

ARTICLE 26: TIME-IN-CLASS AND TIME-IN-SERVICE

PURPOSE

- 26.1 The purpose of Time-In-Class (TIC) and Time-In-Service (TIS) is to ensure a steady flow through the Foreign Service (FS) of highly skilled career members who display maximum effectiveness in furthering the mission of the Agency and the Foreign Service. This flow through should allow for progressive advancement through the ranks, while retaining the expertise and experience of the most capable career members. The Departmental goal relative to mandatory retirement of career members, due to expiration of TIC and/or TIS, is three-fold: to reward with rapid advancement those identified as exceptional performers; to afford a suitable career to those performing acceptably; and to retire those failing to demonstrate progress in their careers.

MAXIMUM TIME-IN-CLASS

- 26.2 Unless granted a Limited Career Extension (LCE) or a postponement in the retirement date, career members will be retired under Section 607 of the Act for exceeding the following TIC or TIS limits:

- a. For Senior Foreign Service (SFS) Officers , the following maximum TIC limits apply:

<u>Class</u>	<u>Time-In-Class Limit</u>
Career Minister	16 years combined Career Minister, Minister-Counselor and Counselor
Minister-Counselor	12 years combined Minister-Counselor and Counselor
Counselor	7 years

- b. For SFS Officers, TIC limits commence on the date of promotion into the SFS and at each subsequent date of promotion. If TIC limits are lengthened while an individual still has time remaining in a particular class, the new, longer TIC limits will apply.
- c. For career members in Classes 4 through 1, the following TIC/TIS limits apply:

<u>Class</u>	<u>Time-In-Class</u>	<u>Time-In-Service</u>
4-1	15 years	22 years

These limits are subject to Article 26.2.d below and Article 26.7, the Annuity Exception.

- d. For career officers appointed on or before November 1, 1984, TIC/TIS limits commenced on November 1, 1984. For all other career officers, TIC/TIS limits commence on the date of career appointment. (Note: The date of career appointment is usually within two weeks of the date of commissioning.)
- e. Career members transferred/reassigned from other Foreign Affairs Agencies to FAS will have TIC/TIS limits determined and communicated by the Servicing Personnel Office (SPO) in writing prior to transfer or reassignment.
- f. Members of the Foreign Service not subject to TIC/TIS limits are Administrative Assistants and those serving under limited appointments.
- g. Career members at Class 1 who have requested, in writing, consideration for promotion into the SFS and who meet the eligibility requirements will be reviewed for promotion by Panel B of the Senior Selection Board until their TIC or TIS limit expires or until they receive twelve (12) consecutive reviews by Panel B, whichever occurs first. Career members not promoted after consideration by twelve Panel B's will no longer be considered for promotion and will be mandatorily retired under the provisions of Section 608 of the FS Act. Such individuals will be eligible to receive benefits under Section 609 of the Act.
- h. A career member may withdraw his/her request for consideration for promotion into the SFS at any time. If a request is withdrawn, the career member will no longer be eligible for promotion into the SFS, no future requests for consideration may be submitted and the member will return to his/her original TIC/TIS limits.

TIC/TIS CALCULATIONS

26.3 The calculation of maximum TIC/TIS includes periods of service with the American Institute in Taiwan, details under which the career member remains on the FAS payroll, and all periods of performance in the relevant class except:

- a. Periods of separation from the FS for more than 3 days;

- b. Periods of Leave Without Pay as governed by Article 25.28;
- c. Periods of assignment to international organizations with re-employment rights to FAS;
- d. Periods for which a Selection Board has non-rated a career member due to insufficient performance data;
- e. Periods for which the SPO determines that a career member should be non-rated, for example, to correct denial of opportunity for promotional consideration, resulting from inadequate or incorrect performance data or administrative error;
- f. Any time spent in FS limited appointments;
- g. Periods which are non-rated by direction of the Foreign Service Grievance Board, the Merit Systems Protection Board, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission, or a court;
- h. Periods when career members are called to active military service. (This does not include the required annual active service as a reservist or member of the National Guard.); and
- i. Periods when a career member serves full-time as the AFSA/FAS Vice President and, elects not to be reviewed by the Selection Board, as governed by Article 8.

