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# ADS Chapter 414

## Foreign Service (FS) Appointments

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 ADS 414 - Foreign Service (FS) Appointments  
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## ADS 414 - Foreign Service (FS) Appointments

### 414.1 OVERVIEW

Effective Date: 07/01/2010

This chapter provides the policy directives and required procedures that govern Foreign Service (FS) appointments in USAID. This chapter does not apply to Civil Service (CS) to FS conversions, Senior Foreign Service (SFS), Foreign Service National (FSN), and U.S. Citizens Hired Abroad (American family and non-family members) appointments.

Policy directives and required procedures for other FS appointments are located in the following ADS chapters:

- [ADS 415, Civil Service \(CS\) to Foreign Service \(FS\) Appointment Program](#),
- [ADS 422, Personnel Operations: Senior Foreign Service](#),
- [ADS 495, Foreign Service National Personnel Administration](#), and
- [ADS 499, Overseas Employment Program](#).

### 414.2 PRIMARY RESPONSIBILITIES

Effective Date: 07/14/2017

- a. The **Chief Human Capital Officer (CHCO)** exercises authority delegated in [ADS 103, Delegations of Authority](#) for all aspects of human resources management.
- b. The **Office of Human Capital and Talent Management, Foreign Service Center (HCTM/FSC)** administers all processes related to the appointment of employees covered by this ADS chapter.
- c. The **Office of Human Capital and Talent Management, Workforce Planning, Policy, and Systems Management Division (HCTM/PPSM)** determines skill needs, develops workforce projections and recruitment plans, and formulates and interprets human resources guidelines, policies, and regulations.
- d. The **Tenure Board** reviews the performance evaluation files of Career Candidates to ensure that each candidate has the potential to serve across a career span extending to and including class FS-01.
- e. **Performance Boards** consider the performance of all eligible FS employees for:
  1. Possible promotion to the next higher class,
  2. Award of performance pay,

3. Offer or renewal of limited career extensions,
4. Denial of within-class increases, and
5. Separation for relative performance (known as selecting-out) for candidates not meeting the standards of their class.

f. **The Office of Human Capital and Talent Management, Center for Performance Excellence (HCTM/CPE)** convenes and provides guidance and support to Performance and Tenure Boards.

### **414.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

#### **414.3.1 Foreign Service Appointments**

Effective Date: 07/14/2017

The Agency's policy is to recruit and select the best qualified candidates available for FS appointments without regard to race, color, religion, sex, sexual orientation, gender identification, genetic information, national origin, age, (except as limited by [Section 812 of the Foreign Service Act of 1980, as amended](#)), physical or mental disability, marital status, geographic or educational affiliation within the United States, or political affiliation.

USAID considers the fact that an applicant for appointment as a FS officer candidate is a veteran or disabled veteran (a preference eligible under [subparagraphs \(A\), \(B\), and \(C\) of 5 USC 2108\(3\)](#)) as an affirmative factor in the selection of applicants for initial appointment to the USAID Foreign Service (see [Section 301 of the Foreign Service Act of 1980, as amended](#)) depending on the candidate's qualifications; education; and relevant experience as defined in the vacancy announcement for positions in each backstop (see **414.3.7.1**).

[Section 307 of the Foreign Service Act of 1980, as amended](#), allows new entry appointments up to FS-04. Mid-level FS Career Candidates are appointed, on a limited basis, up to FS-02. All Career Candidate appointments are time-limited, must not exceed five years, and cannot be extended or renewed except as authorized in **414.3.2.1**.

The Foreign Service is part of the civilian workforce of the Federal Government. Foreign Service employees are appointed in the excepted service, that is, not subject to appointment requirements of the competitive service.

The [Foreign Service Act of 1980, as amended](#), may be referred to in this ADS chapter simply as "the Act."

#### **414.3.1.1 Conditions of FS Employment**

Effective Date: 07/14/2017

Applicants for appointment to the FS are subject to the following conditions of employment:

- a. **Age:** Career appointments in the FS are covered by the [Foreign Service Act of 1980, as amended](#). Individuals must be at least 21 years old and must be appointed on or before their 60th birthday. Chapter 8, Section 812 of the Act directs mandatory retirement at age 65. The maximum age for appointment under these regulations is based on the requirement that all Career Candidates must be able to complete the requisite eligibility period of five years to receive retirement benefits, before reaching the mandatory retirement age of 65, as prescribed by the Act.
- b. **Citizenship:** Appointees must be U.S. citizens at the time of application.
- c. **Employment Eligibility Verification (E-Verify):** USAID must verify the employment eligibility of all new hires as outlined in the [Employment Eligibility Verification Program \(E-Verify\)](#) implementing guidelines. E-Verify allows U.S. employers to authenticate name, date of birth (DOB), and social security number (SSN) against federal databases in order to verify the employment eligibility of new hires. The establishment of the E-Verify Program in USAID satisfies requirements of the [Homeland Security Presidential Directive 12](#) issued by the White House in August 2004.
- d. **Drug Testing:** All applicants who are appointed to USAID positions are subject to drug testing, as required by [ADS 410, Drug Free Workplace Program](#).
- e. **Medical Clearance:** Prior to appointment, the Department of State, Medical Director, Office of Medical Services (M/MED), must determine that the employee or applicant qualifies without limitation for worldwide assignment, unless the CHCO waives this requirement (see [Guidelines for the Medical Review Committee](#) and [Medical Clearances and Waivers at the Time of Appointment and at Tenuring in the USAID Foreign Service](#) for additional information on the medical waiver process).
- f. **Qualifications/Suitability:** Applicants' qualifications and suitability for appointment are determined after recruitment panels convened by HCTM/FSC conduct a formal evaluation of the candidates' education and experience during the panel's rating, ranking, and interview process. This formal evaluation is outlined in [ADS 468, Foreign Service Personnel Recruitment](#).
- g. **Security Clearance:** Appointees must meet "Top Secret" security clearance requirements for critical sensitive positions (see [EO 10450, as amended](#)).
- h. **Selective Service Registration:** All male U.S. citizens who are between the ages of 18 and 25 are required to register under Section 3 of the Military Selective Service Act. Those who are not registered or knowingly and willfully

