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What Will Your Legacy Be?

AFSA NEWS

American Foreign Service Association • October 2006

WALKING THE TIGHTROPE

AFSA Offers Qualified Support for Assignment System Changes

BY SHAWN DORMAN

The summer months at Foggy Bottom brought many changes to the Foreign Service assignment system. They apply to the current bidding season that began in August. The State Department is under tremendous pressure to fill up to 800 unaccompanied positions each summer, and changes were proposed and implemented by management to facilitate staffing these positions. AFSA understands the department's need to fill the positions, and is working with management to ensure the best possible outcome.

Both AFSA and State Department management share a strong desire to maintain the present system of staffing all positions for tenured personnel on a voluntary basis. AFSA recognizes the Secretary's authority to move to directed assignments if she chooses. Employees obviously prefer to have a say in where they serve, and AFSA believes the Service benefits from having people in positions they choose rather than those to which they may be directed. AFSA believes the best course is to work closely and constructively with the department to support its assignment objectives, while preserving an assignment system that lives up to the department's publicly articulated priorities of being employee- and family-friendly. It was with this in mind that AFSA agreed to most of the department's proposed changes to the assignment system announced in mid-August.

Staffing Unaccompanied Positions

Recent efforts by the State Department to encourage bids on unaccompanied positions, especially for staffing of the Iraq Provincial Reconstruction Teams, include the expanded incentives for Iraq PRT service (State 088092, sent May 31, detailed in *AFSA News* July/August, p. 80), followed by the time-in-class extension for people at certain designated hardship posts and a new ban on fourth-year extensions (State 121681, sent July 25, posted at www.afsa.org/State121681.cfm).

In an Aug. 15 message titled "Foreign Service Assignments: The Future Is Now" (State 133247), the director general laid out additional far-reaching changes, including the following: a proposal to restructure the various "seasons" of the assignment cycle to include a "pre-season" to facilitate early assignments to unaccompanied posts; a proposal to tighten up and limit the use of "handshakes" (the system by which bureaus offer positions to selected bidders prior to the official paneling of the candidate to the job); a proposal to strengthen the role of career development officers; a proposal to require fair-share bids to be for posts with a 15-percent or greater differential and a proposal to scale back the 6/8 rule to 5/6 (representing the maximum number of years an employee can serve in Washington, D.C. without/with a waiver). The DG requested feedback from employees, but the

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AFSA APPLAUDS DECISION IN SUPPORT OF CONSUL GENERAL

The CG Is on Duty 24/7: Court Agrees

BY SHARON PAPP,
AFSA GENERAL COUNSEL

AFSA is extremely pleased to inform our members that on Aug. 10, the U.S. Court of Appeals for the 9th Circuit ruled in favor of Foreign Service officer Douglas Kent, who was sued in his individual capacity in the United States as a result of a 1998 car accident that occurred while he was the consul general in Vladivostok. Kent was represented by attorney J. Michael Hannon. The accident, in which the Russian driver of the second vehicle was injured, occurred while Kent was driving home from work, after stopping at the gym, in his personal vehicle. The Department of Justice, with State Department concurrence, refused to certify that Kent was acting within the scope of his employment when the accident occurred.

The district court in California, Kent's state of domicile, accepted the DOJ's

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AFSA NEWS BRIEFS



Concerns about Credit Union Services

In July, responding to members' inquiries and concerns about new fees and other issues, AFSA met with two officials from the State Department Credit Union, Chair of the Board Marlene Schwartz and CEO Jan Roche.

AFSA asked for clarification of what appeared to be a new "International Service Assessment" fee being charged when a member uses bank cards and credit cards overseas. Roche explained that, in fact, credit card companies have

always imposed this fee; now, following several court decisions, the companies have been mandated to show this fee separately. She added that some banks pass on an additional fee to the customer, but the SDFCU does not.

Some members had reported difficulties trying to use SDFCU credit cards overseas recently. Schwartz and Roche explained that many companies require telephone approval when an overseas charge is processed. Credit card companies monitor card activity and react when it departs from a member's previous spending patterns and when approval requests arrive from areas of the world where there is high fraud activity. This can lead to a rejection of the card.

