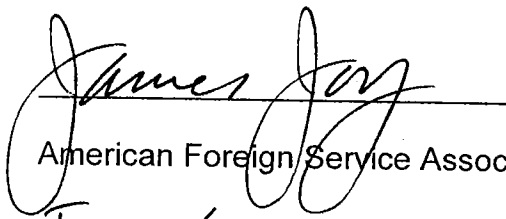


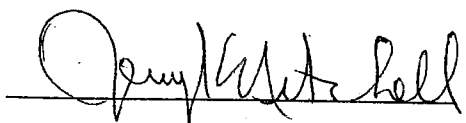


MEMORANDUM OF UNDERSTANDING  
BETWEEN  
AFSA AND THE US&FCS

In accordance with the Foreign Service Act and Article VIII, Section 2 of the Collective Bargaining Agreement, the parties have satisfied their collective bargaining obligations with respect to changes to the Commissioning and Tenure Policy and Precepts, which will be issued as Subchapter 100-3, Commissioning and Tenure Policy for U.S. Department of Commerce Foreign Service Career-Candidates, and Subchapter 100-4, Precepts for the Commissioning and Tenure Board for the U.S. Department of Commerce Foreign Service, of the Foreign Service Personnel Management Manual.

  
American Foreign Service Association  
June 4, 2001

Date

  
U.S. & Foreign Commercial Service  
June 4, 2001

Date





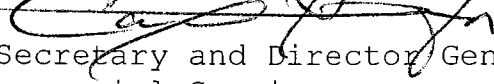
**UNITED STATES DEPARTMENT OF COMMERCE  
International Trade Administration**

Washington, D.C. 20230

ASSISTANT SECRETARY AND DIRECTOR GENERAL OF THE  
U.S. AND FOREIGN COMMERCIAL SERVICE

DEC 4 2002

MEMORANDUM FOR All USDOC American Foreign Service Employees

FROM: Maria Cino   
Assistant Secretary and Director General  
The U.S. Commercial Service

SUBJECT: Changes to the Commissioning and Tenure  
Policy for U.S. Department of Commerce  
Foreign Service (FS) Career-Candidates;  
and the Precepts for the Commissioning  
and Tenure Board for the U.S. Department  
of Commerce Foreign Service

**SUMMARY:** I am pleased to advise that the revisions to the  
Commissioning and Tenure (C&T) policy and precepts have  
been approved by the Department, effective November 14,  
2002. This long anticipated event took some time to  
accomplish, but I'm pleased to be able to present you with  
the results of our collaboration with AFSA.

Attached are the revised documents, which provide guidance  
on the C&T process, and precepts on the responsibilities of  
the C&T Board. Highlighted below are the most substantive  
changes to these documents.

**I. COMMISSIONING AND TENURE POLICY FOR U.S. DEPARTMENT OF  
COMMERCE FOREIGN SERVICE (FS) CAREER-CANDIDATES**

- A. The C&T eligibility criteria, Section 3, has been  
changed. Please see summary below:
- (1) Three years of service from date of  
appointment, one year of which the officer must  
have served overseas.
  - (2) Three full performance appraisals, with at  
least one appraisal from an overseas  
assignment.
- B. The language proficiency section of the policy  
document has been substantially expanded to provide  
more detailed information regarding proficiency  
levels. Please read section 3.03.b.(1)-(3) carefully



to see what the language requirements are for commissioning. Additionally, a list of the Category A and B languages has been appended to the policy document so that readers don't have to go to the language training policy to get this information.

- C. An automatic second review will be given to any career candidate that is not recommended for commissioning and tenure on the first review. For details, carefully read Section 4.
- D. The language regarding bridge appointments has been modified. Specifically, the authority to grant a bridge appointment may only be exercised after the Assistant Secretary and Director General concurs with the Board's recommendations and the career-candidate's five-year appointment is expected to expire before the commissioning process is completed.

