

**Questions and Answers from AFSA/USAID Town Hall
July 23, 2020**

Please note that these questions and answers were part of an AFSA USAID VP Town Hall and may not be applicable to other foreign affairs agencies. Agency policy and guidance changes, so please check with relevant Agency authorities as appropriate. Thank you.

On FSLs and FSOs:

Question: Does the current tally of approximately 1,680 USAID FSOs include FSLs in the field?

Answer: Please note that 1,680 is an approximation; HCTM would have the most recent numbers. The figure represents the number of people hired by USAID in the category of FSO. For information on USAID employee numbers and staffing pattern, please see: <https://pages.usaid.gov/HCTM/60-day-congressional-reports>

Question: When USAID does not hit the 1850 floor for FSOs by September 30, will AFSA discuss this with congressional staff?

Answer: Congress is monitoring USAID's hiring of FSOs. AFSA regularly communicates with stakeholders on the need for USAID to hire career FSOs, and on the need to increase the number of FSO positions at the Agency. It is AFSA's view that position numbers should be determined by sound, long-term workforce planning, and that if FSO positions are budgeted for, they should be filled by career FSOs in compliance with the Foreign Service Act and its vision for the Foreign Service. AFSA is appreciative that HCTM has continued to recruit and onboard FSOs during the pandemic. Please note: information on USAID hiring can be found at: <https://www.usaid.gov/careers>

Question: USAID counts FSLs overseas toward the floor of 1850. What is AFSA's position on that?

Answer: AFSA opposes counting any categories of employees as FSOs if individuals in those categories were not hired and are not being paid as FSOs.

Question: What about FSLs on a conversion track to FSO? Will they be considered toward the 1850 floor?

Answer: AFSA's position is that FSOs count as FSOs when they are brought onto the Agency's payroll as FSOs.

On EEO Matters:

Question: Any progress in reducing the potential for bias in the promotion process, perhaps by specifically blinding the parts of the process that can be blinded?, i.e., removing all names from PIFs/AARs/etc. as a start?

Answer: AFSA endorses a blind promotion process with information removed if that information would reveal an officer's gender, race, or other factors related to protected categories. AFSA is also open to learning about additional initiatives that would promote fair, unbiased performance and promotion processes, and that raise awareness of diversity challenges. AFSA has long called for more actions on promoting diversity and inclusion, including greater transparency in promotion statistics. AFSA was encouraged to see the Agency's Notice on "Moving Forward as One USAID" (<https://notices.usaid.gov/notice/55977>) and additional Notices acknowledging the need to advance diversity and inclusion.

Question: Is AFSA working to address the privileges (or lack thereof) that are provided to same-sex spouses in some countries? The lack of accreditation of same-sex spouses severely limits the countries in which LGBTI U.S. diplomats can work in with their families (especially in countries in which USAID works), and limits equal opportunities for work.

Answer: AFSA advocates for accreditation for same-sex spouses, and it is AFSA's understanding that as a matter of policy, so do the State Department and USAID. Negotiations with foreign governments on this matter have been extensive and may be protracted in individual cases.

On COVID19 Issues:

For Agency guidance, please see the COVID Task Force Home Page and links at: <https://pages.usaid.gov/A/acat> The COVID situation changes as does guidance, so please check with the Task Force and/or HCTM.

Question: Many FSOs who haven't been able to PCS to their posts due to the pandemic have been teleworking to support their respective missions. They're on TDY status and this time doesn't count toward their tour lengths. With some missions still in Phase 0 and travel not permitted, has any thought been given to changing the policy so that FSOs affected by the situation can have their time working counted toward their tour lengths?

Answer: The pandemic has brought an entirely new and unforeseen set of realities into play for FSOs and for foreign affairs agencies, rendering compliance with some existing regulations -- e.g., stipulations that officers must serve fixed and continuous periods overseas to be considered for promotion -- difficult to achieve. AFSA has advocated for some form of "virtual PCS" but to date this has not been adopted. AFSA is keenly aware that officers on extended AD/OD may inadvertently fail to qualify for promotion eligibility because of failure to meet overseas service requirements that they would have met had they not taken AD/OD. AFSA is advocating that Agency leadership look at approaches that would not hold up employees for promotion essentially as a result of having taken AD/OD.

Question: Any discussions on extending Use or Lose leave beyond the end of the year or increasing caps for 2020?