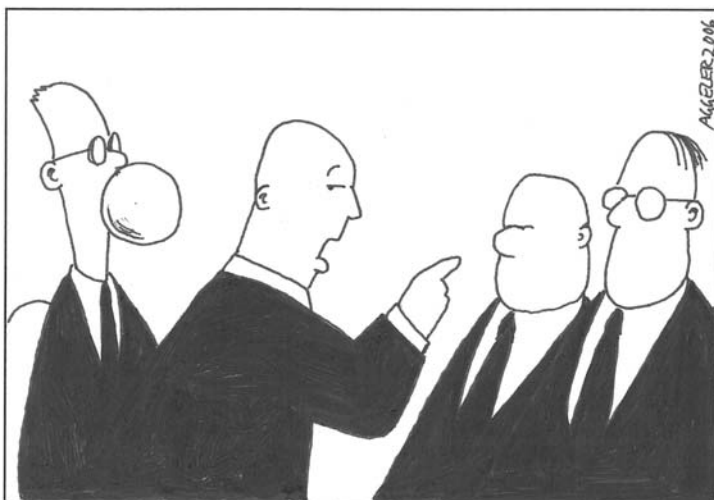
You can avoid most problems by contacting the SDFCU before you travel. Call 1 (800) 296-8882 or (703) 706-5000 to speak to a credit union representative, or fax a request to SDFCU Card Services at least 24 hours before your departure. The fax number is (703) 706-5117. Include the destination(s), time frames for travel and your signature. If an overseas transaction is blocked, you can get help by calling the 24-hour assistance line at 1 (800) 266-9569 or (703) 706-5000.

Another concern AFSA raised with SDFCU management was reported problems using the credit union Web site overseas. They assured us that the SDFCU site (www.sdfcu.org) allows any properly authenticated visitor, in the U.S. or outside, access to all online services. There are, however, many factors that can make online banking activities difficult overseas. Local Internet service providers may not have up-to-date systems, bandwidth may be insufficient or high-speed access may not be available.

More information is at www.sdfcu.org/news/overseastrip.html.

Life in the Foreign Service

■ BY BRIAN AGGELER



Just as Ambassador Bingle was coming to the crux of his demarche, he was disconcerted by the unmistakable smell of Bubblicious.

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The Elephant in the Room

The Foreign Service is struggling to adapt to the new world of increasingly dangerous conditions and unaccompanied postings. The Secretary wants us to concentrate on “transformational” diplomacy in difficult places and hot spots. The director general has implemented a series of far-reaching measures to refocus our assignment system on hardship service overseas. We have all participated in endless discussions, debates and negotiations over these changes. But there is a reluctance to talk openly about what is looming behind all this: the threat of directed assignments.

Of course, we all joined the Foreign Service on the assumption of “worldwide availability,” and we all understand that the department has the power, in theory, to order us to take any assignment anywhere. But, in practice, this is a solution of last resort that the State Department has very rarely had to employ. In the more than 30 years since the end of the Vietnam War, the combination of incentives, career development requirements and a deeply ingrained sense of duty among FS members have produced candidates for even the most unpleasant assignments. While some people may have needed a bit of extra encouragement or arm-twisting, our voluntary bidding system has always worked.

The wars in Iraq and Afghanistan, the growing terrorist threats in places like Pakistan and Saudi Arabia and the deepening hostility toward Americans at many other posts have changed that. In just a few short years, we have gone from a few dozen unaccompanied positions worldwide to nearly 800, almost half of which are in the two active war zones. For a Foreign Service of about 11,000, it is a challenge to produce a new crop of 800 volunteers to go unarmed to dangerous postings away from their families every summer.

The department is now starting to acknowledge the elephant in the room. The director general and other senior officials are openly warning that directed assignments might be on the horizon, particularly for the Provincial Reconstruction Teams in Iraq. I disagree with those who think this could be good for the Foreign Service, making us more like the military. We are *not* the military either by background, temperament, training or skill sets — nor is any other country’s diplomatic corps. Directing people against their will into assignments in war zones would be disastrous for the Foreign Service.

