



UNITED STATES DEPARTMENT OF COMMERCE  
International Trade Administration  
Washington, D.C. 20230

MEMORANDUM FOR Tracy Schulberg  
Director  
Office of Policy and Programs  
Office of Human Resources Management

FROM: Thomas McGinty  
Acting Director, Office of Foreign Service Human Capital  
U.S. & Foreign Commercial Service  
International Trade Administration

SUBJECT: Agency Head Review of Memorandum of Understanding  
Between American Foreign Service Association and the  
U.S. & Foreign Commercial Service – 100 Percent Official  
Time for AFSA Vice-President.

*TM 10/5/12*

In accordance with the provisions of 22 U.S.C. § 4113(f) and Department Administrative Order 202-711, you are hereby provided with a copy of the MOU for Agency Head Review, which is to be completed within 30 calendar days of the date of execution of the MOU, October 2, 2012. In addition, electronic copy has been provided to the Department of Commerce's Office of General Counsel, Employment and Labor Law Division to review for legal form and effect compliance as required by or 22 U.S.C. § 4113(f).

Enclosure

cc: Brian DiGiacomo  
Chief, Employment and Labor Law Division  
Office of General Counsel

Frank Milman  
Labor and Employee Relations Officer  
Department of Commerce

Ejike Obineche  
Labor and Employee Relations Officer  
U.S. & Foreign Commercial Service



INTERNATIONAL  
**TRADE**  
ADMINISTRATION



**Memorandum of Understanding Between The American Foreign Service  
Association and the U.S. and Foreign Commercial Service**

1. A Memorandum of Understanding between AFSA and US&FCS dated April 20, 1999, modified Article VII, Section 2(C) of the Collective Bargaining Agreement between AFSA and US&FCS to authorize the AFSA Vice-President up to 50% of official time. Article VII, Section 2(C) is hereby modified as follows:

C) The AFSA Vice-President shall be authorized 100% of official time.

The rest of Section 2(C) is hereby deleted.

2. Article VII, Section 3 is hereby modified as follows:

Time in Class (TIC)/Time in Service (TIS) Extension/Selection Boards.

US&FCS agrees to allow the AFSA US&FCS Vice President and Principal Representative during the initial two years they hold these offices (or during no more than one additional year immediately following the initial two years, in order to complete a three-year tour of duty):

- A. The AFSA Principal Representative shall be reviewed by selections boards for each year served; and
- B. Extension of the officer's single class time-in-class and time-in-service by one year for each year served in that capacity, provided that: (1) the officer has served more than six months in his/her AFSA office; and (2) the officer has not been promoted for service during that period

3. Article VII, Section 7(A) is hereby modified as follows:

Use of Official Time

(A) AFSA recognizes its responsibility to ensure that the AFSA Principal Representative(s) will not unduly absent themselves from their assigned work and that these representatives will make every effort to perform representational functions on behalf of the bargaining unit in a proper and expeditious manner.

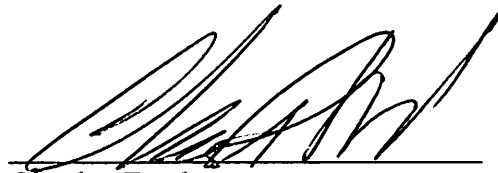
The determination as to whether the use of official time is within reasonable limits will be made by the AFSA representative's immediate supervisor or in his/her absence the next higher level supervisor available, in consultation, if appropriate, with the Director, Office of Foreign Service Human Capital.

4. Article VII, Section 8 is hereby deleted.
5. The AFSA/FCS Vice President will not receive a performance evaluation. However, the AFSA/FCS Vice President will receive an annual pay increase equivalent to the Annual Comparability Increase (ACI) if an ACI is enacted by the Congress and the President.

The above changes will take effect upon Agency Head Approval of this MOU, or 30 days from the date of execution of the MOU if no Agency Head Review decision has been issued.



Keith Curtis  
Vice-President  
American Foreign Service Association



Charles Ford  
Deputy Director General  
US & Foreign Commercial Service

10/2/2012  
Date

10/2/2012  
Date