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ADS Chapter 463

Foreign Service Promotion Eligibility Requirements and Performance Boards

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Table of Contents

<u>463.1</u>	<u>OVERVIEW</u>	<u>4</u>
<u>463.2</u>	<u>PRIMARY RESPONSIBILITIES</u>	<u>4</u>
<u>463.3</u>	<u>POLICY DIRECTIVES AND REQUIRED PROCEDURES</u>	<u>6</u>
<u>463.3.1</u>	<u>Foreign Service Performance Boards - Coverage</u>	<u>6</u>
<u>463.3.2</u>	<u>Organization of Performance Boards and the Performance Standards Board</u>	<u>7</u>
<u>463.3.3</u>	<u>Composition of the Performance Boards and the Performance Standards Board</u>	<u>8</u>
<u>463.3.4</u>	<u>Promotion Eligibility Requirements</u>	<u>9</u>
<u>463.3.5</u>	<u>Performance Boards' Evaluation Considerations</u>	<u>11</u>
<u>463.3.5.1</u>	<u>Promotion Consideration and Recommendation</u>	<u>12</u>
<u>463.3.5.2</u>	<u>Performance Pay for the SFS</u>	<u>13</u>
<u>463.3.5.3</u>	<u>Referral of Underperforming Employees to the Performance Standards Board or Tenure Board, as appropriate</u>	<u>13</u>
<u>463.3.5.4</u>	<u>Limited Career Extensions (LCEs)</u>	<u>14</u>
<u>463.3.5.5</u>	<u>Within-Class Increases</u>	<u>14</u>
<u>463.3.6</u>	<u>Performance Board Operations and Materials</u>	<u>14</u>
<u>463.3.6.1</u>	<u>Recusals</u>	<u>15</u>
<u>463.3.6.2</u>	<u>Performance Board Material</u>	<u>15</u>
<u>463.3.6.3</u>	<u>Information To Be Considered in Performance Board Reviews</u>	<u>16</u>
<u>463.3.6.4</u>	<u>Commendable Letters to Raters/Appraisal Committee Members</u>	<u>17</u>
<u>463.3.6.5</u>	<u>Critical and Advisory Letters</u>	<u>17</u>
<u>463.3.7</u>	<u>Performance Board Findings and Recommendations</u>	<u>17</u>
<u>463.3.8</u>	<u>Late Submission of Evaluation Documentation to HCTM</u>	<u>18</u>
<u>463.3.9</u>	<u>Oath of Office - Performance Boards</u>	<u>19</u>
<u>463.3.10</u>	<u>Foreign Service Performance Standards Board - Coverage</u>	<u>19</u>

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

463.3.11 **Performance Standards Board Evaluation Considerations** **19**

463.3.12 **Performance Standards Board Operations and Materials** **20**

463.3.12.1 **Recusals** **20**

463.3.12.2 **Performance Standards Board Material** **20**

463.3.13 **Performance Standards Board Findings and Recommendations** . **22**

463.3.14 **Decision Rule for Employees Not Meeting the Standards of Their Class** **22**

463.3.15 **Oath of Office - Performance Standards Board** **23**

463.3.16 **Appeals** **23**

463.4 **MANDATORY REFERENCES** **23**

463.4.1 **External Mandatory References** **24**

463.4.2 **Internal Mandatory References** **24**

463.5 **ADDITIONAL HELP** **24**

463.6 **DEFINITIONS** **24**

ADS 463 – Foreign Service Boards

463.1 OVERVIEW

Effective Date: 05/27/2015

This chapter establishes the mandatory policies and required procedures for USAID's Foreign Service Performance Boards, which assess performance of Foreign Service (FS) career and career candidate employees at Class FS-04 and above. This chapter also includes the requirements for promotions in USAID's Foreign Service.

This chapter applies to all career or career candidate Foreign Service (FS) and Senior Foreign Service (SFS) employees of USAID appointed under Sections 302(a), 303, or 305 of the [Foreign Service Act of 1980, as amended](#). This includes employees assigned outside of the Agency who have reemployment rights to USAID and Civil Service (CS) employees who rate or review FS employees' performance as Rating Officials or members of Appraisal Committees.

This chapter is not applicable to non-career FS employees, Resident Hire employees, Foreign Service Nationals (FSNs), or Personal Service Contractors (PSCs). This chapter is not applicable to the Administrative Review Process described in [ADS 459, USAID's Foreign Service Career Candidate Program](#).

This chapter establishes the policies, procedures, and guidelines for USAID's Foreign Service Boards: [ADS 463mai, Precepts for the Foreign Service Performance Boards and Senior Foreign Service Performance Boards](#) and [ADS 463maj, Precepts for the Performance Standards Board](#).

463.2 PRIMARY RESPONSIBILITIES

Effective Date: 05/27/2015

a. **Performance Boards** are responsible for reviewing Performance Evaluation Files (PEFs) and making decisions concerning performance, promotion, limited career extensions, performance pay, Presidential Award, and referrals to the Performance Standards Board or Tenure Board, as appropriate (see [ADS 414mac, Precepts for USAID's Foreign Service Tenure Board](#) and [ADS 414mad, The Tenure Policy and Process for Foreign Service Career Candidates](#) for complete policy directives and required procedures governing USAID Tenure Boards).

b. The **Performance Standards Board (PSB)** is responsible for reviewing the evaluation for the most recent rating cycle of each career employee referred by the Performance Boards and determining whether the employee has met or failed to meet the standards of the class for the most recent rating cycle (see [ADS 463maj, Precepts for the Performance Standards Board](#)). Note: Career Candidates referred by the Performance Boards as possibly "Not Meeting the Standards of Their Class" will be referred to the Tenure Board and reviewed in accordance with [ADS 414mac, Precepts for USAID's Foreign Service Tenure Board](#).

