



Waiver Process for Medical Clearance Requirements for Initial Appointments, Tenure Review and Overseas Assignments in the Foreign Service

A Mandatory Reference for ADS Chapter 414

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I. Purpose

This mandatory reference delineates the eligibility of candidates and employees to request medical clearance waivers from USAID's Chief Human Capital Officer in the Office of Human Capital and Talent Management (CHCO/HCTM), in accordance with [16 FAM 200](#). This reference is applicable under the following circumstances:

- 1) When an applicant or employee has been denied a medical clearance (Class 1) for assignment worldwide, which is required for initial appointment into the career Foreign Service (FS) or to be eligible for tenure as a career Foreign Service Officer (FSO);
- 2) When a Class 2 post-specific medical clearance is sought for an assignment by an FSO; or
- 3) When a Class 2 post-specific medical clearance is sought for a non-career appointment overseas and the individual has exhausted all appeal opportunities offered by the U.S. Department of State's Office of Medical Services (State/MED).

The CHCO, or a delegated designee, will review the request and the recommendation of the Medical Review Committee (MRC) and determine whether a medical clearance waiver should be granted.

II. Applicability

This mandatory reference sets forth medical clearance requirements and describes situations under which certain kinds of medical clearance waivers may be considered for FS candidates at the time of initial appointment; prior to granting career status to career candidate FSOs; and each time a medical clearance is sought for an individual overseas assignment or appointment.

This reference does not apply to United States citizens hired abroad (U.S. family and other non-family members), Foreign Service National staff, or staff hired under contractual mechanisms.

III. Medical Standards for Appointment for All Hiring Mechanisms

General and specific medical standards are developed, amended, and administered by the Director, State/MED, in accordance with Section 904 of the Foreign Service Act of 1980, as amended (please refer to [State's Medical Clearance policy](#) for additional information).

IV. Reasonable Accommodation Program

The USAID Reasonable Accommodation program is available to support applicants and employees throughout the medical clearance process. Applicants or employees are encouraged to make use of this resource if they have received a medical clearance less

than Class 1 (please refer to the [reasonable accommodation program](#) for more information).

V. Waiver Procedures for Medical Clearances

A. Career Applicant or Candidate Foreign Service Officers

The CHCO, or a designee, has authority to grant medical clearance waivers to allow appointment of applicants or tenure of career candidate FSOs in the following circumstances: 1) if an applicant for a career FS appointment has been denied a worldwide availability medical clearance (Class 1), which is a requirement for a career candidate appointment; or 2) a career candidate FSO has been denied a Class 1 medical clearance for tenure as a career FSO, in accordance with [16 FAM 215 and 216](#).

1. Candidate Application for Waiver of Pre-Employment and In-Service Medical Clearance Standards

To initiate the request for a medical clearance waiver from State/MED, the applicant for a career candidate appointment, or a career candidate FSO eligible for tenure review who has been denied a Class 1 medical clearance and exhausted his/her appeal rights as outlined in 16 FAM 215 (a) and (b), must immediately inform their servicing Human Resources (HR) specialist in writing that the appeal process with State/MED has been exhausted. The servicing HR specialist will then provide the applicant or career candidate FSO with information about the waiver process in writing, including the following requirements:

- 1) The waiver must be requested by the applicant/career candidate FSO within 10 calendar days of notification of State/MED's final decision as described in 16 FAM 215(c) and submitted to the servicing HR specialist; and
- 2) The applicant for a FSO appointment or career candidate must also submit to HCTM's Foreign Service Center (HCTM/FSC) a completed [Authorization for Release of Medical Information Form](#) and a [Federal Occupational Health Form](#) with each request for waiver, within 10 calendar days of notification that the applicant or employee has been denied a Class 1 clearance. Submissions must be made through hr-helpdesk@usaid.gov with the subject line "Request for Medical Clearance Waiver Applicant for Foreign Service/Career Candidate for Tenure: Last Name, First Name".

Note: USAID will not waive any other requirements for tenure, including overseas service and language proficiency. For more information on tenuring requirements, refer to [ADS 459](#).

