



Tenure Policy and Process for Foreign Service Career Candidates

A Mandatory Reference for ADS Chapter 414

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TENURE POLICY AND PROCESS FOR FOREIGN SERVICE CAREER CANDIDATES

1. Overview

This mandatory reference provides the policy and procedures for Foreign Service (FS) career candidates to be evaluated against standardized criteria to determine whether they are qualified for career service. To be tenured as a career FS Officer (FSO), a candidate must possess demonstrated potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01. This reference applies to employees at the **class level of** FS-01 or below serving under a limited appointment as a career candidate for a trial period in accordance with [Section 306 of the Foreign Service Act of 1980, as amended](#).

[ADS 414mac, Precepts for USAID's Foreign Service Tenure Board](#) further describes the Tenure Board's operations and the basis for its decisions.

2. Primary Responsibilities

a. The **Senior Deputy Assistant Administrator (Foreign Service) in the Office of Human Capital and Talent Management (SDAA/HCTM)** **is responsible for:**

- 1) Appointing members to the Tenure Board;
- 2) Extending a career candidate's five-year limited appointment in accordance with the restrictions in this reference (see Section 3.4.1 below);
- 3) Reviewing the Tenure Board recommendations and records for compliance with procedures and the [Precepts for USAID's Foreign Service Tenure Board](#);
- 4) Acting on the Tenure Board's findings and recommendations; and
- 5) Making final decisions, including breaking ties when needed, on the tenuring of individual candidates, considering the Tenure Board's findings and recommendations and other information in the candidate's Tenure Board File (TBF).

b. The **Office of Human Capital and Talent Management (HCTM)** staff assigned to support a Tenure Board are responsible for:

- 1) **Identifying** the members of and **convening** the Tenure Board up to twice a year or on an ad hoc basis (when needed);
- 2) **Providing** administrative support and guidance to Tenure Boards;
- 3) **Uploading** performance-related information to the employee's

electronic Official Personnel Folder (eOPF);

- 4) **Assembling** the Tenure Board File (TBF) of candidates subject to review;
- 5) **Providing** guidance on submission of the Tenure Evaluation Form (TEF, [AID 414-1](#)); and
- 6) **Issuing** Agency Notices announcing the Tenure Board's schedule and granting of tenure to career candidates.

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

- 1) **Collaborating** with USAID Missions and USAID/Washington (USAID/W) Bureaus and Independent Offices (B/IOs) to help ensure that career candidates gain skills and experience in the backstops in which they were hired;
- 2) **Determining** career candidates' eligibility for tenure review;
- 3) **Advising** USAID Missions, USAID/W B/IOs, and HCTM, Center for Performance Excellence (CPE) of the names of career candidates to be reviewed by an upcoming Tenure Board;
- 4) **Recommending** members for and directing assignments to the FS Tenure Boards when appropriate;
- 5) **Transmitting** counseling letters to career candidates whose tenure decisions are deferred to a subsequent Tenure Board; and
- 6) **Coordinating the career candidate's separation from the Agency when tenure is not granted or deferred and a career candidate is to be separated.**

d. The Tenure Evaluation Form writer (the Principal Officer [PO] of the Mission or B/IO to which the candidate is assigned) is responsible for completing and submitting the TEF. The TEF writer must obtain significant input from:

- The candidate's rating official (normally the supervisor);
- Previous supervisors and prior Mission Director/Deputy Mission Directors; and/or
- USAID/W Bureau's FS Deputy Assistant Administrator (DAA) or IO's career FS Director/Deputy Directors for feedback about the employee's performance in previous assignments. The TEF writer

must also obtain input from Backstop Coordinators. The TEF writer must complete those sections of the AID 414-1 form applicable to the candidate's first and second reviews by a Tenure Board.

- e. The **Career Candidates** are responsible for ensuring that their eOPFs are up to date and for signing the TEF to acknowledge receipt. A career candidate who is deferred for tenure and who transfers to a new position is responsible for sharing the counseling letter with their new supervisor and the TEF evaluator who writes the subsequent TEF.

3. Tenure Policy

The Agency's decision on whether to offer tenure to FS career candidates is based on the Tenure Board's recommendations and SDAA/HCTM approval. The SDAA/HCTM makes the ultimate decision about when a particular candidate will be tenured. Each candidate must demonstrate that they have the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01. The candidate must also have met all eligibility requirements by the date specified (see 3.1, below) and have demonstrated satisfactory performance in the positions to which they were assigned.

