

The Association for Diplomatic Studies and Training
Foreign Affairs Oral History Project
American Foreign Service Association Series

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Initial interview date: March 8, 2023
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INTERVIEW

Q: This interview with Sharon Papp is part of the 100th Anniversary of AFSA series. Sharon, let's start with a little background. Where were you born and raised?

PAPP: I was born in New Brunswick, New Jersey. But when I was two years old, my parents moved to Dharan, Saudi Arabia. They worked for the Arabian American Oil Company, and my family was there for 18 years. Now, in Saudi Arabia, school only went up to ninth grade. So, I went to a boarding school in Princeton, New Jersey, but would go back for all the holidays. And then my parents retired when I was a junior in college.

Q: What are the most important recollections you have of Dharan? Not that many people have grown up there.

PAPP: It was a very tight community. I'm still friends with many of the people who lived there; some I've known since kindergarten. Every two years we have a reunion. We call ourselves the Aramco Brats. And I actually think growing up there is part of the reason I got the job at AFSA. It's kind of a funny story.

Q: Well, we'll get to that in a moment. But since you mentioned the Foreign Service, while you were in Dharan, did you also get to know Foreign Service Officers or others related to the State Department?

PAPP: I did not. Although, the Consulate in Dharan had a restaurant and a few times we were invited. I do remember going to the Consulate, but I didn't know any foreign service people.

Q: While growing up in Dharan, did that also allow you and your family to travel in the region? Did you have other international experiences?

PAPP: We traveled quite a bit all over the world. When my brother and I were very little, my dad got a new car, and it was shipped to Rotterdam, and we drove it to Saudi Arabia.

And we got lost in the desert in Iraq. We were fortunate in that a big Mack truck, that only traverses there every two weeks, happened to see us and asked, "Where are you going?" The driver told us that we were going the wrong way. "Follow me. I'll show you how to go." Without his help, we probably would have died in the desert. But we did travel quite a bit in other parts of the world. My mother loved Asia, so we traveled to Hong Kong, Japan, and Thailand. Also, all my family is Hungarian, so we went to Hungary and just to a lot of different places all over the world.

Q: Once you started school in the U.S., are there aspects of your education in high school that stand out for you that might have piqued your interest in your later career?

PAPP: I do remember one thing in high school. This was during the Iran hostage crisis in 1979. There were two Iranian students at my school, a brother and sister. All of a sudden, they started telling people they were Italian. So that was kind of interesting. And people there were not hostile towards them, but I think they were afraid, you know, that people would be hostile.

Q: Okay, so where did you end up going to college?

PAPP: I went to Vanderbilt University in Nashville, Tennessee. The reason I think I ended up going there is my first year at The Hun School in Princeton, New Jersey, there was the blizzard of '77 if I'm getting my years right, and I wanted to go somewhere warmer than New Jersey for college. That sort of led me to the South.

Q: What did you want to study in college?

PAPP: I didn't really know. But I always loved reading. I liked psychology too. So, I got a double major in English (18th and 19th century British novels) and Psychology. This was not very useful. What do you do with that? And then if I could have had a minor, it would have been in women's studies, but you couldn't have a double major and a minor at Vanderbilt. But I did take a lot of courses on women's studies. And one of my professors who I thought was outstanding ended up not getting tenure. She filed an EEOC [Equal Employment Opportunity Commission] case alleging sex discrimination. But she did not prevail. And I really felt she should. At that time, Vanderbilt didn't see women's studies as a real academic field. Around the same time, my parents retired from Saudi Arabia. My mother was a PE teacher in the Aramco Schools and Aramco had a policy that if you were a married woman, you were not an employee. You were a "casual" one-year renewable contract, but that meant she did not get a pension, even though she worked for 15 years. So, she ended up filing an EEOC complaint based sex discrimination. And this is kind of a funny story. These two experiences led me to go to law school. (I went to GW

Law school, and I took a lot of employment and labor law courses there.) One summer I was seeking employment as a law clerk for a very small plaintiff side EEO law firm. Well, during the interview, I was talking to the partner, and I was explaining that I grew up in Saudi Arabia." She told me that they were representing someone from Saudi Arabia, Lillian Papp. "That's my mother," I replied. So, yep, I ended up getting a job there.

