

ARTICLE 23: LATERAL ENTRY PRECEPTS

LEGAL AUTHORITY

23.1 These regulations are issued in accordance with sections 302 and 306 of the Act. All Foreign Service Officers (FSO's) of FAS shall be appointed by the President, by and with the consent of the Senate. All appointments will be made to a class and not to a particular post. No person will be eligible for appointment as a Foreign Service Officer unless that person is a citizen of the United States. Such an appointment is initially to career candidate status with subsequent commissioning to career status.

PURPOSE OF LATERAL ENTRY

23.2 The purpose of the Lateral Entry Program is to ensure that the Foreign Agricultural Service has a sufficient number of FS Officers to accomplish its mission.

POLICY

23.3 Appointment as a FS Career Candidate in the Foreign Agricultural Service is governed by this Agreement. An applicant who successfully passes the lateral entry examination process will be offered a five-year limited appointment in the Foreign Service at the FP-04 Class level (GS-12 equivalent), following receipt of medical and security clearances. A candidate below a GS-12 grade will not be converted until promoted to a GS-12 grade. A candidate at a GS-13 or higher grade will be converted at the GS-12 equivalent class. Career candidates who accept another type of appointment or leave the Agency prior to conversion will lose their eligibility to convert and will need to reapply, if they wish to join the Foreign Service.

23.4 Applicants are responsible for submitting the forms necessary to obtain medical, security, and suitability clearances to the Servicing Personnel Office (SPO) within 60 calendar days from receipt of notice that they have been invited to join the Foreign Service. Applicants will then have one year from the 60 calendar day expiration date to obtain all required clearances for conversion to the Foreign Service. Exceptions to this one year deadline will be made where circumstances are administratively beyond the control of the applicant. Requests made to applicants for additional forms, tests, or other data necessary to complete the investigation must be complied with, in accordance with the time stated in the request. Applicants who fail to submit the required forms, or schedule required tests, as specified above will not be converted into the FS. Applicants who fail to obtain the required clearances within the 1-year time frame indicated above will be required to reapply for future lateral entry opportunities if they are still interested in a career in the FAS Foreign Service.

23.5 The Commissioning Board, normally makes its initial determination regarding a

career candidate's commissioning into the Foreign Service after the candidate has spent three years under a limited appointment. A subsequent review for candidates not commissioned on initial review occurs 12 months thereafter. If necessary, the Board will conduct a third review approximately 60 days prior to the expiration of the candidate's limited appointment. Every candidate is entitled to a minimum of one review by the Board; however, the period of career candidacy may not exceed five years. Candidates who are not commissioned prior to the expiration of their limited appointments will be separated from the Career Candidate Program no later than the expiration date of their appointments.

- 23.6 Candidates are entitled to re-employment rights to their former GS level in FAS under section 310 of the FS Act, if they entered from a career/career-conditional appointment and failed to meet the requirements for commissioning.

APPLICABILITY

- 23.7 These regulations apply to employees of FAS. Lateral entrants will be drawn from FAS employees of proven ability who possess high potential for advancement and meet the eligibility requirements.

ELIGIBILITY REQUIREMENTS

- 23.8 Applicants must be in a career or career conditional position and have eighteen (18) months of service in the U.S. Department of Agriculture of which twelve (12) months must have been in a position in FAS, be a GS-11 grade or above at the time of application, and meet the qualification requirements for the Foreign Agricultural Affairs Officer series.

APPLICATION FORMS

- 23.9 Applicants for lateral entry must submit the following information in response to a vacancy announcement:
- a. a resume, or Optional Application for Federal Employment (OF-612), or any other written format such as an Application for Federal Employment (SF-171);
 - b. supplemental statements addressing the specific evaluation criteria in the announcement;
 - c. the Supervisory Appraisal Form;
 - d. a current performance appraisal (no more than 15 months old);

- e. a narrative statement;
- f. the applicant's certification of worldwide availability; and
- g. any other information requested in the vacancy announcement.