Since FS career candidates are recruited and appointed in response to defined staffing needs, the Agency requires that they be tenured in the backstop for which they were hired, unless changed by the Agency via approval of assignment to a new backstop (see [ADS Chapter 459, USAID's Foreign Service Career Candidate Program](#)). Candidates are evaluated against the core skill areas critical to successful performance in USAID's Foreign Service. The core skill areas and associated sub-skills are described in the [Foreign Service/Senior Foreign Service \(FS/SFS\) Skills Framework](#), which establishes the skill standards for all grade levels at which FS career candidates are expected to perform. Candidates are evaluated individually rather than comparatively (*i.e.*, the candidates are not rank-ordered with others of their class as they are when being considered for promotion by the Promotion Boards). The Agency does not place a limit on the number of positive tenure recommendations that each Tenure Board can make.

The standards for tenure and the criteria are explained further in section 3.3.3 below and in the [Precepts for USAID's Foreign Service Tenure Board](#), which HCTM provides to guide the Tenure Board.

3.1. Eligibility Requirements for Tenure Review

HCTM/FSC tracks employees' progress in meeting the tenure requirements and determines employee eligibility for consideration by an upcoming Tenure Board. The following are the eligibility requirements for each category of FS career candidate.

3.1.1. FS Employees Hired Competitively as Career Candidates

Each of the following requirements must be satisfied by March 31 for a Summer Tenure Board or by September 30 for a Winter Tenure Board:

- 1) Attained class FS-04.
- 2) Completed 36 months of continuous USAID service as a FS career candidate in the backstop for which they were hired (unless changed by the Agency via approval of assignment to a new backstop; if changed, 36 continuous months across backstops). Periods of Leave Without Pay (LWOP) due to [Family and Medical Leave Act \(FMLA\)](#) or reasonable accommodation (see [ADS 111](#)) do not disrupt continuous service, but other periods of LWOP or Absence Without Leave disrupt continuous service. Note: The time served under an FS appointment for Civil Service employees in the Civil Service-to-Foreign Service Appointment Program (see [ADS 415](#)) counts toward the total service time if there was no break in service.
- 3) Served a minimum of 18 months overseas [on assignment](#) as a career candidate. (Overseas temporary duty assignments (TDYs) of six or more consecutive months can be counted toward the 18-month requirement if the work performed is directly related to the employee's backstop). [Time in the United States on authorized or ordered departure, as well as time away from post for approved sick leave, FMLA leave, home leave, and temporary duty work also counts toward meeting the overseas service requirement when the employee's duty station is overseas.](#)

Each of the following requirements must be satisfied at least 15 business days prior to the date the Tenure Board convenes:

- Current [clearance of the USAID Medical Clearance Standard](#) or waiver of the clearance standard granted by the [Chief Human Capital Officer/HCTM \(CHCO/HCTM\)](#) (see [ADS 414mab, Waiver Process for Medical Clearance Requirements for Initial Appointments, Tenure Review, and Overseas Assignments in the Foreign Service](#));
- Achieved the required [foreign language proficiency](#) through testing by the [Foreign Service Institute \(FSI\)](#) or another USAID contracted company as demonstrated by valid test scores posted to the employee's personnel records upon or following entry into the Agency (see [ADS 438maa, USAID Tenuring Languages](#));
- Obtained and maintained an active Top Secret security clearance as verified by the Office of Security (SEC);
- [Not under investigation, engaged in a proceeding to revoke an employee's security clearance or a criminal proceeding, or the subject of disciplinary action involving loyalty, security, misconduct, or malfeasance;](#)

- No failed performance improvement plans during their time as a career candidate (unless the SDAA/HCTM decided to retain a candidate due to extenuating circumstances pursuant to [ADS Chapter 450, Termination of Time-Limited Appointments - Foreign Service \(FS\)](#), in which case they will be reviewed if all other requirements are met); and
- Obtained recertification of availability for worldwide assignment and service (see [ADS Chapter 414, Foreign Service \(FS\) Appointments](#)).

