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United States Department of State  
and the Broadcasting Board of Governors  
Office of Inspector General

# Report of Inspection

## Review of the Integrity and Fairness of the Foreign Service Selection Board Process

Report Number ISP-I-10-47, March 2010

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**United States Department of State  
and the Broadcasting Board of Governors**

*Office of Inspector General*

PREFACE

This report was prepared by the Office of Inspector General (OIG) pursuant to the Inspector General Act of 1978, as amended, and Section 209 of the Foreign Service Act of 1980, as amended. It is one of a series of audit, inspection, investigative, and special reports prepared by OIG periodically as part of its responsibility to promote effective management, accountability and positive change in the Department of State and the Broadcasting Board of Governors.

This report is the result of an assessment of the strengths and weaknesses of the office, post, or function under review. It is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

The recommendations therein have been developed on the basis of the best knowledge available to the OIG and, as appropriate, have been discussed in draft with those responsible for implementation. It is my hope that these recommendations will result in more effective, efficient, and/or economical operations.

I express my appreciation to all of those who contributed to the preparation of this report.

A handwritten signature in black ink, appearing to read "H. W. Geisel".

Harold W. Geisel  
Deputy Inspector General

# TABLE OF CONTENTS

KEY JUDGMENTS .....	1
BACKGROUND.....	3
INTEGRITY AND FAIRNESS.....	5
Confidence as the Measure.....	5
Safeguards and Vulnerabilities.....	8
ISSUES FOR ATTENTION .....	13
Annotation of Lists.....	13
Presidential Awards.....	14
Specialist Boards .....	15
Reconvened and Reconstituted Boards .....	16
LOOKING AHEAD.....	19
Office of Performance Evaluation.....	19
Evaluating an Expanded Foreign Service.....	20
Virtual Boards .....	21
LIST OF RECOMMENDATIONS .....	25
ABBREVIATIONS .....	27
APPENDIX 1: PURPOSE, SCOPE AND METHODOLOGY.....	29
APPENDIX 2: BOARD DELIBERATIONS AND PROCEDURES.....	31
APPENDIX 3: TOTAL FOREIGN SERVICE HIRING PROJECTIONS FOR FY 2009 TO FY 2013 .....	37
APPENDIX 4: BASIC SAFEGUARDS AGREEMENT DATED OCTOBER 1973.....	39
APPENDIX 5: RESPONSIBILITIES FOR MANAGEMENT OF PROMOTION AND AWARD PROCESSES .....	43

## KEY JUDGMENTS

- Based on this assessment, OIG concludes the processes by which annual boards promote, low-rank, and award Foreign Service personnel are fundamentally fair and trustworthy.
- The Office of Performance Evaluation (HR/PE) effectively organizes and supports the work of a multitude of annual boards that evaluate and reward Foreign Service personnel. Recruitment of personnel qualified to serve on the boards is a daunting task.
- Procedural safeguards are adequate but should be enhanced.
- Board members take their responsibilities very seriously, consider themselves bound by their oaths, and zealously protect the confidentiality of their deliberations. Other than the members, no one is allowed in the room where/when a board is voting.
- The procedures for forwarding recommendations by the Department Senior Review Board (DSRB) for presidential awards to the Interagency Selection Board (IASB) and the Secretary of State should be better documented.
- Longevity of service and depth of experience among key personnel in HR/PE result in a pattern in which members seem to perform their duties almost by rote. The complicated processes should be codified in a single procedural manual.
- Incorporation of technological advances (particularly digital access to performance files) has increased the efficiency of promotion board deliberations. However, there are cogent reservations relative to the concept of moving to “virtual” boards — even though that might reduce costs and ease the burden of composing the boards.
- The prospective, approximately 30 percent, expansion in the cadre of Foreign Service personnel between FY 2009 and FY 2013 will increase the workload on all aspects of performance evaluation. Implications for efficient management of the anticipated work should be addressed by Department management.

This assessment was conducted between July 15 and October 6, 2009.

## BACKGROUND

The overall requirements relating to the selection board processes are contained in 3 FAM 2320 and specific responsibilities are described in 3 FAH-1 H-2320. Supplemental instructions and guidance are issued by the Bureau of Human Resources. Collectively, these provisions describe the roles and responsibilities of the Secretary of State, the Under Secretary for Management (M), the Director General (DGHR), the director of HR/PE, various review boards, and the American Foreign Service Association (AFSA) acting as the exclusive employee bargaining representative for members of the Foreign Service (see Appendix 4).

“Procedural and Core Precepts” are negotiated annually between the Department and AFSA. These establish the scope, organization, and responsibilities of the various boards and describe the criteria to be used in reaching determinations. Each selection board rank-orders candidates for promotion, identifies those whose performance is deemed noncompetitive, and carries out related responsibilities (for example, recommending meritorious step increases and making decisions relative to performance pay and presidential awards).

Each year, the Office of Resource Management and Organization Analysis (HR/RMA) determines the number of requirements-driven promotions that will be available. Fiscal considerations, historic and projected attrition rates, and shifting priorities are among factors used in a computer model to calculate the number of positions to be filled over a 3-to-5 year period. The number of promotion opportunities is calculated for each grade and skill group. For example, projected shortfalls in areas such as management or public diplomacy may result in allocation of larger numbers for “conal” promotion rather than on a class-wide basis. The HR/RMA figures are provided to HR/PE and AFSA before boards convene.<sup>1</sup>

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<sup>1</sup> The HR/RMA numbers to be promoted are given to AFSA in a sealed envelope – to be opened for comparison only after relevant promotions have been announced.



## INTEGRITY AND FAIRNESS

Based on this assessment, OIG concludes that the processes by which annual boards promote, low-rank, and award Foreign Service personnel are fundamentally fair and trustworthy. This, notwithstanding the fact that a few grievances are filed related to the decisions of selection and other personnel boards. These almost invariably assert that the grievant was wrongfully assessed by a board (e.g. not promoted).

A search of the Foreign Service Grievance Board's (FSGB) Web site indicated that only five grievances have been filed between 2004 and 2007 in which the integrity/fairness of the promotion board processes was at issue. All five grievances were denied.

In addition to grievances brought before the FSGB, many grievances challenge the contents of official personnel files (OPF). The Grievance Staff informed OIG that common allegations are that something was missing from an OPF or that an evaluation was inaccurate or falsely prejudicial. As noted elsewhere, this OIG assessment is focused on the fairness and integrity of the promotion board process and, therefore, does not address matters related to the content of OPFs.

## CONFIDENCE AS THE MEASURE

The overwhelming majority of 23 former board members interviewed are convinced that board operations in general are fair and have integrity. They were firm in asserting that boards base decisions strictly on material in the performance files. They commended HR/PE for emphasizing and setting the proper tone of a peer-based assessment of performance. In an August 6, 2009, conversation with the OIG team, AFSA officers stated "our impression is that the promotion process has 'structural integrity.'" This was echoed by career development officers who briefed the OIG team. DGHR officers expressed similar views.

