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Foreign Service Appointments

A Mandatory Reference for ADS 436

(Formerly Handbook 25, Chapter 35)

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FOREIGN SERVICE APPOINTMENTS

35A. Purpose

This Chapter sets forth the policies, responsibilities, requirements and conditions for the appointment of certain categories of employees in the Agency's Foreign Service.

**** END OF SECTION ****

35B. Applicability

This Chapter applies all U.S. citizens appointed to the Agency's Foreign Service except Resident Hires, Senior Foreign Service and executive employees, Foreign Service Nationals, consultants and experts.

**** END OF SECTION ****

35C. Authorities and References

1. Foreign Assistance Act of 1946, as amended, Section 412, 413.
2. Foreign Service Act of 1980, as amended, Section 302(a), 303, 308(b), 310, 402, 403, 611, 904, 2301.
3. 5 U.S.C. 2108(3), 2302
4. 22 U.S.C. 3941
5. Executive Order 10450, as amended (April 27, 1953)
6. 3 FAM 125.5, Foreign Service Annuitants; 126.6, Civil Service Annuitants

**** END OF SECTION ****

35D. Responsibilities

1. Administrator, A/AID
 - a. Approves career appointments of commissioned FS officers.
 - b. Approves all FS appointments other than those covered by the FSA, Section 302(a).
 - c. Prescribes regulations governing FS appointments.

Terminates, at any time, the appointment of an employee serving under a limited appointment.

2. Assistant Administrator, Directorate for Finance and Administration (AA/FA)
Exercises responsibilities cited in 35D1b and c, as delegated.

3. Director, Office of Human Resources Development and Management
(FA/HRDM/OD)

1. Exercises responsibilities cited in 35D2, as delegated.

2. Approves the reappointment of a former FS career employee.

** END OF SECTION **

35E. Policies

1. FS appointments will be made without regard to race, sex, color, age, religion, national origin, handicapping conditions, marital status or political affiliation.

2. An employee who accepts a limited appointment is entitled, upon termination of the limited appointment, to be reemployed by the Agency as provided for by the Agency's policies, procedures and regulations.

3. The appointment is effective on the date the appointee enters on duty and is available to perform a federal function.

** END OF SECTION **

35F. Requirements and Conditions for Appointment

a. Age - Applicants must be at least 18 years old and must not have attained 59 years of age at time of appointment.

b. Citizenship - Appointees must be U.S. citizens at the time of appointment.

c. Security Clearance - Appointees must meet the security clearance requirements for critical-sensitive positions.

d. Medical Clearance - Prior to appointment, the Medical Director of the Department of State must determine that the employee or applicant and dependents qualify without limitation for worldwide assignment, unless in exceptional circumstances this requirement is waived by the Director, FA/HRDM.

- e. Worldwide Availability - Except for non career appointments, appointees must certify their availability for worldwide assignment and service.

** END OF SECTION**

35G. Types of FS Appointments

- 1. Temporary Appointment

An appointment limited to a period of one year or less.

- 2. Limited Appointment

An appointment, either as a Career Candidate or Non career employee, of a specified duration from one to five years.

- a. Career Candidate

- (1) Career Candidate appointments are appropriate for persons who aspire to a long-term AID Foreign Service career and whose qualifications meet a continuing requirement.

- (2) Appointments initially are for a period not to exceed 45 months, and may be amended not to exceed a total of 60 months. A candidate's qualifications for appointment are determined after formal evaluations of his/her education and experience.

- (3) Most Career Candidates are covered by the Foreign Service Pension System (FSPS).

- b. Non career Employees

- (1) Non career appointments are appropriate when the knowledge or skills required for a particular program or project cannot reasonably be provided by career employees; when temporary program expansions or shifts in program emphasis create short-term personnel requirements or, when development specialists pursuing other careers, such as under academic appointments, may be available for service abroad only for limited periods.

- (2) Appointments are limited to short-term, specific operational needs overseas, and may be of variable duration as established at the time of appointment not to exceed five years.

