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# ADS Chapter 485

## Disciplinary Action - Foreign Service

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**ADS Chapter 485 – Disciplinary Action – Foreign Service**

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*\*An asterisk and yellow highlight indicates that the adjacent material is new for this chapter or substantively revised.*

## ADS 485 – Disciplinary Action – Foreign Service

### 485.1 OVERVIEW

Effective Date: 03/14/2002

This chapter provides the policy directives and required procedures for Foreign Service (FS) disciplinary actions, including separation for cause. It applies to U.S. citizen employees holding FS appointments with USAID. It is applicable to employees holding time-limited appointments if the proposed action is based on misconduct.

This chapter also applies to situations in which the Agency has proposed an assignment for a career FS employee to his or her current post, or reassignment to a different post, country, region, or organizational location, and the employee refuses to accept. Similarly, this chapter applies to an employee holding a limited appointment, who, upon appointment, signed an agreement to serve at such post or posts as assigned and then refuses to take the assignment.

Excluded from coverage are separations resulting from reduction-in-force, security determinations, selection-out, termination of time-limited appointment for reasons other than misconduct, disability, termination of executive personnel who serve at the discretion of the Administrator, and failure of Senior Foreign Service (SFS) employees to accept an overseas assignment in connection with the granting of a Limited Career Extension (LCE).

### 485.2 PRIMARY RESPONSIBILITIES

Effective Date: 12/10/2009

- a. **Supervisors** are responsible for
1. Recognizing shortcomings in their subordinates' conduct or performance to a degree which necessitates corrective action, and to initiate such action promptly, impartially, and constructively;
  2. Fully informing the employee of the reasons for the Agency action;
  3. Giving the employee an opportunity to answer the charges;
  4. Carefully weighing all circumstances, considering fully the employee's previous record, character and potential, and contemplating probable consequences before initiating disciplinary action; and
  5. Initiating disciplinary action when warranted. Supervisors have the added authority to orally admonish a Foreign Service employee

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under their supervision when circumstances do not warrant formal discipline.

- b.** The **Chief, Foreign Service Personnel Division, Office of Human Resources (OHR/FSP)** is responsible for proposing reprimands and suspensions of Foreign Service personnel when circumstances warrant.
- c.** The **Deputy Assistant Administrator for Human Resources, Office of the Director (DAA/HR)** is responsible for serving as the deciding official for all proposed reprimands and suspensions, and for proposing separations for cause for Foreign Service personnel when circumstances warrant.
- d.** The **Office of Human Resources, Employee and Labor Relations Division (OHR/ELR)** is responsible for providing, upon request, general advice on and assistance with disciplinary matters to supervisors, operating officials, employees and Bureau/Independent Office Administrative Management Staffs (AMS). OHR/ELR is also responsible for placing a record copy of the approved reprimand, suspension, or separation for cause in the employee's performance file and retaining all records upon which the decision was based.

### **485.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES**

Effective Date: 12/10/2009

#### **\*485.3.1 Reasonableness of Action**

Effective Date: 10/04/2011

In administering disciplinary actions, the Agency must maintain consistency and equity by taking comparable action in comparable cases as much as possible. It is not realistic, however, that a prescribed schedule of offenses and penalties can be applied mechanically to achieve this end.

\*For more information about disciplinary actions and employee rights, see [Mandatory Reference 485maa, Labor Management Employee Right to Labor Organization Representation](#).

#### **485.3.2 Penalty Selection**

Effective Date: 12/10/2009

The Agency will adhere to the policy directives and required procedures regarding penalties and corrective action as stated in [3 FAM 4300, Disciplinary Action \(Including Separation for Cause\)](#). The broad range of "possible" penalties is intended to serve as general guidance. The proposing or deciding official, however, retains the discretion necessary to select the most appropriate action in any particular case in view of all the facts and circumstances. In deciding whether to discipline an employee and in selecting an appropriate

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disciplinary action, the proposing or deciding official takes into consideration the constructive purpose of discipline, which is intended to

1. Correct, if possible, unacceptable conduct, attitude, or work habits;
2. In every case, ensure necessary action is taken to help maintain morale and the efficiency of the Service; and
3. Be fair and reasonable in its degree of severity.

### **485.3.3 Failure to Accept Assignment**

Effective Date: 12/10/2009

Foreign Service (FS) employees to whom this chapter applies must be available for service on a world-wide basis. FS employees may appeal assignment decisions in accordance with the procedures established in [ADS 436, Foreign Service Assignments and Tours of Duty](#). FS employees who fail to accept assignments will be subject to the initiation of separation action. The Agency will adhere to the policy directives and required procedures as stated in [3 FAM 4300, Disciplinary Action \(Including Separation for Cause\)](#).

### **485.3.4 Disciplinary Action (Including Separation for Cause)**

Effective Date: 03/14/2002

The Agency will adhere to the policies and procedures contained in [3 FAM 4300, Disciplinary Action \(Including Separation for Cause\)](#).

### **\*485.4 MANDATORY REFERENCES**

Effective Date: 10/04/2011

#### **485.4.1 External Mandatory References**

Effective Date: 03/14/2002

- a. [Foreign Service Act of 1980, as amended](#)
- b. [3 FAM 4300, Disciplinary Action \(Including Separation for Cause\)](#)

#### **\*485.4.2 Internal Mandatory References**

Effective Date: 10/04/2011

- a. [ADS Chapter 436, Foreign Service Assignments and Tours of Duty](#)
- \*b. [485maa, Labor Management Employee Right to Labor Organization Representation](#)

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**485.5 ADDITIONAL HELP**  
Effective Date: 12/10/2009

There are no additional help documents at this time.

**485.6 DEFINITIONS**  
Effective Date: 12/10/2009

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

**admonishment**

A warning or caution to an employee. (Chapter 485)

**Agency**

United States Agency for International Development, its Offices, Bureaus, divisions, and posts abroad. (Chapter 485, [508](#))

**days**

Calendar days, unless otherwise specified. (Chapter 485, [486](#))

**Deciding Official**

The individual who makes the decision to admonish, reprimand, suspend, or separate for cause. (Chapter 485)

**disciplinary action**

Action against an employee in the form of a reprimand, suspension, or separation for cause. (Chapter 485)

**employee**

Any U.S. citizen who is a member of the Senior Foreign Service or who is assigned to a salary class in the Foreign Service schedule, who is serving under either a career or career candidate appointment, or who is serving under a limited appointment that does not confer career candidate status. The term excludes consular agents. (Chapter 485)

**Proposing Official**

The management official who proposes a reprimand, suspension, or separation for cause to the deciding official. (Chapter 485)

**reprimand**

A written official rebuke, censure, or registration of disapproval of a specific action or actions by an employee. (Chapter 485)

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**separation for cause**

Separation from the Service for such cause as will promote the efficiency of the Service under Section 610 of the Act (22 U.S.C. 4010) (Chapter 485)

**Service**

See 3 FAM 4310 and 3 FAM 4412. (Chapters 485, [486](#))

**suspension**

Placement of an employee in a temporary non-duty and non-pay status for disciplinary reasons. (Chapter 485)

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