In 2008, AFSA conducted a survey that included an open-ended question: “Beyond the issues mentioned above, what additional problems/concerns do you believe AFSA should be addressing...?” OIG analyzed 1,668 responses to that question. Of those responses, 101 — equivalent to 6 percent — mentioned aspects of the board processes under review<sup>2</sup>.

Themes relevant to this assessment raised by those participating in the survey are summarized in the table below:

<b>Table 1: Categorization of Integrity/Fairness Issues Raised by 1,668 Respondents to an AFSA Survey</b>	
<b>Issue</b>	<b>Number of Respondents</b>
“Glass ceiling” for office management specialists	16
Bias/distortion from Iraq/Afghanistan service	11
Mandatory low-ranking should be eliminated	4
Need for more effective weeding out of “dead Wood”, poor performers	14
Generalized assertions of lack of fairness	26
System works well, has integrity	1
Rate of promotions is too slow	6
Logistics issues (e.g. timing of boards with assignment cycle)	8
Specialists perceived to be disadvantaged in comparison to generalists	6
Promotion processes are not transparent	9

The survey was sent to Department-only active duty Foreign Service members of AFSA. The number of responses summarized in the table reflects participation by about 18 percent of the target membership. OIG concludes this is a sufficient sample to support some basic conclusions:

- The integrity and fairness of promotion board processes did not emerge as a matter of great concern. Compensation and spouse/member of household issues were raised more frequently.

<sup>2</sup> An additional 66 discussed the employee evaluation report (EER). Although EERs are the core documents in performance files considered by the boards, this assessment is focused on the integrity and fairness of board processes, not an evaluation of materials on which boards reach decisions.

- Among concerns that touched on promotion board processes, some (e.g. the perceived glass ceiling for office management specialists) are not within the authority/responsibility of the boards.
- Others (e.g. the perceived positive bias for employees who serve at hardship/danger posts) are part of the Department's incentive packages, reflected in the precepts under which boards function.

Several interviewees observed that while the Department's promotion board processes may not be perfect, they are likely among the most objective in the Federal Government. Other foreign affairs agencies (U.S. Agency for International Development, Department of Commerce, Department of Agriculture and the Broadcasting Board of Governors) model their promotion processes on the Department's system. With some clearly documented exceptions (e.g. tenure, time-in-grade requirements, "opening a window" for promotion consideration from FS-01 to FE-OC), each member of the Foreign Service officer at the FS-04 level and above and office management specialist at the FS-06 level and higher is considered for promotion every year that they are eligible<sup>3</sup>. The Department devotes extraordinary resources — primarily personnel who serve on boards — to the processes involved<sup>4</sup>.

The HR/RMA determination of promotion slots, described above, is independent of any candidate's performance. This separation enhances the integrity and fairness of the board processes.

Foreign Service employees and their supervisors also have opportunities and responsibilities basic to assuring that the processes are trustworthy and fair. Preparation and timely submission of complete and accurate EERs are critical. Each year, HR/PE circulates messages reminding individuals that they have a proactive role in the evaluation process, and guidance is provided during EER briefings. All Foreign Service officers at the rank of FS-02 and above now are required to take the lead in preparation of their EERs, filed on Form DS-5055.<sup>5</sup> Many of the former board members OIG interviewed said they found Section VII of those reports — DESCRIPTION OF ACCOMPLISHMENTS (Completed by Rated Employee) — to be especially helpful. That section requires the rated officer to describe at least three accomplishments during the rating period.

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<sup>3</sup> According to the Department's Web site, there were 11,656 Foreign Service employees as of September 30, 2008. That year's boards considered 5,627 candidates. The difference in numbers primarily comprises generalists/specialists below the FS-04 grade and office management specialist personnel below FS-06.

<sup>4</sup> In the 2008 cable soliciting volunteers to serve, the Department noted that members should be prepared to serve for between 4 and 9 weeks depending on the caseload and type of board.

<sup>5</sup> There are no plans to implement usage of Form DS-5055 at more junior levels.

## SAFEGUARDS AND VULNERABILITIES

OIG concludes that there are satisfactory measures to assure integrity in the board processes. However, these can and should be enhanced.

In October, 1973, the Department and AFSA agreed on basic procedures designed to safeguard “confidence in the integrity of the promotion process.” That agreement remains in effect 36 years later (see Appendix 43). Key provisos establish important limitations and guarantees:

- Circumstances under which changes can be made to board-determined, rank-order promotion lists are explicitly and narrowly defined;
- Addition of names to lists likewise is narrowly restricted and must accord with an orderly, rational basis;
- The numbers to be promoted are established before boards convene, and those numbers are communicated via sealed communication to AFSA;
- If there is any difference between previously determined numbers and the actual number of promotions by class and category, the Department will brief AFSA confidentially to explain the discrepancy.

Former selection board members interviewed by OIG frequently cited additional factors they perceived to assure integrity of the process:

- Each member of a board has equal voice and vote. The decision of a single member (e.g. on rank-ordering) cannot prevail without persuasive reference to the performance file of the candidate in question. Any individual biases are minimized or balanced out by the views of other board members.
- Significant divergences in the forced-ranking of candidates must be discussed, defended, and reconciled by consensual process within the board.
- Members take seriously the oath administered when the board is convened.<sup>6</sup> Observance of confidentiality of documents and deliberations is a matter of conscience and personal integrity.

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<sup>6</sup> “I, \_\_\_\_\_, do solemnly swear (or affirm) that I will perform the duties of a member of a Selection 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).”

- There are clearly defined circumstances under which a board member may or must be recused from consideration of a particular candidate.
- Excepting public members, boards are comprised of recently promoted, senior Foreign Service officers who have not been low-ranked.
- Participation by a public member (other than on performance standards boards) without personal acquaintance of those under consideration is an additional safeguard.
- Frequent reference to the precepts keeps the process on track. Advice by and assistance from HR/PE board advisors is good.
- The role of the board chairperson is important in assuring that interaction among members is focused on material in the files.

These factors are reassuring. However, some steps should be taken to enhance procedural safeguards.

At the conclusion of board deliberations, each member is supposed to sign the transmittal memoranda and lists documenting the board's decisions. Several former board members asserted that HR/PE remitted lists to the Director General absent that board member's certification or with results at variance with the member's recollections. Notes taken by board members deliberately are destroyed after a board is dismissed. Thus it was not possible for OIG to verify to what extent there may be problems in this regard. In some instances, board members may have returned to overseas posts or otherwise be unavailable when lists and reports are in final form.

**Recommendation 1:** The Bureau of Human Resources should certify that the results of each selection or other performance board have been signed or initialed by each member of the respective board before that board is dismissed. (Action: DGHR)

OIG is aware of instances in which board members were alleged to have either improperly removed documents or attempted to introduce information not contained in a candidate's record. Such actions would be contrary to the precepts (3 FAH-1, Exhibit 23 21, part III E). If a member attempts to introduce information not contained in a candidate's record, the precepts require that this be reported to the director of HR/PE. Not all former board members interviewed during this assessment were aware of the reporting requirement.

