

Proposed Bylaw Amendments for 2017

Attention AFSA Members:

The Governing Board is proposing three bylaw amendments to be voted on during the 2017 AFSA Elections. The proposed bylaw changes would:

- (1) Make the Awards and Plaques Committee a permanent standing committee;
- (2) Change the current residency requirement for serving on the AFSA Governing Board to a participation requirement; and,
- (3) Require that active-duty members presenting themselves as candidates for AFSA president or vice president hold an active security clearance.

The changes would become effective immediately if approved by two-thirds of the valid votes received from members.

Explanation of Proposed Changes

1. Proposal to Make the Awards and Plaques Committee a Permanent Standing Committee.

At its Aug. 3, 2016, meeting, the AFSA Governing Board voted to propose to membership during the election a bylaw amendment to establish the Awards and Plaques Committee as a permanent standing committee. The Governing Board recommends that members support the amendment of Article VI (Internal Organization), Section 1 of the AFSA bylaws by adding the following language:

"(e) Awards and Plaques Committee: The board shall appoint and determine the terms of the chair and members of the Awards and Plaques Committee who, under the overall guidance of the board, shall develop criteria and make recommendations for awards and honors."

Justification:

The Governing Board believes that AFSA should have a permanent Awards and Plaques Committee recognized in the bylaws as a standing committee.

Under the current bylaws, the Awards and Plaques Committee is not a permanent standing committee. Rather, the Awards and Plaques Committee has operated as a "special committee" for more than 20 years. Under Roberts Rules of Order Newly Revised (which per the bylaws is the parliamentary authority of the association), the committee

is established only for the duration of that elected board. The committee (along with AFSA staff) handles the annual AFSA Awards Ceremony and the AFSA Memorial Plaques, which are ongoing undertakings of the association. The AFSA awards and plaques program should be directed by a permanent standing committee, recognized as such in the bylaws. The AFSA awards and plaques process requires sustained research, vetting and analysis, all of which take place on a continuous timeline, with recurring and firm deadlines.

AFSA awards recognize the important role of the Foreign Service and honor members of the Foreign Service community. Additional details on AFSA's awards and honors can be found here: www.afsa.org/awards.

2. Proposal to Change the Current Residency Requirement for Serving on the AFSA Governing Board to a Participation Requirement.

At its Oct. 3, 2016, meeting, the Governing Board voted to propose to membership a bylaw amendment to change the residency requirement for serving on the AFSA board to a participation requirement.

The Governing Board recommends that members support the amendment of Article V (The Governing Board) Section 8 of the AFSA bylaws by replacing the current language with the proposed language:

Current Language:

"Residency: Board members shall be resident in the Washington area within 60 days of taking office on July 15 or appointment to office thereafter, and shall remain resident in the Washington area throughout their term in office. Board members who cease to be resident in the Washington area during their term shall submit their resignations to the board."

Proposed Language:

"Participation: Board members shall participate via in-person attendance at regularly scheduled meetings of the board within 60 days of taking office on July 15 or appointment to office thereafter, and throughout their term in office. Board members who are unable to participate via in-person attendance at regularly scheduled meetings of the board, e.g., because of transfer, shall submit their resignations.

Board members may be removed from office by a majority vote of the board after four absences in any 12-month period from regularly scheduled meetings of the board.”

Justification:

As originally written, the bylaws recognize that members of the Foreign Service serve on a worldwide basis, and require that Governing Board members reside in the Washington area. The unintended consequence of this phrasing favors Governing Board members who reside in the Washington area but do not necessarily participate regularly in board meetings.

The Governing Board believes it is more important for board members to participate than to simply reside in the Washington area.

The intent of this change is to follow best practices for boards and prevent cases in which elected board members do not take up their obligation to serve, regardless of where they reside. This change ties participation to one of the most important activities of the board, the monthly board meeting required by the bylaws. At these meetings board members vote on what actions AFSA will take, and it is important for board members to be fully engaged and participating. There is no intention to use AFSA funds to pay for the travel of board members to attend board meetings from afar.

