

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

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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. This subchapter supersedes the policy revision issued November 2002.

SECTION 2. DISTRIBUTION. As a variation from the usual distribution, we are providing single informational copies of this Subchapter to all addressees except the Director, Office of Foreign Service Human Capital(OFSHC). A supplemental distribution will be made by OFSHC 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 Director, OFSHC, are for information only. Foreign Service Officers should file this Subchapter in the Foreign Service Personnel Management Manual.

Attachment

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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

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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) or Diplomatic Language Services (DLS), LLC 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, OFSHC 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 or DLS 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/FSI or DLS 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.

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**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 Capital 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.

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.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, OFSHC 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. OFSHC will provide technical support to the Board.

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.03 Responsibilities and Duties

- a. The Office of Foreign Service Human Capital 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, OFSHC 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).

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**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



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- 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 Capital for consistency of application and effect. Appropriate revisions will be made in conformance with applicable laws, regulations and policies.

Approved:

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Tyra Dent Smith  
Acting Director for Human Resources Management and  
Deputy Chief Human Capital Officer

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Date

**Original Approval:**  
Acting, Director for Human Resources Management  
November 14, 2002

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**APPENDIX: CATEGORY A and B LANGUAGES**

| Category A             | Category B          |                        |
|------------------------|---------------------|------------------------|
| Afrikaans              | Amharic             | Malay                  |
| Creole (of Haiti)      | Arabic              | Marathi                |
| Creole (of Martinique) | Bengali             | Mongolian              |
| Danish                 | Bulgarian           | Motu                   |
| Dutch-Flemish          | Burmese             | Nepali                 |
| French                 | Chinese (Cantonese) | Nyanja/Chinyanja       |
| German                 | Chinese (Standard)  | Papiamentu             |
| Italian                | Czech               | Pashto                 |
| Norwegian              | Dari/Afghan Persian | Pidgin (of New Guinea) |
| Portuguese             | Farsi/Persian       | Pilipino/Tagalog       |
| Spanish                | Fijian              | Polish                 |
| Swedish                | Finnish             | Romanian               |
|                        | Gaelic              | Russian                |
|                        | Greek               | Serbo-Croatian         |
|                        | Gujarati            | Sinhala                |
|                        | Hebrew              | Slovak                 |
|                        | Hindi               | Slovenian              |
|                        | Hungarian           | Somali                 |
|                        | Icelandic           | Swahili                |
|                        | Indonesian          | Tamil                  |
|                        | Japanese            | Thai                   |
|                        | Khmer/Cambodian     | Turkish                |
|                        | Korean              | Ukrainian              |
|                        | Lao                 | Urdu                   |
|                        | Macedonian          | Vietnamese             |
|                        | Malagasy            |                        |