These allegations were unproven, and OIG did not discover any case in which a bias or personal comment adversely affected the eventual decision of a board, however, a written commitment to protect the confidentiality of board processes and documents would strengthen the underlying integrity of the process and — if violated — enable appropriate action against a person who might willingly violate the trust.

**Recommendation 2:** The Bureau of Human Resources, in coordination with the Office of the Legal Adviser, should develop and implement a process to obtain a signed pledge from each member of a promotion or other performance board to protect the confidentiality of the materials and deliberations of the board on which he or she is a member. The pledge also should specify that any introduction into board deliberations of nonrecord material will be reported to the director of the Office of Performance Evaluation. A copy of each signed pledge should be retained as part of the final report of the board in question. (Action: DGHR, in coordination with L)

The precepts negotiated between the Department and AFSA historically incorporate two circumstances for recusal by board members: (1) a candidate can request recusal if a board member was the rating or reviewing officer while the candidate was in his/her present class (mandatory recusal) or (2) if a board member feels — for whatever reason — that he/she cannot objectively evaluate the candidate (voluntary recusal).

The precepts are somewhat ambiguous in regard to subsequent involvement by a member who voluntarily recuses him/herself from consideration of a particular candidate. Some interviewees stated that members who recused themselves participated in the forced-rank scoring of the candidate, but did not enter into discussions concerning that individual. Other interviewees told OIG that the member neither ranked nor discussed the candidate.<sup>7</sup>

**Recommendation 3:** The Bureau of Human Resources should amend relevant voting procedures to specify that a board member who is recused for any reason from consideration of a candidate's file must, thereafter, refrain from assigning a rank-order score to that candidate or participating in any discussions relevant to the individual. The Bureau should seek incorporation of appropriate, explicit language in future precepts. (Action: DGHR)

<sup>7</sup> HR/PE voting procedures specify that, if a member does not participate in the forced rank ordering of a candidate, the chairperson is to factor in a median of voting members' scores for calculation of rank order.

OIG believes the bases for mandatory recusal are too limited. Previous Equal Employment Opportunity complaints or grievances against board members, dissolution of former romantic relationships, or other personal relationship issues equally might raise questions about a board member's objectivity.

**Recommendation 4:** The Bureau of Human Resources should consult with the Office of the Legal Adviser to formulate broader bases on which a Foreign Service employee can request recusal of a member of a selection board, then negotiate with the American Foreign Service Association to incorporate those changes in promotion board precepts. (Action: DGHR)



## ISSUES FOR ATTENTION

As indicated by the fact that the 1973 safeguards agreement still applies, the processes under review are quite stable. Even so, particular facets have emerged or been modified over time. OIG identified three issues that deserve special attention at this time.

### ANNOTATION OF LISTS

At the time selection boards are informed of the number of possible promotions, HR/PE Selection Board Voting Procedures currently specify that:

Staff Advisor will also annotate the list of the employees nominated for consideration for promotion in classes FS-02 through FS-06 to indicate those who were recommended for promotion but not reached by the previous two selection boards.

In discussions, HR/PE was unable to explain the rationale for this procedure, but contended it had been negotiated with AFSA at some point in the past. AFSA officials were unable to shed light on the subject. The annotation is not reflected in the precepts. OIG believes it is at variance with Section C.2 of the 2008 precepts (repeated from previous versions) which specifies:

No information will be provided about a member to be reviewed except the Official Performance Folder, an abbreviated Employee Profile, and, at grades FS-02 and above, the security incident record and employee responses....

Further, HR/PE board advisors were inconsistent in explaining whether and how the annotations were communicated to the boards. Some advisors reportedly entered annotations by computer, others by pencil or pen marks. One board advisor told OIG she verbally passed on the information. OIG is concerned that the purpose of any such annotation would be to influence the board in favor of those previously “promotable but not promoted.”

**Recommendation 5:** The Bureau of Human Resources should discontinue annotation of any promotion lists provided to selection boards and to delete the relevant language from Selection Board Voting Procedures. (Action: DGHR)

## PRESIDENTIAL AWARDS

The multistage process leading to nomination for presidential awards is outlined in 3 FAH-1 H-2872.2. Initial recommendations for presidential awards (based on the candidate's performance over the previous 3 year period) are made by the senior promotion boards (SFS-II, SFS-III, and SFS-IV boards). Those boards may recommend up to 10 percent of eligible senior officers for presidential awards and will recommend at least 6 percent of those eligible. Those recommendations are submitted in alphabetical order for consideration by the DSRB<sup>8</sup>.

The DSRB is informed in advance of the potential number of Foreign Service nominees for both Distinguished and Presidential Meritorious Service Awards. Candidates are rank-ordered by the DSRB that is to prepare a statement of justification for each of those recommended.

However, additional steps have been incorporated that are not fully documented or transparent. According to HR/PE, former Secretary Powell, in considering candidates to be recommended for Distinguished Service awards, wanted to draw on a list broader than those top-ranked by the DSRB to match available awards. Since then, in accordance with a decision reportedly made by the then-Under Secretary for Management, names of the top 15 officers recommended by the DSRB have been sent in alphabetical order to the Secretary for his/her consideration and recommendation to the IASB for the Distinguished Service Award. The regulations (3 FAH-1 H-2872) were not revised to reflect this change in procedures.

In late 2008, then Secretary Rice's selection of eight nominees from among the list of 15 did not correspond completely with the DSRB's rank order recommendations. This raised questions among the members of the DSRB, which met again — after the change in Administrations — to consider the issue. Secretary Clinton subsequently agreed to the original DSRB rank-order when forwarding her recommendations to the IASB. The Secretary's discretion to select candidates to recommend to the IASB is essential.

**Recommendation 6:** The Bureau of Human Resources, in coordination with the Executive Secretariat and the Office of the Legal Adviser, should clarify regulations to reflect the Secretary's discretion in recommending candidates to the IASB. (Action: DGHR, in coordination with S/ES and L)

<sup>8</sup> The DSRB is appointed by the Secretary. It can – and often does – include officers who are part of the Department's management leadership. Whereas other performance boards report to the Director General, the DSRB reports to the Secretary.

The Secretary's decisions relative to DSRB recommendations for presidential awards are not well-documented. According to HR/PE, the Under Secretary for Management hand carries the DSRB recommendations to the Secretary. Documenting the Secretary's decisions likewise appears to be unusually informal. HR/PE provided email messages purporting to record those decisions. Some relevant lists had handwritten notes of decisions that had been conveyed by phone — without identifying either party to the conversation. OIG concludes that the Secretary's decisions on presidential awards should be a matter of record, made available to the Director General and HR/PE. Department procedures include use of a personnel channel category of correspondence to safeguard such sensitive matters.