LIMITED CAREER EXTENSIONS

- 26.4 LCEs and LCE extensions are governed by Article 25.40. LCEs may only be granted to SFS and Class 1 career members who are in their last year of TIC or TIS.
- 26.5 LCEs will be granted rarely and only for compelling Agency need.
- 26.6 Career members in their last year of TIC/TIS not granted LCEs will be retired in accordance with Section 609 of the FS Act.

ANNUITY EXCEPTION

- 26.7 Career members in Class 2 and below who have reached their TIC or TIS limit but, who are ineligible for voluntary retirement under Section 811 of the FS Act or do not qualify to receive an immediate annuity under Section 609 of the Act, will not be separated from the Service until they are eligible for an immediate annuity. Such

members, however, will be ineligible for review by subsequent Selection Boards. Their TIC or TIS limit, whichever is earlier, will be extended until the end of the month in which they qualify for an immediate annuity, unless retirement is postponed, as provided for in later sections of this Article.

EFFECTIVE DATE OF RETIREMENT FOR TIC/TIS

- 26.8 The SPO will notify career members that they are subject to TIC/TIS expiration two years prior to the earliest of these dates.
- 26.9 A career member who is eligible for an immediate annuity, may elect an effective date not to exceed six months after the expiration of his/her TIC/TIS limits. For career members not eligible for an immediate annuity, the effective date of retirement shall be no later than the last day of the month during which the career member becomes eligible for an immediate annuity.
- 26.10 The SPO will notify career members in writing as soon as the effective date of their retirement has been set. An employee can file a grievance challenging any and all aspects, (i.e. procedures, substance, impact, implementation) related to his/her TIC/TIS, only within 90 calendar days of receipt of notice of the effective retirement date.
- 26.11 Career members reaching maximum TIC/TIS while serving in a position to which appointment was made by the President will be retired effective upon completion of service in such a position.
- 26.12 The date of retirement due to expiration of TIC/TIS may be postponed by the Administrator/FAS for compelling circumstances for a period not to exceed one year from the original TIC or TIS date, whichever is earlier.

NOTIFICATION OF PROPOSED RETIREMENT FOR EXPIRATION OF TIME-IN-CLASS

- 26.13 The SPO will notify career members subject to retirement for expiration of TIC/TIS of the following information:
- a. The retirement for expiration of TIC/TIS is in accordance with Section 607 of the FS Act;
 - b. The effective date of retirement;
 - c. The right to file a grievance, per Article 19 (Disputes and Grievances), with

the Foreign Service Grievance Board for reasons stated in Article 26.14, and that failure to grieve the decision within the prescribed time limits will remove the case from the jurisdiction of the Foreign Service Grievance Board;

- d. An explanation of the procedures for filing a grievance with the Foreign Service Grievance Board;
- e. That the effective date of retirement may be postponed for up to one year in rare instances of personal circumstances or critical Agency need, but that even in such rare cases, extensions will be limited to no more than one year;
- f. That for career members seeking relief from proposed retirement, by initiating action under Article 19 (Disputes and Grievances) prior to retirement, the effective date of retirement will be postponed pending a final decision on the grievance under Section 1106(8) of the FS Act if the Foreign Service Grievance Board so recommends; and,
- g. That records of career members designated for retirement by the SPO whose effective date of retirement is postponed, will not be reviewed by Selection Boards convened during any intervening period, nor will such career members receive within-class salary increases or pay level adjustments during any such period.

GRIEVANCE FOR RETIREMENT FOR EXPIRATION OF TIME-IN-CLASS

- 26.14 Career members may grieve retirement for expiration of TIC/TIS to the Foreign Service Grievance Board only if the retirement is alleged to be contrary to laws or regulations or predicated upon an inaccuracy, an omission, an error or falsely prejudicial information in any part of a career member's official personnel file.