

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL

DAO-202-900

Subchapter 100-1

Assignments and Tours of Duty

Section 1. Purpose. This sets policy for assignments and tours of duty under the Foreign Service personnel system and specifically for career and career-candidate members of the Foreign Commercial Service. Assignments and tours of duty for limited non-career employees are managed at the operating unit level, subject to approval of the Office of the Secretary of Commerce where required. This supersedes Subchapter 100-1 (dated July 2015) of the Foreign Service Personnel Management Manual (DAO 202-900). This policy is effective the date signed.

Section 2. Authority. The Foreign Service Act of 1980 (22 USC 3901 et. seq.) is the basic legislation pertaining to the Foreign Service personnel system. Section 202(a)(3) of the Act establishes the authority of the Secretary of Commerce to utilize the Foreign Service personnel system. Legislative authority for Foreign Service assignments is contained in Section 502, Assignments to Foreign Service positions; Section 503, Assignment to Agencies, International Organizations, and Other Bodies; and Section 504, Service in the United States and Abroad. Executive Order 12363, of May 21, 1982, authorizes the Secretary to use the Foreign Service system in all components of the International Trade Administration (ITA).

Section 3. Coverage. This subchapter applies to all Foreign Service employees of the Department except foreign national employees, family members of government employees employed under Section 311 of the Act, and Americans residing abroad who are hired for service at a particular post.

Section 4. Delegated Authorities.

01. Subject to statutory requirements, the requirements of DAO 202-250, Delegation of Authority for Personnel Management, and the limitations of this subchapter, the Assistant Secretary for Global Markets and Director General of the U.S. and Foreign Commercial Service (USFCS Director General) or equivalent management official may assign a Foreign Service employee for duty:

- a. to an established Foreign Service position abroad or to a designated Foreign Service position in the United States;
- b. to a non-Foreign Service position in the United States, subject to required clearances;
- c. to another agency, international organizational, international commission or international body;

- d. to a domestic, international trade or other conference, congress, or gathering;
 - e. for special instruction, training, or orientation at or with a public or private organization;
 - f. to a state or local government, a public or private non-profit organization (including an educational institution in the United States, or in any territory or possession of the United States and the Commonwealth of Puerto Rico); and,
 - g. subject to the approval of the Director of the Office of Foreign Service Human Capital to a member or office of the Congress of the United States, or to a private sector company through an established executive interchange program.
02. The Director of the Office of Foreign Service Human Capital is authorized to manage and process all assignments under the Foreign Service personnel system, regardless of the Foreign Service employee's assigned organization, consistent with the provisions of this policy.

Section 5. Definitions.

01. A *career member* of the Foreign Commercial Service is a Foreign Service employee who has met the Commissioning and Tenure requirements of the Service and has been appointed as a career member by the President or the Secretary under sections 302 and 303 of the Foreign Service Act of 1980.
02. A *career-candidate member* of the Service is an employee who, after passing an established competitive examination process, holds an appointment of limited duration as a career-candidate (not to exceed five years) under section 306 of the Foreign Service Act of 1980. During this period, the employee may be recommended for a career appointment by a Commissioning and Tenure Board, established under section 306(b) of the Act to evaluate the fitness and aptitude of the career-candidate for the work of the Service.
03. A *limited non-career member* of the Service is an employee with special skills who has been hired for the needs of the Service to fill a specific overseas position, for a specific time limitation not to exceed five years.

Section 6. Assignment Policies.

01. Worldwide Availability. Foreign Service career and career-candidate members are required to accept assignments on a worldwide basis as a condition of their employment and can be assigned to any domestic or overseas position for which they are qualified, at the discretion of the Service. All assignments shall be in conformance with anti-discrimination laws and no

member will be assigned to a position at a post in a particular geographic area exclusively on the basis of race, color, national origin, sex, age, religion, or sexual orientation

02. Assignment Process. Members of the Foreign Commercial Service are assigned to positions in the Service through an established process (see Section 8 of this subchapter). All Foreign Commercial Service positions available for assignment are advertised. Career and career-candidate members of the Foreign Commercial Service, with the exception of first-tour career-candidates, have an opportunity to bid through established bidding procedures on advertised vacancies for onward assignment in the Service. An Assignments Panel is established for the purpose of reviewing the bids and qualifications of members for assignment to domestic and overseas positions and for making recommendations on assignments to the Director General. The Director General makes all assignments of Foreign Commercial Service members under delegated authority from the Secretary of Commerce. Recommendations made by the Assignments Panel will not diminish the authority delegated to officials under Section 4 of this subchapter. Other organizations authorized to use the Foreign Service personnel system shall establish selection procedures for the purpose of making assignments.