Any system for determining which Foreign Service members get tapped for ordered assignments to Iraq would have serious drawbacks, particularly if the objective is to get our best, most qualified people to serve there. Here are some of the choices that

have been bandied about in the corridors of State and overseas:

Fair-share candidates: Identifying employees who have not served in a hardship post in recent years would primarily target people whose personal situations make them least suited for the most dangerous, extreme hardship duty, and it would in no way guarantee that people with any particular qualifications for Iraq would be chosen.

Arabic speakers: Concentrating on Foreign Service members who possess Arabic language and regional experience would put pressure on the very segment of the Foreign Service that has already served in Iraq in the greatest proportion. As we have heard from many of these people, that would strain the staffing at many of our other vitally important posts in the Middle East.

Employees without families: Taking family situations into account when making assignments to a war zone would be unfair to unmarried employees, discriminatory, and quite possibly illegal.

Random lottery: Selecting those for directed assignments based on a purely random process would ignore all of the above criteria and would be the least sensible approach to getting our most qualified members to serve in Iraq.

Moreover, any directed assignment scheme would inevitably lead to the “Why Me?” phenomenon among the targeted employees, resulting in bitterness, a sense of unfairness and an endless series of formal grievances. Those who end up serving against their will are more likely to do so with a less healthy attitude and lower morale and personal motivation than someone who made a choice to volunteer. Many senior managers in the Foreign Service have confided to AFSA that the last thing they would want at our most difficult, most dangerous, most stressful posts is an employee who was ordered to go. If the department decides it needs to take the extreme step of directing people into assignments in dangerous places, we at AFSA look forward to being consulted and involved in a process of developing fair, objective and transparent criteria by which the targeted employees will be identified.

There is no escaping the conclusion that encouraging volunteers — by any means necessary — is far better than directing people to serve unarmed in war zones. Ultimately, this is the lens through which we should all view the many proposed new incentives, career development requirements and changes to our assignment system. □



There is no escaping the conclusion that encouraging volunteers — by any means necessary — is far better than directing people to serve unarmed in war zones.

V.P. VOICE: **USAID** ■ BY FRANCISCO ZAMORA

To MTB or Not to MTB — That Is the Question!

Some of you are experts on the Manage-to-Budget concept, known as MTB. Some of you have heard of MTB and know the basics, while others may know nothing about it. Wherever you fall on this scale, MTB is likely to affect your life in one way or another, for it is our new administrator's solution to improve our agency.

Coming from a private sector position as chairman and chief executive officer of the pharmaceutical giant Eli Lilly, Ambassador Randall Tobias is serious about reforming our agency. During his five-year tenure in that position, the market value of Eli Lilly jumped from \$14 billion to well over \$70 billion. Quite an accomplishment, for sure. So, now, is it USAID's turn? But wait: USAID doesn't generate revenue or sell products or services. Well, the next best thing is to become a more efficient, mean and lean development machine. No one can be against that, right?

Let's look at this more carefully. The main idea behind the MTB process is to look for efficiencies by reducing waste through an incentive system. To do that, authorities and budget control have to devolve to the lowest operational unit possible; in our case, the USAID mission. The theory is that if managers have the ability to plan and design their workforce composition and other operational expense items based on a given budget, there will be a more efficient use of budget resources. The missions already manage a large part of their operating expenses budget for such things as FSN salaries, maintenance, rents, supplies, travel, motor pool, IT costs and local contracting. One budget item they do not yet manage is U.S. direct-hire salaries. The idea behind the MTB, ultimately, would be to give missions this authority.

Here is where good intentions go bad. In the private sector, an operating unit, such as the field office of a large pharmaceutical company, can determine its staffing requirements. If a position or employee is not needed, the next logical step is to eliminate the job and use the "savings" to increase profitability by either not filling it or downgrading it with a lower-cost employee. Under our current system, Washington manages FSO salaries directly, in addition to hiring and firing personnel. While a mission director may decide that an FSO position is not needed, he or she does not have the authority to remove the FSO from the Service or hire a replacement. So, even if the mission director eliminates the position, there will be no "savings" for him or her to use for other purposes. The FSO simply goes on to another assignment elsewhere. For MTB to make sense and be truly implemented,

the mission director would have to have the authority to hire and fire. Congress would have to approve that. Fortunately, at this point, there are no immediate plans to decentralize financial and personnel management to the mission level.