## **II. PRECEPTS FOR THE COMMISSIONING AND TENURE BOARD FOR THE U.S. DEPARTMENT OF COMMERCE FOREIGN SERVICE**

- A. The Oath of Office section has been modified to clarify to Board members that the oath is to be taken seriously and that failure to abide by the oath may result in disciplinary action.
- B. The Board will convene annually at the end of the performance cycle, and on an ad hoc basis for exceptional circumstances.
- C. Any Board member who has served as the career-candidate's rating or reviewing official within the past year must recuse him/herself from discussions and decisions on that individual.
- D. Section 6, Criteria for Judgment, has been substantially revised. Please read this section carefully and thoroughly.
- E. The language describing the circumstances for not recommending a career-candidate for tenure has been made more specific.

- F. The Board's observations on the operation of the career-candidate program and the C&T precepts/policy will be made available to all employees and AFSA.

I strongly encourage you to read the attached documents carefully and thoroughly. There are several minor changes, mostly procedural, that have been made that all foreign service employees need to know.

Any questions regarding the attached documents should be directed to Shirley Porter or Patricia Flower of the Office of Foreign Service Human Resources, Employment and Performance Management Staff, telephone (202) 482-4717.

Attachment: as stated

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
Subchapter 100-3  
COMMISSIONING AND TENURE POLICY FOR U.S. DEPARTMENT OF  
COMMERCE FOREIGN SERVICE (FS) CAREER-CANDIDATES

SECTION 1. INTRODUCTION. Attached is the commissioning and tenure policy for U.S. Department of Commerce Foreign Service career-candidates. This supersedes Personnel Bulletin No. 900-1 issued October 13, 1989, and provides revised policy and technical guidance on the commissioning and tenure process.

SECTION 2. DISTRIBUTION. As a variation from the usual distribution, we are providing single informational copies of this Subchapter to all addressees except the Human Resources Manager, Office of Foreign Service Human Resources (OFSHR). A supplemental distribution will be made by OFSHR to overseas posts.

SECTION 3. EFFECTIVE DATE. This Subchapter is effective per signature approval date.

SECTION 4. FILING. Copies for Chief Administrative Officers and Human Resources Managers, other than the Human Resources Manager, OFSHR, are for information only. Foreign Service Officers should file this Subchapter in the Foreign Service Personnel Management Manual.

Attachment

COMMISSIONING AND TENURE POLICY FOR U.S. DEPARTMENT OF  
COMMERCE FOREIGN SERVICE (FS) CAREER-CANDIDATES

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SECTION 1. PURPOSE AND AUTHORITY. Section 306 of the Foreign Service Act of 1980, as amended gives the Secretary of Commerce the authority to offer a career appointment to a career-candidate under section 303, or to recommend to the President that the candidate be given a career appointment under section 302. This Subchapter prescribes the criteria, structure, and processes applicable to the granting of commissioning and tenure to U.S. Department of Commerce Foreign Service career-candidates. In accordance with the Foreign Service Act of 1980, as amended, the recommendation of whether to offer a career-candidate a commission as a Foreign Service Officer will be made by the Commissioning and Tenure Board (hereafter referred to as the Board).

SECTION 2. DEFINITIONS.

.01 Tenure - The granting of permanent career status to an employee.

.02 Commissioning - The act of appointment by the President (with confirmation by the Senate) of a career-candidate as a Foreign Service Officer based on a recommendation of the Commissioning and Tenure Board, approved and forwarded by the Secretary.

SECTION 3. COMMISSIONING AND TENURE CRITERIA.

.01 Career-candidate officers will be considered automatically at the annually scheduled Board meeting following:

a. Three years of service from date of appointment, consisting of either or both career-candidate or non-career status, during one calendar year of which, the officer must have been resident overseas; and

b. Three full performance appraisal reports (each covering at least 120 days in a performance year) in the employee's file. At least one performance appraisal must be from an overseas assignment.

