

3 FAH-1 H-2260

THE SENIOR FOREIGN SERVICE OFFICER CAREER CANDIDATE PROGRAM

(TL:POH-44; 04-27-1998)

3 FAH-1 H-2261 THE SENIOR COMMISSIONING BOARD

3 FAH-1 H-2261.1 Composition

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

a. The Senior Commissioning Board (the Board) is chaired by a Career Minister and includes two other career members of the Department's Senior Foreign Service (SFS) in the class of Minister-Counselor or above and one other Department officer of at least equivalent rank. These members will be broadly experienced in major functional areas of administration, consular, economic/commercial, and political affairs. Additionally, the Board includes a career member of the SFS from another foreign affairs agency at the appropriate senior level.

b. All members are appointed for a two-year term, subject to early termination by the Director General of the Foreign Service to meet the needs of the Service (for example transfer or retirement). Terms may be extended to three years, circumstances permitting, at the discretion of the Director General.

c. Where the senior candidate to be reviewed is in a specialist occupational category, a career member of the SFS at the class of Minister-Counselor who is in the candidate's occupational category will, if feasible, be named to the Board to replace a regular member of the Board for consideration of the candidate. This ad hoc member participates fully in the Board's decision.

3 FAH-1 H-2261.2 Appointment to the Board

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

The Director General will appoint members of the Senior Commissioning Board who should have the same qualifications required of Selection Board members in 3 FAM 2326.1-2. Prior to any appointments, a list of the SFS members under consideration will be submitted to the exclusive bargaining representative, which will have a period of ten working days in which to offer comments. Such comments will be considered, but will not be binding, in making the final appointments.

3 FAH-1 H-2261.3 Responsibilities and Duties

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

a. At least once each quarter during the calendar year, PER/PE will review the eligibility of senior candidates for Board review and, if appropriate, will prepare a list of senior candidates who meet the eligibility requirement for review of career status. (see 3 FAM 2266.2). The Director, PER/PE, will certify this list for consideration by the Senior Commissioning Board.

b. The Senior Commissioning Board will review the official performance files of senior candidates certified to it for consideration. The Board will be guided in its decisions by 3 FAM 2260, this subchapter, and by the Precepts published in 3 FAH-1 H-2261 Exhibit H-2261.3. The Senior Commissioning Board will:

(1) Review and make recommendations on the commissioning of all eligible senior candidates certified to it; and

(2) Recommend in unusual cases a second review of a senior candidate to take place approximately 60 days prior to the expiration of the candidate's limited appointment. The Board may request supplementary evaluative material for its review.

3 FAH-1 H-2261.4 Board Action

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

Concurrence of the majority of the members of the Board is required for all Board decisions. No action unfavorable to a senior candidate may be taken without consideration and discussion of the file by all members of the Board. The Board will provide the Director General with the following:

(1) An alphabetical list of names of those senior candidates recommended for commissioning;

(2) An alphabetical list of the names of those senior candidates who are not recommended for commissioning nor a second review. Such individuals will be separated from the Service at the end of their limited appointment, or earlier if the Board so recommends and the Director General approves its recommendations; and

(3) Any recommendations for a second review of senior candidates with detailed statements as to why a second review is recommended.

3 FAH-1 H-2262 TEMPORARY OR PERMANENT REMOVAL OF NAMES FROM COMMISSIONING LISTS

(TL:POH-44; 04-27-1998)

(State Only)

(Applies to Foreign Service Only)

a. The procedures outlined below for temporary or permanent removal of names from commissioning lists apply to senior candidates recommended for career status by the Senior Commissioning Board (see 3 FAM 2267).

b. The Director General will inform the senior candidate concerned in writing of the action taken and will initiate, pursue, or monitor such inquiry, investigation, or proceeding as is appropriate to the issue giving rise to the removal. The exclusive bargaining representative will also be informed whenever such action is taken, but without identifying the candidate involved. *The candidate will be given an opportunity to submit whatever information or documents the candidate believes are pertinent to the case.* Upon disposition or resolution of the issue, the Director General will:

(1) Direct that the necessary action be initiated to commission the Senior Candidate; or

(2) Request the Senior Commissioning Board, which earlier recommended commissioning, to determine whether or not the senior candidate is, on the basis of the complete performance file, qualified to be commissioned as a senior officer in the Service; or