did not register before the requirement terminated or became inapplicable to them will be ineligible for appointment to a position in an Executive Agency (see [5 USC 3328](#)).

Selected candidates must complete question 14 of the [SF-86, Questionnaire for National Security Positions](#) pertaining to their selective service status. The registration number provided in the appropriate section of the [SF-86](#) will serve as proof of the candidate's registration.

If the candidate is not registered and is between the ages of 18 and 25, he must consult with the Selective Service System (SSS) to get information on registration requirements and to become registered. Online registration is accepted. Registration must be completed during pre-employment processing otherwise the candidate will be ineligible for appointment (see the [SSS Web site](#) for additional information and guidance for unregistered applicants who have passed their 26<sup>th</sup> birthday).

- i. **Worldwide Availability:** Applicants hired under career or Career Candidate appointments must certify their availability for worldwide assignment and service.
- j. **Voluntary Separation Repayment Requirement:** Newly hired FSOs are required to sign the applicable Conditions of Employment (for career, Career Candidate, or non-career appointments) form in this ADS chapter (see [ADS 414mae](#)) and a [Voluntary Separation Repayment Agreement](#) if assigned immediately overseas.

#### **414.3.1.2 Effective Date of Appointment**

Effective Date: 06/27/2017

An appointment is effective on the date that the appointee begins duty and is available to perform a federal function.

The appointing officers in HCTM/FSC establish effective dates for all appointments to the Agency in consultation with the candidates approved for hire.

#### **414.3.1.3 Employment Forms**

Effective Date: 11/19/2015

A List of Employment Forms required for new-hire FS employees to complete upon beginning duty can be found in [ADS 414mae](#).

#### **414.3.2 Types of FS Appointments**

Effective Date: 07/14/2017

Based on the needs of the Agency, USAID offers three types of FS appointments including temporary, limited, and career appointments.

- A temporary appointment is limited to a period of one year or less.
- A limited appointment (FSL) must not exceed five years and must not be extended or renewed, except as authorized in this ADS chapter or otherwise authorized by law. A limited appointment does not confer reemployment rights, unless the individual accepting the appointment is a current employee of USAID or another federal agency (see **414.3.11**).
- A career appointment is an unlimited appointment given to a tenured employee.

FS appointments may include part-time and job-sharing employment if appropriate, based on the responsibilities of the position and the needs of both the Agency and employees. Managers and supervisors are encouraged to support employee requests for part-time and job sharing if such requests can be reasonably accommodated (see [3 FAM 2332.4\(4\)](#)). For further information on part-time employment and job sharing, see [ADS 479, Hours of Work](#).

FS appointments are governed by the sub-policies below.

#### **414.3.2.1 Career Candidate Appointments**

Effective Date: 07/14/2017

Career Candidate appointments are time-limited, must not exceed five years, and may not be extended or renewed except as provided in [Section 309\(b\)\(3\) of the Act](#) and [Chapter 43 of Title 38, United States Code](#), which pertains to employee rights under the [Uniformed Services Employment and Reemployment Rights Act of 1994 \(USERRA\)](#).

Career Candidate appointments are appropriate for positions that require skills linked to long-term USAID FS staffing needs. USAID appoints Career Candidates to positions in a specific backstop. Since these positions are filled competitively in response to the Agency's needs in the technical area, Career Candidates may not seek to change the backstop for which they were selected prior to completion of their first overseas assignment. This maintains the integrity of the competitive selection process. It also maintains workforce planning requirements and ensures that Career Candidates gain sufficient experience for tenure. Further information about tenuring can be found in [ADS 459, USAID's Foreign Service Career Candidate Program](#) and in [ADS 414mad, The Tenure Policy and Process for Foreign Service Career Candidates](#).

On rare occasions, when management needs dictate, the Agency may change a Career Candidate's backstop prior to completion of the first overseas assignment via approval by HCTM/FSC of a Career Candidate's request for a new backstop.

