436.3.12.1 Limit on Continuous Domestic Duty**

Effective Date: 06/02/2005

The extension of a rotation assignment beyond the normal three years requires approval at different levels of authority.

- a. The Chief, M/HR/POD approves requests for extensions from four to five or six years as non-assignment board actions during the Validation of open FS positions.
- b. Rotational tour extensions from six to seven or eight years require a written request from the employee to the Chief, M/HR/POD.

c. Assignments in the United States for any period of continuous service are generally limited to not more than eight years, according to the [Foreign Service Act, Sec. 504](#). M/HR/OD has authority to approve requests from employees who wish to extend beyond eight years. An employee requesting such an extension must support his/her request with written justification indicating the exceptional circumstances (e.g., employee or EFM medical limitations, compassionate reasons, or shortage of positions overseas in a specific skill area) of the situation. Programmatically-based requests must come from a Bureau DAA or the Head of an Independent office.

#### **436.3.12.2 Shortening Rotation Assignments in the United States**

Effective Date: 06/02/2005

An FS employee may be assigned to another overseas post after less than 36 months in the United States. The FS employee must submit a request with written justification for shortening his/her tour to the Chief, M/HR/POD. The Chief, M/HR/POD bases a decision on special or critical needs for the employee's service overseas, for example, lack of eligible bidders or insufficient bidders for the positions available in the employee's skill area. If approved, the timing of such transfers will be established following consultation with the office/or other organization to which the employee is assigned.

#### **436.3.13 Nepotism**

Effective Date: 06/02/2005

5 U.S.C. 3110, 18 U.S.C. 208 and 5 CFR Part 2635 provide that a public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control, any individual who is a relative of the public official, including spouses. (see Mandatory References, [5 U.S.C. 3110](#), [Employment of Relatives](#), [18 U.S.C. 208](#) and [5 CFR Part 2635](#))

[Tandem couple](#) arrangements that involve one spouse in the chain of command of another, as for example, when one spouse is a mission director, need to be cleared with the Office of the General Counsel (GC) or the Regional Legal Advisor (RLA) at post.

#### **436.3.14 Tandem Assignments**

Effective Date: 06/02/2005

M/HR makes every effort to accommodate tandem couples who are both U.S. Government Foreign Service employees with assignments to the same posts, recognizing that Agency programmatic needs must come first and that similar assignment opportunities must be provided to other employees. In the case of interagency tandem couples, USAID actively coordinates with the other agency in an effort to identify a suitable assignment at the same post for the tandem couple. Tandem couples, especially interagency couples, must initiate future assignment planning early

in their assignment cycles and inform all concerned agencies of their desire for an onward tandem assignment.

Tandem couple arrangements that involve one spouse in the chain of command of another, as for example, when one spouse is a mission director, need to be cleared by the Office of the General Counsel (GC) or the Regional Legal Advisor (RLA) at post.

In the case of interagency tandem couples, when, after consultation with both agencies, a tandem assignment is not possible, each member is assigned to separate Missions or posts. In such cases, one member has the option of requesting leave without pay (LWOP) approval to accompany the other member to his or her post of assignment as described in [ADS 480, Leave](#))

#### **436.3.15 Voluntary Separation Repayment Requirements**

Effective Date: 06/02/2005

An employee is indebted for home leave expenses if the employee fails to return to service abroad or in the United States in accordance with [3 FAM 3439](#).

Newly hired Foreign Service Officers must sign the **Conditions of Employment for Time-Limited Foreign Service Career Candidate Employee** form which includes statements of repayment of costs for travel and transportation of the employee and EFM's, and shipment of Household Effects (HHE) and Privately Owned Vehicle (POV). Repayment statements taken from the form are listed under Conditions 3 and 4 below:

**a.** Condition 3:

(3) That I will be responsible for repayment of costs for travel and transportation to post for myself, eligible family members, household and personal effects, and privately-owned vehicle, if for personal reasons not acceptable to the Agency, I do not complete one full year at the post of assignment.

**b.** Condition 4:

(4) That I am responsible for travel and transportation costs for myself, eligible family members, household and personal effects, and privately-owned vehicle, from my assigned duty post to my separation residence, if, for personal reasons not acceptable to the Agency, I resigned before completing an overseas tour of duty.



**436.4 MANDATORY REFERENCES**

**436.4.1 External Mandatory References**

- a. [Executive Order 13087](#)
- b. [Foreign Service Act \(FSA\) of 1980, as amended, Sec. 105, 502, 503, 504, 505, 812](#)
- c. [5 U.S.C. 3110, Employment of Relatives](#)
- d. [18 U.S.C. 208, Crimes and Criminal Procedure](#)
- e. [3 FAM 3430, Home Leave](#)
- f. [3 FAM 3435, Home Leave in Connection with an Assignment in the United States](#)
- g. [3 FAM 3724, Scheduling for Rest and Recuperation Travel](#)
- h. [3 FAM 4300, Disciplinary Actions](#)

**436.4.2 Internal Mandatory References**

- a. [ADS 103, Delegation of Authority](#)
- b. [ADS 432, Details: Civil and Foreign Service](#)
- c. [ADS 434, Details and Transfers to International Organizations – Civil Service \(CS\) and Foreign Service \(FS\)](#)
- d. [ADS 437, Temporary Assignments under the Intergovernmental Personnel Act](#)
- e. [ADS 477, Allowances and Differentials](#)
- f. [ADS 480 Leave](#)
- g. [ADS 485, Disciplinary Actions](#)
- h. **Employee Bidding Form (EBF)**
- i. [HB 28, Chapter 4, Foreign Service Language Program](#)
- j. [HB 28, Chapter 9, Long-Term Training](#)

**436.5        ADDITIONAL HELP**

**436.6        DEFINITIONS**

The definitions listed below have been included into the ADS Glossary. See the [ADS Glossary](#) for all terms and conditions.