By that point, I knew I wanted to do employment law and civil rights law. So, I took a lot of courses in those subjects. And I clerked for a law firm--the one I just mentioned. That law firm also did labor law, and one of our clients the firm represented was the Hotel and Motel Trade Workers in New York City. We were representing them in an Equal Pay Act lawsuit because the maids were paid less than the male char force for seemingly doing the same work at the hotels.

In addition to labor representation, my firm also took sex and racial discrimination lawsuits. But back to the New York hotel workers. It required me to go to New York and stay in very nice hotels like the Waldorf Astoria and follow around the job evaluation expert. I would watch him monitor the male workers and the female to see if and how the work was the same. To gather evidence. So that exposed me to unions and labor law.

Q: You spent several years at this firm, but then what began to interest you in working for AFSA? Or being part of the State Department?

PAPP: So, it was a rather small firm. It started off with some seven attorneys but overtime, attorneys left for another firm or retired. By the end, it was just me and a senior partner --the namesake of the firm -- and he was going to retire. So, I answered an ad in *The Washington Post*, to be the legal counsel for AFSA. I did not have anything on my resume about growing up in Saudi Arabia. I had an interview and during the interview--again, these little things--I was wearing my puzzle ring that I got from Saudi Arabia. The AFSA State Department Vice President at the time (Joe Melrose-- he was one of the people who interviewed me) asked, "Well, where did you get your puzzle ring?" which led to the whole growing up in Saudi Arabia thing.

Q: And this is in 1992? Did AFSA as general counsel, or what position?

PAPP: I think it was called legal counsel at the time. And it was interesting, they were hiring me because--and I don't know if anyone else has said this oral history--but my predecessor was let go and had an EEO case against AFSA.

Q: Without going into sensitive information, would you like to describe this case?

PAPP: Her claim was she thought she wasn't being paid enough compared to the person who was the general counsel before her, Susan Holic, who had been at AFSA for years and years. And this other individual--I mean, normally you do not hire a new person at the salary level of the very senior person who's leaving--and I understood the rationalization for why she wasn't hired at that salary. So, I really didn't think it was a valid case. She did not prevail on that claim.

Q: When you began your legal work with AFSA, were you the only attorney or were there others? Was there a group that you joined?

PAPP: The Labor Management Office was not very large. I think we had five people. There were two or three non-lawyers and one other attorney. The non lawyers were individuals with college degrees who were grievance counselors. The attorney, Colleen Fallon, was holding down the fort after the dismissal of the prior general counsel. Colleen had only been there for a few months before I was hired. She is still an attorney with AFSA. James Yorke -- a long-standing AFSA member who was the spouse of a Foreign Service Officer -- was hired maybe a month before me. AFSA also hired a new executive director, Susan Reardon, who came in maybe one or two months after me. So, at that moment there were a lot of new staff.

Q: When you joined, what were your main responsibilities?

PAPP: This is sort of a job where you learn as you go, and you pitch in where needed for emergent issues. In that way I think it is like the Foreign Service. You arrive with a title, but you also do what is necessary as new needs emerge. At that time, the vice president for State was Joe Melrose. We were engaged in a variety of labor negotiations with State Department management. Also, I don't remember exactly what year it was, but around that same time, we were trying to get the members of USIA [United States Information Agency] to choose AFSA as their labor representation instead of AFGE. I helped a little bit in that election. AFSA was smart and hired someone who knew how to lead that effort, but I pitched in where needed.

Q: Once AFSA succeeded in becoming the labor representative of all the foreign affairs agencies -- State, USAID, USIA, FCS, and Foreign Agricultural Service, what were the issues that came up that you worked on directly.

PAPP: I spent a lot of time on a very significant win for the Foreign Service. John Naland was vice president for State at AFSA. This is the case where the Department appointed a civil service employee as DCM [Deputy Chief of Mission] in Lima, Peru. We opposed

that. We argued that this kind of appointment robbed a foreign service officer of a senior position in violation of our collective bargaining agreement, and that they had to prove that there was literally no one in the Foreign Service with the suitable experience and skills to take this position. The director general of the Foreign Service had to certify this. I don't remember whether an actual certification was signed, but regardless, it was inadequate in our view.

