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ADS Chapter 464

Foreign Service Performance-Based Actions

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ADS 464 – Foreign Service Performance-Based Actions

464.1 OVERVIEW

Effective Date: 03/15/2019

The Foreign Service (FS) Employee Performance & Development Program (EP&D) is a performance management program through which USAID involves its employees in improving organizational effectiveness in the accomplishment of the Agency's mission and goals (see [ADS 461, Foreign Service and Senior Foreign Service Performance Management & Development Programs](#)). In support of EP&D, this chapter establishes clear guidelines and policy for performance-based actions to be taken when employees fail to achieve a satisfactory level of performance.

A key premise of the Agency's performance management program is that employee performance and development is a shared responsibility between employees and their supervisors/Rating Officials. Rating Officials are responsible for working closely with employees in establishing work and skill development objectives and performance expectations, providing ongoing coaching and feedback, supporting employee professional development, and adhering to the established schedules and processes. Likewise, employees are expected to play an active role in setting performance objectives that are appropriate and challenging, establishing clear expectations to guide and assess their performance throughout the performance appraisal cycle, identifying and acting on areas for professional development to continuously improve performance, and completing and submitting required documentation on time.

This chapter applies to all FS and Senior Foreign Service (SFS) employees under the authority of the [Foreign Service Act of 1980, as amended](#). This includes FS and SFS employees assigned outside of the Agency who have reemployment rights to USAID, as well as Civil Service (CS) and other employees serving on non-career Foreign Service limited appointments.

This chapter is not applicable to Foreign Service Nationals (FSNs), Personal Service Contractors (PSCs), Civil Service (CS) employees (including Schedule C employees and employees whose appointments are administratively determined), Presidential Appointees, Senior Executive Service (SES) employees, or experts and consultants under the authority of [5 USC 43](#) and [5 CFR 430](#). See [ADS 489, Performance Based Actions - Civil Service](#) for performance based actions for CS employees.

[ADS 461, Foreign Service and Senior Foreign Service Performance Management & Development Programs](#) contains information on the FS EP&D Program which is related to the employee performance and development activities described in this chapter.

[ADS 463, Foreign Service Promotion Eligibility Requirements and Performance Boards](#) contains information on the FS and SFS Promotion Boards and Performance Standards Board.

The procedures outlined in this ADS chapter do not impact or change the Agency's ability

to separate FS employees for cause in accordance with [Section 610 of the FSA, as amended](#), and [3 FAM 4363](#). For guidance on initiating Performance Improvement Plans (PIPS) and Separations for Cause pursuant to [Section 610 of the FSA](#), please contact HCTM/CPE.

464.2 PRIMARY RESPONSIBILITIES

Effective Date: 03/15/2019

a. The **Principal Officer of an Operating Unit** is the most senior officer in a USAID Operating Unit who is responsible for ensuring that all employees are contributing to the Operating Unit's work and that supervisors are maximizing employee performance, e.g., Assistant Administrator, Independent USAID/W Office Director, or Mission Director. This includes communicating objectives, goals, policies, procedures, and deadlines; ensuring compliance with the EP&D program; designating employees to play particular roles in the program; and keeping the Office of Human Capital and Talent Management/Center for Performance Excellence (HCTM/CPE) abreast of important information concerning the Operating Unit's efforts to maximize employee performance.

b. The **Rating Official (supervisor)**:

- 1) Works closely with individual employees throughout the performance appraisal cycle/period to create work and skill development objectives, provide feedback, revise expectations and objectives as needed and evaluate performance by:
 - Collecting feedback from 360 sources (e.g., peers, subordinates, superiors, etc.) familiar with an employee's work to inform their assessment of an employee's performance and skill proficiency;
 - Completing an assessment of the employee's skill proficiency; and
 - Conducting quarterly conversations that provide employees with feedback regarding their performance for each quarter.
- 2) Determines whether the employee's overall performance is satisfactory or unsatisfactory (documented in the FS Annual Performance Evaluation form).
- 3) Provides clear expectations and informal coaching and feedback on employee performance and progress, utilizing 360 sources as appropriate. Communicates to employees the extent to which their performance does not meet, meets, or exceeds expectations, the adequacy of their relevant skills, and their progress toward their career development goals. As soon as he/she observes that an employee is not meeting performance expectations, begins informal counseling and, if this does not achieve desired results, documents, in writing, to the employee what aspects of performance are unsatisfactory.

