

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
Subchapter 500-3  
Precepts for the Foreign Service Selection Boards  
FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
Subchapter 500-3  
Precepts for the Foreign Service Selection Boards

SECTION 1. Purpose and Authority.

This Bulletin contains the policy and regulations that govern the selection board process for American Foreign Service employees of the Department of Commerce.

SECTION 2. Distribution.

A single information copy of this Bulletin will be provided to all addressees. A supplemental distribution will be made by the Office of Foreign Service Human Resources to all units that will use the Precepts.

SECTION 3. Effective Date.

This policy is effective as of the date of this Bulletin.

SECTION 4. Filing.

Human Resources Management/Personnel Offices should file this Bulletin with DAO 202-430 and its appendices describing the various performance appraisal systems. Foreign Service Officers should file this Bulletin in their Foreign Service Personnel Management Manual, subchapter 500.

Attachment

TABLE OF CONTENTS

SECTION 1	Introduction	1
	.01 Purpose	1
	.02 Composition	1
	.03 Responsibilities	2
SECTION 2	General Directives	2
	.01 Oath of Office	2
	.02 General Guidelines	3
SECTION 3	Board Responsibilities	4
	.01 Rank Order Procedures	4
	.02 Rank Order Criteria	5
	.03 Special Considerations	8
	.04 Promotions	8
	.05 Senior Foreign Service Promotion Eligibility Requirements	9
	.06 Limited Career Extensions	10
	.07 Performance Recognition	11
	.08 Senior Foreign Service Awards and Pay Adjustments	11
	.09 Low Ranking	14
	.10 Performance Counseling	15
	.11 Selection Out/Termination of Appointment	15
	.12 Denial of Within-Grade Increase	17
SECTION 4	Final Report	17
SECTION 5	Temporary or Permanent Removal of Names from Promotion List	18
SECTION 6	Approval Authority	19

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
 Subchapter 500-3  
 Precepts for the Foreign Service Selection Boards

**SECTION 1. INTRODUCTION**

**.01 Purpose.**

- a. Section 602 of the Foreign Service Act of 1980, (the Act) as amended, requires the Secretary to establish Selection Boards to evaluate the performance of members of the Foreign Service (FS). These Boards are required to rank-order members on the basis of relative performance and may make recommendations to the Director General, U.S. and Foreign Commercial Service (US&FCS) regarding the following:
  - 1. Promotions;
  - 2. Performance Pay for the Senior Foreign Service (SFS);
  - 3. Meritorious Step Increases;
  - 4. Performance awards;
  - 5. Presidential awards for the SFS;
  - 6. Limited Career Extensions;
  - 7. Executive Service (ES) level adjustments for the SFS;
  - 8. Denial of within grade increases;
  - 9. Performance counseling; and
  - 10. Low ranking, selection out, and termination of limited appointments.
- b. The Performance Appraisal Cycle will start on June 1 and end May 31 of each year. Selection Boards will convene no later than September 30.
- c. These Precepts establish the scope, organization and procedural responsibilities for the FS Selection Boards.

**.02 Composition.**

- a. Each Board will be composed of five members appointed by the Director General, US&FCS. The Boards will consist of: two career FCS officers: one non-Foreign Service member from the Department of Commerce; one Foreign Service Officer from another foreign affairs agency; and one public member. If possible, at least one Board member will have had two or more years experience as an employee in the domestic field of the Commercial Service. Every effort will be made to ensure that Board members are selected at grade or the equivalent shown in the chart below. The Chairperson shall normally be a career Foreign Service Officer, and shall preside over the Board while in session and ensure that the Board carries out all assigned tasks in accordance with these Precepts. Board members can serve no more often than once every three Boards (e.g., a person who served on a 2000 Board cannot serve again until 2003).
- b. The Director General will request that the Department Executive Resources Board provide a list of potential candidates at the GS-15 level or above for consideration to serve on the Selection Boards reviewing Senior Foreign Service members.

**.03 Responsibilities.**

- a. The following Boards shall review the performance folders indicated below:

Board No.	Class(es) Reviewed	Rank of Board Members
I	FS 3; FS 4; FS 5; FS 6	FS 1 and FS 2/GS 14 or GS 15
II	FS 2	SFS and FS 1/GS 14 or GS 15
III	FS 1	SFS (OC and/or MC)/GS 15 or SES
IV	SFS	SFS (CM and/or MC)/GS 15 or SES

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL

Subchapter 500-3

Precepts for the Foreign Service Selection Boards

- b. The Human Resource Manager will determine the distribution of the performance files for Foreign Service Officer classes and secretaries/administrative assistants.

**SECTION 2. GENERAL DIRECTIVES.**

.01 Oath of Office.