Career Candidates are:

- a. Appointed to salary classes up to FS-04, and if appointed at a lower grade, are eligible for administrative promotions up to FS-04 under the Agency's career training program for such new hires.
- b. Required to participate in the normal FS evaluation cycle from April through March after being appointed to or reaching FS-04.
- c. Once at FS-04, are reviewed by annual Foreign Service Performance Boards (see [ADS 463, Foreign Service Boards](#)).
- d. Required to serve trial periods in accordance with [Section 306 of the Act](#).
- e. Reviewed by Tenure Board(s) at the conclusion of the trial period to determine and make recommendations as to whether USAID should offer them tenure as career FSOs. The decision to tenure is based on the performance of the Career Candidates, their potential to assume greater responsibility, and the successful completion of other Agency requirements, such as overseas service, medical and security clearances, and language proficiency (see [ADS 414mad](#)).
- f. Required to recertify their availability for worldwide assignment and service at the time of tenure review.
- g. Not eligible for part-time or job-sharing due to the limited time period within which they must obtain tenure (see [Chapter 3, Section 309\(b\)\(3\), and Section 703\(a\) and \(c\) of the Foreign Service Act of 1980, as amended](#)).

#### **414.3.2.2 Career Appointments**

Effective Date: 01/03/2013

Career appointments are appointments given to tenured employees.

Career employees are:

- a. Subject to Time-in Class (TIC) rules covered in [ADS 440, Time-in-Class \(TIC\) Limitations and Limited Career Extensions \(LCEs\)](#) and mandatory retirement rules in [Section 812 of the Act](#).
- b. Subject to commissioning requirements detailed in [ADS 435, Commissions, Titles and Rank](#).
- c. Not subject to any restrictions on changing backstop.

#### **414.3.2.3 Non-Career Appointments**

Effective Date: 07/14/2017

**Foreign Service Limited (FSL) Appointments** are non-career appointments appropriate for overseas and Washington-based positions that require skills that are

unique and/or are required to address an urgent, unforeseen, time-bound need for development expertise. FSL appointments are appropriate for a limited term when it is established that career or Career Candidate FSOs either do not have the professional skill set needed, or it has been documented in writing by the requesting Bureau or Independent Office (B/IO) that qualified individuals are otherwise unavailable for assignment. FSL appointments must only be considered in the context of broader workforce planning by Missions and B/IOs, including but not limited to skills transfer to U.S. Direct Hires. FSL approval authority will reside with the HCTM Foreign Service Center.

### **FSL Appointments:**

- May be program-funded worldwide in accordance with statutory provisions authorized in USAID's annual appropriations;
- May be Operating Expense (OE) funded only in support of USAID assistance to Afghanistan and Pakistan;
- May be classified at the FS-01 to FS-04 level, based on the duties articulated in the position description;
- Are time-limited for an initial period of one to five years, for both OE- and program-funded positions, and are not to exceed the statutory limit set by the appropriations act for the year in which the funds to support the FSL were appropriated;
- May be considered for extension by up to two year increments up to five years; may be considered for further extension (beyond five years) twice for a maximum of (i.e. not to exceed) nine years; and will only be considered if, 90 days before the term-limited appointment will expire, B/IOs submit a written request for an extension to HCTM for consideration and the position has been validated and advertised in advance through the FS Assignment System or the Civil Service for each term of the extension;
- May never exceed the current Congressionally-mandated nine-year term limit; and
- May be terminated at any time, according to the policies and procedures in [ADS 450, Termination of Time-Limited Appointments - Foreign Service \(FS\)](#).

### **Non-career FSL employees:**

- Are not reviewed by the annual Foreign Service Officer Performance Review Boards;

- Are not eligible to participate in the Foreign Service Open Assignment System;
- Are not required to be available worldwide;
- Are required to obtain and maintain a security clearance appropriate to their duties and location, as defined in their position description;
- Are eligible for reemployment to serve the unexpired portion of their limited appointment if called or volunteer for active military duty, subject to the conditions in [Chapter 43 of Title 38, United States Code](#), which pertain to USERRA;
- Without prior FS supervisory experience, may supervise other U.S. Direct Hires provided they receive orientation regarding the Foreign Service evaluation and promotion system, specifically addressing the “up-or-out” aspect of the system;
- Who have served five or more years on one FSL appointment may only receive a new appointment after taking a one-year break in FSL service; and
- Who are currently on a second appointment that began before December 2016 and followed an initial appointment of five to nine years and did not take a year break may be allowed to serve out their current (second) appointment.

#### **Operating Units Employing Non-Career FSL Employees:**

- Must request approval to establish an FSL position via action memo cleared through the appropriate Bureau Deputy Assistant Administrator or Independent Office Director (see required [Action Memo Template to Establish an FSL Position](#));
- Are expected to outline and follow a competitive recruitment process that results in a candidate selection memo to HCTM, as outlined in the [Action Memo Template to Appoint an FSL](#);
- May, in rare circumstances and with strong justification, request a waiver from HCTM to directly select a candidate for the position; if direct selection is proposed, this request can be combined with the request to establish a position;
- Are responsible for monitoring the termination date of the appointment and must provide this information to HCTM for oversight purposes;

- Must first advertise the position if the B/IO desires to extend the appointment beyond five years. The position must be advertised either on the Foreign Service Open Assignment System one year in advance of the termination date of the appointment or through the Civil Service if the host B/IO has the necessary FTE;
- Must submit a request and programmatic justification to HCTM/FSC at least 90 days before the expiration of the employee's appointment for each one to two year extension desired (see required [Action Memo Template to Extend an FSL Appointment](#)); and
- May submit appeals in writing to the Chief Human Capital Officer within 10 days if an FSL request is denied.

