

UNCLASSIFIED

---

**MRN:** [19 STATE 14578](#)  
**Date/DTG:** Feb 21, 2019 / 212048Z FEB 19  
**From:** SECSTATE WASHDC  
**Action:** ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE *ROUTINE*  
**E.O.:** 13526  
**TAGS:** AMGT, APER  
**Pass Line:** TO ALL FOREIGN SERVICE EMPLOYEES FROM HR'S OFFICE OF PERFORMANCE EVALUATION  
**Subject:** Inadmissible Comments in EERs

1. As we near the 2019 EER season, we want to remind all employees of the need to refrain from making inadmissible comments in evaluative material prepared for Foreign Service employees. Inadmissible comments (see para three) are potentially prejudicial to employees and may not be included in any section of evaluation reports, or in other forms of evaluative or recognition-related material.

2. These rules excluding inadmissible comments apply not only to EERs and short forms, but to all evaluative material eligible to be placed in the file. That material includes, but is not limited to, the DS-5055, DS-7768, award nominations, training reports, and other memos and letters. Raters and reviewers, as well as review panels, must ensure that employees are not disadvantaged, directly or indirectly, for reasons of race, color, religion, sex, age, marital status, national origin, disability, reasonable accommodation for disability, sexual orientation, or means of entry into the Foreign Service. Stereotypes, group assumptions, and sexist or ethnic comments are inadmissible.

3. The following subjects are inadmissible in any part:

- (1) Reference to race, color, religion, sex (does not extend to the use of Mr., Mrs., Ms., or first names or personal pronouns), national origin, age, disability, reasonable accommodation for disability, and sexual orientation;
- (2) Ranking by former Selection Boards or impending selection out;
- (3) Physical characteristics and personal qualities that do not affect performance or potential;
- (4) Marital status or plans, or references to spouse or family;
- (5) Retirement, resignation, or other separation plans;

- (6) Reference to job sharing and telecommuting;
- (7) Grievance, equal employment opportunity, or Merit Systems Protection Board proceedings;
- (8) Method of entry into the Service;
- (9) Reference to private U.S. citizens by name;
- (10) Participation or nonparticipation of Foreign Service personnel in any organization which exists for the purpose, in whole or in part, of dealing with foreign affairs agencies concerning grievances, and human resources policies and practices;
- (11) Ratings for earlier periods prepared by other supervisors;
- (12) Reluctance to work voluntary overtime;
- (13) Leave record, except in the case of unauthorized absences;
- (14) Letters of reprimand;
- (15) Negative reference to use of the Dissent Channel or direct or indirect reference to, or consideration of, judgments in dissent channel messages as a basis for an adverse evaluation of performance or potential.

When the rated employee's expression of dissenting views on policy, outside of the dissent channel, raises substantial questions of judgment or obstructionism relevant to the employee's performance, it may be the subject of comment. However, general comment may not be used to get around the proscription of this section. Specific instances must be cited.

- (16) Negative or pejorative discussion of the performance of another identifiable employee;
- (17) Specific identification by rating or reviewing officers of disability or medical problem (including alcoholism, drug abuse, or rehabilitation efforts);

Although the details or specific identification of a medical problem are inadmissible in the evaluation report, general reference may be made to confirmed knowledge of a medical problem to the extent it affects job performance. Rated employees may discuss their own health problems in specific terms if rating or reviewing officers have made references to such problems, or to explain or clarify adverse comments in a report.

Employees, raters, review panels, and HROs are encouraged to consult HR/PE with questions about what may or may not be admissible.

- (18) Reference to academic degrees, titles, or specific institutions of higher learning (except

that physicians may be referred to as "Dr."); or

(19) Outside activities that are not relevant to performance or post effectiveness.

4. The Department takes seriously its mandate to assure that employees are treated fairly and equitably in all its processes for evaluation and recognition. The list of inadmissible comments is found both in 3 FAM 2815 and the DS-5055 instructions. All employees are encouraged to refer to it when drafting documents or discussing performance with others.

5. If you have more questions on EERs and inadmissible comments, please email [HR-PEQuestions@state.gov](mailto:HR-PEQuestions@state.gov), and visit our website at: [LINK](#)

**Signature:** Pompeo

---

**Drafted By:** HR/PE:Brady, Maria Soledad B  
**Cleared By:** HR/PE:Scandola, Joni  
 HR/PE:Siekman, Kelly O  
 HR/PE:Uhalde, Yvette M  
 HR/PE:Bonilla, Jean A  
 L/EMP:Shoemaker, Lori A  
 HR/G:Creekman, Daniel M  
 HR:Stana, Katie  
 M:Kirkland, Kendra D  
 AF/EX:Reynolds, Christopher R  
 EAP/EX:Blackstone, Kevin  
 EUR-IO/EX/HR:Moppert, John P  
 NEA-SCA/EX:Keshap, Karen  
 WHA/EX:Raman, Rebecca C  
 SES\ThomanVL  
**Approved By:** HR/DGHR:Perez, Carol Z  
**Released By:** HR\_DGHR:Washington, Adrienne M  
**XMT:** BASRAH, AMCONSUL; SANAA, AMEMBASSY; ST PETERSBURG, AMCONSUL

---

**Dissemination Rule:** Archive Copy

**UNCLASSIFIED**