



The Tenure Policy and Process for Foreign Service Career Candidates

A Mandatory Reference for ADS Chapter 414

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THE TENURE POLICY AND PROCESS FOR FOREIGN SERVICE CAREER CANDIDATES

1. Overview

This mandatory reference sets forth the policy and procedures for Foreign Service (FS) career candidates to be evaluated against standardized criteria to determine whether or not a candidate is qualified for career service. To be tenured as a career Foreign Service Officer (FSO), a candidate must possess demonstrated 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. This reference applies to employees at the FS-01 level or below serving under a limited appointment as a career candidate for a trial period in accordance with [Section 306 of the Foreign Service Act of 1980, as amended](#).

The [Precepts for USAID's Foreign Service Tenure Board](#) further describe the Tenure Board's operations and the basis for its decisions.

2. Primary Responsibilities

a. The Chief Human Capital Officer (CHCO):

- (1) Appoints members to the Tenure Board;
- (2) Terminates a member's appointment to the Tenure Board for assignment to meet a critical Agency need overseas;
- (3) Extends a career candidate's five-year limited appointment in accordance with the restrictions in this reference (see Section 3.4.1 below);
- (4) Reviews Tenure Board recommendations and records for compliance with procedures and the [Precepts for USAID's Foreign Service Tenure Board](#); and
- (5) Acts on the findings and recommendations of the Tenure Board.

b. The Office of Human Resources, Employee and Labor Relations Division (OHR/ELR):

- (1) Identifies the members and convenes the Tenure Board twice a year;
- (2) Provides administrative support and guidance to Tenure Boards;
- (3) Uploads performance –related information to the employee's electronic Official Personnel Folder (eOPF);

- (4) Provides guidance on submission of the Tenure Evaluation Form (TEF); and
- (5) Issues notices announcing the granting of tenure to officer candidates.

c. The Office of Human Resources, Foreign Service Personnel Division (OHR/FSP):

- (1) Collaborates with USAID Missions and USAID/W Bureaus and Independent Offices (B/IOs) to help ensure that career candidates gain skills and experience in the backstops in which they were hired;
- (2) Determines career candidates' eligibility for tenure review;
- (3) Advises B/IOs and OHR/ELR of the names of career candidates to be reviewed by an upcoming Tenure Board;
- (4) Transmits counseling letters to those career candidates whose tenure decisions are deferred to a subsequent Tenure Board;
- (5) When tenure is granted, Foreign Service Staffing Branch (OHR/FSP/FSS) specialists process actions to effect the career candidate's appointment as a career Foreign Service Officer (FSO); and
- (6) When tenure is not granted or deferred, the career candidate is notified and OHR/FSP/FSS specialists coordinate and process the career candidate's separation from the Agency.

d. Career candidates are responsible for ensuring that their eOPFs are up to date.

3. Tenure Policy

The Agency's decision whether or not to offer tenure to FS career candidates is based on the recommendations of the Tenure Board with the approval of the CHCO. Each candidate must demonstrate that s/he 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. The candidate must also have met all eligibility requirements by the date specified (see **3.1**, below) and have fulfilled their work objectives.

Since FS career candidates are recruited and appointed in response to defined staffing needs, the Agency requires that they be tenured in the backstop for which they were hired unless changed by the Agency via approval of assignment to a new backstop (see [ADS 459.3.2](#)).

Candidates are evaluated against four skill areas critical to successful performance in

USAID's Foreign Service. The four skill areas and associated sub-skills are described in the [Foreign Service Skills Matrix](#), which establishes the skill standards for all grade levels at which FS career candidates are expected to perform. Candidates are evaluated individually rather than comparatively (that is, the candidates are not rank-ordered with others of their class as they are when being considered for promotion by the Performance Boards). The Agency does not place a limit on the number of positive tenure decisions that each Tenure Board can make.

The standards for tenure and the criteria are explained further in **section 3.3.3** below and in the [Precepts for USAID's Foreign Service Tenure Board](#), which OHR provides to guide the Tenure Board.

3.1. Eligibility Requirements for Tenure Review

OHR/FSP tracks employees' progress in meeting the tenure requirements and determines employee eligibility for consideration by an upcoming Tenure Board. The following are the eligibility requirements for each category of FS career candidate.