.02 The Board will review the performance, demonstrated capabilities and growth potential of each career-candidate and will make recommendations for commissioning and tenure based on the content of the official performance file. Also, in making the recommendation, the Board will use the criteria for judgment found in DAO 202-900, Subchapter 100-4, Section 6 (Precepts for the Commissioning and Tenure Board). The Board's decision will be based on the candidate's demonstrated potential to have a full career over a range of international, domestic and non-traditional assignments.

.03 No officer may be commissioned until the candidate has achieved National Foreign Affairs Training Center (NFATC)/Foreign Service Institute (FSI) tested proficiency in one foreign language, as stipulated by the Department of Commerce FS language policy. For more details, see Departmental Administrative Order (DAO) 202-900, subchapter 800-2.

a. For commissioning and tenure purposes, test scores are valid for five years, however a test score of S5/R5 is valid indefinitely. Upon entering the Foreign Service, career-candidates will be tested in any departmental language for which the candidate claims proficiency (see DAO 202-900, subchapter 800-2, Language Training policy for definitions of departmental languages). If a candidate does not achieve the required minimum score, OFSHR will work with senior management to determine in which language the candidate should be trained.

b. Career-candidate officers may not be commissioned unless they have achieved speaking (S) and reading (R) proficiency in one of the tested ratings noted below:

(1) S-3/R-3 or above in a Category A language;

(2) S-2 in Category B languages having a complex writing system (Arabic, Chinese, Japanese, Korean), and in languages of this category in which NFATC/FSI certifies that no writing system pertinent to the needs of the Foreign Service exists (for example, Somali); or



(3) S-2/R-2 in other Category B languages.

Category A and B languages are listed in Appendix A.

c. Career-candidate officers without NFATC tested proficiency in a foreign language are on language probation. The candidate will be given language training up to a maximum period as defined in DAO 202-900, subchapter 800-2, Language Training policy, to the extent possible, before the candidate's initial overseas assignment.

#### SECTION 4. COMMISSIONING AND TENURE PROCESS.

.01 If the Board recommends commissioning and tenure of a career-candidate, the name of the candidate will be forwarded by the Assistant Secretary and Director General, through the Secretary of Commerce to the Secretary of State, the President, and the Senate. Upon confirmation by the Senate and attestation by the President, the career-candidate will be commissioned and tenured as a career Foreign Service Officer.

.02 If the Board does not recommend commissioning of a candidate during its initial review of an officer, it must recommend a second review after 120 days or more.

a. In cases where breaks in assignment or other circumstances give an incomplete basis for a second review after 120 days or more, the Office of Foreign Service Human Resources will determine the timing of the second review.

b. Candidates not recommended for commissioning and tenure after the second review will be separated from the Foreign Service on a date to be determined by the needs of the Service, but no later than the expiration date of the candidate's appointment.

.03 For reconsideration of a candidate's file, the Board will receive no information regarding the candidate not previously provided, other than the updated performance file, Personnel Audit Report (PAR) and the findings and recommendation of the previous Board. Prior to the Board

review, the candidate will be given copies of all material added to the file for review.

.04 The subsequent finding of the Board regarding the candidate in question will be its final recommendation to the same extent as if made in the initial session. If the Board concludes that the candidate is qualified to be commissioned/tenured, the Assistant Secretary and Director General will initiate action to do so.

#### SECTION 5. BRIDGE APPOINTMENTS.

##### .01 Authority.

The Assistant Secretary and Director General is authorized to use the Secretary's authority to make career bridge appointments under Section 303 of the Foreign Service Act of 1980, as amended, as a bridge between a limited appointment as a career-candidate and a career appointment.

##### .02 Criteria.

This authority may only be exercised after the Assistant Secretary and Director General concurs with the Board's recommendation and the career-candidate's five-year appointment is expected to expire before the commissioning process is completed.

##### .03 Procedure.

Once the Assistant Secretary and Director General and the Secretary concur with the recommendation, OFSHR will process the personnel action to implement a bridge appointment.