- a. Board members must take the following oath of office, which is administered by the Director General, US&FCS, or designee:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will, without prejudice or partiality, perform faithfully and to the best of my ability the duties of a member of a

selection board; that I will preserve the confidential character of the personnel records used by the Board; that I will adhere to the Precepts; and that I will not reveal to any unauthorized person information concerning the deliberations, findings, and recommendations of the Board."

- b. The Selection Board process must be protected from improper influences. Therefore, before and during Board sessions, the Boards are instructed to avoid any contact or discussion, including social contact, with senior managers and with employees affected by their decisions.
- c. Failure to abide by this oath by any Board member may result in appropriate disciplinary action for violation of the Privacy Act and the Standards of Ethical Conduct.

.02 General Guidelines.

- a. The Director General or designee will convene the selection boards with a briefing and will dismiss each board after receiving assurance that the boards have carried out all assigned tasks in accordance with these precepts. The Vice President of AFSA will be notified of the date, time and location of the convening briefing, and a representative of AFSA may attend the briefing, if desired.
- b. The Office of Foreign Service Human Resources (OFSHR) will provide technical assistance to the Boards. The Boards will address all queries regarding their work to the OFSHR staff only.
- c. Boards will base their decisions on the performance appraisals for no more than the five most recent performance cycles counting back from the cycle ending prior to the Selection Board deliberations.

Boards may also take into account:

- (1) Relevant performance-related awards (receipt of Department of Commerce Medal Awards --i.e., Bronze, Silver, and Gold, including group awards (no more than ten individuals working together, where each person makes a specific substantive contribution to the achievement being recognized); as well as those conferred by state and other U.S. or foreign government entities, and external awards, i.e., private sector, as appropriate);
- (2) Training reports (such as language test scores);
- (3) Disciplinary Actions;
- (4) Letters from the Director General, CS, commending or criticizing officers for their preparation of performance evaluation reports for one selection board review. This may also include letters in the performance file admonishing an officer for late appraisals; and
- (5) A Personnel Audit Report (PAR) on each officer to be provided to the Selection Board by OFSHR. The PAR will include the assignment history from entry into the Foreign Service (including position just prior to entry) posts and dates served, promotion history, certified language proficiency and the date attained, and all USG awards.

While greater emphasis should be placed on the current performance year, Board members must review and consider the file as a whole.

## FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL

### Subchapter 500-3

#### Precepts for the Foreign Service Selection Boards

- d. Critical element adjective ratings, if present, should not be factors in the Boards' deliberations concerning rank ordering. The Boards should consider the complete reports, and make their determinations based on the rating narrative, the reviewing official's statement, and the employee's comments.
- e. Board members should neither seek nor receive any information about employees other than what is included in the performance file, nor should they bring to the Board's attention personal knowledge of an employee's character, personal traits, or work ability.
- f. Board members who are the rating or reviewing officials for the most recent performance appraisal in an employee's performance file must recuse themselves from any Board decisions affecting that employee to include not augmenting/clarifying the content of the appraisal for other Board members. A Board member must also recuse him or herself from deliberating on any employee where he or she cannot be impartial.
- g. The Board must review and rank all assigned employee files.
- h. The standards for inadmissible comments are contained in Section 9 of the Management Planning and Performance Appraisal System (MPPAS) policy document. The Boards should review these standards. If the Boards find an inadmissible comment in any evaluation material, the chairperson should present the material to the OFSHR staff for a final determination of whether or not to remove the comment. If the comment is removed, the Board is instructed that they cannot consider the comment.
- i. A summary score sheet of the selection board results for each class will be signed by the chairperson.

### **SECTION 3. BOARD RESPONSIBILITIES.**

#### **.01 Rank Order Procedures.**

- a. Career and Career-Candidates will be reviewed and ranked by class.
- b. Each Board member shall review a performance file using the six criteria listed in Section 3.02 of this document. For each criterion listed, a value of one (lowest) to ten (highest) points shall be assigned according to the employee's performance. These numerical values will be combined with discretionary points, which may have been granted under Special Considerations to determine the overall score for the employee's file. Based on this cumulative total, the rank ordering for the class will be established. Wide variations (e.g. difference of 5 points or more) in scores among Board members and rank order ties, must be resolved by the members. This procedure produces a rank order list for each Foreign Service class.
- c. Boards shall not disadvantage any employee, directly or indirectly, for reasons of race, color, religion, sex, age, national origin, or sexual orientation; nor for reasons of disability or means of entry into the Service.
- d. Service in domestic assignments, multilateral banks, and other international organizations shall be given equal consideration as to value, contribution, and importance to the mission of the Commercial Service as is service in overseas positions at comparable grade and responsibility.
- e. Training assignments are essential for employees in the Service to carry out their increasingly broad and complex responsibilities, and for the Service to develop the skilled personnel required to meet the demands of the agency's mission and goals. Training reports (e.g. progress or end-of-training) for employees in long-term training (six months or more) should be given equal consideration with performance appraisals.