- 4) Seeks support from Operating Unit leadership or management staff to address performance problems when appropriate.
- 5) Consults with HCTM/CPE to verify that the issue is performance rather than conduct-related. Misconduct is defined as improper behavior of an employee, including (but not limited to) attendance problems, e.g., absence without official leave (AWOL), excessive tardiness, and improper use of sick or home leave (see [ADS 450](#)).
- 6) Issues a Performance Counseling Memo, when appropriate (the RO is encouraged to work with HCTM on the Memo) (see section **464.3.4 Performance Improvement Plan**).
- 7) Obtains assistance in establishing a Performance Improvement Plan (PIP) when a PIP is warranted.
- 8) Offers employees an opportunity to demonstrate acceptable performance and document their performance during the PIP period.
- 9) Documents the results of the PIP.
- 10) Forwards an active PIP or a concluded satisfactory PIP to the next Rating Official if the Rating Official changes at any point in the 12-month period from the start date of the PIP.

If the employee fails to improve to a satisfactory performance level by the conclusion of the PIP period, the PIP is forwarded to HCTM/CPE for review by a Performance Standards Board.

c. Employees are responsible for actively participating in their own performance and development planning from beginning to end. This includes helping to develop and document work and skill development objectives aligned with the skill standards of their class, identifying and working on professional development activities, working diligently to meet expectations and objectives established with their Rating Official, participating in review and feedback discussions, documenting summaries of quarterly conversations in the Quarterly Conversation Record, evaluating themselves honestly, and completing the required Annual Accomplishment Records (AAR). If employees are placed on a PIP, it is their responsibility to meet expectations for performance as outlined and cooperate with the Rating Official during the PIP process.

d. The Reviewing Official reviews and approves implementation of the PIP and either concurs or does not concur with a determination by a Rating Official that an employee is performing at an unsatisfactory level at the end of the performance period (as documented in the [FS Annual Performance Evaluation form](#)). The Reviewing Official is normally the supervisor of the employee's Rating Official, but may in some cases be a Principal Officer of the Operating Unit. The Reviewing Official also ensures

that the Rating Official has conducted the required quarterly conversations with the employee during the implementation of the PIP.

e. The **Performance Standards Board (PSB)** reviews employees who have been referred to the PSB by HCTM for failing a PIP and any employees who have received two “C” ratings in five years, thus making them candidates for retirement based on [Section 608 of the Foreign Service Act](#) (mandatory retirement for failure to meet the performance standards of the class). The PSB may determine that there are extenuating circumstances that justify retaining the employee despite failure of a PIP. The PSB reviews these cases and submits their findings and recommendations to the. Note: Career Candidates referred by their supervisors as possibly “Not Meeting the Standards of Their Class” will be referred to the Tenure Board and reviewed in accordance with [ADS 414mac, Precepts for USAID’s Foreign Service Tenure Board](#) and [ADS 450, Termination of Time-Limited Appointments - Foreign Service \(FS\)](#).

f. The **Chief Human Capital Officer (CHCO), Office of Human Capital and Talent Management (HCTM)**, approves recommendations of the PSB to retire the employee (whether due to the employee’s receipt of two “C” ratings in five years or his or her failure of a PIP), reviews the findings of the PSB to determine if there are extenuating circumstances that warrant retaining the employee despite the failure of a PIP, and schedules the administrative review per section **464.3.9**.

g. The **Office of Human Capital and Talent Management/Center for Performance Excellence (HCTM/CPE)** is responsible for the EP&D program’s formulation, monitoring, modification, and training. CPE provides advice to employees, managers and rating officials about the EP&D program requirements and the establishment of PIPs. CPE will also assist in the drafting of PIPs and receives them once completed and retains them on file. CPE provides training for the Performance Standards Board to review the files of those officers who fail a PIP or have received two “C” ratings from Promotion Boards in five years. Additionally, as appropriate, HCTM/CPE coordinates with HCTM/Employee and Labor Relations Division (HCTM/ELR), when appropriate, to initiate action against those who fail to comply with any aspect of this program.

h. The **Office of Human Capital and Talent Management, Office of Employee and Labor Relations Division (HCTM/ELR)** provides leadership, direction, and guidance for the Agency on labor management and employee relations. The ELR office manages all suitability, performance, and conduct based actions, and investigates, evaluates, and addresses a broad range of employee concerns, providing conflict resolution, advice, and guidance to management to facilitate fulfillment of managerial and supervisory responsibilities.