#### SECTION 6. THE COMMISSIONING AND TENURE BOARD.

##### .01 Appointment.

The Assistant Secretary and Director General will appoint members of the Board.

.02 Composition.

a. The Board will consist of five members. This composition will include two career commercial Service officers of Class FO-1 or above; two career employees, GS-15 or above, of the International Trade Administration (ITA); and one career Foreign Service Officer from another foreign affairs agency. The Commercial Service members will include the Chairperson, who will be designated by the Assistant Secretary and Director General. The concurrence of at least three members is required for any decision by the Board. However, on final review, no action unfavorable to the candidate under review will be taken without consideration of the file by all members of the Board.

b. Foreign Service and ITA members will serve staggered three-year terms, subject to early termination by the Assistant Secretary and Director General to meet the needs of the Service (for example, transfer, retirement, etc.). The non-Commerce Department member will serve for three years and may be replaced by a member from the same agency only to complete an un-expired three-year term. OFSHR will provide technical support to the Board.

.03 Responsibilities and Duties.

a. The Office of Foreign Service Human Resources will schedule Board meetings annually. Other ad hoc meetings may be arranged in exceptional circumstances, as requested by the Board or management.

b. Before each meeting, OFSHR will evaluate the files to be reviewed to ensure that they contain all material required for a Board to make a determination on qualifications for commissioning and tenure.

c. The Board will then review the file of each career-candidate eligible for commissioning and tenure and report its recommendations in each case to the Assistant Secretary and Director General.

.04 Board Action.

The Board will prepare the following:

- a. An alphabetical list by class of those career-candidates recommended for commissioning and tenure, whether being reviewed for the first or second time;
- b. An alphabetical list by class of those career-candidates reviewed for the first time and not recommended for commissioning and tenure. The Board must prepare a statement as to why the employee was not recommended;
- c. An alphabetical list by class of those career-candidates reviewed for the second time and recommended for termination before or at the expiration date of the candidate's limited appointment. The Board must prepare a statement as to why the employee was recommended for termination; and
- d. The Board's observations on the operation of the career-candidate program and the C&T precepts/policy, with such recommendations as it may desire to make. These observations will be made available to all employees and the American Foreign Service Association (AFSA).

SECTION 7. ACTION BY THE ASSISTANT SECRETARY AND DIRECTOR GENERAL.

Upon receipt of the Board's recommendations, the Assistant Secretary and Director General will initiate the necessary administrative action to commission and tenure employees so recommended and notify any career-candidates who were not selected for commissioning and tenure.

SECTION 8. TEMPORARY OR PERMANENT REMOVAL OF NAMES FROM COMMISSIONING AND TENURE LISTS.

.01 The procedures in this Section apply to all career candidates recommended for commissioning and tenure by the Board.

.02 The Assistant Secretary and Director General on the basis of information available to him/her, may order the temporary exclusion from a commissioning and tenure list of the name of any candidate if, in the opinion of the Assistant Secretary and Director General such commissioning and tenure would be inconsistent with the national interest or the efficiency of the Service. Such reasons may be based upon, but not limited to:

- a. Issues of loyalty, security, misconduct, suitability, or malfeasance;
- b. Indications that documentation available to the Board regarding an employee's performance may have been inaccurate or incomplete; or
- c. Failure to obtain a medical clearance or limited medical clearance.

.03 The Assistant Secretary and Director General will inform the candidate in writing of the action taken and will initiate, pursue, or monitor any inquiry, investigation, or proceeding as appropriate to the issue giving rise to the temporary removal. The candidate will be given an opportunity to submit to the appropriate deciding official whatever information or documents he/she believes are pertinent. Upon disposition or resolution of the issue and a determination not to separate the candidate, the Assistant Secretary and Director General will:

- a. If no disciplinary action was taken, request that the necessary administrative action be initiated to recommend commissioning and tenuring of the candidate; or
- b. If disciplinary action was taken, request that the Board determine, on the basis of the changed performance file, whether the candidate still meets the criteria to be recommended for commissioning and tenure.

