



# Waiver Process for Medical Clearance Requirements for Initial Appointments, Tenure Review and Overseas Assignments in the Foreign Service

A Mandatory Reference for ADS Chapter 414

Partial Revision Date: 02/14/2024  
Responsible Office: HCTM/FSC  
File Name: 414mab\_021424

## I. Purpose

This mandatory reference delineates the eligibility of Foreign Service (FS) candidates and employees to request medical clearance waivers from the Office of Human Capital and Talent Management (HCTM). This reference is applicable under the following circumstances:

- 1) When an applicant or employee has been denied a medical clearance for initial appointment in the FS or to be eligible for tenure as a career Foreign Service Officer (FSO);
- 2) When a post-specific medical clearance is sought for an assignment by an FSO; or
- 3) When a post-specific medical clearance is sought for a non-career FS appointment overseas and the individual has exhausted all appeal opportunities offered by the U.S. Department of State's Office of Medical Services (State/MED) as outlined in 16 FAM 200 and subsequent chapters.

The Chief Human Capital Officer (CHCO), or designee, reviews the request and the recommendation of the Medical Review Committee (MRC) and determine whether a medical clearance waiver should be granted.

## II. Applicability

This mandatory reference sets forth medical clearance requirements for USAID direct hire FS employees and describes situations under which certain kinds of medical clearance waivers may be considered for FS candidates at the time of initial appointment; prior to granting career status to career candidates; and each time a medical clearance is sought for an individual overseas assignment or appointment.

This reference does not apply to United States citizens hired abroad (U.S. family and other non-family members), Foreign Service National (FSN) staff, or staff hired under contractual mechanisms.

## III. Medical Standards for Appointment in the FS

The Director, State/MED, develops and administers the overseas medical program, in accordance with Section 904 of the Foreign Service Act of 1980, as amended (refer to 16 FAM 200 for additional information). Medical clearance decisions take into consideration the medical capacity existing in individual countries to address various health concerns of FS employees. Medical clearance standards exist to provide applicants/employees and the United States Government (USG) with information about whether an individual can serve in a particular country or countries safely in consideration of that individual's medical needs.

#### **a. Medical Standards for Appointment in the Career FS**

USAID's medical standard, at the time of initial appointment to the FS and at the time of tenuring, requires USAID employees to be medically cleared, with or without reasonable accommodation, for five identified USAID posts that represent worldwide availability for USAID. The HCTM/CHCO, or their designee, in consultation with State/MED, determines these posts and updates them regularly, but no more than on an annual basis. The purpose of the worldwide availability medical clearance standard at the time of initial appointment and tenure is to ensure FS employees can have a meaningful overseas career that provides robust professional opportunities and meets the Agency's workforce needs.

#### **b. Medical Standards for Appointment to a FS Limited (FSL) Position**

USAID's medical standard for a limited position in the FS is a post specific medical clearance for the duty location of the assignment. An FSL who serves at a regional Mission in a position that requires regional travel may require post specific clearance at the duty station and other countries in the region. The specific medical standard for each FSL is outlined in the job announcement and position description.

### **IV. Reasonable Accommodation Program**

The USAID Reasonable Accommodation program is available to support applicants and employees throughout the medical clearance process. Applicants or employees are encouraged to make use of this resource if they have received an initial medical clearance determination that they have not met USAID's medical clearance standard. After receiving such a determination, the applicant/employee is notified by letter that they have 10 business days to contact the Office of Civil Rights (OCR) and request a reasonable accommodation. All reasonable accommodation inquiries should be addressed to [reasonableaccommodations@usaid.gov](mailto:reasonableaccommodations@usaid.gov). OCR must notify State/MED of the request and State/MED will provide OCR with 1) the reason why the medical clearance was denied for each identified post, 2) medical documentation in support of the denial, and 3) the name of the State/MED official who will consult with USAID on the matter. OCR then begins the interactive process with the applicant/employee. OCR must consult with State/MED and, in certain circumstances, a USAID employed medical professional or a medical professional employed by the Office of Federal Occupational Health (HHS) in order to develop a proposed reasonable accommodation. The timeline for processing a reasonable accommodation request is approximately 30 days (see [ADS Chapter 111, Procedures for Providing Reasonable Accommodation](#) for more information about the reasonable accommodation process).

