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Precepts for USAID's Foreign Service Tenure Board

A Mandatory Reference for ADS Chapter 414

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PRECEPTS FOR USAID'S FOREIGN SERVICE TENURE BOARD

This mandatory reference provides the organization of the Tenure Board and the basis for its decisions (see [ADS 414mad, The Tenure Policy and Process for Foreign Service Career Candidates](#) for eligibility criteria, documentation requirements, and timelines for the tenure review process).

The Chief Human Capital Officer (CHCO) decides whether to offer career candidates tenure in USAID's career Foreign Service (FS), based upon the recommendations of the Tenure Board.

The Office of Human Capital and Talent Management (HCTM) convenes and guides the Tenure Board in its technical actions and procedures. The Board addresses all questions regarding its work to **HCTM** staff.

1. Operations of the **Tenure Board**

Tenure Boards review the **tenure board file (TBF)** of FS career candidates meeting eligibility requirements for tenure review.

The Tenure Board must:

- a. As soon as it is convened, establish internal operating procedures (*e.g.*, **schedule and assignment of roles for documenting deliberations**) necessary to fulfill its responsibilities in accordance with these precepts;
- b. Review the **TBF** of each referred career candidate;
- c. Evaluate the candidate's aptitude and fitness for career service as required by the standards of performance for tenured FS Officers (FSOs);
- d. Assess whether each career candidate eligible for tenure is an individual who has the potential to serve effectively as a USAID career FSO over a normal career span **up to the FS-01 grade**;
- e. Prepare counseling letters for employees whose performance requires it; and
- f. In a report to the CHCO, make a recommendation regarding tenure or other action pertaining to each candidate, with a clear explanation of the basis for the recommendation on each candidate.

2. Oath of Office

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

"I, _____, do solemnly swear (or affirm) that I **shall, without prejudice**

or partiality, perform faithfully and to the best of my ability, the duties as a member of the USAID Foreign Service Tenure Board, and preserve the confidential character of personnel records used by the Board; that I shall adhere and apply the precepts set out in ADS 414mac and other guidance as appropriate for the discharge of these duties and that I shall not leave any documents unread or reveal to unauthorized personnel any information concerning the deliberations, findings, and recommendations of the Board (so help me God)."

Failure to adhere to the Oath of Office may result in disciplinary action.

3. Basis for a Tenure Board Recommendation

a. General Framework

The Tenure Board evaluates each FS career candidate against standardized criteria to ensure that each candidate has the potential to serve across a career span extending to and including class FS-01. To be recommended for tenure, the candidate must meet all eligibility requirements and have satisfactory performance in their position(s) (see [414mad, The Tenure Policy and Process for Foreign Service Career Candidates](#)).

b. Equality of Consideration

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

Before convening each Tenure Board, HCTM briefs the members on these responsibilities. Representatives from the Office of Civil Rights and Diversity (OCRD), HCTM's Office of Employee and Labor Relations (HCTM/ELR), and the American Foreign Service Association (AFSA)—the bargaining unit for FS employees—are invited to attend.

If a Board member believes that another Board member is not adhering to published procedures or the Agency's anti-discrimination policy in their review of an employee's TBF, the member must immediately bring the matter to the attention of HCTM for appropriate action.

Tenure Boards must report to HCTM any inadmissible comments they find in the files being reviewed but must not allow them to influence their assessments of candidates. Inadmissible comments include the following:

- References to race, color, religion, sex (including pregnancy and gender

identity), national origin, age, disability, sexual orientation, genetic information, reprisal for prior EEO activity, marital status, parental status, political affiliation, or any other non-merit factor;

- Retirement, resignation, or other separation plans;
- References to grievances, references to third-party adjudicatory proceedings or decisions, involvement in EEO complaints, involvement in whistleblowing actions, or references to discriminatory practices;
- Method of entry into the Service (e.g., conversion from another personnel system) (Note: Mention of entry as a Career Candidate Corps (C3) employee is permitted);
- Reference to private U.S. citizens by name;
- Negative references to participation or non-participation in union activities, either as a representative of the union or as a bargaining unit member;
- Reluctance to work voluntary overtime;
- Leave record (except absence without leave (AWOL), which requires consultation with HCTM). This includes references to Family Medical Leave Act (FMLA) and leave for medical reasons;
- Reference to the use of the dissent channel, which results in an adverse evaluation of performance. However, expressions of dissenting views on policy that are outside the dissent channel and raise substantive questions of judgment relative to the skills matrix may be discussed in an evaluation, with specific instances cited;
- Negative or derogatory discussion of another employee's performance (this does not include references that the candidate counseled, managed, or took a performance or conduct action against a subordinate employee as long as no reference to the employee's name is made); and
- Reference to, or identification of, a disability (that is, a physical or mental impairment that substantially limits one or more major life activities, or a record of a physical or mental impairment that substantially limits a major life activity, or the perception that an individual has a physical or mental impairment that substantially limits a major life activity) or other medical condition or association with an individual who has a disability.

