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# ADS Chapter 438

## Foreign Language Program

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 ADS Chapter 438 – Foreign Language Program  
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***This is a new ADS chapter. It supersedes Chapter 4 of Handbook 28.***

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**438.1 OVERVIEW**

Effective Date: 05/30/2014

This ADS chapter and uniform Department of State regulations in Volume 13, [Foreign Affairs Manual \(FAM\)](#) and Volume 13, [Foreign Affairs Handbook \(FAH\)](#) provide the policy directives and required procedures for USAID's Foreign Language Program. USAID has a separate monetary incentive program for qualifying Foreign Service (FS) employees who have proficiencies in incentive languages and who serve at language incentive designated posts.

The purpose of USAID's Foreign Language Program is to strengthen the ability of Foreign Service Officers (FSOs) to implement programs mandated by Congress. The objectives of USAID's Program are to:

- Ensure that career candidate employees meet language requirements for tenure,
- Ensure that overseas Language Designated Positions (LDPs) are staffed with employees that meet position language requirements, and
- Provide monetary incentives to encourage employees to acquire and maintain language skills at a higher level for proficiency in incentive languages.

The authority for USAID's Foreign Language Program comes from [Section 702 of the Foreign Service Act of 1980, as amended](#). [Section 704\(b\)\(3\) of the Act](#) is the authority for language incentive pay.

**438.2 PRIMARY RESPONSIBILITIES**

Effective Date: 05/30/2014

- a. **USAID** is responsible for making foreign language training available to FS employees in order to meet tenure requirements and to achieve proficiency required for language designated positions throughout their careers.
- b. **Foreign Service employees** are responsible for acquiring foreign language proficiency within established timeframes and for maintaining this competency. All career FSOs are responsible for using the appropriate language with the degree of proficiency their jobs require.
- c. **Supervisors** are responsible for releasing their employees from duties when the employee is assigned to full-time intensive language training and for reflecting in the employees' performance appraisals any accomplishments in job-related language training.
- d. The **Chief Human Capital Officer (CHCO), Office of Human Resources (OHR)** or designee is responsible for:
  1. Approving curtailment or postponement of language training for career candidate

employees;

2. Deciding employee appeals regarding eligibility requirements for language incentive payments under the USAID Language Incentive Program (see **438.3.12**); and
3. Making final decisions on appeals of unfavorable waiver decisions made by the Chief, Office of Human Resources, Foreign Service Personnel Division (OHR/FSP) (see **438.3.11**).

**e. The Office of Human Resources, Foreign Service Personnel Division (OHR/FSP)** is responsible for:

1. Overseeing all aspects of USAID's Foreign Language Program and coordinating language program activities to include, but not limited to, developing the training budget, counseling employees and Mission management, allocating funds for training, and making other training determinations, as necessary;
2. Approving changes in LDPs as recommended by USAID Mission Directors or USAID Principal Officers;
3. Approving and arranging for USAID employee enrollment for training in the Foreign Service Institute (FSI) or other USAID-contracted training facilities;
4. Serving as the point of contact regarding USAID employee attendance and performance while assigned to language training;
5. Granting language training waivers or extensions of language training for periods up to a maximum of 40 weeks, on a case-by-case basis, as outlined in section **438.3.10.2**; and
6. Initiating language incentive payments for qualifying employees serving at language incentive designated posts and terminating payments upon their departure from post.

**f. Mission Directors and USAID Principal Officers** are responsible for:

1. Reviewing language proficiency requirements for existing positions;
2. Certifying that language requirements are adequate for existing positions and needed for new positions;
3. Requesting curtailment or postponement of an employee's assignment, or waiver of employee language training in Washington to satisfy an urgent staffing need overseas;

4. Ensuring that employees who do not meet the language requirements for language designated positions are provided training at the overseas post; and
5. Monitoring, reporting progress, and making decisions on the continuation or termination of Mission language training.

**h. Bureau Assistant Administrators (AAs) and Bureau Administrative Management staff (AMS)** provide support to Missions and facilitate language training requests.

**i.** The **Foreign Service Institute (FSI)**, or in some instances, other **USAID-contracted training facilities** may provide foreign language training to FS employees and others as indicated in this chapter.

**j.** The **Office of the Inspector General, Assistant Inspector General for Management (OIG/AIG/M)** is responsible for managing the OIG language training program. OIG employees must consult [OIG Directive 1003, Language Proficiency Policy](#), for policy directives and required procedures related to the OIG language training program.