(3) If disciplinary or other action taken against a senior candidate effectively precludes commissioning, the Director General will document that action in the performance file and make permanent the prior exclusion of the name from the commissioning list. In this event, the candidate's file will not be reviewed again by the Board.

c. Upon review of the senior candidate's file, the Senior Commissioning Board will receive no information regarding the candidate not previously supplied to it other than material supplied under the provisions of paragraph b above. Prior to Board review, the senior candidate is supplied copies of all material added to the file and is given the opportunity to submit a response or rebuttal for placement in the file.

d. The subsequent finding of the Board regarding the senior candidate in question will be final and binding to the same extent as if made at the initial session. If the Board concludes that the candidate is qualified, on the current record, to be commissioned as a Senior Foreign Service Officer, the Director General will initiate action to commission the candidate. If the Board concludes that the candidate is not presently qualified, on the current record, for commissioning, the Director General will make permanent the prior exclusion of the name from the commissioning list.

3 FAH-1 H-2263 PROCEDURES FOR SEPARATION OF SENIOR CANDIDATES FOR UNSATISFACTORY PERFORMANCE

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

The following procedures govern determinations of unsatisfactory performance of senior candidates and the actions based on such determinations.

3 FAH-1 H-2263.1 Making a Determination of Unsatisfactory Performance

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

Ordinarily, the determination of unsatisfactory performance will be made by the rating and reviewing officers only in connection with review for a normally established performance appraisal. (See 3 FAM 2810 and 3 FAH-1 H-2810 for regulations and procedures governing submission of annual and interim reports and 3 FAM 2260 for additional reports that may be required by PER/PE for senior candidates.) However, when a candidate's performance is judged clearly unsatisfactory at any time after a reasonable opportunity for experience in a new position, the supervisor in consultation with the chief of mission or other reviewing officer may, if the situation warrants it, advise the candidate in writing of the unsatisfactory determination and the reasons thereof. The supervisor will provide 60 days for the candidate to raise performance to a satisfactory level. In such cases, if the candidate's performance after the 60-day warning period is found to be unsatisfactory, the post or bureau must immediately submit a full performance appraisal on the prescribed Department form to PER/PE documenting that performance is unsatisfactory. The report must be prepared in accordance with 3 FAM 2810 and 3 FAH-1 H-2810. Upon receipt of the report, PER/PE will refer the case to the Director General for review.

3 FAH-1 H-2263.2 Action By the Director General

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

a. Upon being advised by the Director of PER/PE that a senior candidate's service has been found unsatisfactory, the Director General will:

(1) So advise the candidate and grant a period of at least ten working days for the candidate to offer comment on the finding; and

(2) Conduct such further review or inquiry regarding the candidate's performance as may be appropriate. All material generated by such a review or inquiry or otherwise considered by the Director General will be made available to the candidate, who will be granted a period of ten working days from receipt of such material to offer comment.

b. Upon completion of the procedure in section 3 FAH-1 H-2263.2 paragraph a, the Director General will review all relevant and admissible material in the candidate's official performance file and either:

(1) Advise the candidate that the finding of unsatisfactory performance has been changed to satisfactory; or

(2) Direct that the candidate be separated from the service under section 611 of the Act; or

(3) Withhold judgment regarding possible action under sections 3 FAH-1 H-2263.2 paragraph b (1) and (2) for a specified period of further on-the-job observation.

—During that additional period the Director General may direct a special monitoring of the senior candidate's performance, which may include preparation of official evaluation reports at more frequent intervals than otherwise required.

—Upon expiration of the additional period the Director General will reassess the question based on overall performance history at that time.

3 FAH-1 H-2264 PROCEDURES FOR SFS STATUTORY ELECTION FOR PRESIDENTIAL APPOINTEES REGARDING PAY AND LEAVE

3 FAH-1 H-2264.1 Prospective Elections

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

—Each member of the SFS who accepts a Presidential appointment will make the election provided in 3 FAM 2269 in writing at the time of appointment.

—The Senior Level Division of the Office of Foreign Service Career Development and Assignments (PER/CDA/SL) will assure that this requirement is met.