i. The **Office of Human Capital and Talent Management, Foreign Service Center (HCTM/FSC)** finds a suitable placement for an employee retained following failure of a PIP, if the PSB or CHCO determine that there are extenuating circumstances that warrant retaining the employee and the head of the Operating Unit requests reassignment. FSC will, in coordination with HCTM/Staff Care and Backstop Coordinators, provide guidance and developmental opportunities to address the

deficiencies identified in the failed PIP.

j. The **Office of General Counsel/Ethics and Administration (GC/EA)** clears PIPs before issuance, clears a Rating Official's determination that an employee failed a PIP and provides legal support, if requested by the Reviewing Official when determining whether to concur, or not concur with a conclusion that the employee failed the PIP. GC/EA also provides legal support to HCTM and supervisors regarding all aspects of this ADS chapter.

k. The **Regional Legal Officer (RLO)**, when available, advises management in concert with GC/EA regarding performance management issues and PIPs in their respective Missions.

464.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

464.3.1 FS Employee Performance-Based Actions Implementation Overview

Effective Date: 03/15/2019

Implementation of the EP&D Program begins with the Principal Officer of each Operating Unit. The Principal Officer:

- Emphasizes the importance of supervisors and employees engaging in ongoing feedback and coaching, and the value of establishing work objectives and expectations that advance the Operating Unit's priorities and are appropriate to the employees' grade levels to guide, motivate, develop, and assess employee performance over the course of the performance appraisal cycle/period;
- Ensures the Operating Unit's adherence to Agency policies, procedures, and schedules governing the EP&D program;
- Consults with HCTM/CPE and HCTM/ELR (as well as with their Regional Legal Officer or GC/EA) as appropriate whenever performance and conduct issues arise that may require remedial and/or disciplinary action; and
- Notifies HCTM/CPE of employees who have failed to adhere to the policies, procedures, and schedules of the EP&D program.

HCTM initiates appropriate action against Agency management officials and employees who fail to comply with the policies, procedures, and schedules of the EP&D program. The HCTM action may include: critical letter, disciplinary action, denial of awards or bonuses, or other actions the HCTM/CHCO deems appropriate. HCTM/CPE monitors implementation and evaluates the effectiveness of the EP&D program and adjusts policies, procedures, guidelines and training as needed.

To understand the policies and procedures for each part of the EP&D cycle, employees, including both supervisors and subordinate employees, must first familiarize themselves with all aspects of the program. See [ADS 461mab, USAID Employee Performance and](#)

[Development Process: Guidebook for Supervisors](#) and [ADS 461mac, Employee Performance and Development Process: Guidebook for Employees](#) for detailed guidance, tip sheets, and resources for implementing the program.

464.3.2 Maximizing Performance under the EP&D Program

Effective Date: 03/15/2019

The EP&D process emphasizes the Rating Official's responsibility to support employees in meeting expectations for high quality performance through honest feedback, coaching, and development, and to prepare employees for increased responsibilities. At the same time, it aims to hold underperforming employees accountable for meeting the demands of their jobs and developing the skills needed for success in the FS. If employees are underperforming, EP&D offers tools for supervisors to use with employees to correct deficiencies, and provides guidance for initiating action to separate employees who are unable to meet performance standards.

464.3.3 Communicating Deficient Performance

Effective Date: 03/15/2019

Establishing clear performance expectations and providing frequent performance feedback are best practices to help prevent performance problems from developing. In many cases, an open line of communication between the Rating Official and employee can resolve or improve performance problems. If an employee is not performing satisfactorily against established work objectives or job expectations, and/or is displaying deficiencies in specific FS skill areas or technical backstop competencies, the Rating Official must immediately notify the employee of the deficiency (i.e. the Rating Official does not need to wait for a quarterly conversation). This notification can be provided verbally or in writing initially, but if this intervention does not result in needed changes, the Rating Official must counsel the employee and inform him/her in writing that his/her work is not meeting standards. This "Performance Counseling" memorandum or "Notice of Performance Deficiencies" memorandum must:

- 1) Specify in which job requirement(s), technical backstop competencies, work objective(s) or specific FS skill area(s) the employee is performing poorly; and
- 2) Communicate identified objectives that constitute a satisfactory level of performance for the deficient area.

The Rating Official may contact HCTM/CPE for assistance in drafting a Performance Counseling memorandum.

464.3.4 Performance Improvement Plan

Effective Date: 03/15/2019

If after issuance of the Performance Counseling memorandum and a reasonable time period for the employee to improve (no less than 10 working days) an employee continues to perform in an "unsatisfactory" manner, the Rating Official will implement a written Performance Improvement Plan (PIP), consistent with section **464.3.6**.

