



ADS Chapter 415

Civil Service (CS) to Foreign Service (FS) Appointment Program

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**Functional Series 400: Personnel
ADS 415 - Civil Service (CS) to Foreign Service (FS) Appointment Program**

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Functional Series 400: PERSONNEL
ADS 415 - Civil Service (CS) to Foreign Service (FS) Appointment Program

415.1 OVERVIEW

Effective Date: 02/25/2005

The purpose of USAID's CS to FS Appointment Program is to provide the Agency with an additional recruitment mechanism for filling Foreign Service overseas vacancies that remain unfilled at the end of the major assignment cycle. The Program also contributes to the Agency's ability to quickly respond to overseas staffing emergencies. Through the policies and procedures established in this chapter, the Bureau for Management, Office of Human Resources (M/HR) maintains a roster of USAID Career Civil Service employees who are qualified for and interested in a Non-Career, limited-term appointment to the Foreign Service (not to exceed five years).

This chapter provides policies and required procedures to enable USAID management to meet staffing requirements that cannot be filled by the FS Assignment System by appointing Career CS employees to overseas FS positions.

415.2 PRIMARY RESPONSIBILITIES

Effective Date: 02/25/2005

a. **The Bureau for Management, Office of Human Resources (M/HR)**, is responsible for the following:

- (1) Providing oversight and evaluation of the operational aspects of the CS to FS appointment program;
- (2) Terminating, at any time, an employee's time-limited appointment for reasons other than misconduct; and
- (3) Reviewing and deciding requests for exceptions under the CS to FS Appointment Program.

b. **The Bureau for Management, Office of Human Resources, Labor, Employee Relations and Benefits Division (M/HR/LERB)**, is responsible for negotiating with labor organizations on issues pertaining to this chapter.

c. **The Bureau for Management, Office of Human Resources, Personnel Operations Division (M/HR/POD)**, is responsible for the following:

- (1) Managing the CS to FS appointment program;
- (2) Advertising potential FS opportunities for USAID CS employees;
- (3) Coordinating the application review process;

(4) Maintaining rosters of CS employees eligible for consideration under the CS to FS program;

(5) Developing and issuing selection certificates to the Missions;

(6) Notifying applicants, in writing, of [Technical Review Committee](#) (TRC) selection decisions; and

(7) Working with successful applicants to effect their limited appointments to the Foreign Service.

d. **Regional Bureaus, Pillar Bureaus and Missions** are responsible for the following:

(1) Identifying technical experts to serve on TRCs convened by M/HR/POD; and

(2) Giving fair and full consideration to applicants referred for selection consideration.

e. **The TRC** is responsible for reviewing each applicant's education and professional experience per the qualifications needed for successfully performing the duties required of a Foreign Service Officer in the committee's technical area of expertise.

f. **Missions** are responsible for evaluating a CS candidate's qualifications and experience per those required for an advertised overseas position.

g. **Employees** are responsible for complying with the policy directives and required procedures outlined in this chapter.

415.3 POLICY DIRECTIVES & REQUIRED PROCEDURES

Effective Date: 02/25/2005

415.3.1 General Provisions

Effective Date: 02/25/2005

The general provisions consist of the following:

a. Filling FS positions with qualified and available FS employees is first priority.

b. CS employees receiving Non-Career FS appointments are assigned to overseas positions only.

- c. Non-Career FS appointments will be at the FS-03 to FS-01 levels.

415.3.2 Announcement of Positions

Effective Date: 02/25/2005

When vacant overseas positions 1) have been advertised twice in one assignment cycle, 2) there are no qualified FS candidates available to fill them, and 3) Missions have indicated to M/HR/POD that they wish to fill the positions via this program, M/HR/POD issues Certificates with the names of CS employees, already on the CS to FS roster and approved for appointment under the program, to Mission managers for selection consideration. The names of employees not selected will remain on the roster for future consideration.

To increase the resources available under the program, M/HR/POD issues General Notices, as needed, inviting CS employees to apply. Successful candidates are included on the CS to FS rosters for each [backstop](#) for which they apply and are approved. Inclusion on a roster does not guarantee a conversion offer.