—Such election shall remain valid for the entire period of appointment unless changed under the procedures in 3 FAH-1 H-2265.

3 FAH-1 H-2264.2 Effect of an Election to Serve in Presidential Appointment Status

3 FAH-1 H-2264.2-1 Leave

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

SFS members appointed to Presidential positions with the advice and consent of the Senate, and who elect to serve in PA pay and leave status, will be exempted from the authority of the leave statutes. As of the effective date of their appointments, their balance of accrued annual, sick, and home leave will be frozen. Such members will not accrue leave under the leave statutes while they remain in PA status. (SFS members appointed to Presidential positions which do not require the advice and consent of the Senate remain subject to the leave statutes under section 2312(a) of the Act.)

3 FAH-1 H-2264.2-2 Salary

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

SFS members electing to serve in PA pay and leave status shall receive the salary of their Presidential appointment.

3 FAH-1 H-2264.2-3 Performance Pay

(TL:POH-43; 04-14-1998)

(State Only)

(Applies to Foreign Service Only)

SFS members electing to serve in PA pay and leave status shall not be eligible for consideration for performance pay. Such members will be disqualified from performance pay competition related to the period in which the appointment takes place even if earlier rated performance otherwise would have made them eligible.

3 FAH-1 H-2264.3 Effect of An Election to Serve in SFS Status

3 FAH-1 H-2264.3-1 Leave

(TL:POH-43; 04-14-1998)
(State Only)
(Applies to Foreign Service Only)

SFS members assigned to Presidential positions who elect to serve in SFS pay and leave status shall remain subject to the leave statutes. They may accrue and will be accountable for all categories of leave, as are other members of the Foreign Service.

3 FAH-1 H-2264.3-2 Salary

(TL:POH-43; 04-14-1998)
(State Only)
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Members electing to serve in SFS pay and leave status shall continue to receive the salary of their SFS class and designated Executive Schedule level.

3 FAH-1 H-2264.3-3 Performance Pay

(TL:POH-43; 04-14-1998)
(State Only)
(Applies to Foreign Service Only)

Members electing to serve in SFS pay and leave status will be eligible for consideration for performance pay providing they are otherwise eligible.

3 FAH-1 H-2265 CHANGE IN STATUS

(TL:POH-43; 04-14-1998)
(State Only)
(Applies to Foreign Service Only)

a. An SFS member in PA pay and leave status whose appointment terminates will automatically revert to SFS pay and leave status effective the first pay period following the termination date of such appointment.

b. An SFS member who is assigned from one Presidential appointment to another must make a new election at the time of the new appointment.

c. During the last month of each annual rating period (normally March 15 - April 15), a member serving in a Presidential appointment may change pay and leave status with regard to the subsequent year and beyond. Members who were serving in PA status and who elect during "open season" to serve instead in SFS status will be permitted to compete for performance pay related to the following rating period. Adjustments in salary and leave status will be effective the beginning of the first pay period after April 15.

d. A member may change pay and leave status at times other than "open season" to benefit immediately from important changes in circumstances such as changes in SFS or ES salary levels or post classification. However, no retroactive effect will be granted for either salary or leave, and no member making such a change will be permitted to compete for performance pay related to the period in which the change is made.

3 FAH-1 H-2266 THROUGH H-2269 UNASSIGNED

3 FAH-1 H-2261 Exhibit H-2261.3 PRECEPTS FOR THE SENIOR FOREIGN SERVICE COMMISSIONING BOARD

(TL:POH-43; 04-14-1998)

A. Authority of the Board

The decision to offer a senior candidate a career appointment in the Senior Foreign Service will be based on the recommendation of the Senior Commissioning Board. The Board is organized to carry out its responsibilities in accordance with the provisions of 3 FAM 2260 and 3 FAH-1 H-2260 as supplemented by these Precepts. Within the scope of these regulations and Precepts, the Board will establish such internal operating procedures as necessary to fulfill its responsibilities.

B. Criteria of Judgment

The criterion for a positive commissioning recommendation will be the senior candidate's demonstrated ability to perform at or above the standard of performance of other members of the class in the functional or specialist category in which the candidate is serving and the potential to serve effectively at the highest levels of responsibility in the same occupational category.