This bylaw change increases the pool of eligible candidates for serving on the Governing Board. In the case that a vacancy is created, the respective Section 6 of the bylaws mandates that the board fill the vacancy by appointment, so long as the vacancy is filled from the respective constituency. These appointments are a regular occurrence and most often happen when board members are transferred overseas.

3. Proposal to Require that Active-Duty Members Presenting Themselves as Candidates for AFSA President or Vice President Hold a Security Clearance.

At its Oct. 3, 2016, meeting, the Governing Board voted to propose to membership a bylaw amendment to add a security clearance requirement for an active-duty individual presenting themselves as a candidate for AFSA President or AFSA Vice President.

The Governing Board recommends that members support the amendment of Article VII (Elections) Section 1 of the AFSA bylaws by adding “active-duty members presenting themselves as candidates for president or constituency vice

president must hold an active security clearance.”

The revised section would read as follows:

“Candidates: All regular members of the association in good standing are eligible to be candidates for the officer or representative positions on the board; active-duty members presenting themselves as candidates for president or constituency vice president must hold an active security clearance.”

Justification:

The intent of this bylaw change is to strengthen AFSA by preventing a potential conflict of interest that could arise when an active-duty AFSA president or one of the constituency vice presidents—the main AFSA officers who negotiate with management—does not have a valid security clearance. The potential conflict of interest arises because the AFSA officer is reliant on management to approve his or her appeal to reinstate the security clearance. The proposed bylaw change applies only to active-duty members and only to the AFSA president and vice president positions. The requirement for a security clearance does not apply to active-duty members presenting themselves as candidates for other positions on the board.

Procedures

The complete bylaw amendment procedure can be found in Article IX of the AFSA bylaws, which are available online at www.afsa.org/bylaws. The AFSA Committee on Elections is responsible for conducting the polling on amendments. The process of amending the AFSA bylaws requires notification to the AFSA membership, with a 45-day period for submission of statements in opposition.

Statements opposing the proposed bylaw amendments require signatures from no fewer than 10 AFSA members in good standing and must be received within 45 calendar days of publication of this article.

Statements or questions may be sent to: Chair, AFSA Committee on Elections, 2101 E Street NW, Washington DC 20037, by fax to (202) 338-6820, or by email to election@afsa.org.

Statement Opposing a Proposal To Amend AFSA's Bylaws To Require That Active-Duty Members Presenting Themselves As Candidates For AFSA President Or Vice President Hold a Security Clearance

To: The AFSA Elections Committee

February 14, 2017

We, the undersigned AFSA members, consider AFSA's proposal to amend its bylaws to prevent employees with suspended security clearances from becoming candidates for AFSA's Vice President and President to be ill-considered and potentially damaging to AFSA's independence and ability to represent its members.

First, AFSA elections should be free and open. There should be a very high standard and demonstrated need for any action that disqualifies any group of AFSA members from running for office. We believe that an informed membership can and should make its own decisions about its choice of leadership and that AFSA's election process allows ample opportunity to enable voting members to form their own opinions of the qualifications and suitability of specific candidates for the office to which they aspire.

Second, AFSA's role as a bargaining representative requires AFSA to maintain the greatest possible degree of independence from the management structure of the Foreign Affairs agencies. AFSA should be vigilant about protecting that separation and denying the management of our employing Agencies any opportunity to interfere with AFSA leadership or limit the ability of AFSA members to select their own representatives. Actions which could jeopardize that separation should weigh real risks against real consequences, and we believe that AFSA should provide its membership factual and candid information outlining such tradeoffs before taking, or

even proposing, any such action.