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

c. The **Chief Human Capital Officer (CHCO)** in the **Office of Human Capital and Talent Management (HCTM)** is responsible for the following:

- (1) Formulating and modifying, where appropriate, employee evaluation policies;
- (2) Overseeing administration of the evaluation program; and
- (3) Exercising authority to make exceptions to policies, except those prohibited by law and negotiated agreement, hold actions in abeyance, or waive actions based on the needs of the Agency and in accordance with this chapter.

d. The **Office of Human Capital and Talent Management, Office of Employee and Labor Relations Division (HCTM/ELR)** is responsible for negotiating with the exclusive representative, American Foreign Service Association (AFSA), Precepts and other requirements for all boards or panels established for the purpose of evaluating FS personnel.

e. The **Office of Human Capital and Talent Management, Center for Performance Excellence's Performance Management Division (HCTM/CPE/PM)** is responsible for:

(1) Establishing and monitoring Performance Boards, the Performance Standards Board, and the Tenure Board:

- (a) Identifying the membership of FS and SFS Performance Boards and the Performance Standards Board;
- (b) Monitoring the operations of assigned Boards and providing advice and staff assistance to Board activities and members;
- (c) Determining FS/SFS employees' eligibility for promotion; and
- (d) Providing FS/SFS employees with Rating Reports (i.e., Report Cards) via USAID's Employee Information Management System <http://auslnxbsep01.usaid.gov/EIMS/>.

(2) Processing SFS performance pay personnel actions.

f. The **Office of Human Capital and Talent Management, Foreign Service Center (HCTM/FSC)**, is responsible for:

- (1) Finalizing FS and SFS Performance Board and the Performance Standards Board members; and
- (2) Processing the personnel actions, other than SFS performance pay, required to effect the determinations of the FS/SFS Performance Boards.

g. **The Office of the General Counsel (GC) provides definitive legal advice.**

h. The **Special Review Board** is responsible for reviewing appeals submitted by employees who have been designated for mandatory retirement based on performance, unless that appeal is resolved by a previously filed grievance under [3 FAM 4400, The Foreign Service Grievance System](#) (see [Special Review Boards](#) and [3 FAM 4400](#)).

i. **The Office of the Inspector General (OIG) evaluates employees assigned to Backstop 08 – Audits and Inspections.**

463.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

463.3.1 **Foreign Service Performance Boards - Coverage**

Effective Date: 05/27/2015

These policies and procedures apply to all FS/SFS employees **at the FS-04 level and above** who are appointed to USAID under [Sections 302\(a\) or 303 of the Foreign Service Act of 1980, as amended](#), whether in duty or non-duty status. Such employees are reviewed annually by a duly constituted Performance Board.

Performance Boards do not review the following classes of employees:

- a. Non-career FS employees, including those appointed under [Sections 301\(d\)\(1\) and 303 of the Foreign Service Act](#); Foreign Service Nationals; and Personal Service Contractors;
- b. Resident Hire employees;
- c. Career and career candidate employees who have been recommended for separation by the CHCO;
- d. FS employees (FS-01 and below) who have been granted temporary extensions of their career appointments under [section 607\(d\)\(2\) of the Foreign Service Act of 1980, as amended](#) **(this is distinct from promotion availability under section 607(b))**;
- e. SFS employees who have been granted temporary extensions in accordance with [section 607\(d\)\(2\) of the Foreign Service Act of 1980, as amended](#), will not be reviewed by Performance Boards for promotion or Limited Career Extensions, but will be reviewed for performance pay;

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

- f. FS/SFS employees who retire, resign, or die before the date the Performance Boards are convened;
- g. FS/SFS employees who plan to retire or resign by the end of the calendar year in which the Board is meeting, provided they have not received two "C" ratings within a five-year period and have submitted a request to the Chief, HCTM/CPE/PM, requesting that an Annual Evaluation Form (AEF) not be prepared for the rating cycle ending during that calendar year; and
- h. FS employees whose Time-in-Class (TIC) expires before the date the Performance Boards are convened.

463.3.2 Organization of Performance Boards and the Performance Standards Board

Effective Date: 05/27/2015

Performance Boards are organized by grade level and backstop. The Performance Standards Board reviews the Performance Evaluation Files of career employees regardless of grade level or backstop. **The Performance Boards are organized as follows:**

- a. The Consolidated Senior Foreign Service Board (C/Board) evaluates employees in the Career Minister, Minister-Counselor, and the Counselor classes.
- b. The Senior Threshold Board evaluates employees in class FS-01.
- c. Cluster Boards evaluate employees in classes FS-02 through FS-04, as follows:

PROGRAM DIRECTION AND DEVELOPMENT BOARD

Backstop 01 - Mission Directors and Executive Level Positions

Backstop 02 - Program Analysis

Backstop 85 - Legal

Backstop 94 - Project Development

PROGRAM OPERATIONS AND MANAGEMENT BOARD

(This board has three sections, grouped by class: Section A – FS 02; Section B – FS 03; Section C – FS 04)