3.1.1. FS Employees Hired Competitively as Career Candidates

Each of the following requirements must be satisfied by March 31 for the Summer Tenure Board or September 30 for the Winter Tenure Board:

- (1) Attained class FS-04.
- (2) Completed 36 months of continuous USAID service as a FS career candidate in the backstop for which s/he was hired (unless changed by the Agency via approval of assignment to a new backstop; if changed, 36 continuous months across backstops).
- (3) Served a minimum of 18 months overseas as a career candidate. (Overseas TDYs of six or more consecutive months can be counted toward the 18-month requirement if the work performed is directly related to the employee's backstop.)

Each of the following requirements must be satisfied prior to the date the Tenure Board convenes:

- (1) Medical clearance met (see [Medical Clearances and Waivers at the Time of Appointment and at Tenuring in the USAID Foreign Service](#));
- (2) Achieved the required Foreign Service Institute (FSI)-tested proficiency in a foreign language (see [ADS 438maa, USAID Tenuring Languages](#));
- (3) Active Top Secret security clearance;

- (4) No unresolved administrative or Office of the Inspector General (OIG) investigations; and
- (5) Recertification of availability for worldwide assignment and service (see [ADS 414.3.2.1f](#)).

3.1.2. Employees Originally Appointed as Civil Service (CS) and Foreign Service Limited (FSL) Employees

The requirements listed below apply to CS employees appointed under the Civil Service to Foreign Service Appointment Program ([ADS 415](#)) and to FS Career Candidates appointed competitively under FSL authority who were converted to a career candidate appointment.

Each of the following requirements must be satisfied by March 31 for the Summer Tenure Board or September 30 for the Winter Tenure Board:

- (1) Attained class FS-04 or higher;
- (2) Have served overseas with USAID for 36 months preceding the deadline stated above; and
- (3) Completed a full 12-month rating cycle as a career candidate.

Each of the following requirements must be satisfied prior to the date the Tenure Board convenes:

- (1) Medical clearance met (see [Medical Clearances and Waivers at the Time of Appointment and at Tenuring in the USAID Foreign Service](#);
- (2) Achieved the required Foreign Service Institute (FSI)-tested proficiency in a foreign language (see [USAID Tenuring Languages](#) for requirements).
- (3) Active Top Secret security clearance;
- (4) No unresolved administrative or Office of the Inspector General (OIG) investigations; and
- (5) Certification of availability for worldwide assignment and service (see [ADS 414.3.1.1i](#)).

3.2. Timing of Tenure Board Review

FS Employees hired competitively as career candidates are automatically reviewed by the next scheduled Tenure Board after OHR/FSP certifies their eligibility (generally as soon as possible after all eligibility requirements have been met). CS employees appointed under the Civil Service to Foreign Service Appointment Program and FS

Career candidates appointed competitively under the FSL authority who were converted to career candidate appointments are reviewed for tenure eligibility after the first full 12-month rating cycle following conversion to their career candidate appointment (provided other eligibility requirements have been met by the deadlines specified above).

In certain unusual circumstances when there are compelling reasons, such as unavoidable absence of an evaluation report, recent assumption of new duties, or other conditions which would make Tenure Board review at the scheduled time inequitable, an employee or his or her supervisor can request that the tenure review be delayed until the next scheduled Tenure Board meeting. In these cases, the employee or his or her supervisor submits a memo to the Senior Deputy Director for Operations, OHR, explaining the reasons for the request. Such deferral may take place only with the approval of the Chief, OHR/ELR and the concurrence of the candidate. Tenure reviews will not be deferred for candidates whose five-year limited appointments will expire before the next scheduled Tenure Board meeting.

3.3. Tenure Boards

3.3.1 Establishing USAID Tenure Boards

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.

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.

a. Tenure Board Membership

The CHCO appoints members to the Tenure Board.

Each Tenure Board generally consists of five members and is chaired by a member of the Senior Foreign Service (SFS). The other Tenure Board members may be SFS officers or career FSOs at levels FS-01 and FS-02. One member may be a USAID Foreign Service retiree. Members are primarily selected from FS staff serving in USAID/W. The Agency makes an effort to include minority and female representation on each Tenure Board.

