



Precepts for USAID's Foreign Service Tenure Board

A Mandatory Reference for ADS Chapter 414

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PRECEPTS FOR USAID'S FOREIGN SERVICE TENURE BOARD

1. Overview

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

2. Primary Responsibilities

- a. **The Chief Human Capital Officer (CHCO)** is responsible for deciding whether to offer career candidates tenure in USAID's career Foreign Service (FS), based upon the recommendations of the Tenure Board.
- b. **The Office of Human Capital and Talent Management (HCTM)** is responsible for convening and guiding the Tenure Board in its technical actions and procedures. The Board addresses all questions regarding its work with HCTM staff from the Foreign Service Performance Management and Promotion Team.

3. Operations of the Tenure Board

a. Review of Candidates

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

The Tenure Board must:

1. As soon as it is convened, establish internal operating procedures (e.g., schedule and assignment of roles for documenting deliberations) necessary to fulfill its responsibilities, in accordance with these precepts;
2. Review the TBF of each referred career candidate;
3. Evaluate the candidate's aptitude and fitness for career service, as required by the standards of performance for tenured FS Officers (FSOs);
4. Assess whether each career candidate eligible for tenure is an individual who has the potential to serve effectively as a USAID career FSO, over a normal career span of up to the FS-01 grade;

5. Prepare counseling letters for **candidates** whose performance requires it; and
6. In a report to the CHCO, make a recommendation regarding tenure or other action, pertaining to each candidate, with a clear explanation of the basis for candidate recommendations.

b. Oath of Office

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

"I, _____, do solemnly swear (or affirm) that I shall, without prejudice or partiality, perform faithfully and to the best of my ability, the duties as a member of the USAID Foreign Service Tenure Board, and preserve the confidential character of personnel records used by the Board; that I shall adhere and apply the precepts set out in ADS 414mac and other guidance as appropriate for the discharge of these duties and that I shall not leave any documents unread or reveal to unauthorized personnel any information concerning the deliberations, findings, and recommendations of the Board (so help me God)."

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

c. Recusal

Tenure Board members must recuse themselves and not participate in Tenure Board deliberations regarding a candidate's file in the following situations:

1. Tenure Board members who, in the last five years, rated, served as second-level reviewer for, or reported to a candidate employee whose promotion package is being reviewed;
2. Tenure Board members who have been the subject of an Agency investigation for whom the member is aware that a candidate participated as a witness;
3. Tenure Board members who are aware that a candidate has advised management or HCTM on a matter involving the performance or conduct of the Board member (e.g., an Executive Officer [EXO] or Resident Legal Officer [RLO] who advises management on a Performance Improvement Plan [PIP] or HCTM/ELR on a disciplinary matter);
4. Tenure Board members who know they cannot provide a neutral review of a candidate's file for a reason not otherwise outlined in this chapter;

5. Tenure Board members who are the relative of a candidate being reviewed for tenure. A "relative" is a current or former spouse or ex-spouse (including, a domestic partner as described in 3 FAM 1612), father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

d. Basis for a Tenure Board Recommendation

1) General Framework

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

2) Equality of Consideration (Inadmissible Comments)

It is Agency policy and federal law to neither discriminate against, nor confer advantage to, any employee, directly or indirectly, on the basis of protected class or activity. Decisions regarding employee promotion, tenure, performance pay and awards must be based solely on merit. Tenure Boards should not raise or discuss information not included in a candidate's TBF.

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

USAID employees, Rating Officials, Reviewing Officials, and Approving Officials may not submit documents containing inadmissible comments, or other non-merit related information. Specifically:

References to members of the USAID Workforce. It is not permitted to reference the protected class or activity of specific and identifiable members of the USAID workforce, including oneself.

References to specific groups or protected classes (as defined in the list below). References to specific groups or protected classes are allowed when describing efforts to promote a diverse, inclusive, equitable, and accessible workplace, so

long as those references do not violate merit-based personnel practices or identify specific persons, including oneself, i.e., employees may not reference their own protected class.