Backstop 10 - Agriculture

Backstop 11 - Economics

Backstop 12 - General Development

Backstop 21 - Business, Industry, and Private Enterprise

Backstop 25 - Engineering

Backstop 40 - Environment

Backstop 50 - Health Science

- Backstop 60 - Education
- Backstop 76 - Crisis, Stabilization and Governance

PROGRAM SUPPORT BOARD

- Backstop 03 - Administrative Management, Executive Officers
- Backstop 04 - Financial Management
- Backstop 06 - General Services
- Backstop 93 - Contract Management
- Backstop 05 - Secretarial Support
- Backstop 07 - Administrative Support

- d. OIG evaluates employees assigned to Backstop 08 – Audit and Inspections.
- e. The Performance Standards Board evaluates career employees referred by the C/Board, the Senior Threshold Board, and the Cluster Boards.

463.3.3 Composition of the Performance Boards and the Performance Standards Board

Effective Date: 05/27/2015

USAID's FS Performance Boards and the Performance Standards Board are composed primarily of career Foreign Service employees. Composition is as follows:

(a) Senior Foreign Service Consolidated Performance Board (C/Board)

- (1) One USAID career SFS officer at or above the level of those under review or a career SFS employee from another foreign affairs agency.
- (2) One retired USAID career SFS employee or equivalent from another foreign affairs agency.
- (3) One public member.
- (4) At the option of the **CHCO, or designee**, one additional member from category 1 or 2 above.

(b) FS Senior Threshold Board (FS-01s), which is composed of two panels, Panel A and Panel B

- (1) One FE-Minister-Counselor (MC) or FE-Career Minister (CM) USAID career employee.
- (2) **Five** USAID FS career employees at the FE-Counselor (OC) level or above.
- (3) **Two** public members.

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

(c) Other FS Performance Boards (FS-02 and below)

- (1)** Three USAID FS career employees at least one personal grade higher than the highest grade evaluated.
- (2)** One public member.

(d) FS Performance Standards Board

- (1)** One FE-MC or FE-CM USAID career employee.
- (2)** Two FE-OC or higher USAID career employee.
- (3)** One public member.

The Chairperson of all Performance Boards and the Performance Standards Board will be the senior-level USAID career employee **on the Board**. To the extent possible, Boards will include members from groups under-represented or with low participation rates within the Foreign Service.

463.3.4 Promotion Eligibility Requirements

Effective Date: 05/27/2015

FS and SFS career and career candidates must meet eligibility requirements established for their class in order to be promoted. Promotions to the next higher level will be made only if the employee has met all eligibility requirements for promotion.

FS employees, at grades FS-04 or above, must meet promotion eligibility requirements by March 31st of the rating cycle for which the Performance Boards are convened.

Note: Promotion eligibility starts from the effective date of the promotion to the previous level.

Promotion Eligibility Requirements are as follows:

- (a)** For promotion to Career Minister (FE-CM) – Two years at class FE-MC.
- (b)** For promotion to Minister-Counselor (FE-MC) – Two years at class FE OC.
- (c)** For promotion to SFS:
 - (1)** Formal application for consideration for promotion into the SFS (see [ADS 422, Personnel Operations: Senior Foreign Service](#));
 - (2)** Two years at Class FS-01; and

(3) Eight years of USAID direct-hire overseas assignment experience.

The CHCO may waive the eight-year requirement if each of the following conditions is met as of March 31 of the year in which the FS-01 is seeking promotion to SFS: a) the employee has at least six years of USAID overseas assignment experience; b) submitted application for promotion by March 31 of the year seeking promotion; c) has bid on overseas assignments in the most recent bidding cycle; d) did not bid on a Washington assignment in the most recent bidding cycle; and e) the Administrator or the CHCO had directed that the employee be assigned to a domestic position based on the needs of the Service, thereby preventing the employee from serving overseas.

(d) For promotion to Class FS-01:

(1) Two years at Class FS-02; and

(2) Four years of USAID direct-hire overseas assignment experience.

(e) For promotion to Class FS-02:

(1) Two years at Class FS-03; and

(2) Four years of USAID direct-hire overseas assignment experience.

(f) For promotion to Class FS-03: One year at Class FS-04.

(g) For promotion to Class FS-04: One year at Class FS-05 (since date of appointment/promotion to FS-05).

(h) For promotion to Class FS-05: One year at Class FS-06 (since date of appointment/promotion to FS-06).

Direct-hire overseas assignment experience is cumulative.

Overseas assignment service by a former USAID non-career FS employee will count toward the USAID direct-hire assignment overseas service requirement established in section **463.3.4**, if appointed as a career candidate without a break in service.

Performance Boards will review the PEFs of all employees for competitive ranking regardless of an employee's promotion eligibility.

463.3.5 Performance Boards' Evaluation Considerations

Effective Date: 05/27/2015

Performance Boards are convened annually to accomplish the following:

- Evaluate the performance of eligible FS and SFS employees;
- Rank order those employees they judge qualified for promotion, performance awards, and Limited Career Extensions; and
- Refer employees whose performance appears not to meet the standards of their class to the Performance Standards Board or Tenure Board, as appropriate. If an employee is referred to a Performance Standards Board/Tenure Board, **then that Board** will determine whether the employee has met the standards of the class.

