

# **3 FAM 2240 FOREIGN SERVICE OFFICER CAREER CANDIDATE PROGRAM**

*(TL:PER-397; 04-06-2001)*

## **3 FAM 2241 GENERAL PROVISIONS**

### **3 FAM 2241.1 Authority**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

*The* authorities include sections 105, 211, 301, 302, 303, 306, 307, 309, 404, 502, 601, 602, 603, 605, 610, 611, 2102, and 2106 of the Foreign Service Act of 1980 (hereinafter referred to as the Act).

### **3 FAM 2241.2 Purpose**

*(TL:PER-302; 11-9-95)*

*(State Only)*

*(Applies to Foreign Service Employees)*

The Foreign Service Officer Career Candidate Program is a comprehensive program of appropriate training, assignment, evaluation, counseling, and review intended to enable candidates for career status as Foreign Service Officers to demonstrate through on-the-job experience, and in the shortest time practicable, whether they have the potential to serve successfully across the normal career span of a Foreign Service Officer (extending to and including class FS-01).

### **3 FAM 2241.3 Applicability**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

These regulations apply to:

- (1) Junior Foreign Service Officer career candidates who have been appointed under the authority of 3 FAM 2210. Such candidates are appointed to classes FS-06, 05 or 04. Such appointments will be limited to a maximum of 5 years;
- (2) Mid-level Foreign Service Officer career candidates who have been appointed under the authority of 3 FAM 2210 for a period not to exceed 5 years. Such candidates are appointed to classes FS-03, 02, or 01; and
- (3) Foreign Service Officer career candidates in the Mustang Programs, who have been appointed under the provisions of 3 FAM 2210.

### **3 FAM 2241.4 Definitions**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

For purposes of this subchapter and 3 FAH-1 H-2240, the following definitions will apply:

- (1) **Officer candidate:** All candidates covered in 3 FAM 2241.3;
- (2) **Junior Officer candidate:** All Foreign Service Officer candidates in the categories covered by 3 FAM 2241.3, subparagraphs (1) and (3);
- (3) **Tenure:** Granting of career status; and
- (4) **Commissioning:** Act of appointment by the President and a confirmation by Senate of a candidate who has been recommended for tenure as a Foreign Service Officer by the Commissioning and Tenure Board, *hereinafter called the Board*.

## **3 FAM 2242 ASSIGNMENT PROCEDURES**

### **3 FAM 2242.1 Responsibilities**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

*The Office of Career Development and Assignments (HR/CDA) makes assignments for officer candidates as follows:*

- (1) The first assignment of an officer candidate is identified by the *Career Development Officers (CDO)* during the candidate training program at the National Foreign Affairs Training Center (*NFATC*) and removed from the open assignments vacancy list;
- (2) *Career Development Officers also identify the second assignment of an officer candidate; and*
- (3) These initial two assignments will be in accordance with tenuring requirements and other objectives of the career candidate program. In subsequent assignments, officer candidates participate in the open assignments bidding process.

### **3 FAM 2242.2 Language Training**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Officer candidates on language probation normally will be given language training of up to 30 weeks before the initial assignment. When Service need does not permit that, up to 30 weeks of language training will be given prior to the officer candidate's second assignment. Individual extensions beyond 30 weeks may be granted in exceptional circumstances with the approval of the Director of *HR/CDA* and the Dean of M/FSI/SLS. Consideration will be given to the appropriateness and feasibility of providing up to one year of intensive training for officer candidates who have a proven aptitude for learning languages and who have successfully completed one tour abroad.

### **3 FAM 2242.3 Details and Leave Without Pay**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. As the goal of the Officer Candidate Program is to provide clear evidence of career Foreign Service potential within the time period of the candidate's limited appointment, details to other agencies will

generally be avoided except for unusual cases, and then only when content and supervision of the work to be performed would be substantially the same as for a normal officer candidate position in the Department.