References to Employee Non-labor Organizations (NLOs). Employee NLOs, such as Employee Resource Groups, are non-federal entities. Pursuant to [ADS 115.3.1\(e\)\(4\)](#), employees are prohibited by law from being granted official duty time or administrative leave for NLO-related matters, including attendance at NLO-sponsored events and meetings. This prohibition does not apply to Agency-sponsored events or events associated with nationally-observed History and Heritage Months. Employees are permitted to reference engagement with, or membership in, a specific and identified NLO *only* if it is part of their official, assigned or collateral position duties. Such references may not specify the employee's own protected status or the protected status of specific and identifiable members of the USAID workforce.

References to working groups or councils established by U.S. Embassies or USAID Operating Units (OUs). Reference to participation in specific and identified federal entities such as U.S. Embassy or USAID OU groups such as DEIA Councils are permitted, but employees may not identify their own protected status or the protected status of specific and identifiable members of the USAID workforce.

References to U.S. Embassy-run groups. References to participation in U.S. Embassy-run groups such as the Post Housing Board or Commissary Board are permitted.

References to USAID partners and beneficiaries. References to the protected status of USAID partners and program beneficiaries are permitted.

Protected classes and activities include:

1. Race, color, national origin, sex (including pregnancy, gender identity, sexual orientation or transgender status), age, religion, or genetic information;
2. Geographic or educational affiliation within the United States;
3. Retirement, resignation, or other separation plans;
4. Disability status, whether a reasonable accommodation has been requested or provided due to a disability, the nature/type of any reasonable accommodation requested or provided, and medical information (including information regarding alcoholism, drug abuse, rehabilitation efforts, or medical condition that affects job performance or ability to accept overseas assignments). However, reference to disability as it relates to the work of the Agency (without identifying individual employees) is permitted.

5. Marital or parental status; references to spouse, partner, or family;
6. Veteran status;
7. Participation or non-participation in union activities, either as a representative of the union or as a bargaining unit member;
8. Political affiliation;
9. Filing, initiating, involvement in, or participation in any grievance, Equal Employment Opportunity or Harassment complaint, or other formal complaint investigative or adjudicative process;
10. Reluctance or refusal, and any known reason for doing so, to work voluntary overtime;
11. Leave record, *except absence without leave (AWOL) (consultation with HCTM is required)*. This includes Family Medical Leave Act (FMLA), Leave without Pay (LWOP), and leave for medical reasons;
12. Using or not using workplace flexibilities (e.g., telework, or away from a post on authorized/ordered departure) or negative reference to the impact of a detail/temporary duty (TDY) assignment on the employee's ability to complete their regular duties. If the employee's work supported the workplace flexibilities of other employees, then references to that performance is acceptable;
13. Use of the dissent channel or direct or indirect reference to, or consideration of, judgments in dissent channel messages as a basis for an adverse evaluation of performance or potential (however, expressions of dissenting views on policy that are outside the dissent channel and that raise substantive questions of judgment relative to the Foreign Service Skills Matrix may be discussed in an evaluation, with specific instances cited).
14. "Whistleblowing," or the protected disclosure of information. This includes statements by an employee who reasonably believes they are providing evidence of an activity constituting a violation of law, rules, or regulations, or gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety;
15. Decisions or proposals concerning disciplinary action (this does not include references by managers to describe efforts to improve the performance or conduct of a subordinate or otherwise address performance or conduct issues in a manner relevant to the skills matrix);

16. Negative or derogatory discussion of another employee's (including predecessor's) performance (this does not include references by managers to describe efforts to improve the performance or conduct of a subordinate or otherwise address performance or conduct issues in a manner relevant to the skills matrix); and

17. References to private U.S. citizens by name.

Foreign Service Promotion Board, Performance Standards Board, and Tenure Board members are expected to be alert to potentially discriminatory, biased, or non-merit based comments in employee files and report such findings to HCTM immediately. HCTM verifies whether the comments are admissible or inadmissible. If a comment is determined to be inadmissible, the Board will be instructed to ignore the inadmissible comments in the file and not allow such comments to influence their assessments of candidates. If a Board member believes another Board member is violating this policy in their review of an employee's file, the member must immediately bring the matter to the attention of HCTM for appropriate action. HCTM/ELR also considers inadmissible comments for potential disciplinary action.