The Agency first seeks to accommodate the applicant or employee in a manner that permits them to meet the USAID medical clearance standard with reasonable accommodation. If no such accommodation can be granted, OCR issues a decision to the applicant or employee with a copy to the HCTM, Foreign Service Center (FSC) Director, stating a reasonable accommodation cannot be provided to meet the medical standard and the applicant/employee can request the Agency explore the potential reasonable accommodation of last resort; a waiver of the medical clearance standard.

## V. Waiver Procedures for Medical Clearances

### A. Career Applicant or Candidate Foreign Service Officers

The CHCO, or designee, has authority to grant **waivers of the USAID medical clearance standard** to allow appointment of applicants or tenure of **FS** career candidates in the following circumstances: 1) if an applicant for a FS appointment has been denied **an initial appointment medical clearance**, which is a requirement for a career candidate appointment; or 2) if a FS career candidate has been denied such a clearance, **as is required for tenure as a career FSO**, in accordance with **16 FAM 215 and 216**. It is anticipated that medical clearance standard waivers will be rare, given the risks associated with posting employees abroad in situations where medical care is not available to address identified needs, and the potential inability of an employee to serve in sufficient posts to meet USAID's workforce needs or to have a full career in the FS. Medical clearance standard waivers are the reasonable accommodation of last resort.

#### 1) Candidate Application for Waiver of Pre-Employment and In-Service Medical Clearance Standards

To initiate the request for a medical clearance waiver, the applicant for a career candidate appointment, or a career candidate FSO eligible for tenure review who has been denied a medical clearance after a medical panel review (see **16 FAM 215**), must first exhaust options to receive a reasonable accommodation that would enable the applicant/career candidate to meet the medical clearance standard. If no such accommodation is available, the applicant/career candidate may choose to request a waiver of the medical clearance standard. Once OCR issues a decision to an applicant or career candidate, with a copy to HCTM/FSC, that a reasonable accommodation cannot be provided, the servicing HCTM HR specialist must provide the applicant/career candidate with information about the waiver process in writing. To request a waiver, the applicant/career candidate must submit a request for a waiver following the guidelines outlined below. Submissions must be made via **LaunchPad** with the subject line: **"Request for Medical Clearance Waiver, Applicant for Foreign Service/Career Candidate: Last Name, First name."**

- a. The applicant/career candidate FSO must request the waiver within **10 business days** of notification that the agency cannot provide a reasonable accommodation that would enable the applicant/career candidate to meet the medical clearance standard; and
- b. The applicant for an FSO appointment **or career candidate for tenure** must also submit to HCTM/FSC a completed **Authorization for Release of Medical Information Form** and a Federal Occupational Health Form (provided by OCR) at the time the applicant/career candidate requests a waiver. Submissions must be made through **LaunchPad** with the subject line **"Request for Medical Clearance Waiver, Applicant for Foreign Service (or Career Candidate for Tenure): Last Name, First Name"**.

Note: USAID will not waive any other requirements for tenure, including overseas service and language proficiency. For more information on tenuring requirements, refer to [ADS 414mad](#).

## 2) USAID Medical Clearance Waiver Review

If the requirements outlined above are met, HCTM's Senior Deputy Assistant Administrator (SDAA) will appoint a Medical Review Committee (MRC) to review requests for medical waivers and to make recommendations to the CHCO based on the merits of each case. The MRC must evaluate and recommend to the CHCO whether hiring or tenuring an individual is in the best interest of the USAID FS, even if the individual **does not** meet established medical standards.

### a. Waiver Review Standard for Career Candidate Applicants/Tenure Eligibles

A waiver of the medical **clearance** standards for career candidate applicants and career candidates eligible for tenure review is only granted if it is found to be in the best interest of USAID. In considering whether or not to recommend a waiver, the MRC **must** consider factors, including, but not limited to, the following:

- 1) What percentage of USAID posts is the candidate currently available to be assigned to?
- 2) Is the disqualifying condition considered permanent or temporary in nature (*i.e.*, Is it likely that in the future the percentage of posts to which the candidate can be assigned will remain the same, increase or decrease)?
- 3) Does the applicant or career candidate possess a skill set in a particular backstop for which the FS has a prevailing workforce need? If the **applicant/career** candidate has a skill set in the backstop for which USAID has a prevailing need, the MRC **must** analyze how many posts the applicant/career candidate can be medically cleared **for** positions **within** the candidate/employee's backstop.
- 4) Would waiving the medical clearance requirement put the health, safety, and/or wellbeing of the candidate/employee, or other employees at post, at risk?