.04 The subsequent finding of the Board regarding the candidate in question will be final and binding to the same extent as if made in the initial session. If the Board

concludes that the candidate is qualified, on the current record, to be commissioned and tenured, the Assistant Secretary and Director General will initiate action to commission and tenure the candidate. If the Board concludes that the candidate is not presently qualified for commissioning and tenure, the Assistant Secretary and Director General will make permanent the prior exclusion of the name from the specific list at issue.

SECTION 9. REVIEW AND EVALUATION.

This policy will be reviewed periodically by the Office of Foreign Service Human Resources for consistency of application and effect. Appropriate revisions will be made in conformance with applicable laws, regulations and policies.

*for* James W. Talle 11/14/02  
Approved: \_\_\_\_\_ Date \_\_\_\_\_  
Deborah A. Jefferson  
Acting, Director for Human Resources Management

Appendix A

Category A and B Languages

Category A

Afrikaans  
Creole (of Haiti)  
Creole (of Martinique)  
Danish  
Dutch-Flemish  
French  
German  
Italian  
Norwegian  
Portuguese  
Spanish  
Swedish

Category B

Amharic  
Arabic  
Bengali  
Bulgarian  
Burmese  
Chinese (Cantonese)  
Chinese (Standard)  
Czech  
Dari/Afghani Persian  
Farsi/Persian  
Fijian  
Finnish  
Gaelic  
Greek  
Gujarati  
Hebrew  
Hindi  
Hungarian  
Icelandic  
Indonesian  
Japanese  
Khmer/Cambodian  
Korean  
Lao  
Macedonian  
Malagasy  
Malay  
Marathi  
Mongolian  
Motu  
Nepali  
Nyanja/Chinyanja  
Papiamentu  
Pashto  
Pidgin (of New Guinea)  
Pilipino/Tagalog  
Polish  
Romanian  
Russian  
Serbo-Croatian  
Sinhala  
Slovak  
Slovenian  
Somali  
Swahili  
Tamil  
Thai  
Turkish  
Ukrainian  
Urdu  
Vietnamese

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL  
Subchapter 100-4  
PRECEPTS FOR THE COMMISSIONING AND TENURE BOARD  
FOR THE U.S. DEPARTMENT OF COMMERCE FOREIGN SERVICE

SECTION 1. INTRODUCTION AND AUTHORITY. Attached are the precepts for the commissioning and tenure board for U.S. Department of Commerce Foreign Service career-candidates. This Subchapter supersedes U.S. and Foreign Commercial Service Bulletin No. 900-2 issued October 13, 1989. Section 306 of the Foreign Service Act of 1980, as amended requires that the Secretary base all decisions to offer a career appointment on the recommendations of a board. Nothing in this document shall be construed to limit the authority of the Secretary, as granted under Section 306 of the Foreign Service Act. This Subchapter sets forth the Precepts for the Commissioning and Tenure Board (hereafter referred to as the Board).

SECTION 2. DISTRIBUTION. As a variation from the usual distribution, we are providing single informational copies of this Subchapter to all addressees except the Human Resources Manager, Office of Foreign Service Human Resources (OFSHR). A supplemental distribution will be made by OFSHR to overseas posts.

SECTION 3. EFFECTIVE DATE. This Subchapter is effective per signature approval date.

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Attachment



PRECEPTS FOR THE COMMISSIONING AND TENURE BOARD  
FOR THE U.S. DEPARTMENT OF COMMERCE FOREIGN SERVICE

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SECTION 1. PURPOSE OF THE BOARD. U.S. Department of Commerce Foreign Service career-candidates serve an apprenticeship period to demonstrate the candidate's fitness and aptitude for career status as commissioned Foreign Service Officers (FSO's). The Commissioning and Tenure Board (hereafter referred to as the Board) will determine whether these employees have performed at a satisfactory level and have demonstrated the required level of competence and growth potential.