### **438.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

#### **438.3.1 Foreign Language Program Policy**

Effective Date: 05/30/2014

To the extent possible, Foreign Service employees will be trained in the language of their assignments based on an assessment of host country conditions and requirements by the Mission Director, Principal Officers, or designees. The Agency reserves the right to train employees in any language the Agency needs for the completion of its mission.

FS employees will be provided with language training as required and will be eligible for language incentive pay regardless of race, gender, sexual orientation, gender identification, color, age (except as indirectly limited by [Section 812 of the Foreign Service Act of 1980, as amended](#)), religion, national origin, genetic information, physical or mental disability (except when disqualified for overseas duty by the Medical Division of the Department of State), reprisal for participation in the EEO process, marital and family status, or political affiliation.

FS employees must meet foreign language requirements to obtain tenure. Language training requirements for tenure of career candidates will not be waived, and appointments will not be extended beyond five years to assist career candidates in meeting their language requirements for tenure.

FS employees must meet foreign language requirements for tenure or for assignment to a Language Designated Position before they depart for their overseas assignment. In extraordinary circumstances or in emergency situations, an exception to this policy may be approved by the Chief, OHR/FSP, or designee (see **438.3.11** for more information on

exceptions).

Language incentive payments are paid to a qualifying Foreign Service employee only for the duration of the employee's assignment to a language incentive designated post (see **438.3.12**).

### **438.3.2 Eligibility for Language Training**

Effective Date: 05/30/2014

The following categories of employees are eligible for language training:

- Career Foreign Service Officers and career candidates, and
- Civil Service employees who are non-career limited FS appointees under the Civil Service to Foreign Service Program (see [ADS 415, Civil Service to Foreign Service Appointment Program](#)).

OHR/FSP may approve other individuals for foreign language training on a case-by-case basis, if funding and space are available, as described in **438.3.8(d)**.

### **438.3.3 Language Proficiency Requirements for Tenure and Assignment to Language Designated Positions**

Effective Date: 05/30/2014

The objectives of USAID's Foreign Language Program are to ensure that FS career candidates meet the language requirements for tenure and that overseas LDPs are staffed with Foreign Service employees who meet their positions' language requirements. Language proficiency requirements for tenure and assignment to LDPs are outlined below.

#### **a. Tenure**

FS career candidates must meet language requirements in order to make tenure. To meet language requirements for tenure, career candidates must have an FSI-tested proficiency of S-3/R-3 if the language is French, Spanish, or Portuguese. For tenure in other languages, career candidates must have an FSI-tested proficiency of S-2/R-1 or S-2/R-0, as shown in [ADS 438maa, USAID Tenure Languages](#). Language requirements for career candidates will not be waived and appointments will not be extended beyond five years to assist career candidates in meeting their language requirement for tenure.

#### **b. Assignment to LDPs**

An employee assigned to an LDP must possess the position's mandatory tested level of language proficiency before assuming duties at the overseas post unless the Chief, OHR/FSP grants a waiver of training in Washington to allow the employee to proceed to post and immediately enroll in training at post until the

required proficiency is reached (see **438.3.11**).

#### **438.3.4 Language Proficiency Requirement for Promotion**

Effective Date: 05/30/2014

There are no specific language proficiency requirements for promotion in the FS or Senior Foreign Service (SFS).

#### **438.3.5 Procedures for Changing Existing or Establishing New Language Designated Positions**

Effective Date: 05/30/2014

USAID Missions have responsibility for designating positions requiring foreign language proficiency. Generally, OHR makes changes in language proficiency requirements only at the time of the annual validation exercise outlined in [ADS 436.3.2.1](#). OHR/FSP reviews LDPs created after the validation on an ad-hoc basis.

Missions must not change language requirements to:

- Avoid delays in recruitment,
- Avoid the assignment of an employee with the right qualifications for the LDP, or
- Establish language proficiency requirements above S-3/R-3 or below the S-2 level for LDPs.

##### **a. New Positions**

The criteria for establishing new LDPs are outlined in **438.3.5c**. Procedures for the submission of new LDPs are described in **438.3.5d**.

##### **b. Existing Positions**

During the annual validation exercise, Mission Directors and other Principal Officers, or designees:

1. Must review and certify that requirements for existing LDPs are adequate or, if duties and responsibilities have changed significantly, may recommend modifications to language proficiency requirements.
2. Must fully justify all recommended changes to the Chief, OHR/FSP. Procedures for submitting changes to language requirements for existing positions are provided at **438.3.5d**.

