



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

The Chief Human Capital Officer (CHCO) decides whether to offer career candidates tenure in USAID's career Foreign Service (FS), based upon recommendations of the Tenure Board. The organization of the Tenure Board and its responsibilities are set forth in this mandatory reference.

The Office of Human Resources, Employee and Labor Relations Division (OHR/ELR) convenes and guides the Tenure Board in its technical actions and procedures. The Board addresses all questions regarding its work to OHR/ELR staff.

1. Operations of the Board

Tenure Boards review the performance evaluation files of:

- a.** FS career candidates meeting eligibility requirements for tenure review; and
- b.** Career candidates not yet eligible for tenure who, based solely on a Foreign Service Performance Board's determination, appear to be failing to meet the standards of their class. (The PEF for these employees includes a signed memorandum from the Chair of the Performance Board stating the reasons for the referral.)

The Tenure Board must:

- a.** As soon as it is convened, establish internal operating procedures necessary to fulfill its responsibilities in accordance with these precepts;
- b.** Review the performance evaluation file of each career candidate referred to it;
- c.** Evaluate the candidate's aptitude and fitness for career service as required by the standards of performance for tenured Foreign Service Officers (FSOs);
- d.** Assess whether each career candidate eligible for tenure is an individual who has the potential to serve effectively as a USAID career FSO over a normal career span;
- e.** Assess whether candidates referred by Performance Boards have met the standards of their class,
- f.** Prepare Counseling Letters for employees whose performance requires it; and
- g.** Make a recommendation in a report to the CHCO regarding tenure or other action pertaining to each candidate, with a clear explanation of the basis for the recommendation on each candidate.

2. Oath of Office

Each Tenure Board member must execute the following oath of office and adhere to the precepts set forth in this reference:

"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 set out in ADS 414; 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.

3. Basis for a Tenure Board Recommendation

a. General Framework

The Tenure Board evaluates each FS career candidate against standardized criteria to ensure that each candidate has the potential to serve across a career span extending to and including class FS-01. The standard is individualized rather than comparative. The candidate must also have met all eligibility requirements and work objectives (see [414mad, The Tenure Policy and Process for Foreign Service Career Candidates](#)).

b. Equality of Consideration

In making its recommendations, the Tenure Board must consider all candidates with fairness and equity, solely on the merits of each employee's file. The Tenure Board must not disadvantage any candidate for reasons of race, gender, sexual orientation, gender identification, color, age (except as indirectly limited by [Section 812 of the Foreign Service Act of 1980, as amended](#)), religion, national origin, genetic information, physical or mental disability (except when disqualified for overseas duty by the Medical Division of the Department of State), plans or methods of entry into the Foreign Service, reprisal for participation in the EEO process, membership in or activity on behalf of an employee organization, marital and family status, or political affiliation.

Before convening each Tenure Board, OHR/ELR briefs the members on these responsibilities. Representatives from the Office of Civil Rights and Diversity (OCRD) and the American Foreign Service Association (AFSA) are invited to attend. If the Board discerns evidence of unfairness of any nature in a performance file, it must disregard the affected information and refer the matter to the Chief, OHR/ELR, for review and correction of the file, as appropriate.

All Tenure Board members must review and consider all information in each career candidate's file before making a tenure determination. All decisions require a majority. (To avoid tie votes, any member who cannot serve the full term must be replaced.)

c. Assignments

Different assignment patterns inevitably present candidates with varying opportunities to demonstrate the qualities required to be considered by the Board in making its determination. All candidates, regardless of specialization, area of assignment, or diversity of experience, must be considered equally based on their performance and potential as described in below.

d. Demonstrated Skills

There are four principal skill areas critical to successful performance in USAID's Foreign Service. These skill areas are broken down into four or five sub-skills. [The Foreign Service Skills Matrix](#) establishes the skill standards for all grade levels at which career FSOs are expected to perform. All employees are evaluated against each of the four skill areas. These areas, along with knowledge and experience - as well as shortcomings - in the candidate's appointed backstop (see **Section 3(e) below**), are reviewed as the basis for the Tenure Board's assessment of a candidate's performance and potential to serve across a career span extending to and including class FS-01.

The Tenure Board must recognize that no candidate can be expected to have displayed abilities in all of the principal areas of the Foreign Service Skills Matrix and its subgroups. Thus, Board members must avoid making negative assumptions regarding skills that the candidate has had no practical opportunity to demonstrate. For example, candidates at the apprentice or journey level who are being reviewed for tenure for the first time are still in the process of gaining knowledge and achieving expertise in their backstop. They will have gained practical experience in applying USAID's technical, programmatic, or administrative approaches to their work only to the extent that their assignments have exposed them to these approaches (depending on when and where they have been assigned, some candidates will not have been able to work, for example, on a project design, a new country strategy, or other activity by the time of their tenure review).

