

3 FAM 2420 FOREIGN SERVICE ASSIGNMENTS AND TRANSFER

3 FAM 2421 LEGAL AND REGULATORY AUTHORITY

(TL:PER-267; 6-5-95)

(State Only)

(Applies to Foreign Service Employees Only)

—Sections 101(b), 201,202, 205, 206, 207, 208, 301, 302,303, 309, 501,502, 503, 504, 505, 704, and 903 of the Foreign Service Act of 1980;

—5 U.S.C. 3343 and 3581-3584;

—Federal Personnel Manual Supplement 990-1, Part 352; Reemployment Rights, Subpart C, Subchapter 3);

—10 U.S.C. 713 (70A Stat.33);

—10 U.S.C. 5983 (70A Stat. 374); and

—Section 602 of the Agricultural Act of 1954 (68 Stat. 908; 7 U.S.C. 1762)

3 FAM 2422 AUTHORITY

(TL:PER-267; 6-5-95)

(State Only)

(Applies to Foreign Service Employees Only)

The Secretary of State has delegated his authority under sections 502 and 503 of the Foreign Service Act of 1980 to the Under Secretary for Management through Delegation of Authority 148-1 of September 9, 1981. This authority is exercised through the Director General of the Foreign Service and Director of Personnel, who is responsible for formulating and implementing personnel policies and programs for the Department and the Foreign Service. The Office of Career Development and Assignments (PER/CDA) administers the open assignments system. (See 3 FAH-1, H-2420 for procedures.)

3 FAM 2423 OBJECTIVE

(TL:PER-267; 6-5-95)

(State Only)

(Applies to Foreign Service Employees Only)

a. The Department endeavors to maintain the most effective staffing of positions possible within budgetary and complement limitations, consistent with responsibilities and needs of the Foreign Service and with due regard to the career interests and aspirations of Foreign Service personnel.

b. Through the assignment process the Department seeks to place qualified personnel in each position in reasonable anticipation of vacancies and in a manner as responsive as possible to each employee's career development needs and professional aspirations. The Department endeavors to provide career-enhancing opportunities and takes individual preferences into account; however, should an assignment mutually agreeable to the Department and the employee not be possible, the Department ultimately will determine where the employee's skills and qualifications are most needed.

c. The open assignments system is designed to engage all Foreign Service employees directly in the assignment process by disseminating information on all position vacancies, training programs, and other available assignments, and offering the opportunity to compete openly for them.

3 FAM 2424 POLICY

3 FAM 2424.1 World-Wide Service

(TL:PER-267; 6-5-95)

(State Only)

(Applies to Foreign Service Employees Only)

American Foreign Service employees are required, as a condition of employment, to accept assignment on a worldwide basis at the discretion of the Department. When making assignments for employees, the Department seeks to meet the objective set forth in Section 3 FAM 2433 and takes into account the following criteria:

- (1) The current and long-range needs of the Service, including established training objectives and required foreign language skills.
- (2) Effective use of each employee's competencies.
- (3) Development, consistent with individual abilities and available career opportunities, of each employee's potential.

- (4) Equitable sharing of service at nondifferential and differential posts.
- (5) Avoidance of protracted service in a particular country or area.
- (6) Factors peculiar to the individual employee, including preferences for area, post, or functional responsibility; family concerns, such as educational needs and availability of suitable housing; health of the employee and family members; employment and assignment status of a tandem spouse; employment opportunities for a dependent spouse; and personal considerations of a compassionate nature.
- (7) Compliance with the provisions of Section 502(a)(2) of the Foreign Service Act of 1980.
- (8) Compliance with the provisions of Section 504 of the Foreign Service Act of 1980.
- (9) Due regard for the costs of transfer, as affected, for example, by travel distance and by timing of transfer in relation to home leave eligibility.

3 FAM 2424.2 Regional Assignments

(TL:PER-267; 6-5-95)

(State Only)

(Applies to Foreign Service Employees Only)

The nature and scope of the work of the Foreign Service necessitate in certain instances regional assignment of individual Foreign Service personnel overseas to perform duties at more than one post in one or more countries. The duties to which such regional personnel are assigned may be in any of the major functional activities of the Service, although regional assignments are generally for the purpose of achieving desired objectives in specialized fields.

3 FAM 2425 ANTI-NEPOTISM REQUIREMENTS

(TL:PER-267; 6-5-95)

(State Only)

(Applies to Foreign Service Employees Only)

The legal basis for the Department's anti-nepotism regulations are found in 5 U.S.C. 3110 and 5 U.S.C. 2307(a)(7). See 3 FAM 4100 for standards of conduct relating to Anti-Nepotism Requirements and 3 FAM 4300 for penalties for violating that section.

3 FAM 2426 SPECIAL ASSIGNMENTS

3 FAM 2426.1 Presidential Appointments and Assignments

(TL:PER-267; 6-5-95)

(State Only)

(Applies to Foreign Service Employees Only)

Section 302 of the Foreign Service Act provides that when a member of the Foreign Service is appointed to any position in the Executive Branch by the President, by and with the advice and consent of the Senate, or by the President alone, the member, by accepting such assignment does not lose his or her status as a member of the Foreign Service. However, certain special procedures may apply to such individuals (see 3 FAM 3320 and 3 FAH-1 H-3320).

3 FAM 2426.2 Assignment to Agencies, International Organizations, and Other Bodies

(TL:PER-267; 6-5-95)

(State Only)

(Applies to Foreign Service Employees Only)

Section 503(b)(1) of the Foreign Service Act of 1980 and 5 U.S.C. 3343 and 3481-3484 provide the legal basis for appointments of Foreign Service officers and employees to such bodies. Procedures and guidelines are published in 3 FAH-1 H-2420.

3 FAM 2426.3 American Institute in Taiwan

(TL:PER-267; 6-5-95)

(State Only)

(Applies to Foreign Service Employees Only)

Under the provisions of the Taiwan Relations Act (PL 96-8), the Department may separate any employee who accepts employment with the American Institute of Taiwan (AIT) from Government service for a specified period, with reemployment rights. Procedures and guidelines are published in 3 FAH-1 H-2420.

3 FAM 2427 PROCEDURES

(TL:PER-267; 6-5-95)

(State Only)

(Applies to Foreign Service Employees Only)

Procedures governing the assignment process and explanatory material concerning tandem couples, employment of family members, and assignments to other agencies and international organizations may be found in 3 FAH-1 H-2420.

3 FAM 2428 THROUGH 2429 UNASSIGNED