e. Assignments

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

f. Demonstrated Skills

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

The Tenure Board must recognize that no candidate can be expected to have displayed abilities in all the principal skills and sub-skills of the FS/SFS Skills Framework. Thus, Tenure Board members must avoid making negative assumptions regarding skills the candidate has had no practical opportunity to demonstrate. For example, candidates at the apprentice or journey level who are reviewed for tenure, for the first time, are in the process of gaining knowledge and developing expertise in their backstop. These candidates will have gained practical experience in applying

USAID’s technical, programmatic, or administrative approaches to their work, only to the extent that their assignments have exposed them to these approaches. Depending on when and where they have been assigned, some candidates will not have had the opportunity to work, for example, on a project design, a new country strategy, or other activity by the time of their tenure review. The Tenure Board should not make a negative recommendation, based on skills where the candidate has had no practical opportunity to demonstrate that skillset.

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

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

g. Backstop/Functional Abilities and Shortcomings

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

- a) understands the political, social, and economic context of USAID activities at both the macro- and micro-levels, particularly as related to the candidate's occupational specialty (backstop);
- b) functions effectively within USAID Mission and USAID/Washington (USAID/W) environments in the backstop of record;
- c) translates development issues and needs into program strategies, plans, and documentation leading to program or project approval; and
- d) implements, monitors, and evaluates actions, including negotiations, planning, contracting, logistics management, administrative support, reporting, and

project and portfolio control, as appropriate.

2) The Tenure Board must be alert to any deficiencies that are documented in the career candidate's performance file. Each deficiency must be considered in terms of its seriousness and may be grounds for recommending that a candidate not be tenured. Possible deficiencies include, but are not limited to:

- a) reluctance to accept responsibility;
- b) failure to carry out properly assigned tasks within a reasonable time;
- c) low productivity or work poorly done;
- d) lack of adaptability;
- e) refusal to accept or carry out legitimate directives from properly authorized officials;
- f) inability to work fairly and cooperatively with supervisors, colleagues, subordinates, and/or foreign counterparts;
- g) ineffectiveness in managing subordinates; indifference, delinquency, or lack of honesty in preparing evaluation reports on subordinates;
- h) lack of courage and reliability under conditions of hardship and danger;
- i) lack of understanding and/or sensitivity for the traditions, feelings, and aspirations of host countries, their institutions, and their peoples; and
- j) failure to adhere to Agency policies and Standards of Conduct.

h. The Tenure Board Actions and Procedures

1) Information to be considered

- a) The Tenure Board must base its decisions only on material that is properly part of the candidate's TBF.
- b) The Tenure Board must ignore any information in the file that is inadmissible. Such information must not be the subject of discussion or a basis for the Tenure Board's decisions and must be reported promptly to HCTM.
- c) A Board member may not bring to the Board's attention personal knowledge of a candidate.

d) A Tenure Board member who is or was the career candidate's rating official or served on the candidate's Appraisal Committee (AC) when ACs were still being held, must recuse themselves and must not participate in the decision-making process concerning the candidate.

Tenure Board members are provided with:

- These precepts and applicable Agency policies, including [ADS 414mad](#), [The Tenure Policy and Process](#), [ADS Chapter 461, Foreign Service and Senior Foreign Service Performance Management and Development Program](#), and the [FS/SFS Skills Framework](#);
- Each candidate's complete TBF as described in [ADS 414mad](#);
- A copy of each FS Promotion Board's A (*i.e.*, FSOs ranked for promotion) and C ratings (*i.e.*, FSOs determined to not be meeting the relative standards of their class) lists for the previous three years (see [ADS Chapter 463, Foreign Service and Senior Foreign Service Promotion Eligibility Requirements and Procedures](#));
- The current TEF for each candidate;
- For a candidate whose tenure decision was previously deferred, the counseling letter prepared by a prior Tenure Board and the prior TEF;
- A copy of the [Foreign Service Act of 1980, as amended](#);
- The Biographical Employee Data Record (EDR) for each candidate; and
- A dictionary and list of Agency acronyms.

i. Submission of Findings and Recommendations

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

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

The Tenure Board transmits its recommendations on each candidate in a report to the CHCO signed by the Board Chair. The Board also issues counseling letters to each

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

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

j. Administrative Support

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

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