2. USAID Medical Clearance Waiver Review

If the requirements outlined above are met, HCTM's Senior Deputy Assistant Administrator (SDAA) will appoint a Medical Review Committee (MRC) to review requests for medical waivers and to make recommendations to the CHCO based on the merits of

each case. The MRC will evaluate and recommend to the CHCO whether hiring or tenuring an individual is in the best interest of the USAID Foreign Service, even if the individual failed to meet established medical standards.

a. Waiver Review Standard for Career Candidate Applicants/Tenure Eligibles

A waiver of the medical standards for career candidate applicants and career candidate FSOs eligible for tenure review will only be granted if it is found to be in the best interest of USAID. In considering whether or not to recommend a waiver, the MRC will consider factors, including, but not limited to, the following:

- 1) What percentage of USAID posts is the candidate currently available to be assigned to?
- 2) Is the disqualifying condition considered permanent or temporary in nature (*i.e.*, Is it likely that in the future the percentage of posts to which the candidate can be assigned will remain the same, increase or decrease)?
- 3) Does the applicant or career candidate FSO possess a skill set in a particular backstop for which the Foreign Service has a prevailing workforce need? If the candidate/employee has a skill set in the backstop for which USAID has a prevailing need, the MRC will analyze how many posts for which the candidate/employee can be medically cleared at that time have positions in the candidate/employee's backstop.
- 4) Would waiving the medical clearance requirement put the health, safety, and/or wellbeing of the candidate/employee, or other employees at post, at risk?

b. Composition of the MRC

The MRC will be composed of four USAID U.S. Direct-Hire employees, including: (1) the Director or Deputy Director of HCTM's Foreign Service Center, (2) the Agency's Reasonable Accommodation Program Manager, (3) the Backstop Coordinator (BC) or a senior-level FSO with expertise in the applicant or career candidate's backstop, and (4) a representative from the Office of General Counsel/Ethics and Administration Division (in an advisory capacity).

c. Role of State/MED in the MRC

USAID will request State/MED to provide a medical officer to serve as a consultant and technical advisor to the MRC. Upon receipt of the employee's authorization, State/MED will provide to the MRC the applicant/employee's medical file to include:

- 1) The specific reason for the denial of Class 1 medical clearance;

- 2) The approximate percentage of all USAID posts overseas where this candidate/employee would be eligible for assignment if the worldwide availability requirement were to be waived;
- 3) The likelihood that the medical condition(s) for which the worldwide availability was not granted is temporary or permanent in nature, and if temporary, information about when the candidate may be able to obtain Class 1 medical clearance; and
- 4) Whether there are any reasonable accommodations that could be provided to the applicant or employee to enable them to be available worldwide.

d. Documents Reviewed by the MRC

The MRC reviews the following documents:

- 1) Applicant/employee's written request;
- 2) Applicant/employee's authorization for the MRC to review and discuss with a representative from State/MED the reason(s) the applicant/employee failed to meet medical standards and discuss with a physician in the [Office of Federal Occupational Health, Department of Health and Human Services](#) any potential reasonable accommodations that would effectively mitigate the medical concerns that precipitated the adverse clearance decision.
- 3) Any potential reasonable accommodations that would effectively mitigate the medical concerns that precipitated the adverse clearance decision; and
- 4) For applicants, the application and selection package; and for employees, an abbreviated record of the employee's Electronic Official Personnel Folder (E-OPF) provided by HCTM/FSC/Foreign Service Staffing (FSS).

e. Timing of MRC Actions

The MRC will be formed within 15 business days of receipt of the applicant or career candidate's waiver request. The MRC will provide a recommendation to the CHCO, or a designee, as soon as practicable.

Waiver decisions made by the CHCO, or a designee, are final and are not subject to further Agency appeal by the applicant or career candidate. An applicant or employee who believes s/he has been discriminated against should contact USAID's Office of Civil Rights and Diversity (OCD) within 45 days. For more information, see [ADS Chapter 110](#).

B. Medical Clearance Waiver Process for Overseas Assignments for Career Foreign Service Officers and for Non-Career Foreign Service Limited Appointments

This guidance is applicable to any USAID career employee or applicant for a non-career FS Limited (FSL) appointment seeking post-specific medical approval for an overseas assignment.

