

# **3 FAM 2800 PERFORMANCE MANAGEMENT**

## **3 FAM 2810 PERSONNEL EVALUATION**

*(TL:PER-479; 08-13-2003)  
(Office of Origin: DIR)*

### **3 FAM 2811 GENERAL**

#### **3 FAM 2811.1 Authority**

*(TL:PER-414; 08-20-2001)  
(State Only)  
(Applies to Foreign Service Personnel)*

The authority for this subchapter is cited in:

- Sections 207, 603, and 604 of the Foreign Service Act of 1980.

#### **3 FAM 2811.2 Objectives**

*(TL:PER-341; 10-31-1997)  
(State Only)  
(Applies to Foreign Service Personnel)*

The objectives of the personnel evaluation program are to enhance member efficiency and to provide a just and equitable basis for career tenure, promotions, within-class salary increases, performance pay, assignments, training, separations, and disciplinary action by:

- (1) Providing for a periodic written evaluation of each member's performance and potential;
- (2) Assuring that each member participates in the formulation of and understands the work requirements, goals, and priorities established at the beginning of the rating period; and
- (3) Establishing a constructive dialogue between supervisors and subordinates to continue throughout the rating period.

## **3 FAM 2812 ADMINISTRATIVE RESPONSIBILITIES**

*(TL:PER-341; 10-31-1997)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

Responsibility for operation of the personnel evaluation system is shared by many individuals at different levels. Each individual must carry out his or her responsibilities in order for the system to function properly. Since the responsibilities at each level are inextricably bound to the procedures, they are covered in 3 FAH-1 H-2810 for the sake of clarity. The procedures and guidelines in that subchapter of the handbook have the same force and effect as these regulations.

## **3 FAM 2813 PERFORMANCE EVALUATION**

### **3 FAM 2813.1 General**

*(TL:PER-414; 08-20-2001)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

- a. Form DS-1829, U.S. Foreign Service Employee Evaluation Report (EER) is an official report upon which personnel actions (assignments, within-class salary increases, tenuring, promotion, recertification, and award of performance pay) may be based.
- b. For the purpose of these regulations, a regular or interim rating shall be considered a "current rating" until the next rating is received by HR/PE.

### **3 FAM 2813.2 Use of Foreign Service Evaluation Report**

*(TL:PER-414; 08-20-2001)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

All members of the Foreign Service will be evaluated on DS-1829, except:

- (1) Foreign Service national employees (see 3 FAM 7610 );*
- (2) Members serving in noncareer appointments of one year or less; or*
- (3) Members in limited resident appointments at Foreign Service posts.*

### **3 FAM 2813.3 Regular Report**

*(TL:PER-341; 10-31-1997)*  
*(State Only)*  
*(Applies to Foreign Service Personnel)*

A regular report is prepared annually unless the member has served under the current supervisor for a period of 120 calendar days (60 days for Junior FSO Career Candidates). *(See 3 FAH-1 H-2814.1)*

### **3 FAM 2813.4 Interim Report**

*(TL:PER-479; 08-13-2003)*  
*(State Only)*  
*(Applies to Foreign Service Personnel)*

An interim report (see 3 FAH-1 H-2814.2) will be prepared for submission to *HR/PE* using the DS-1829 within 30 days after the end of the period covered by the report to document a member's performance during any period of 120 days or more (60 days or more for Junior FSO Career Candidates) when there is:

- (1) A change of duties involving a major change in performance requirements;
- (2) A change in rating officers;
- (3) A termination of assignment; or
- (4) A request by the Bureau of Human Resources (see sections 3 FAM 2240 and 3 FAM 2254.2 );

An exception to this procedure is authorized for participants in the Functional Specialization Program for whom Memorandum Reports are required for periods of less than 120 days (see 3 FAM 2710 ).

### **3 FAM 2813.5 Inspector's Evaluation Report**

#### **3 FAM 2813.5-1 General**

*(TL:PER-341; 10-31-1997)*  
*(State Only)*  
*(Applies to Foreign Service Personnel)*

Inspectors will prepare Inspector's Evaluation Reports (IERs) on senior officers (Chiefs of Mission, Permanent Chargés, Deputy Chiefs of Mission, Principal Officers, Assistant Secretaries and Deputy Assistant Secretaries) in connection with each post or bureau inspection. These IERs will be related directly to the officer's management or supervision of the domestic unit or post abroad being inspected and will constitute a part of the independent review of the operation being evaluated. They will focus on the skills and

abilities of rated officers to manage personnel, budgets, resources, and programs. Both career and non-career officers will be evaluated.