The Performance Board will review the PEFs of career and career candidate employees **at FS-04 and above**. The Performance Standards Board/Tenure Board will review the Annual Evaluation Form for the most recent rating cycle.

Career and career candidate employees are assigned into one of the following three categories by Performance Boards and, as appropriate, the Performance Standards Board/Tenure Board:

- (1) Category A: Employee's performance demonstrates potential to meet the standards of the class at the next higher level and employee is recommended for promotion.
- (2) Category B: Employee's performance is meeting the standards of the class.
- (3) Category C: Employee's performance is not meeting the standards of the class.

Performance Boards will prepare Rating Reports (**report card**) on employees rated "A" and "B" and may provide advice on how to improve the employee's competitiveness (**i.e., for employees rated "A" to move up in the rankings or for employees rated "B" to move up to the next level**). The Performance Board will prepare referral memoranda to the PSB/Tenure Board, as appropriate, on employees who may not have met the standards of the class, noting the reasons for the referral (see **463.3.5.3**).

Performance Boards will rank employees rated "A".

Employees who do not have an Annual Evaluation Form for the most recent USAID rating cycle will be determined to have met the standards of their class **and receive a "B" rating**.

463.3.5.1 Promotion Consideration and Recommendation

Effective Date: 05/27/2015

Performance Boards will consider for promotion those career or career candidate employees whose performance over the five most-recent USAID-approved evaluations demonstrates the potential to meet the standards of the class at the next higher level.

Performance Boards will identify employees for promotion without regard to the number of promotion opportunities set by management, or whether an employee is ineligible for promotion under **463.3.4**. (The boards base their decisions solely on merit, without regard to promotion eligibility requirements).

After this determination has been made, Performance Boards develop a preliminary rank ordered "A" list and provide a copy to HCTM/CPE/PM, which provides the Boards, by class, with the "A" lists from the previous three Performance Boards. The Performance Boards will then have the opportunity to adjust the rank order of employees recommended for promotion. No employee will be removed from or added to the preliminary rank ordered "A" list.

The CHCO will review the findings and recommendations of the Boards to determine whether they were made in accordance with the Precepts and the **policy in this chapter**. If questions of procedure or conformity with Precepts and this policy arise, any list or name may be returned for reconsideration by the Performance Board. If part of a list is returned, the Board may review the names returned or, at its discretion, the entire list.

The Performance Boards' "A" lists will be reviewed by:

- (a) The CHCO, the Director of the Office of Civil Rights and Diversity (OCRD), and the exclusive representative (AFSA) before promotion decisions are finalized; and
- (b) The Office of Security (SEC), the Office of the Inspector General's Office of Investigations, OCRD, and HCTM/ELR who will certify that an employee who was reached for promotion is not under investigation, engaged in a proceeding, or is the subject of disciplinary action involving loyalty, security, misconduct, or malfeasance.

Promotions will be made into and within the SFS and the various FS occupational clusters and classes based on an employee's eligibility for promotion, the Performance Board's rank order list, and the number of promotions authorized by USAID Management.

In certain infrequent cases, when there are extenuating circumstances that the Board did not have access to during its deliberations, the CHCO may put aside a decision of a Board. **In such cases**, employees named on the promotion list may be deferred or denied promotion under the following circumstances:

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

- (a) **The employee's promotion will be denied** if the employee is ineligible for promotion according to the promotion requirements set forth in this chapter;
- (b) The employee's promotion will be deferred if the employee is the subject of an investigation, proceeding, or discipline involving loyalty, security, misconduct or malfeasance. The employee whose promotion is deferred will be notified in writing of the reasons if not inimical to the investigation or proceedings. After favorable termination of the investigation, proceeding, or disciplinary action, the CHCO will approve the promotion retroactive to the date that others on the list were promoted. If the results are unfavorable, the employee's promotion will be denied and the employee next in the rank order will be promoted.
- (c) The employee's promotion will be denied if the employee retires, resigns, is terminated, or dies before the date the Agency and the exclusive representative meet to determine the number of promotions that will be made and who on the promotion list will be promoted.
- (d) The employee will be promoted regardless of inclusion or placement on the promotion list if the employee's promotion is made pursuant to a recommendation of the Foreign Service Grievance Board, an equal employment opportunity appeals examiner, or the Special Counsel of the Merit Systems Protection Board, in accordance with Section 606 of the Foreign Service Act of 1980, as amended (see [Section 606 of the Foreign Service Act of 1980](#), as amended).

463.3.5.2 Performance Pay for the SFS

Effective Date: 06/28/2007

The C/Board may recommend two types of performance pay awards for the Senior Foreign Service within the limits determined by the CHCO. The Performance Award is conferred by the Agency and is based on performance during the most recent rating period. The Presidential Award is conferred by the President based on recommendations of the Interagency Selection Board, which reviews employees nominated by the foreign affairs agencies. The C/Board will be guided by [ADS 463mad](#), [Precepts for Performance Pay and Awards](#) and [ADS 422](#) (also, see [Section 405 of the Foreign Service Act of 1980](#), as amended).