##### **c. Designation Criteria**

In reviewing and arriving at language proficiency designations for existing and



new positions, Mission Directors and other Principal Officers must consider the following:

- Program responsibilities of the overseas post;
- Job content and level of contacts in the host country;
- Representative/social contact;
- Extent of the use of English in the host country;
- Host country requirements for English proficiency for its officials who serve in counterpart positions (this judgment must not be based on a single individual's English proficiency);
- Host country's attitude and acceptance of the use of English in the local setting;
- The need to conduct official business and develop useful working relations with host country officials and other significant USAID representative and social contacts;
- Position requirement for direct supervision of Foreign Service National (FSN) direct-hires or personal services contractors (PSCs) lacking a working knowledge of English;
- Frequency and need to deal with the general public on a continuous basis, including conducting interviews;
- Requirement to comprehend written materials in a local language;
- Resources required to monitor translations made by FSNs or translate documents into the local language, where sensitivity requires handling by U.S. personnel; and
- Cost of hiring interpreters and translators versus the cost of training and testing FS employees.

**d. Submission of Requests for Position Designation**

To create new LDPs or to recommend changes to existing positions, the Mission Director or other Principal Officer, or designee, must complete the certification process as described in **438.3.5(a) and (b)** and justify in writing any language designation changes made. To create a new position, the Mission Director, other Principal Officer, or designee, must develop a position description stating the language and level of proficiency required. The Mission then requests that the

responsible AMS submit [Standard Form \(SF\) 52-B, Request for Personnel Action](#) to OHR/FSP with the position description and the written statement justifying the action.

#### **438.3.6 Language Testing**

Effective Date: 05/30/2014

The FSI Proficiency Test is required to determine an employee's speaking and reading levels in a foreign language to qualify for tenure, assignment to a LDP position, and language incentive pay. The following contain language testing policy directives and required procedures:

- a. Tested language proficiency is rated in quantitative terms. USAID FS employees are graded according to the foreign language proficiency scale set by the Interagency Language Roundtable, adopted by the Department of State and used by other federal agencies, to rank an individual's language skills. The scale has six levels, from 0 to 5 - - with 5 being the most proficient - - to assess an individual's ability to speak, read, listen, and write in a designated language. USAID requires only proficiency in speaking and reading language skills.
- b. USAID adheres to the Terminology and Rating Scales Definitions provided in [13 FAH-1-H-240](#).

#### **438.3.6.1 Scheduling Tests in USAID/Washington**

Effective Date: 05/30/2014

The following are procedures for scheduling language proficiency tests:

- a. After appointment, career candidates with a proficiency in a foreign language will be asked to provide a written self-assessment of their language capability to determine their skill levels in speaking and reading the language. Following the assessment, OHR/FSP schedules the career candidates for an FSI test in a language suitable for either meeting tenure requirements or in a language needed for the employee's proposed country of assignment.
- b. OHR/FSP commits funds to pay for language testing at FSI.
- c. OHR/FSP follows FSI's procedures and schedules tests at FSI at least three weeks before a test date. Since the test schedule is normally full at FSI, a testing team will only wait 10 minutes past the scheduled time for an examinee to arrive.
- d. FSI requires OHR/FSP to give FSI a minimum of 24 hours notice of an appointment cancellation or an appointment that needs to be changed; otherwise, USAID will be charged for the testing appointment (see [13 FAH-1 H-230](#) for additional information on Language Testing).
- e. OHR/FSP will not schedule language proficiency tests for employees who

receive or give notice of separation from the Agency.

#### **438.3.6.2 Tests in the Field**

Effective Date: 05/30/2014

Official FSI language proficiency tests in the field are authorized and funded by FSI in Washington, or by one of its field representatives, in consultation with Mission leadership. Additional information on language proficiency testing in the field is located at [13 FAH-1-H-232](#).

#### **438.3.6.3 Validity of Scores**

Effective Date: 05/30/2014

When determining whether an employee has the language qualifications for an LDP, test scores have the following periods of validity:

<b>Tested Proficiency</b>	<b>Duration of Validity</b>
S-3/R-3 or below	five years
S-4/R-4 or above	does not expire*

\*Except for incentive pay (see [438.3.12](#) for more information).

An employee who previously scored at the proficiency level required by the prospective position, but whose test date is past the duration of validity cap for proficiency levels less than S-4/R-4, must be retested by FSI during the employee's home leave. If proficiency has fallen below the required level, the employee must take a refresher course of study to aid in recovering previous proficiency speaking and reading levels before departure to an overseas post.

#### **438.3.7 Priorities for Language Training in Washington and Overseas**

Effective Date: 05/30/2014

The priorities for scheduling language training in Washington are as follows:

- **Priority 1** – FS employees who are approved for assignment to LDPs and career candidates who have not met USAID language requirements for tenure.
- **Priority 2** – FS employees who are assigned to non-LDPs at overseas posts where English is not the primary language.
- **Priority 3** – FS employees who need training in languages that OHR determines to be in critically short supply within the employees' respective backstops.
- **Priority 4** – FS employees who need to acquire proficiency in a USAID useful

language to prepare for future assignments.