#### **.02 Rank Order Criteria**

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
Subchapter 500-3  
Precepts for the Foreign Service Selection Boards

The six criteria which are to be used by the Boards in ranking employee files are:

a. Substantive Knowledge.

The degree and level of sophistication of the member's knowledge of the commercial work, including where appropriate, knowledge and ability to:

- (1) analyze client's export potential and readiness to compete in overseas markets;
- (2) provide sound client-focused export counseling to U.S. firms from all business and industry sectors;
- (3) formulate, perform, and direct market research in support of client export objectives;
- (4) provide sound analysis of economic, policy, market, social and cultural conditions which influences export strategies and initiatives;
- (5) acquire and furnish appropriate trade opportunity and contact information to client firms;
- (6) identify and assess various trade finance sources and strategies to meet specific client needs;
- (7) conduct promotional initiatives, such as trade events;
- (8) develop domestic/overseas partnerships to meet program objectives, and participate in domestic/headquarters/ overseas team initiatives;
- (9) integrate innovation activities into post workplan and create results directly benefiting U.S. client base; and
- (10) develop effective advocacy/market access strategies on behalf of U.S. interests.

b. Leadership.

- (1) Presence: The member's self-presentation, determination, energy and self-confidence.
- (2) Effective Oral Communication: The ability to speak clearly, sensibly, and persuasively.
- (3) Foresight: The ability to anticipate problems and to plan or initiate actions accordingly.
- (4) Positive Attitude: Confidence in oneself and one's goals despite setbacks and disappointments and the ability to instill or encourage by example similar qualities in others.
- (5) Negotiating Skill: The ability to present and defend a set of interests in developing an agreement or settling a dispute. This skill includes a capacity to perceive alternative courses that will satisfy one's own requirements, but will offer greater acceptability to others.
- (6) Leading Change: The ability to develop and implement an organizational vision, including the ability to balance innovation and change with continuity, e.g. shows an intent to improve: customer service, flexibility and adaptability, program performance, work environment, quality standards, and creative thinking.
- (7) Leadership: Leadership in working with partner agencies, U.S. businesses, foreign customers and trade promotion partners to advance U.S. commercial and international trade interests in order to meet program/client needs and leverage programs and resources.

c. Resource Management.

- (1) Concern for Influence: Demonstrated aptitude for guiding others and skill in influencing events through the actions of others.
- (2) Objectivity of Purpose: The placement of job goals and responsibilities above personal interests or the desire simply to accommodate associates or subordinates.

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
Subchapter 500-3  
Precepts for the Foreign Service Selection Boards

- (3) Achievement Orientation: Interest in achievement, in fostering institutional improvements, in producing highest return at lowest cost.
- (4) Proactive contributions toward streamlining administrative processes and/or providing superior administrative support to improve product and service delivery.
- (5) Operational Effectiveness: Reliability in getting a job done efficiently, on time, prioritizing of time, and with mastery of all essential details.
- (6) Financial Management: Allocation of fiscal and personnel resources in an efficient and productive manner.
- (7) Personnel Management: Preparation of performance appraisals and personnel actions objectively and on time, in accordance with established laws and regulations.

d. Intellectual Skills.

- (1) Conceptual Ability: The ability to organize data sensibly and translate them into practical implications; the ability to establish priorities.
- (2) Logical Thinking: The ability to reach sound conclusions from explicit assumptions and to communicate the reasons clearly and rationally.
- (3) Interpreting Authority Relationships: The ability to discern relationships of authority in varying contexts, understanding the effective range and use of one's own authority and position to further a desired goal.
- (4) Skill in Written Communication: Ability to write clearly and effectively.

e. Interpersonal Skills.

- (1) Cultural Sensitivity: The ability to acquire, understand, and interpret clearly the relevant information regarding another society, its values, and its institutional processes, and relate such information to U.S. interests and objectives.
- (2) Comportment and Sensitivity to Others: The disposition and ability to interact with and to appreciate the points of view of others and to behave in a manner that will gain their cooperation.
- (3) Teaching Skill: The ability to teach and guide others by allowing them initiative and responsibility without recourse to constant supervision; and sensitivity to the development needs of previously disadvantaged persons.
- (4) Counseling Skill: The ability to win the confidence of others and to listen and make realistic and supportive recommendations.
- (5) Equal Employment Opportunity Leadership and Sensitivity: Commitment to the principles of fair treatment and equality of opportunity in dealings with all persons and awareness of equal employment opportunity as a fundamental aspect of good management and of the role of Affirmative Action in contributing to the Department's equal opportunity goals and objectives.
- (6) Mentoring: Willingness to participate in mentoring activities of officers and staff.

f. Program Management.

