

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.

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 employees should file this Subchapter in the Foreign Service Personnel Management Manual.

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 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.
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.

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:

5. Addressing customer queries and requests for assistance promptly, accurately and thoroughly.

6. Providing responses/work products to the customer when promised or apprises the customer in advance of delay and reason for delay.

7. Providing alternative and/or expedited service to respond to changing or urgent customer requirements.

8. 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 determination to improve performance and the demonstrated potential for overcoming any substandard areas of performance. Indicators of substandard performance include:

- a. Reluctance to accept responsibility;
- b. A low rate of productivity or work poorly done;
- c. Demonstrated poor judgment;
- d. Inability to adjust to an overseas/domestic working environment;

- e. Weakness in meeting supervisory responsibilities; and
- f. Evidence of discriminatory behavior.

SECTION 8. BRIEFING MATERIAL AND DOCUMENTS FOR EVALUATING PERFORMANCE.

.01 The Office of Foreign Service Human Resources will brief the Board on technical procedures to be followed. The Board will address all queries regarding technical aspects of their work to the OFSHR representative.

.02 Each Board member will be provided with the following items:

- a. A set of these Precepts.
- b. Commissioning and Tenure Policy for Foreign Service Career-Candidates (DAO 202-900, Subchapter 100-3).
- c. Candidate's Official Performance Folder.
- d. A copy of the candidate's Personnel Audit Report (PAR).
- e. Findings and recommendations of previous Boards, if a candidate is being reviewed a second time.
- 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.

Approved: _____ Date 11/14/02
Deborah A. Jefferson
Acting, Director for Human Resources Management