- (3) Most Non career employees are covered by the Federal Employees Retirement System (FERS).

(4) Requests to change from a Non career employee to a Career Candidate should be made by the employee in writing to FA/HRDM/SCD. Upon determining that a continuing requirement exists, FA/HRDM will forward the request to the appropriate Selection Panel, which will review the on career employee's performance, academic background and experience to determine whether his/her assignments have been comparable in substance to those expected of a Career Candidate, and whether the applicant possesses the qualifications to be appointed as a Career Candidate in the indicated category. If the Panel recommends a change of status and the Director, FA/HRDM, approves the change, the Non career employee may be given a new limited appointment as a Career Candidate for at least three years. Service overseas as a Non career employee may be applied toward the 24 months overseas service requirement, but may not be counted toward satisfaction of the three years service as a Career Candidate unless the Director, FA/HRDM, approves. Approvals are restricted to those cases wherein the employee's conversion to Career Candidate status was dependent upon receipt of adequate medical clearance and delays with respect to same were not the employee's fault.

3. Career Appointment

a. Presidential Appointments

See Handbook 25, Supplement 41A.

b. Career Candidates (Supplement 35B)

See Supplement 35A, Tenuring of Foreign Service Career Candidates.

c. Reappointment of Former FS Career Employees

Former FS career employees, including those formerly employed by other agencies authorized by law to use the FS personnel system, may be reappointed as FS career employees without review by a Tenure Board, provided that they meet all the requirements and conditions specified for career appointments. For persons who do not meet the required FSI-tested foreign language proficiency, they will be given a limited non career appointment. Upon meeting the foreign language proficiency requirement, they will be reappointed as career employees of AID's Foreign Service.

d. Tenuring of FS Candidates Initially Appointed Prior to 2/15/81

Such appointees will be reviewed by Tenure Boards and recommended for conversion to career status in accordance with criteria in effect at the time of their initial appointment.

** END OF SECTION **

35H. Other Employment Mechanisms

1. Reemployment of FS Annuitants

a. An FS employee who retired under the FSRDS or FERS and is reemployed in any appointive position on a part-time or full-time basis is entitled to receive the salary of the position in which he/she is serving plus as much of the annuity as, when combined with salary, does not exceed during any calendar year the basic salary he/she was entitled to receive on the date of retirement. If the salary during any calendar year exceeds the salary at retirement, the employee shall be entitled to receive the salary of the position in which reemployed, but no annuity shall be payable. Federal Insurance Contributions Act (FICA) deductions are withheld from the salary of an FS annuitant reemployed under a type of appointment which excludes him/her from coverage under the Civil Service Retirement System.

b. FS employees who retire and are immediately reemployed under a limited appointment should discuss with an AID retirement counselor options to receiving the FS retirement annuity. An employee who accepts such a limited appointment is not required to sign a waiver of annuity, but may wish to defer the date when he/she begins to receive the annuity.

2. Employment of Civil Service Annuitants The salary of a reemployed Civil Service annuitant is reduced by the amount of annuity allocable to the period of reemployment. Retirement deductions or FICA are not withheld from the salary.

** END OF SECTION **

ATTACHMENT 35-A

Employment Forms

The following forms must be completed at the time of, or prior to, appointment. The number of copies to be completed is indicated as well as references, where applicable for policy or procedural purposes, to Agency handbooks.