03. Directed Assignments. The Director General may direct the assignment of any career or career-candidate member to any Foreign Service position for which he or she is qualified. All first-tour career-candidates are direct-assigned to their first tour of duty. Under special circumstances, where no other option is available, a career or career-candidate member can be assigned to a non-advertised, non-Foreign Service position.

04. Tandem Assignments. When a Foreign Commercial Service member's spouse is also a member of the Foreign Service, or a United States Government employee subject to assignment by another Federal agency, an effort will be made to assign both individuals to the same post or to posts near each other. If the assignment of both individuals is not feasible, one member may request leave without pay (LWOP) in order to accompany the other to post. LWOP will not be granted to a career-candidate of the Foreign Commercial Service if by granting it, it prevents the candidate from meeting the length of service requirement for consideration for tenure. Members of the same family cannot be assigned in a supervisory-subordinate relationship, nor can either rate or review the other's performance, or be assigned to a position in violation of the provisions of DAO 202-310, Employment of Relatives. Where employment of relatives may occur in the same work unit, approval will be sought from the Director of the Office of Foreign Service Human Capital.

05. Appeals. If a member objects to an assignment because it would impose undue hardship, the member may request reconsideration through an appeal process (see Section 9 of this subchapter). A member may only appeal an assignment to a position, not the fact that he or she was not assigned to a particular position

Section 7. Tours of Duty

01. Under authority delegated from the Secretary of Commerce, domestic and overseas tours of duty for Foreign Commercial Service members are established by the Director General. For assignment purposes, a “tour of duty” is defined as the amount of continuous time a member serves on an assignment, or in consecutive assignments, in a given country. Continuous time served in consecutive assignments to separate positions or posts in the same country is combined to form one tour of duty.

- a. For the needs of the Service, or for a member to meet his/her conditions of employment, time may be added to or subtracted from a standard tour of duty at the time of assignment.
- b. Career Foreign Commercial Service members are expected to serve abroad for substantial portions of their careers. Consistent with the needs of the Service, and in accordance with Chapter 5 of the Foreign Service Act of 1980, the Director General shall seek to assign a career member to duty in the United States at least once during each 15 years the employee is a member of the Service.

02. Domestic Tours. A standard tour of duty for an assignment in the United States is normally two (2) years in length. Members may serve up to three (3) consecutive two-year assignments in the U.S., for a combined tour of duty of six (6) years. In addition, a member can bid to receive up to two (2) one-year extensions during a tour of duty in the U.S., for a maximum tour of duty of eight (8) years in accordance with Section 504 of the Foreign Service Act of 1980. Domestic extensions beyond the maximum eight (8) years must be approved by the Director General and will be done only due to special circumstances.

- a. Employees serving on non-career limited appointments cannot be assigned to positions in the United States.
- b. To be eligible for promotion to the FS-01 class, employees are required to have completed at least one year of a domestic assignment. Employees who have not completed their domestic assignment experience may be recommended for promotion conditionally. If selected for promotion by the Director General, the promotion would be effective upon subsequent completion of the domestic assignment. A domestic assignment is defined as any position within ITA located in the United States. These can include assignments to positions in other federal agencies that have Memoranda of Agreements with Department of Commerce. New employees entering the U.S. & Foreign Commercial Service as career-candidate Officers without at least one (1) year of the aforementioned experience within ITA, will normally be assigned to a domestic position for a two-year tour of duty upon appointment. Employees who have served in

domestic-service qualifying positions within ITA must have done so within five (5) years of entering on duty with the U.S. & Foreign Commercial Service as a career-candidate or they are subject to the domestic service requirement. Any exception to this policy shall be handled on a case by case basis. Domestically-assigned Officers will have the option to submit bids with on-cycle bidder status during the first year of their two-year domestic tour. Based on the needs of the Service, Global Markets/USFCS management will determine whether any one officer should complete the two-year domestic tour or be assigned to an onward assignment after completion of only one (1) year of domestic service. A management-approved temporary duty/detail assignment that occurs during an Officer's domestic assignment will count towards this requirement provided his/her official duty station remains the location of the original domestic assignment.

c. A member of the Service on assignment in the United States continues to be subject to the policies, regulations, and procedures that apply to all Foreign Service employees.

03. Overseas Tours of Duty. A standard overseas tour of duty is normally three or four years in length. Certain hardship tours are one or two years in length. The maximum amount of continuous time a member may serve in a given overseas country is normally five years.

a. For career-candidates: The initial tour of duty is two years in length with the possibility of extensions in one-year increments up to the five-year maximum tour of duty in a given overseas country. However, career-candidate members who are not language-qualified for commissioning and tenure purposes will ordinarily not be extended beyond their initial two-year directed assignment.

b. For non-career limited appointments: The initial tour of duty is two years. For needs of the Service, a limited appointment may be extended in one-year increments through a competitive bidding process, concurrent with the employee's appointment, up to the statutory maximum of five years as set forth in Section 309 of the Foreign Service Act of 1980. A limited appointment may not be extended beyond five years or renewed. However, as per standard procedure, before extension of a Global Markets (GM) limited appointment is considered, the position must first be offered to eligible members of the Foreign Commercial Service through the normal assignments process.

c. Based on special hardship or security considerations, as necessary, the Director General may adjust a member's tour of duty.