Candidates must also demonstrate the necessary substantive knowledge, leadership, managerial, intellectual, interpersonal, and foreign language skills and abilities to direct from senior positions the effective promotion of U.S. interests in the given occupational category. No candidate can be expected to display all of these qualities; thus the Board should avoid negative assumptions regarding qualities that the candidate has had no practical opportunity to display. At the same time, the Board should heed documented evidence that the candidate lacks or is seriously deficient in these qualities to an extent that development of satisfactory competence in any one of the five broad skill areas appears doubtful. On the other hand, the Board should take into account evidence that early weakness in these qualities or skills has been or is being overcome.

The six areas of skills and related qualities that should help guide the Board's judgments are the following:

1. SUBSTANTIVE KNOWLEDGE

	Senior Foreign Service
Job Information	Uses deep knowledge of substantive issues, including the full interplay of technical, cultural, historical, and political forces, to formulate and implement policy options. Imparts knowledge to subordinates.
Expertise	Conceives, institutes, and implements program and policy initiatives. Creates systems to ensure subordinates develop their own expertise.
Management Practices	Knowledgeable of nuances of management theory and practice. Ensures appropriate controls are developed and implemented.
Foreign Cultures	Uses thorough knowledge of U.S. and foreign policy environment to spot and exploit opportunities to advance mission goals.
Specialist Skills	Exhibits mastery of advances in chosen field; accurately assesses costs / benefits of adopting and implementing new techniques.

2. LEADERSHIP SKILLS

	Senior Foreign Service
Decision-Making	Integrates the entire range of relevant foreign policy and administrative factors into the decision-making process.
Negotiation	Negotiates effectively in internal, bilateral and multilateral environments.
Representation	Moves with ease at all levels of society, including those where crucial decisions are made. Optimizes available resources to foster relationships important to U.S. interests.
Operational Effectiveness	Organizes subordinates to inspire teamwork, high morale, efficient operations; elicits respect, confidence, and cooperation. Stimulates desire for self-improvement, job mastery, and increasing responsibilities.

3. MANAGERIAL SKILLS

	Senior Foreign Service
Innovation	Empowers subordinates to seek and adopt innovative solutions to problems.
EEO	Promotes principles of fair treatment and equality of opportunity by example and direction. Mentors and teaches subordinates.
Human Resources	Ensures that supervisors work for and in accordance with mission/bureau goals; actively contributes to subordinates' professional development.
Work Habits	Assigns and encourages subordinates to match scarce resources to projects that reflect U.S. interests and policy/ priorities. Delegates well; does not micro manage.
Internal Controls	Institutes, manages, and evaluates internal controls systems for all program and administrative activities within supervisory area.

4. INTELLECTUAL SKILLS

	Senior Foreign Service
Conceptual	Integrates fully a wide range of intellectual skills and prior experiences. Conceptualizes and communicates U.S. interests in evolving global environment. Seeks to influence outcome of policy-making.
Authority Relationship and Dissent	Navigates easily in an environment of shifting authority relationships. Accords importance to well-founded dissent. Open to change and creative thinking.
Oral Communication	Articulates U.S. policy goals and objectives clearly and persuasively. Effectively argues complex policy issues. Deals with media comfortably.
Written Communication	Exhibits full mastery of the drafting process. Edits judiciously. Ensures policy and operational issues are articulated in ways most helpful to decision-makers.

5. INTERPERSONAL SKILLS

	Senior Foreign Service
Adaptability	Exercises sophisticated cultural sensitivity. Develops, inspires, and mentors subordinates. Moves quickly and deftly to prevent or resolve personnel problems.
Teamwork	Leads effectively and puts others at ease under changing conditions and shifting priorities. Promotes positive climate for change.
Supervisory Relationship	Maintains resolve and equanimity. Builds a work environment where the contributions of individual subordinates are valued and encouraged. Provides timely guidance and corrective feedback while allowing subordinates broad flexibility to carry out assignments. Ensures the integrity of the employee evaluation process.
Demeanor	Arbitrates differences. Diffuses tensions in the workplace.
Customer Service	Promotes a client-oriented focus within the mission/bureau.

6. FOREIGN LANGUAGE SKILLS

	Senior Foreign Service
Competency	(G) Demonstrates continuing professional proficiency in at least one foreign language with a goal of achieving proficiency in two.