The case was difficult because a DCM is a management position and is therefore not in AFSA's bargaining unit. Under the law, an agency can choose to bargain with a labor union over how to fill non-bargaining unit jobs, but it doesn't have to. This is called a permissive area of bargaining. And we had to prove to the grievance board that yes, the State Department actually did elect to bargain with AFSA over how to fill non-bargaining unit positions. The challenge was that we needed to prove that the Department routinely bargained with AFSA over issues that impacted non-bargaining unit positions. I couldn't find much documentary support in the AFSA office, so we went to the AFSA offsite archives to look for evidence. I remember going there and looking through old boxes, and pulling out files, trying to identify every single example I could find where there was a record of management negotiating with us over issues impacting non-bargaining union employees. And we convinced the grievance board that yes, they did bargain with AFSA over how to fill non-bargaining unit positions like the DCM positions. And so that was a really important decision.

As a result of that, each time the State Department tried to put a civil service employee in a high-level position that should go to a foreign service officer, we had this precedent in our back pocket. We did have to file another dispute down the line, when management tried to put someone else in a very senior position but were able to settle the case. And as a result of the settlement, we amended this Foreign Affairs Manual, which is where formal procedures for this kind of negotiation are codified. We locked them in to say that the only way the Department could assign someone from outside the Foreign Service into a Foreign Service position, and there's all these categories, is to follow the procedures we negotiated. And so, I'm very proud of that. I think that was pretty significant.

Q: This happens at a time when more senior Foreign Service positions are going to political appointees. Let's continue with the additional responsibilities that came under your portfolio as you continue with AFSA.

PAPP: Yes. The Legal Defense Fund, and it was my understanding that maybe a long time ago, there was one, but when I came, nobody seemed to really know anything about it. We recreated it and named it after one of our colleagues in the Labor Management

office, Richard Scissors, a retired foreign service officer who recently had passed away. We all loved Dick Scissors, and so it was fitting to name this fund after him because he helped a lot of people. I became the staff person who supported the committee that oversees the Legal Defense Fund (LDF). Working with the members of the LDF committee, I drafted the standard operating procedure. And then later, this became important during the Trump impeachment hearing when foreign service officers were called to testify before congress about Ukraine, the question arose as to whether such a fund could be used to support the legal costs of these officers who needed legal counsel – expensive legal counsel. We consulted with the State Department legal office on this question of ethics. The office confirmed that it was legal.

Since my arrival at AFSA, the size of the Labor Management Office has grown over the years. In addition, we have enhanced the level of support we give to our members in a way because, remember, when I told you I started, there were two lawyers and several grievance counselors who were not lawyers. Currently, we have seven attorneys and another four professional staff members. The cases and issues we deal with have gotten much more legalistic over time, so it is very helpful to have a larger staff and more lawyers. So, you know, we've grown, and the Foreign Service has grown. And then we added APHIS [Animal and Plant Health Inspection Service]. And we've added the US Agency for Global Media. So, we have a lot of issues and agencies to cover.

Q: Speaking of which, as time went by, as the General Counsel, did you notice that the types of work you did began to change? More grievances or fewer, more negotiating over new elements of labor management relations?

PAPP: Yes. Let's start with labor management relations at the State Department. When I first arrived at AFSA, the Chief Labor Management negotiator for State was a guy named William Struck, Bill Struck. He was old school; you had to fight tooth and nail with him about whether something was negotiable or not. I liked him personally, but he was kind of difficult. Also, the management representative for the Foreign Commercial Service was very difficult when we negotiated our first collective bargaining agreement with them. That effort took an entire summer. In the end, it concluded with a 15-page document that sets out how the parties deal with each other. It should not have taken an entire summer to negotiate this document. It was not a pleasant experience.

After Bill Struck left, there was a woman named Susan Morris, who was very easy to get along with, and then her successor was Steve Polson. We have a very good, professional relationship with Steve Polson. We rarely argue over whether an issue is negotiable or not. Most of the time, we work collegially to have the best product without quarreling

over whether AFSA has the legal authority to negotiate a particular issue, so it makes it much more pleasant. I don't think I could ever work for a union where you had this terrible relationship with management.

Q: While we're speaking of labor management issues, other things came up during the time you were there, including issues related to workforce strategy and Iraq, the bidding system for which posts FSOs could apply for, potential incentives for hardship, or hard-to-fill positions, etc. Did you touch on any of these issues?