- **Priority 5** – Spouses, domestic partners, and adult family members, 18 years or older, of employees assigned to LDP and non-LDP at overseas posts subject to available funding and Mission’s assessment of host country conditions and requirements.

The purpose and priorities for scheduling language training at overseas posts are outlined in [13 FAH-1 H-250](#).

#### **438.3.8 Language Training**

Effective Date: 05/30/2014

##### **a. Language training in Washington**

FS employees take intensive, full-time language training in Washington at FSI or at a USAID-contracted training facility. Students assigned to full-time language study are relieved of all other duties for the duration of their language training to meet the necessary levels of language proficiency. Only emergency situations are permitted to interrupt or shorten language-training assignments (see [13 FAH-1 H-220](#) for additional information on language training).

Scheduling procedures are as follows:

1. OHR/FSP schedules and provides funding for training in Washington. Employees must submit an [SF-182, Request, Authority, Agreement and Certification of Training](#) online to their OHR Specialist in OHR/FSP for authorization and submission to FSI. OHR/FSP must receive the SF-182 form at least three weeks before the desired training for review and processing. Employee must complete Items 7 and 9, Training Purpose and Training Sub Type Code.
2. OHR/FSP may arrange an alternate training program at a contracted language facility. This training is only permitted in the following circumstances:
  - The candidate already has some proficiency in the language,
  - The candidate does not require the full course of training, and
  - The candidate will study a language or start on a date not listed in FSI’s Schedule of Courses.

The training form must reach FSI no later than two weeks before the training is due to start. For all training of this nature, OHR/FSP must include a note attached to the front of the [SF-182](#) indicating when and with whom the special

arrangement was made.

**b. Training for Career Candidates for Tenure**

1. Career candidates are usually enrolled in language training after completion of orientation and formal on-the-job training programs and immediately before their departure to an overseas post.
2. If the candidate is assigned to a LDP and does not have the required tested level of language proficiency, OHR/FSP schedules training in the required language for the amount of time necessary for the employee to achieve the proficiency level (see **438.3.10.2** for training time limits). Career candidates are expected to achieve the language requirement before departure for post.
3. Full-time language training for career candidates may be curtailed or postponed only when there is no reasonable alternative for meeting urgent staffing needs.
4. Mission requests for curtailment or postponement of career candidate language training must be submitted through the Assistant Administrator of the appropriate geographic Bureau and Chief, OHR/FSP, to the CHCO/OHR, or designee, for approval.

These requests must include the following:

- Specific programmatic reasons for the curtailment or postponement;
- Proposal for an alternate plan to provide language training;
- Certification that if the employee does not achieve the necessary language proficiency at the end of the first tour or assignment, the employee will remain in the U.S. following home leave until the employee achieves the required language proficiency; and
- A statement signed by the employee indicating agreement with the request and the alternative training plan and acknowledging possible consequences, including separation from USAID for failure to meet language requirements for tenure.

If the employee does not agree with the alternative training plan, the employee must remain in the U.S. until the original training plan is completed. If the employee then meets the language requirement, he or she may proceed to his or her overseas assignment. If the employee does not meet the language requirement within his or her five-year limited appointment, the appointment will

not be extended to allow the employee additional time to meet the requirement.

**c. Training for Career FS Employees for LDP Assignment**

USAID's Foreign Service assignment policy requires each LDP to have an employee who meets the language proficiency requirements. When individuals assigned to positions requiring language proficiency do not have required language skills, they must receive language training immediately before assuming duties at an overseas post or as indicated below.

1. **Reassignment from USAID/Washington (USAID/W):** Employees transferring to LDPs from USAID/W without the required proficiency must be enrolled in and complete language training before departure for an overseas post.
2. **Home Leave:** Employees on home leave and transfer (HL/T) orders, or home leave and return to overseas post assignment (HL/RTP) orders will be tested and enrolled in language training by OHR/FSP in the U.S. before their departure to post if they do not have the designated proficiency requirements. Employees on temporary duty (TDY) assignments or Rest and Recuperation (R&R) travel to the U.S. who do not have the designated proficiency requirement may be assigned by OHR/FSP to language training in lieu of the employee immediately returning to his or her overseas post.
3. **Direct or Mid-tour Transfer:** Employees reassigned to LDPs through a direct or mid-tour transfer without the required proficiency will be enrolled in language training, if available, by the Training or Executive Officer at the gaining overseas post. If the required proficiency is not documented at the post through an FSI-approved tester, the employee must be tested during USAID/W consultation and scheduled for training in connection with home leave. If the gaining post desires that an employee take the training on the way to the post after the employee's home leave ends, the gaining post must provide per diem funding while the employee is in language training. OHR/FSP provides funding for the actual training.