Answer: AFSA President Eric Rubin has written to the Under Secretary for Management at State (M) formally advocating for extending the grounds on which annual leave can be restored, to include the inability to travel on R&R from hardship posts, as well as delaying Home Leave on demand. We are also seeking changes that would allow the full quota of R&Rs even when delayed Home Leave might normally reduce the number allowed. This Agency Notice explains current OMB regulations regarding Use or Lose Leave: <https://notices.usaid.gov/notice/5604>. Please note the line: To avoid forfeiture of annual leave, please review, plan, and properly schedule any use or lose annual leave according to the guidance below by November 21, 2020.

Question: Some countries are moving through phases without those countries reaching any, much less all, the markers established in Diplomacy Strong. This may push people to PCS before it is safe to do so. What is AFSA doing to ensure staff safety in light of this? Some missions are moving to Phase II despite growing cases. There seems to be a liberal interpretation of the Diplomacy Strong framework, and it really depends on individual Ambassadors & EACs. Is that the case you're seeing more broadly?

Answer: The Agency is on the record as prioritizing employee safety, and AFSA does not support deploying staff overseas to environments that the United States government considers unsafe. Officers assigned to overseas positions should be deployed, or instructed to return, to their postings only when the locations clearly meet Diplomacy Strong criteria. Per USAID's FAQs on PCS and HL, "While gaining posts are in Phase 0 or 1 of the Diplomacy Strong Framework, employees must apply to be considered for PCS and cannot be directed to do so by USAID or Chiefs of Mission." (See: https://pages.usaid.gov/system/files/pcs_and_hl_guidance_faqs_-_june_18_2020.pdf)

Please note that per these Agency FAQs, "When gaining posts are in Phase 2, employees may continue to apply for PCS but can be directed to PCS if their positions are determined to be Mission Critical by the Office of Human Capital and Talent Management (HCTM) in consultation with the Mission. When gaining posts are in Phase 3, PCS is expected and the PCS approval processes described in the guidance are no longer applicable."

Regarding Posts in Phase 3, per the Agency's FAQs, "FSOs are worldwide available and should be prepared to travel when conditions allow. Employees with specific medical concerns should contact State/Med, HCTM, or the RLO to discuss. Employees should not share any personally identifiable information (PII) or medical information (about themselves or their family members) before telling the person with whom they are consulting that they need to share such information as part of the conversation."

AFSA is aware that there are concerns that a few Ambassadors and EACs are moving faster than members feel is advisable. We urge employees facing these situations to consult with USAID's COVID Task Force (COVID19-personnel-travel-facilities@usaid.gov), HCTM, Staff Care as well as with medical professionals, as appropriate to determine possible courses of action.

Question: Is AFSA engaging with State/USAID on the issue of TDY vs. AD benefits? AD benefits are generally adequate but TDY benefits may not be. For example, if FSOs go back to the U.S. on AD, they receive per diem for each family member, lodging, and

transportation allowance. However, if FSOs are "caught out" of post due to COVID-19, or if they were in language training and couldn't go on to an assigned post, they may have to be put on TDY status.

Answer: AD and TDY benefits are defined statutorily, so adjusting them is difficult. It is clear to AFSA that the 180-day limit on Special Evacuation Allowance (SEA) benefits is inadequate in the circumstances of the COVID crisis. It is also clear that legally-mandated reductions in lodging and per diem levels over time may leave officers with too little to live on during prolonged TDYs in the Washington area. The Department of State is attempting to negotiate with Congress on an emergency fix that would allow SEA payments for all FSOs on AD to continue past the 180 day mark, which for most FSOs will occur on September 9, six months after the global AD order was carried out. In addition, the 180-day limit will now be applied individually, so that employees may remain in receipt of SEA for 180 days after they left post at the start of their personal periods of AD.

For those on TDY status for longer than six months, AFSA has advocated placing officers on complement so that they will receive Washington area locality pay rather than 25 percent lodging and per diem payments.

Question: The "educational benefit allowance" is driving many of us to make decisions on PCS and return to post (perhaps faster than we might otherwise given COVID). For certain grades (like High school) it is hard to be in the U.S. with a different educational curriculum than the one that we expect our dependents to pursue as the work toward graduation. The recent cable on the subject has helped clarify the situation somewhat, but schooling for dependents is still an ongoing concern.

