

Procedural Precepts for the Performance Standards Boards (PSB)
(Personnel Bulletin 430-5, Performance Standards Board)

SECTION 1. INTRODUCTION.

Purpose:

- a. Section 608 of the Foreign Service Act of 1980, as amended, requires the Secretary to provide for administrative review of the performance of career members of the Foreign Service whenever a selection board review indicates that the member's performance does not meet the standards for his or her class. The Performance Standards Board (PSB) is convened to provide for such administrative review and to either uphold or overturn the Selection Board recommendation.
- b. We are adopting the Department of State's 3 FAM 6214.2

SECTION 2. DISTRIBUTION. We are providing a single information copy of this bulletin to all addressees. A supplemental distribution will be made by the Office of Foreign Service Human Capital to all units that will use this policy.

SECTION 3. EFFECTIVE DATE. This bulletin is effective immediately.

SECTION 4. FILING. Personnel offices should file this Bulletin with DAO 202-430 and its appendices describing the various performance appraisal systems. Foreign Service employees should file this bulletin in their Foreign Service Personnel Management Manual, subchapter 500.

I. Performance Standards Boards Responsibilities

- A. The Office of Foreign Service Human Capital (OFSHC) will convene as many Performance Standards Boards (PSBs) as may be necessary in light of the number and class of career members designated for PSB review after each rating period. PSBs will determine, on the basis of the PSB precepts, whether career members should be retired for failure to meet the performance standards of their class.
- B. Each PSB shall be made up of at least three members who, to the fullest extent possible, shall all be career members of the Service of a class at least one level above those Foreign Service members whose records will be reviewed by the Board. The members of PSBs shall be knowledgeable about the occupational requirements of the categories of members they review.
- C. PSB criteria for determining whether or not to retire mandatorily a member of the Service are contained in this Bulletin.
- D. PSBs will review or have available for reference during their deliberations only the following material:
 - (1) A copy of the Foreign Service Act of 1980, as amended, and these regulations;

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- (2) A copy of the PSB precepts and the relevant Selection Board substantive and procedural precepts;
 - (3) The Official Performance Folders of the members referred to the PSB;
 - (4) Previous Selection Board rankings of the members referred to the PSB for the years they were in their present class; Selection Board justifications for previous low rankings and for the designation for PSB review; previous findings of PSBs or Foreign Service Grievance Boards (FSGB) concerning members reviewed while they were in their present class, together with the record of actions taken;
 - (5) Lists of the members who competed before Selection Boards against those designated for PSB review;
 - (6) The Official Performance Folders of other members in corresponding classes and functions, to compare their performance records with those of the members under review; and
 - (7) Any other material that was available to the Selection Boards that low ranked the members under review.
- E. At the conclusion of their review, PSBs shall submit to the Director General their findings, which shall include a list of the members designated for mandatory retirement under section 608 of the Act, along with individual statements justifying the Board's findings in each case. These statements shall indicate the documented shortcomings where the members did not meet the standards of their present class, as set forth in the Procedural Precepts for the Performance Standards Boards (section II of this bulletin). The Director General shall review each PSB's findings to determine if they are in accordance with PSB precepts. Upon his or her acceptance of each PSB's findings, the Director General will instruct the OFSHC to carry out its recommendations for separation.
- F. Employees designated for separation by PSBs will be informed promptly in writing by the Director General, provided a copy of the PSB statement of justification, and informed of the specific date for mandatory retirement from the Service. They will separately be advised in writing by the Office of Foreign Service Human Capital of their rights to appeal the separation to a FSGB within 20 calendar days of receipt of this letter or to file a grievance at any time prior to their mandatory retirement date. An employee may not avail himself or herself of both the FSGB and a grievance, but must choose between them. An employee will not be separated from the Service while the FSGB review is pending or while the grievance process is pending at the initial level below appeal.
- G. Members who are reviewed but who are not designated for mandatory retirement by the PSBs will be so informed in writing. The PSB will prepare a counseling statement to be provided to each such member by the Office of Foreign Service Human Capital.