- b. Posts may authorize career candidates up to 90 days of leave without pay (LWOP) under certain conditions as provided in 3 FAM 3510. Except for medical reasons, all LWOP requests exceeding 90 days must be referred to *HR/CDA*. *Since career candidates are on a five-year limited appointment which statutorily cannot be extended, LWOP is not recommended prior to tenure.*

### **3 FAM 2242.4 Supervision**

*(TL:PER-302; 11-9-95)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. At all posts the deputy chief of mission (DCM) or principal officer or, in Washington, the appropriate deputy assistant secretary (DAS) or officer of equivalent rank, will be responsible for assigning supervisory duties over junior officer candidates and insuring that they are well trained, and properly counseled and evaluated. In large organizations where the pressure of work makes difficult the conduct of this important responsibility, the DCM or DAS may designate an appropriate counselor of embassy or office director to oversee junior officer candidate activities.
- b. Notwithstanding this authority to delegate responsibility for the day-to-day management of the junior officer candidate program, the DCM or DAS should continue to assure personally that these activities are effectively administered and should remain available to the candidate for consultation as needed.
- c. Officer candidates will normally be informed of the identity of the supervisory official as soon as practical, but within 45 working days after arrival at post or bureau.

### **3 FAM 2243 CONAL IDENTIFICATION**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

*Beginning March 1990, officer candidates were offered appointments*

*without conal designation with the understanding that determination of the conal designation for mid-career concentration will be made subsequent to the tenuring process three to four years after the initial appointment (see 3 FAM 2247). Beginning January 1997, officer candidates were offered appointments with conal designation.*

## **3 FAM 2244 EVALUATION PROCESS**

### **3 FAM 2244.1 Purpose**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. The evaluation process is designed to:
  - (1) Supply the Board with adequate information on which to determine a candidate's fitness for appointment as a Foreign Service Officer;
  - (2) Provide officer candidates with periodic assessments of their performance so that they can better prepare for their careers; and
  - (3) Assist in supplying to the Director General of the Foreign Service the necessary information for making a final judgment on possible early termination of an officer candidate appointment because of unsatisfactory performance of assigned duties (see 3 FAM 2248).
- b. *Evaluations also play an important role in determining junior officer candidate promotions*, which are based upon satisfactory performance of assigned duties over the prescribed period. However, the major focus of the evaluation *process* during the junior officer candidate period should be upon long-term potential, growth capacity, and adaptability to the discipline and rigors of a Foreign Service *career extending to and including class FS-01*.

### **3 FAM 2244.2 Evaluation of Junior Officer Candidates**

#### **3 FAM 2244.2-1 Rating and Reviewing Officers**

*(TL:PER-397; 04-06-2001)*  
*(State Only)*  
*(Applies to Foreign Service Employees)*

- a. Normally, the junior officer candidate's immediate supervisor will prepare the rating officer portion of the Employee Evaluation Report (EER). Should an untenured junior officer be supervised by another untenured junior or untenured mid-level officer, the principal officer or DCM (or in Washington, the DAS or officer of equivalent rank) will at the beginning of the rating period name a tenured officer in line of authority as the rating officer. If, in unusual circumstances, the junior officer candidate is simultaneously supervised by more than one officer, the principal officer or DCM (or in Washington, the DAS or officer of equivalent rank) at the beginning of the rating period will designate one of them as rating officer. *The other supervisors may be designated to submit evaluative material in the form of a memorandum, which the rating officer may draw upon in drafting the evaluation.*
- b. The DCM, principal officer, or *DAS* is expected to exercise personal oversight in utilization of the junior officer candidates assigned to the post or bureau and will in most cases be the reviewing officer. *When the* DCM, principal officer, or DAS is the immediate supervisor of the junior officer candidate, the former shall act as the rating officer only, and the reviewing officer will be the next highest ranking officer with supervisory duties in the mission or organization. In large organizations where supervisory responsibility has been delegated pursuant to section 3 FAM 2242.4, the appropriate counselor of embassy or office director may be designated as the reviewing officer in place of the DCM or DAS.

### **3 FAM 2244.2-2 Rating Periods**

*(TL:PER-397; 04-06-2001)*  
*(State Only)*  
*(Applies to Foreign Service Employees)*

Normal Foreign Service rating periods will not apply to junior officer candidates. Instead, *EERs* will be prepared on *Form DS-1829*, on a schedule calculated from the candidate's assumption of specific duties, as follows:

- (1) One year from the date in which the junior officer candidate assumes specific duties within a post or bureau; and/or

- (2) Upon transfer of the junior officer candidate from the post or bureau or to other duties within the post or bureau; and/or
- (3) Upon change of immediate supervisor; and/or
- (4) Immediately before scheduled consideration by the Board.