1. Overseas Assignments for Career and Career Candidate Members of the FS and Senior FS

a. Bidding with a Limited Medical Clearance

The Reasonable Accommodation Division in OCRD can work with bidders, their medical professionals, and Mission staff to identify and implement specific reasonable accommodations for individuals with a disability that will enable employees to perform the essential functions of their job and enjoy equal benefits and privileges of employment while at post (see [ADS Chapter 111 - Procedures for Providing Reasonable Accommodation for Individuals with Disabilities](#) for more information). All reasonable accommodation inquiries should be addressed to reasonableaccommodations@usaid.gov.

Per [16 FAM 217](#), FSOs must adhere to the following when preparing to bid for an onward assignment:

- 1) The employee and their eligible family members should renew their medical clearances prior to bidding on their next assignment. They may begin the medical clearance process up to 12 months before the departure from their current assignment.
- 2) If the employee or an eligible family member has a post-specific (Class 2) medical clearance, the employee must obtain State/MED approval for each post on the bid list.
- 3) The employee must ensure that s/he and all eligible family members have received a Class 1 medical clearance or a Class 2 medical clearance with the employee's post of assignment approved by State/MED before traveling to post.
- 4) The employee must notify State/MED of any significant change in the employee's or eligible family member's medical condition at any time. Such changes include, but are not limited to, a hospitalization or urgent outpatient treatment; a change of or initiation of regularly taken medications; or the need for regular, frequent follow-up.

b. Request for Waiver of Medical Clearance for an Assignment

When a career or career candidate member of the FS is initially denied the Class 2 (post-specific) clearance for an overseas assignment, the member is encouraged to appeal the determination to State/MED pursuant to [16 FAM 215](#). If this appeal is denied, the member may request an administrative waiver from the CHCO to proceed to the post of assignment without the requisite medical clearance from State/MED.

2. Request for Waiver of Medical Clearance for Non-Career FSL Appointments for Overseas Assignments

Non-career FSL employees require a Class 2 post-specific medical clearance or administrative waiver prior to receiving an FSL appointment for a position located overseas. Domestic non-career FSL positions do not require medical clearance.

When an applicant or employee seeking an overseas non-career FSL assignment or appointment is initially denied the required Class 2 post-specific medical clearance, the applicant or employee is encouraged to appeal the determination to State/MED pursuant to [16 FAM 215](#). If this appeal is denied, the applicant or employee seeking an overseas non-career FSL appointment may request an administrative waiver from the CHCO. Pursuant to [16 FAM 215](#), the CHCO or a delegated designee will review the case and determine whether the candidate or employee should be appointed into the non-career FSL position overseas.

3. Process to Request a Waiver for Overseas Assignments and FSL Appointments

a. Employee Request for Administrative Waiver

State/MED will notify the applicant or employee of the result of the medical clearance appeal pursuant to [16 FAM 215](#). Within 10 calendar days of receiving notice from State/MED that the applicant or employee did not receive a class 2 medical clearance for the post of assignment, the applicant or employee may request an administrative waiver in writing from the CHCO. The waiver request must include the following information:

- 1) The name and current USAID employment type (if any) of the employee/applicant requesting the waiver;
- 2) The type of appointment or assignment the employee/applicant is requesting;
- 3) The requested post of assignment;
- 4) A statement that the employee is seeking a waiver from the CHCO to be appointed or assigned to an overseas post despite the post-specific medical clearance decision of State/MED;
- 5) The reasons the employee believes the CHCO should grant the waiver despite the post-specific medical clearance decision of State/MED, including, if applicable, any special skills the employee/applicant has that will fill a particular and urgent Mission need;
- 6) A statement from the applicant/employee indicating that they are voluntarily requesting and that they understand they are in no way required to seek a waiver for the appointment or assignment;

- 7) A statement from the applicant/employee indicating that they understand they are requesting to be assigned or appointed to a post whereby State/MED has determined the post does not have the medical resources to care for the employee/applicant's medical needs; and
- 8) Any mitigating measures the applicant/employee plans to take to meet their medical needs while at post if the waiver is granted.

