

## **3 FAM 2420**

# **FOREIGN SERVICE CAREER DEVELOPMENT, ASSIGNMENTS, AND TRANSFER**

*(CT:PER-602; 05-01-2008)*  
*(Office of Origin: HR/CDA)*

## **3 FAM 2421 LEGAL AND REGULATORY AUTHORITY**

*(CT:PER-602; 05-01-2008)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

*The legal and regulatory authorities for this subchapter are:*

- (1)* 22 U.S.C. 2685, 3310, 3901-3905, 3921-3928, 3941-3943, 3945, 3949, 3951, 3981-3985, 4023, 4102;
- (2)* 5 U.S.C. 3343 and 3581-3584;
- (3)* 5 CFR Subpart C and Subpart H;
- (4)* Section 602 of the Agricultural Act of 1954 (68 Stat. 908; 7 U.S.C. 1762); and
- (5)* 31 U.S.C. 1535.

## **3 FAM 2422 AUTHORITY**

*(CT:PER-602; 05-01-2008)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

The Secretary of State has delegated his or her authority under 22 U.S.C. 3982 *and* 3983 to the Under Secretary for Management through Delegation of Authority 148-1 of September 9, 1981, as amended, and Delegation of Authority 198 of September 16, 1992, as amended. This authority is exercised through the Director General of the Foreign Service and Director of Human Resources (*DGHR*) who is responsible for formulating and implementing personnel policies and programs for the Department and the Foreign Service. The Office of Career Development and Assignments (HR/CDA), administers the open assignments system. (See 3 FAH-1 H-2420

for procedures.)

### **3 FAM 2423 OBJECTIVE**

*(CT:PER-602; 05-01-2008)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. We have established a career development program (CDP) (22 U.S.C. 4023) in order to help *ensure*, in part, that members of the Senior Foreign Service possess the necessary skills and qualifications to carry out their responsibilities to the Department.
- b. We endeavor to maintain the most effective staffing of positions possible within budgetary and complement limitations, consistent with responsibilities and needs of the Foreign Service giving due regard, as practicable, to the career interests and aspirations of Foreign Service personnel.
- c. The open assignments system is designed to engage all Foreign Service employees directly in the assignment process by disseminating information on all position vacancies, training programs, and other available assignments, and offering the opportunity to compete openly for them.

### **3 FAM 2424 POLICY**

#### **3 FAM 2424.1 Career Development Program (CDP)**

*(CT:PER-564; 08-31-2005)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

The CDP is designed to help assure that you acquire, at each stage of your career, the experience and breadth of service that will enable you to meet increasingly demanding standards of professional performance associated with more senior positions in the Service.

#### **3 FAM 2424.2 Foreign Service Assignment**

*(CT:PER-602; 05-01-2008)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. An "assignment" to a Foreign Service position (22 U.S.C. 3985) will be for any period of more than six months.
- b. You are expected to serve abroad for a substantial portion of your career

in the Foreign Service. You may not serve continuously in the United States for more than *five* years (by regulation) or eight years (by law, 22 U.S.C. 3984) without, in either case, an extension granted by the Director General.

- c. We will also, in general, assign you to a domestic position at least once during each 15 years (22 U.S.C. 3984).

### **3 FAM 2424.3 Needs of the Service and Other Assignment Considerations**

*(CT:PER-602; 05-01-2008)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. The overriding consideration in the assignment of Foreign Service personnel, subject to all applicable statutory requirements, is the needs of the Service as defined by the Director General. A needs-of-the-Service determination may be based, among other things, on such factors as critical staffing needs, service at differential posts, and the most effective use of your experience and competencies including foreign language proficiency. We will make assignments, in general, in recognition of certain management concerns including, but not limited to, the best match of personnel resources to staffing needs, the equitable sharing of service at differential posts, career-development and training objectives, and the cost associated with transfer, including any curtailment. We will, in addition, provide you with an opportunity to register your individual assignment preferences.
- b. To the extent practicable and possible, and in context of the other provisions of this section, we will consider these preferences in the assignment process. We will also take into account, in the same manner, other pertinent individual issues which may include, among others, any relevant health issues affecting you or your eligible family members [*EFMs*] (as defined in 16 FAM 200, Medical Examination and Clearance Procedures), educational needs, suitable housing, personal considerations of a compassionate nature, and EFM employment.

### **3 FAM 2424.4 Worldwide Service**

*(CT:PER-564; 08-31-2005)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

Consistent with 22 U.S.C. 3901(a)(4), Foreign Service employees are required, as a condition of employment, to accept assignment on a worldwide basis at the discretion of the Department.

## **3 FAM 2425 ANTI-NEPOTISM REQUIREMENTS**

*(CT:PER-564; 08-31-2005)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

The legal basis for the Department's anti-nepotism regulations are found in 5 U.S.C. 3110 and 5 U.S.C. 2307(a)(7). See 3 FAM 4100 for standards of conduct relating to anti-nepotism requirements and 3 FAM 4300 for penalties for violating that section.

## **3 FAM 2426 SPECIAL ASSIGNMENTS**

### **3 FAM 2426.1 Presidential Appointments and Assignments**

*(CT:PER-602; 05-01-2008)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

22 U.S.C. 3942(b) provides that when a member of the Foreign Service is appointed to any position in the executive branch by the President, by and with the advice and consent of the Senate, or by the President alone, the member, by accepting such assignment does not lose his or her status as a member of the Foreign Service. Assignment procedures for these appointees are addressed in 3 FAH-1 *H-2425.8-2*. However, certain special procedures may apply to such individuals (see 3 FAM 3320 and 3 FAH-1 H-3320, Officers Exempted from Leave Act).

### **3 FAM 2426.2 Assignments and Details Outside the Department**

*(CT:PER-564; 08-31-2005)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

- a. 22 U.S.C. 3983(a) authorizes the Secretary to assign members of the Foreign Service, with the concurrence of the agency, organization or other body concerned, to a wide range of positions outside the Department. Such positions include, among others, those in other Federal agencies; international organizations; public or private organizations; and in an office of a Member of Congress or in an office of the Congress.
- b. 22 U.S.C. 2685 further addresses the length of time a member of the Service may be assigned, detailed or otherwise made available to another

executive agency in the context of reimbursement of the member's salary and allowances.

- c. 5 U.S.C. 3343 affords the legal basis for the detail of a member of the Service to international organizations. 5 U.S.C. 3581 - 3584 provides the parallel authority for a transfer. The President, by virtue of Executive Order No. 11552, 35 F.R. 13569, as amended, has delegated to the Secretary the authority to determine whether it is in the national interest to extend a detail or transfer beyond five years.

### **3 FAM 2427 PROCEDURES**

*(CT:PER-564; 08-31-2005)*

*(State Only)*

*(Applies to Foreign Service Employees Only)*

Procedures governing the assignment of employees covered under this subchapter are included in 3 FAH-1 H-2420.

### **3 FAM 2428 AND 2429 UNASSIGNED**