**Note:** No such report is required if the total elapsed period since the prior report is less than 60 calendar days. In unusual circumstances, the Office of Performance Evaluation (*HR/PE*) may direct more frequent reports.

### **3 FAM 2244.3 Evaluation of Mid-Level Candidates**

*(TL:PER-397; 04-06-2001)*  
*(State Only)*  
*(Applies to Foreign Service Employees)*

- a. The performance and potential of mid-level officer candidates are evaluated in accordance with the schedule, procedures, and EER for tenured Foreign Service employees.
- b. Normally, the mid-level candidate's immediate supervisor will prepare the rating officer portion of the EER. Should an untenured mid-level officer be supervised by another untenured officer, the principal officer or DCM (or in Washington, the DAS or officer of equivalent rank) will at the beginning of the rating period name a tenured officer in line of authority as the rating officer.
- c. For a candidate pending review by the Board, *HR/PE* may request an interim performance appraisal for any period of performance in excess of 60 days.

## **3 FAM 2245 PROMOTIONS**

### **3 FAM 2245.1 Promotion of Junior Officer Candidates**

*(TL:PER-397; 04-06-2001)*  
*(State Only)*  
*(Applies to Foreign Service Employees)*

- a. A junior officer candidate will be promoted administratively up to

class FS-04 for satisfactory performance, without regard to the candidate's ultimate qualification for tenure appointment as a Foreign Service Officer as determined by the Board. Such promotions will be in accordance with the requirements and procedures of 3 FAM 2320. Promotion beyond FS-04 will not be considered until the candidate has been tenured.

- b. Junior officer candidates who have been recommended for tenure will be reviewed by the next appropriate selection board if they are otherwise eligible. Whenever time-in-class eligibility rules for promotion consideration would permit one or more candidates in an entering FSI class of junior officer candidates to be reviewed while rendering ineligible other candidates in the same group at the same level who were appointed slightly later, all candidates in the group at that level recommended for tenure will benefit from the earliest appointment date of those candidates in the group.

### **3 FAM 2245.2 Promotion of Mid-Level Candidates**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Mid-level candidates will be considered for promotion by selection boards after serving the requisite time in class required for Foreign Service Officers in their class and occupational category as established in selection board precepts. They will be reviewed in the same competition group as such officers. *A mid-level candidate may not be considered for promotion over the senior threshold until the candidate has been tenured.*

### **3 FAM 2246 COMMISSIONING AND TENURE**

#### **3 FAM 2246.1 Policy**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

The decision on whether to tenure a candidate will be made by the Board. The sole criterion for a positive tenuring decision will be the

candidate's demonstrated potential, assuming normal growth and career development, to serve effectively as a Foreign Service Officer over a normal career span, extending to and including class FS-01. This criterion will be amplified or more fully expressed in precepts provided for the Board's guidance (see subchapter 3 FAH-1 H-2240, *Exhibit H-2245.3*, Precepts for the Foreign Service Officer Commissioning and Tenuring Board). Since candidates are recruited in response to defined Service needs, no numerical limit is placed on the number of positive tenuring decisions by the Board. Candidates' records are reviewed on their merits, not in comparison or competition with one another. Candidates not recommended for tenure will be separated from the Service at expiration of their limited appointment or at an earlier date if so recommended by the Board.

### **3 FAM 2246.2 Junior Officer Candidates**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. The Board makes its initial judgment regarding a junior officer candidate's potential as soon as possible after a candidate has served 36 months. A subsequent review for candidates not recommended for tenure on initial review occurs 12 months thereafter. The Board may recommend a third review six months prior to expiration of the candidate's limited appointment, if it considers additional evaluated experience may lead to a favorable tenuring decision. Successful candidates will be commissioned as Foreign Service Officers and *will be granted 27 years from date of entry into the Foreign Service, to reach the Senior Foreign Service (time-in-class restrictions apply at classes FS-04 to FS-01)*.
- b. The *Board's* decision will in no instance be made before the candidate has attained class FS-04.

### **3 FAM 2246.3 Members of the Foreign Service Appointed Under the Mustang Programs**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Members of the *Foreign Service* appointed under the Mustang Program shall be subject to the same commissioning and tenure process as other junior officer candidates.