If a career candidate is on a performance plan when the Tenure Evaluation Form (TEF) is due, they will not be considered by the upcoming Tenure Board. If the candidate subsequently satisfactorily completes the plan, they will be reviewed by the next scheduled Tenure Board. The five-year limit for career candidate appointments described in [ADS Chapter 414](#) will not be extended due to a candidate being placed on a performance plan.

3.1.2. Civil Service (CS) Employees Appointed Temporarily as FS Limited (FSL) Employees and Candidates

The requirements listed below apply to CS employees appointed under the CS-to-FS Appointment Program (ADS Chapter 415) and to FS career candidates who were appointed competitively under FSL authority with an announced provision of eligibility for conversion to career candidate status.

Each of the following requirements must be satisfied no later than March 31 for a Summer Tenure Board or by September 30 for a Winter Tenure Board (when these Boards are regularly scheduled):

- 1) Attained class FS-04 or higher;
- 2) general goals for first tour officers in learning how a mission works, how the mission relates to the department of state and the interagency at post, learning the ICASS system (who does what at the embassy), the roles and responsibilities of the other USAID offices, funds violations, etc.

Candidates must satisfy the same additional requirements for medical clearance, top secret security clearance, foreign language proficiency, no failed PIPs or unresolved OIG investigations (or negative determinations), and certification of worldwide availability listed for Foreign Service career candidates above at least 15 business days prior to the date the Tenure Board convenes.

3.2. Timing of Tenure Board Review

FS employees in USAID's Career Candidate Program are automatically reviewed by the next scheduled Tenure Board after HCTM/FSC certifies their eligibility.

In certain unusual circumstances when there are compelling reasons, such as unavoidable absence of an evaluation report, recent assumption of new duties, extended

leave during the TEF period, or other conditions that would make the Tenure Board's review at the scheduled time inequitable, an employee, the employee's supervisor, or the employee's Mission Director or Bureau/IO Head can request that the employee's tenure review be delayed until the next scheduled Tenure Board meeting. In these cases, the requestor must submit a memo to the HCTM/FSC Director explaining the reasons for the request at least 60 calendar days prior to the scheduled Tenure Board meeting. A delayed tenure review can take place only with the HCTM/FSC Director's approval. Tenure reviews will not be delayed for candidates whose five-year limited appointments will expire before the next scheduled Tenure Board meeting.

3.3. Tenure Boards

Tenure Boards review whether the TBF of FS career candidates meet eligibility requirements to make determinations on the granting of tenure.

3.3.1 Establishing USAID Tenure Boards

HCTM convenes and guides the Tenure Board in its technical actions and procedures. The Board addresses all questions regarding its work to HCTM staff.

a. Tenure Board Membership

The **SDAA/HCTM** appoints members to the Tenure Board.

Each Tenure Board generally consists of five members and is chaired by a member of the Senior Foreign Service (SFS). The other Tenure Board members may be SFS officers or career FSOs at FS-01 and FS-02 **class levels**. Two members may be USAID FSO retirees (**career officers who retired after achieving tenure and are now receiving a FS pension**) currently employed under an FSL appointment or a Civil Service short-term appointment (STAR). The Agency strives to ensure diverse representation on the Tenure Board in terms of backstops, background, and experience, as well as race, ethnicity, national origin, sex, and disability.

Assignments to a Tenure Board are expected to last at least two years, unless a Board member's service is exempted so that the employee can fill a critical staffing need overseas **or due to another reason that promotes the efficiency of the service**.

b. Tenure Board Schedule

USAID convenes a Tenure Board at least once annually and more often, **if** needed. HCTM **sends** an Agency Notice advising **career candidates** when a Tenure Board is scheduled, and when the TEFs for the upcoming board are due to HCTM. Once the Tenure Board's recommendations and counseling letters are completed and issued, **and the SDAA/HCTM has made final decisions on tenure**, HCTM **issues** a General Notice announcing the names of the officers granted tenure, generally within 60 days of the conclusion of the Board.

3.3.2 Information Reviewed by the Tenure Board

The Tenure Board reviews the [ADS 414mac, Precepts for USAID's Foreign Service Tenure Board](#) and all other information provided by HCTM, including the career candidate's TBF, to determine the candidate's fitness and aptitude for the work of USAID's FS.