### **414.3.3 Other Employment Mechanisms**

Effective Date: 07/01/2010

USAID management uses a variety of employment mechanisms to fill FS positions approved for recruitment. Besides appointing individuals to their first federal position, management has the flexibility to:

- Recall appointments of retired FSOs (see [Section 308 of the Act](#) and **414.3.3.1**);
- Reappoint former (not retired) career FSOs (see [Section 308 of the Act](#) and **414.3.3.2**);
- Retain FS employees at age 65 or older (see **414.3.3.4**);
- Convert CS employees to non-career FS appointments as authorized in [ADS 415, Civil Service to Foreign Service Appointment Program](#);
- Change employees from non-career to Career Candidate appointments (see **414.3.3.5**); and
- Implement the Short-Term Appointment Roster (STAR) (see **414.3.3.7**).

#### **414.3.3.1 Recall to the Foreign Service**

Effective Date: 07/14/2017

[Section 308\(a\) of the Act](#) specifies that “a retired career member of the FS may be recalled to any appropriate salary class or rate except that a retired career member of the SFS may not be recalled to a salary class higher than the one in which they were

serving at the time of retirement (unless appointed to such higher class by the President, by and with the advice and consent of the Senate).”

Officers recalled to service can carry out the full range of FSO delegated authorities. Therefore, this option may be used to fill Senior Leadership Group (SLG) positions that the Agency has been unable to fill from the existing workforce. Recalls may be either program funded or Operating Expense (OE) funded. For additional information, see [ADS 601, Funding Source Policy](#), which provides funding source policy guidance.

The Agency permits the duration of a recall for up to two years. A recall may be extended at management’s discretion if the position is advertised during the assignment cycle in which the appointment ends and for which a qualified career FSO has not been assigned.

In accordance with Agency policy outlined in [ADS 463, Foreign Service Boards](#), recalled FSOs are not reviewed for promotion by Performance Boards, but are evaluated under [ADS 461, Employee Evaluation Program, Foreign Service and Senior Foreign Service](#). If a recalled officer’s performance is not satisfactory, the CHCO has the authority to terminate the employee’s appointment, in accordance with [Section 612 of the Act](#) and as set forth in [ADS 450, Termination of Time-Limited Appointments - Foreign Service](#).

Recalled employees accrue leave and are eligible for benefits such as allowances and differentials on the same basis as career members of the FS.

The CHCO has the authority to approve recalls under [Section 308\(a\) of the Act](#). Recall appointments to SLG positions also require review by the SLG Panel and the approval of the USAID Administrator.

The steps to recall a retired FSO at any level are as follows:

1. USAID will consider a recall after a position has been advertised a second time and remains without a qualified career FSO bidder;
2. The respective Bureau or Independent Office (B/IO) may identify a qualified retired career FSO and propose the candidate to HCTM with an Action Memorandum to the CHCO. The Memorandum must state the proposed position, note prior advertisement of the position to eligible bidders, and describe the proposed candidate’s qualifications for the position. The candidate’s Curriculum Vitae (CV) should be attached.
3. If the position will be program funded, the Memorandum must indicate the funding source. All memos requesting approval to use recall authority, regardless of funding source, must be cleared by the Bureau for Management, Office of Management Policy, Budget and Performance (M/MPBP).

4. For SLG candidates, HCTM sends the proposed appointment and candidate's CV to the SLG Panel for review, and if the SLG Panel recommends the proposed appointment, HCTM submits the request to the Administrator for approval of the specific assignment. Upon the Administrator's approval, the respective B/IO requests Chief of Mission concurrence for any overseas principal officer position.
5. A Human Resources Specialist in FS Staffing (HCTM/FSC/FSS) initiates and coordinates medical and security clearances for the recall candidate. Once all clearances are completed, HCTM/FSC/FSS processes the recall appointment.

Retired FSOs recalled to active duty under the provisions of [Section 823 of the Act](#) are entitled to the full salary of the class in which they are serving in lieu of their annuity. During the recall service, payment of the annuity is suspended and retirement contributions are deducted from the recalled officer's salary.

[Section 823 of the Act](#) specifically addresses annuity adjustments for employees recalled to service. Section 823 states:

“(a) Any annuitant recalled to duty in the Service under section 308(a) shall, while so serving, be entitled in lieu of annuity to the full salary of the class in which serving. During such service the recalled annuitant shall make contributions to the Fund in accordance with section 805. On the day following termination of the recall service, the former annuity shall be resumed, adjusted by any cost-of-living increases under section 825 that became effective during the recall period.

(b) If the recall service lasts less than one year, the contributions of the annuitant to the Fund during the recall service shall be refunded in accordance with section 815. If the recall service lasts more than one year, the annuitant may in lieu of such refund, elect a supplemental annuity computed under section 806 on the basis of service credit and average salary earned during the recall period irrespective of the number of years of service credit previously earned. If the recall service continues for at least 5 years, the annuitant may elect to have their annuity determined anew under section 806 of the Act in lieu of any other benefits under this section. Any annuitant who is recalled under section 308 may upon written application count as recall service any prior service that is creditable under section 816 that was performed after the separation upon which their annuity is based.