SECTION 2. RESPONSIBILITY.

.01 The Board is responsible for reviewing the performance files of all career-candidate foreign service employees. Based on the Board's review of the files, career-candidates are recommended for commissioning and tenure into the foreign service.

.02 Board members will take the following oath of office:

"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 this Foreign Service Commissioning and Tenure Board; that I will preserve the confidential character of the personnel records used by the Board; that I will adhere to the Commissioning and Tenure policy and Precepts; and that I will not reveal to any unauthorized person information concerning the deliberations, findings, and recommendations of the Board."

a. The Board process must be protected from improper influences. Therefore, before and during Board sessions, the Boards are instructed to avoid any contact or discussion with senior managers and with employees affected by the Board's decisions.

b. Failure to abide by this oath may result in a violation of the Privacy Act, the Standards of Ethical Conduct for employees of the Executive Branch, and/or Department Administrative Order 202-751 (August 4, 1980), which may result in disciplinary action. In addition, Board members should report to the Assistant Secretary and Director General any attempt to provide them with information other than that authorized by these Precepts.

SECTION 3. CONVENING AND ADJOURNING THE BOARD. The Board will meet annually after the end of the performance appraisal cycle. The Office of Foreign Service Human Resources may schedule other ad hoc meetings based on exceptional circumstances, as identified by the Board or management.

SECTION 4. NATURE OF THE JUDGMENT.

.01 The commissioning and tenure decision is not a competitive process. It does not involve a comparative judgment concerning those under review. Rather, the Board will judge career-candidates individually according to the criteria defined in this Subchapter. All career-candidates reviewed have been recruited according to Department of Commerce Foreign Service needs. The Board will not be limited to any quota or goal in making its decisions. The career-candidates under review were appointed on limited appointments after a careful selection process, with the expectation that the candidate would prove worthy of career status.

.02 If a career-candidate is not recommended for commissioning and tenure, the Board must provide written guidance, identifying areas in which improvement is needed. The statement is provided to the career-candidate and to the Board that will conduct the second review. Neither document becomes a part of the individual's official performance file.

SECTION 5. INFORMATION TO BE CONSIDERED.

.01 The Board's decisions will be based solely on the contents of each career-candidate's Official Performance Folder and the findings of the previous Board, if this is a second review. The performance folder contains: performance appraisals; memoranda of performance; language scores; selected awards; and training reports. Disciplinary actions other than admonishments, are also included. The Board may not solicit, receive, or consider any other material regarding any career-candidate under review, except as may be authorized by regulation.

.02 Any Board member who has served as the career-candidate's rating or reviewing officer within the past year

must recuse him/herself from discussion and decisions on that individual. Any Board member shall recuse him/herself from reviewing any file if the Board member believes he/she is unable to render an objective judgement on the candidate for any reason.

SECTION 6. CRITERIA FOR JUDGMENT.

.01 The criterion for a positive commissioning and tenure recommendation will be the candidate's demonstrated ability to perform satisfactorily as a commercial officer and the potential to serve effectively in the Foreign Service at higher levels with greater responsibilities. Outlined below are the six criteria which are to be used by the Board in making recommendations for commissioning and tenure.

a. Substantive Knowledge.

The degree and level of sophistication of the candidate's knowledge of 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 influence 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 candidate's demonstration of 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.
3. Achievement Orientation: Interest in achievement, in fostering institutional improvements, in producing highest return at lowest cost.
4. Administrative Effectiveness: 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.

3. Applying technological resources and electronic media to generate trade data and information in support of client objectives.

4. Understanding customer expectations and exhibiting 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 apprise 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.

.02 A career-candidate must be able to work effectively with host country nationals as well as colleagues and associates from diverse cultures and backgrounds.