Forms required for all employees:

Form No.	Title	Direct-Hire,	FS/SFS	Resident-	American Hire	Family	Member
SF-61	Appointment Affidavits			2		2	2
SF-61B	Declaration of Appointee			2	2	2	2
SF-50	Notification of Personnel Action			1		1	1
SF-171	Application for Federal Employment				3	3	3
CSC-1267	Supplemental Federal Application				3	3	3
SF-86	Security Investigation Data for Sensitive Position (HB6, Ch. 1)		6		6	6	
SF-87	U.S. OPM Fingerprint Chart		2		2	2	
AID 6-85	Foreign Residence Data (HB 6, Ch. 1)	6	6	6			
AID 610-14	Authority for Release of Information	3	2	2			
SF-144	State of Prior Federal Service	2	2	2			
DD-214	Military discharge (if applicable)	1	1	1			
SF-189	Classified Information Nondisclosure Agreement	2	2	2			
SF-181	Race and National Origin Identification						

Forms required for all employees:

		Direct- Hire,		Resident-	American	Family	Member
SF-256	Self-Identification of Reportable Handicap (HB 32, Ch. 1)	1	1	1			
DS-823	Medical Clearance of Statement of Clearance (HB 25, Ch. 34, 35)	1	1	1			
SF- 1152	Designation of Beneficiary- Unpaid Compensation of Deceased Civilian Employee (HB 25, Ch. 34, HB 29, Ch. 2)	2	2	2			
N/A	Pre-Appointment Certification Statement for Selective Service Registration (HB 25, Ch. 1, 31)	1	1	1			
AID 490-2	Residence and Dependency Statement	4					
SF- 2809	Health Benefits Registration Form HB 25, Ch. 34, HB 29, Ch. 1)	1	1				
SF- 2817	Life Insurance Election (HB 25, Ch. 34, HB 29, Ch. 1)	1	1				
SF- 2823	Designation of Beneficiary – FEGLI Program (HB 25, Ch. 34; HB 29, Ch. 1)	1	1				
JF-33	Designation of Beneficiary – FSRS, FSPS (HB 29, Ch. 2)	1					
AID	AID/W	1					

		Direct- Hire,		Resident-	American	Family	Member
450-1	Emergency Locator Card (initial assignment in AID/W) (HB 29, Ch. 2)						
OF-190	Foreign Service Emergency Locator Information (initial assignment overseas) (HB 29, Ch. 2)	1					
OF-106	Confidential Statement of Employment and financial Interests (if applicable) (HB 24, Ch. 2; HB 32, Ch. 1)	2	2				
SF-278	Executive Personnel Financial Disclosure Reports (SFS only) (HB 24, Ch. 2; HB 32, Ch. 1)	2					
N/A	Conditions of Employment	2	2				

** END OF SECTION **

CDT: 1993/06/20

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ATTACHMENT 35-B

CERTIFICATION OF WAIVER -- FOREIGN SERVICE ANNUITY

On _____, I will retire from the Foreign Service of the United States and I am eligible for an immediate annuity payable from the Foreign Service retirement system. I am accepting a limited Foreign Service appointment on _____ for a period not to exceed _____ (days/months). For purposes of that appointment, under the authority of the Foreign Service Act of 1980, as amended, Section 308(b), I hereby waive

the payment of my Foreign Service annuity for the period of time I will serve under this limited FS appointment.

(Date)

** END OF SECTION **

Superseded by ADS 463, Foreign Service Boards

SUPPLEMENT 35B

MEDICAL CLEARANCES AND WAIVERS AT THE TIME OF APPOINTMENT TO AND TENURING IN THE AID FOREIGN SERVICE

1. Purpose

This supplement sets forth medical clearance requirements and describes situations under which certain kinds of waivers may be considered at the time of initial appointment and prior to granting career status to Career Candidates.

** END OF SECTION **

2. Applicability

This supplement applies to appointments of Career Candidates or Non career employees in the AID Foreign Service personnel category, the AID Senior Foreign Service, and executive appointments under the Foreign Assistance Act, Section 631(b). It does not apply to Resident Hire, Foreign Service National or Consultant and Expert appointments.

** END OF SECTION **

3. Physical Standards for Appointment

General and specific physical standards are developed, amended and administered by the Director, Office of Medical Services, Department of State (M/MED).

** END OF SECTION **

4. Medical Clearance Waivers

There are instances wherein applicants for employment in the AID Foreign Service or their dependents may not meet established standards but such applicants may have skills required by the Agency and may, with limited assignment possibilities, still have the potential for a successful FS career, or have a temporary medical condition that may be corrected within a specified period of time to allow for unlimited worldwide service.