PAPP: I just remember, we were really encouraging the Department to use carrots instead of sticks. Employees and AFSA were afraid the Department was going to “direct assign” employees to Iraq who could not go due to family reasons or did not want to go. In the end, the Department did not have to use its authority to impose directed assignments to fill Iraq staffing needs as enough people volunteered. We, in AFSA, agreed to linked assignments as an incentive. This is where service in Iraq for a year or so was rewarded with a follow-on assignment closer to the top choice of the officer. That was a success.

Q: Another area of management-employee relations is disciplinary action. This could be as a result of an inspection or as a result of a security infraction or violation. Could you talk a little bit about what you did in terms of negotiating with management in this area?

PAPP: Right, so in that area, we have very limited negotiating rights because security is considered a management right and you can throw a lot of things under that rubric of security. I do recall when they came up with the security infraction program. I don't remember what year that was but what prompted the program was the Senate Foreign Relations Committees (SFRC) refusal to confirm a number of promotions. The SFRC found out that some officers recommended for promotion had a number of security violations and infractions. So, DS worked with us to come up with a procedure where, if an officer received three security infractions in a rolling period – kind of like moving violations on your driver's license – you would get a letter of reprimand in your personnel file. This can negatively affect your ability to get promoted. But we did ensure in our negotiations with DS that, during interviews related to security infractions or violations, the employee could exercise their “Weingarten Right” to have a union rep present during the interview.

Also, for a long time, we were successful in fighting off DS's ability to record security interviews without the permission of the person. The Vance memo, if you're familiar with the Vance memo, provided that no one could record a conversation in a department facility without that individual's permission. But then there came a time when M [Management], I don't remember which M, said he agreed with DS that they should be

able to record an interview with the subject of an investigation without having to get the person's permission. Now, that doesn't mean surreptitiously, the person has to know they're being recorded. And we knew we couldn't stop that because that is a management right. But we negotiated an MOU [Memorandum of Understanding] that tried to put protections in place like you have to have a sign on the wall saying, "Recording in progress"; you must have a private room where the employee could speak privately with AFSA; you must give a subject a copy of the recording of the interview in certain circumstances. For example, if AFSA was not present during an employee's initial interview and DS wanted to interview the employee a second time and the employee asked for AFSA's assistance, we negotiated a provision where AFSA could review the recording of the first interview prior to the second interview being conducted.

While AFSA was very opposed to DS's ability to record interviews without the employee's permission, we have come to appreciate the value of these recordings. While DS prepares a memorandum of interview, it is not verbatim and sometimes the MOI is inaccurate or does not include relevant information. This is where the recording can be extremely helpful.

Q: Yeah, sure. Now, as you mentioned earlier, you need, from time to time, to get a reference or an opinion from the State Department Office of Legal Affairs. How did that change over time as well?

PAPP: In general, we do not communicate very much with that office [which is known as "L"] because the State Department is their client, and they have attorney client privilege with the Department. In general, their attorneys don't want to share things with us. And it can be frustrating sometimes, but in this particular case [testimony related to Ukraine], I think both sides, we really wanted to help these individuals who were being called to testify, and you know, they shouldn't be out 10s of 1000s of dollars out of their own pocket. So, the ethics lawyer was extremely helpful with regard to this. And another area where they've been really, really helpful relates to the change in the worldwide availability policy as a result of an EEOC class action. That particular attorney was wonderful. AFSA had many briefings with him, and he was really helpful in getting us to understand what this all meant, why the Department was doing this. So there have been, you know, a few situations where L has been very, very helpful. Most of the time, though, and I understand this, like they keep us at arm's length.

Q: I'm sorry, take just a moment to explain that many people outside the Department won't understand what you mean by worldwide availability.

PAPP: So, from the beginning of time, when you were hired by the Foreign Service, you have to receive a top secret security clearance, a medical clearance, and agree that you will service anywhere in the world where we have representation. I don't know exactly, but I believe we have some 270 posts around the world. In most cases, your medical clearance must allow you to serve anywhere without exception. But this has been challenged over the years by individuals. You know, in one case there was an individual who was HIV positive, the Department didn't hire him. He filed a case. I don't remember if that one settled, or if he won, I think it was called Taylor versus Rice. And there were a series of individuals with diabetes who were initially not hired and had to file a complaint.