The information in the TBF includes:

- a. All prior FS Annual Performance Evaluations (APE) or, for rating cycles through 2018, Annual Evaluation Forms (AEFs);
- b. All prior Annual Accomplishment Records (AARs) and associated Operating Unit Context Statements (OUCS);
- c. Most recent Promotion Input Form (PIF), **when applicable**;
- d. Multisource Ratings (MSRs), beginning in the 2019-2020 rating period, to date;
- e. TEF for the current tenure evaluation period ([AID Form 414-1](#));
- f. Prior TEF, if a career candidate has been deferred by a previous Tenure Board;
- g. Any previous Tenure Board counseling letters for candidates who were deferred;
- h. Official certificates and awards;
- i. Reprimands or notification of other disciplinary actions, such as suspensions, **as outlined in 3 FAM 4300**;
- j. Curtailments at the request or direction of a Mission Director, Ambassador, or Regional Security Officer;
- k. **Position History**; and
- l. Training transcript.

In addition to the information in the TBF, HCTM provides the Tenure Board with a copy of each FS Promotion Board's **high-, mid- and low-ranked lists** for the prior three years (see [ADS Chapter 463, Foreign Service and Senior Foreign Service Promotion Eligibility Requirements and Procedures](#)).

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), which provides that persons called to military service are entitled to "the additional seniority and rights and benefits that such a person would have attained if the

person had remained continuously employed,” the Tenure Board **considers** military evaluation reports and awards nominations a career candidate provides in connection with the period of time during which they were on active military duty.

Employees are strongly encouraged to check their e-OPF to ensure that all performance-related documentation is up-to-date. **Employees** must submit any missing documentation to HCTM at least 30 calendar days prior to the Tenure Board meeting.

3.3.3 Responsibility for Information Provided to the Tenure Board

The career candidate’s tenure board file (TBF) is the official file used in evaluating career candidates for tenure.

HCTM issues an Agency Notice to notify senior managers of the dates and requirements for preparing TEFs. The guidance reminds TEF writers to explicitly address all FS skill areas (as defined by the [FS/SFS Skills Framework](#)) with as much specificity as possible so that their tenure recommendation is fully supported and clear to the Tenure Board.

The TEF is the TEF writer’s (Principal Officer) evaluation of the career candidate’s potential to serve effectively as a career FSO up to and including the FS 01 level, and documents that the candidate has demonstrated the FS core skills, backstop competencies, and conduct sufficient to meet standards that would enable success across a full FS career.

The following requirements apply to preparing the TEF:

- For career candidates assigned overseas, the Mission Director/Deputy Mission Director who most recently worked with the candidate for a period exceeding 120 days is responsible for completing the TEF with significant input from the candidate’s rating official (normally the supervisor). The TEF writer should reach out to previous supervisors and Mission Director/Deputy Mission Directors, and/or USAID/W Bureau’s FS Deputy Assistant Administrator (DAA) or IO’s career FS Director/Deputy Directors for feedback about the employee’s performance in previous assignments. **Given the different purposes for which a TEF is written, skill narratives prepared by employees for the Promotion Input Form are not appropriate for use in the TEF.**
- For career candidates assigned to USAID/W, the Bureau’s FS DAA or equivalent, or IO career FS Director/Deputy Director who most recently worked with the candidate for a period exceeding 120 days is responsible for preparing the TEF with significant input from the candidate’s rating official **(or officials, if the candidate’s supervisor changes during the period being assessed)**. The TEF writer should reach out to previous supervisors and Mission Directors/Deputy Mission Directors or USAID/W Bureau’s DAA or IO’s Director/Deputy Directors for feedback about the employee’s performance in previous assignments.
- The TEF writer should also contact the employee’s FS Backstop Coordinator

for written feedback on the candidate's performance and aptitude for career service.

- Responsible officials should use all appropriate sources of information in preparing the TEF, including APEs, AARs, AEFs, PIFs, PIPs, counseling letters, skills assessments, and 360-degree feedback. If a TEF writer, who is also the employee's rating official, has not served in that capacity for the entire TEF period, they must obtain these documents from the employee's prior rating official(s). **This narrative should cover the period under review (since hiring for initial tenure review, or the specified deferral period for a second review).**
- The TEF's narrative section must explain, using specific and appropriate examples, how and whether the candidate meets or does not meet the requirements of the [FS/SFS Skills Framework](#), and whether, in the writer's judgment, the candidate demonstrates the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01. Responsible officials who make a recommendation on the TEF to deny tenure must support their recommendation with specific examples from their observation of the candidate and/or specific statements and examples from a supervisor's assessment (when the TEF rating official is not the supervisor), a PIF, or, if applicable, performance counseling letter or PIP.