A PIP is a formal written plan provided to an employee whose performance in one or more work objectives, job requirements, technical backstop competencies and/or FS skill areas is determined to be unsatisfactory at any point during the performance appraisal cycle (other than during the last 30 calendar days; see below). In addition to defining the length of the opportunity period, the PIP provides a structured means of identifying the areas of unsatisfactory performance and devising a plan by which an employee may improve his or her performance.

In preparing to implement a PIP, the Rating Official should advise the employee that he/she will be given an opportunity to improve his/her performance before further action is taken. The Rating Official must prepare the PIP following the guidance contained in the sections below and in the [PIP template](#).

464.3.5 Maximizing Employee Performance Timeline

Effective Date: 03/15/2019

A PIP may be implemented at any point during the performance appraisal cycle except for the last 30 calendar days (e.g., the Rating Official should not wait until the mid-year or end-of-year performance assessments to issue a PIP). USAID has established a performance appraisal cycle for the FS EP&D process that runs for one year from April 1 through March 31. The minimum (and typical) duration of a PIP is 90 calendar days. The annual performance appraisal cycle may be extended up to 60 calendar days in order to allow an employee to complete a PIP before they receive their official rating of record for the performance appraisal cycle. The Rating Official may not initiate a PIP during the last 30 calendar days of a rating cycle because the standard PIP period is 90 calendar days and the performance appraisal period cannot be extended more than 60 calendar days. A supervisor may, in rare instances, end a PIP before the requisite 90 calendar day period if the employee demonstrates sustained satisfactory performance before the scheduled PIP end date. The 90 calendar day timeframe may also be extended if the supervisor and HCTM agree that an extension is warranted due to extenuating circumstances (e.g., medical emergencies, or unforeseen operational circumstances that may affect PIP deadlines).

A PIP should not be initiated with less than 90 calendar days remaining before the official end of tour date, to enable the PIP to be completed prior to the employee's departure.

The PIP process for career candidates is outlined in [ADS 450.3.5.1](#).

464.3.6 Initiating a Performance Improvement Plan

Effective Date: 03/15/2019

Prior to initiating a PIP, the Rating Official must consult with HCTM/CPE to establish that the issue is poor performance and not misconduct (refer to **464.3.10**), and confirm that a formal PIP is warranted. Absent extenuating circumstances, HCTM/CPE should consult with GC/EA and respond to the Rating Official with a recommendation on moving forward with a PIP or other corrective measures as soon as possible but no later than 45 calendar days after being consulted by the Rating Official.

464.3.6.1 Components of a Performance Improvement Plan

Effective Date: 03/15/2019

If after consulting with HCTM/CPE and GC/EA it is determined that a PIP is warranted, the supervisor will work with HCTM (and their Regional Legal Officer (RLO) if appropriate and an RLO is available to help) to write the PIP, and GC/EA will clear the PIP before it is formally issued. GC/EA clearance is required in all cases and will be provided in a reasonable timeframe.

The PIP must include the following:

- A description of the nature of the skill(s) or performance deficiencies that are unsatisfactory, including at least two examples of each deficiency and any efforts by the supervisor to notify the employee of such deficiencies;
- The general performance or skill level expected of an FSO in that position and grade, and/or what the employee needs to do or demonstrate in order to receive a “satisfactory” rating at the end of the PIP;
- The official start and end dates of the PIP (the “opportunity to improve” period or “PIP period”);
- Signature of the Rating Official; and
- Signature of the employee, or if the employee declines to sign, a note to that effect and the date the PIP was delivered to and reviewed with the employee.

464.3.6.2 Implementing a Performance Improvement Plan

Effective Date: 03/15/2019

During implementation of a PIP, the Rating Official should review the employee’s progress on a continuing basis and provide documented oral or written feedback regarding the employee's progress towards improving his/her performance in areas outlined in the PIP, at least three times.

464.3.6.3 Performance Improvement Plan Final Rating

Effective Date: 03/15/2019

At the conclusion of the 90 calendar day PIP period, the Rating Official should:

- 1) Determine whether performance is:
 - Satisfactory - Employee is now meeting expectations, or
 - Unsatisfactory - Employee has not met expectations for performance.

- 2) On the designated section in the PIP template (“PIP Summary and Final Evaluation” form; see the link to the PIP template in section **464.3.4** above), draft a brief narrative summarizing performance demonstrated during the PIP period (not to exceed 250 words) and enter the final performance rating.

The employee will write a brief narrative (not to exceed 250 words) describing their experience or perceptions related to the PIP in the “Employee Statement” section of the PIP template.

