



March 24, 2025

Jeremy Lewin, Acting Deputy Administrator for Policy and Programming  
Ken Jackson, Acting Deputy Administrator for Management and Resources  
Joel Borkert, Chief of Staff  
Jason Gray, Chief Information Officer  
Sepideh Keyvanshad, Acting Chief Human Capital Officer  
Kirsten Gunsolas, Acting Director, Employee and Labor Relations  
USAID | U.S. Agency for International Development  
1300 Pennsylvania Ave, NW, Suite 2.08 Washington, DC 20532

**Subject: Information Request Regarding Agency's Failure to Implement ADS 463**

Under Section H of the Collective Bargaining Agreement and in accordance with the provisions of Section 1013(e)(4) of Chapter 10 of the FS Act, the Agency agrees to provide the Union, upon request and to the extent not prohibited by law,<sup>1</sup> data:

- Which is normally maintained by the Agency in the regular course of business;
- Which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects which fall within the scope of collective bargaining...;"

As the exclusive representative for USAID Foreign Service Officers (FSOs), AFSA is responsible for ensuring that the rights of its bargaining unit employees are protected, and that the Agency is not acting in any way to cause harm.

The USAID Foreign Service is a meritocracy. FSOs compete for promotions every year based on a written review by their supervisor, Multi-source Ratings from peers and subordinates, and a record of their accomplishments. An independent promotion board reviews, assesses and evaluates each FSO, and recommends only the best for promotion.

---

<sup>1</sup> The Federal Labor Relations Authority has stated, to be "necessary," information must relate to subjects within the scope of bargaining. The Authority gives a broad reading to subjects that are "within the scope of collective bargaining." The duty to provide information to a union applies not only to information needed to negotiate an agreement, but also to data relevant to its administration and the "full range" of a union's representational responsibilities under the Statute. *Dep't of HHS, SSA*, 36 FLRA 943, 947 (1990) (quoting *Am. Fed'n of Gov't Employees, AFL-CIO, Local 1345 v. FLRA*, 793 F.2d 1360, 1363 (D.C. Cir. 1986)). The full range of union representational responsibilities under the Statute includes contract administration; processing a grievance; representing an employee in response to proposed discipline and determining whether to file a grievance or ULP. *See FAA*, 55 FLRA 254, 259-60 (1999); *Dep't of Commerce, Nat'l Oceanic and Atmospheric Admin., Nat'l Weather Serv*, 30 FLRA 127, 141 (1987).



AFSA notes that it is the Agency's prerogative to determine the numbers of people it will promote in a given year. However, ADS 463 does not provide the Agency with the authority to cancel or annul an entire performance review cycle. The ADS only provides individual waivers of performance reporting under specific circumstances. Nothing in ADS 463 provides the agency with the authority to opt out of the annual performance review of the Foreign Service. Failure to collect 2024-25 performance material will result in harmful professional and financial consequences now and during future reviews as annual performance material is maintained in employee personnel files for future reviews by the promotion boards.

To effectively serve its constituency, AFSA requests the following information and responses from the Agency regarding its adherence, or lack thereof, of ADS 463: Foreign Service and Senior Foreign Service Promotion Eligibility Requirements and Procedures for the 2025-25 performance period.

Specifically,

1. Provide copies of any memorandum, emails, or other written communication directing staff in HCTM to not conduct the required performance review for the 2024-25 performance year or communications delaying the 2024-25 performance review process.
2. Provide the authority and justification for the determination to cancel or delay the 2024-25 performance reporting.
3. Provide any and all communications regarding the decision(s) to not hire/contract public members to serve on the promotion boards.
4. Provide a timeline for any and all decisions related to the cancelling or delaying of this year's performance reporting.
5. Provide details of the means the Agency will use to measure the performance of Foreign Service Officers for the 2024-25 performance year. If these means differ from those outlined in ADS 463.3.1.3 Promotion Package (Annual Accomplishment Record, Multi-Source Ratings, Operating Unit Statement, and Promotion Input Form), provide justification and authority for the decision to not follow agreed to and negotiated procedures with AFSA.

At a minimum, the Agency must:

1. Release a timeline for the submission of the following promotion materials
  - a. Operating Unit Statement
  - b. Annual Accomplishment Records
  - c. Annual Performance Evaluation
2. Provide systems access to allow for the collection of Multi-Source Ratings



These documents, while insufficient for a promotion review, will afford FSOs an opportunity to document their 2024-25 performance and provide an opportunity for supervisors to complete required evaluations. Finally, these documents may mitigate future harm during subsequent performance reviews.

The above information is necessary for AFSA to fulfill its duties as the exclusive representative of the Foreign Service. We are unable to ascertain the adverse impact on our bargaining unit members without the requisite planning data and other information requested.

Per our Framework Agreement Section H: USAID will acknowledge receipt and will furnish data to the extent not prohibited by law, which is compliant with 22 USC 4113(e)(4), in a timely manner, normally within seven (7) days.

AFSA looks forward to the Agency's response.

Respectfully,

A handwritten signature in black ink, appearing to read "Randy Chester", is positioned above the typed name.

Randy Chester  
USAID AFSA Vice President