463.3.5.3 Referral of Underperforming Employees to the Performance Standards Board or Tenure Board, as appropriate

Effective Date: 05/27/2015

Performance Boards will identify career employees whose performance appears not to meet the standards of the class and will by memoranda, refer such employees to the Performance Standards Board. Performance Boards must base the referral on the evaluation for the most recent rating cycle only, which may demonstrate that the

employee may not have met the standards of his or her class. Performance Boards will cite an employee's failure to meet the skill standards of the class or failure to complete a work objective as the reason(s) for the referral, and provide an example(s) to support the reason(s).

Performance Boards will identify career candidate employees whose performance appears not to meet the standards of the class and will, by memoranda, refer such employees to the Tenure Board. Performance Boards must base the referral on the evaluation for the most recent rating cycle only, which may demonstrate that the employee may not have met the standards of his or her class. Performance Boards will cite an employee's failure to meet the skill standards of the class or failure to complete a work objective as the reason(s) for the referral, and provide an example(s) to support the reason(s).

The Performance Standards Board or the Tenure Board, as appropriate, will review the recommendations of the Performance Boards for a final determination of whether the employee has met the standards of the class or should be advised that he or she needs to improve his or her competitiveness or be separated from the Agency (see [ADS 463maj, Precepts for Performance Standards Board](#) or, as appropriate, [ADS 414mac, Precepts for USAID's Foreign Service Tenure Board](#)).

463.3.5.4 Limited Career Extensions (LCEs)

Effective Date: 08/27/2012

The C/Board will consider LCEs for career employees of the SFS who will reach their maximum Time-in-Class (TIC)/or current LCE expiration, if appropriate, during the following calendar year, applying the criteria and procedures set forth in [ADS 463mae, Precepts for Limited Career Extensions](#) and [ADS 440, Time-in-Class \(TIC\) Limitations and Limited Career Extensions \(LCEs\)](#) (see [Section 607 \(b\) \(2\) of the Foreign Service Act of 1980](#)).

463.3.5.5 Within-Class Increases

Effective Date: 05/24/2000

The next scheduled within-class increase of a FS career or career candidate employee will be granted if the employee meets the standards of his or her class (see [Section 406 of the Foreign Service Act of 1980](#), as amended).

463.3.6 Performance Board Operations and Materials

Effective Date: 06/28/2007

Performance Boards must strictly follow the provisions of [ADS 463mai, Precepts for Foreign Service Performance Boards](#), when assessing an employee's performance.

Performance Boards will base their determinations on their consideration of the employee's Performance Evaluation File and the Precepts for Foreign Service Performance Boards.

463.3.6.1 Recusals

Effective Date: 08/27/2012

Performance Board members who rated, reviewed, or reported to an employee whose AEF is being reviewed must recuse themselves and not participate in Performance Board deliberations regarding the employee's file. Performance Boards members who served as a member of an Appraisal Committee while the employee was in his her or present class must recuse themselves and not participate in Performance Board deliberations regarding the employee's file.

Senior Foreign Service (C/Board)

C/Board members who, within the last three years, rated, reviewed, or reported to an employee whose AEF is being reviewed, or served as an Appraisal Committee member who reviewed the performance of the employee under review, must recuse themselves and not participate in C/Board deliberations concerning the employee's:

- Performance,
- Rating/Ranking,
- Recommendations for Awards, and
- LCE Recommendations.

463.3.6.2 Performance Board Material

Effective Date: 05/27/2015

HCTM/CPE/PM will provide Performance Boards the following briefing and other materials to carry out their responsibilities:

- (1) [ADS 461, Employee Evaluation Program, Foreign Service and Senior Foreign Service](#);
- (2) [ADS 461maa, Employee Evaluation Program \(EEP\) Guidebook](#);
- (3) [ADS 463, Foreign Service Boards](#);
- (4) [ADS 463mai, Precepts for Foreign Service Performance Boards](#);
- (5) [ADS 463mae, Precepts for Limited Career Extensions](#) (C/Board only);

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

**(6) ADS 463mad, Precepts for Performance Pay and Presidential Awards
(C/Board only);**

(7) A listing of employees to be reviewed; and

(8) The PEF on each employee being reviewed.

463.3.6.3 Information To Be Considered in Performance Board Reviews

Effective Date: 06/27/2012

- a. Performance Boards will make rating decisions based only on material contained in employees' PEFs.
- b. Performance Boards will ignore any information in the file that is inadmissible (see ADS 463mai, Precepts for Foreign Service Performance Boards). Such information must not be the basis for the Board's recommendation concerning an employee.
- c. Performance Boards will not consider an employee's medical problem or any personal or physical characteristics unless Rating Officials or Appraisal Committee members describe how performance or potential is being affected.
- d. Performance Boards will neither seek nor receive, from any source, any information on (for example, health, suitability, assignability, or reputation of) any employee under consideration. If any unauthorized communications of this nature comes to the attention of a Board member, the Board member must report this in writing to the Chief, HCTM/CPE/PM.
- e. If a Board member believes that information is not included in an employee's PEF which might be relevant to the Board's discussion of an employee, the Board member must first discuss the matter with the Chief, HCTM/CPE/PM, to determine whether the information is, in fact, relevant. If it is determined that the information is irrelevant, the Board member may not discuss the information. If the information is determined to be relevant, then the information must be shared with the employee. The Board will continue its review of the employee's PEF after the employee has had the opportunity to respond to the information.
 - 1. The Board must submit to the Chief, HCTM/CPE/PM a signed memorandum transmitting the information it plans to consider.
 - 2. HCTM/CPE/PM must send this information to the employee under review by the fastest means possible. HCTM/CPE/PM must make every attempt to contact the employee by telephone and by email. HCTM/CPE/PM must give the employee a reasonable time to respond to the information based on the timing and nature of the information and the employee's location. HCTM/CPE/PM must have the employee verify receipt of the information.