** END OF SECTION **

5. Types of Waivers

a. Permanent Medical Waiver

A permanent medical waiver based on the recommendation of the Medical Review Committee (MRC) may be granted by the Director, Office of Human Resources Development and Management (FA/HRDM), when the medical condition of a Career Candidate or applicant, or dependent(s) of either, is such that assignment limitations do not exclude more than 49% of AID overseas posts relevant to the Candidate's or applicant's occupational specialty, and the Career Candidate or applicant's knowledge and skills are in a shortage category and deemed crucial to the accomplishment of Agency programs.

b. Temporary Medical Waiver

For initial appointment as a Career Candidate, there may be situations wherein a medical condition that normally would be grounds for disqualification of an applicant may be temporary in nature, e.g., pregnancy of the applicant or an applicant's spouse, which prevents completion of a physical examination.

For example, in case of pregnancy, a temporary medical waiver based on the MRC's recommendation may be appropriate when no other medical condition or complications are evident. Such a waiver, however, shall be conditioned, i.e., if neither a full clearance(s) nor a permanent medical waiver(s) is granted to the individual following the pregnancy, the candidate may not be given a career appointment when subsequently reviewed by a Tenure Board.

If an applicant whose condition or whose dependent's condition of pregnancy is further complicated by a medical condition coexisting with the pregnancy that might preclude medical clearance after the birth of the child, an applicant may be considered for a temporary waiver but, if granted, will be offered a Non career appointment. If such a medical condition is resolved

or improves at a later date to the point wherein an in-service medical waiver is granted, the Non career employee may be offered a new limited appointment as a Career Candidate if he/she meets the requirements and conditions for appointment.

In either case, M/MED must be informed that until full medical clearance is attained or a permanent medical waiver is given, all subsequent medical examinations must be treated as though the employee or dependents were being examined for initial appointment -- not under the different criteria applied in the case of "in-service" examinations.

** END OF SECTION **

6. AID Medical Review Committee

The MRC reviews all cases referred to it and makes recommendations to the Director, FA/HRDM, for medical waivers on the merits of each case. The MRC is composed of five direct-hire employees appointed by the Director. M/MED provides a medical officer to serve as a consultant/technical advisor to the MRC (Attachment A to Supplement 35B).

** END OF SECTION **

7. Timing of MRC Actions

The MRC reviews cases of possible waivers of unlimited medical clearance usually when an individual is an applicant for initial appointment in the AID Foreign Service and when a Career Candidate is to be considered by a Tenure Board for tenuring as a career employee.

** END OF SECTION **

ATTACHMENT A TO SUPPLEMENT 35B

GUIDELINES FOR THE MEDICAL REVIEW COMMITTEE

The Medical Review Committee (MRC) evaluates and recommends to the Director, FA/HRDM, whether applicants for employment in the Foreign Service have the potential to be successful Foreign Service (FS) employees, even though the applicants or their dependents failed to meet established physical standards.

The appropriate Placement Officer, FA/HRDM/SCD, provides applicants' official personnel files or records to the MRC, and obtains from the applicants or dependents written permission to review and discuss with a medical doctor from the Office of Medical

Services, Department of State, (M/MED) why the applicants or dependents failed to meet physical standards.

Criteria the MRC will consider in conducting its review of an applicant or dependent includes:

1. Whether an existing medical condition:
 - is static and not progressive in nature;
 - may preclude availability for assignment to a wide variety of posts or, at least, 51% of AID posts relevant to applicant's occupational specialty;
 - will constitute significant risk to the life or limb of the applicant or dependent or a significant risk to the life or limb of a fellow employee(s);
 - will result in excessive medical costs for treatment and/or special or emergency travel for medical treatment;
 - will result in significant periods of absence from duty.
2. Whether the knowledge and skills of the applicant are critical and in a shortage category.

** END OF SECTION **