### b. Composition of the MRC

The MRC is composed of four USAID U.S. direct hire employees, including: (1) the Director or Deputy Director of HCTM FSC; (2) the Agency's Reasonable Accommodation Program Manager, (3) the Backstop Coordinator (BSC) or a senior-level FSO with expertise in the applicant or career candidate's backstop, and (4) a representative from the Office of General Counsel/Ethics and Administration Division (in an advisory capacity).

### c. Role of State/MED in the MRC

USAID will request State/MED to provide a medical officer to serve as a consultant and technical advisor to the MRC in its review of the information provided by State/MED. Upon receipt of the applicant/career candidate's authorization, State/MED will provide the USAID MRC the applicant/career candidate's medical file to include:

- 1) The specific reason for the denial of the worldwide available medical clearance;
- 2) The approximate percentage of all USAID posts overseas where this candidate/employee would be eligible for assignment if the worldwide availability requirement were to be waived; and
- 3) The likelihood that the medical condition(s) for which the worldwide availability was not granted is temporary or permanent in nature, and if temporary, information about when the candidate may be able to obtain a medical clearance at USAID's standard.

d. Documents Reviewed by the MRC

The MRC reviews the following documents:

- 1) Applicant/career candidate's written waiver request and any documents the applicant/career candidate provides for consideration;
- 2) Records provided by State/MED and/or OCR based on the applicant/career candidate's authorization for the MRC to review and discuss their circumstances for consideration of a waiver. The MRC may discuss with a representative from State/MED the reason(s) the applicant/employee failed to meet medical standards and discuss with a physician in the [Office of Federal Occupational Health, Department of Health and Human Services](#) or a medical professional hired by USAID, the outcome of their consideration of any potential reasonable accommodations that would effectively mitigate the medical concerns that precipitated the adverse clearance decision;
- 3) For applicants, the application and selection package; and for career candidate tenure employees, an abbreviated record of the employee's Electronic Official Personnel Folder (E-OPF) provided by HCTM/FSC/Foreign Service Staffing (FSS).

e. Timing of MRC Actions

The MRC convenes within 15 business days of receipt of the applicant or career candidate's waiver request. The MRC must provide a recommendation to the CHCO, or designee, as soon as practicable.

Waiver decisions made by the CHCO, or designee, are final and are not subject to further Agency appeal by the applicant or career candidate. An applicant or

employee who believes **they have** been discriminated against should contact OCR within 45 calendar days. For more information, see [ADS Chapter 110](#).

## **B. Medical Clearance Waiver Process for Overseas Assignments for Career Foreign Service Officers and for Non-Career Foreign Service Limited Appointments**

This guidance is applicable to any USAID career employee or applicant for a non-career FSL appointment seeking post-specific medical approval for an overseas assignment.

### **1. Overseas Assignments for Career and Career Candidate Members of the FS and Senior FS**

#### **a. Bidding with a Limited Medical Clearance**

Per [16 FAM 217](#), FSOs must adhere to the following when preparing to bid for an onward assignment:

- 1) The employee and their eligible family members should renew their medical clearances prior to bidding on their next assignment. They may begin the medical clearance process up to 12 months before the departure from their current assignment.
- 2) If the employee or an eligible family member has a post-specific **medical clearance**, the employee **should seek** State/MED **review and determination of ability to be cleared** for each post on the bid list; **an employee must have received clearance before being issued an assignment cable.**
- 3) Per [ADS 436 \(FS Assignments\)](#), **bidders may utilize the employee remarks section of the bidding form to identify personal/family circumstances that they would like to have considered in the decision-making process. Bidders should not comment on any personal medical issues, but they may state the status of their medical clearance. Only HCTM/FSC personnel can see the comments entered and use the comments to assist in making assignment decisions, when appropriate. All bids listed on the form including required bids, as defined in the bidding instructions, are considered acceptable assignments for that employee and their circumstances. Employees are urged to carefully select positions they are able to perform, taking into consideration personal, family, medical, and educational requirements before including a position on their bidding form.**
- 4) The employee must ensure **they** and all eligible family members have received a medical clearance **for the post of assignment from** State/MED before traveling to post, **or a USAID-approved waiver for the employee, if applicable.**
- 5) The employee must notify State/MED of any significant change in the employee's or eligible family member's medical condition at any time. Such changes include, but are not limited to, a hospitalization or urgent outpatient treatment; a change of or initiation of regularly taken medications; or the need for regular, frequent follow-up.