464.3.6.4 Unsatisfactory Final Rating

Effective Date: 03/15/2019

If the employee fails to bring his/her performance up to the satisfactory level by the end of the PIP period, or fails to maintain satisfactory performance for one year from the date the PIP is initiated in the subject matter addressed by the PIP (e.g. a work objective, a skill, a technical backstop competency, or a job requirement) the Rating Official will give the employee an “unsatisfactory” rating (assuming the PIP has been a minimum of 90 calendar days). When the final rating is unsatisfactory, a Reviewer (typically the Rating Official’s supervisor) must also review and sign the PIP. If the Reviewer does not concur with the Rating Official’s assessment, s/he must provide an explanation; however, the Reviewer’s non-concurrence does not overturn the Rating Official’s evaluation. It will be the responsibility of the PSB to determine how to resolve any discrepancies in the Rating Official’s and the Reviewer’s evaluations.

If at the end of the PIP, the Rating Official finds that an employee’s performance is unsatisfactory, during the ensuing administrative processes, the Rating Official will continue to assign work, clarify expectations, and provide feedback, as necessary, to the employee.

464.3.6.5 Satisfactory Final Rating and Accountability

Effective Date: 03/15/2019

If an employee improves to a satisfactory level, the Rating Official will rate the employee as “Satisfactory” for the PIP period in the final evaluation section of the PIP.

Employees who have satisfactorily completed a PIP must maintain that satisfactory level of performance for 12 months from the start date of the PIP on the skills or performance areas addressed during the PIP (even if the employee changes assignments or supervisors during this time period). If at any point during the 12-month period the employee’s performance becomes unsatisfactory in the skill or performance area(s) addressed during the PIP, the following will occur:

- The Rating Official/Supervisor will issue a supplemental memorandum describing the current/continuing performance issue(s) to demonstrate that performance is again unsatisfactory;
- The second level Reviewer will review, comment upon, and sign the supplemental memorandum, and the employee will be given an opportunity to review the

memorandum and provide a brief statement; and

- HCTM, in consultation with GC, will review and determine the appropriate next steps, which may include a referral to the PSB for a potential “C” and/or recommendation to the CHCO of retirement pursuant to [Section 608 of the FSA](#).

HCTM will share any PIP started within the past 12 months with any new supervisor the employee receives during the 12-month period so that the employee will continue to be held accountable for maintaining the improved level of performance.

464.3.6.6 Performance Improvement Plans and Annual Performance Evaluations

Effective Date: 03/15/2019

The annual performance appraisal cycle may be extended up to 60 calendar days in order to allow the employee to complete a PIP before they receive their official rating of record for the performance appraisal cycle. The 60 calendar day maximum extension means that supervisors may not initiate a PIP during the last 30 calendar days of a rating cycle.

An individual who demonstrates a satisfactory level of performance during the PIP period and maintains that level of performance until the end of the performance appraisal cycle will receive a satisfactory annual performance evaluation (unless a new PIP addressing a different performance area is initiated and the employee does not achieve a satisfactory level of performance in that area).

An unsatisfactory rating at the conclusion of a PIP will become the official rating of record no matter when such rating is determined during the appraisal cycle, and will result in an automatic referral to a PSB.

Employees who are on a PIP when the performance cycle ends on March 31 will not be eligible to compete for promotion that calendar year. However, an employee whose Time-in-class Limits (TIC) expire if not promoted is on a PIP when the performance cycle ends may request a waiver from HCTM to be considered for promotion by the Promotion Board. In that instance, the Promotion Board will also be made aware by HCTM that the employee is currently on a PIP. It is the employee’s responsibility to review his/her records and [ADS 440](#) to know when the employee’s TIC date is, and to request the waiver from HCTM.

Boards will be instructed that non-traditional start or end dates for performance periods are not to be construed as either positive or negative.