04. Extensions of Tours of Duty. For needs of the Service, the Director General may administratively extend a member's tour of duty for up to six (6) months without competitive bidding. A member may request a single administrative extension of no more than six (6)

months. Career and non-career members may bid to extend a tour of duty in one-year increments through the established bidding procedures. A member may not seek to extend beyond the five-year maximum continuous tour of duty in a given overseas country without approval of the Director General. A non-career member may not extend beyond his or her five-year maximum limited appointment.

05. Curtailments of Tours of Duty. A curtailment is the shortening of a member's tour of duty from the assigned tour by any length of time, including the immediate departure from a post. For needs of the Service, including a loss of confidence that a member's continued assignment to a position serves the best interest of the Foreign Commercial Service and the Department, the Director General may curtail a member from an existing tour. A member of the Service may request consideration toward curtailing an assignment for health and/or compassionate reasons. When requesting a curtailment based on health reasons, the member is advised to coordinate the request with State Department's Bureau of Medical Services. The OFSHC Director, in concurrence with the DG and DDG, and consultation with the regional bureaus, will consider requests for curtailment and make a recommendation to the Director General. For needs of the Service, the Director General may also administratively curtail a member's tour of duty by up to six (6) months without competitive bidding. Requests for curtailment for bidding purposes will not be considered.

a. If a Chief of Mission loses confidence that a member's continued assignment serves the best interest of the post, the Chief of Mission may ask the Director General to involuntarily curtail a member's tour of duty. Procedures for involuntarily curtailing a member's tour are outlined in 3 FAM 2440. In the event that a member is curtailed without an onward assignment, the member may serve on a domestic detail of up to two (2) years until further action is taken or a suitable onward assignment can be determined.

b. For needs of the Service, including an event where a member is unable to assume a position that he or she has been assigned to, the Director General may rescind an assignment.

06. If an overseas tour of duty is shortened to less than 24 months solely for the convenience of the employee, or if the employee voluntarily separates from the Service before 24 months at post, the employee is liable for repayment of any rest and recuperation (R&R) travel, including travel by dependents that has been taken at government expense.

Section 8. Foreign Commercial Service Assignments Process

01. Under delegated authority from the Secretary of Commerce, the Director General determines all onward assignments for Foreign Commercial Service members through a bidding-and-paneling process. The objective of the process is to assign members to positions for which they

are qualified, in reasonable anticipation of vacancies, in a manner that is responsive to the needs of the Service and takes into account the career needs and personal preferences of the members.

02. The Career Development and Assignments Officer (CDAS) manages the bidding-and-paneling process and is responsible for maintaining the integrity of the assignments process and procedures.

03. Bid List Requirements.

A full bid list must include four (4) bids, ranked in order of preference. When bidding during an Open Assignments Cycle, an on-cycle officer:

- must submit a minimum of four (4) “core” bids at his/her current personal grade, if available;
- may submit up to four (4) additional bids on positions that are at the grade of, one grade higher than, or one grade lower than his/her current personal grade;
- may submit one (and only one) stretch bid on a position that is no more than two grades higher than his/her current personal grade in place of one of the aforementioned additional bids;
- may not submit double-stoop bids (e.g., FO-01 Officer may not bid on FS-03 graded positions).

04. Assignments Panel. The Director General establishes and chairs the Assignments Panel for the purpose of reviewing bids and qualifications for initial and onward assignment of members to overseas and domestic positions. The Assignments Panel is a voting committee comprised of career senior-level GM managers. The Panel meets in scheduled sessions in order to make assignment recommendations to the Director General who, under delegated authorities, approves assignments.

a. The Assignments Panel is comprised of the following members:

Director General of the U.S. and Foreign Commercial Service (Chair, approves and makes assignments)

Deputy Director General of the U.S. and Foreign Commercial Service (Facilitator, Chair in the absence of the Director General)

Deputy Assistant Secretary for Asia (voting member)

Deputy Assistant Secretary for China (voting member)

Deputy Assistant Secretary for Europe (voting member)

Deputy Assistant Secretary for Middle East and Africa (voting member)

Deputy Assistant Secretary for Western Hemisphere (voting member)

Deputy Assistant Secretary for the US Field (voting member)