**Recommendation 7:** The Bureau of Human Resources, in coordination with the Under Secretary for Management and the Executive Secretariat, should develop procedures to ensure that the decisions of the Secretary relative to recommendations and nomination of officers for presidential awards are made matters of record in the form of personnel channel action memoranda. (Action: DGHR, in coordination with M/PRI and S/ES)

## SPECIALIST BOARDS

There are 19 categories of Foreign Service specialists. Consideration for promotions and other board actions are specific to each of these categories.

Specialist boards are composed of five or six members each. Generally, a senior-management cone officer chairs each of these boards. A public member is assigned. The remainder of the board membership comprise specialist cone personnel. Separate boards consider diplomatic security, information management, and office management specialist cone candidates other than those in senior ranks. HR/PE assigns two nonspecialist officers to the latter boards.

Specialists who serve on these boards bring invaluable experience, work-related knowledge, and perspective to other board members. However, because specialist board members are drawn from a smaller universe than generalist boards, there is a greater possibility that board members will personally or by reputation know the candidates being reviewed or will have served with them. This contributes to criticism that specialist boards are more susceptible to the introduction of information not contained in the relevant performance files. The perception of bias was expressed to

OIG by a number of officers who previously served on these boards. AFSA officers also expressed concerns, stating “we hear several complaints every year about the diplomatic security and information management boards.”

Inclusion of at least two generalists on each specialist board would lessen any actual or perceived biases within specialist boards.

**Recommendation 8:** The Bureau of Human Resources should negotiate with the American Foreign Service Association to incorporate in the Precepts, a requirement that the members of each specialist board include at least two non-specialist Foreign Service personnel. (Action: DGHR)

## RECONVENED AND RECONSTITUTED BOARDS

The Director General may temporarily remove a name from the promotion list for (a) issues of loyalty, security, misconduct, suitability, or malfeasance; or (b) indications that documentation available to the selection board regarding the candidate’s performance may have been significantly inaccurate or incomplete. Depending on the disposition or resolution of the issue, the Director General will either order the inclusion of the name on the next promotion list from which the name was initially removed, or reconvene the members of the original selection board. A reconvened board will again consider the name of the candidate temporarily removed from the promotion list as a result of the vetting process or if there is evidence that significant material may not have been available during that board’s initial deliberations. If the reconvened board finds the candidate qualified to serve at the next higher level, DGHR will order inclusion of that person’s name on the next promotion list from which the name was initially removed. If not found qualified, the reconvened board’s decision will be binding. This process is described at 3 FAM 2328, Temporary or Permanent Removal of Names From Promotion Lists.

A Reconstituted Board is convened if the Grievance Board directs such or when a candidate was not properly reviewed due to administrative error (e.g. incorrect skill code, etc.). Membership on a reconstituted board comprises solely Foreign Service employees serving in Washington, plus a public member. The five or six members meet for a single day to review files of four officers who were just above and three just below the line for promotion during the year for which results were contested by the person under consideration. The file of that candidate is added to the mix. The identity of the person who is the subject of the reconstituted board is not revealed

to the board that rank orders the eight files. If the officer in question is ranked among the top four, he/she is recommended for promotion; if not, the process is closed. Those recommended continue through the vetting process. HR/PE staff said that there are many reconstituted boards a year, sometimes more than one such board to consider a single candidate. HR/PE does not keep statistics on reconstituted boards' decisions.

Unlike reconvened boards, there is no regulation in place that describes the conditions that cause a reconstituted board to be formed, its membership, purpose, or the outcome of its recommendations. HR/PE has created written instructions for its internal operations, but acknowledged that current regulations do not include any information about reconstituted boards. As the existence and outcome of a reconstituted board affects promotion considerations and recommendations, it should be fully disclosed in Department regulations.

**Recommendation 9:** The Bureau of Human Resources, in coordination with the Office of the Legal Adviser, should develop and incorporate in Department regulations the definition of conditions leading to formation of a reconstituted board, its purpose, membership, authorities, and responsibilities. (Action: DGHR, in coordination with L)



## LOOKING AHEAD

The processes overseen by HR/PE appropriately are under continuing review. Timely action on some aspects is recommended.

### OFFICE OF PERFORMANCE EVALUATION

HR/PE has primary responsibility for the management of selection boards. Specifically, the director of HR/PE:

- Certifies to selection boards the names of members of the Foreign Service to be considered by the boards;
- Provides technical advice and staff support to the selection boards;
- Ensures that members of HR/PE guide the boards on the technical procedures to be followed; and
- Ensures that board members understand the precepts and their roles and responsibilities.

HR/PE does a good job in managing a range of complex processes. Most employees in the office are civil servants, a factor in favor of integrity of processes that directly affect only Foreign Service personnel. Many in HR/PE have occupied their positions for long periods of time. The downside of longevity and experience within the office is that some seem to perform their duties almost by rote. This has the potential for several points of failure in the continuity of operations.

The implications are compounded by the lack of a consolidated procedural manual that could be used to train new employees, cross-train existing staff, and brief new managers. For example, when the current director of HR/PE arrived in her position in the summer of 2009, she received no written materials relating to the office's operations. Rather, her briefing consisted of a number of conversations with her predecessor and with key members of the staff. OIG is concerned that, as HR/PE personnel leave the office, it will be difficult for their replacements quickly to master new duties. OIG also noted that some HR/PE employees do not have sufficient backups to handle their portfolios if and as needed. Most steps are repeated

from year to year. Some, for example calculation of time-in-class, are performed manually. A procedures manual would inform any interested party of the office's missions and duties, and how they are carried out.

**Recommendation 10:** The Bureau of Human Resources should develop and adopt a consolidated procedural manual for Office of Performance Evaluation operations and use it to brief and train assigned personnel. (Action: DGHR)

## EVALUATING AN EXPANDED FOREIGN SERVICE

At the time of this assessment, plans were going forward rapidly to expand the cadre of the Foreign Service. By FY 2013, the projections are for a net increase of 2,484 generalist and 1,526 specialist employees (see Appendix 3).<sup>9</sup> This will significantly affect the processes for performance evaluation at every level.

- Most of the expansion — especially for generalists— will comprise entry level officers. This implies the corresponding need for increased, effective supervision to include preparation of performance evaluation reports<sup>10</sup>.
- Beginning in 2009, almost all evaluations will be submitted electronically directly to the office of records management. That office will have to process the larger number of performance reports, ensuring accurate and timely recordation in the respective performance files.
- As the tenured cohort of officers grows, so will the workload for selection and other performance boards.
- Related issues include the recruitment of either more or expanded boards, adequately staffed and equipped HR/PE and board facilities, possible extension of the time boards require to process the work, and quality control of the processes.

Personnel in HR/PE confidently predicted their ability to handle the prospective workload, noting that the office mastered similar challenges at the time of then-Secretary Powell's Diplomatic Readiness Initiative. OIG takes note of those accomplish-

<sup>9</sup> Source: Five Year Workforce and Leadership Succession Plan: Fiscal Years 2009 to 2013.