464.3.7 Assignment Changes during PIP

Effective Date: 03/15/2019

If an employee’s current assignment ends for any reason before the end date of the PIP (e.g. compassionate curtailment), the Rating Official will summarize the employee’s performance on the PIP as of the last working day of the employee’s assignment, mark the PIP incomplete, and send the PIP and all supporting documentation to HCTM. HCTM

will forward the documents to the employee's next Rating Official, along with the employee's completed and signed Annual Accomplishment Record (for Foreign Service Officers) or Appraisal Input Form (for SFS) for the PIP period through the date of departure. The new Rating Official, in consultation with HCTM and GC/EA, will determine whether any elements of the PIP will be retained, supplemented, or revised in the future assignment. If the new Rating Official decides to continue any component of the PIP, the Rating Official will notify the employee in writing of his/her decision and schedule a meeting to present revised deadlines and/or requirements as appropriate. In the case that the PIP is continued in a new assignment, the employee will be given a grace period of 30 working days to allow for settling-in and getting established at the new assignment. Furthermore, the employee will be given at least 45 calendar days after the grace period to demonstrate performance to the new Rating Official, with the understanding that the Rating Official may end the PIP per guidance in this ADS chapter. At the conclusion of the PIP period, the Rating Official will close out the PIP following the procedures described above.

If the Rating Official is reassigned while the PIP is in effect and the employee remains in the same position for which the PIP was established, the Rating Official will summarize the employee's performance on the PIP as of the last week of the Rating Official's assignment and provide all documents and communications with the employee related to the employee's performance under the PIP. Whoever is designated as the employee's new or temporary Rating Official will be provided all PIP-related notes and documents and will take over responsibility for monitoring and closing out the PIP, including the final evaluation and summary.

Employees who are on a PIP may not submit an out-of-cycle bid for a Critical Priority Country (CPC) or other new assignment that would require departure while the PIP is in effect.

464.3.8 Performance Improvement Plan Review by the PSB

Effective Date: 03/15/2019

A Performance Standards Board will review Foreign Service Officers whose performance remains unsatisfactory even after coaching, feedback, and a 90 calendar day opportunity to improve under a PIP (in addition to its role in reviewing files of FSOs who have received two "C's" from Promotion Boards).

- 1) Board meetings. Boards will meet virtually or in person, as needed, to provide timely reviews of the records of any FSO who was placed on a PIP and failed to bring performance to a satisfactory level within the 90 calendar day PIP period.
- 2) Board reviews. The PSB will review the completed PIP and five years of performance records (to include all AEFs and AARs and promotion packages submitted to Performance Boards in the past 5 years, plus prior Board ratings and memoranda, and documentation related to current and previous performance issues and PIPs) for individuals who have failed a PIP or for individuals who initially passed a PIP but failed to retain a satisfactory performance level for one

year from the start of the PIP, to determine if there are reasons the individual should not be retired (i.e., subject to mandatory retirement under [Section 608 of the FSA](#)). Factors that might lead to a determination that the individual should not be referred for mandatory retirement may include a serious person-job mismatch (i.e., an inappropriate assignment), psychological or physical health issues that affected performance, an improperly conducted PIP process, or other unusual extenuating circumstances (see [ADS 111, Procedures for Providing Reasonable Accommodations for Individuals with Disabilities](#)). Although the PSB is charged with reviewing records for possible extenuating circumstances, except in rare cases, properly documented unsatisfactory performance in the current assignment reflects a failure to meet performance standards of the class and is sufficient to warrant a mandatory retirement recommendation.

- 3) Documenting extenuating circumstances. If the PSB determines that extenuating circumstances warrant an exception, they will document the basis for their decision and submit this document to the CHCO along with any recommendations they may have for addressing the situation (e.g., curtailment, compassionate leave of absence, reassignment, etc.).
- 4) When separation is not recommended by the PSB. The CHCO, after reviewing the PSB's recommendation and consulting with the Mission Director/Head of the Operating Unit or other USAID personnel familiar with the situation, will make a final decision regarding what, if any, actions will be taken (including, but not limited to, reassignment or training). The final PIP (including the employee statement) and the "C" rating will be retained in HCTM files along with the Annual Performance Evaluation. The CHCO does not have the authority to mandatorily retire an employee without the recommendation of the PSB.
- 5) When separation is recommended. If the PSB determines that there are no compelling reasons for retaining the individual who failed a PIP or failed to maintain satisfactory performance for one year from the date of the PIP, they will submit to the CHCO a recommendation to retire the employee for failing to meet the standards of performance for his/her class pursuant to [Section 608 of the FSA](#). If the CHCO accepts the recommendation of the PSB, HCTM will initiate the actions required to retire an employee under [Section 608](#). If the CHCO decides not to accept the recommendation of the PSB, the CHCO will determine if an alternate course of action is appropriate.
- 6) Automatic "C"s. Except in the rare case where a PSB determines that a PIP was improperly instituted or conducted, an unsatisfactory PIP evaluation, or failure to maintain satisfactory performance for one year from the date of the PIP—where the PSB declines to recommend separation or the CHCO chooses not to separate the employee—will result in an automatic "C" rating. This "C" rating may be used as the basis for a subsequent retirement action pursuant to Section 608 of the FSA should the individual receive a second "C" in a five year period.
- 7) Promotion eligibility. Individuals who receive a "C" rating at any point during a

performance cycle or who are on a PIP at the end of the regular performance appraisal period will not be eligible to compete for promotion when the Promotion Boards meet in June of the year in which the performance cycle at issue concludes.