Advocacy Center Director (voting member)

Select USA Director (voting member)

Office of Foreign Service Human Capital Director (voting member)

Office of Foreign Service Human Capital Career Development and Assignments Officer
(non-voting member)

b. As noted above, nine (9) Panel members have full voting authority and assignment recommendations are based on a majority vote. All nine (9) members of the Panel must participate in an assignment recommendation. In the event a member cannot attend, the Deputy Director or Executive Director for their office, as applicable will attend. There are no other substitutions to the members of this panel.

c. The Assignments Panel reserves the right to meet virtually in order to make assignment recommendations to the Director General

05. In line with the overall objective of the assignments process, the Assignments Panel makes specific recommendations to the Director General on an appropriate assignment for each member under consideration on a panel agenda. The Director General can accept a recommendation and make the assignment or may disagree with a recommendation and ask the Panel for further review or an alternative recommendation.

06. Open Assignments Cycle. An annual “Open Assignments Cycle” is initiated by advertising all positions to be filled during the calendar year of the cycle and all language-designated positions (LDPs) due to be filled during the following calendar year. To be considered for onward assignment by the Assignments Panel, a member must bid on a specific position when it is advertised as available for bid. In order to bid on a position, a member must be able to meet the language and/or language training requirement of the position according to the date it becomes available. Most onward assignments to overseas and domestic positions for Foreign

Commercial Service members are made during scheduled Assignments Panel meetings throughout the Open Assignments Cycle. An “on-cycle” member is any member due for an onward assignment whose current tour of duty ends during the calendar year of the Open Assignments Cycle. A member may not be assigned to a position more than one grade below the member’s personal grade. In any given Open Assignments Cycle, when all on-cycle members have been assigned, the Open Assignments Cycle ends.

07. Assignments Panel Agendas. During an Open Assignments Cycle, following the collection and qualification of bids, eligible bidders are placed on an Assignments Panel agenda for consideration at an appropriate Panel meeting. Organized by the personal grade of members, panel agendas include all the positions bid by on-cycle members as well as the bids of any other qualified Foreign Commercial Service employees on those positions. In presenting qualified bidders for an assignment to a specific position, bidders are listed alphabetically by personal grade along with the rank order priority they have identified for the position, valid language test scores (if applicable), and career status. Each bidder’s assignments history, range of language ability, career development interests, and bid statement are also provided. In determining an appropriate assignment for a Foreign Commercial Service member, the Assignments Panel may also take into consideration aspects of that member’s previous work experience, job performance, training, career development needs (including service overseas, service in domestic positions, and a fair proportion of hardship tours), as well as the circumstances of a tandem Foreign Service spouse.

08. Assignment Panel Meetings. During an Open Assignments Cycle, the Panel considers bids in descending order according to the personal grade of on-cycle bidders (i.e., FE-CM first, FS-04 last). The Panel will normally seek to assign positions to all at-grade on-cycle members before moving on to assign members at the next lowest grade. An on-cycle member should normally be assigned before an off-cycle member is assigned to a position that the on-cycle member has bid on. In most cases, an off-cycle member who is bidding on a position that is above or below his/her personal grade will not be assigned to that position until all on-cycle members at-grade for that position have been assigned.

09. Limited Non-Career Appointments. For needs of the Service, following the completion of an Open Assignments Cycle, or between cycles, if there are no qualified career or career-candidate members available for the assignment to an advertised overseas position (including a new position or an existing urgent vacancy), the position may also be advertised to non-career candidates and filled with the appointment of a limited non-career member. Other organizational units may assign limited non-career employees to overseas positions within those units without regard to the career and career-candidate members of the Foreign Commercial Service.

Section 9. Assignment Appeal Process

01. Foreign Service members are required to accept assignments on a worldwide basis as a condition of employment. If a member wishes to object to an assignment, the member must submit a written appeal to the Director General for assignment reconsideration within ten (10) calendar days of the assignment notification. The Assignments Panel evaluates the appeal and then makes a recommendation to the Director General to either consider alternative action including, if applicable, an alternative assignment, or to sustain the original assignment. A member may not appeal the fact that he or she was not assigned to a particular position.

02. If an appealed assignment is denied upon review, the member may seek a higher-level review by requesting the Director General to forward the appeal to the Under Secretary for International Trade. Upon review, the Under Secretary can return it to the Director General for alternative action or deny the appeal. If the appeal is denied, the assignment is final. Should the member then refuse the assignment, appropriate disciplinary action may be taken pursuant to 3 FAM 4300.

Approved:

Director Office of Foreign Service Human Capital

Date

AFSA Representative

Date

Director General, United States and Foreign Commercial Service

Date

Department of Commerce, Chief Human Capital Officer

Date