- (1) Initiative and creativity in developing and delivering new products and services that better meet the needs of U.S. businesses, such as customized counseling, information and services.
- (2) Recognizable success in increasing the awareness of the US&FCS and its products and services to the U.S. business community, foreign customers and trade promotion partners.

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
Subchapter 500-3  
Precepts for the Foreign Service Selection Boards

- (3) Applying technological resources and electronic media to generate trade data and information in support of client objectives.
- (4) Understanding customer expectations and exhibits personal qualities that exemplify excellent standards in:
- Addressing customer queries and requests for assistance promptly, accurately and thoroughly.
  - Providing responses/work products to the customer when promised or apprises the customer in advance of delay and reason for delay.
  - Providing alternative and/or expedited service to respond to changing or urgent customer requirements.
  - Taking into account customer feedback for purposes of individual professional development/improvement and when planning and delivering programs/products/services.

.03 Special Considerations

To ensure that appropriate consideration is factored into the overall score for officers encountering diverse assignments or with documentation of excellence in the categories listed below under special consideration, the board may give discretionary numerical points of no more than one point for each element below not to exceed a total of five special consideration points.

- a. Service in One-Officer Post
- b. Service in a Difficult Job or Post Environment
- c. Service in Domestic Field Outside Headquarters
- d. Commendation Letters for Appraisal;
- e. Honor/USG Awards; and
- f. Excellence in Training Assignments

The Board may subtract points (not to exceed five overall) for documented disciplinary action (e.g., letter of reprimand for security violations).

.04 Promotions.

- a. After ranking a class, the Board, at its discretion, may determine a cut-off point in the rank order above which employees are recommended for promotion. The cut-off point should be determined based on the criteria in Section 3.02, Rank Order Criteria.
- b. The Selection Boards are free to rank order Career and Career Candidate officers for promotion in any given year; however, an officer is not eligible for consecutive promotions.
- c. Career candidates employees at the FS-01 and 02 classes who entered the service after March 1, 1995 are not eligible for promotion until they have been recommended for Commissioning and Tenure.
- d. Employees in class FS-01 and below who are recommended for promotion, but cannot receive one will, budget permitting, receive either an MSI or a Performance Award, whichever is most advantageous to the employee.
- e. When making recommendations for promotions, the Boards should be guided by the degree to which employees' performance is characterized by the following:

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
Subchapter 500-3  
Precepts for the Foreign Service Selection Boards

- (1) Development and implementation of strategies to enhance U.S. commercial opportunities.
  - (2) Effective use of oral and written communications skills to achieve program objectives.
  - (3) Extent of demonstrated foreign language and area expertise.
  - (4) Degree of difficulty inherent in successful achievement of program objectives considering the working conditions, particularly under unusually complex or difficult commercial and economic environments.
  - (5) Flexibility and skill in non-traditional assignments or above average skill in a one-officer post.
- f. In considering officers for promotion within and into the SFS, the Senior Board should give due credit to evidence of achievement in the following areas:
- (1) The development and implementation of an innovative organizational vision(s) which shows highly advanced knowledge of U.S. commercial interests and policy by integrating key national and program goals, priorities and values with the ability to balance change and continuity and strive to improve customer service and program performance, while ensuring quality standards.
  - (2) The design and implementation of strategies that maximize employee potential and foster high ethical standards in meeting the organization's vision, mission, and goals.
  - (3) Timely and effective decisions that produce results through strategic planning and the implementation and evaluation of policies and programs.
  - (4) The accomplishment of the organization's mission by effectively using human, financial, material and information resources as well as by using technology to enhance decision-making.
  - (5) The ability to explain, advocate, and express facts and ideas in a convincing manner, to negotiate with individuals and groups internally and externally, and to develop an expansive professional network with other organizations and identify external policies that impact the work of the organization.
  - (6) Demonstration of effective use of foreign language, sectoral and regional expertise.
  - (7) Recognition by the organization of an officer's contributions and abilities.

.05 Senior Foreign Service Promotion Eligibility Requirements.