QUALIFICATIONS REVIEW

23.10 The SPO establishes a file for each applicant, placing therein all submitted documents and forms which will be used to evaluate the applicant's potential for appointment as a FS career candidate. The filing of an application for appointment in the FS does not in itself entitle an applicant to examination. The applicant's file is reviewed by the SPO to determine if the applicant meets the eligibility requirements and the qualification standards for the Foreign Agricultural Affairs Officer series.

DETERMINING THE NEED FOR AND NUMBER OF LATERAL ENTRANTS.

23.11 Each year, the Administrator/FAS will determine the number of additional FS Officers the Agency requires to accomplish its mission and so inform AFSA prior to soliciting lateral candidates. In determining this number, the Administrator will take into account workforce planning, including, but not limited to, estimated future FS retirements, resignations, separations, personnel on details, and personnel on leave without pay.

EVALUATION PANEL - COMPOSITION

23.12 If it is determined that additional FS Officers are required, the SPO will solicit applications from eligible Agency employees. The SPO will review all applications and forward to the Qualifications Review and Evaluation Panel (QREP) those applications which meet all minimum eligibility requirements.

23.13 The QREP will consist of five-members appointed by the SPO. The SPO will advertise the opportunity to participate as a panelist via an announcement to Foreign Service Officers. To fill panel positions, the SPO may select any eligible individuals, including non-respondents. Individuals should not serve on consecutive QREPs, unless other qualified individuals are unavailable. The QREP is comprised of the following:

- a. One FAS Senior Foreign Service (SFS) Officer as Chairperson;
- b. Two FAS Career FSO's in Class 2 or above;
- c. One FAS Career FSO in Class 3 or above;

- d. One Career FSO in Class 1 or above, from another Foreign Affairs Agency.
- 23.14 The SPO will provide AFSA a list of the recommended panel members for comment prior to public announcement. AFSA will have two business days to provide comment. Every effort will be made to comply with EEO goals to ensure that at least one QREP member is a member of a minority group and/or a female.

EVALUATION PANEL - RESPONSIBILITIES

- 23.15 The QREP will create and submit to the SPO for transmission to the Administrator/FAS, a rank-ordered list of applicants, starting with the highest ranked, it has determined possess the qualifications and abilities required for successful performance as a Foreign Service Officer.
- 23.16 The Administrator/FAS will review the list and, starting with the highest ranked individual, refer, to the extent possible, the number of qualified applicants to the Foreign Service Board of Examiners (BEX) considered necessary to obtain the number of FS Officers required by the Agency.
- 23.17 In its deliberations, the Panel will rate each applicant's knowledge, skills, and abilities against criteria identified as essential to successful performance in the Foreign Service. The Panel also will consider supervisory appraisals, experience, training, foreign language proficiency, disciplinary actions and awards when rating each applicants knowledge, skills, and abilities.
- 23.18 The SPO will provide Panel members clear, written guidance for rating applicants. In addition, the SPO will remind Panel members that the QREP is an initial screening and ranking process designed to provide the Administrator with a list of applicants who are best qualified for selection and submission to the BEX for further evaluation.
- 23.19 The QREP may provide Management with recommendations to improve the Panel's policies, procedures, and materials. Such recommendations will be submitted in writing by the Panel Chairperson to the SPO as soon after the conclusion of the QREP as possible. Prior to the next QREP, Management will implement those recommendations it approves and provide the Chairperson a written document, with a copy to AFSA, of all modified policies, procedures and materials. If the Chairperson so requests, Management will discuss its reasons for rejecting any recommendation.
- 23.20 Normally, within one week of the conclusion of the QREP, the SPO will forward the Panel's recommendations to the Administrator/FAS.