To the extent practicable, the Agency selects members from different occupational categories (backstops) to serve on each Tenure Board. Assignments to a Tenure Board are expected to last at least two years, unless a Board member's service is

exempted so that he or she can fill a critical staffing need overseas.

b. Tenure Board Schedule

USAID convenes Tenure Boards in January/February and June/July of each year. OHR/ELR issues a USAID General Notice providing the exact dates the Tenure Board will meet.

The following timeline shows the sequence and approximate timing of activities associated with the tenure process:

Date	Activity
May	Annual Evaluation Forms (AEFs) and Tenure Evaluation Forms (TEFs) due to OHR/ELR
May/June	Performance Board convenes
June	Tenure Board convenes
July/August	Tenure recommendations and counseling letters completed and General Notice with tenure decisions issued
December	TEFs due to OHR/ELR
January	Tenure Board convenes
February/March	Tenure recommendations and counseling letters completed and General Notice with tenure decisions issued

3.3.2 Information Reviewed by the Tenure Board

The Tenure Board reviews the [Precepts for USAID's Foreign Service Tenure Board](#) and all other information it has been given by OHR/ELR, including the career candidate's performance evaluation file, to determine the candidate's fitness and aptitude for the work of USAID's Foreign Service.

The information in the performance evaluation file includes:

- a) all Annual Evaluation Forms (AEFs) to date;
- b) the Tenure Evaluation Form (TEF);
- c) any previous Tenure Board counseling letters;
- d) the prior TEF (if a career candidate has been deferred by a previous Tenure

Board);

- e) official Agency certificate awards, Performance Board letters, and any letters of commendation from supervisory officials with direct knowledge of the employee's performance;
- f) reprimands or other disciplinary actions; and
- g) the Employee Data Record (EDR).

In addition, the Tenure Board receives a copy of each FS Performance Board's "A" (Ranked for Promotion) list for the prior three years, as appropriate (see [ADS 463.3.5.1](#));

For a career candidate referred to the Tenure Board by a Performance Board, the Tenure Board also reviews the referral memorandum that determined the employee was not meeting the standards of his/her class. (Note: The performance evaluation file for these employees will not include a TEF.)

Employees are strongly encouraged to check their e-OPF to ensure that all performance-related information is up to date. Any missing information must be submitted to OHR/ELR.

3.3.3 Responsibility for Information Provided to the Tenure Board

The [Annual Evaluation Form \(AEF\), \(AID Form 461-1\)](#), and the [Tenure Evaluation Form \(TEF\), \(AID Form 400-25\)](#) are the official forms used in evaluating career candidates for tenure.

Instructions and guidance on preparation of the AEF are found in [ADS Chapter 461, Employee Evaluation Program, Foreign Service and Senior Foreign Service](#), and the [Employee Evaluation Program Guidebook](#). The Rating Official's appraisal of a career candidate must fully describe the candidate's performance. The completed AEF is reviewed by the Appraisal Committee (AC) for sufficiency.

The TEF, prepared by Mission Directors/Deputy Directors and USAID/W senior managers, provides supplemental evaluation material to help the Board assess a candidate's potential and fitness for career service. OHR/ELR issues an Agency Notice twice a year to notify senior managers of the dates and requirements for preparing TEFs. The guidance reminds TEF writers to explicitly address all four Foreign Service Skill areas (as defined by the [FS Skills Matrix](#)) so that their tenure recommendation is fully supported and clear to the Tenure Board.

TEFs for career candidates being considered for tenure by the summer Tenure Board cover the period April 1 of the preceding year through March 31 of the year the Tenure Board convenes (same period as the AEF). TEFs for career candidates being reviewed

by the winter Tenure Board cover the period ending September 30 of the year preceding the Tenure Board meeting and beginning October 1 of the prior year (e.g., TEFs reviewed by the Winter 2013 Tenure Board will be dated October 1, 2012 through September 30, 2013). The TEF evaluation period is one year. (Note: TEFs for candidates deferred by a previous Board may cover periods of less than a year as determined by OHR/ELR).