### **3 FAM 2813.5-2 Exceptional Circumstances**

*(TL:PER-341; 10-31-1997)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

Inspectors may also prepare IERs in connection with inspections and other special OIG evaluations being conducted whenever exceptional circumstances, the interests of justice, or the efficient management of the Department and the Service may warrant. Such circumstances may include:

- (1) To record outstanding or substandard performance by an employee which, in the Inspector's opinion, needs to be additionally documented;
- (2) To correct an injustice; or
- (3) If the employee's performance as observed during the course of the Inspection/Audit or other OIG evaluation differs markedly from that recorded in EER's prepared at the overseas post or domestic unit of assignment.

### **3 FAM 2813.5-3 Upon Request by HR/PE**

*(TL:PER-414; 08-20-2001)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

*HR/PE* may also request the Inspector General to authorize, at the Inspector General's discretion, Inspectors to prepare IERs on personnel under the conditions described in section 3 FAM 2813.5-2.

### **3 FAM 2813.5-4 Disposition of IERs**

*(TL:PER-341; 10-31-1997)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

- a. The original and one copy of the final IER will be forwarded by the Inspector General to the Director General for inclusion in the rated officer's Official Personnel Folder. The Director General retains the authority and responsibility for determining admissibility of an IER to an officer's personnel folder.
- b. A member evaluated by an Inspector will receive a copy of the IER and be given the opportunity to comment on it orally and in writing.

- c. A copy of the final IER will be retained by OIG.

### **3 FAM 2813.6 Supplemental Evaluation Report for Medical Personnel**

*(TL:PER-414; 08-20-2001)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

- a. Form DS-1948, the Supplemental Evaluation Report for Foreign Service Medical Personnel, will be completed annually for untenured Foreign Service medical officers, medical technologists, nurse practitioners, and psychiatrists; and will also be completed periodically, or as required, for tenured medical personnel. This report provides selection and tenure boards with a technical medical perspective on the rated employee's performance.
- b. Form DS-1948 is prepared by a tenured Foreign Service medical officer, appointed by the Medical Director, who conducts an on-site evaluation to assess the rated employee's technical proficiency and professionalism in the medical field. The report is reviewed by the appropriate review panel before being submitted to the Office of Performance Evaluation (*HR/PE*) for inclusion in the employee's Official Personnel Folder.

### **3 FAM 2813.7 Training Evaluation Reports**

#### **3 FAM 2813.7-1 Form DS-1106, the Training Evaluation Report (TER)**

*(TL:PER-341; 10-31-1997)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

- a. TER Required:** A TER is prepared on employees engaged in any period of full-time training provided by the Foreign Service Institute of 120 days or more.
- b. Voluntary Preparation of TER:** A TER may be prepared voluntarily to cover a period less than 120 days at the request of the employee if the course supervisor concurs, or if deemed advisable by the course supervisor.

#### **3 FAM 2813.7-2 Form DS-651, Report of Training in Language/Area Skills and Achievements**

*(TL:PER-341; 10-31-1997)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

Members enrolled in full-time language/area skills training at the National Foreign Affairs Training Center of 120 days or more will be evaluated on DS-651. Form DS-651 may also be used to evaluate shorter periods of language/area training at the discretion of the course supervisor.

### **3 FAM 2813.7-3 Disposition of Forms**

*(TL:PER-341; 10-31-1997)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

- a. These evaluations become a part of the employee's performance folder and are subject to review for the same purposes as other performance evaluations.
- b. A member evaluated on DS-1106 or DS-651 will be given a copy of the form and an opportunity to comment on it.

## **3 FAM 2814 EQUAL EMPLOYMENT OPPORTUNITY**

*(TL:PER-414; 08-20-2001)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

*Rating and reviewing officers should comment, as appropriate, on the rated member's furtherance of equal employment opportunity. In particular, they should note demonstrated 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. Such commitment and awareness can be demonstrated, for example, through concern or employee development and the manner in which the member treats others, delegates assignments, and recognizes the achievements of others.*