In preparing a second TEF for a career candidate who has been deferred, the TEF writer **must** also discuss whether, and if so, how, the employee has addressed and made efforts to overcome any deficiencies previously identified.

- The TEF's mandatory "Areas for Growth" section must include skill areas that the career candidate needs to address to build a successful career but **cannot** be construed as the place to list deficiencies not reflected in the narrative. This section 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. TEF writers should consider that no candidate can be expected to have displayed abilities in all of the principal skills and subskills of the [FS/SFS Skills Framework](#). The TEF writer **cannot** make a negative recommendation on the basis of skills that the candidate has had no practical opportunity to demonstrate.
- The TEF writer submits the completed TEF to the Mission Executive Office or B/IO Administrative Management Services staff for transmittal to HCTM so that the Tenure Board can review eligible career candidates.
- **If a candidate was deferred, the TEF writer must complete Section 7 of the TEF form to document how the factors identified in the Tenure Board's Counseling Memo have been addressed.**

3.3.4 Tenure Board Recommendations and Actions

In making its recommendations to the SDAA/HCTM, the Tenure Board considers candidates solely on the merits of each employee's file. The Tenure Board must not disadvantage any candidate for reasons of race, color, religion, gender, age, national origin, sexual orientation, gender identification, marital status, plans or method of entry into the FS, initiation or participation in grievance or discrimination complaint procedures, membership in or activity on behalf of an employee organization, or political affiliation.

All Tenure Board members review and consider all information in each career candidate's TBF (see section 3.3.2 above) before making a tenure recommendation. All decisions require a majority vote. All Tenure Board members are required to vote either tenure, defer, or deny, unless they are officially recused. In cases when there is a tie, or majority vote is not obtainable, the Tenure Board must present its voting results to the SDAA/HCTM who makes the final decision.

a. Candidate's Initial Review

The Tenure Board makes one of three recommendations to the SDAA/HCTM for each employee eligible for tenure at first review:

- 1) **Recommends tenure** – The candidate has the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01.
- 2) **Recommends deferral of tenure for a period of up to 12 months** There are skill deficiencies or insufficient information/evidence to determine whether or not the career candidate has the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01.
- 3) **Recommends tenure not be granted** – The career candidate does not have the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01.

b. Candidate's Second Review

When reviewing candidates who are up for their second review (*i.e.*, who were deferred the first time), the Tenure Board makes one of the following recommendations:

- 1) **Recommends tenure** – The candidate has the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01.

- 2) **Recommends tenure not be granted** – The career candidate does not have the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01.

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

c. Tenure Board Documentation

Following completion of its deliberations, the Tenure Board prepares the following:

- A Board report for the SDAA/HCTM containing the Board's recommendations and explanation of the reasoning behind the recommendations. The report must have a cover letter signed by the Board Chair.
- Counseling and denial of tenure letters for all employees not granted tenure. Counseling letters for deferred candidates must contain an explanation of the Board's recommendation and guidance to the employee on the specific areas in which they must improve to subsequently qualify for favorable tenure consideration. The Tenure Board may recommend retraining. The separation letters provided to the SDAA/HCTM must contain a detailed explanation of the basis for the recommendation that the candidate does not have the potential, assuming normal growth and career development, to serve effectively as a career FSO over a normal career span that extends to and includes class FS-01. Section 3.4.a below contains further information about the contents of counseling letters. Although the substance of a tenure board decision cannot be grieved, other issues may be grievable, pursuant to 3 FAM 4400.

3.4 SDAA/HCTM Actions Following Tenure Board Decisions

The SDAA/HCTM may accept the Board's recommendations, not accept the Board's recommendations, or request additional information if questions arise on how the Tenure Board made its determinations. The SDAA/HCTM makes final decisions to grant tenure, defer tenure, or deny tenure.

The SDAA/HCTM then takes action as follows:

a. Career Candidates Recommended for Tenure

Upon acceptance of the Tenure Board's recommendations to approve tenure, the SDAA/HCTM initiates actions to affect the candidates' appointments as career FSOs.