Following are the eligibility requirements that OFSHR will use to evaluate the Board's recommendations:

- a. To be eligible for promotion to the class of Career Minister, an officer must have served:
  - (1) In the class of Minister-Counselor for at least two years; and
  - (2) In at least two positions classified at the Minister-Counselor or higher level (or the SES equivalent).
- b. To be eligible for promotion to the rank of Minister-Counselor, an officer must have served:
  - (1) In the class of Counselor for at least two years; and
  - (2) As a Senior Commercial Officer in two countries, one of which was designated at the Counselor or higher level; or as an SCO in at least one country and in another position classified at the Counselor or higher level. Note: Any officer promoted to the Counselor



FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
Subchapter 500-3  
Precepts for the Foreign Service Selection Boards

class by the FY-95 Selection Board or previous Boards must have served as an SCO in two countries, regardless of grade level.

- c. For promotion into the Senior Foreign Service, to the class of Counselor, an officer must:
- (1) Be a career member of the Foreign Service of class FS-01, have served in class FS-01 for at least one year, and not have been promoted by the previous year's board;
  - (2) Have formally requested, in accordance with established procedures, consideration for promotion into the Senior Foreign Service;
  - (3) Have been assigned as a Senior Commercial Officer (SCO) at a post for at least one continuous year. Note: Those officers that opened their Senior Threshold Window prior to the convening of the FY 03 Selection deliberations are not subject to this eligibility requirement.
  - (4) Have served in either a) a language designated position; or b) a country where the officer is language qualified in the national language of that country.
- d. Long term training assignments at the War College, Senior Seminar, etc., do not meet the position eligibility criteria for promotion into or within the Senior Foreign Service.
- e. Senior Foreign Service employees who are similarly recommended but who cannot receive a promotion will, budget permitting, be recommended by the Senior Board for a Presidential Award, or an Executive Schedule level increase or Senior Foreign Service performance pay. The Board may also recommend monetary awards for those employees who are recommended for promotion.

.06 Limited Career Extensions.

- a. Limited Career Extensions (LCEs) are extensions of Senior Foreign Service appointments beyond the time-in-class limits, and are considered only in rare and unusual circumstances. Approval of LCEs are based on the need for expertise and experience in the Service, balanced against the need to provide a regular and predictable upward flow through the ranks and into and within the SFS. The Director General determines the number of LCEs which may be authorized in each class. The decision is made in conjunction with the determination of annual promotion opportunities. LCEs are distributed in accordance with the Selection Board's recommendations, which shall be made in accordance with the Precepts.
- b. After ranking, career members in the classes of Career Minister, Minister Counselor and Counselor whose maximum time-in-class will expire during the next year, are eligible for consideration by the Senior Board for any available limited career extensions. Officers will be reviewed for LCEs by class.
- c. LCEs will be granted by class strictly in the rank-order recommended by the Selection Board. Names may be removed from the Board's LCE rank-order list only under the conditions and procedures established in Section 5 of these Precepts.
- d. LCEs will be up to 3 years in duration, during which the extended officers will have full career status, consideration for promotion and performance pay, if otherwise eligible, and the possibility of further LCEs to the mandatory retirement age.

.07 Performance Recognition.

- a. A Performance Award is appropriate when the employee's most recent 12 months performance appraisal supports the conclusion that overall performance substantially exceeds an acceptable level of competence.

## FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL

### Subchapter 500-3

#### Precepts for the Foreign Service Selection Boards

- b. All employees, FS-01 and below, may be considered for a Meritorious Step Increase (MSI) or Performance Award (PA).
- c. A MSI is appropriate when, in addition to having met all of the requirements for a Performance Award, the employee's performance has been sustained at a superior level for a sufficient time that it is considered characteristic of the individual's performance and is, therefore, expected to continue in the future.

#### .08 Senior Foreign Service Awards and Pay Adjustments

##### a. Presidential Awards

There are two Presidential Awards, the Distinguished Service Award and the Meritorious Service Award (Foreign Affairs Manual, Vol. 3).

The Distinguished Service Award may be conferred on no more than one percent of the SFS members, based on sustained extraordinary accomplishment, and carries a payment of 35 percent of base salary.

The Meritorious Service Award may be granted to no more than five percent of the SFS members, based on sustained accomplishment, and carries a payment of 20 percent of base salary.

Where the number of SFS members is too few to permit at least one Distinguished and one Meritorious Service Award within the percentage limits established by the Foreign Service Act of 1980, as amended, the SFS members may be granted one Distinguished Service Award and one Meritorious Service Award.

##### (1) Eligibility Criteria

Members of the Senior Foreign Service who are serving under career or career candidate appointments or limited appointments with reemployment rights under Section 310 of the Foreign Service Act of 1980, as amended, as career appointees in the Senior Executive Service (SES) are eligible to compete for Presidential Awards in the Senior Foreign Service.

To be eligible for Presidential Awards, the Senior Foreign Service member must also be a member of the Senior Foreign Service at the end of the rating cycle and must have appraisal reports in the member's official performance folder covering performance of three or more years while in SFS or Foreign Service (FS) classes.