415.3.3 Eligibility and Qualifications

Effective Date: 02/25/2005

To be eligible for appointment, CS employees must: 1) have Career tenure with the Federal government, 2) be at grade GS-13 or higher, and 3) have been employed as a USAID direct-hire Civil Service employee for the 24 months preceding the closing date of the CS to FS opportunities announcement. Employees must possess professional experience at a level appropriate to overseas FS-03 to FS-01 positions in various backstops.

415.3.4 Application Procedures

Effective Date: 02/25/2005

CS employees applying under the General Notice must submit Expressions of Interest to M/HR/POD on or before the closing date of each announcement. Employees can express interest in one or more backstops simultaneously by submitting a resume or Optional Application for Federal Employment (Form OF-612), as long as the submission covers the information required to assess eligibility and qualifications. (See [OF-612](#)). Applicants who meet the basic qualifications for specific backstops will be referred to a TRC, convened by the Chief, M/HR/POD (or designee), for a review of their technical qualifications.

415.3.5 Technical Review Committee

Effective Date: 02/25/2005

The TRC reviews applicants' technical qualifications and competencies for the backstops for which they have expressed an interest. This process requires TRC members to review each applicant's evaluation folder to assess the relevance of his or

* An asterisk indicates that the adjacent material is new or substantively revised.

her background (e.g., education, training, experience, and past performance) for the backstop. The TRC makes recommendations, based on this review, concerning the inclusion of applicants on the roster for the backstop.

415.3.6 Non-Career Appointments

Effective Date: 02/25/2005

CS employees selected for the Program will be offered Non- [Career appointments](#). Non-Career appointments are time-limited, not to exceed five years in duration. [Non-Career employees](#) are not eligible for promotion or participation in the FS Assignment System and are not required to be available worldwide. Worldwide Availability documentation should not be signed by Non-Career appointments. (See Mandatory Reference, [section 309, FSA of 1980, as amended](#))

415.3.7 Change in Limited Appointment

Effective Date: 02/25/2005

A Non-Career appointee may request a change to [Career Candidate](#) after the employee has served at least two years overseas and received two 12-month annual evaluations (covering at least 24 months of overseas service). If there is an ongoing Agency need for the appointee's specialty, endorsement from the appointee's technical area, and a fully successful evaluation history, the appointee can be given a new five-year appointment as a Career Candidate. After the newly appointed Career Candidate concludes his/her current established tour(s), she/he will participate in the FS Assignment System. Career Candidates must have at least two, two-year overseas assignments before being assigned to Washington, DC.

A Non-Career employee appointed at the FS-01 level who is approved for conversion to Career Candidate status must convert at the FS-02 level.

If the first request for a change to Career Candidate status is denied because there is no ongoing overseas Agency need for the Non-Career appointee's specialty, the Non-Career appointee may request reconsideration after 12 months.

a. All requests to change from Non-Career to Career Candidate appointments must be submitted, in writing, to the Chief, M/HR/POD (or designee), for review and consideration.

b. M/HR/POD, in consultation with Policy, Planning and Information Management Division of the Office of Human Resources (M/HR/PPIM), decides whether a continuing requirement exists overseas for the skills of the employee making the request. If a need is established:

(1) The employee's performance evaluations and other pertinent documents are reviewed by M/HR/POD. If the performance history indicates potential for continued successful overseas service and a change in appointment from Non-Career to Career Candidate is supported by the chief representative of the

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candidate's backstop, a written recommendation is submitted by M/HR/POD to the Chief, M/HR/POD (or designee) for consideration.

(2) An employee who is approved is converted to Career Candidate status and given a new five-year limited appointment. As Career Candidates they are considered Eligible Bidders in the assignment cycle appropriate to the tour linked to their current assignment. Employees who are not approved remain in their Non-Career appointments through the expiration dates, unless terminated earlier by M/HR.

415.3.8 Tenuring

Effective Date: 02/25/2005

A CS employee who served initially under a Non-Career appointment and then changed to a Career Candidate will be reviewed for tenure after the first full 12-month rating cycle (ending March 31 of the rating year) subsequent to conversion to Career Candidate. To be eligible for tenure, the employee must have:

- a. Been favorably reviewed by an FS Performance Board (receiving an "A" or "B" Report Card),
- b. Served overseas the preceding three years (two years in a Non-Career appointment and one year as a Career Candidate),
- c. Demonstrated the required language proficiency, and
- d. Met medical and security clearance requirements for tenure. (See [HB 28, Chapter 4](#)).