### 3 FAM 2246.4 Mid-Level Officer Candidates

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. The Board makes its initial judgment regarding a mid-level candidate's potential as soon as possible after a candidate has served 36 months. A subsequent review for candidates not recommended for tenure on initial review occurs 12 months thereafter. The Board will conduct a third review approximately 2 months prior to expiration of the candidate's limited appointment if it does not recommend tenuring on second review.
- b. Mid-level candidates who are promoted before tenure will be referred to the next session of the Board for review for career status regardless of the date of their last review and of their period of service. In the case of mid-level candidates whose limited appointments would expire before the next scheduled meeting of the Board, the referral shall be made in time to permit a decision before the expiration date. In considering for career status a mid-level candidate who has been promoted, the Board shall accept the candidate's promotion as a prima facie indication that the candidate has demonstrated the potential to serve successfully in a Foreign Service career. If, notwithstanding this presumption, the Board should determine that additional experience is *required* before a decision on career status can be reached, *the Board shall* prepare a statement setting forth the reasons for its decision. This statement shall be made available to the candidate, *to the candidate's Career Development Officer (CDO), and* shall be made part of the Board's permanent record.
- c. *Mid-level candidates commissioned as Foreign Service Officers are granted a pro-rated time-in-service (TIS) from date of entry.*
- d. TIS limits for tenured mid-level candidates *are as follows:*

<b><i>Class of Appointment</i></b>	<b>TIS Through Class FS-01</b>
FS-01	15 years
FS-02	20 years
FS-03	22 years

### **3 FAM 2246.5 Deferral of Board Review**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Board review will take place in accordance with the provisions and schedule set out in this subchapter. In unusual circumstances, such as unavoidable absence of an evaluation report, recent assumption of new duties, or other conditions which would make Board review at the scheduled time inequitable; the candidate may request, or the Department may recommend, that review be deferred until a succeeding session of the Board, rather than proceed with review on schedule with the possibility of denial of tenure and lengthy delay before the next scheduled review. Such deferral may take place only with the concurrence of the Department and the candidate. Subsequent Board reviews will date from the time of actual Board review, but in no case will deferral itself lead to extension of limited appointment or time-in-class.

### **3 FAM 2246.6 Foreign Language Proficiency**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. No officer candidate *may be commissioned until the candidate has demonstrated a proficiency in at least one* foreign language, as prescribed in 3 FAM 2730. However, in appropriate cases, the Board may render a favorable tenure decision conditional upon subsequent achievement of the prescribed language rating before the expiration of candidate status. In such cases, the Board's action will not take effect until the required language rating is achieved. Candidates who fail to satisfy language probation requirements by the end of their five year limited appointment will be separated from the Service.
- b. Candidates who are language probationers and who have been recommended for tenure will be rank ordered for the purpose of coning. Those who are subsequently recommended for promotion by a selection board will not receive such promotion unless they satisfy their language requirement before the convening of the next selection board. If the officer is not off language probation before the convening of the next board, the officer will re compete for promotion.

### **3 FAM 2246.7 Action by the Director General**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

*Upon receipt of the Board's recommendations, the Director General will initiate necessary administrative action to commission employees recommended for tenure by the Board and notify officer candidates not selected for tenure on the last review.*

### **3 FAM 2246.8 Temporary or Permanent Removal of Names From Commissioning and Tenure Lists**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

The Director General may order the temporary exclusion from a tenure list of the name of any candidate if, in the Director General's opinion, commissioning as a Foreign Service Officer would be inconsistent with the national interest or the efficiency of the Service. Such reasons must be based upon either:

- (1) Issues of loyalty, security, misconduct, suitability, or malfeasance; or
- (2) Indications that documentation available to the *Board* regarding an employee's performance may have been significantly inaccurate or incomplete.

Note: Procedures for *temporary or permanent* removal of names are found in 3 FAH 1 H-2246.

### **3 FAM 2247 CONAL DESIGNATION FOR UNCONED OFFICERS**

#### **3 FAM 2247.1 Policy**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. *This section governs the conal designation process for officers who entered the Service unconed between March 1990 and December 1996.*
- b. *Officers who entered after December 1996 received their conal designation on entry into the Service in accordance with procedures established by HR/REE.*
- c. The assignment of functional cones for officers who entered the Service unconed *between* March 1990 *and December 1996* are made by HR/CDA working in cooperation with HR/PE and HR/RMA. The conal designation will be based upon considerations of performance and preferences of individual officers but were modified as necessary to conform to Service needs.
- d. Designation of cones will occur only after an officer has been tenured by the *Board*. Conal designations are binding, although at mid-levels, officers may avail themselves of whatever conal change mechanism may be available. *Officers who were coned to other than their first choice of cones may appeal once through the end of their fourth tour to a Reconing Appeals Panel.*