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II. Precepts for the Performance Standards Boards

A. Performance Standards Boards (PSBs) will be guided by the following standards of performance to be met by career members of the Service:

(1) The wide variety of both Foreign Service functions and working conditions precludes defining specific and fixed class standards embracing precise requirements. Therefore, the performance standards are expressed in broad terms. In general, PSBs shall weigh heavily documented shortcomings in one or more skills, abilities, or areas of knowledge that are pertinent to the occupational category of the member reviewed. PSBs shall also take into account failure to overcome these shortcomings after they have been brought to the attention of the member. A member's failure to meet the standards of a class may manifest itself in relative or comparative shortcomings in necessary skills, abilities, or areas of knowledge in comparison with other members in the same class and occupational category;

(2) In judging the relative performance of a member under review, each PSB will give particular weight to documented shortcomings in those areas of quality, competency, and responsibility as set forth as "Decision Criteria for Promotion" in the most recent Selection Board precepts, including both the areas of specific competence identified in the precepts and those areas of responsibility specified as factors which in themselves may be possible grounds for low ranking;

(3) Each PSB will review a sufficient number of Official Performance Folders of other members in the class and occupational category of the member under consideration to ensure that it has a reliable measure of the character and quality of performance in the relevant category. The Board will review no fewer than **10** Official Performance Folders in each case as a representative sample picked at random from the appropriate category, unless the class and occupational category includes fewer than **10** members. In this instance, the PSB will review the files of all other members of the class and category of the member under review. Each PSB will then determine, in reviewing the record of the member under review in light of the criteria in subparagraphs a(1) and a(2) of this section, whether the member under review has failed to meet the standards of performance while in present class;

(4) To justify a designation of selection-out, a PSB need not conclude that the member's performance was unsatisfactory per se or that the member's utility to the Service is marginal in an absolute sense. Rather, its duty is to examine the records of the member under review and related material, in comparison with other records reviewed, and to designate for selection-out those whose performance (evaluated in terms of assigned duties, goals, and work requirements) or whose deficiencies in work-related personal qualities or professional skills indicate that they have not met the standards of performance for their class;

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(5) A PSB shall not consider any of the following:

(a) The time remaining before a member arrives at what may be mandatory retirement either for age or time-in-class/time-in-service;

(b) A member's age, sex, national origin, religion, race, color, sexual orientation, or disability;

(6) A PSB should not penalize unfairly a member who has received an honest, candid, or constructively critical report and shall review the member's prior rankings in present class for balanced consideration;

(7) A designation of selection-out ordinarily will not be based solely on the reports of a single rater. The Board should be able to identify some or all of the critical shortcomings among the reports of more than one rater. Where a Board's decision rests predominantly on the reports of one rater, the Board must consider whether there is any indication of unfair, negative bias by the rater.

B. Decision rule: The decisions of a Board respecting selection-out will be by majority vote.

C. Proscriptions against outside inquiry:

(1) Prohibition against obtaining other information:

(a) A PSB will refer questions about its work only to the Office of Foreign Service Human Capital;

(b) PSB members will have available only the material specified in paragraph I. D. of the PSB Responsibilities. They will neither seek nor receive, from any source, any other information (including but not limited to information regarding health, suitability, assignability, or reputation of any member of the Service under consideration); and

(c) Should any unauthorized information referred to in paragraph (b) above come to the attention of a Board member, that Board member will report this in writing to the Office of Foreign Service Human Capital;

(2) Personal knowledge of Board members:

(a) PSB members cannot rely upon or relay to other Board members personal knowledge of a member under consideration;

(b) When a PSB member believes the she or he may be unable to render a fair and unbiased judgment of a career member, that PSB member shall state that fact in writing and will be excused from further consideration of the member. That PSB member shall continue to participate in the other activities of the PSB and shall

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not be required to state a reason for not participating in the consideration of a particular career member;

(c) A PSB member who was the career member's rater or reviewer while the career member was in present class will be excused from participating in making a decision only if the career member being reviewed so requests.

D. Oath of office:

All Board members will adhere to the following oath: "I _____ do solemnly (swear/affirm) that I will perform the duties of a member of a Performance Standards Board faithfully and to the best of my ability; that I will adhere to the Precepts and apply them 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/I so swear.)"

E. Expiration: These precepts shall be extended from year to year and continue in force in their present form unless the Department or the employee representative organization gives notice in writing to the other of its intention to propose modifications.