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

3. When the employee responds, the Chief, HCTM/CPE/PM and the Board must sign a statement indicating the date when the information was delivered to the employee and the time allotted for response. 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. The board will keep additional information obtained under this process and approved for consideration as part of the Board finding folder and not in the PEF of the employee.

463.3.6.4 Commendable Letters to Raters/Appraisal Committee Members

Effective Date: 08/27/2012

Performance Boards may issue commendable letters to Rating Officials and Appraisal Committee members who merit commendation for the quality of the evaluations they write/review for the most recent rating cycle. Commendable letters will be placed in the Rating Official's/Appraisal Committee member's PEF.

463.3.6.5 Critical and Advisory Letters

Effective Date: 05/24/2000

Performance Boards and the Performance Standards Board will issue critical or advisory letters to Rating Officials and Appraisal Committee members when the Boards determine that they failed to fulfill their responsibilities concerning employees they rated/reviewed for the most recent rating cycle. Critical letters will be placed in the Rating Official's/Appraisal Committee member's PEF for two years. Advisory letters are not placed in PEFs. The CHCO will decide whether to deny and/or reduce any award or bonus to an employee receiving a critical letter.

Rating Officials/Appraisal Committee members have 30 days from date of receipt of a Critical letter to request reconsideration of the action.

463.3.7 Performance Board Findings and Recommendations

Effective Date: 05/24/2000

Performance Boards must provide their findings to the CHCO by way of a Board Memorandum signed by each board member.

- (a) Unless instructed otherwise by the CHCO, all Performance Boards must prepare the following reports by class:

- (1) All Performance Boards will prepare a rank order list of employees who are rated "A".

- (2) All Performance Boards will prepare an alphabetical list of employees who are rated "B".
 - (3) As appropriate, all Performance Boards will prepare referral memoranda to the Performance Standards Board.
- (b) The C/Board will also prepare the following lists of career employees:
- (1) Those who will reach their maximum TIC/current LCE the following calendar year and are being recommended/not recommended for Limited Career Extensions (LCEs).
 - (2) Those who are being recommended for Performance Pay.
- (c) Boards may prepare the following recommendations, as directed by the CHCO:
- (1) Those recommendations concerning the assignment, training, counseling, or other personnel considerations with respect to any employee or group of employees reviewed.
 - (2) Those recommendations concerning policies and procedures for subsequent Boards and improvements to the performance evaluation system.

463.3.8 Late Submission of Evaluation Documentation to HCTM

Effective Date: 05/24/2000

If an evaluation is submitted late without adequate justification, HCTM/CPE/PM will notify the CHCO, who may prepare a critical letter for placement in the Rating Official's Performance Evaluation File for two years, and/or deny or reduce any award or bonus, if such action is deemed warranted.

USAID guidance notices are issued in advance of the end of each rating cycle. Raters, Appraisal Committees, and employees are informed of due dates and submission procedures.

All AEFs submitted late must include a statement outlining the reasons for the lateness. HCTM/CPE/PM will review these statements to determine whether delays have been adequately explained. If HCTM/CPE/PM determines the delay was justified, it will take no further action. If HCTM/CPE/PM determines that the delay was not justified, it must refer the matter to the CHCO, who will decide what action should be taken. Any action decided will be taken in accordance with established procedures and requirements governing such actions (see **463.3.6.5**).

463.3.9 Oath of Office - Performance Boards

Effective Date: 05/24/2000

When Performance Boards are convened but before the beginning of their deliberations, each Board member must sign the following oath of office and adhere to the precepts and procedures in this ADS chapter and its references.

"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 Performance Board; that I shall preserve the confidential character of the personnel records used by the Board; that I shall adhere to the Precepts for Employee Evaluation and other such guidance as appropriate for the discharge of these duties; and that I shall not reveal to any unauthorized person information concerning the deliberations, findings, and recommendations of the Board [so help me God]."

Failure to observe these instructions may result in disciplinary action or penalties as prescribed by the Privacy Act. Board members must report to the CHCO any attempt to provide them information not authorized by the Precepts.

463.3.10 Foreign Service Performance Standards Board - Coverage

Effective Date: 02/07/2014

The policies and procedures in sections **463.3.10-14** apply to career Foreign Service Officers. The policies and procedures cover employees referred by Performance Boards because their performance may not have met the standards of their class. Employees who were not reviewed by a Performance Board will not be reviewed by the Performance Standards Board.

463.3.11 Performance Standards Board Evaluation Considerations

Effective Date: 02/07/2014

The PSB is convened annually, as required, to evaluate the performance of career Foreign Service and Senior Foreign Service employees referred to it by Performance Boards to determine whether the employees have met the standards of their classes.

The PSB will review the Performance Boards' referral memorandum and the Annual Evaluation Form for the most recent rating cycle of each employee referred to it to determine whether the employee is meeting or not meeting the standards of the class.