### **3 FAM 2247.2 Determining Order of Choice Sequence**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. *Beginning with the September 1997 session of the Board, rank ordering of unconed officers is made by the Board. At each of its quarterly sessions, the Board will rank order all unconed officers recommended for tenure during that session.*
- b. The *resulting rank-order list* will be used by Conal Designation Panel (CDP) to determine the sequence in which unconed tenured officers will be assigned a specific cone, based upon the officers' own preferences and available openings determined by Service needs.

### **3 FAM 2247.3 Conal Opportunities**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Based upon projected Service needs for mid-grade officers, HR/RMA will determine the number of openings in each of the *five*-generalist cones to be made available to recently tenured and rank-ordered officers. Those numbers will be provided *annually to HR/CDA for use by the CDP*.

### **3 FAM 2247.4 Designating Cones**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. Prior to the convening of the *quarterly sessions of the Board*, unconed junior officers will submit to HR/CDA a list of their *conal* preferences. The list must include all *five* generalist cones in order of preference. Preferences not received by a cut-off date to be determined by HR/CDA will render the member subject to preferences assigned by the Department.
- b. The CDP, *meeting quarterly after the Board*, will then match available cone openings with individual officer preferences in the rank order provided by the *Board*. All tenured and still unconed junior officers will be assigned cones according to their expressed preferences to the extent that openings in the cones of choice remain available. As cone openings are filled, officers will be assigned cones of second, third, fourth, or fifth choice as necessary. If an officer's cone of first choice is filled, the CDP will assign the officer the member's second choice or next available preference.

### **3 FAM 2247.5 Reconing Appeals**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. Officers who entered the Foreign Service unconed between March 1990 and December 1996 and who are coned by the CDP to other than their first choice of cones are eligible to appeal for a new cone through the end of their fourth tour to a Reconing Appeals Panel. Such appeal may be made only once and to only one of the four conal Reconing Appeals Panels. For purposes of this section, a tour is considered to include Staff Assistant or Watch Officer positions, the 36-week FSI Economic Course, and similar assignments of approximately one year. It does not include rotational assignments at the same post, such as a Political/Consular rotation during a

junior officer candidate assignment, or long-term (44 weeks or longer) language training. Decisions by the Reconing Appeals Panels are not grievable under 3 FAM 4400.

- b. The Reconing Appeals Panels will meet annually until all eligible officers have had an opportunity to appeal.
- c. Officers eligible to apply to the Reconing Appeals Panels may also apply for a skill code change through customary skill code change procedures.
- d. Officers who meet the criteria for reconing as established for that year's Panels and who are ranked by the Panel within the range of available reconing opportunities will be recommended for reconing by the Panel to the Director General. Those approved for reconing by the Director General will have their primary skill code changed accordingly.
- e. Successful applicants will be expected to complete their current assignment. Bidding for subsequent assignments will be on the basis of an officer's new cone.

## **3 FAM 2248 SEPARATION OF OFFICER CANDIDATES FOR UNSATISFACTORY PERFORMANCE**

*(TL:PER-397; 04-06-2001)*  
*(State Only)*  
*(Applies to Foreign Service Employees)*

The following applies to all candidates subject to review by the *Board*.

### **3 FAM 2248.1 Policy**

*(TL:PER-397; 04-06-2001)*  
*(State Only)*  
*(Applies to Foreign Service Employees)*

The Officer Candidate Program is designed to permit an on-the-job evaluation of the officer candidate's fitness and aptitude for effective service as a Foreign Service Officer across a normal career span. That judgment normally will be made by the Board as described in 3 FAM 2246. However, in exceptional cases a candidate may, prior to Board review, prove unable to perform assigned duties satisfactorily,

including the satisfactory completion of the basic training course, or may fail to meet the standards for a Foreign Service Officer as assessed through basic training. In such circumstances, it serves neither the interest of the Service nor the individual to retain the candidate for the full trial period originally scheduled. In such instances, the Director General will terminate the candidate's appointment without delay, as authorized by section 611 of the Act.