- 8) Within-grade increases. Individuals who receive a “C” rating at any point during a performance cycle (from a PSB or a Promotion Board) will not receive the next scheduled within grade increase.
- 9) Grievance process. Employee grievance rights are described in [ADS 486, Grievances – Foreign Service](#) and [3 FAM 4430](#).

464.3.9 Administrative Review

Effective Date: 03/15/2019

When a PSB recommends an employee for separation/mandatory retirement based on a determination that the employee is not meeting the standards of the class, the CHCO will schedule an Administrative Review and notify the employee that they have the right to be represented and to be heard. The employee will have at least 15 calendar days to prepare their response if on a domestic assignment and 30 calendar days if serving in an assignment outside of the United States, which can include an oral and/or written presentation. During the Administrative Review, the CHCO should consult with a senior member of the employee’s backstop (FS-1 or SFS) in making his/her determination. If the Administrative Review substantiates that a career member of the Foreign Service has failed to meet the performance requirements of his/her class, the employee will be retired from the Foreign Service and receive benefits in accordance with Section 609 of the Foreign Service Act. HCTM will initiate such action accordingly. Nothing in this paragraph usurps the protections provided in [ADS 486 \(3 FAM 4400\)](#).

464.3.10 Employee Conduct Problems

Effective Date: 03/15/2019

Misconduct is generally a failure to follow a workplace rule (whether written or unwritten), including, but not limited to, those related to hours of work, treatment of fellow employees, use of systems and property, and ethics rules. Although it is common for performance and misconduct to be interrelated, it is important to recognize the difference between the two. On issues of misconduct, the Rating Official must seek guidance from the Employee and Labor Relations (HCTM/ELR) staff. When the issue is primarily a performance problem, the Rating Official must follow policy outlined in this ADS chapter.

464.4 MANDATORY REFERENCES

464.4.1 External Mandatory References

Effective Date: 03/15/2019

- a. [3 FAM 4363](#)
- b. [3 FAM 4430](#)

- c. [5 CFR 430, Subpart B, Performance Appraisal for General Schedule, Prevailing Rate, and Certain Other Employees](#)
- d. [5 USC 43, Performance Appraisal](#)
- e. [Foreign Service Act of 1980, as amended](#)

464.4.2 Internal Mandatory References

Effective Date: 12/20/2019

- a. [ADS 414mac, Precepts for USAID's Foreign Service Tenure Board](#)
- b. [ADS 440, Time-in-Class \(TIC\) Limitations and Limited Career Extensions \(LCEs\)](#)
- c. [ADS 461, FS & SFS Performance Management & Development Programs](#)
- d. [ADS 461mab, USAID Employee Performance and Development Process: Guidebook for Supervisors](#)
- e. [ADS 461mac, Employee Performance and Development Process: Guidebook for Employees](#)
- f. [ADS 463, Foreign Service Promotion Eligibility Requirements and Performance Boards](#)
- g. [ADS 463mai, Precepts for Foreign Service and Senior Foreign Service Performance Boards](#)
- h. [ADS 464maa, Precepts for the Performance Standards Board \(PSB\)](#)
- i. [ADS 489, Performance Based Actions- Civil Service](#)
- j. [ADS 490, Agency Administrative Grievance Procedure](#)

464.4.3 Mandatory Forms

Effective Date: 03/15/2019

- a. [AID Form 461-1, Foreign Service Annual Performance Evaluation Form](#)
- b. [AID Form 461-3, Foreign Service Skills Assessment Worksheet](#)
- c. [AID Form 461-4, Foreign Service Quarterly Conversation Record \(QCR\) for Employees and Supervisors](#)
- d. [AID Form 461-5, Foreign Service Annual Accomplishment Record](#)

464.5 ADDITIONAL HELP

Effective Date: 03/15/2019

a. [Performance Improvement Plan \(PIP\) Template](#)

464.6 DEFINITIONS

Effective Date: 03/15/2019

See the [ADS Glossary](#) for all ADS terms and definitions.