But why change the system at all? FSOs are actually only passing through a mission for a few years, much like military personnel. MTB makes more sense under a Civil Service system at headquarters, where positions are intended to be stationary and long-term. While salary control is only one aspect of a real MTB system, another major component is an incentive system to entice managers to be more efficient. As of this writing, the latter system, which is separate from our normal awards procedures, was still being designed and under discussion. Again, the concept is simple — but like many other

proposals, the devil is in the details.

Given enough incentives, some managers may elect to negotiate cheaper and less desirable housing for their staff, cut down on necessary travel expenses, reduce training opportunities, dilute benefits, eliminate staff and choose FSOs with the fewest number of dependents. The rewards for doing this could be substantial and quite tempting. There is even a suggestion to give managers a percentage of the savings as personal or "corporate" rewards. That sounds dangerous to me, and full of opportunities for abuse, not to mention morale problems.

Does MTB work? Of course it does — in the private sector, where the bottom line is the profit-and-loss statement and substantial raises are a possibility. No one should be against saving money or being more efficient. But in the public sector, our profit is the knowledge that we have done something good for our country and the world.

The real issue is that we are not in the private sector. We don't have total control of our budget due to congressional earmarks and tight budgets. We have even had to resort to using program funds to subsidize operational expenses. International development is not a profit-making venture. We don't need to pretend that our missions are business franchises because we are not selling widgets or drugs. We are providing an essential public service. USAID staff are already dutifully working beyond their paid 40 hours a week here and in many inhospitable parts of the world. They deserve better treatment than this.

MTB should be called GMB (as in, Give Me a Break). □



In the public sector, our profit is the knowledge that we have done something good for our country and the world.

CG on Duty • Continued from page 71

interpretation and concluded that Kent was not acting within the scope of his job. AFSA had repeatedly and unsuccessfully urged the Department of State to support Kent's interpretation of governing law and regulation conveying that employees and, in particular, chiefs of missions and principal officers, are on duty 24/7 while stationed overseas. Had Kent been certified as acting within the "scope of employment," he would have been dismissed from the lawsuit and, because the federal government generally cannot be sued for torts that occurred overseas, the case would have been dismissed in its entirety.

Kent appealed to the 9th Circuit. Because AFSA viewed this case as establishing an important precedent to the extreme jeopardy of our members, the Governing Board voted unanimously to provide \$5,000 toward Kent's legal defense. (See *Foreign Service Journal*, "FS Know-How," January 2005). We submitted a declaration in support of Kent at the district court level and filed an amicus brief.

AFSA repeatedly implored the department to request that the U.S. Attorney's Office reconsider its position that Kent was not acting within the scope of his job, in light of the unique circumstances of employment for Foreign Service employees and its implications for all department personnel overseas. This case's implications in the context of a "more expeditious" Foreign Service are clear.

In reversing the District Court's failure to certify Kent, the 9th Circuit applied District of Columbia law and found that under the circumstances of the case Kent was acting within the scope of his employment when the car accident occurred. The court stated that "Although the determination of scope of employment is dependent upon the facts and circumstances of each case ... the District of Columbia Court of Appeals has announced a general rule: (W)hatever is done by the employee in virtue of his employment and in furtherance of its ends is deemed by the law to be an act done within the scope of his employment, and ... in determining whether the servant's conduct was within the scope of

his employment, it is proper to inquire whether he was at the time engaged in serving his master." The court ruled in Kent's favor because it found that he was 1) engaged in a business act (the FAM authorized him to use a government vehicle and driver 24/7); 2) under the control of the Department of State; 3) acting in furtherance of the Department of State's interest (by driving himself to save money for the government); and 4) subjectively believed he was acting within the scope of his employment.

**"We conclude that Kent
was acting within the scope
of employment."**

— The 9th Circuit Court of Appeals

In a conclusion that was particularly revealing of the judges' opinion of the government's position, the court stated: "Now that Kent has been sued in the United States, the Department of State has not only stopped fighting for a consul general — who has served the Department of State in places such as Panama, Albania, Kosovo, Tajikistan and Liberia — but it has joined the other team and is litigating for the benefit of the plaintiff. Although we cannot

answer why the Department of State and the United States Attorney spent their precious and scarce resources opposing this petition for certification ... we do answer the legal questions involved. Applying District of Columbia law, we conclude that Kent was acting within the scope of employment." The 9th Circuit Court of Appeals decision can be found at <http://caselaw.lp.findlaw.com/data2/circs/9th/0456703p.pdf>.