And what the State Department was doing was, I think, settling a lot of these with the individual where the person was hired but the case did not serve as legal precedent. But, this last one was a class action EEOC case with, I don't know, maybe 140 people going back a number of years, who alleged that the requirement to serve in every post (to be worldwide available) violated the Rehabilitation Act, which is the federal government version of the ADA [Americans with Disability Act]. And then some of the individuals in the class were hired, but they said they were delayed being hired because of this policy. Well, the State Department figured out it really couldn't justify this policy. It didn't have the data to show that yes, in fact, everybody needs to serve at 270 posts, because in fact, as we all know, once you get into the Foreign Service, if you have some kind of medical issue, you can get a limited medical clearance that allows to serve at posts with the capacity to handle your medical conditions. The Service doesn't throw you out if you can't serve everywhere.

So, the State Department agreed to settle this class action by saying, we're going to have a new standard. Instead of requiring officers to be able to serve at all 270 posts, you have to be able to serve at all Medevac posts [posts where the Department medically evacuates employees who have a health condition that cannot be handled at the post to which they are assigned.] The Department explained that they expect new hires will be able to serve at many, many more posts than the handful of Medevac posts. The settlement agreement also provides for a five-year monitoring period. And AFSA wants to be very involved in that to make sure that new hires with medical issues are not prejudiced in consideration for promotion. And we also want to make sure that members who don't have disabilities are not the ones always sent to posts with poor medical care. I think that resolving these medical issues was a win for our members.

Q: Along these lines, did you also have to deal with any issues regarding accommodation for people who have handicaps or disabilities?

PAPP: Individuals over the years have come to AFSA to request assistance. I remember a long time ago, an individual who was blind, came to AFSA for assistance in getting reasonable accommodations, such as a reader. And I think, you know, we have computers now that can read for officers. So, we have certainly assisted employees who need accommodations for their disabilities.

Q: Another area that you began to address was retroactive payment for meritorious service increases that were not given. Let's go back and talk about that one.

PAPP: Sure. This was a result sequester – or reduced funding – if the national budget did not meet certain milestones in reducing the budget deficit.

As a result, in 2013 management came to us and said they weren't going to give discretionary bonuses, including Meritorious Step Increases for those recommended for promotion but who could not be promoted due to the number of promotions that had been approved. And we said, "All right, we understand for now." But we frankly expected them to give the MSIs once the budget passed. At that time, the promotion precepts (which we negotiate each year with the Department) provided that up to 10 percent of those recommended but not reached for promotion (due to limited promotion numbers) would get MSIs. We demanded that the Department comply with the precepts, but management claimed the "up to 10 percent" language meant they had the discretion to grant MSIs to anywhere between zero to 10 percent of employees recommended but not reached for promotion. AFSA claimed that the precepts required management to follow the promotion boards' recommendations. Management disagreed and said they could decide what percent (up to 10 percent) would get an MSI.

So, once again, I started pouring through old files to see what previous versions of the precepts said and to see how many MSIs were given in past years. I love digging into things and digging in old files and finding things, so we went back to all of the precepts we had every year to show, you know, in the year where we negotiated five percent, five percent of employees recommended but not reached for promotion got an MSI. In the year we negotiated 10 percent, 10 percent got it. Management had never exercised its zero option. From our point of view, the agreement was to give the promotion board the authority to determine how many MSIs to grant up to the ceiling of 10 percent that was negotiated by the parties and memorialized in the precepts. We filed an implementation dispute, and we ended up winning. And then the next year, 2014, they did the same thing but this time they said, "Well, we're only going to give 5 percent this year." And this went on from 2013 to 2016. And you may say, "Well, wait a minute, they lost. Why did they

keep doing this?" Well, because these cases take so long to adjudicate and when we won the 2013 case, they appealed. And that appeal took a long time. So, we really didn't have a decision in the first case until 2015. Meanwhile, we grieved again in 2014. Again, we won before the grievance board, but management appealed to the Foreign Service Labor Relations Board (FSLRB). As a result of the presidential election, there was now a new chair of the FSLRB. And, under the leadership of the new Chair, the FSLRB overturned the grievance board decision (even though the FSLRB, under the previous Chair, upheld the grievance board's decision in the 2013 case). This was a terrible decision. It went completely against long standing case precedent. On appeal, the FSLRB disagreed with the grievance board's interpretation of the precepts. The FSLRB is not supposed to overturn the grievance board decision unless there's an error of law, and that was not the grounds we lost on.