<sup>10</sup> DGHR analyses show that, at present, 53 percent of generalists and 61 percent of specialists have been in the Foreign Service less than ten years. Equally striking is the fact that 27 percent of generalists and 30 percent of specialists have been in the Foreign Service less than 5 years.

ments, but also draws attention to the fact that the Diplomatic Readiness Initiative resulted in about 10 percent growth in number of Foreign Service personnel. That contrasts with the looming increase of about 30 percent over a 5 year period.<sup>11</sup> The challenges are significant, especially if and as there is a significant turnover in HR/PE personnel.

Neither the Five Year Workforce and Leadership Succession Plan nor the latest available Annual Human Capital Management Report focus on the implications for performance evaluation and the related work of boards under the auspices of HR/PE.

**Recommendation 11:** The Bureau of Human Resources should ascertain the adequacy of the number of personnel to process the performance evaluation workload that will emerge from the prospective increase in the numbers of Foreign Service personnel. This assessment should encompass the related issue of office space and automation that may be required within the Office of Performance Evaluation for both staff and performance boards. (Action: DGHR)

**Recommendation 12:** The Bureau of Human Resources, in coordination with the Under Secretary for Management, should form a task force to analyze and make recommendations on plans to process the performance-related workload that will emerge as a result of the expanded Foreign Service. (Action: DGHR, in coordination with M/PRI)

## VIRTUAL BOARDS

The Department pilot-tested the concept of virtual promotion boards in 2008. As many as three members of certain boards worked from overseas locations. They were instructed to hold frequent videoconferences with Washington-based board members. Initial screening of files to categorize candidates as promotable, mid-ranked, or low-ranked was accomplished during this phase. Normally, this initial process is accomplished within about 1 week — HR/PE presses boards to screen about 40 files per day at this stage. Thereafter, the overseas-based members traveled to Washington to participate in the forced rank-order voting process, drafting of low-rank and counseling letters, and the board's final report.

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<sup>11</sup> The Department's Web site reports there are 12,257 Foreign Service employees as of September 30, 2009.

Cost savings and broadened recruitment for board membership are primary motivators in experimenting with virtual boards. The savings are mitigated by the requirement to bring all board members together in Washington for part of the process (hence, travel costs are incurred in either instance.) Boards generally meet for 6 to 9 weeks, hence virtual members are expected to spend most of that time in Washington. HR/PE informed OIG that, in any event, the expense of bringing members to Washington has not been a significant impediment in recruiting and composing boards.

With virtual boards, more officers posted abroad theoretically should be available to participate in the process. This may eventuate, but OIG questions whether, for example, Foreign Service personnel assigned to a busy post will be able to devote the time and attention merited by board processes. The demands of day-to-day responsibilities likely will intrude, notwithstanding appeals from M that ambassadors excuse virtual board members from such duties. In recruiting board members, the greater difficulties have been at the more senior levels. OIG believes the concept of freeing an ambassador, deputy chief of mission, or section chief at post to devote full attention to board responsibilities is problematic.

The OIG team interviews with former board members evoked either negative or somewhat querulous reactions when the concept of virtual boards was discussed. The consensus was that face-to-face interaction among board members is critical in assuring fair and trustworthy deliberations. Working in immediate proximity with each other fosters confidence in the judgment of fellow members as well as timely discussion of disparities in rank-ordering of candidates, and quick resolution of differing views on material contained in the files. The perception — shared by the OIG team — is that these advantages are diminished or at risk when board members are geographically distant one from another and often working in different time zones.<sup>12</sup> To protect the confidentiality, technical security and, hence, integrity of the process, members of virtual boards are not to communicate between each other via email or any other electronic means (excluding the videoconferences). This further restricts all-important dialogue within the board.

Several factors should be evaluated relative to the Department's pilot use of virtual promotion boards: (1) Statistical information should be gathered on the amount/percentage of time spent by each remote board member; (2) Notes taken during videoconferences should be reviewed to ascertain timeliness and relevance of the discussions; (3) Cost savings should be documented; (4) Recruitment of board members should be compared with previous experience; and (5) Physical and technical security factors should be evaluated by appropriate technicians.

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<sup>12</sup> Because of the time zone factor, only personnel serving in the Western Hemisphere, Europe, Africa, and the Middle East participated in the 2008 virtual board pilot program.

**Recommendation 13:** The Bureau of Human Resources should conduct a thorough cost/benefit analysis of the virtual board process including the communications-related security/privacy aspects implied in use of virtual boards before further implementation of the concept of virtual boards.  
(Action: DGHR)



## LIST OF RECOMMENDATIONS

- Recommendation 1:** The Bureau of Human Resources should certify that the results of each selection or other performance board have been signed or initialed by each member of the respective board before that board is dismissed. (Action: DGHR)
- Recommendation 2:** The Bureau of Human Resources, in coordination with the Office of the Legal Adviser, should develop and implement a process to obtain a signed pledge from each member of a promotion or other performance board to protect the confidentiality of the materials and deliberations of the board on which he or she is a member. The pledge also should specify that any introduction into board deliberations of nonrecord material will be reported to the director of the Office of Performance Evaluation. A copy of each signed pledge should be retained as part of the final report of the board in question. (Action: DGHR, in coordination with L)
- Recommendation 3:** The Bureau of Human Resources should amend relevant voting procedures to specify that a board member who is recused for any reason from consideration of a candidate's file must, thereafter, refrain from assigning a rank-order score to that candidate or participating in any discussions relevant to the individual. The Bureau should seek incorporation of appropriate, explicit language in future precepts. (Action: DGHR)
- Recommendation 4:** The Bureau of Human Resources should consult with the Office of the Legal Adviser to formulate broader bases on which a Foreign Service employee can request recusal of a member of a selection board, then negotiate with the American Foreign Service Association to incorporate those changes in promotion board precepts. (Action: DGHR)
- Recommendation 5:** The Bureau of Human Resources should discontinue annotation of any promotion lists provided to selection boards and to delete the relevant language from Selection Board Voting Procedures. (Action: DGHR)
- Recommendation 6:** The Bureau of Human Resources, in coordination with the Executive Secretariat and the Office of the Legal Adviser, should clarify regulations to reflect the Secretary's discretion in recommending candidates to the IASB. (Action: DGHR, in coordination with S/ES and L)

**Recommendation 7:** The Bureau of Human Resources, in coordination with the Under Secretary for Management and the Executive Secretariat, should develop procedures to ensure that the decisions of the Secretary relative to recommendations and nomination of officers for presidential awards are made matters of record in the form of personnel channel action memoranda. (Action: DGHR, in coordination with M/PRI and S/ES)

**Recommendation 8:** The Bureau of Human Resources should negotiate with the American Foreign Service Association to incorporate in the Precepts, a requirement that the members of each specialist board include at least two nonspecialist Foreign Service personnel. (Action: DGHR)

**Recommendation 9:** The Bureau of Human Resources, in coordination with the Office of the Legal Adviser, should develop and incorporate in Department regulations the definition of conditions leading to formation of a reconstituted board, its purpose, membership, authorities, and responsibilities. (Action: DGHR, in coordination with L)