Answer: AFSA President Eric Rubin wrote to the Under Secretary, and a group of over 100 FSO parents from across agencies wrote to the Secretary of State, highlighting the adverse impact of the existing rule that a child must be at post in order to receive Educational Allowance. AFSA USAID VP Jason Singer has also conveyed this and related financial concerns to USAID leadership. Responding to AFSA and employee advocacy efforts, the Office of Allowances was able to change the rule to permit some flexibility if the employee (but not EFMs) are at Post. Please see the COVID Task Force Notice issued to all staff on July 17; it contains a link to the State cable on this issue: <https://drive.google.com/file/d/142xWfSOzy-eWgarffw1je9Tk7wTPLXSU/view>

AFSA recognizes that the impact of the pandemic on school children is among the most difficult to manage of non-health-related COVID challenges and that it has created a

near-impossible situation for some parents, who may not know where they or their dependents will be at the start of the school year less than a month from the present. AFSA repeatedly advises the foreign affairs agencies that anxiety over schooling questions is one of the biggest stressors currently facing FSOs.

Question: Is AFSA pushing for change for the Difficult to Staff Incentive Differential (DSID) allowance? Right now many staff on AD will no longer get this benefit (even if we would have preferred to stay overseas).

Answer: The Department of State's Standardized Regulations (DSSR) govern allowances and benefits available to all U.S. government civilians assigned to foreign areas. A principle underlying these regulations is that benefits related to given locations may only be paid to personnel in those locations. Thus those who evacuate to the United States are not paid differentials – special needs differentials, hardship differentials, danger pay, etc. – that they would have earned had they continued serving at certain posts overseas. AFSA recognizes that the loss of differentials may present financial hardships for some officers, but earnings based on specified locations are only available to persons in the specified locations. AFSA has heard from many employees who feel that they were coerced into taking AD, and this is unfortunate. Chiefs of Mission have relatively broad authority to determine personnel matters at posts. Individuals who accept AD, or go on OD, receive financial offsets such as SEA, whereas those instructed to depart for the good of the mission do not.

Question: Is there concern at AFSA that the "success" of universal telework could be used as justification for a diminished overseas presence? It doesn't take much imagination to see members of Congress arguing that it is more cost effective to do work from DC.

Answer: Most Members of Congress value the direct engagement and on-the-ground perspectives that FSOs bring, and believe that a strong, well-supported career Foreign Service is a critical component of US soft power that advances US national interests. The recent testimony by Acting Administrator Barsa on the FY 2021 Foreign Assistance budget request captured a number of bipartisan Congressional remarks reflecting respect and support for USAID's role. See: <https://pages.usaid.gov/home/trump-administrations-fy2021-foreign-assistance-budget-request>

On Agency Reorganization:

Question: For many tied up in DDI Bureau restructuring, we have not been informed of the new org chart or FSO positions within DDI. With substantial push back, future DDI FSOs have been told that specifics are pending negotiations with unions including AFSA. Can you please confirm if AFSA is still negotiating the new FSO positions in DDI? Are you aware of when the new org chart will be released? How can AFSA help in the grievance process once the new org chart is released?

Answer: AFSA has not yet received for review the Agency's formal DDI package. To better understand the Reorganization process and timeline, please see the Agency's Reorganization pages here: <https://pages.usaid.gov/A/Transformation/faqs> AFSA has had a series of discussions with the Agency on the new DDI Bureau, and has presented proposals and requests for information concerning the structure, opportunities for career FSOs, etc. The Agency has not provided AFSA a date by which AFSA (and AFGE) would receive the formal DDI package, including an organization chart.

As a reminder, the majority of actions proposed under Reorganization fall into the "reserved management right" category, and include the Agency's right to determine the mission, budget, organization, internal security practice and the number of employees; to hire, assign, direct, lay off and retain individuals; to suspend, remove or take other disciplinary action against employees; to determine the number of promotions; and to fill positions from any appropriate source. Within this context, AFSA is advocating strongly to open up greater leadership and professional development opportunities for FSOs.

As new Bureaus are stood up, individual FSOs who believe they have been adversely affected by Reorganization should feel free to reach out to AFSA at member@afsa.org

Question: Any update on the creation of new backstops? Does AFSA have any particular perspective on how it is, or should be, handled?

Answer: For updates on the new backstops, AFSA encourages members to reach out to their respective Backstop Coordinators and Assignments and Career Counselors (see here for a list: <https://pages.usaid.gov/HCTM/backstop-coordinators>) AFSA is engaged with Agency leadership to advocate for a transparent and inclusive process that plans for viable career pathways, professional development opportunities and leadership positions for the career Foreign Service. AFSA is aware that with respect to some proposed backstops, career FSOs have faced bureaucratic biases and challenges, and AFSA is working closely with Agency leaders to address these.