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

replaced.)

c. Assignments

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

d. Demonstrated Skills

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

The Tenure Board must recognize that no candidate can be expected to have displayed abilities in all the principal **skills and sub-skills** of the **FS/SFS Skills Framework**. Thus, Board members must avoid making negative assumptions regarding skills that the candidate has had no practical opportunity to demonstrate. For example, candidates at the apprentice or journey level who are reviewed for tenure for the first time are in the process of gaining knowledge and **developing** expertise in their backstop. These candidates will have gained practical experience in applying USAID's technical, programmatic, or administrative approaches to their work only to the extent that their assignments have exposed them to these approaches (note: depending on when and where they have been assigned, some candidates will not have **had the opportunity** to work, for example, on a project design, a new country strategy, or other activity by the time of their tenure review). **The Board should not make a negative recommendation based on skills where the candidate has had no practical opportunity to demonstrate that skillset.**

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

The Tenure Board should look closely, however, at documented evidence that the

career candidate displays shortcomings or deficiencies in those skills that they performed to the extent that development of satisfactory competence in any one of the four principal skill areas appears doubtful. Candidates who have demonstrated deficiencies over a period of time and do not show the potential to be successful in a long-term career should not be granted tenure. The Board should give positive consideration, however, to evidence in the candidate's TBF that they have overcome or **are** overcoming early weaknesses in certain skills and their subgroups.

The four skill areas and their sub-skills that guide the Tenure Board include:

1) Leadership: Assesses the environment, including the local and international context, and draws upon headquarters, staff, and local stakeholder input to establish direction and vision for the Operating Unit. Builds consensus and partnerships to implement the vision. Motivates and empowers staff by establishing clear goals, demonstrating enthusiasm and commitment, appropriately delegating decision making, and encouraging innovation and adaptation, when appropriate, to achieve the mission.

- Building Consensus & Partnerships
- Contextual Awareness & Political Astuteness
- Motivation & Empowerment
- Vision

2) Results and Impact Focused: Maximizes performance and production of results and contributes to long-term impacts with assigned resources. Understands and applies Agency policies and regulations in managing resources and displays acumen in using USAID business systems, adapting programs and processes, when appropriate. Combines substantive knowledge of backstop, local and international context, and understanding of Agency vision/objectives/norms/business processes to manage and implement the Agency's portfolio and operations, solve problems, take smart risks, meet customer needs, and achieve sustained results. Stays abreast of U.S. foreign policy interests and developments in the discipline and applies that new knowledge in USAID operations and programming, as appropriate.

- Accountability for Results
- Problem Solving
- Taking & Managing Risks
- Technical & Substantive Expertise

3) Professionalism: Conducts self and accomplishes work in a manner that is

consistent with the highest ethical standards and USAID values, including respect for different points of view and cultures. Readily contributes to team efforts, clearly communicates ideas, actively listens, and supports others, accepts feedback, and facilitates a productive working environment with colleagues where conflicts are addressed quickly. Maintains openness to new information and effectively adjusts to challenges or shifts in priorities.

- Adaptability & Flexibility
- Communication
- Cross-Cultural Competence
- Interpersonal Skills
- Teamwork

4) Talent Management: Mentors, coaches, engages, and guides staff to perform at their highest level and to assume increasing responsibility in the organization. Seeks and provides constructive feedback. Takes responsibility for professional development of self and others. Ensures that staff is appropriately utilized, appraised, and rewarded. Creates a productive and supportive environment where conflicts are addressed quickly, and personnel problems are resolved in a fair and transparent manner. Ensures that staffing is in line with program/Mission size and complexity and deployed to support most critical work. Fosters equal employment opportunity and a respectful work environment free of discrimination and promotes a diverse and inclusive workplace in which the contributions of all employees are valued.