**Recommendation 10:** The Bureau of Human Resources should develop and adopt a consolidated procedural manual for Office of Performance Evaluation operations and use it to brief and train assigned personnel. (Action: DGHR)

**Recommendation 11:** The Bureau of Human Resources should ascertain the adequacy of the number of personnel to process the performance evaluation workload that will emerge from the prospective increase in the numbers of Foreign Service personnel. This assessment should encompass the related issue of office space and automation that may be required within the Office of Performance Evaluation for both staff and performance boards. (Action: DGHR)

**Recommendation 12:** The Bureau of Human Resources, in coordination with the Under Secretary for Management, should form a task force to analyze and make recommendations on plans to process the performance-related workload that will emerge as a result of the expanded Foreign Service. (Action: DGHR, in coordination with M/PRI)

**Recommendation 13:** The Bureau of Human Resources should conduct a thorough cost/benefit analysis of the virtual board process including the communications-related security/privacy aspects implied in use of virtual boards before further implementation of the concept of virtual boards. (Action: DGHR)

## ABBREVIATIONS

AFSA	American Foreign Service Association
DGHR	Office of the Director General
DSRB	Department Senior Review Board
EER	employee evaluation report
FSGB	Foreign Service Grievance Board
HR/PE	Office of Performance Evaluation
HR/RMA	Office of Resource Management and Organization Analysis
IASB	Interagency Selection Board
M	Under Secretary for Management
OIG	Office of Inspector General
OPF	official personnel file
PSB	Performance Standards Board



## APPENDIX 1: PURPOSE, SCOPE AND METHODOLOGY

This review was conducted in accordance with the Quality Standards for Inspections, as issued by the Council for the Inspectors General on Integrity and Efficiency, and the Inspector's Handbook, as issued by the Department of State, Office of Inspector General (OIG).

The Under Secretary for Management (M) requested that OIG assess the integrity and fairness of the process by which annual selection boards recommend promotion of, awards to, and low-ranking of Foreign Service personnel. OIG and M agreed that the review is to focus on the period 2004 - 2008 and encompass threshold and senior boards (considering both generalists and specialists), corresponding performance standards boards, and boards responsible for recommendations for senior performance pay and/or presidential awards. It was further agreed that policies incorporated in precepts (notably, the requirement that promotion boards low-rank 5 percent of most categories), are not subject to this review.

The OIG team reviewed relevant documentation maintained by the Office of Performance Evaluation (HR/PE). Members of the OIG team interviewed the director of that office and four of her predecessors, each HR/PE person responsible for the processes under review, and 23 members of relevant boards that convened between 2004 and 2008. (There was some overlap in these categories.) Other conversations were held with present and previously serving persons working in the Office of the Director General. Personnel from the offices of Career Development and Assignments and Resource Management and Organization Analysis briefed the OIG team. Officers of the American Foreign Service Association shared views and opinions with OIG.



## APPENDIX 2: BOARD DELIBERATIONS AND PROCEDURES

### Recruiting Members and Composing Boards

The Director General is responsible for board composition and ensuring that selection boards are fully staffed for the duration of the process. Identifying and recruiting qualified board members is a challenging task. Consensus among OIG interviewees was that this part of the process is fundamental to protecting and projecting the integrity and fairness of the processes.

HR/PE initiates the assembly of boards by drafting a request for volunteers. In January, a relevant administrative announcement is circulated throughout the Department and via cable to all diplomatic and consular posts. Most volunteers anticipate being in Washington during the 6-to-9 weeks normally required for board duty.<sup>13</sup> DGHR and HR/PE thereafter actively recruit additional candidates to serve. Senior Department officials may also recommend both Foreign Service and public members for the boards.

A Foreign Service officer cannot serve on a board in 2 consecutive years. By regulation and the precepts, all selection boards shall include a public member and a “substantial number of women and members of minority groups.” Foreign Service board members must be at least one class higher than that of the employees to be rated and have the depth and breadth of experience necessary to evaluate performance. The primary cohort considered for board membership comprises recently promoted members of the Foreign Service.

If possible, each public member shall be prominent in a profession, business, nongovernmental organization, or similar group and have either a personal or institutional interest in the Foreign Service. Preferably, the public member should have overseas experience. Like their Foreign Service counterparts, they must be available to serve on a full-time basis during the entire time that the boards are in session. HR/PE routinely recruits public members from academia. OIG notes a pattern in which an individual public member serves repeatedly. However, the frequency of such service cannot be more than once each 3 years. Part of the rationale in repetitive recruitment of such public members is to meet diversity requirements.

<sup>13</sup> By the end of June 2009, 50 officers had volunteered to serve on boards. Thirty of these were selected, comprising approximately one-third of the 96 members of boards that met in 2009.

The composition of boards is published via a departmental administrative announcement and a cable sent to all diplomatic and consular posts.

HR/DG formally convenes each board, including administration of the oath by which members swear to adhere to the relevant precepts. Failure to abide by the oath may result in disciplinary action or penalties as prescribed by the Privacy Act. Once sworn in, the boards meet for training and instruction conducted by HR/PE. Emphasis is placed on the year's procedural and core precepts.

The only information admissible to the board for consideration is the official performance folder, an abbreviated employee profile, and, at grades FS-02 and above, the security incident record and employee responses thereto.

## Selection Boards

Selection boards are to evaluate the performance of candidates and rank them in order of relative merit. Promotion within the Foreign Service is recognition that a member has demonstrated the capability of performing the duties and responsibilities required at the next higher level. The boards recommend:

- promotion to the next higher class;
- denial of within-class step increases to members whose performance during the most recent rating period is found to be below the standards of their class;
- offer or renewal of limited career extension;
- low-rank at least 5 percent of most cohorts ;
- awards of performance pay and recommendations for presidential awards; and meritorious step increases.

Each selection board member initially screens files (presented in groups of 40, randomly selected by HR/PE) and ranks each candidate as promotable, mid-rank, or low-rank. If a candidate is rated by any board member as promotable or low-rank, his/her file will be reviewed among those in the respective group. If a candidate is mid-ranked by all board members, his/her file is not reviewed again. When this step has been completed, the director of HR/PE informs the board of the number of promotion slots available.

Each board member must next force-rank each promotable employee on a scale of 1-10, evenly distributed across the range. Significant differences (i.e., a variance of four or more points on the 1-10 scale) in rankings of any candidate are discussed among the board and, normally, reconciled. During that process, any changes in a board member's score must be offset by adjustments in the forced-ranking of other candidates.

Once all competition groups have been considered, the chairperson consolidates the score sheets for promotable candidates into one rank-order list. Board members may again discuss and change their votes subject to the requirement that forced distribution procedures must be followed. All ties are broken, and the numerical ranking is indicated for each promotable candidate. Former board members told the OIG team that there is often intense discussion surrounding the rank order of candidates who fall just above and just below the number of promotion slots and at the cusp of the 5 percent mark for those low-ranked in order to confirm the board's decisions on those respective, potentially critical decisions.