On Mid-level Hiring:

Question: On the Diversity & Inclusion front, legislation was recently introduced on the Hill by Representative Karen Bass (D-CA) for DOS to bring in diverse FSOs at mid-levels through the Represent America Abroad Act of 2020 which has been introduced as a Bill at the House. Should we expect something similar to follow for USAID's FS, and if so, what is AFSA doing to address potential challenges arising from such a program?

Answer: AFSA strongly supports a diverse Foreign Service. Programs such as the Payne Fellowship provide opportunities to improve USAID's diversity while offering merit-based pathways to Foreign Service careers. While we share the goal of increasing diversity in the Foreign Service, AFSA is not supportive of mid-level hiring. We have long expressed the view that mid-level hiring undercuts morale among the FS cadre, complicates strategic workforce planning, and holds back career FSOs from promotion and professional development opportunities.

AFSA frequently points out to the Agency, when discussing mid-level hiring and conversions, that the Foreign Service Act calls for "assuring, in accordance with merit principles, admission through impartial and rigorous examination, [and] acquisition of career status only by those who have demonstrated their fitness through successful completion of probationary assignments...." To AFSA, this provision militates in favor of hiring at fixed entry levels and allowing officers to advance when they prove themselves in FS assignments.

Question: As long as there are FS 03s who are recommended for promotion but do not get promoted due to limited numbers of FS 02 slots, there should NOT be any GS-FS conversions to FS 02; the same rule should apply to FS 03 slots if there are FS 04s recommended for promotion into them. Will ADS 415 revisions address this issue? If not, what is AFSA doing to address this?

Answer: AFSA has made exactly this point to the Agency. We have offered a number of proposals that would achieve the goal of preventing conversions from taking away promotion slots, one of which would increase the numbers of slots available for promoted individuals by the same number of slots granted to converttees. Thus, according to the AFSA proposal, if the Agency converts five non-FSOs to FS 02

positions, the number of promotion slots of career FSOs from 03 to 02 would increase by five. The Agency is still considering our proposals on this matter.

On Parity with the State Department:

Question: Since the advent of CPCs, USAID has had a far greater percentage of its FSO cadre serve in such posts than State or any other foreign affairs agency. We are small.

Answer: The size, scope and mission of USAID make this factually true. At the outset of the "CPCs", USAID built up an overseas FSL cadre to occupy many CPC positions, in addition to FSOs, PSCs, TCNs, etc. As the number of USAID CPC positions has declined, and as the Agency ramps up hiring of career FSOs, AFSA would expect to see a smaller percentage of USAID FSOs serving in CPCs.

Question: Does AFSA have a stance on the lack of parity with State Department officers on diplomatic Privileges and Immunities at some embassies? At my Embassy USAID officers only have A&T status, while junior FSOs from State have diplomatic titles.

Answer: Please note that AFSA does not have a formal role in this area. Privileges and Immunities (PI) are functions of Vienna Convention arrangements with individual foreign partner states, so they differ from host nation to host nation. PI is not granted based on the USG's, or an Embassy's, own estimation of the value of a given FSO's worth; it is granted by host nations based largely on reciprocity. As a general matter, FSOs whose foreign counterparts in Washington have diplomatic status are usually granted diplomatic status at U.S. Embassies abroad. FSOs without foreign counterparts are not -- because reciprocal treatment is not possible. AFSA (and the State Department) understand the perception problem that may arise when low-ranking persons whose work does not appear to have a direct bearing on bilateral relations are granted diplomatic status but higher-ranking USAID officials are given technical status as a result of reciprocity. Some Embassies may be in a position to negotiate diplomatic status for some USAID and other non-State officials. But the choice of what status to offer U.S. Embassy staff ultimately falls to host governments, and negotiations on the matter do not always yield results. 11 State 98069 provides more information on this subject.

On Bidding:

Question: During bidding, FSOs continue to receive one-on-one matches with Missions (also known informally as “handshakes”), but these matches are often overturned by HCTM. My understanding is that this is very different at the State Department. Is there any advocacy that is being done by AFSA to give Missions more power in getting their first choices?

Answer: At both USAID and the State Department, officers are assigned by panels, based on a range of considerations. Posts are not the ultimate deciders, and they may or may not get their first-choice candidates. At State, officers may be offered handshakes by regional bureaus for given assignments; these handshakes are usually honored, but the Department has no obligation to do so. USAID has a fraction of the number of State’s career FSOs and a unique mission with varying priorities. While the employee’s assignment preferences are a factor in the assignments process (see ADS 436), USAID FSOs agree to make themselves available for worldwide service unless specifically exempted and may find themselves assigned to locations that would not have been high on their lists of preferred postings.