Generally, since all requirements must be met in advance of the Tenure Board meeting, there will be no outstanding issues that would prevent conversion to career status. The SDAA/HCTM may defer implementing the tenure decision based on Agency need to resolve investigations, disciplinary actions, or performance-based actions that arose after the Tenure Board review. Such a deferral does not result in extending the candidate's limited appointment unless it is determined that continued service is appropriate to remedy a matter that would be cognizable as a grievance under Chapter 11 of the [Foreign Service Act of 1980, as amended](#). In that case, extension of the appointment may be authorized, using [section 309\(b\)\(3\) of the Act](#).

If, after a deferral, the SDAA/HCTM concludes that the Agency's original need for the deferral has been resolved and that no further action will be taken, the career candidate is appointed as a career FSO, if all other eligibility requirements continue to be met and the employee is not subject to termination for another reason. The date of the career appointment will be retroactive to the date that others on the tenure list received their appointments. If, based on the Agency's need for the deferral, the employee is subject to termination, the SDAA/HCTM ends the employee's limited appointment and separates them from the FS (see [ADS Chapter 450, Termination of Time-Limited Appointments - Foreign Service \(FS\)](#)).

If the SDAA/HCTM rejects the Tenure Board's recommendation to grant tenure, the SDAA/HCTM may defer tenure (see policy for deferral below).

b. Career Candidates Recommended for Deferral of Tenure

The SDAA/HCTM may accept or reject the Tenure Board's recommendation to defer a candidate, including if there are extenuating circumstances not presented to the Tenure Board. If the SDAA disapproves the Tenure Board's recommendation and decides to grant tenure, the procedures outlined in section 3.4.a. above are followed.

Deferred career candidates are reviewed by a future Tenure Board, generally up to one year later to allow the candidate enough time to further develop skills or resolve any issues noted by the Board, assuming the employee meets the requirements for tenure outlined in Section 3.1. In some cases, if the employee is close to the five-year appointment limit, the SDAA/HCTM may decide that a deferred candidate be reviewed sooner than one year.

A career candidate may not receive more than two reviews for tenure by a Tenure Board, except in accordance with an order from the FS Grievance Board or other authorized judicial body.

The SDAA/HCTM transmits counseling letters prepared by the Tenure Board for deferred candidates to the FSC for distribution. The FSC provides letters to the candidates with copies to their rating officials and their principal officer (Mission Director or B/IO head). The counseling letter includes the Board's rationale for recommending deferring a tenure decision, and, if different than the Board's, the rationale for the SDAA/HCTM's decision to defer tenure. The SDAA/HCTM must also notify the candidate when they will be reviewed again. A career candidate who is deferred for tenure and who transfers to a new position is responsible for sharing the counseling

letter with their new supervisor and the TEF evaluator who writes the subsequent TEF.

Counseling letters issued by the Tenure Board for deferrals must:

- Describe the additional information needed by the Tenure Board to demonstrate the career candidates' qualifications and/or give examples of specific skill areas where performance needs to be demonstrated or improved, and the expected changes in behavior and/or performance that must occur for the employee to qualify for a favorable tenure recommendation;
- Determine a reasonable deferral period (generally up to one year as stated above) and clearly indicate the dates of that period in the letter;
- Suggest ways in which the career candidate and their current rating official should work together, and if necessary, along with Mission or B/IO senior management, to help the candidate meet the requirements for tenure during the deferral period.

During the deferral period, the career candidate is eligible to transfer to another assignment, as long as the assignment gives the employee at least 120 days in the new assignment to receive another TEF, per [ADS Chapter 414, Foreign Service \(FS\) Appointments](#).

c. Career Candidates Not Recommended for Tenure

If the [SDAA/HCTM](#) accepts the Tenure Board's negative recommendation on a candidate, the employee will not be granted tenure and will be separated from the FS. The HCTM/FSC Director coordinates with the employee and their respective B/IO or Mission and establishes the effective date of separation, which should be no later than 60 calendar days of the Tenure Board's determination.

If the employee is subject to termination, the [SDAA/HCTM](#) ends the employee's limited appointment and HCTM separates them from the FS (see [ADS Chapter 450, Termination of Time-Limited Appointments - Foreign Service \(FS\)](#)). HCTM's Employee and Labor Relations Office sends a separation letter to the employee.