BEX PRECEPTS

- 23.21 Applicants submitted for further consideration are scheduled for an examination conducted by a panel of three deputy examiners appointed by the BEX. Two of the deputy examiners are FAS career FSO's and one is an FSO from the Department of State or other Foreign Affairs agency.
- 23.22 The BEX examination consists of two segments; a written examination and an oral examination. The examination process is designed to determine an applicant's competence to perform the work of an FSO, potential growth in the Foreign Service, and suitability to serve as a representative of the United States abroad.
- a. **Written Examination:** The purpose of this examination is to determine if the applicant can produce written work which meets the standards of an FSO in a field office setting and to measure the applicant's understanding of one or more facets of the FAS mission and programs.
 - b. **Oral Examination:** The purpose of this examination is to determine the applicant's knowledge of FAS in general and its programs in particular. It is designed to assess the applicant's skill in oral communication, ability to marshal key facts to present positions and/or arguments on topics related to the work of FAS abroad, and the applicant's suitability to serve as a representative of the United States abroad.
 - c. **Grading**
 1. The applicant's written and oral presentations will be graded by the deputy examiners according to standards established by the BEX and FAS.
 2. Applicants who score at or above the passing levels for both examinations will be permitted to continue the lateral entry process. Applicants who score below the passing level for either of the examinations will be withdrawn from further consideration for lateral entry. They may apply again when lateral entry is offered.
 3. The decisions of duly constituted panels of examiners and deputy examiners are final, unless modified by specific action of the BEX.
 4. Applicants will be notified of the results of the examination by the Panel's Chairperson on the day of the oral examination.
 5. Once an applicant has been recommended by the BEX, s/he will be given a conditional offer to convert to the FS contingent upon a satisfactory

completion of security, medical and suitability reviews.

FOREIGN LANGUAGE REQUIREMENT

23.23 An applicant may be offered a career conditional appointment without first obtaining proficiency in a foreign language, but a candidate cannot be commissioned as a career FSO until s/he has achieved proficiency in a foreign language. Proficiency must be achieved prior to expiration of the five-year limited appointment. Candidates who fail to satisfy language qualification requirements by the end of their five-year limited appointment will be separated from the Service.

MEDICAL ELIGIBILITY

23.24 An applicant recommended by the BEX panel for an FSO career candidacy is required to be medically cleared for worldwide assignment. Eligible family members must be medically cleared in order to travel at U.S. Government expense to assignments abroad.

MEDICAL DETERMINATION

23.25 The Medical Director of the Department of State determines, on the basis of the report of the physician(s) who conducted the medical examination, whether an applicant has met the required medical standards for appointment to the Foreign Service and whether an applicant's eligible family members are medically cleared to accompany the applicant to assignments abroad (see 3 FAM 1900, Appendix B, Health and Medical Program).

MEDICAL DISQUALIFICATION

23.26 When an applicant or eligible family member fails to obtain medical clearance, the applicant may apply for a medical waiver. Waivers will be reviewed based on Article 22 (Medical Clearances, Waivers, and Health Issues) of this Agreement and 3 FAM 1900 Appendix B. An Overseas Employment Review Committee established by FAS and the Department of State, when authorized by the applicant or eligible family member, will review the medical files of the applicant or eligible family member who has been denied medical clearance. Decisions of the Committee are final and not appealable.

23.27 If a waiver is not granted to an eligible family member who is denied a clearance, the applicant must agree, in writing, to accept unaccompanied tours.

SECURITY INVESTIGATION AND SUITABILITY CONSIDERATIONS

23.28 Before conversion into the FS can be completed, each applicant must obtain a top secret security clearance under Executive Orders 10450 and 12968.

DRUG TESTING

23.29 Career candidates are subject to the Department's random drug testing program.

EFFECTIVE DATE OF CONVERSION

23.30 Conversion of those career candidates at the GS-11 grade level will be delayed until they are promoted to GS-12. Effective dates for conversion will not be delayed more than ninety (90) calendar days to allow for receipt of any within grade increase.

TIME OF CONVERSION

23.31 Career candidates will be converted to the class of FP-04 (equivalent to GS-12). Candidates' pay will be determined based on their highest previous rate of civil service pay that falls within, or up to, step 14, the maximum step within the FS pay plan. There is no saved pay beyond the basic pay rate of FP-04, step 14.

TERMINATION OF ELIGIBILITY

23.32 Those career candidates who do not obtain a language proficiency prior to the expiration of their five-year limited appointment will be separated from the career candidate program no later than the expiration date of their appointment. Separated candidates will be entitled to re-employment rights under Section 310 of the FS Act.

ASSIGNMENT AVAILABILITY

23.33 Assignments are made in accordance with Article 27 (Assignment Policy) of this Agreement. Career candidates must be worldwide available. Refusal of an assignment will be handled in accordance with procedures outlined in Article 27.