



## **Friday Roundup: USAID Legal Decision, & RIF Guidance**

This week's roundup covers key developments affecting our membership, including updates on our ongoing USAID litigation, and RIFs.

### **AFSA's USAID Lawsuit**

The Temporary Restraining Order (TRO) preventing USAID from placing employees on administrative leave and halting the expedited recall of USAID employees and their families from overseas was set to expire at 11:59 p.m. ET tonight.

**Unfortunately, this afternoon, the court issued an order denying our request for a Preliminary Injunction (PI), meaning the protections provided by the TRO will no longer be in effect.**

The decision was primarily based on declarations from USAID Deputy Administrator Peter Marocco, who argued that employees on administrative leave still have the option to remain at their post, will be given a reasonable amount of time to depart in accordance with department policies, and that posts will maintain adequate communication and systems to ensure their safe return.

As a result of the court's decision, the government can now proceed with its plans.

The court did say that “...*plaintiffs remain free to renew their motion for a TRO or a preliminary injunction should an imminent risk of irreparable harm from ‘directed departures’ arise, such as if any individual were directed to leave post on a timeline that would pose the choice between disrupting familial or medical arrangements or remaining abroad without critical government protections.*”

While we are deeply disappointed with Judge Nichols’s decision, AFSA and our co-plaintiffs, AFGE and Oxfam, are evaluating the next steps in our legal challenge. We are also exploring other legal avenues. We remain committed to doing everything possible to protect our members during this challenging time.

We recommend visiting this public [litigation tracker to track the status of related lawsuits](#).

## **Update on RIFs**

This week, AFSA leadership met with senior State Department officials to discuss the department’s position on potential reductions in force (RIFs). According to the department leaders we met with, they are looking at everything to maximize efficiencies, but no percentage cuts have been decided. Department leaders say the review will be conducted rationally and logically, including their approach of looking at various staffing models and focusing on increasing the effectiveness of small posts.

It’s important to remember that RIFs in the Foreign Service must follow detailed procedures as set forth in the Foreign Affairs Manual (3 FAM 2580), or for USAID, the ADS chapter (ADS 454). RIFs are based on competition groups generally consisting of employees in the same grade and the same cone/specialty/backstop.

To read more detailed information on RIFs, click [here](#).

We also suggest you refer to agency-specific regulations:

- **State:** [3 FAM 2580](#)
- **USAID:** [ADS 454](#)
- **FAS:** [Article 20 of the FAS-AFSA Collective Bargaining Agreement](#)

Those not subject to a RIF under the regulations include chiefs of mission, ambassadors at large, ambassadors, and ministers serving on the issue date of a general RIF notice. Individuals holding the personal rank of career ambassador are also excluded under these regulations.

### **How to Contest a RIF**

If you wish to contest your separation through the grievance system, you must file a grievance before you go off the rolls. “*Going off the rolls*” means formally ending your employment with the Foreign Service. Read more [here](#) to understand the limitations of the grievance process.

In the event you receive notice that you are being separated due to a RIF and would like to file a grievance with the agency with appeal rights to the Foreign Service Grievance Board, we encourage you to utilize our RIF grievance templates, which we’ll link to in our subsequent communication. **Note that a grievance cannot be filed pre-emptively. You should only file a grievance after you’ve received notice that you are being separated.** Alternatively, you can challenge separation pursuant to a RIF before the Merit Systems Protection Board. This action can be taken after you are off the rolls.

In the meantime, please review our [‘Go Bag’](#) to better prepare yourself for a possible separation.

AFSA will work to ensure the administration adheres to the relevant foreign affairs agency guidelines. If we find evidence of noncompliance, we will take appropriate

legal action to advocate for our members' interests and hold the agencies to their regulations.

### **Law Enforcement RIF Exemption for Diplomatic Security Agents**

AFSA supports a RIF exemption for diplomatic security agents due to their law and immigration enforcement functions. We have shared our position and legal underpinnings with the Department of State senior leadership. We will continue to push for this exemption and update our members with developments on the matter.

### **VERA – AFSA's position and next steps**

The AFSA governing board reached a consensus on Feb. 19 to support seeking voluntary early retirement authority (VERA) for the Foreign Service. We believe a time-limited VERA would be an essential option for Foreign Service members at FS-02 and below who, in the event of a RIF, would be a few years, or even a few months, short of qualifying for an immediate annuity. As such, they and their families would lose their federal employee health benefit coverage and would only qualify for a modest deferred annuity much later in life. The specific eligibility details of a Foreign Service VERA would need to be hammered out to the agencies and congressional stakeholders.