- Supports EEO, Diversity and Inclusion
- Professional Development
- Supervision and Human Resource Management*

*Only FSOs in supervisory positions must demonstrate and be evaluated on the Supervision and HR Management subskill.

e. Backstop/Functional Abilities and Shortcomings

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

- a. Understands the political, social, and economic context of USAID activities at both the macro- and micro-levels, particularly as related to the candidate's occupational specialty (backstop);
 - b. Functions effectively within USAID Mission and USAID/Washington (USAID/W) environments in the backstop of record;
 - c. Translates development issues and needs into program strategies, plans, and documentation leading to program or project approval; and
 - d. Implements, monitors, and evaluates actions, including negotiations, planning, contracting, logistics management, administrative support, reporting, and project and portfolio control (as appropriate).
- 2) The Tenure Board must be alert to any deficiencies that are documented in the career candidate's performance file. Each deficiency must be considered in terms of its seriousness and may be grounds for recommending that a candidate not be tenured. Possible deficiencies include, but are not limited to:
- a. Reluctance to accept responsibility;
 - b. Failure to carry out properly assigned tasks within a reasonable time;
 - c. Low productivity or work poorly done;
 - d. Lack of adaptability;
 - e. Refusal to accept or carry out legitimate directives from properly authorized officials;
 - f. Inability to work fairly and cooperatively with supervisors, colleagues, subordinates, and/or foreign counterparts;
 - g. Ineffectiveness in managing subordinates; indifference, delinquency, or lack of honesty in preparing evaluation reports on subordinates;
 - h. Lack of courage and reliability under conditions of hardship and danger;
 - i. Lack of understanding and/or sensitivity for the traditions, feelings, and aspirations of host countries, their institutions, and their peoples; and
 - j. Failure to adhere to Agency policies and Standards of Conduct.

f. Tenure Board Actions and Procedures

a. Information to be considered

- 1) The Tenure Board must base its decisions only on material that is properly part of the candidate's TBF.
- 2) The Tenure Board must ignore any information in the file that is inadmissible. Such information must not be the subject of discussion or a basis for the Tenure Board's decisions and must be reported promptly to **HCTM**.
- 3) A Board member may not bring to the Board's attention personal knowledge of a candidate except for information relevant to the candidate's performance or potential, and then only by means of a signed memorandum submitted to **HCTM**. A copy of the memorandum must be forwarded promptly to permit the candidate to comment on it before the Board completes its review. The Board will continue its review of the employee's PEF after the employee has had the opportunity to respond to the information. The Board must consider the employee's response in its deliberations. If the employee does not respond having been given the opportunity to do so, the Board will decide whether the information would make a material difference in their recommendations, and if so, write a statement for the record of the disposition of the information.
- 4) A Tenure Board member who is or was the career candidate's rating official (or served on the candidate's Appraisal Committee (AC) **when ACs were still being held**) **must recuse themselves and** must not participate in the decision-making process concerning the candidate.
- 5) Tenure Board members are provided with:
 - **These precepts and applicable Agency policies, including [ADS 414mad](#), [The Tenure Policy and Process](#), [ADS Chapter 461, Foreign Service and Senior Foreign Service Performance Management and Development Program](#), and the [FS/SFS Skills Framework](#);**
 - Each candidate's complete TBF as **described in [ADS 414mad](#)**;
 - A copy of each FS **Promotion** Board's A (*i.e.*, FSOs ranked for promotion) and C ratings (*i.e.*, FSOs determined to not be meeting **the relative standards of their class**) lists for the previous three years (see [ADS Chapter 463, Foreign Service and Senior Foreign Service Promotion Eligibility Requirements and Procedures](#));
 - The **current** TEF for each employee;
 - For a candidate whose tenure decision was previously deferred, the counseling letter prepared by a prior Tenure Board and the prior TEF;
 - A copy of the [Foreign Service Act of 1980, as amended](#);
 - The **Biographical** Employee Data Record (EDR) for each employee; and

- A dictionary and list of Agency acronyms.

g. Submission of Findings and Recommendations

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

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

The Tenure Board 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 whose tenure is deferred. These letters contain an explanation of the Board's recommendation and guidance to the employee on the specific areas in which they must improve to subsequently qualify for favorable tenure consideration.

See [ADS 414mad, The Tenure Policy and Process for Foreign Service Career Candidates](#) for the Tenure Board's recommendations for each candidate and the documentation required for submission to the CHCO.

h. Administrative Support

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