The following requirements apply to preparing the TEF:

- For career candidates assigned overseas, the Mission Directors/Deputy Directors are responsible for preparing the TEF with input from the rater, and for providing comments on whether the candidate should be granted tenure.
- For career candidates assigned to USAID/W, the Bureau's FS DAA or equivalent, or the employee's career FSO Office Director/Deputy Director, are responsible for preparing the TEF with input from the rater, and for providing comments on whether the candidate should be granted tenure.
- Responsible officials should use all appropriate sources of information in preparing the TEF, including AEFs, Appraisal Input Forms (AIFs), and 360 feedback. If a TEF writer who is also the employee's rating official has not served in that capacity for the entire TEF period, s/he should obtain these documents from the employee's prior rating official.
- The narrative section of the TEF must explain, using appropriate examples, how and whether the candidate meets or does not meet the requirements of the FS Skills Matrix, and whether, in the writer's judgment, the candidate demonstrates 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.
- In preparing a second TEF for a career candidate who has been deferred, the writer should also discuss how the employee has addressed and made efforts to overcome any deficiencies previously identified.
- The mandatory "Areas for Growth" section of the TEF must include skill areas that the career candidate needs to address to build a successful career, but should not be construed as the place to list deficiencies not reflected in the narrative. This section 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. TEF writers 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 writers shall not make a negative recommendation on the basis of skills that the candidate has had no practical opportunity to demonstrate.**

- The completed TEF is submitted to B/IO or Mission administrative management staff for transmittal to OHR/ELR so that eligible career candidates can be reviewed by the next scheduled Tenure Board.

As stated in the previous section, career candidates referred to the Tenure Board by the Performance Boards will not have a TEF.

3.3.4 Tenure Board Recommendations and Actions

In making its recommendations, the Tenure Board must consider 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, color, religion, gender, age, national origin, sexual orientation, gender identification, marital status, plans or method of entry into the Foreign Service, initiation or participation in grievance or discrimination complaint procedures, membership in or activity on behalf of an employee organization, or political affiliation.

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

a. Candidate's Initial Review

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

- 1. 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.
- 2. 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.
- 3. 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.

b. Candidate's 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:

1. **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.
2. **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.

Candidates who are denied tenure are separated from the Agency. 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.

c. Candidates Referred by the Performance Boards

The Tenure Board makes the following recommendations regarding employees who are referred by the Performance Boards (see [ADS 463](#)):

1. **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.)
2. **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.

The Tenure Board transmits its recommendations on each candidate in a report to the CHCO signed by the Board Chair. The Board also issues counseling letters to each employee they defer and each employee referred by the Performance Boards. These letters 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. **Sections 3.4.b** and **3.4.d** below contain further information about the contents of counseling letters.

3.4. CHCO Actions Following Tenure Board Decisions

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.

The CHCO then takes action as follows:

a. Career Candidates Recommended for Tenure

Upon acceptance of the Tenure Board's recommendations, the CHCO initiates actions to effect the candidates' appointments as career FSOs. Generally, since all requirements must be met in advance of the Tenure Board meeting, there will be no outstanding issues that would prevent conversion to career status. However, if there are any unresolved administrative or OIG investigations pending against a career candidate, the CHCO defers the Tenure Board recommendation regarding the candidate in question until completion or resolution of such investigation or proceedings. Such a deferral does not result in extending the candidate's limited appointment. However, if it is determined that continued service is appropriate to remedy a matter that would be cognizable as a grievance under Chapter 11 of the [Foreign Service Act of 1980, as amended](#), extension of the appointment may be authorized, using [section 309\(b\)\(3\) of the Act](#).

If, after USAID completes any investigation and the CHCO concludes that there is no basis for any administrative action, the career candidate is appointed as a career FSO, if all other eligibility requirements continue to be met and the employee is not subject to termination for another reason.

If the employee is subject to termination, the CHCO ends the employee's limited appointment and separates him or her from the Foreign Service.

Employees granted Civil Service reemployment rights under section [310 of the Foreign Service Act of 1980, as amended](#), following termination from the Foreign Service, may elect to exercise those rights within 30 days after separation from the Foreign Service (see [ADS 412, Reemployment Rights](#)).

Other employees who are involuntarily separated are eligible to participate in the [Department of State's Career Transition Program](#).

b. Career Candidates Recommended for Deferral of Tenure

The CHCO may accept or reject the Tenure Board's recommendation to defer a candidate based on extenuating circumstances not presented to the Tenure Board. If rejected, the CHCO returns the recommendation to the Board for its reconsideration.