**Assignment and Performance Counselors (APCs)**

APCs provide counsel to FS employees grades FS-01 and below on future assignments, advising them of assignments and training needed to develop skills and broaden their experience. They ensure that the employee's interests, preferences, and career development needs are considered in the assignment process.

**Backstop**

Numeric code used to identify the skill category of a particular position. (Chapter 415)

- 02 Program Analysis
- 03 Administrative Management
- 04 Financial Management
- 05 Secretarial Support
- 08 Audit & Inspection
- 10 Agriculture
- 11 Economics
- 12 Program Management (General Development)
- 14 Rural Development
- 20 Housing, Urban and Community Development
- 21 Business, Industry, and Private Enterprise
- 25 Engineering
- 40 Natural Resources
- 50 Health, Population, Nutrition
- 60 Human Resources, Education and Participant Training
- 75 Physical and Social Sciences
- 76 Crisis, Stabilization and Governance
- 85 Legal
- 92 Commodity Management
- 93 Contract Management
- 94 Project Development (Chapter 436)

**Curtailment**

Shortening of the tour of duty to which the employee is currently assigned, up to and including the employee's immediate departure from a Bureau or post. (Chapter 436)

**Certification of Eligible Bidders (CERT)**

A document (Certificate) that contains specific open position information and a list of eligible bidders who expressed a preference for that position. (Chapter 436)

**Danger Pay Post**

An overseas post designated by the Secretary of State where civil insurrection, civil war, terrorism, or wartime conditions have been determined to threaten physical harm or imminent danger to the health or well-being of employees. (Chapter 436)

**Direct Transfer**

The transfer of an FS employee from one post to another following the completion of 24 months or more on the same tour with the deferral of home leave. (Chapter 436)

**Employee Bidding Form (EBF)**

Management's basic source of information for planning subsequent assignments for FS employees. Employees list their preferences for a next assignment, proposed departure date, and any other information that might be useful in making the most appropriate onward assignment. Additional information might include education needs (e.g., high school) of eligible family members, medical needs, and any statements concerning qualifications for listed positions out of the employee's normal technical area. (Chapter 436)

**Medical Clearance**

Form DS-823 issued by the Medical Director of the Department of State to report that the medical examination of an individual has been completed and the individual has been found either medically cleared with or without limitations ([16 FAM 100](#)) or not cleared for service abroad. It also may report that the final evaluation is pending further examination or treatment or that the previous clearance is annulled. (Chapter 436)

**Mid-tour Transfer**

The transfer of an FS employee from one post to another or to the United States prior to completion of a full tour of duty. A mid-tour transfer occurs when an employee does not complete 24 months at post. (Chapter 436)

**One-tour Posts**

A State Department designation indicating that assigned employees are only required to stay at post for one standard tour (24 months). Employees may be encouraged but not required to do a second tour. (Chapter 436)

**One-year Posts**

Exceptionally challenging posts are designated for one-year assignments. Such assignments count toward completion of a standard 24-month tour of duty required for home leave eligibility. They can have anywhere from two to three rest and recuperation (R&R) trips. (Chapter 436)

**Optional Tour**

Two 18-month tours with home leave after each 18 months or a three-year tour of duty with two R&R trips. This tour option is only available at regional Missions or assignments to regional positions where the travel requirement is extensive. (Chapter 436)

**Foreign Service Open Assignment System (FSAS)**

The assignment system used to fill non-Senior Management (SMG) FS vacancies. Open positions are advertised and all eligible bidders participate by bidding on positions. FS assignments are made without regard to race, color, religion, sex, national origin, age, handicapping condition, marital status, geographic or educational affiliation within the United States, or political affiliation, as prohibited under section 2302(b)(1) of Title 5, United States Code. (Chapter 436)

**Operating Units**

USAID field Missions, regional entities, and USAID/Washington Offices that expend funds to support Agency program objectives. This definition particularly includes operating units performing the functions of formulating policy, strategic and budgetary planning, achieving results, procurement, personnel management, financial management, and statutory requirements. (Chapters 200-204, 260, 623)

**Rotation Assignment**

The assignment of an FS employee to the United States for three years. (Chapter 436)

**Standard Tour**

A tour of duty that is 24 months in duration. (Chapter 436)

**Tandem Couple**

A married couple, one of whom is a Foreign Service employee of USAID and the other a Foreign Service employee of USAID or of another U.S. foreign affairs agency. (Chapter 436)

**Transfer of Functions**

Transfer of a specific function with no change in the duties of the position(s) from one post to another (Chapter 436)

**Two-tour Post**

A State Department designation indicating that assigned employees are required to stay at post for two standard tours (24 months each) separated by home leave. (Chapter 436)

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