7. Additional Factors

There are also additional factors which should ordinarily adversely affect the Board's determination as to whether or not a candidate is qualified for career status. They are:

- a. Reluctance to accept responsibility;
- b. Failure to carry out properly assigned tasks within a reasonable time;
- c. Low productivity or work poorly done;
- d. Failure to adapt to the office environment or a foreign culture;
- e. Refusal to accept or carry out legitimate directives from properly authorized officials;

- f. Inability to work effectively and cooperatively with supervisors, colleagues, teammates, or subordinates;
- g. Lack of EEO sensitivity;
- h. Indifference/Failure to carry out supervisory responsibilities.

C. Assignments

Different assignment patterns inevitably present candidates with varying opportunities to demonstrate the qualities important to the Board's judgments. All candidates regardless of specialization, area of assignment, or diversity of experience, should receive equal consideration.

D. Equality of Consideration

The Board will consider all candidates solely on merit with absolute fairness and justice. In particular, the Board will not disadvantage any candidate, directly or indirectly, for reasons of race, color, religion, sex, age, handicap, national origin, or sexual orientation.

This responsibility is not only that of an equitable weighing of performance data by the Board, but a positive discounting of any apparent bias or unfairness either conscious or unconscious, in the material reviewed.

The performance rating process must be insulated from irrelevant or improper influences. Stereotypes, group assumptions, and sexist or ethnic comments must not affect evaluations.

If the Board discerns an indication of such unfairness in a performance file for any reason, it will discount the statement or implications and refer the matter to the Director, Office of Performance Evaluation (PER/PE), for correction of the file, as appropriate.

E. Information to be Considered

1. Members of the Office of Performance Evaluation will guide the Board in the technical procedures to be followed. The Board will address all queries regarding its work only to the staff of that office.
2. The Board will base its decisions only on material properly part of the candidate's performance file.
3. The Board should ignore any information in the file which is currently inadmissible in the regulations. Such information should not be the subject of discussion or a basis for the Board's decisions.
4. Medical problems or personal and physical characteristics should not be considered unless they affect performance or potential.

5. Board members should neither seek nor receive any information on candidates other than that properly included in the performance file.

6. A Board member may not bring to the Board's attention personal knowledge of a candidate except for information relevant to the candidate's performance or potential and then only by means of a signed memorandum. A copy of the memorandum shall be forwarded promptly, by cable if necessary, to permit the candidate to comment on it before the Board completes its review, but such completion will not be delayed more than ten days pending the receipt of comment.

7. The Board will identify rating and reviewing officers who merit commendation or criticism for the quality of evaluations they prepared in the most recent rating period. In each case where an official is criticized, the Board will prepare a written statement citing deficiencies. Such statements will be placed in the officer's official performance file and a copy sent to the officer.

F. Submission of Findings and Recommendations

Following each Board session, the Board will prepare a report which will be forwarded to the Director General under cover of a transmittal letter signed by the Board members. The Director General may accept the Board's findings or return them for review if there are any questions regarding procedures or conformity with the Precepts.

The report will include the information called for in 3 FAH-1 H-2261.4 .

In addition to the above, the Board may prepare the following reports and recommendations:

1. A list of rating and reviewing officers who merit commendation or criticism for the evaluation reports they prepared in the most recent rating period. In each case where an officer is criticized, the Board must prepare a written statement citing deficiencies.

2. Recommendations on the training, assignment, or counseling of any candidate under review.

3. Recommendations on the operation of the candidate program, the Employee Evaluation Report, and the Board's Precepts and procedures.

G. Oath of Office

Board members will heed the following oath of office and adhere to the Precepts. Failure to observe these instructions may result in disciplinary action or penalties as prescribed by the Privacy Act. Board members should report to the Director, Office of Performance Evaluation, any attempt to provide them information not authorized by the Precepts.

"I _____ , do solemnly swear (or affirm) that I will perform the duties of a member of this Board faithfully and to the best of my ability; that I will adhere to the Precepts; that I will apply the Precepts and promotion criteria without prejudice or partiality; and that I will not reveal to unauthorized persons any information concerning the personnel records used or the deliberations and recommendations of the Board, (so help me God)."