The appointment of a Career Candidate who receives a "C" report card will be terminated as soon as practicable. (See [ADS 463](#))

415.3.9 Salary and Within Grade Increases

Effective Date: 02/25/2005

The FS Non-Career appointment must be effected at the FS class level equivalent to the CS employee's grade and salary or, if an equivalent salary cannot be matched, the salary will be set at the nearest salary over the present salary. (See Mandatory References, [sections 307, 403, 404 of the FSA of 1980, as amended](#)) FS class levels will be determined as follows:

- a. GS-15 converts to FS-01
- b. GS-14 converts to FS-02
- c. GS-13 converts to FS-03

Note: An employee who is approved for a change from a Non-Career appointment to a Career Candidate appointment must be converted to Career Candidate status at no higher than the FS-02 level.

Limited appointment FS employees are eligible for within-grade increases. (See Mandatory Reference [406 of the FSA of 1980, as amended](#))

415.3.10 Clearances

Effective Date: 02/18/2005

a. **Security Clearance.** An individual appointed to the Foreign Service must have a Top Secret security clearance. An upgrading and/or revalidation of the employee's current clearance may be necessary before appointment. (See Mandatory Reference, [Executive Order 10450, as amended](#))

*b. **Medical Clearance.** The Medical Director of the Department of State must have decided, before Non-Career appointment begins that the employee was examined and found qualified for appointment to the assigned overseas post. (See Mandatory Reference, [section 904 of the FSA of 1980, as amended](#) and [16 FAM 100](#))

415.3.11 Language Requirements

Effective Date: 02/25/2005

Non-Career appointees must demonstrate language proficiency before assignment to a language-designated position (LDP) will be finalized. The Agency will not provide language training to Non-Career appointees other than for the purpose of achieving the required language proficiency for an LDP assignment.

415.3.12 Benefits, Allowances, and Differentials

Effective Date: 02/25/2005

a. CS employees appointed to the FS as Non-Career Candidates retain their CS retirement benefits. (See [HB 30](#))

b. FS Career Candidates and Career Employees are covered by the Foreign Service Retirement and Disability System (FSRDS) and the Federal Employee Retirement System (FERS). (See [HB 30](#))

c. Allowances and post differentials are available to all employees appointed under this program. (See [ADS 477](#))

d. Other benefits, e.g., health and life insurance, are available to employees appointed under this program. (See [ADS 476](#) and [478](#))

415.3.13 Performance Management, Evaluation, and Promotion

* An asterisk indicates that the adjacent material is new or substantively revised.

Effective Date: 02/25/2005

Non-Career FS appointees are evaluated in accordance with the policies and procedures of the Agency's Employee Evaluation Program for Foreign Service and Senior Foreign Service employees (See [ADS 461](#)). Non-Career FS employees are not reviewed by FS Performance Boards and are not eligible for promotion.

FS Career Candidates will be evaluated in accordance with the policies and procedures of the Agency's Employee Evaluation Program for Foreign Service (See [ADS 461](#)) and are eligible for promotion.

415.3.14 Termination

Effective Date: 02/25/2005

Termination of an FS limited appointment prior to the established duration of the appointment is governed by Sections 610 and 612 of the FS Act of 1980, as amended. (See Mandatory References, [Sections 610 and 612 of the FS Act of 1980, as amended](#))

Employees must be advised, in writing, of the intended separation from the FS at least 60 days prior to the proposed effective date of the action.

415.3.15 Reemployment Rights

Effective Date: 02/25/2005

A CS employee who accepts a limited Non-Career appointment in the Foreign Service under section 310 of the Foreign Service Act of 1980 is entitled, upon the expiration or termination by management of the limited appointment, to be reemployed in that employee's former position or in a corresponding position at the same grade level. (See Mandatory References, [Section 310 of the FS Act of 1980, as amended](#), [22 USC 3950](#), and [5 USC 3597](#))

Reemployment at a higher grade than the former position is subject to competition under the Agency's Promotion and Internal Placement Program outlined in [ADS 418, Promotion and Internal Placement](#).