And it went on. When we lost the 2014 case before the FSLRB, the 2015 and 2016 MSI cases were still pending before the grievance board. Once again, we ended up losing because the grievance board felt it had to follow the FSLRB's decision in the 2014 case. We appealed our loss. The Chair of the FSLRB was the same but there were two new members of the FSLRB (retired foreign service officers) who outvoted the Chair. And our appeal was granted. So, the people who really lost in this one, were the poor 2014 people, because you had the '13 people, and the '15 and '16 people getting their MSIs but not the 2014. We wrote letters to the Secretary of State, "Can you give it?" The answer was no. I think that's very unfair to those people. But we did everything we could legally.

Q: Also, as the years go by, more communities of interest within AFSA grow. For example, there is a women's group, African Americans, LGBT. Were you involved in legal issues that these communities brought to AFSA?

PAPP: Yes. This goes way back. Many years ago, Diplomatic Security had concerns about granting security clearances to gays and lesbians. There were issues about refusing to grant clearances or suspending or revoking clearances. By the time I arrived, I think the situation was already improving. But I do recall, this is very unusual, DS had what we called a 'blue book.' This was a guide on what questions to ask to determine eligibility for a security clearance. It is something that they give to their security clearance background investigators. There was a section pertaining to sexual orientation that addressed, for example, whether they could ask an employee if they were gay. DS sat down with us and reviewed the draft blue book. We gave our opinions on certain questions and I recall working with GLIFAA (Gays and Lesbians in Foreign Affairs Agencies) at the time when these discussions took place. You know, it was very unusual that they let us jointly work on that book with them and they haven't since. They won't even share the book with us anymore. It's been updated, but they won't give us a copy.

But at the time, and it's funny because it was, I don't know if this is based on a personal relationship, the person writing the book was friendly with the executive director of AFSA at the time. And, you know, it really was a win-win, though. And I wish they would do that more. They recently have done it with assignment restrictions. I don't know if you want to ask anything about that.

Q: I recall that another issue was the question of assignment restrictions for legacy speakers of Chinese being assigned to posts in China. The argument was that if these officers still had relatives in China, the Chinese could blackmail them by threatening their relatives. Did AFSA become involved in addressing this policy?

PAPP: Yes, and we are still very involved with this. Over the years, I helped a number of individuals who had assignment restrictions. Our argument was that, at least in cases where the officer had no relatives in the country of restriction, that the restriction should be lifted. We had some success with a few of these, but a number of them were not successful and there was no appeal mechanism outside of DS. Then former AFSA Vice President, Matthew Asada, and my colleague Colleen Fallon, working with the AAFFA [Asian American Foreign Affairs Association] began to put a lot of pressure on the State Department to bring more transparency to the process and to create an appeal mechanism outside of DS. In addition, our Congressional Advocacy Director Kim Greenplate organized many meetings with Hill on this topic. Honestly, I didn't think we'd ever get anywhere on this issue because I thought the Department would say, "This is a security issue. This is a management right." We did get something. Now there's an appeal panel outside of DS, a timeline for when appeals must be decided, and employees can get more information from DS about why DS placed an assignment restriction on their security clearance. So, I think that this has been a big, big win.

Q: Speaking of the Hill, did your work bring you up there?

PAPP: Yes. Way back in the day, when we had only a few people in the labor management office of AFSA, I and my colleague Colleen were very engaged with Brian McKeon, who went on to be a high-level State Department management officer under Secretary of State Blinken. My recollection was that we were very engaged with him on overseas locality pay, because when I first came, foreign service employees didn't get overseas locality pay. If you were in Washington, you got locality pay. If you were overseas, you did not get that. So, we worked very, very hard on that. Our lobbyist at that time, Ken Nakamura, really worked hard on that issue.. And we, Colleen and I, supported him with that. And we had a lot of meetings with the Hill, trying to explain, you know, what locality pay was for. And we had some success, although we still have that last tranche, because remember, it's two thirds of Washington, and we've been really trying to

get that last third. But, you know, often it's like, the budget is tight this year, so no, we're not going to ask for it. You know, this year, it would be a bridge too far. So, regarding other things with the Hill, I've gone up with diplomatic security employees to discuss what occurred in Benghazi. Some of our people who were in Benghazi were interviewed by certain committees on the Hill. I'm trying to think of other situations, like 9/11 when they wanted to interview some of the people who issued Visas to the hijackers, that type of thing. AFSA also represents employees before the Accountability Review Boards, which was convened after Benghazi and in other situations involving loss of life, and sometimes that leads to trips to the Hill and meetings with congressional staffers. So, yes, I've been up there and other members of the staff, such as the deputy general counsel, Raeka Safai, have been up there.