.03 The needs of the Commercial Service require that career-candidates serve in export assistance centers as well as overseas missions and possibly in trade policy or procurement positions

with multilateral banks and U.S. missions to international organizations, e.g. USEU, OECD, WTO. The candidate's demonstrated abilities, not the position in which the demonstration occurred, shall be the focus for granting commissioning and tenure.

SECTION 7. RENDERING A NEGATIVE DECISION.

.01 The Board may decide to recommend that a career-candidate not be tenured, and if after the second review, that the candidate's appointment be terminated either before or at the expiration date of the candidate's limited appointment.

.02 In recommending that a career-candidate not be tenured, the Board should conclude that the career-candidate demonstrates:

- a. Performance deficiencies which are described in the major activities section of any given critical element;
- b. Shortcomings in demonstrating skills listed in Section 6; or
- c. Performance deficiencies of the types described in paragraph .04 below.

.03 In recommending termination before the expiration date of the candidate's limited appointment, the Board should find:

- a. Consistent or aggravated shortcomings in functional performance areas in a major activities section for any given critical element;
- b. Consistent or aggravated shortcomings in skills listed in Section 6; or
- c. Numerous, consistent, or egregious performance deficiency of any type described in paragraph .04 below.

.04 In recommending termination of any career-candidate, the Board should consider the strong Departmental emphasis on performance excellence. At the same time, the Board should also consider evidence of the career-candidate's commitment and



f. A list by class of career-candidates to be reviewed by the Board.

.03 The Board will base its findings exclusively on the complete performance file maintained on each candidate and the information itemized in paragraph .02 above. No other records will be made available to the Board.

SECTION 9. SUBMISSION OF FINDINGS AND RECOMMENDATIONS.

At the conclusion of its review of the career-candidates referred to it, the Board must submit to the Assistant Secretary and Director General the reports and recommendations described in this Section. This submission should be forwarded under cover of a transmittal letter signed by all Board members and include where appropriate:

.01 An alphabetical list by class of those career-candidates recommended for commissioning and tenure, whether being reviewed for the first or second time;

.02 An alphabetical list by class of those career-candidates reviewed for the first time and not recommended for commissioning and tenure. The Board must prepare a statement as to why the employee was not recommended, which includes references to deficiencies in performance documents that warranted the non-recommendation;

.03 An alphabetical list by class of those career-candidates reviewed for the second time and recommended for termination before or at the expiration date of the candidate's limited appointment. The Board must prepare a statement as to why the employee was not recommended, which includes references to deficiencies in the evaluation report(s) that warranted the non-recommendation; and

.04 The Board's observations on the operation of the career-candidate program and the C&T precepts/policy, with such recommendations as it may desire to make. These observations will be made available to all employees and the American Foreign Service Association (AFSA).

SECTION 10. APPROVAL OF FINDINGS.

.01 The Assistant Secretary and Director General may accept the Board's findings and recommendations or may return any or all of them for reconsideration. Reconsideration can take place if there are questions concerning procedures or conformity with the Precepts. In any such case, the Assistant Secretary and Director General shall give the Board Chairperson written reasons for returning the findings and recommendations.

.02 The Assistant Secretary and Director General and the Secretary retain the authority to deny tenure based on national interest or the efficiency of the service, i.e., issues of loyalty, security, misconduct, suitability, or malfeasance regardless of recommendations made by the Board.

.03 If the Board's recommendation not to recommend commissioning and tenure is approved, the employee will be notified of management's decision and sent a copy of the Board's justification.

SECTION 11. REVIEW AND EVALUATION.

These precepts will be reviewed periodically by the Office of Foreign Service Human Resources for consistency of application and effect. Appropriate revisions will be made in conformance with applicable laws, regulations and policies.

*for* James W. Balls 11/14/02  
Approved: \_\_\_\_\_ Date \_\_\_\_\_  
Deborah A. Jefferson  
Acting, Director for Human Resources Management