## **3 FAM 2248.2 Procedures**

### **3 FAM 2248.2-1 Junior Officer Candidates**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

- a. In accordance with the schedule in *3 FAM 2244*, the EER is submitted to *HR/PE* and reviewed for compliance and adequacy. Upon receipt of the EER in which the candidate's performance is rated as unsatisfactory, *HR/PE* will refer the case to the Director General for review. However, no post or bureau will submit an unsatisfactory report on a candidate unless the candidate was given notice in writing of the areas of performance which are deficient and was given a reasonable opportunity to demonstrate satisfactory performance. A period of 60 days ordinarily will be sufficient to demonstrate needed improvement, but a lesser period may also suffice. An unsatisfactory rating cannot be made unless the member has been given a reasonable opportunity (ordinarily 30-60 days) and adequate guidance to remedy deficiencies.
- b. Upon being advised by the Director, *HR/PE*, that a candidate's service has been rated unsatisfactory, the Director General will:
  - (1) Advise the candidate in writing *of this decision* and grant a period of at least 10 working days for the candidate to offer comment on that finding; and
  - (2) Conduct further review or inquiry regarding the candidate's performance as the Director General may deem 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 10 working days from receipt of such material in which to offer comment.

- c. Upon completion of the above procedures, the Director General will review all relevant and admissible material on file regarding the candidate's performance and will do one of the following:
- (1) Advise the candidate that the finding of unsatisfactory performance has been changed to satisfactory, and initiate action to ensure that all personnel records reflect this determination; or
  - (2) Direct that the candidate be separated from the Service under section 611 of the Act; or
  - (3) Withhold judgment regarding possible action *for a specified period of further on-the-job observation*. The post or bureau must submit to *HR/PE* the *EER* immediately following the additional period stating either that the candidate's performance is satisfactory or unsatisfactory. The Director General will readdress the question based on overall performance history at that date.
- d. When ordering separation under this section, the Director General will set the effective date, which may be no less than 30 days following notification of that action, excluding travel time required to return to Washington, DC, if abroad.

### 3 FAM 2248.2-2 Mid-Level Candidates

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

a. Ordinarily, the determination of unsatisfactory performance will be made by the rating and reviewing officers only in connection with a normally established performance appraisal period (see 3 FAM 2810 for regulations governing submission of annual and interim reports and 3 FAM 2244 for additional reports that may be required by *HR/PE* for mid-level candidates). However, when at any time after a reasonable opportunity for experience in a new position, a mid-level candidate's performance is judged clearly unsatisfactory, the supervisor in consultation with the chief of mission or other reviewing officer may, if the situation warrants, advise the candidate in writing of the unsatisfactory determination and the reasons *for the decision*. A period of 60 days *will be provided* 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 *HR/PE* documenting that performance is unsatisfactory. The report should be prepared and submitted in accordance

with 3 FAM 2810. *Upon receipt* of the report, *HR/PE* will refer the case to the Director General for review.

b. Upon being advised by the Director, *HR/PE*, that a candidate's service has been rated unsatisfactory, the Director General will:

- (1) *Advise* the candidate and grant a period of at least 10 working days for the candidate to offer comment on that finding; and
- (2) Conduct such further review or inquiry regarding the candidate's performance as the Director General may deem 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 10 working days from receipt of the material in which to offer comment.

c. Upon completion of the above procedures, the Director General will review all relevant and admissible material on file regarding the candidate's performance and will do one of the following:

- (1) Advise the candidate that the finding of unsatisfactory performance has been changed to satisfactory, and initiate action to assure that all personnel records reflect this determination; or
- (2) Direct that the candidate be separated from the Service under section 611 of the Act; or
- (3) Withhold judgment regarding possible action for a specified period of further on-the-job observation. During that additional period, the Director General may direct a special monitoring of the candidate's performance, possibly to include preparation of evaluation reports at more frequent intervals than otherwise prescribed. Upon expiration of the period, the Director General will readdress the question based on overall performance history at that date.

d. When ordering separation under this section, the Director General will set the effective date, which may be no less than 30 days following notification of that action, excluding travel time required to return to Washington, DC, if abroad.

## **3 FAM 2249 PROCEDURES AND GUIDELINES**

*(TL:PER-397; 04-06-2001)*

*(State Only)*

*(Applies to Foreign Service Employees)*

Procedures and guidelines which implement these regulations are published in 3 FAH-1 H-2240.