Members of the Senior Foreign Service who are appointed to any position in the Executive Branch by the President under section 302 of the Act, and who elect to receive the salary of that position instead of continuing to receive the salary for their SFS salary class are not eligible to compete for Presidential Awards (Section 302(b) of the Act).

Members who have been serving at the SFS level, or equivalent, on detail or transfer to an international organization will have such service considered for eligibility and performance purposes.

In reviewing officers for nomination for Presidential Awards, the Board will establish that the nominee has consistently demonstrated qualities of integrity and creativity, and will seek evidence of sustained accomplishment. The minimum requirement for nomination is three years of SFS or "equivalent" career or career-type Federal civilian service (such as the Senior Executive Service, executive assignment system or "administratively-determined" executive classification) at the time of nomination.

##### (2) Nomination Process

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
Subchapter 500-3  
Precepts for the Foreign Service Selection Boards

Nominations of officers for Presidential Awards must be approved by the Secretary. They are then sent to the Interagency Selection Board (IASB), which reviews the nominations of all of the foreign affairs agencies for forwarding to the President.

- (a) The IASB will base its recommendations solely on the nominating memoranda and summaries of Federal employment submitted to it.
- (b) In reviewing the achievement of the eligibility criteria, the IASB will also satisfy itself that the nominee has consistently demonstrated qualities of integrity and creativity that warrant a high degree of public confidence and trust.

(3) Nomination Criteria

Nominees for Meritorious Service Awards must have demonstrated a sustained record of superior accomplishment and for Distinguished Service Awards, sustained extraordinary accomplishment as follows:

- (a) Significant contributions to the national interest in the field of foreign affairs, including public diplomacy and international trade and development; or, for SFS members on detail, in areas of foreign or domestic policy;
- (b) Managerial accomplishments in cooperative efforts with other foreign affairs agencies, with other Federal agencies, other government entities and/or the private sector; and
- (c) Achievements of agency-wide importance in policy, technical, program, and/or human or material resource terms.

b. Performance Pay Awards.

- (1) The Selection Board may recommend a performance pay award based on performance during the current rating period.
- (2) OFSHR will review records to ensure that officers have received a commendable rating or better on each critical element.
- (3) Funding for SFS performance pay awards will be limited to six percent of the aggregate salaries for career Senior Foreign Service officers on board at the end of the fiscal year. The minimum SFS performance pay award is five percent of an individual's salary.

c. Executive Schedule Pay Adjustments.

- (1) The Board may recommend either an increase or decrease in the executive level salary schedule of a Senior Foreign Service officer, based on the officer's performance file.
- (2) A recommendation for an increase in the ES level should be based on a finding that the officer excels in the performance criteria for rank ordering. An officer must have received a rating of commendable for the past three performance cycles for all elements.
- (3) A recommendation for a decrease in ES level should be based on a finding that performance has been at a level below the standards for that senior officer class. It would be expected that this individual was below a low ranking line drawn by the Board in the rank order and that the Board recommended counseling or selection out.

d. Relationship of Awards and Pay Adjustments.

Members of the Senior Foreign Service may not receive a performance pay award or pay adjustment and a Presidential Award in the same competitive year. Any SFS nominee who does not receive a Presidential award is eligible for a performance award or executive schedule pay adjustment if initially recommended as a backup recognition by the Board.

- e. The Boards should list their recommendations in the order in which they would like them conferred, in the event budgetary considerations limit the number that can be given.

.09 Low Ranking.

The Board may, at its discretion, determine a cut-off point in the rank order list below which employees are designated as being less competitive than their class peers. This low ranking placement of an employee reflects that the employee has demonstrated a relative weakness in performance or lack of potential for career growth to advance in the Service.

Any of the following factors may be grounds for low ranking at any grade level:

- 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 legal directives from properly authorized officials;
- f. Inability or lack of willingness to work fairly and cooperatively with supervisors, colleagues, or subordinates;
- g. Lack of reliability under conditions of hardship and danger; or
- h. Failure or lack of willingness to meet affirmative action goals or support equal opportunity requirements.

Boards should give due weight in evaluating a member's performance and potential to indications in the performance file that the member, particularly one with management responsibilities, has not properly used and/or protected assigned resources against waste, loss, unauthorized use or misappropriation.

The Board will prepare a statement for each low ranked employee citing examples that support the low ranking determination, and quoting from the appropriate performance records. Such statements should draw on material from more than one rating and reviewing official to the extent possible. These statements will be used for counseling purposes only, and shall not be included in the employee's performance file. Low ranked employees will be advised of their standing in writing by the Director General.

