

**TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE**  
**CHAPTER 52 - FOREIGN SERVICE**  
**SUBCHAPTER VI - PROMOTION AND RETENTION**

**§ 4010a. Reductions in force**

**(a) Authorization and regulations**

The Secretary may conduct reductions in force and shall prescribe regulations for the separation of members of the Service holding a career or career candidate appointment under subchapter III of this chapter, under such reductions in force which give due effect to the following:

- (1) Organizational changes.
- (2) Documented employee knowledge, skills, or competencies.
- (3) Tenure of employment.
- (4) Documented employee performance.
- (5) Military preference, subject to section 3501 (a)(3) of title 5.

**(b) Applicability of retirement benefits**

The provisions of section 4009 of this title shall be applicable to any member of the Service holding a career or career candidate appointment under subchapter III of this chapter, who is separated under the provisions of this section.

**(c) Grievance procedure**

An employee against whom action is taken under this section may elect either to file a grievance under subchapter XI of this chapter or to appeal to the Merit Systems Protection Board under procedures prescribed by the Board. Grievances under subchapter XI of this chapter shall be limited to cases of reprisal, interference in the conduct of an employee's official duties, or similarly inappropriate use of the authority of this section.

(Pub. L. 96-465, title I, § 611, as added Pub. L. 103-236, title I, § 181(a)(2), Apr. 30, 1994, 108 Stat. 417; amended Pub. L. 103-415, § 1(ii), Oct. 25, 1994, 108 Stat. 4303.)

**Prior Provisions**

A prior section 611 of Pub. L. 96-465 was renumbered section 612 and is classified to section 4011 of this title.

**Amendments**

1994—Pub. L. 103-415 made technical amendment relating to style of section catchline.

**Employment Assistance Referral System for Certain Members of Foreign Service**

Section 179 of Pub. L. 103-236, as amended by Pub. L. 103-415, § 1(g), Oct. 25, 1994, 108 Stat. 4300, provided that:

“(a) Referral System.—Certain members of the Foreign Service (as described in subsection (b)), may participate in the Office of Personnel Management's Interagency Placement programs or any successor program. Such members of the Foreign Service shall be treated in the same manner as employees participating in such a program as of the effective date of this Act [Apr. 30, 1994].

“(b) Certain Members of the Foreign Service.—For purposes of this section, the term ‘members of the Foreign Service’ means any individuals holding career or career candidate appointments under chapter 3 of the Foreign Service Act of 1980 [22 U.S.C. 3941 et seq.]”

**Consultation With Director of Office of Personnel Management Prior to Prescribing Regulations for Reductions in Force**

Section 181(c) of Pub. L. 103-236, as amended by Pub. L. 103-415, § 1(i), Oct. 25, 1994, 108 Stat. 4301, provided that: “The Secretary of State (or in the case of any other agency authorized by law to utilize the Foreign Service

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*NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2005 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

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personnel system, the head of that agency) shall consult with the Director of the Office of Personnel Management before prescribing regulations for reductions in force under section 611 of the Foreign Service Act of 1980 [22 U.S.C. 4010a] (as added by subsection (a) of this section), and shall publish such regulations.”