AFSA's proposed bylaw amendment provides the management of our employing Agencies with nearly the only possible mechanism feasible under existing laws, under which the management of a Foreign affairs agency could prevent an employee from running for AFSA office and thereby influence the leadership of AFSA. A security clearance suspension does not require a finding of misfeasance or presentation of evidence to the employee involved. It merely requires Agency management to open an investigation into any matter of concern with any plausible nexus to any of the security clearance guidelines.

Unlike a revocation of a security clearance, which must be justified by substantial evidence, a security clearance suspension during an investigation is not considered an adverse action against an employee and requires only that an Agency initiate an investigation to look into a concern related to security clearance criteria as broadly defined. The standard wording for a DS letter of suspension is that "concerns have arisen which merit further investigation." AFSA's proposed bylaw amendment would make it a relatively simple matter for Agency management to veto a controversial candidate by opening an investigation and suspending their clearance just long enough to prevent their registration as a candidate. This may be unlikely, but, in our opinion, so is the existence of any matter for which a suspended clearance would pose an unusual risk for a conflict of interest in representing AFSA membership.

AFSA states that "the intent of this bylaw change is to strengthen AFSA by preventing a potential conflict of interest

that could arise when an active-duty AFSA president or one of the constituency Vice Presidents – the main AFSA officers who negotiate with management – does not have a valid security clearance. The potential conflict of interest arises because the AFSA officer is reliant on management to approve his or her appeal to reinstate the security clearance.” AFSA has not described any instance in which such concerns have arisen and we do not understand why a suspended clearance need be of greater conflict-of-interest concern to the AFSA Governing Board than a pending disciplinary issue, a grievance of potential low ranking, the security clearance of an EFM spouse, the settlement of a medical claim, medical clearance for the post of one’s choosing, eligibility requirements for post-retirement WAE employment, competition between specialist classes, or any other of numerous potential conflicts. All of these could be of personal interest to an AFSA officer and are equally dependent on Agency management to resolve.

The desire to resolve a security clearance suspension is, in fact, one of nearly an infinite number of potential conflicts of interest that could confront an AFSA officer. Much more common conflicts involve the desire of AFSA officers to continue to receive promotions, interesting onward assignments and even ambassadorships after serving as AFSA officers. Several candidates and past AFSA Presidents and Vice Presidents have openly expressed their desire to use the relationships they build as AFSA officers to support their aspirations for future career goals. To our belief, AFSA’s only serious conflict of interest issue during the past decade concerned a State Department Representative who, a year into his term, accepted a State Department HR position incompatible with his duties on the Board, and had to be recused from any discussion of labor-management issues for the remainder of his term. We feel that it should be left up to AFSA’s voting membership, informed by the AFSA elections process, to judge whether any potential conflict of interest, inherent

to any candidate for office, would harm their interests in any specific case.

We further believe that there are already two existing ways to address potential conflicts of interest that better serve AFSA’s membership and independence. The first is simply to let AFSA’s members decide who they trust by allowing free and open elections. The second is to enforce strict compliance with AFSA’s existing ethics regulations for Board members. Any officer, with any potential conflict of interest, of any kind, should be recused from directly negotiating a matter that might affect an issue of personal concern to them.

These alternatives do not require a bylaws amendment and do not grant agencies control over the candidate pool. This approach relies on the membership to elect leadership that it trusts to behave with the highest level of integrity, a standard that AFSA members have come to expect and should expect of all Board members, whether or not they hold security clearances when they run for office.

SIGNED:

Duane C Butcher

Daniel L Martinez

Robin S Clune

Lynn A Nelson

Benjamin B Dille

Karl Olson

John R Higi

Christopher J Sandrolini

Deborah J Ash

Jefferson D Smith

Daniel J Cook

Pablo J Paganini

Susan M Bidou

Daniel M Hirsch

Eric W Stromayer

David T Jones

Ian A Turner

Kit A Junge

Belgin J Vanderploeg

Ken A Kero-Mentz

Sharon N White

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Lawrence E Cohen

Thomas J Muehling

Heather E Ward

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