Employees are encouraged to review the USAID/General Notice issued annually by OHR/FSP entitled "[USAID Foreign Service Assignment System – \(current cycle\) Standard Authorization Language for Travel Authorizations](#)" for additional information on language training.

**d. Other Training Authorized in Washington**

Other language training in Washington may be authorized by OHR/FSP as follows:

1. **For assignment to non-language positions:** If an employee is assigned to a non-language designated position, OHR/FSP may approve language training relevant to the host country or area for the employee.
2. **For anticipated assignment needs:** An employee with no immediate assignment may be scheduled by OHR/FSP for full-time language training in a language determined by OHR/FSP to be a language shortage skill for the employee's particular or prospective backstop. Employees with a USAID/W assignment may be trained in such languages on a part-time basis, if otherwise available.
3. **For spouses, domestic partners, and other eligible family members (EFMs),** 18 years of age or older, who are expected to accompany the employee assigned to an LDP or non-LDP at overseas posts, may be approved for up to eight weeks of training in Washington, D.C., subject to funding availability and the Mission's assessment of host country conditions and requirements. This training may include the classroom FAST courses at FSI; FSI or other distance learning courses; or individual training at a contracted language training facility. Training options for EFMs must be discussed with and approved by the OHR Language Training Advisor.
4. **For Civil Service employees:** Civil Service employees serving overseas (for example, on extended TDY assignments) are eligible for language training if language proficiency is required for their TDY assignment.

**e. Post Language Programs**

Overseas language training is usually provided through the interagency training program administered by the Department of State as outlined in [13 FAH-1 H-250](#).

**438.3.9 Language Categories**

Effective Date: 05/30/2014

The following language categories are used in USAID and listed in [ADS 438maa, USAID Tenuring Languages](#) and [ADS 438mab, USAID Incentive Languages](#):

**Category A:** Spanish, French, and Portuguese;

**Category B:** Other Languages Qualifying for USAID Tenuring; and

**Category C:** USAID Incentive Languages: USAID provides a monetary incentive to FS employees who become proficient in these languages and serve at language incentive designated posts where the language is used (see **438.3.12**).

**438.3.10 Training Performance Standards**

Effective Date: 05/30/2014

FSI or the USAID-contracted training facility staff regularly assesses the performance and progress of employees in language training classes and sends reports to OHR/FSP periodically on this progress.

FSI uses standards of the Interagency Language Roundtable (see [www.govtilr.org](http://www.govtilr.org)) to measure progress of employees assigned to full-time language training at FSI. Similar standards are applied to employees trained in USAID-contracted training facilities.

**438.3.10.1 Performance Reviews**

Effective Date: 05/30/2014

Performance reviews are conducted at six-week intervals to determine whether the employee is on track and will or will not meet the proficiency level by the end of the of the planned training. (Note: the maximum length of USAID-paid training is 40 weeks; however an individual employee's training plan may be shorter than that depending on factors such as language difficulty, previous knowledge of the language, and learning speed).

FSI prepares performance reports regularly and the employee (student) signs these reports and receives copies from FSI.

If, after any six-week interval, FSI determines that the student may have difficulty reaching the required proficiency level by the end of the planned training period, FSI will advise both the student and OHR/FSP.

If, after a second, third, or fourth six-week interval, the student continues to have difficulty making progress to achieve the proficiency level expected, FSI will again advise both the student and OHR/FSP. OHR/FSP will in turn advise the employee's supervisor, the backstop coordinator, and the USAID Mission of assignment, as appropriate, regarding the employee's difficulties achieving the language proficiency level. At that time they will review the circumstances and determine whether to continue language training.

At any time, OHR/FSP may terminate an employee's language training program if FSI reports that the proficiency level needed may not be achieved. OHR/FSP decides whether FSI should administer an end of training test for the record.

**438.3.10.2 Training Limitations**

Effective Date: 05/30/2014

**a. Training in USAID Category A Languages****Career Candidate employees for Tenure**



Career candidate employees whose language proficiency requirements for tenure are S-3/R-3 may be granted up to a maximum of 40 weeks of training with periodic reviews, as indicated, by OHR/FSP with FSI. If the employee fails to achieve the required level by the end of the training period, training is terminated, and the employee is responsible for self-study or other available mechanisms to achieve proficiency within the required five-year period for tenure.