The PSB will determine whether the employee is meeting the skill standards of the class and the work objectives established in the evaluation.

At the conclusion of its review, the PSB will prepare findings and rating reports on each of the employees reviewed.

The PSB will assign career employees into one of the following two categories:

- (1) Category B: Employee's performance is meeting the standards of the class; or
- (2) Category C: Employee's performance is not meeting the standards of the class.

For those employees rated "C", the PSB must provide statements on the rating reports that provide the basis for its decision. These statements will indicate the specific skill standards and/or work objectives that were not met. The PSB may also provide advice to "B" rated employees regarding ways to improve their competitiveness.

463.3.12 Performance Standards Board Operations and Materials
Effective Date: 06/28/2007

The PSB must strictly follow the provisions of [ADS 463maj, Precepts for Performance Standards Board](#), when assessing an employee's performance.

The PSB will base its determinations on its consideration of the employee's Performance Evaluation File and the Precepts for the Performance Standards Board.

463.3.12.1 Recusals
Effective Date: 05/24/2000

PSB members who within the last three years rated or served as a member of an Appraisal Committee convened to review the performance of the employee will not participate in PSB deliberations when the employee's file is reviewed by the PSB.

463.3.12.2 Performance Standards Board Material
Effective Date: 02/07/2014

HCTM/CPE/PM will provide the PSB an oral briefing and written materials to enable Board members to carry out their responsibilities as follows:

- (1) [ADS 461, Employee Evaluation Program, Foreign Service and Senior Foreign Service](#);
- (2) [ADS 461maa, Employee Evaluation Program \(EEP\) Guidebook](#);
- (3) [ADS 463, Foreign Service Boards](#);
- (4) [ADS 463mai, Precepts for Foreign Service Performance Standards Boards](#);
- (5) [The Foreign Service Act of 1980, as amended](#);
- (6) A list of employees to be reviewed;

- (7) The AEF on each employee to be reviewed;
- (8) A current language proficiency report;
- (9) A current locator report; and
- (10) A current staffing pattern.

463.3.12.3 Information To Be Considered

Effective Date: 05/27/2015

- a. The Performance Standards Board will make rating decisions based only on **the referral memorandum from the Performance Board** and material contained in the employees' AEF for the most recent rating cycle.
- b. The Performance Standards Board will ignore any information in the file that is inadmissible (see [ADS 463mai, Precepts for Foreign Service Performance Boards](#)). Such information will not be the basis for the Board's recommendation concerning an employee.
- c. The Performance Standards Board will not consider an employee's medical problem or any personal or physical characteristics unless Rating Officials or Appraisal Committee members describe how performance or potential is being affected.
- d. A Performance Standards Board will neither seek nor receive, from any source, any information on (for example, health, suitability, assignability, or reputation of) any employee under consideration. If any unauthorized communications of this nature comes to the attention of a Board member, the Board member will report this in writing to the Chief, HCTM/CPE/PM.
- e. If a Board member believes that there is information not in an employee's PEF which might be relevant to the Board's discussion of an employee, the Board member must first discuss the matter with the Chief, HCTM/CPE/PM, to determine whether the information is relevant. If it is determined that the information is not relevant, the Board member may not discuss the information. If the information is determined to be relevant, then the information must be shared with the employee. The Board will continue its review of the employee after the employee has had the opportunity to respond to the information.
 - 1. The Board must submit to HCTM/CPE/PM a signed memorandum transmitting the information it plans to consider.
 - 2. The information will be sent to the employee under review by the fastest means possible. HCTM/CPE/PM will make every attempt to contact the employee by telephone and by email. The employee must be given a reasonable time to

respond to the information based on the timing and nature of the information and the employee's location. The employee will also be asked to verify receipt of the information.

3. When the employee responds, HCTM/CPE/PM and the Board must sign a statement indicating the date when the information was delivered to the employee and the time allotted for response. The Board must consider the employee's response in its deliberations. If the employee does not respond having been given ample 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. The Board will keep additional information obtained under this process and approved for consideration as part of the Board finding folder and not in the PEF of the employee.

463.3.13 Performance Standards Board Findings and Recommendations

Effective Date: 05/24/2000

The Performance Standards Board will submit its findings to the CHCO, under cover of a transmittal letter signed by each board member.

Unless instructed otherwise by the CHCO, the PSB will prepare the following reports by class:

- (a) An alphabetical list of all career employees identified as having met the standards of their class.
- (b) An alphabetical list of career employees identified as not having met the standards of their class.
- (c) A rating report on each employee, and for those employees who did not meet the standards of the class, a statement on the report card that provides the basis for the rating. Supplemental sheets may be attached as needed.

463.3.14 Decision Rule for Employees Not Meeting the Standards of Their Class

Effective Date: 02/07/2014

FS and SFS career employees who fail to meet the standards of their class will be separated from the Service as follows:

- (a) A career employee will be separated from the Service when three PSBs within a five-year period have determined that the employee is not meeting the standards of his or her class. The determinations by the three PSBs do not need to be

consecutive. The five-year period covers time when the employee is on duty and on non-duty status.

Career employees will be separated from the Service within six months from the date the CHCO receives the PSB list of employees who failed to meet the standards of the class, unless such action would not be in the best interest of the Agency or is reversed through the appellate process (see [Sections 306, 608 and 612 of the Foreign Service Act of 1980, as amended](#)).