b. Request for Waiver of Medical Clearance **Standard** for a **Specific** Assignment

When a **FS** career or career candidate member is initially denied the (post-specific) clearance for an overseas assignment, the member is encouraged to appeal the determination to State/MED pursuant to **16 FAM 215**. If this appeal is denied, the member may request a reasonable accommodation per **ADS 111**. Through the **Reasonable Accommodation Program**, OCR can work with the member, their medical professionals, and Mission staff to identify and implement specific reasonable accommodations for individuals with a disability that will enable employees to perform the essential functions of their job and enjoy equal benefits and privileges of employment while at post (see **ADS Chapter 111, Procedures for Providing Reasonable Accommodation** for more information). All reasonable accommodation inquiries should be addressed to **reasonableaccommodations@usaid.gov**.

If a reasonable accommodation cannot be made available, the individual may seek an administrative waiver of the medical clearance standard from the CHCO to proceed to the post of assignment without the requisite medical clearance from State/MED.

2. Request for Waiver of Medical Clearance for Non-Career FSL Appointments for Overseas Assignments

Non-career FSL employees require a **post-specific** medical clearance or administrative waiver prior to receiving an FSL appointment for a position located overseas. Domestic non-career FSL positions do not require medical clearance.

When an applicant or employee seeking an overseas non-career FSL assignment or appointment is initially denied the required **post-specific** medical clearance, the applicant or employee is encouraged to appeal the determination to State/MED pursuant to **16 FAM 215**. If this appeal is denied, the applicant or employee may request a reasonable accommodation per **ADS 111**. If a reasonable accommodation cannot be made available, the individual may seek an administrative waiver of the clearance standard from the CHCO. Pursuant to **16 FAM 215**, the CHCO, or designee, will review the case and determine whether the applicant or employee should be appointed into the non-career FSL position overseas.

3. Process to Request a Waiver for **Post-Specific** Overseas Assignments and FSL Appointments

a. **Applicant or** Employee Request for Administrative Waiver

State/MED will notify the applicant or employee of the result of the medical clearance appeal pursuant to **16 FAM 215**. Within **five business** days of receiving notice from State/MED that the applicant or employee did not receive a medical clearance for the post of assignment, the applicant or employee may request a



reasonable accommodation per [ADS 111](#). If no reasonable accommodation can be made, the applicant or employee may request an administrative waiver in writing from the CHCO within five business days of receiving notice from OCR. The waiver request must include the following information:

- 1) The name and current USAID employment type (if any) of the employee/applicant requesting the waiver;
- 2) The type of appointment or assignment the applicant/employee is requesting;
- 3) The requested post of assignment;
- 4) A statement that the employee is seeking a waiver from the CHCO to be appointed or assigned to an overseas post despite the post-specific medical clearance decision of State/MED and the inability of USAID to offer a reasonable accommodation to meet the clearance standard;
- 5) The reasons the employee believes the CHCO should grant the waiver despite the post-specific medical clearance decision of State/MED, including, if applicable, any special skills the employee/applicant has that will fill a particular and urgent Mission need;
- 6) A statement from the applicant/employee indicating they are voluntarily requesting and understand they are in no way required to seek a waiver of the medical clearance standard for the appointment or assignment;
- 7) A statement from the applicant/employee indicating they understand they are requesting to be assigned or appointed to a post whereby State/MED has determined the post does not have the medical resources to care for the employee/applicant's medical needs; and
- 8) Any mitigating measures the applicant/employee plans to take to meet their medical needs while at post if the waiver is granted.

The applicant or employee must also submit to HCTM/FSC a completed [Authorization for Release of Medical Information Form](#) and a [Federal Occupational Health Form](#) with each request for waiver, within five business days of notification the applicant or employee has been denied a post specific clearance and that OCR has not identified a reasonable accommodation. Submissions must be made to [hr-helpdesk@usaid.gov](mailto:hr-helpdesk@usaid.gov) with the subject line: "Request for Medical Clearance Waiver Foreign Service Assignment to X/Foreign Service Limited Appointment to X: Last Name, First Name."