### **Career FS Employees for Assignment to LDPs**

Career FS employees assigned to LDPs, with language requirements of S-3/R-3, who do not possess the required tested level or any language proficiency may be granted up to a maximum of 40 weeks, to gain the proficiency before assumption of duties at an overseas post. OHR/FSP will conduct periodic reviews with FSI to determine how the employee is progressing. If the employee fails to achieve the required proficiency, OHR/FSP will consult with the affected Mission regarding next steps. (Note: The Chief, OHR/FSP has the discretion to approve more than 40 weeks of language training for employees assigned to language designated positions requiring the S/3-R/3 level in FSI-defined Category IV (formerly “superhard”) languages.)

## **b. Training for Tenure in other Languages**

### **Career Candidate Employees**

Career candidate employees, whose language proficiency requirements for tenure are S-2/R-1 or better, or S-2/R-0 or better, are enrolled for 24 weeks of training and are tested during the 24<sup>th</sup> week. If the career candidate employee fails to reach the required level, the Chief, OHR/FSP or designee may extend training for up to a maximum of 40 weeks. If the employee fails to achieve the required level by the end of 40 weeks, training is terminated, and the employee is responsible for self-study or other available mechanisms to achieve proficiency.

## **c. Failure of Career Candidates to Meet Language Requirements**

When language training is terminated for career candidates, they may be retained in the FS up to their five-year appointment limitation. In such cases, career candidates will have the opportunity to meet language requirements for tenure through self-study, immersion programs, or other available mechanisms at their expense. Employees so positioned must sign a “Memorandum of Understanding” confirming that additional language training for tenure will be at their own expense. They must request annual leave or leave without pay (LWOP) if they will be absent during normal work hours to pursue independent study arrangements.

Employees who fail to achieve a language proficiency level required for tenure by the end of the five-year period will be separated from the Agency based on not

meeting this condition of employment.

Language training requirements for tenure of career candidates will not be waived, and appointments will not be extended beyond five years to assist career candidates in meeting their language requirements for tenure.

**d. Training for Career Employees with LDP Assignments with Lower Proficiency Requirements**

Career FS employees assigned to LDPs with language requirements of S-2/R2 or less, who do not possess the required, tested level of language proficiency are assigned for a suitable length of language training to gain the proficiency before assumption of duties at post.

**e. Failure of Career Employee to Meet Language Requirements**

For career employees who fail to achieve the language of the LDP, Missions may request a waiver of the language training in Washington in accordance with **438.3.11** or request the assignment be broken and request the assignment of another employee with the language.

**438.3.11 Language Training Waivers for Employees Regarding Assignment to a Language Designated Position**

Effective Date: 05/30/2014

USAID's FS assignment policy requires each LDP to be filled with an employee who meets the language requirements. When employees assigned to positions requiring language proficiency do not have required language skills, they must receive language training before assuming their duties at an overseas post. Exceptions to this requirement will be considered in emergency situations.

Exceptions to this requirement must be justified in writing by the Mission Director, other Principal Officer, or the Head of a geographic bureau to the Chief, OHR/FSP, explaining in specific detail the emergency conditions and compelling circumstances that necessitate a waiver of training in Washington. An employee's language proficiency takes precedence over staffing needs.

Upon receipt of written justification, the Chief, OHR/FSP or designee reviews the request for waiver of language training in Washington and either approves or denies the request. The servicing HR Specialist informs the overseas post or the appropriate geographic bureau of the waiver decision.

If a waiver is granted, the employee must continue training at the overseas post while performing their regular jobs. If the employee reaches the language proficiency requirement before they are due to take home leave, the post notifies the servicing OHR Specialist in OHR/FSP/FSS that the requirement has been met. If the language proficiency requirement is not achieved, the servicing OHR Specialist will assign the

employee to training, up to the maximum of 40 weeks, while on home leave and return to post (HL/RTP) orders, TDY in Washington, or R&R to the U.S.

The Mission Director, other Principal Officer, or the Head of the geographic bureau may appeal unfavorable waiver decisions by the Chief, OHR/FSP, to the CHCO/OHR or designee for decision. Further appeals beyond the CHCO/OHR are not allowed.

### **438.3.12 Language Incentive Pay**

Effective Date: 05/30/2014

The Foreign Service Act of 1980, as amended, emphasizes in many of its sections the importance of foreign language competence for members of the FS. [Section 704\(b\) \(3\)](#) specifically authorizes monetary or other incentives to encourage members of the FS to acquire and retain proficiency in a foreign language. To promote the development and use of foreign language skills deemed critical to its mission, USAID provides monetary incentives for proficiency in designated languages while an employee serves at a language incentive designated post.