.10 Performance Counseling.

The Board, at its discretion, and based on the contents of the performance file, may identify employees for performance counseling. Any employee recommended for performance counseling will be notified in writing that his/her performance is below an acceptable level. The Board will include the following in its written justification:

- a. Specific examples, arranged by performance element, of incidents (within the last year) of deficient performance;
- b. Where relevant, a description of the negative consequences of the performance deficiencies;
- c. Based on the employee's performance file, a suggestion of steps the employee may take which would be expected to lead to improved performance, e.g., better work organization, time management, more thorough proofreading, more follow-up; and
- d. Based on the employee's performance file, a statement of the steps the manager may take to assist the employee to improve, e.g., to sponsor training, offer counseling or personal assistance, or monitor work more closely.

.11 Selection Out/Termination of Appointment.

- a. All career Foreign Service employees are subject to selection out under Section 608 of the Act. Selection out may be recommended when the Board determines that an employee, compared with peers, of the same class has shown a pattern of performance problems sufficient to warrant a recommendation for selection out.

The Selection Boards will prepare a detailed statement which will be sent to the Director General justifying the referral through a balanced presentation of the member's strengths and weaknesses,

# FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL

## Subchapter 500-3

### Precepts for the Foreign Service Selection Boards

citing examples, and as appropriate, quoting from the performance records. The statement shall draw on material from more than one rating period and, to the extent possible, from more than one rating official.

After the concurrence of the Director General, the performance files will be sent to the Performance Standards Board (PSB) which will independently make selection out determinations after reviewing the files of the members referred. (See Personnel Bulletin 430-5, Performance Standards Board).

Employees designated for selection-out by the PSB have the rights to appeal with a full evidentiary hearing either before a Special Review Board or through the grievance process, but not both.

- b. In exceptional cases a career candidate or noncareer employee's appointment may be terminated, prior to Board review, if the candidate proves unable to perform assigned duties satisfactorily, including satisfactory completion of basic training courses. In such instances, the Director General will terminate the candidate's appointment without delay as authorized by Section 612 of the Act.

c. Process for Terminating Career Candidates for Deficient Performance:

- 1. If termination is recommended by the Selection Board, the employee will receive written notice from OFSHR providing the specific performance deficiencies identified by the Board. The employee will have 15 calendar days from receipt of the notice to provide a written response with any supporting documentation to the Director General. Upon receipt and consideration of the employee's response, or at the end of the 15-day time limit if no response is filed, the Director General will provide the employee with a written decision taking one of the following actions:

- (a) Support the Board's recommendation and terminate the appointment;
- (b) Allow for a performance improvement period and make a final decision based on the employee's improvement or lack thereof; or
- (c) Retain the employee.
  - (i) If terminated, the termination will be effective no earlier than 30 calendar days after receipt by the employee of the written decision.
  - (ii) If provided an improvement period, the procedures in Section 10 of the Management Planning and Performance Appraisal System (MPPAS) policy document will be followed. The period for improvement will be a minimum of 90 calendar days.
  - (iii) If the employee is retained, he/she may also be provided guidance to improve performance during the next rating period.

- 2. If termination is recommended by a management official, the following procedures will apply:

- (a) The employee must have received counseling and be given 90 calendar days to improve performance prior to the recommendation for termination. The counseling and improvement actions must be documented in writing and included in the recommendation for termination.
- (b) The Rating Official will notify the employee, in writing, of the proposal to terminate his/her appointment, including the specific performance deficiencies.
- (c) The employee will have 15 calendar days from receipt of the proposal notice to respond, in writing, with any supporting documentation, to the Reviewing Official.
- (d) The Reviewing Official will then recommend a course of action to the Director General, in writing, and forward the proposal notice, the employee's response, and a detailed description of the reasons for the recommendation. A copy of the recommendation is provided to the employee at the same time it is forwarded to the Director General.
- (e) The Director General can accept, reject, or amend the recommendation resulting in one of the three options as outlined in paragraph 1. above, except that the length of performance improvement period will be for a minimum of 30 days.

#### .12 Denial of Within-Grade Increase.

The Selection Board may recommend the denial of the next within-grade salary increase to any employee in class FS-01 or below whose performance during the most recent rating period does not

merit advancement to the next step. The Board is particularly instructed to consider this option in the event of a selection out or low ranking. The Board may take into account evaluated material and disciplinary actions related to the period in question. The Board will prepare a detailed written statement supporting each recommendation.