**b. USAID Medical Clearance Waiver Review Committee (MRC) Consideration**

HCTM's SDAA appoints an MRC to review requests for medical waivers for post-specific appointments and assignments.

## 1) Composition of the MRC

The MRC is composed of four USAID U.S. direct hire employees including: (1) Director or Deputy Director of HCTM's Foreign Service Center, (2) the Agency's Reasonable Accommodation Program Manager, (3) the Backstop Coordinator (BC) or a senior level FSO with expertise in the applicant or career candidate's backstop, and (4) a representative from the Office of General Counsel's Ethics and Administration Division (in an advisory capacity).

## 2) Role of State/MED in the MRC

USAID will request State/MED to provide a medical officer to serve as a consultant and technical advisor to the MRC **in its review of the information provided by State/MED**. Upon receipt of the authorization (item 5 in section 3.a above), State/MED will provide to the MRC the applicant/employee's medical file, to include:

- a. The specific reason for the denial of a **post-specific** medical clearance for the proposed assignment or appointment location;
- b. The likelihood that the medical condition(s) for which the **post-specific** medical clearance for the proposed assignment or appointment location was not granted is temporary, and if temporary, information about when the candidate may be able to obtain the **medical clearance** for this assignment or appointment location; and
- c. **The results of the consideration of** any reasonable accommodations that could be provided to the applicant or employee to enable them to obtain medical clearance for this assignment or appointment location.

## 3) Documents Reviewed by the MRC

The appropriate Human Resources Specialist in HCTM/FSC/FSS provides the following information to the MRC:

1. For an applicant - Full application for employment and selection memorandum. For a current employee - An abbreviated record of the employee's Electronic Official Personnel Folder (E-OPF).
2. **Records provided by State/MED and/or OCR based on applicant/employee's authorization for the MRC to review and discuss their circumstances for consideration of a waiver. The MRC may discuss with a representative from State/MED the reason(s) the applicant/employee failed to meet medical standards, and discuss with a physician in the Office of Federal Occupational Health, Department of Health and Human Services or a medical professional hired by USAID, the outcome of their consideration of any potential reasonable accommodations that would have effectively**

mitigated the medical concerns that precipitated the adverse clearance decision.

#### 4) Timing of MRC Actions

The MRC will be formed within 15 business days of the individual's waiver request, as described in 3.A. above. The MRC will provide a recommendation to the CHCO, or a designee, as soon as practicable.

#### 5) Waiver Standard for Specific Assignments

A waiver of the medical clearance standards will only be granted if it is found to be in the best interest of USAID. In considering whether or not to recommend a waiver, the MRC must consider the factors outlined below including, but not limited to, the following:

1. What is the nature of the specific position for which the candidate has been selected?
2. Is this position in a backstop for which the Agency has severe shortages?
3. Does the position require a unique skill set not readily available in the Agency's workforce?
4. Would waiving the medical clearance requirement put the health, safety, and/or well-being of the employee, or other employees at post, at risk?

### VI. Authority for Final Decisions

Waiver decisions made by the CHCO, or designee, are final and are not subject to further appeal by the applicant or employee. An applicant or employee who believes they have been discriminated against should contact OCR within 45 calendar days. For more information see [ADS Chapter 110](#).

### VII. Definitions

#### **Medical Review Committee (MRC)**

An advisory committee appointed by the HCTM SDAA to provide recommendations on whether or not to grant a waiver of the medical clearance requirements for initial appointment in the FS, tenure in the FS, or overseas assignments for career, career candidate or non-career FSOs.

#### **Reasonable Accommodation**

Any change in the work environment or application process that enables a person with a disability to enjoy equal employment opportunities. There are four general categories of reasonable accommodations:

1. Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille and providing a sign language interpreter);
2. Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters; making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and reassignment to a vacant position);
3. Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as (1) training; (2) services (e.g., employee assistance programs (EAP's), credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation); and (3) parties or other social functions (e.g., parties to celebrate retirements and birthdays, and Agency outings); **and**
4. Modifications or adjustments for qualified individuals with known limitations related to pregnancy, childbirth, or related medical conditions even if the individual is not experiencing a pregnancy related disability.

**Waiver**

A document whose signature approves an exception to established policy.

414mab\_021424