Once a final rank ordering is established, the board submits various reports including:

- The rank-order list for each competition category of all candidates recommended for promotion;
- An alphabetical list of those low-ranked with a corresponding counseling statement for each;
- An alphabetical list of any candidates referred directly to a Performance Standards Board;
- An alphabetical list of senior Foreign Service officers recommended to receive performance pay or presidential awards; and
- Recommendations concerning policies and procedures for subsequent boards and improvements to the performance evaluation system, if any.

After review by HR/PE, this material is forwarded to DGHR. Names of those recommended for promotion are vetted by DGHR, OIG, the Office of Civil Rights, the Bureau of Diplomatic Security, and the Office of Employee Relations. If any

has negative information (i.e., a pending investigation), the promotion may be withheld until the issue is resolved.

## Low-Ranking and Performance Standards Boards

Selection boards are required to low-rank at least 5 percent of candidates in each competition groups of 20 or more, except for specific categories.<sup>14</sup> In competition groups of fewer than 20, low-ranking is at the discretion of the board. Selection boards also have the option to refer any candidate directly to a PSB if a candidate's performance is found to merit such referral. For generalists at the senior threshold and mid-levels, only conal boards will determine low-ranking and/or referral to a PSB. Files of officers who were eligible for consideration for promotion from FS-01 to FE-OC but who did not elect to compete (i.e., did not "open their window") will be reviewed for possible low-ranking. Boards prepare a statement explaining the reasons for each low-ranked candidate.

If an individual is low-ranked by two different selection boards during a 5-year period in which the officer was rated by at least two different supervisors, referral to a PSB is automatic. The determination of automatic PSB referral is determined on the basis of HR/PE records and the respective board is not informed of or involved in such action. HR/PE convenes as many PSBs as necessary to consider the case load generated by the boards.

PSBs are responsible for determining whether a career member of the Foreign Service should be retired for failure to meet the performance standards of their class (i.e., selected out).<sup>15</sup> Members of a PSB review a sampling of personnel files of candidates in the same class and occupational category of the individual under review to form a foundation on which to base their decision. A simple majority vote by board members determines whether an individual is to be selected out of the Foreign Service.

The OIG team was told that some cases were referred to a PSB strictly as a result of the mandatory low-ranking process. In other instances, the PSB perceived it clear

<sup>14</sup> Because of the relatively low number of promotion opportunities, the following five classes are subject to low ranking without a quota: (1) generalists and specialists being considered for promotion to career minister; (2) office management specialists being considered for promotion to class FS-03 or at that class; (3) information technology managers being considered for promotion to the rank of counselor; (4) security officers being considered for promotion to the rank of counselor; and (5) financial management officers being considered for promotion to the rank of counselor.

<sup>15</sup> Pursuant to the Foreign Service Act of 1980, as amended, a career member of the service shall be retired from the service if the member has failed to meet the standards of performance for his/her class. (Section 608(b))

that separation from the Foreign Service was warranted. However, the OIG did not find any evidence that the selection-out process was being conducted unfairly or without giving employees all due consideration.

## Performance Pay

Processes for determining senior Foreign Service performance pay are established in 3 FAM 2870 and 3 FAH-1 H-2870. The promotion panel that reviews FE-MC candidates for promotion also rank-orders all eligible senior Foreign Service officers for performance pay. Deliberations and recommendations for performance pay are based on the officer's record of service for a minimum of 120 days during the most recently concluded rating period. The total numbers of recipients and amounts to be distributed are determined by M before the performance board convenes. Those recommended by the boards are vetted in the standard fashion. Absent actions that would postpone or vacate a recommendation, performance pay awards are made in the order and amounts recommended by the boards. OIG detected no anomalies in the performance pay process.



APPENDIX 3: TOTAL FOREIGN SERVICE HIRING PROJECTIONS FOR FY 2009 - FY 2013

Table A5. Total Foreign Service Hiring Projections for FY 2009 to FY 2013

Foreign Service Skill Group	FY 2009			FY 2010			FY 2011			FY 2012			FY 2013			Total FY 2009 to FY 2013		
	New Positions	Projected Total Attrition	Total Hiring	New Positions	Projected Total Attrition	Total Hiring	New Positions	Projected Total Attrition	Total Hiring	New Positions	Projected Total Attrition	Total Hiring	New Positions	Projected Total Attrition	Total Hiring	New Positions	Projected Total Attrition	Total Hiring
Generalist	494	281	775	451	285	736	513	278	791	513	286	799	513	268	781	2484	1398	3882
Specialist	358	222	580	313	208	521	285	238	523	285	232	517	285	235	520	1526	1135	2661
<b>Foreign Service Total:</b>	<b>852</b>	<b>503</b>	<b>1355</b>	<b>764</b>	<b>493</b>	<b>1257</b>	<b>798</b>	<b>516</b>	<b>1314</b>	<b>798</b>	<b>518</b>	<b>1316</b>	<b>798</b>	<b>503</b>	<b>1301</b>	<b>4010</b>	<b>2533</b>	<b>6543</b>



APPENDIX 4: BASIC SAFEGUARDS AGREEMENT DATED  
OCTOBER 1973

AGREEMENT UNDER EXECUTIVE ORDER 11636

This agreement between the Department of State and the American Foreign Service Association (AFSA) under Executive Order 11636 is effective as between the parties when signed by the Deputy Under Secretary of State for Management and the AFSA Board Chairman. As a result of consultation and mediation pursuant to Sections 8 and 9 of the Order, respectively, the Department and AFSA, recognizing the importance to the Service of maintaining a high degree of confidence in the integrity of the promotion process, and wishing to institutionalize a number of the highly beneficial reforms put into effect by the Director General and his staff, agree to the following provisions concerning the promotion process:

1) After a selection board has submitted a rank-order list to the Director General, no alteration shall be made in the order of names on the list, and, without the consent of the individual concerned, no name falling within the promotion zone shall be excluded from the promotion list except for one of the following reasons:

- a. Death, retirement, resignation, or separation from the Service;
- b. Language probation requirements;
- c. Referral to a Selection Review Board on grounds that an individual is the subject of investigation or of proceedings involving loyalty, security, suitability, misconduct or malfeasance.
- d. The absence of certification of an available position at the higher rank, in the case of an individual in the Resident and Limited Indefinite Resident Employee and Departmental Employee Standards (DES) pay categories in which promotion may be dependent upon such certification.

In each such case any employee still in the Service whose name has been excluded shall be officially notified in writing of the particulars. Management shall notify AFSA of the numbers (but not the names) of individuals excluded and the reasons for each such exclusion. Such information shall be held in confidence.