Congress must authorize a Foreign Service VERA, and AFSA has urged State Department leadership to support such legislation. AFSA has begun meeting with contacts on the Hill to build support. However, whether this provision could be included in an upcoming reconciliation bill, which Congress will craft in the coming weeks, is unclear. Other legislative vehicles may also serve as potential avenues for authorizing a VERA in the future.

In the meantime, the timeline for congressional consideration of VERA legislation remains uncertain.

## DETO Exemption for Return to Office Work Executive Order

AFSA is pleased to see that the Department of State released its “Updates to the Department’s Domestic Employee Teleworking Overseas (DETO) Guidance” (25 STATE 14642), clarifying that all domestic State Department employees whose sponsors are assigned overseas are exempt from the return to office mandate if they have a domestic employee teleworking overseas (DETO) arrangement. Eligible employees can also request new DETO arrangements from the employing bureaus, and the department will resume processing such requests.

The secretary of state made this decision pursuant to the [Feb. 12 OPM memorandum](#) exempting all federally employed spouses of the armed services and the Foreign Service. We hope other foreign affairs agencies will follow agency-specific guidance to restart DETO requests and processing for those within their agencies.

For more specific DETO questions, contact [DETOPpolicy@state.gov](mailto:DETOPpolicy@state.gov).

## USAID-Specific Updates

- **My Services:** We have been made aware that PCS notifications were sent through My Services. Please keep track of any developments in your account.
- **Exercise Caution with Email:** We're aware that Sensitive But Unclassified (SBU) has been attached to all email communications from USAID accounts. This appears to have been done without prior notice and cannot be removed from messages. For now, we suggest that you exercise caution in all your internal and external communications. For messages outside the agency, you may want to add language as a header, or as part of your signature, noting that nothing in the content of the email is SBU, which has very specific legal and statutory requirements.
- **Foreign Service Institute (FSI) Job Search Training Program (RV 102):** We've been informed that RV 102 has been re-opened to USAID

Foreign Service Officers. If you were previously enrolled or have subsequently notified HCTM of your intent to retire, we suggest you immediately contact HCTM training and/or retirement staff to confirm your enrollment in the upcoming sessions.

- **Go Bag:** If you've not already downloaded all key documents, we encourage you to do so immediately. You can find our 'Go Bag' [here](#).
- **Building Access:** We continue pressing for access to former USAID premises to retrieve personal items. When we know more, we will relay the information.

### **Benefits at Retirement, Resignation, and Separation**

We've updated our [PowerPoint](#) summarizing benefits at retirement, resignation, and separation. The new version adds information on "postponed" retirements. In this retirement option, someone who is eligible for an immediate annuity at minimum retirement age (+ 10 years) who is under the age of 62 may elect to postpone annuity receipt to reduce or eliminate the age penalty, which reduces the annuity by 5 % for each year under the age of 62. Then, closer to or at 62, they apply for a postponed annuity with a lower or no age penalty. Federal employee health and life insurance benefits end at resignation but are reinstated when the postponed annuity commences.

Keep in mind that AFSA's online guidance is not meant to be a substitute for the multi-hour presentation by the Department of State's subject-matter experts at the Foreign Service Institute (FSI)'s retirement planning seminars. Employees who can attend those seminars are urged to do so. Both virtual and in-person sessions are scheduled in the coming months. For those details, click [here](#).

Additionally, we've learned that FSI is re-enrolling USAID FSOs in the RV 102 Job Search Training Program. Previously registered people should contact USAID HCTM and FSI to confirm their enrollment for upcoming sessions.

For those looking for retirement resources, AFSA has a wealth of retirement planning information on our [website](#), which includes videos of presentations by some of the same subject-matter experts who present at FSI as well as a video of the December 2024 AFSA webinar "Retirement Planning for Employees at or near Retirement Eligibility."

### **Legal Defense Fund Support & Membership Surge**

Thank you for your incredible outpouring of support for AFSA's Legal Defense Fund. Your generosity will help us defend the institution of the Foreign Service. To learn more about this fund and to donate, click [here](#).

AFSA has also seen a surge of more than 1,000 new members in the past month—an incredible show of support for our mission. We are grateful to each of you for standing with us and rallying behind the Foreign Service at this critical time.

### **USAID Alumni Association Advocacy**

The USAID Alumni Association is advocating for locally employed staff amidst the dismantling of USAID and other cuts. To read about their efforts, click [here](#).

As always, thank you for your membership and service to our country.



American Foreign Service Association, 2101 E St. NW, Washington, DC 20037, [member@afsa.org](mailto:member@afsa.org),

(202) 338-4045

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