## **3 FAM 2815 INADMISSIBLE COMMENTS**

### **3 FAM 2815.1 Policy**

*(TL:PER-479; 08-13-2003)*

*(State Only)*

*(Applies to Foreign Service Personnel)*

- a. Inadmissible comments may not be included in any section of the evaluation report (including the rated member's comments), or in other forms of evaluative material (such as inspector's reports, training reports, letters of commendation, etc.). Rating and reviewing officers and review panels should exercise care to avoid the submission of reports containing inadmissible comments.
- b. The following subjects are inadmissible in any part:
  - (1) Reference to race, color, religion, sex (does not extend to the use of Mr., Mrs., Ms., or first names or personal pronouns), national origin, age and sexual orientation;
  - (2) Ranking by former Selection Boards or impending selection-out;
  - (3) Physical characteristics and personal qualities that do not affect performance or potential;
  - (4) Marital status or plans; references to spouse or family, including those relating to social activities or the ability of a member of the family to represent the United States;
  - (5) Retirement, resignation, or other separation plans;
  - (6) Grievance, equal employment opportunity, or Merit Systems Protection Board proceedings;
  - (7) Method of entry into the Service;
  - (8) Reference to private U.S. citizens by name;
  - (9) Participation or nonparticipation in any organization composed of Foreign Service members which exists for the purpose, in whole or in part, of dealing with foreign affairs agencies concerning grievances, personnel policies, and practices;
  - (10) Ratings for earlier periods prepared by other supervisors;
  - (11) Reluctance to work voluntary overtime;
  - (12) Leave record, except in the case of unauthorized absences;
  - (13) Letters of reprimand;
  - (14) Negative reference to use of the dissent channel or direct or indirect reference to, or consideration of, judgments in dissent channel messages as a basis for an adverse evaluation of performance or potential.

When the rated member's expression of dissenting views on policy, outside of the dissent channel, raises substantial question of judgment or obstructionism relevant to the member's performance, it may be the subject of comment. However, general comment may not be used to get around the proscription of this section. Specific instances must be cited;

- (15) Negative or pejorative discussion of the performance of another identifiable member. (Rater cannot state, "The member quickly brought order out of chaos left by the member's predecessor." On the other hand, the description, "The member is the best *management officer* I have supervised in the past 10 years," is acceptable.);
- (16) Specific identification by rating or reviewing officers of physical handicap or medical problem (including alcoholism, drug abuse, or rehabilitation efforts); or
- (17) Reference to academic degrees, titles, or specific institutions of higher learning (except that physicians may be referred to as Dr.). General comments regarding job-related training are acceptable.

### **3 FAM 2815.2 Medical Problems**

#### **3 FAM 2815.2-1 Policy**

*(TL:PER-341; 10-31-1997)*  
*(State Only)*  
*(Applies to Foreign Service Personnel)*

Although the details or specific identification of a medical problem are inadmissible in the evaluation report, general reference may be made to confirmed knowledge of a medical problem to the extent it affects job performance.

#### **3 FAM 2815.2-2 Reference by Rated Member**

*(TL:PER-341; 10-31-1997)*  
*(State Only)*  
*(Applies to Foreign Service Personnel)*

Rated members may discuss their own health problems in specific terms if rating or reviewing officers have made references to such problems, or to explain or clarify adverse comments in a report.

### **3 FAM 2815.3 Documenting Performance When Cause Is Inadmissible**

*(TL:PER-341; 10-31-1997)*  
*(State Only)*  
*(Applies to Foreign Service Personnel)*

Significant instances of superior or exceptional performance in difficult circumstances or of undependability, inefficiency, discredit brought on the

Foreign Service, and general poor performance should be documented in the evaluation report even if reference to the cause itself is inadmissible.

### **3 FAM 2815.4 HR/PE Authorized to Remove Inadmissible Comments**

*(TL:PER-414; 08-20-2001)*  
*(State Only)*  
*(Applies to Foreign Service Personnel)*

If HR/PE discovers inadmissible comments in evaluation reports, it will make deletions or substitutions and inform the members concerned. Concurrence of the rating and rated members will be sought where any substantial changes must be made.

### **3 FAM 2816 EVALUATION OF PERSONNEL OF OTHER PERSONNEL SYSTEMS**

*(TL:PER-341; 10-31-1997)*  
*(State Only)*  
*(Applies to Foreign Service Personnel)*

- a. The chief of mission submits directly to the head of the appropriate department or agency a performance evaluation for the most senior officers of each major U.S. mission component which is not a direct dependency of the Department. These reports are submitted annually. Interim reports for periods of 120 days or longer are completed immediately prior to the departure from the post of the rating or rated employee.*
- b. Other agencies assigning employees to posts abroad might ask for evaluations on their own rating forms. Such requests should be honored. However, responsibility for ensuring compliance with an agency's evaluation procedure must rest with that agency. In the absence of instructions from the employee's agency, the principal officer may furnish appropriate reports to the agency at that officer's discretion. (See 2 FAM 125.9 concerning evaluations of joint administrative offices (JAO).)*

### **3 FAM 2817 GUIDELINES, PROCEDURES AND RELATED REGULATIONS**

*(TL:PER-341; 10-31-1997)*  
*(State Only)*  
*(Applies to Foreign Service Personnel)*

- a. Guidelines and procedures to implement the regulations in this subchapter are published in 3 FAH-1 H-2810 .
- b. Regulations governing the establishment, maintenance and contents of personnel files are published in 3 FAM 2350 and in 3 FAH-1 H-2350 . Those regulations include provisions for employees to review and amend files as guaranteed by the Privacy Act of 1974.

## **3 FAM 2818 THROUGH 2819 UNASSIGNED**