2) No person subject to review by the selection boards whose name was not rank-ordered by a board such that he fell within the promotion zone shall have his name placed on a promotion list except in the case of an individual:

~~**SENSITIVE BUT UNCLASSIFIED**~~

- a. recommended for promotion by the Secretary in accordance with a recommendation of the Foreign Service Grievance Board or by an EEO appeals examiner; or
- b. whose name had previously been excluded in accordance with paragraph (1) of this agreement and the reason for that exclusion has ceased to exist; or
- c. who is the next highest individual on the rank-order list and therefore moves into the promotion zone as the result of the proper exclusion from the promotion list of another name from within that zone in accordance with paragraph (1) of this agreement.

Management shall notify AFSA of the numbers of individuals placed on a promotion list in accordance with each of these exceptions, and the rationale for each such addition.

3) The number of promotions to Class I and below, by class and by each category as competed within each class, which Management expects to recommend or make shall be established prior to the submission of findings and recommendations by the selection board or staff review panel concerned. The percentage of promotions which shall be made on an interfunctional basis shall also be established prior to submission of the findings of the first of the selection boards concerned in any annual promotion cycle. It is recognized that change of circumstances may dictate changes in these numbers. Management shall provide AFSA with a copy of the memoranda establishing these numbers and any changes therein. AFSA shall hold these memoranda in confidence until Management publishes them. If there is any discrepancy between the previously established numbers and the actual number of promotions by class and category, as competed, Management shall provide to AFSA a confidential briefing which shall include a full explanation of that discrepancy.

4) The Director General may accept the rank-order lists of the selection boards or return any or all of them for review if he questions procedures or conformity with the precepts. In each such case the Director General shall give the board chairman, in writing, his reasons for returning the rank-order lists and shall provide a copy of his statement of reasons to AFSA.

5) In the event that members of selection boards or others privy to information concerning the promotion process have reason to question whether the above provisions have been adhered to, they should address their inquiry in writing to the Director

General. A copy of the inquiry and the reply shall be provided to AFSA in confidence.

6) Either party may publish the contents of this agreement.

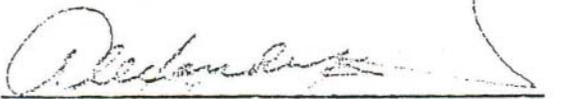
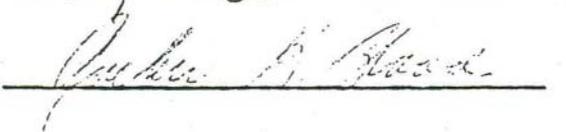
7) Any grievance concerning the application or interpretation of this agreement may be resolved by the filing of a grievance under the Foreign Service grievance system.

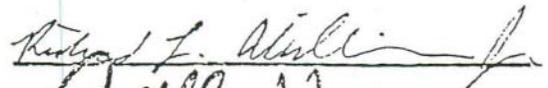
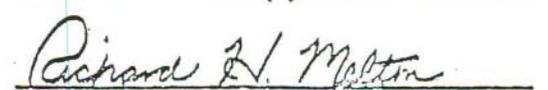
8) This agreement shall be valid unless changed by consultation between the parties, but shall be terminated in the event that AFSA loses its certification as exclusive representative. Either party may propose consultation on the implementation of this agreement at any time.

In witness whereof, the representatives of the respective parties have hereunto affixed their signatures on this 23<sup>rd</sup> day of October 1973.

FOR THE DEPARTMENT OF STATE

FOR THE AMERICAN FOREIGN SERVICE ASSOCIATION

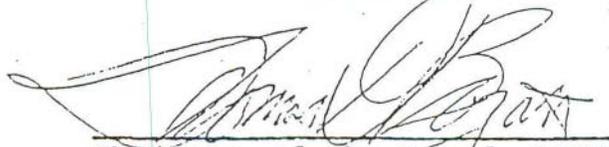
  
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APPROVED

APPROVED-

\_\_\_\_\_  
Acting Deputy Under Secretary of State for Management

  
\_\_\_\_\_  
Chairman of the Board, AFSA

DATE \_\_\_\_\_

DATE 10/23/73

MEMORANDUM OF UNDERSTANDING

October 18, 1973

The following memorandum of understanding has been reached between the parties concerning the Agreement on procedural safeguards for the promotion process, hereafter referred to as "the Agreement."

1. AFSA hereby expresses its intent to publish the entirety of the contents of the Agreement, (excepting only the signatory line), and will not publish portions of the Agreement until AFSA or management has published the Agreement in its entirety.

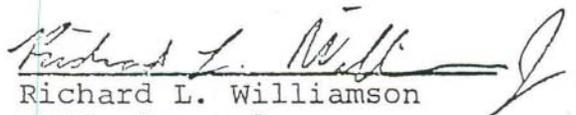
2. Nothing in the Agreement shall be interpreted by AFSA as precluding promotions pursuant to 3 FAM 568.3(i). However, upon the submission of a written proposal by either AFSA or the Department with respect to 3 FAM 568.3(i), both parties agree to meet in accordance with E. O. 11636 as a matter of priority as soon as both the new Director General and the new Deputy Under Secretary for Management have taken office.

3. Both parties agree that the intent of paragraph 3 of the Agreement is to guard against the hypothetical possibility of arbitrary action to adjust the numbers of promotions, or of promotions within a given category, for the purpose of excluding or including particular individuals within the promotion zone.

4. The parties agree that nothing contained in paragraph 7 of the Agreement creates new rights for AFSA or derogates from existing rights of the organization under the Interim Grievance Procedures presently in effect.



Alexander J. Davit  
Acting Special Assistant



Richard L. Williamson  
AFSA, Counselor

## APPENDIX 5: RESPONSIBILITIES FOR MANAGEMENT OF PROMOTION AND AWARD PROCESSES

### **The Secretary of State:**

- Recommends to the President, based on the recommendations of the selection boards and in accordance with 3 FAM 2323.1-2, the names of career members of the SFS who should be promoted to a higher salary class, and career members of the Service who should be promoted into the SFS. The President, with the advice and consent of the Senate, effects the promotions.

### **The Under Secretary for Management:**

- Determines the annual number of promotions available to Foreign Service officers, taking into account such factors as vacancies, availability of funds, estimated attrition, projected needs of the Service, and the need for retention of expertise and experience. (3 FAM 2325)
- Approves promotions in the Foreign Service schedule, FS-04 to FS-01, and, for office management specialist personnel, FS-06 to FS-03, based on recommendations and rankings of selection boards.
- Approves the Procedural Precepts that have been negotiated with the exclusive representative, if any, (in this case, it is AFSA) for all boards or panels established for the purpose of evaluating Foreign Service personnel.

### **The Director General:**

- Determines the number and membership of the selection boards.
- Convenes and adjourns the selection boards and assures appropriate briefings of board members.
- Reviews the findings and recommendations of the selection boards to determine whether they were made in accordance with the Precepts and these regulations.
- Approves the temporary exclusion from a promotion list of any member of the Service under 3 FAM 2328.
- Submits the promotion list of members recommended for promotion into and within the SFS to the Under Secretary for Management for transmittal to the Secretary for recommendation to the President.



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Cables to the Inspector General  
should be slugged "OIG Channel"  
to ensure confidentiality.

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