If the reemployment of the returned USAID employee requires a reduction-in-force (RIF), the employee is placed on the RIF retention register appropriate to the position that the employee held immediately before entering the Foreign Service. (See [ADS 412](#))

An employee waives [reemployment rights](#) upon accepting a position in any Federal agency other than USAID, upon accepting a Career Foreign Service appointment, or upon failure to exercise reemployment rights within 30 calendar days from the termination date of the limited Foreign Service appointment. (See [ADS 412](#))

Upon reemployment, salary must be calculated in accordance with the maximum payable rate rules stated in 5 CFR 531. (See Mandatory Reference, [5 CFR 531](#)). Upon being notified of the pending termination of his/her limited Foreign Service appointment with USAID, an employee must update his/her employment record at the time she/he applies for reemployment using an Optional Application for Federal Employment (OF-612) or resume.

M/HR/POD will notify the employee in writing within 14 calendar days of receipt of the employee's application for reemployment if the application for reemployment is denied. The written notice will include a statement of the basis for the decision and the employee's right of appeal. An employee's appeal must be made within 15 calendar days after the employee receives the Agency decision. If an employee is notified by the employee's parent agency that the application for reemployment is denied on grounds of ineligibility, or reemployment is not effective within the prescribed time, the employee may appeal the decision to the Merit Systems Protection Board.

See ADS 412, Reemployment Rights and E412.5.7 Right of Appeal if Reemployment Rights are Denied

- a. The appeal must be made within 15 calendar days after the employee receives the parent agency's decision or after the time limit for reemployment expires. The appeal must be sent to the

Merit Systems Protection Board
8th Floor, 1120 Vermont Avenue, NW
Washington, DC 20419

- b. The employee may obtain additional information on appeal rights from the personnel office of the employee's parent agency.

415.4 MANDATORY REFERENCES

415.4.1 External Mandatory References

- a. [Foreign Service Act of 1980, as amended, Sections 301, 306, 307, 309, 310, 403, 404, 406, 610, 612, 812, and 904](#)
- b. [Executive Order 10450](#), as amended
- c. [Agreement to Continue Service: Conditions of Employment for Career Foreign Service Employee](#)
- d. [Agreement to Continue Service: Conditions of Employment for Time-Limited Foreign Service Career Candidate Employee](#)

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- e. [Agreement to Continue Service: Conditions of Employment for Time-Limited Foreign Service Non-Career Employee Assigned to an Overseas Mission](#)
- f. [5 CFR 531](#)
- g. [5 USC 3597](#)
- h. [22 USC 3950](#)
- *i. [16 FAM 100](#)
- j. [HB 28, Chapter 4](#)
- k. [HB 30](#)

415.4.2 Internal Mandatory References

- a. [ADS 412, Reemployment Rights](#)
- b. [ADS 418, Promotion and Internal Placement](#)
- c. [ADS 461, Employee Evaluation Program, Foreign Service, and Senior Foreign Service](#)
- d. [ADS 463, Foreign Service Boards](#)
- e. [ADS 476, Benefits](#)
- f. [ADS 477, Allowances and Differentials](#)
- g. [ADS 478, Payments to Missing Employees](#)

415.4.3 Mandatory Forms

- a. [OF-612, Optional Application for Federal Employment](#)

415.5 ADDITIONAL HELP

415.6 DEFINITIONS

Annual Evaluation Form (AEF): The form used for evaluating performance under the Employee Evaluation Program (EEP). (See [ADS 461](#)) (Chapters 415, 461, 462, 463)

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Backstop: Numeric code used to identify the skill category of a particular position. (Chapter 415)

Career Appointment: An appointment in the Foreign Service that is not temporary or limited to a certain period of time. (Chapter 415)

Career Candidate: An employee hired for a time-limited appointment that is intended to lead to a permanent appointment with the Agency. (Chapters 415, 468)

Non-Career Employee: An employee hired for a time-limited appointment that requires skills linked to short-term USAID Foreign Service overseas staffing needs. (Chapter 415)

Reemployment Rights: Rights of an employee to return to an agency after detail, transfer, or appointment to another Executive agency during an emergency; an international organization; or other statutorily covered employment (e.g., time-limited FS appointment in USAID, the Peace Corps). (Chapters 413, 415)

Technical Review Committee (TRC): A Committee convened by the Chief, M/HR/POD (or designee) to review technical qualifications, make assessments, and recommend appointments of CS applicants to the Foreign Service. (Chapters 415, 459, 468)

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