The government may request that the 9th Circuit review the case en banc or petition the Supreme Court for certiorari; i.e., the government can decide to appeal this decision. AFSA joins the court in its sincere hope that the government will stop spending "its precious and scarce resources" fighting against a loyal employee. We also hope that the Department of State and the U.S. Attorney's Office will recognize the unique nature of the Foreign Service and take these factors into consideration in determining future scope-of-employment issues.

All that said, AFSA reiterates the department's warning that all employees overseas need to ensure that they have adequate personal/automobile liability insurance coverage. In many instances this will require significantly more coverage than the minimum required by regulation or post policy. No one should have to experience what Doug Kent has gone through. □

AFSA NEWS BRIEFS

Tribute to Victims of 1998 East Africa Bombings

On Aug. 7, the eighth anniversary of the East Africa embassy bombings, AFSA President Tony Holmes attended a memorial ceremony at the State Department. Holmes spoke during the ceremony, as did Under Secretary of State for Management Henrietta Fore, Under Secretary of State for Political Affairs Nicholas Burns and Ambassadors Prudence Bushnell and John Lange.

The Aug. 7 attack killed 224 people, including 12 American employees of Embassy Nairobi, and injured more than 5,000. In his remarks, Holmes highlighted and paid tribute to the critical role played by local employees in Kenya and Tanzania, as well as all other U.S. embassies worldwide.



AUSTIN TRACY

Assignment Changes • Continued from page 71

short (10-day) turnaround time to go from proposals to policies indicated that decisions were intended to be final when the proposals went out to the field. The proposals were incorporated into the “Instructions on Bidding and Assignments” for the 2007 open assignments cycle, posted on Aug. 28.

AFSA offered support for the general thrust of the proposed changes aimed at improving the overall fairness and transparency of the assignment system. AFSA reluctantly agreed to the department’s changes to the rules relating to extensions. But AFSA believes that the department needs to show some flexibility and consideration of personal circumstances, particularly as they relate to family and educational issues, and to implement some transition rules that will permit exceptions for such family and educational issues for those who were assigned to posts under the old extension rules. AFSA believes that the department should modify this new policy to exempt all hard-language-designated positions.

The association accepted the proposed new requirement that “handshakes” not be registered by Human Resources until the start of the applicable assignment season (with special arrangements made for those coming out of Iraq PRTs who have been guaranteed one of their top five onward assignments); and the strengthening of the role of HR/CDA in the assignment process.

AFSA had questions about the proposed changes to the “fair share” bidding requirement, which would restrict fair-share bids to those at 15-percent-or-greater hardship posts, but after consultations with management, accepted this proposal, as well. AFSA rejected the proposal to change the 6/8-year rule to 5/6, because it would effectively limit Foreign Service members to two regular domestic assignments in a row, even for those who have just completed multiple overseas hardship postings or have personal reasons to stay longer in Washington. The department was not able to substantiate its claim that this change would make it easier to fill its priority jobs.

AFSA met several times with department management to discuss the propos-

als. AFSA has tried to ensure that management considers all the implications of these changes and that unintended consequences are minimized. AFSA also encouraged Foreign Service members to send input to AFSA and to the director general. Hundreds did so.

On Aug. 31, AFSA sent out the following message to membership to clarify its position on the new assignment rules:

AFSANET MESSAGE TO
THE MEMBERSHIP

Straight Talk on the New Assignment Rules

As previewed in the Director General’s “The Future Is Now” cable and AFSA’s companion piece (State 133427), the 2007 Bidding Instructions have now been published with a number of changes over last year’s version. No one can doubt the intent of these changes, which were designed to increase the incentives and pressure on Foreign Service members to bid on the growing number of extreme-hardship, danger-pay and unaccompanied positions that now need to be filled every summer. This shift in emphasis from non-hardship to hardship posts is a reality of the more challenging and sometimes more hostile world in which many of our embassies and consulates must operate, but it is also an inescapable byproduct of the Secretary’s transformational diplomacy agenda.

