

Handbook 25: Employment and Promotion
Chapter 37: Time in Class Limitations (Classes FS-01 & Below)
37A. Purpose

CDT: 1993/06/20
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CHAPTER 37

TIME IN CLASS LIMITATIONS
(Classes FS-01 and Below)

37A. Purpose

This Chapter provides the policies and regulations which govern time in class (TIC) limitations for AID career Foreign Service employees. The regulations governing TIC limitations for AID career Senior Foreign Service employees are included in Handbook 25, Chapter 38, Senior Foreign Service.

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37B. Applicability

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37B. Applicability

This Chapter applies to all AID direct-hire, U.S. citizen Foreign Service (FS) employees in classes FS-01 and below. TIC limitations shall not apply to employees in classes FS-05 or below, or employees serving under limited appointments, i.e., career candidates and noncareer appointees.

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37C. Authorities and References

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37C. Authorities and References

Foreign Service Act of 1980 (FSA), as amended; Section 607, 609, 806, 811-813, 2102, 2103 and 2106.

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37D. Responsibilities

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37D. Responsibilities

1. Foreign Service Personnel Division (M/PM/FSP)

M/PM/FSP is responsible for establishing and managing the necessary system(s) to implement and administer this regulation for all FS employees in classes FS-01 and below except as provided in 37D2 and D3.

2. Executive Personnel Management Staff (M/PM/EPM)

M/PM/EPM is responsible for managing the necessary system(s) to implement and administer this regulation for all FS employees assigned to executive level positions (see Handbook 25, Chapter 39).

3. Office of Administration, Office of the Inspector General (IG/ADM)

IG/ADM is responsible for managing the necessary system(s) to implement and administer this regulation for FS employees in BS-08 (Auditors and Inspectors).

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37E. Policies

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37E. Policies

1. Any action(s) resulting from this regulation shall be in accordance with the Agency's policy of nondiscrimination and in compliance with equal

employment opportunity laws, regulations and procedures.

2. The cumulative TIC limitations specified in 37G shall apply to all occupational categories (backstops).
3. Employees who have applied for SFS promotion consideration will be subject concurrently to the seven-board review limitation specified in Handbook 25, Chapter 38 and the TIC limitations prescribed in this Chapter, whichever occurs first.
4. Except as provided in 37I, all service with the Agency in career status in classes FS-04 and above will be considered in TIC computations including service under the Foreign Service Act of 1946.

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37F. Objectives

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37F. Objectives

1. The purpose of this regulation is to ensure a steady flow through the Service of highly skilled employees who display maximum effectiveness in furthering the Agency's mission.
2. The intent of the Agency's policy is to maintain a career FS system that allows for the progressive advancement of talent through the ranks while balancing this against the need to retain the expertise and experience of its most capable senior employees.
3. The goals of the Agency's policy are threefold:
 - a. to reward with progressive advancement those employees identified as exceptional performers;
 - b. to afford a suitable career to employees who perform satisfactorily; and
 - c. to retire those employees who fail to demonstrate sustained achievement in their careers.

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37G. TIC Limitations

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37G. TIC Limitations

1. Employees Appointed At or Promoted To FS-04, or Equivalent

Employees appointed at, or promoted to, class FS-04 or equivalent (see 37I3), are subject to a cumulative TIC limit of 25 years from class 04 through class FS-01. Service under a limited appointment ("L" status) and/or in a grade below FS-04 or equivalent will not count against the cumulative TIC limitation.

* 2. Career Appointments above FS-04.

Employees appointed to classes above the FS-04 level (lateral entrants) are subject to the cumulative TIC limits specified below. Service in "L" status will not count against the cumulative TIC limitation.

Cumulative Limits

FS-03 through FS-01 - 22 yrs.

FS-02 through FS-01 - 20 yrs.

FS-01 - 18 yrs.

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37H. Procedures

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37H. Procedures

1. Transition Provisions

a. Within 12 months from the effective date of this Chapter, M/PM/FSP, M/PM/EPM and IG/ADM, as appropriate, will notify, in writing, all employees subject to TIC limitations of their projected TIC expiration date.

b. Employees who as a result of this regulation have exceeded

their maximum TIC will be retired 12 months after receipt of the above notification or, for those who have applied for SFS promotion consideration, upon expiration of the seven-board review limitation, whichever occurs first.

c. Employees covered by this transition provision will be eligible for promotion, except that employees who have applied for SFS promotion consideration will be subject to the seven-board review limitation.

d. Employees who have not exceeded their time in class will be notified, in writing, by M/PM/FSP, M/PM/EPM or IG/ADM, as appropriate, in advance of the actual date their time in class will expire.

2. New Hires

a. All employees newly appointed to a class subject to TIC limitations will be notified, in writing, of their projected TIC expiration date at the time of their appointment or tenuring, whichever is later.

b. Such employees will again be notified, in writing, generally within six months in advance of the actual expiration date.

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37I. Computing Time in Class

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37I. Computing Time in Class

1. TIC is computed from the date of career appointment to classes FS-04 through FS-01, or date a career employee is promoted to class FS-04, whichever is later.

2. The calculation shall include all periods of career service in classes FS-04 and above, or equivalent (see 37I3), but excluding:

a. a break in service. For the purpose of this regulation, periods during which an employee was seconded to an international organization with reemployment rights to AID are not considered a break in service;

b. periods under a competitive service appointment with AID (career service before or after a competitive service appointment will be counted);

c. periods for which M/PM or IG, as appropriate, determined that, to correct denial of opportunity for promotional consideration resulting from inadequate or incorrect performance data or administrative error; and

d. periods which are non-rated by direction of the FS Grievance Board, the Merit Systems Protection Board or through a formal EEO determination, i.e., settlement of final Agency decision; and

e. periods spent in agency sponsored training of one year or more.

3. Service under the FSA of 1946 will be credited as shown below to determine cumulative time in class:

FSR-06; -- FS-04; -- FSR-05; -- FS-03; FSR-04 -- FS-02; FSR-03 -- FS-01

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37J. Separation Actions

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37J. Separation Actions

1. Except as provided in 37J3 and 4, employees shall be mandatorily retired in accordance with Section 607 of the Act upon expiration of the TIC limits specified in 37E.

a. All employees at class FS-01, regardless of eligibility, and other employees who are eligible for voluntary retirement are entitled to annuity benefits in accordance with Handbook 30, Supplement 3C (3 FAM 673).

b. Employees in class FS-02 and below who are not eligible for voluntary retirement are entitled to severance pay and may elect to receive a refund of their retirement contributions or a deferred annuity as specified in Handbook 26, Chapter 10.

2. The effective date of retirement for employees other than those

appointed to positions by the President (see 37J3) or who are covered by the transition provisions (37H1) shall be set by the Director, M/PM and shall be within six months after expiration of the TIC limitation.

Within 30 days after the date an employee's TIC expires, the employing office will advise the employee of the effective date of retirement or of any extension granted by the Administrator (see 37J4).

3. The effective date of retirement for employees serving as Presidential appointees in positions to which they were appointed by the President, by and with the advice and consent of the Senate, shall be the end of the month in which the appointment is terminated, unless postponed in accordance with 37J4.

4. Notwithstanding 37J1 above, the Administrator may, in special circumstances, postpone the effective date of retirement in the public interest. Such postponement may not exceed one year. Employees whose retirement date is postponed under this section will not be eligible for promotion.

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