Employees granted CS reemployment rights, under section [310 of the Foreign Service Act of 1980, as amended](#), may elect to exercise those rights within 30 days after separation from the FS (see [ADS Chapter 412, Reemployment Rights](#)).

Other employees who are involuntarily separated are eligible to participate in the [Department of State's Career Transition Programs](#) for which USAID funding is available.

If the [SDAA/HCTM](#) does not accept the Tenure Board's recommendation to deny tenure, the [SDAA/HCTM](#) may defer (for a first time review) or grant tenure. The [SDAA/HCTM's](#) decisions are final.

Next Steps

Employees approved for tenure are offered career appointments in the Foreign Service. A future Tenure Board reviews deferred career candidates, generally up to one year later, to allow the candidate enough time to further develop skills or resolve any issues noted by the Board, assuming the employee meets the requirements for tenure outlined in Section 3.1. In some cases, if the employee is close to the five-year appointment limit, the SDAA/HCTM may decide that the Tenure Board may recommend a deferred candidate be reviewed sooner than one year.

Per [Section 1101\(b\) \(2\) of the Foreign Service Act of 1980, as amended](#), an employee generally may not grieve a Tenure Board decision. Candidates not recommended for tenure are eligible to participate in the [Department of State's Career Transition Program](#).

3.4.1. Extension of Five-Year Limited Appointment

If a career candidate's five-year limited appointment expires before the Tenure Board's review and recommendation, the SDAA/HCTM can authorize an extension of the candidate's appointment only in the following limited circumstance:

- In accordance with [Chapter 3, Section 309\(b\)\(3\), of the Foreign Service Act of 1980, as amended](#), when the SDAA/HCTM determines, in consultation with the Office of the General Counsel's Ethics and Administration Division (GC/EA), that an extension of a five-year limited appointment is appropriate to remedy a matter that would be cognizable as a grievance under Chapter 11 of the Act. Any such extension must be limited to the time needed for the next Tenure Board to complete its review of the candidate and make a recommendation regarding tenure.

Note: Since career candidates are on a five-year limited appointment that statutorily cannot be extended except in very limited circumstances, requests for extended periods of LWOP outside of Family Medical Leave Act leave (FMLA) or Reasonable Accommodation pursuant to the Rehabilitation Act are not recommended prior to tenure. Supervisors may approve requests for LWOP of 80 hours or less in a leave year. The HCTM/FSC Director may approve requests for additional LWOP in accordance with the policies in [ADS Chapter 480, Leave, 3 FAM 3510](#), and [3 FAH-1 H-3510](#).

The [Family and Medical Leave Act of 1993 \(FMLA\), as amended](#), entitles eligible employees of covered employers to take paid or unpaid, job-protected leave for specified reasons with continuation of group health insurance coverage under the same terms and conditions as if they had not taken leave. For information about Family Medical Leave Act leave, refer to [ADS Chapter 481, Family and Medical Leave \(FML\)](#).

4. Mandatory References

4.1 External Mandatory References

- a. [3 FAH-1 H-3510, Leave Without Pay \(LWOP\)](#)
- b. [3 FAM 3510, Leave Without Pay](#)
- c. [Foreign Service Act of 1980, as amended, Chapter 3 and Section 1101\(b\) \(2\)](#)

4.2 Internal Mandatory References

- a. [ADS 414mac, Precepts for the Tenure Board](#)
- b. [ADS 450, Termination of Time-Limited Appointments - Foreign Service \(FS\)](#)
- c. [ADS 461, Foreign Service and Senior Foreign Service Performance Management & Development Programs](#)
- d. [ADS 463, Foreign Service and Senior Foreign Service Promotion Eligibility Requirements and Procedures](#)
- e. [ADS 464, Foreign Service Performance-Based Actions](#)
- f. [ADS 480, Leave](#)
- g. [ADS Chapter 481, Family and Medical Leave \(FML\)](#)

5. Definitions

Tenure Board File (TBF)

A tenure board file consists of all documents to be reviewed by the Tenure Board. The file will include performance and promotion documentation (per ADS Chapters 461, 463, 464) and other relevant documentation such as training records, awards, assignment history, disciplinary actions, and language scores. (**Chapters [414](#), [461](#), [463](#), [464](#))**)

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