The Board may then change its recommendation to grant tenure to the employee, or may affirm its original recommendation for deferral.

Career candidates who are deferred are reviewed by a future Tenure Board, generally one year later (e.g., a candidate reviewed by the winter Board is deferred to the next winter Board) in order to allow a deferred candidate enough time to further develop skills or resolve any issues noted by the Board. In some cases, if the employee is close to the five-year appointment limit, the Tenure Board may recommend a deferred candidate be reviewed in the next upcoming Board meeting (e.g., candidate deferred by the winter Board is reviewed again by the subsequent summer Board).

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.

The CHCO transmits counseling letters prepared by the Tenure Board for deferred candidates. The counseling letter includes the Board's rationale for deferring a tenure decision and states the date the candidate will be reviewed again.

Counseling letters issued by the Tenure Board for deferrals must:

- 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 as stated above) 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.

During the deferral period, the career candidate is eligible to transfer to another assignment as long as the assignment gives the employee sufficient time to receive another TEF.

c. Career Candidates Not Recommended for Tenure

If the CHCO accepts the Tenure Board's negative recommendation on a candidate, the employee will not be granted tenure and will be separated from the Foreign Service. The Chief, OHR/FSP, coordinates with the employee and his or her respective B/IO or Mission and establishes the effective date of separation, which is normally within 60 days of the Tenure Board's determination.

Per [Section 1101\(b\) \(2\) of the Foreign Service Act of 1980, as amended](#), an employee generally may not grieve a Tenure Board decision. Candidates not recommended for tenure are eligible to participate in the [Department of State's Career Transition Program](#).

d. Career Candidates Referred to the Tenure Board by the Performance Boards

If, after conducting its review, the Tenure Board has concluded that an employee does not meet the standards of his/her class and should be separated, the employee's case is referred to the CHCO. Before making a decision about the employee, the CHCO consults with the employee's Mission Director or USAID/W Office Director, as appropriate, to determine whether s/he agrees with the Tenure Board's assessment of the employee and whether there are extenuating circumstances that were not presented to the Board. The CHCO then decides either:

1. The employee should be issued a counseling letter and reviewed again by a subsequent Tenure Board (in which case the employee's file is returned to the referring Performance Board and the employee is given a "B" rating); or
2. The employee should be issued a separation letter and his/her limited appointment terminated based on the Board's recommendation.

The Tenure Board's counseling letters in the case of deferrals must:

- 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.

If the Tenure Board's and CHCO's recommendations are for separation, the letter to the employee must provide a detailed explanation of the basis for a recommendation for separation from the Foreign Service.

3.4.1. Extension of Five-Year Limited Appointment

If a career candidate's five-year limited appointment expires before the Tenure Board's review and recommendation, the CHCO can authorize an extension of the candidate's appointment only in the following limited circumstance:

- In accordance with [Chapter 3, Section 309\(b\)\(3\), of the Foreign Service Act of 1980, as amended](#), when the CHCO determines that an extension of a five-year limited appointment is appropriate to remedy a matter that would be cognizable as a grievance under Chapter 11 of the [Act](#). Any such extension must be limited to the time needed for the next Tenure Board to complete its review of the candidate and make a recommendation regarding tenure.

Note: Since career candidates are on a five-year limited appointment which statutorily cannot be extended except in very limited circumstances, requests for extended periods of leave without pay (LWOP) are not recommended prior to tenure. Supervisors may approve requests for LWOP of 80 hours or less in a leave year. The Chief, OHR/FSP, may approve requests for additional LWOP in accordance with the policies in ADS 480, [3 FAM 3510](#) and [3 FAH-1 H-3510](#).

4. Mandatory References

4.1 External Mandatory References

Effective Date: 10/01/2013

- [3 FAH-1 H-3510](#)
- [3 FAM 3510](#)
- [Foreign Service Act of 1980, as amended, Chapter 3 and Section 1101\(b\)\(2\)](#).

5. Internal Mandatory References

Effective Date: 10/01/2013

- [ADS 463](#)
- [ADS 480](#)

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