(c) If the annuitant becomes subject to subchapter II of this chapter by reason of recall service (1), subsections (a) and (b) shall not apply to such annuitant; and (2) section 824 shall apply to the recall service as if such service were reemployment.”

Retirement Counselors in the HCTM, Human Capital Services Center, Employee Services and Benefits (HCTM/HCSC/ESB) may provide annuitants more detailed information regarding a recall appointment and its potential effects on their retirement and survivor benefits. It is incumbent upon retired FSOs to notify the Department of

State Retirement Office (HCTM/RET) of any reemployment and provide a copy of their appointment [Notification of Personnel Action \(SF-50\)](#).

#### **414.3.3.2 Reappointment of Former (Not Retired) Career FSOs**

Effective Date: 07/14/2017

[Section 308\(b\) of the Act](#) provides that former career FSOs may be reappointed in order to meet the needs of the Service. This applies to tenured officers who resigned and later wish to resume their careers in the FS. They are reappointed as career members in a salary class that is appropriate to their qualifications and experience and with the same time in class (TIC) remaining as when they separated from the service. After reappointment, the FS evaluation and promotion processes apply.

Former FSOs are reappointed to fill a specific position. Assignments to the initial position will be predetermined by HCTM/FSC in coordination with the respective B/IO before an appointment is offered. In order to meet Agency priorities, reappointments will only be considered to available unfilled Critical Priority Country positions (for example, Afghanistan, Iraq, Pakistan, South Sudan, and Yemen) in the appropriate backstop(s) or to positions that the Agency has been unable to fill from the existing workforce when there is a lack of qualified bidders. After the reappointed officer satisfies the initial directed assignment, the officer will be required to participate in the Foreign Service assignment process for subsequent assignments.

Former career members of the Service may also be reappointed under section (301) (d)(2) of the Act, that is, by the President with the consent of the Senate.

Salary and support costs for reappointed FSOs are OE funded. Since reappointed officers resume their USAID careers, each reappointment counts against attrition and may reduce the number of new mid-level hires authorized each year.

The steps to reappoint a former FSO are as follows:

1. Former career (not retired) FSOs who are interested in reemployment are referred to the Foreign Service Center, Assignments and Career Counseling (HCTM/FSC/ACC) and to the respective technical B/IO for their backstop for consideration for current openings.
2. Foreign Service Staffing (HCTM/FSC/FSS) verifies that the individual was a career FSO and is eligible for reemployment under Section 308(b) of the Act.
3. An Assignments and Career Counselor (ACC) in HCTM/FSC advises the former FSO of any unfilled Critical Priority Country (CPC) positions that are available in the appropriate backstop(s).
4. The ACC notifies the relevant technical B/IO (for example, the Bureau for Global Health for BS-50, the Office of General Counsel for BS-85, etc.) of the reappointment option. If the technical B/IO agrees to a potential reappointment,

HCTM/FSC convenes a Technical Review Committee (TRC) to review on-going backstop needs and the qualifications of the former officer. The TRC is chaired by HCTM/FSC. The CHCO approves the members of the TRC, which includes B/IO representatives and a staff member from HCTM/PPSM's Workforce Planning Division. The candidate must obtain TRC clearance to advance to the next step of the reappointment process.

5. The respective technical B/IO proposes the candidate to HCTM with an Action Memorandum and the candidate's CV to the CHCO. The memo must state the proposed position, note prior advertisement of the position to eligible bidders, and describe the proposed candidate's qualifications for the position. The candidate's Curriculum Vitae (CV) should be attached. M/MPBP must clear the Action Memorandum.
6. After approval of the candidate by the CHCO, a Human Resources Specialist in HCTM/FSC/FSS extends an offer of reappointment contingent upon security and medical clearances. Reappointment assignments are announced on the Foreign Service Assignment System (FSAS) Assignment Approvals page of the [HCTM Web site](#).

Reappointed FS career members are evaluated under [ADS 461, Employee Evaluation System for Foreign Service and Senior Foreign Service Employees](#), reviewed by Performance Boards for promotion consideration, and are eligible for all benefits available to other career FSOs.

#### **414.3.3.3 Ethics Implications**

Effective Date: 07/01/2010

Reemployment under one of these mechanisms may have ethics implications. Based on where a Foreign Service Officer was previously employed prior to the potential recall or reappointment, there may be impact on the duties the individual may perform for the Agency. If there are any ethical concerns or questions about a prospective appointment under one of these mechanisms, the staff in the Office of the General Counsel, Ethics and Administration (GC/EA) must be consulted before an offer of employment is extended.

#### **414.3.3.4 Retention of Foreign Service Employees at Age 65 or Older**

Effective Date: 07/14/2017

In accordance with [Section 812 of the Act](#), an employee must be retired from the FS at the end of the month in which they reach age 65 and have at least five years of service under the FS Retirement System (excluding military and naval service). However, in accordance with [Section 812 \(b\)\(2\) of the Act](#), when it is determined to be in the public interest, the CHCO may grant approval to retain on active duty an employee who is 65 years of age for a period not to exceed five years (see [ADS 440, Time-in-Class \(TIC\) Limitations and Limited Career Extensions \(LCEs\)](#)). At the

end of the period of authorized service, the employee will be retired at the end of the month in which they complete such service.