- (b) A career candidate will be separated from the Agency when a Tenure Board has determined that the employee does not meet the standards of his/her class and that the employee would not be able to meet the skill requirements for tenure if review were deferred (see [ADS 414.3.4.c](#)).

463.3.15 Oath of Office - Performance Standards Board

Effective Date: 05/24/2000

When the PSB is convened, but before the beginning of their deliberations, each Board member will sign the following oath of office and adhere to the Precepts and procedures in this ADS chapter and its references:

"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 Performance Standards Board; that I shall preserve the confidential character of the personnel records used by the Board; that I shall adhere to the Precepts for Employee Evaluation and such other guidance as appropriate for the discharge of these duties; and that I shall not reveal to any unauthorized person information concerning the deliberations, findings, and recommendations of the Board [so help me God]."

Failure to observe these instructions may result in disciplinary action or penalties as prescribed by the Privacy Act. Board members must report to the Chief, HCTM/CPE/PM, any attempt to provide them information not authorized by the Precepts.

463.3.16 Appeals

Effective Date: 05/24/2000

When an employee is notified that he or she is being separated from the Agency, the employee may appeal the action to a Special Review Board (SRB) in accordance with the process outlined in [Special Review Boards](#), or may file a grievance under [3 FAM 4400](#), but not both. An appeal to an SRB does not preclude a proceeding under 5 U.S.C., Chapter 12 (see [Special Review Boards](#) and [3 FAM 4400](#)).

463.4 MANDATORY REFERENCES

463.4.1 External Mandatory References

Effective Date: 06/28/2007

- a. [3 FAM 4400, Foreign Service Grievance System](#)
- b. [Foreign Service Act of 1980, as amended](#) (Sections 302(a), 303, 306, 405, 406, 601-608, and 612 are authorities for this ADS chapter.)

463.4.2 Internal Mandatory References

Effective Date: 05/27/2015

- a. [ADS 414, Foreign Service Appointments](#)
- b. [ADS 422, Personnel Operations: Senior Foreign Service](#)
- c. [ADS 461, Employee Evaluation Program, Foreign Service and Senior Foreign Service](#)
- d. [ADS 461maa, FS and SFS Employee Evaluation Program Guidebook](#)
- e. [ADS 463mad, Precepts for Performance Pay and Presidential Awards](#)
- f. [ADS 463mae, Precepts for Limited Career Extensions](#)
- g. [ADS 463maj, Precepts for Foreign Service Performance Boards and Senior Foreign Service Performance Boards](#)

Attachment A – [FS Skills Matrix](#) (FS-01 and Below)

Attachment B - [SFS Skills Model](#)

- h. [ADS 463maj, Precepts for the Performance Standards Board](#)

Attachment A – [FS Skills Matrix](#) (FS-01 and Below)

Attachment B – [SFS Skills Model](#)

463.5 ADDITIONAL HELP

Effective Date: 05/24/2000

- a. [Special Review Boards](#)

463.6 DEFINITIONS

Effective Date: 05/24/2000

The terms and definitions listed below have been incorporated into the ADS Glossary.

Text highlighted in yellow indicates that the adjacent material is new or substantively revised.

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

advisory letter

Advisory letters are issued to Rating Officials and Appraisal Committee members by Performance Boards when a current evaluation is deficient in some manner but the deficiency does not adversely affect the employee's competitive standing. These letters are not placed in an employee's Performance Evaluation File. (**Chapter 463**)

Annual Evaluation Form (AEF)

The form used to evaluate employees under the Employee Evaluation Program. Instructions and guidance on the preparation of the AEF are found in ADS 461, the Employee Evaluation Program Guidebook, and on the USAID Forms Web site (**Chapter 461** and **463**)

annual rating cycle

A one-year period that begins April 1 and ends March 31 of the following year. (**Chapter 463**)

Appraisal Committee

A committee composed of three to five mission/office officials, knowledgeable in the work of the unit, who will review and provide management input into employee evaluations. (**Chapter 463**)

critical letter

Critical letters are issued to Rating Officials and Appraisal Committee members by the Performance Boards when a current evaluation is so deficient that the Performance Board's ability to make confident judgments on the employee's competitive standing has been affected, disadvantaging the employee. Critical letters are placed in the Rating Official's and Appraisal Committee members' Performance Evaluation File for two years. (**Chapter 463**)

mandatory retirement based on relative performance

When three Performance Standards Boards within a five year period find that a career employee has not met the standards of performance established for his or her class (Section 608, Foreign Service Act of 1980, as amended), the employee is involuntarily retired based on performance. (**Chapter 463**)

performance awards

Cash payments based on an employee's Annual Evaluation Form for the current rating cycle. (**Chapter 463**)

skills matrix

A matrix of skills composed of 28 subskills for which performance standards have been established. (**Chapter 463**)

standards of the class

The determination that an employee is meeting the skills standards of the class established in the Skills Matrix and has met the work objectives established in the current Annual Evaluation Form. (**Chapter 463**)

tenure

A process that changes a career candidate from limited or conditional to career status. (**Chapter 463**)

within class increase

A periodic increase in an employee's rate of basic pay from one step of the class of his or her position to the next higher step of that class. (**Chapter 463**)

work objectives

Specific professional expectations listed in a performance work plan for an employee established by management for a particular rating period. (**Chapter 463**)

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