In addition, in reviewing each candidate's Tenure Evaluation Form (TEF), the Board should weigh the information in the "Areas for Growth" section carefully against the rest of the candidate's file. The TEF is only one piece of the information that the Board must consider. The mandatory "Areas for Growth" section of the TEF includes skill areas that the career candidate needs to address to build a successful career, **but these should not be construed as deficiencies not reflected in the narrative.** This section of the TEF is intended primarily to give a full picture of the candidate and his or her future professional development, not necessarily to present a justification to defer or deny

tenure. Board members should take into account that no candidate can be expected to have displayed abilities in all of the principal areas of the FS Skills Matrix and its subgroups. **Thus, the Board should not make a negative recommendation on the basis of skills that the candidate has had no practical opportunity to demonstrate.**

The Tenure Board should look closely, however, at documented evidence that the career candidate displays shortcomings or deficiencies in those skills that s/he did perform to the extent that development of satisfactory competence in any one of the four principal skill areas appears doubtful. Candidates who have demonstrated deficiencies over a period of time and do not show the potential to be successful in a long-term career should not be granted tenure. **The Board should give positive consideration, however, to evidence in the candidate's record (including AEF Employee Statements) that s/he has overcome or is overcoming any early weaknesses in certain skills and their subgroups.**

The four skill areas and their sub-groups to help guide the Tenure Board include:

(1) Resource Management: Manages one or more of the following Agency resources to maximize organizational performance or produce development results – Financial, Personnel, Contracts/Grants, or Physical Assets. Leverages Agency resources to achieve Agency 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
- Cultural Sensitivity and Respect for Diversity

(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, meet customer needs, and achieve 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 points of view. Inculcates respect for equal employment opportunity principles and ensures their uniform application in the workplace.

- Communication
- Professional Conduct
- Adaptability and Flexibility
- Diversity, Equal Employment Opportunity Knowledge and Implementation

e. Backstop/Functional Abilities and Shortcomings

(1) In reviewing a career candidate's performance and evaluating the individual's aptitude, fitness, and potential as a career FSO, the Tenure Board also must look at a candidate's demonstrated strengths or weaknesses with respect to specific functions important to the USAID development mission. The Board must ask whether the career candidate:

- (a)** Understands the political, social, and economic context of USAID activities at both the macro- and micro-levels, particularly as related to the candidate's occupational specialty (backstop);
- (b)** Functions effectively within USAID Mission and USAID/Washington (USAID/W) environments in his or her backstop of record;
- (c)** Translates development issues and needs into program strategies, plans, and documentation leading to program or project approval; and
- (d)** Implements, monitors and evaluates actions, including negotiations, planning, contracting, logistics management, administrative support, reporting, and project and portfolio control (as appropriate).

(2) The Tenure Board must be alert to any deficiencies that are documented in the career candidate's performance file. Each deficiency must be looked at in terms of its seriousness and may be grounds for recommending that a candidate not be tenured. Possible deficiencies include, but are not limited to:

- (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, and/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, feelings, and aspirations of host countries, their institutions and their peoples.

4. Tenure Board Actions and Procedures

a. Information to be considered

(1) The Tenure Board must base its decisions only on material that is 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 must not be the subject of discussion or a basis for the Tenure Board's decisions and must be reported promptly to the Chief, OHR/ELR, or designee.

(3) A Board member may not bring to the Board's attention personal

knowledge of a candidate except for information relevant to the candidate's performance or potential, and then only by means of a signed memorandum submitted to the Chief, OHR/ELR. A copy of the memorandum must be forwarded promptly to permit the candidate to comment on it before the Board completes its review. The Board will continue its review of the employee's PEF after the employee has had the opportunity to respond to the information. The Board must consider the employee's response in its deliberations. If the employee does not respond having been given the opportunity to do so, the Board will decide whether the information would make a material difference in their recommendations, and if so, write a statement for the record of the disposition of the information.

(4) A Tenure Board member who is or was the career candidate's rating official or served on the candidate's Appraisal Committee (AC) under the employee Evaluation Program (EEP) system must not participate in the decision-making process concerning the candidate.