#### **414.3.3.5 Change from Non-Career to Career Candidate Appointment**

Effective Date: 07/14/2017

Under certain circumstances, CS employees given non-career FS limited appointments are eligible to request to convert to FS Career Candidate status in accordance with the provisions of [ADS 415, Civil Service to Foreign Service Appointment Program](#).

#### **414.3.3.6 The Short-Term Appointment Roster (STAR)**

Effective Date: 03/27/2017

The STAR replaces the former Surge Roster and provides a listing of USAID retirees at the GS-13 or FS-2 grade or above who have expressed interest in short-term temporary assignments overseas or in Washington. When a Mission or USAID/Washington B/IO has a sudden short-term staffing need for which there is no immediate practical solution, a STAR appointment may be an appropriate mechanism.

Individuals employed by USAID through STAR will receive temporary (not to exceed 120 days) Civil Service appointments. The STAR appointment counts against the B/IO's vacant positions under manage-to-budget; therefore, the B/IO is responsible for all associated costs and method of payment. All travel and other local costs will be paid by the respective Mission or B/IO.

A STAR appointment does not have an immediate effect on an FS annuity. The amount of time that can be worked without affecting the FS annuity is different for each individual.

For Civil Service retirees, there is an immediate effect on a Civil Service annuity. The salary under a temporary appointment is reduced by the annuity received. Under specific limited circumstances, HCTM may be able to grant a waiver to the mandatory salary offsets for Civil Service reemployed annuitants pursuant to [P.L. 113-291](#). Under this authority, a Civil Service annuitant returns to the workforce on a limited basis and receives both their annuity and the pay of the position (dual compensation). There are various requirements and limitations on use of this authority.

Retirees who are interested in being placed on the roster should contact Edith Tudae-Torboh ([etudaetorboh@usaid.gov](mailto:etudaetorboh@usaid.gov)) for additional information and instructions. STAR appointments are processed by the HCTM, Human Capital Services Center's Civil Service Staffing Division (HCTM/HCSC/CSS).

How to Request a STAR Appointment:

1. Missions or USAID/Washington B/IOs coordinate requests for STAR assistance through the B/IO's Administrative Management Staff (AMS). The B/IO AMS obtains the necessary approvals within their organization for use of the STAR appointment and ensures there is available funding. This is a short-term appointment that counts against the B/IO's vacant positions under manage-to-budget. Therefore, the Mission or B/IO is responsible for all travel and other associated costs.
2. The B/IO AMS submits the Personnel Action Request (PAR) to HCTM/HCSC/CSS through the servicing HR Specialist indicating the dates of the proposed assignment and the level of security clearance necessary for the duties to be performed. A generic position description (PD) or a concise statement of work must accompany the PAR.
3. STAR appointments for overseas assignment may initially exceed 42 days; however, for budgeting purposes, it should be noted that temporary duty overseas in excess of 42 consecutive days will increase costs if the Post of assignment is designated for Post (hardship) differential.
4. HCTM/HCSC/CSS will confirm the status of the selected employee's security clearance and will initiate the medical clearance if the STAR appointment for overseas assignment is for 60 days or more. The candidate will be responsible for scheduling their medical examination and follow-up.

#### **414.3.4 Language Requirements**

Effective Date: 07/14/2017

In accordance with [Section 702 of the Act](#), USAID must not finalize assignments to language-designated positions (LDPs) until the employee attains the required language proficiency or receives approval from HCTM/FSC to proceed to Post without having attained the required language proficiency requirement for assignment to Post. In latter cases, HCTM/FSC staff advises Mission management to enroll the employee in the Post language program immediately upon arrival at Post so that the employee can attain the required language proficiency. Additional information about USAID's foreign language policy is contained in [ADS 438, Foreign Language Program](#).

Career Candidate employees must demonstrate an acceptable foreign language skill in order to be certified for tenure review. The employee must possess a Foreign Service Institute (FSI)-tested foreign language proficiency rating of S-3/R-3 in a USAID Category A language (French, Spanish, or Portuguese) or S-2/R-1 or S-2/R-0 in any of the other languages qualifying for USAID tenure. The language requirement for tenure cannot be waived (see [Section 702 of the Act](#) and [ADS 438maa, USAID Tenuring Languages](#)).

#### **414.3.5 Performance Evaluation and Promotion**

Effective Date: 07/01/2010

All FS employees must receive annual evaluations under the Agency's Employee Evaluation Program (see [ADS 461, Employee Evaluation Program for Foreign Service and Senior Foreign Service Officers](#)) which requires the Annual Evaluation Form (AEF) be used to document performance. However, only career and Career Candidate employees are eligible for review and recommendation for promotion by Performance Boards.

#### **414.3.6 Tenuring of Career Candidates**

Effective Date: 02/07/2014

“Tenuring” is a process that changes a Career Candidate from limited to career status after a successful trial period with the Agency. Tenure decisions in USAID are based on recommendations by a Foreign Service Tenure Board.

