

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
THE U.S. DEPARTMENT OF COMMERCE
UNITED STATES & FOREIGN COMMERCIAL SERVICE
(US&FCS) AND THE
AMERICAN FOREIGN SERVICE ASSOCIATION (AFSA)

The Parties to this Memorandum of Understanding (“MOU”), the American Foreign Service Association, hereinafter referred to as “AFSA”, and the U.S. Department of Commerce’s U.S. & Foreign Commercial Service, hereinafter referred to as the “AGENCY”, enter into this MOU for the purpose of amending ***DAO 202-900, Subchapter 100-1, also known as the “Assignments Policy”***.

1. This MOU is subject to and governed by Chapter 10, Labor-Management Relations, of the Foreign Service Act of 1980, as amended, and the Collective Bargaining Agreement (CBA) between AFSA and the AGENCY, as amended.

The parties have agreed to the following changes:

1. Require bids in at least two different geographic regions (regions equal DAS level units, not sub-regions).
2. Require at least one bid on a hardship post of 10% or higher. Parties also agree to negotiate a separate, more comprehensive hardship policy.
3. Require bidding on a Language Designated Position (LDP) for which the officer has been receiving Language Maintenance Incentive Pay (LMIP).
4. Allow one stoop bid. Permit additional stoop bidding only in cases of medical clearance limitations (“medical” includes medical and special needs of family members), for the fulfillment of tour requirements (for example a domestic tour or for SFS eligibility requirements), or if there are no vacancies at-grade or above.
5. Require Senior Foreign Service (SFS) bidders to submit at least one bid on a SFS HQ vacancy, if available.
6. Modified Composition of the Assignments Panel Section 8 (4)(a): (Office of Foreign Service Human Capital refers to the recently renamed Office of Global Talent Management):
 - Director General (Chair, non-voting member, approves and makes assignments)
 - Deputy Director General (Facilitator, Chair in the absence of the Director General, non-voting member, breaks ties of voting members as necessary)

- Deputy Assistant Secretary for China (voting member)
- Deputy Assistant Secretary for Asia (voting member)
- Deputy Assistant Secretary for Europe (voting member)
- Deputy Assistant Secretary for Middle East and Africa (voting member)
- Deputy Assistant Secretary for Western Hemisphere (voting member)
- Deputy Assistant Secretary for the US Field (voting member)
- Advocacy Center Director (voting member)
- Select USA Director (voting member)
- Office of Foreign Service Human Capital Director (non-voting member)
- Career Development and Assignments Officer (non-voting member)

7. Section 8(4)(b) – Panel Number / Tie-break / Substitution Requirements:

- Change nine (9) to eight (8) voting members to reflect proposed panel in composition listed above
- Allow the DDG to break ties.
- Require at least two (2) career foreign service members at each panel meeting who are voting members.
- Allow panel member substitutions under the following provisions:
 - In most cases, if a voting member cannot attend a panel meeting, the Chair or Panel Facilitator may designate a replacement within the same region/office (FO-01 or GS-15 or higher) to take their place. The designee will have the same voting rights as the regular voting member.
 - If a voting member is being considered for assignment by the panel, that member must recuse themselves from the meeting. The Chair or Panel Facilitator may designate a replacement (FO-01 or GS-15 or higher), but the designee must be from a different region/office.
 - Voting members (regular or designees) are prohibited from participating in assignment actions involving any position above them within their chain of command (with the exception of the DDG) and must recuse themselves from the meeting. In this case, the Chair or Panel Facilitator may designate a replacement (FO-01 or GS-15 or higher), but the designee must be from a different region/office.

8. Section 8(6)(b) - UVPs (Urgent Vacant Positions):

- A UVP is a position that is available for the needs of the Service as a result of no qualified on-cycle bidders being assigned to the position or a position that was vacated due to a curtailment, retirement or another reason. Language requirements, if language designated, may be waived for UVPs for the purposes of bidding.

All career and career candidate members may bid on UVPs when they become available. Supervisory approval is not required but notification is encouraged when submitting a UVP bid.

9. Section 8(6) - Year-out Language Bids:

- Both off-cycle and on-cycle career and career-candidate members may submit a bid(s) for language designated position(s) in which they have a qualifying and valid language score. All career and career-candidate members will receive consideration for these positions concurrently and equally.
2. This language will be incorporated into the Foreign Service Personnel Management Manual, DAO-202-900 Subchapter 100-1 Assignments and Tours of Duty within 30 days.
 3. The Parties agree that this MOU may be executed by scanning or facsimile, and in counterparts. The parties further agree that this MOU, consisting of three (3) pages shall be considered executed on the date that all parties affix their signatures below, and that any completed scanned or faxed copy shall be deemed an original for evidentiary purposes and will be enforceable by the parties as an original.

Dale Tasharski
Acting Assistant Secretary of Global Markets &
Director General of the United States &
Foreign Commercial Service

Jay Carreiro
Vice President, AFSA

Date

Date