Hundreds of AFSA members have sent us feedback in response to these two cables. This extensive feedback illustrates the diverse, multifaceted and often contradictory range of opinions that exist among our worldwide membership. Most respondents clearly understand the imperative to staff our most difficult posts and support a tightening up of the fair-share bidding rules. A strong majority heartily endorse a crack-down on the backroom “handshake” system that has often allowed bureaus to cut special deals for their insiders. Foreign Service members across the board approve of any measures to clamp down on “needs of the Service” exceptions that benefit certain senior officers and a select few others who have good connections on the

7th floor or in the front offices of geographic bureaus.

At the same time, there is also a widespread concern that longstanding assignment rules and practices are being hastily jettisoned in order to address the short-term staffing needs of the most difficult places, such as the Iraq PRTs. Members worldwide have repeatedly raised questions about the size of the U.S. embassy in Iraq and the practical ability of FS personnel to perform their assigned duties given the security constraints. Members feel as if the excellent work performed by the Foreign Service in many important but less difficult posts is no longer valued or rewarded. Most importantly, while most Foreign Service employees are tough, adaptable people who are fully prepared to volunteer for their share of hardship postings, many fear they are losing the flexibility to structure their careers in ways that accommodate their personal and family needs. AFSA has vigorously reinforced these points in our discussions with department management.

The 2007 Bidding Instructions

AFSA urges all members to carefully read the new bidding instructions, posted at http://hrweb.hr.state.gov/prd/hrweb/cda/Bidding_Instructions.html. The instructions spell out the new sequence of the four “seasons” for assignment panels, which will focus on filling unaccompanied positions earlier in the cycle. AFSA views this new sequencing as an experiment for this assignment cycle, the results of which we hope to review for fairness with the director general before any decisions are taken for next year. The instructions also set forth the strengthened requirements for fair-share bidders, who must now bid on three posts at 15-percent or greater differential. We would note that there has been a gradual shift in the classification of many hardship posts from lesser to greater differentials. So the list of posts now classified at differentials of 15, 20, 25 or higher percent is considerably longer than it was even five years ago. Members should understand that these rules are forward-looking, not retroactive, so anyone who has served at a hardship post of any differen-

tial in the past eight years has fulfilled his/her fair-share requirements.

Member feedback revealed clearly that a tremendous number of our colleagues oppose limiting domestic service to two consecutive assignments. Many FS employees with families seek out multiple overseas assignments — often hardship postings — during years when their kids are young, but then want the flexibility to serve four, five or six years in Washington at some point in order to have time to put a couple of kids through high school in a stable American environment. A small number of people find that they need to stay in Washington for a particular period of time due to other compelling personal reasons, such as sick parents or other relatives, child custody issues or spousal career concerns. This does not make them any less committed to the “foreign” aspect of the Foreign Service. In fact, many only try to do their six-year domestic stint after having spent far longer overseas, and most return to overseas service afterwards. AFSA did not concur with the DG’s proposal to scale back the 6/8 year rule, which will therefore remain in force for the time being.

AFSA urges all Foreign Service employees to read carefully through these bidding instructions in order to understand the areas in which the rules have been modified. While some of our members had feared that the changes would be Draconian and would disadvantage large numbers of people, we believe that a dispassionate analysis of the actual rule changes instituted by the DG reflects a somewhat more gradual evolution in our assignment sys-

tem, albeit an evolution toward greater hardship service.

AFSA calls on the department to enforce the new rules evenhandedly, making exceptions only for employees with genuinely extenuating personal circumstances. In this regard, we advise members to take note of the various standard operating procedures that govern HR’s decisionmaking processes for handling assignments, waivers and other special issues. These SOPs can be found on the HR Intranet Web site at: <http://hrweb.hr.state.gov/prd/hrweb/cda/sops.html>.