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. The candidate must also have met all eligibility requirements by the date specified and have fulfilled their work objectives.

In making its tenuring recommendation, the Tenure Board reviews the performance evaluation files of Career Candidates. If a Career Candidate does not obtain tenure, USAID terminates the employee’s limited appointment and separates him or her from the FS.

USAID places no numerical limit on the number of employees eligible for tenure. Employees are not reviewed comparatively with other Career Candidates but on an individual basis.

The operations of the Tenure Board and Precepts for decision making by the Board are described in detail in [ADS 414mad, The Tenure Policy and Process for Foreign Service Career Candidates](#) and [ADS 414mac, Precepts for USAID’s Foreign Service Tenure Board](#).

#### **414.3.7 Foreign Service Pay**

Effective Date: 10/03/2011

Policy directives and required procedures for Foreign Service pay for new appointees and USAID FS employees are located in [ADS 470, Pay Under the Foreign Service](#), and [Sections 307, 403, 404](#), and [406 of the Act](#).

For more information about Foreign Service pay when stationed abroad, see [ADS 470mad, Foreign Service Comparability Pay](#).

##### **414.3.7.1 Appointment Salary**

Effective Date: 11/19/2015

HCTM/FSC determines the appointment salary for all categories of Foreign Service employees, in accordance with the policy directives and required procedures established in [ADS 470, Pay Under the Foreign Service](#).

#### **414.3.7.2 Within-Class Salary Increases**

Effective Date: 07/01/2010

All FS non-career, Career Candidate, and career employees are eligible to receive periodic within-class salary increases if the employees are paid at a step below the maximum step of their salary class, in accordance with [Section 406 of the Act](#) and [ADS 470](#).

#### **414.3.8 Retirement Coverage**

Effective Date: 11/19/2015

Generally, FS appointees receive retirement coverage as follows:

- FS non-career employees may be covered under the Civil Service Retirement System (CSRS), Civil Service Retirement System (CSRS) Offset, or Federal Employees Retirement System (FERS), as appropriate.
- FS Career Candidates are covered by the Foreign Service Pension System (FSPS), unless they were covered under another retirement system (for example, CSRS, FERS) and converted without a break in service.

HCTM/FSC determines the appropriate retirement coverage for all FS employees, including former career employees who are reappointed or recalled.

#### **414.3.9 Allowances, Differentials, and Other Benefits**

Effective Date: 11/19/2015

Allowances, differentials, and other benefits authorized by law, rule, or regulation are available to employees covered under this ADS chapter (see [ADS 476, Benefits](#) and [ADS 477, Allowances and Differentials](#)).

#### **414.3.10 Termination of Time-Limited Appointment**

Effective Date: 07/14/2017

[Section 612 of the Act](#) provides the authority for terminating FS limited appointments, except for cause, at any time if the needs of the service so require. Separation for cause is covered under [Section 610 of the Act](#) (see [ADS 450, Termination of Limited Appointments](#)).

The CHCO or designee is responsible for terminating, at any time, the appointment of an employee serving under a limited appointment prior to the expiration date of the appointment.

**414.3.11 Reemployment**

Effective Date: 11/19/2015

An employee of USAID or another agency who accepts a limited appointment in the FS is entitled, upon termination of the limited appointment and with the consent of the head of the agency in which the employee was employed, to be reemployed by USAID or their parent agency in accordance with [Section 3597 of Title 5 United States Code](#) and [Section 310 of the Act](#) (see [ADS 412, Reemployment Rights](#)).

Reemployment rights must be granted, in writing, before the limited FS appointment is affected.

**414.4 MANDATORY REFERENCES**

**414.4.1 External Mandatory References**

Effective Date: 07/14/2017

- a. [5 USC 2108, Veterans; Disabled Veteran; Preference Eligible](#)
- b. [5 USC 3328, Selective Service Registration](#)
- c. [5 USC 3597, Reemployment Following Limited Appointment in the Foreign Service](#)
- d. [16 FAM 215 and 216](#)
- e. [38 U.S.C. 43, Employment and Reemployment Rights of Members of the Uniformed Service](#)
- f. [Consolidated Appropriations Act, 2016](#)
- g. [Executive Order 10450, as amended](#)
- h. [Foreign Service Act of 1980, as amended; sections 301, 302, 303, 306, 307, 308, 309, 310, 403, 404, 406, 610, 612, 702, 703, 805, 806, 812, 815, 816, 823, 824, 825, and 904](#)
- i. [Homeland Security Presidential Directive 12](#)
- j. [Pub. L. 111-8, Omnibus Appropriations Act, 2009, Section 7059\(g\) Foreign Service Limited Extensions](#)
- k. [Pub. L. 113-291, National Defense Authorization Act for Fiscal Year 2015](#)
- l. [Selective Service System \(www.sss.gov\)](#)

- m. [Uniformed Services Employment and Reemployment Rights Act of 1994 \(USERRA\)](#)