360 degree sources

Customers, peers, other managers, subordinates, and other individuals with whom or for whom an employee may have worked who can provide feedback, from their various perspectives, about the employee's performance during any period of performance currently being evaluated. (**Chapters [461](#), [462](#), [464](#)**)

Annual Accomplishment Record (AAR)

The form completed by Foreign Service Officers at the end of the performance period, or prior to changing assignments or supervisors, to document key accomplishments and any special challenges or circumstances that affected performance during the period. (**Chapter [461](#) and [464](#)**)

Annual Evaluation Form (AEF)

The form used to evaluate Senior Foreign Service employees under the Employee Evaluation Program (EEP). (**Chapters [415](#), [461](#), [462](#), [463](#), [464](#)**)

annual rating cycle (Foreign Service and Senior Foreign Service)

A one-year evaluation period, also known as the performance period, which runs April 1 – March 31. (**Chapter [461](#) and [464](#)**)

Appraisal Input Form (AIF) (Senior Foreign Service)

An evaluation form covering a period of performance that is long enough to require written documentation of performance against an established performance plan but not long enough to be considered representative of the employee's performance for the entire annual rating cycle. (**Chapters [461](#), [462](#), [464](#)**)

core skills

The four core skills that are required for all Foreign Service and Senior Foreign Service Officers are Leadership, Results and Impact Focused, Professionalism, and Talent Management. (**Chapter [461](#) and [464](#)**)

feedback

Communicating to employees the extent to which their performance does not meet, meets, or exceeds expectations, the adequacy of their relevant skills, and their progress toward career development goals. (**Chapters [461](#), [462](#), [464](#)**)

performance appraisal cycle

The 12-month April 1 to March 31 cycle during which performance is typically appraised.

In some circumstances, the performance appraisal cycle can be split into multiple performance appraisal periods. (**Chapter [461](#)** and **464**)

performance appraisal period

Periods of performance appraisal that occurs within the performance appraisal cycle, initiated when an employee changes supervisors or assignments. (**Chapter [461](#)** and **464**)

performance counseling memorandum

A Performance Counseling memorandum is a written document that puts the employee on notice that the employee's performance is unsatisfactory in one or more areas (skills, work objectives, job requirements) and that if the employee does not improve the performance to a satisfactory level, the employee may be put on a Performance Improvement Plan. (**Chapter 464**)

Performance Improvement Plan (PIP) (Foreign Service)

A formal written plan provided to an employee whose performance in one or more work objectives, job requirements, technical backstop competencies, and/or FS skill areas is determined to be unsatisfactory. (**Chapter 464**)

Principal Officer

The most senior officer in a USAID Operating Unit who is responsible for ensuring that all employees are contributing to the Operating Unit's work and that supervisors are maximizing employee performance, e.g., Assistant Administrator, Independent USAID/W Office Director, or Mission Director. They are also charged with overseeing the implementation of the performance management program in that unit, including establishing an Appraisal Committee for Senior Foreign Service employees. (**Chapters [461](#), [462](#), [464](#)**)

Rating Official

The employee's immediate supervisor or team leader, as designated by the Principal Officer. (**Chapters [461](#), [462](#), [464](#)**)

Reviewing Official

The second-level supervisor (supervisor of the rating official) who will review and concur/not concur with the implementation of a PIP and on any end of year evaluation in which the Rating Official determines that the rated employee is not performing at a satisfactory level. (**Chapter [461](#)** and **464**)

skill development objectives

Expectations for how an employee will work to develop or enhance skills or subskills during the performance period, as established through discussions between the supervisor and employee. (**Chapter [461](#)** and **464**)

skill level

The level that an employee is rated against to determine whether he or she is meeting or exceeding the expectations of his/her personal grade. (**Chapter [461](#)** and **464**)

skills framework

A chart that provides the core skill area and subskill definitions as well as proficiency indicators that describe expectations across the FS grade levels and SFS. (**Chapter [461](#) and [464](#)**)

subskills

Specific skills that are aligned to a core skill and defined within the skills framework, reflecting the requirements of Foreign Service and Senior Foreign Service Officers. (**Chapter [461](#) and [464](#)**)

work objectives

Expectations for an employee established by management for a particular rating period. (**[Chapter 450](#), [461](#), [463](#), [464](#)**)

work objectives (Foreign Service)

Expectations for the work that an employee will accomplish, as established through discussions between the supervisor and employee. Work objectives may be short or long-term (e.g., annual) and updated as needed throughout the performance period. While employee participation in the development of work objectives is encouraged, the Rating Official maintains the final authority to set work objectives. (**Chapters [461](#), [462](#), [464](#)**)

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