The list of USAID incentive languages and language designated posts for the USAID Language Incentive Program is found in [ADS 438mab, USAID Incentive Languages](#). This list may be revised on an as needed basis to reflect the Agency's changing needs.

A language incentive is paid to a qualifying employee when he or she is assigned to a language designated incentive post for the duration of that assignment.

#### **438.3.12.1 Eligibility**

Effective Date: 05/30/2014

To be eligible for language incentive pay, an employee must meet the following criteria:

1. Must be a member of the FS as defined in [Section 103\(1\) through 103\(5\) of the Foreign Service Act of 1980, as amended](#);
2. Must be serving at a language incentive designated post where a language is currently on the list of USAID incentive languages; and
3. Must have a current (less than five years old) FSI-tested proficiency of S-3/R-3 or higher in an incentive language of the language incentive designated post.

#### **438.3.12.2 Testing**

Effective Date: 05/30/2014

FS employees whose test scores are no longer valid and who believe they have the required language proficiency level to qualify for language incentive pay must arrange for a test to verify their proficiency before they leave for the overseas post. The employee must contact OHR/FSP to schedule the test at FSI. FSI requests at least three weeks advance notification before the employee's desired test date. FSI

schedules tests as close to the requested dates as possible. Retesting may only be requested six months after a previous test.

FSI testers or examiners may periodically visit posts. Posts are notified in advance of such visits when the FSI representative may be available to give a limited number of tests. Employees who believe they have the necessary proficiency level to qualify for language incentive pay should arrange for testing through the post language officer. Only FSI-certified examiners may score tests.

### **438.3.12.3 Employee Appeals**

Effective Date: 05/30/2014

Employees may appeal disputes concerning their qualifications under the regulations for incentive payments to the CHCO, or designee, whose decision is final.

### **438.3.12.4 Monetary Payment Levels**

Effective Date: 05/30/2014

Employees meeting the criteria listed below are eligible for language proficiency payments:

- An employee who has a qualifying rating at the S-3/R-3 level receives 10 percent of his or her base salary (includes overseas comparability pay). (Note: if FSI does not give reading tests in the designated language, the reading requirement is waived.)
- An employee who has a qualifying rating at the S-4/R-4 level or better receives 15 percent of his or her base salary (includes overseas comparability pay). (Note: if FSI does not give reading tests in the designated language, the reading requirement is waived.)
- An employee, who has an S-4/R-4 level or higher, more than five years old upon arrival at an overseas post, will receive 10 percent of his or her base salary (includes overseas comparability pay). If the employee subsequently tests at the S-4/R-4 level, or better, the employee receives an additional payment of 5 percent of the base salary, which brings the total incentive to 15 percent of his or her base salary. (Note: if FSI does not give reading tests in the designated language, the reading requirement is waived.)
- An employee must have tested at least four years apart and get S-4/R-4 or above both times for it to be permanent for incentive pay purposes. An employee who has received one test score that demonstrates a proficiency level of S-5/R-5 or higher is not required to take additional tests in that language to qualify for the 15 percent language incentive payment. (Note: if FSI does not give reading tests in the designated language, the reading requirement is waived.)

**438.3.12.5 Effective Date of Payments or Termination**

Effective Date: 05/30/2014

- a. Language incentive payments are effective at the beginning of the first full pay period after the employee's arrival at the overseas post and continue for the duration of the tour of duty. Payments will continue during periods of R&R, home leave, or other authorized leave or duty away from the post, as long as the employee returns to the same post.
- b. When a qualifying language test rating is achieved after the employee's arrival at the overseas post, the language incentive payment becomes effective at the beginning of the first full pay period after the employee passes the language proficiency test.
- c. When a language is added to the USAID incentive language list for host countries, payment for qualifying employees who are assigned to the language incentive designated post begins at the beginning of the first full pay period after the language is added to the list.
- d. OHR/FSP enters the appropriate percentage code into the National Finance Center (NFC) within the pay period the approved language incentive payments are effective.
- e. Language incentive payments terminate at the end of the pay period during which the employee permanently departs the post for which the incentive is authorized.

**438.3.12.6 Impact of Incentive Payments on other Pay Actions**

Effective Date: 05/30/2014

Language incentive payments do not alter the waiting period for the next regular earned salary step increase. Language incentive payments are subject to statutory and Chief of Mission pay caps.