**414.4.2 Internal Mandatory References**

Effective Date: 05/01/2020

- a. [ADS 103, Delegations of Authority](#)
- b. [ADS 410, Drug-Free Workplace Program](#)
- c. [ADS 412, Reemployment Rights](#)
- d. [ADS 414mab, Waiver Process for Medical Clearance Requirements for Initial Appointments, Tenure Review and Overseas Assignments in the Foreign Service](#)
- e. [ADS 414mac, Precepts for USAID's Foreign Service Tenure Board](#)
- f. [ADS 414mad, The Tenuring Policy and Process for Foreign Service Career Candidates](#)
- g. [ADS 414mae, List of Employment Forms](#)
- h. [ADS 414mak, Foreign Service Retirement and Disability System](#)
- i. [ADS 414mal, Action Memo Template to Establish an FSL Position](#)
- j. [ADS 414mam, Action Memo Template to Appoint an FSL](#)
- k. [ADS 414man, Action Memo Template to Extend an FSL Appointment](#)
- l. [ADS 415, Civil Service-to-Foreign Service Appointment Program](#)
- m. [ADS 422, Personnel Operations: Senior Foreign Service](#)
- n. [ADS 435, Commissions, Titles and Rank](#)
- o. [ADS 438, Foreign Language Program](#)
- p. [ADS 440, Time-in-Class \(TIC\) Limitations and Limited Career Extensions \(LCEs\)](#)
- q. [ADS 450, Termination of Time-Limited Appointments - Foreign Service \(FS\)](#)
- r. [ADS 461, Foreign Service and Senior Foreign Service Performance Management and Development Programs](#)

- s. [ADS 463, Foreign Service and Senior Foreign Service Promotion Eligibility Requirements and Procedures](#)
- t. [ADS 468, Foreign Service Personnel Recruitment](#)
- u. [ADS 470, Pay Under the Foreign Service](#)
- v. [ADS 476, Benefits](#)
- w. [ADS 477, Allowances and Differentials](#)
- x. [ADS 495, Foreign Service National Direct-Hire Personnel Administration](#)
- y. [ADS 499, Overseas Employment Program](#)
- z. [ADS 601, Funding Source Policy](#)

**414.4.3 Mandatory Forms**

Effective Date: 06/27/2017

- a. [Authorization for Release of Medical Information](#)
- b. [Certificate of Waiver - FS Annuity](#)
- c. [Conditions of Employment for Career Foreign Service Employees](#)
- d. [Conditions of Employment for Time-Limited Foreign Service Career Candidate Employees](#)
- e. [Conditions of Employment for Time-Limited Foreign Service Non-Career Employees Assigned to Overseas Mission](#)
- f. [Employment Eligibility Verification Program \(E-Verify\)](#)
- g. [Notification of Personnel Action \(SF-50\)](#)
- h. [SF-86, Questionnaire for National Security Positions](#)
- i. [Tenure Evaluation Form \(TEF\)](#)

**414.5 ADDITIONAL HELP**

Effective Date: 07/01/2010

There are no Additional Help documents for this chapter.

**414.6 DEFINITIONS**

Effective Date: 07/01/2010

See the [ADS Glossary](#) for all ADS terms and definitions.

**appointing officer**

A person having power by law or by lawfully delegated authority to make appointments. (Chapter 414)

**appointment - limited**

An appointment of a specified duration from one to five years. (Chapter 413 and 414)

**appointment - temporary**

An appointment limited to a period of one year or less. (Chapter 413 and 414)

**backstop**

Numeric code used to identify the skill category of a particular position. (Chapter 414 and 415)

**career appointment**

A career appointment is an appointment given to tenured employees. Individuals appointed or converted to career appointments are subject to Time-in Class (TIC) limitations and mandatory retirement rules. (Chapters 412, 414)

**career candidate appointment**

An employee hired for a time-limited appointment that is intended to lead to a full career with the Agency following successful completion of tenure requirements. (Chapters 412, 414)

**excepted service**

Positions in the Federal service not subject to appointment requirements of the competitive service. Exceptions to the normal, competitive requirements are authorized by law, executive order, and/or regulation. (Chapters 412, 413, 414)

**non-career appointee**

An employee hired for a limited appointment, not to exceed five years, that is not intended to lead to a full career with the Agency. (Chapter 414 and 415)

**qualifications**

Education, experience, and other prerequisites to employment or placement in a Foreign Service position in USAID. (Chapter 414)

**recalled FS employee**

A career FS employee who retired under the Foreign Service Retirement and Disability System (FSRDS) or Foreign Service Pension System (FSPS) and is returned to active duty status in the same personnel category as the individual was serving at the time of retirement and to any appropriate salary class or rate. (Chapter 414)

**suitability**

Suitability refers to the basic standard (in EO 10450) requiring that an individual's appointment to or retention in the Federal Service must promote the efficiency of the Service. Suitability is only applicable to direct-hire employees (**Chapter 414**)

**tenure**

A process that changes a Career Candidate from limited or conditional to career status. (**Chapter 414**)

**Tenure Board**

A Board established by the Foreign Service Act of 1980, as amended, to review all Career Candidates who meet eligibility for conversion to career status. In USAID, the Tenure Board also reviews Career Candidates, not eligible for tenure review, who are identified by Performance Boards as employees who appear to be failing to meet the standards of their class. (**Chapter 414**)

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