The applicant or employee must also submit to HCTM/FSC a completed [Authorization for Release of Medical Information Form](#) and a [Federal Occupational Health Form](#) with each request for waiver, within 10 calendar days of notification that the applicant or employee has been denied a Class 2 clearance. Submissions must be made to hr-helpdesk@usaid.gov with the subject line: "Request for Medical Clearance Waiver Foreign Service Assignment to X/Foreign Service Limited Appointment to X: Last Name, First Name."

b. USAID Medical Clearance Waiver Review Committee (MRC)

HCTM's Senior Deputy Assistant Administrator will appoint an MRC to review requests for medical waivers for post-specific appointments and assignments.

1) Composition of the MRC

The MRC will be composed of four USAID U.S. Direct-Hire employees including: (1) Director or Deputy Director of HCTM's Foreign Service Center, (2) the Agency's Reasonable Accommodation Program Manager, (3) the Backstop Coordinator (BC) or a senior level FSO with expertise in the applicant or career candidate's backstop, and (4) a representative from the Office of General Counsel's Ethics and Administration Division (in an advisory capacity).

2) Role of State/MED in the MRC

USAID will request State/MED to provide a medical officer to serve as a consultant and technical advisor to the MRC. Upon receipt of the authorization (item 5 in section 3.a above), State/MED will provide to the MRC the applicant/employee's medical file, to include:

- a. The specific reason for the denial of Class 2 post-specific medical clearance for the proposed assignment or appointment location,
- b. The likelihood that the medical condition(s) for which the Class 2 post-specific medical clearance for the proposed assignment or appointment location was not granted is temporary, and if temporary, information about when the candidate may be able to obtain the Class 2 medical clearance for this assignment or appointment location, and

- c. Whether there are any reasonable accommodations that could be provided to the applicant or employee to enable them to obtain the Class 2 medical clearance for this assignment or appointment location.

3) Documents Reviewed by the MRC

The appropriate Human Resources Specialist in HCTM/FSC/FSS will provide the following information to the MRC:

1. For an applicant - Full application for employment and selection memorandum. For a current employee - An abbreviated record of the employee's Electronic Official Personnel Folder (E-OPF).
2. The applicant's/employee's written request and authorization for the MRC to review and discuss with a representative from State/MED the reason(s) the applicant/employee was not cleared for the post of assignment and to discuss with a physician in the [Office of Federal Occupational Health, Department of Health and Human Services](#) (FOH) any potential reasonable accommodations that would effectively mitigate the medical concerns that precipitated the adverse clearance decision.

4) Timing of MRC Actions

The MRC will be formed within 15 business days of the individual's waiver request, as described in 3.A. above. The MRC will provide a recommendation to the CHCO, or a designee, as soon as practicable.

5) Waiver Standard for Specific Assignments

A waiver of the medical standards will only be granted if it is found to be in the best interest of USAID. In considering whether or not to recommend a waiver, the MRC will consider factors outlined below including, but not limited to, the following:

1. What is the nature of the specific position for which the candidate has been selected?
2. Is this position in a backstop for which the Agency has severe shortages?
3. Does the position require a unique skill set not readily available in the Agency's workforce?
4. Would waiving the medical clearance requirement put the health, safety, and/or well-being of the employee, or other employees at post, at risk?

VI. Authority for Final Decisions

Waiver decisions made by the CHCO, or a designee, are final and are not subject to further appeal by the applicant or employee. An applicant or employee who believes s/he has been discriminated against should contact USAID's OCRD within 45 days. For more information see [ADS Chapter 110](#).

VII. Definitions

Medical Review Committee (MRC)

An advisory committee appointed by the HCTM SDAA to provide recommendations on whether or not to grant a waiver of the medical clearance requirements for initial appointment in the Foreign Service, tenure in the Foreign Service, or overseas assignments for career, career candidate or non-career Foreign Service Officers.

Reasonable Accommodation

Any change in the work environment or application process that enables a person with a disability to enjoy equal employment opportunities. There are three general categories of reasonable accommodations: 1) modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille and providing a sign language interpreter); 2) modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters; making existing facilities accessible; job restructuring; part-time or modified work schedules; acquiring or modifying equipment; changing tests, training materials, or policies; providing qualified readers or interpreters; and reassignment to a vacant position); and 3) modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as (1) training; (2) services (e.g., employee assistance programs (EAP's), credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation); and (3) parties or other social functions (e.g., parties to celebrate retirements and birthdays, and Agency outings).

Waiver

A document whose signature approves an exception to established policy.

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