AFSA — and the Foreign Service as a whole — has a fine line to walk at this pivotal moment in time. Staffing nearly 800 unaccompanied positions every summer presents a challenge that the Foreign Service cannot ignore. We all want a family-friendly Service that gives our members wide latitude to plan their own careers, that enables them to determine the places where they serve, and that recognizes excellent work regardless of where it is performed. But we must also ensure that the most difficult overseas positions, which the administration has defined as high priority, are filled. If we cannot accomplish this objective through the traditional voluntary bidding process, the alternative will be directed assignments. AFSA continues to believe that directing people into assignments, particularly to those located in war zones, would be detrimental to the Foreign Service on many different levels. Avoiding this eventuality will require us all to make some concessions and accept some changes that we might not otherwise prefer. □

FOR REFERENCE, Key Reads:

In case you missed any of the pieces of the new staffing procedure puzzle, be sure to take a look at State 121681, sent July 25 (“Requests for Extensions at Four-Year Posts”); State 133247, sent Aug. 15 (“Foreign Service Assignments: The Future Is Now”); Aug. 15 AFSAnet message (“State Department Proposals to Reengineer the Foreign Service Open Assignments System”); State 147530, sent Sept. 7 (“Foreign Service Assignments: Questions and Answers”) and finally, the “Instructions on Bidding and Assignments” for the 2007 open assignments cycle posted on Aug. 28 (available on the Human Resources Intranet Web site at: http://hrweb.hr.state.gov/prd/hrweb/cda/Bidding_Instructions.html).

AFSA NEWS BRIEFS

AFSA Staff Notes

Ian Houston joined the AFSA staff as director of legislative affairs in September. Prior positions include legislative director and foreign policy advisor for Representative George Radanovich, R-Calif., and director of legislative affairs and public policy for InterAction. He has held several positions with USAID development groups including TechnoServe, FINCA and America’s Development Foundation. Houston has a master’s degree in international relations from the University of Kent, Canterbury, England, and a B.A. from Brigham Young University.

Andrew Kidd joined the *Foreign Service Journal* staff as business manager in September. Kidd came to AFSA from a position as a copy editor with Circle Solutions, Inc. He has a B.A. in English, with a concentration in technical writing, from Virginia Tech.

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Q&A



Retiree Issues

The FSPS Annuity Supplement

BY BONNIE BROWN,
RETIREE COORDINATOR

Q: What is the annuity supplement?

A: The annuity supplement is a benefit paid until age 62 to Foreign Service Pension System employees who retire before age 62 and who are entitled to an immediate annuity. The annuity supplement approximates the value of their FSPS service in calculating their Social Security benefits, and is calculated as if they were entitled to receive SSA benefits on the day of actual retirement. (The supplement usually totals between \$35 and \$40 a month for each full year of FSPS service.) The purpose of the supplement is to provide a level of income before age 62 similar to that one would receive at age 62 from Social Security.

Q: Who is eligible for an annuity supplement?

A: Employees who have at least one year of FSPS service, and who voluntarily or involuntarily retire with entitlement to an immediate annuity, are eligible. This does not include employees who retire at the minimum retirement age with at least 10 years of service or employees who retire on disability or deferred retirement. The annuity supplement is payable from the date of retirement until the month prior to the month in which the annuitant reaches age 62.

Q: How is the value of an FSPS supplement calculated?

A: The supplement is computed as if an employee were age 62 and fully eligible for Social Security benefits when the supplement begins. The department first estimates what the full Social Security benefits for the employee would be. Then it calculates the amount of service under the FSPS and reduces the estimated full Social Security benefits accordingly. For instance, if an estimated Social Security benefit at age 62 is \$20,000 and the number of years under the FSPS is 20 years, the formula would be \$20,000 divided by 40 times 20, or \$10,000.

Q: Is there an income limitation?

A: Yes. Like Social Security benefits, the annuity supplement is subject to an earnings test. If one earns more

than the exempt amount of earnings (the minimum level of earnings) in the preceding year, the supplement is reduced by \$1 for every \$2 of earnings over a set level (\$12,000 in 2005). The income limitation does not apply until after the first calendar year in which one receives an annuity supplement. Earnings include income from employment but do not include annuity income, Social Security benefits or investment income.

Q: How is the income limitation applied after the first year of retirement?

A: At the end of each calendar year, the department asks FSPS annuitants to submit a statement (Form DS-5026) declaring earned income for that year in order to show continuing eligibility for the annuity supplement. The department then determines whether the annuity supplement should be reduced or terminated. If an annuitant receives excess funds before a reduction or termination goes into effect the following year, the department will ask for repayment of this overpayment.