#### **SECTION 4. FINAL REPORT.**

- .01 Each Board Chairperson will submit a memorandum to the Director General that the Board has arrived at its final recommendations, and adjourned. All Board members will sign this memorandum, and the Board's recommendations and results will be attached. Attachments from each Board must include:
  - a. A rank order of each class.
  - b. A written justification for each recommendation for a Presidential award, Performance Pay award (for SFS only), low-ranking, performance counseling, denial of within-grade, increase or decrease in ES Level, and selection out, using the criteria for each action as described in this document.
- .02 The Board may also make:
  - a. Recommendations to the Director General, for promotions, performance awards and LCE's, using criteria as described in this document.
  - b. A list of recommendations that they consider appropriate for improvements to the FS performance appraisal process, the Selection Board process, or the FS precepts.
  - c. Recommendations on assignments and/or training that are designed to improve the performance of an employee or class of employees.
  - d. Recommendations regarding rating and reviewing officials who merit commendation or criticism for the quality of evaluations they prepared in the most recent rating period. These recommendations should be supported with examples.

#### **SECTION 5. TEMPORARY OR PERMANENT REMOVAL OF NAMES FROM PROMOTION LISTS.**

The procedures governing the removal of names from promotion lists, as authorized by Section 605 of the Act, are as follows:

- a. At any time prior to the forwarding to the President of a promotion list of members of Class 1 and of the Senior Foreign Service, the Secretary of Commerce or designee may order the temporary exclusion from such a list of any members, if he/she determines on the basis of notification by an appropriate office that a reason(s) exists to believe such promotion would be inconsistent with the national interest or the efficiency of the Service. The Director General may temporarily remove a member from the promotion list by informing the Under Secretary for International Trade Administration and the employee, when appropriate, in writing. Such reasons must be based upon written documentation of either:
  - (1) Issues of loyalty, security, misconduct, suitability or malfeasance; or
  - (2) Indications that documentation available to the Board regarding the member's performance may be significantly inaccurate or incomplete.
- b. If an individual on a promotion or awards list is the subject of a current investigation or disciplinary process, his/her name is pulled from the list and the promotion or award is held until the completion of the investigation or disciplinary action. If the investigation results are favorable, the individual will be promoted retroactively to the date on which the others on the list were promoted. Awards will be processed as soon as possible upon completion of a favorable investigation. If the results are unfavorable, appropriate action will be taken based on the record. If the individual remains employed, any resulting disciplinary action will be forwarded to the original Selection Board members for a determination as to whether each member recommends that the employee be promoted in view of the disciplinary record. The actions and rights of the Director General are unchanged from those at the time of the initial Board recommendations. Any resulting promotions will be retroactive to the date on which the others on the list were promoted.
- c. Following action under Section (a) above, the Secretary or designee, Under Secretary for International Trade, or Director General will initiate, pursue, or monitor such inquiry, investigation, or proceedings as are appropriate to the issue giving rise to the removal. Upon disposition or resolution

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL

Subchapter 500-3

Precepts for the Foreign Service Selection Boards

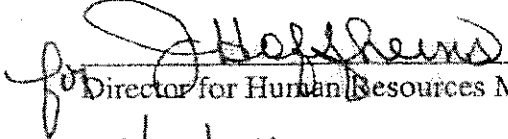
of the issue, the Secretary or the Under Secretary for International Trade or the Director General will take one of the following actions:

- (1) Reinstate the original recommendation retroactive to the effective date of the promotion list from which the name was initially removed.
- (2) Make permanent the exclusion from the promotion list.

**SECTION 6. APPROVAL AUTHORITY.**

- .01 The Director General has final authority to approve:
  - a. Promotions into Class FS-01 and below;
  - b. Meritorious step increases;
  - c. Performance awards of \$4,000 and below; and,
  - d. Temporary removal of a name from a promotion list or the denial of an award or step increase.
- .02 Promotions into and within the Senior Foreign Service require approval by the Director General, with concurrence by the Under Secretary for International Trade, and the Secretary of Commerce or designee. Approved SFS promotions also require Senate confirmation and Presidential attestation.
- .03 Performance awards of \$4,001-\$10,000 for member of Class FS-01 and below require approval by the Director General and final approval by the Under Secretary, International Trade Administration.
- .04 Performance pay awards for the Senior Foreign Service, Presidential Awards and Executive Schedule pay adjustments, require approval by the Director General, the Under Secretary, International Trade Administration, and the Secretary of Commerce or designee. Presidential Awards also require review by the Interagency Selection Board, which makes a final recommendation for approval/disapproval to the Secretary of State. Final decision on Presidential Awards requires the approval of the President of the United States.
- .05 The Director General and Department senior management may deny or not take action on an award recommendation when the award would be inconsistent with national interest, efficiency of the Service or needs of the Department.

Approved:

  
for Director for Human Resources Management  
1/8/04  
Date