**438.3.12.7 Notification of Eligibility**

Effective Date: 05/30/2014

Responsibilities for notification of eligibility are as follows:

- a. Employees are responsible for promptly notifying OHR/FSP of possible eligibility for language incentive pay.
- b. Employees must provide proof of eligibility, such as an Employee Data Report (EDR), if test scores are not on file in OHR/FSP/FSS. Employees may access their EDR through the Employee Information Management System (EIMS).
- c. FSI is responsible for furnishing to the tested employee's post by cable, a

certification of test results to facilitate payment and minimize the need for retroactive pay. FSI will continue to make appropriate routine distribution of the test scores after an employee completes training at FSI or is tested in the field. If an employee is tested at the post, the employee must request that the FSI tester provide written results of the test to OHR/FSP.

- d. Missions are responsible for cabling arrival dates for qualifying employees so that OHR/FSP will note that language incentive payments should begin.
- e. OHR/FSP is responsible for entering the start date and incentive percentage code into HR Connect/NFC to indicate that the employee meets eligibility requirements for language incentive payments once proper notifications are received.

#### **438.3.12.8 Notification to Terminate**

Effective Date: 05/30/2014

- a. The Executive Officer or designee is responsible for promptly notifying OHR/FSP, by the most expeditious means (usually cable), of the termination date of a member's eligibility for language incentive pay.
- b. The official USAID departure-from-post message on a member receiving language incentive pay who transfers or separates (including resignation or retirement), must contain the following statement: "Stop language incentive pay as of the end of the pay period in which the actual time of departure falls."
- c. Upon receipt of such notification, OHR/FSP deletes the incentive percentage code from the employee's records in NFC at the end of the pay period the employee departs post.

#### **438.4 MANDATORY REFERENCES**

##### **438.4.1 External Mandatory References**

Effective Date: 05/30/2014

- a. [13 FAH 200-250, Language Training](#)
- b. [13 FAM 200-250, Language Training](#)
- c. [Foreign Service Act of 1980, as amended, Sections 103, 702-704](#)

##### **438.4.2 Internal Mandatory References**

Effective Date: 05/30/2014

- a. [ADS 414, Foreign Service Appointments](#)
- b. [ADS 415, Civil Service Appointments and Employment](#)

- c. [ADS 436, Foreign Service Assignment System](#)
- d. [ADS 438maa, USAID Tenuring Languages](#)
- e. [ADS 438mab, USAID Incentive Languages](#)
- f. [ADS 459, USAID's Foreign Service Career Candidate Program](#)
- g. [USAID Foreign Service Assignment System – Standard Authorization Language for Travel Authorizations \(current cycle\)](#)

**438.5 ADDITIONAL HELP**  
Effective Date: 05/30/2014

There are no additional help documents for this chapter.

**438.5.1 Mandatory Forms**  
Effective Date: 05/30/2014

- a. [SF-52-B, Request for Personnel Action](#)
- b. [SF-182, Request, Authority, Agreement and Certification of Training](#)

**438.6 DEFINITIONS**  
Effective Date: 05/30/2014

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

**career candidate**

An employee hired for a time-limited appointment that leads to tenure and a full career with the Agency. Career candidate appointments are appropriate for people who aspire to a long-term USAID Foreign Service career and whose qualifications meet a continuing requirement. (**Chapters [412](#), [415](#), [438](#), [459](#), [468](#))**)

**Category A languages**

French, Spanish, and Portuguese are Category A languages. (**Chapter [438](#)**)

**Foreign Service Institute (FSI)**

The Federal Government's primary training institution for personnel of the foreign affairs community, located at the National Foreign Affairs Training Center (NFATC) of the Department of State. (**Chapter [438](#)**)

**incentive language payment**

Additional salary payment (10 percent or 15 percent) made to Foreign Service employees for specific Foreign Service Institute-tested language proficiency when

assigned to incentive language designated posts. (**Chapter 438**)

**incentive languages**

Languages for which USAID provides a monetary incentive to an employee who becomes proficient and works at a language incentive designated post in a host country where the language is used. (**Chapter 438**)

**language designated position (LDP)**

An overseas position officially designated by the Agency as requiring a specified level of language proficiency. (**Chapter 438**)

**language proficiency test**

A test designed to provide information regarding an employee's skill level in speaking and reading in a foreign language. (**Chapter 438**)

**language training at post**

Supplementary or substitute training provided in the country of assignment at the Mission's expense. (**Chapter 438**)

**National Foreign Affairs Training Center (NFATC)**

The physical site of the Foreign Service Institute operated by the Department of State. (**Chapter 438**)

**tenuring languages**

Languages in which USAID employees can be tested to determine if they meet their tenure requirements to become career Foreign Service officers. (**Chapter 438**)

**USAID–contracted training facility**

A facility which may be used by USAID, as needed, to provide training for employees. (**Chapter 438**)

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