Q: Is there any way to avoid overpayments?

A: Yes. If an annuitant submits a statement of entitlement to an annuity supplement by Jan. 10, the department will make every effort to assure that no overpayment is included in the February annuity payment. This early submission should avoid overpayment since the February payment is for the month of January. (The deadline for submitting the statement is Feb. 15.)

Q: Are annuity supplements for retirees increased by cost-of-living adjustments?

A: No, the supplement is not increased by COLAs. The COLA does apply to the supplements of survivors, however. □

AFSANEBWSBRIEFS

State Tax Incentives for Long-Term Care Insurance

Over 20 states, including Virginia and Maryland, offer long-term care tax incentives to reduce the cost of long-term care premiums. Retirees with 1099 income may be eligible to deduct all or part of the premiums as a health expense on IRS Form 1040. For more tax information, please seek the advice of your tax adviser.

AFSA offers long-term care insurance through the Hirshorn Company. Contact Carl Shaifer at 1 (800) 242-8221, or e-mail cshaifer@hirshorn.com. More information on the AFSA long-term care program is at www.hirshorn.com/AFSA2LTC_Home.html.

AFSA ELDERHOSTEL

Raising Awareness Among a Vocal Group

BY ASGEIR SIGFUSSON, AFSA/ELDERHOSTEL PROGRAM ASSOCIATE

The AFSA Elderhostel program is developing and expanding every season. The basic mission remains the same: To educate and inform the American public about the work and importance of the Foreign Service. The audiences — retired Americans from all over the United States — have been highly receptive to the idea that diplomacy is an important tool of foreign policy, and they often vow to go home and advocate on behalf of the Foreign Service. This is a key benefit of the program, as our participants are typically highly educated people of significant influence in their communities. We have also been pleased to see many people return to our weeklong programs multiple times, often bringing along friends.

In order to use retired Foreign Service personnel as our featured speakers, we have organized our programs in locations with a healthy concentration of such retirees. In addition to Washington, D.C., our locations include St. Petersburg, Atlanta, Chautauqua and Tucson. In the spring of 2007, our newest location will offer its first course,

the foreign policy issues of the Pacific Rim, presented in the heart of San Francisco.

Our one-day programs, so-called “Days of Discovery,” have also turned out to be a huge hit. We have so far offered four different topics — all immediate sellouts — and in 2007 we will add three new topics to that roster, including programs on Latin America and China. We have also designed two new courses for our weeklong programs in Washington, D.C.: One features China and East Asia, while the other focuses on Latin America and Africa.

We have also been lucky to have a deep pool of talent to pull from as far as speakers are concerned. This fall, we were able to bring such highly-regarded experts as Ambassadors Marc Grossman, Beth Jones, W. Robert Pearson, David Newton, John W. Limbert and Thomas Hubbard to speak at our Washington-based programs. We encourage interested retirees to contact us if they wish to contribute time and knowledge to our efforts.

Finally, we look forward to welcoming our hostellers in a brand-new Washington location next spring: the Savoy Suites in Georgetown. We are glad to be able to offer such excellent accommodations in the heart of the nation’s capital.

If you have an interest in participating in our programs, please visit www.afsa.org/elderhostel or contact AFSA Elderhostel Program Coordinator Janice Bay at bay@afsa.org. □

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BETH S. SLAVET has joined the law firm of Beins, Axelrod, Gleason & Gibson, P.C. and is again handling Foreign Service cases. Ms. Slavet was formerly Chairman, Vice Chairman, and Member of the U.S. Merit Systems Protection Board (1995-2003) and labor counsel to the U.S. Senate and Labor and Human Resources Committee. Prior to that, she represented Foreign and Civil service employees for many years before the Grievance Board and in federal court. As counsel to the American Federation of Government Employees Local 1812 (1980-1984), she drafted and litigated many regulations implementing the Foreign Service Act of 1980. She can be reached at Beins, Axelrod, Gleason & Gibson, P.C., 1625 Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20036, Tel: (202) 328-7222, E-mail: bslavet@beinsaxelrod.com.

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