(5) Tenure Board members are provided with:

- A binder containing these precepts and applicable Agency policies;
- Each candidate's complete performance evaluation file (PEF) including all Annual Evaluation Forms (AEFs) completed to date; any official Agency certificate awards; Performance Board letters; any letters of commendation from supervisory officials with direct knowledge of the employee's performance; and any reprimands or other disciplinary actions;
- A copy of each FS Performance Board's "A" (Ranked for Promotion) list for the prior three (or as many as available) years (see [ADS 463.3.5.1](#));
- The Tenure Evaluation Form (TEF) for each employee (except those employees referred by the Performance Boards; in those cases the file will include the referral memorandum from the Performance Board instead);
- A copy of [ADS 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](#);
- For a candidate whose tenure decision was previously deferred, the

counseling letter prepared by a prior Tenure Board and the prior TEF;

- The Employee Data Record (EDR) for each employee; and
- A dictionary and list of Agency acronyms.

b. Submission of Findings and Recommendations

All Tenure Board members must review and consider all information in each career candidate's PEF before making a tenure determination. All decisions require a majority. (To avoid tie votes, any member who cannot serve the full term must be replaced.) The Tenure Board consults with OHR/ELR if questions arise during its deliberations.

A career candidate may not receive more than **two reviews** for tenure by a Tenure Board except in accordance with an order from the Foreign Service Grievance Board, or other authorized judicial body. Candidates who are denied tenure are separated from the Agency.

The Tenure Board makes recommendations on three categories of career candidates:

(1) Career Candidates Eligible for Initial Tenure Consideration

The Tenure Board makes one of three recommendations to the CHCO for each employee eligible for tenure at first review:

- a. Recommends tenure** – The candidate has the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01.
- b. Recommends deferral of tenure for a period of 12 months** – There are skill deficiencies or insufficient information/evidence to determine whether or not the career candidate has the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01.
- c. Recommends tenure not be granted** – The career candidate does not have the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01.

(2) Candidates Before the Tenure Board for Second Review

When reviewing candidates who are up for their second review (i.e., who were

deferred the first time), the Tenure Board makes one of the following recommendations:

- a. **Recommends tenure** – The candidate has the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01.
- b. **Recommends tenure not be granted** – The career candidate does not have the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01.

(3) For Career Candidates Referred by the Performance Boards

The Tenure Board makes the following recommendations regarding employees who are referred by the Performance Boards:

- a. **Recommends tenure review at the next scheduled Tenure Board meeting following the end of the deferral period** – The Tenure Board determines that the employee meets the standards of his/ her class but may need additional time or performance improvement to meet the skill requirements for tenure. (In this case, the employee's file is returned to the referring Performance Board and the employee is given a "B" rating.)
- b. **Recommends separation** – The Tenure Board determines that the employee does not meet the standards of his/her class and that the employee would not be able to meet the skill requirements for tenure if review were deferred.

Following completion of its deliberations, the Tenure Board prepares the following:

- A **Board report** for the CHCO containing the Board's recommendations and explanation of the reasoning behind the recommendations; the report is transmitted via a cover letter signed by the Board Chairperson;
- **Counseling/separation letters** for all employees not granted tenure. The counseling letters for deferred candidates contain an explanation of the Board's recommendation and guidance to the employee on the specific areas in which s/he must improve to subsequently qualify for favorable tenure consideration. The Tenure Board may recommend retraining. The separation letters must contain a detailed explanation of the basis for the recommendation that the candidate does not have the potential, assuming

normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01. Section 3.c below contains further information about the contents of counseling/separation letters.

The CHCO may accept the Board's recommendations or return them to the Tenure Board for review if questions arise on how the Tenure Board made its determinations. If the Tenure Board wishes to modify its recommendations, the Tenure Board submits a revised report to the CHCO. Otherwise, the Tenure Board resubmits its original recommendations.

c. Counseling Letters

(1) For Candidates Recommended for Deferral

The counseling letter must include the Board's rationale for deferring a tenure decision and state the date the candidate will be reviewed again. Counseling letters issued by the Tenure Board must clearly:

- Describe the additional information needed by the Tenure Board and/or give examples of specific skill areas where performance needs to be demonstrated or improved, and the expected changes in behavior and performance that must occur in order for the employee to qualify for a favorable tenure recommendation;
- Determine a reasonable deferral period (generally one year) and clearly indicate the dates of that period in the letter;
- Suggest ways in which the career candidate and his or her current rating official should work together, along with Mission or B/IO senior management, to help the candidate meet the requirements for tenure during the deferral period.

(2) For Candidates Referred by the Performance Boards

The Tenure Board's counseling/separation letters must:

- Document the Board's findings regarding the information provided by the Performance Board;
- Describe the additional information needed by the Tenure Board and/or give examples of specific skill areas where performance improvement is required, and list the expected changes in behavior and performance that must occur before the next Tenure Board review in order for the employee to qualify for a favorable tenure recommendation; and

- State the date when the Board will review the candidate's file to determine whether tenure will be offered;

Or (for employees who will be separated)

- Provide a detailed explanation of the basis for a recommendation for separation from the Foreign Service.

5. Administrative Support

As noted earlier, OHR/ELR staff convenes and guides the Tenure Board in technical actions and procedures of the tenuring process. The Tenure Board addresses all questions regarding its work only to OHR/ELR.

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