Q: You had mentioned very briefly earlier that the Foreign Service officers who testified during the first impeachment of President Trump -- related to Ukraine -- that these were officers who served in the Embassy and had some knowledge of what was going on related to the questions Congress was asking. Did you have activity at that point with Congress or any staff on the committee's?

PAPP: We did not. Our activity was with the AFSA members. One member in particular, faced the question of whether she could be fired if she testified at the hearings. Or, could she be fired if she didn't go. And, if she were fired, could they take her pension? And Raeka and I were able to reassure her that no, they could not deprive her of her pension. And we told her that, for her own protection, she be subpoenaed, rather than just going up voluntarily. The Foreign Service officers involved in this event had private lawyers. This was because it was beyond the capacity of our labor management office to represent those individuals just because of how much time it took for the preparation. Fortunately, this is where the Legal Defense Fund came in. And we really wanted to make sure that nobody was out of pocket for any legal expenses.

Q: The AFSA board includes vice presidents responsible for direct communication and assistance to all foreign agencies represented by AFSA. For example, a State Department vice president, a USAID vice president, and so on. Do you recall any particular activities with the vice presidents that stand out as important in your mind?

PAPP: Certainly, we were involved with all of the presidents and the vice presidents in supporting them with policy issues, legal issues, and in collective bargaining. I am not sure if you have something particular in mind, but there was one situation where somebody was going to run for AFSA president and somebody else challenged them saying, "You can't run." And I had to do a legal analysis for the election committee because I'm the legal staff person that supports the election committee. And I said, "Yes, this person can run." There's a two-year cooling off period under the law where you can't

go from, you know, being management on one side of the bargaining table and then switching to AFSA President or Vice President.

The case that I worked on related to the question of whether someone who held a position with the department could run for AFSA office before the two-year cooling-off period had run its course. Was the officer in a management position and therefore barred by the two-year cooling off period? That was a little stressful because what if I was wrong? So, once again, I dug in and did a lot of research. I asked the officer, "What are your actual job duties?" After reviewing these, I told the AFSA election committee, "In my opinion, the officer is eligible to run." And the officer won and the individual who ran against this individual filed a complaint with the Department of Labor (DOL), saying the officer wasn't eligible. DOL did an investigation and they said the officer was eligible. So, fortunately, I made the right call. Phew!

Q: Management must address workforce strategy. In other words, how to put the right amount of people and resources in the right places to effectively carry out all the department's responsibilities. I'd like to ask about one workforce innovation to address the worldwide increase in visa applications. This is the Consular Fellows Program which allowed the State Department to hire limited contract personnel to work as consular staff in posts that had surges in applications. Did that create friction between AFSA and State Department management since AFSA generally wants to see foreign service positions reserved for foreign service officers?

PAPP: No. Remember, I talked to you about the FAM, the Foreign Affairs Manual. This is where the regulations on hiring from outside the Foreign Service are found. The Consular Fellows program allowed five-year limited appointments. We welcomed that, because otherwise foreign service officers working in consular sections might have to take two or three tours as adjudicators on the visa line before they would have the opportunity to do other types of consular work. Neither the officers, nor we as labor representative, want that. So, we really thought that was a good program. In order to make this legal, I believe we did amend the Foreign Affairs Manual to add that as a category. So no, that didn't create any friction.

Q: So far, we've talked about policies and labor representation policies and processes. But are there particular cases where you represented a client that stick out in your mind?

PAPP: Yes. Some of them dealt with DS trying to fire an officer, some dealt with sexism, etc. I've had some successes with the Foreign Service Grievance Board where I saved the jobs of a number of people. These are a source of pride for me.

For example, at some point the State Department decided that it wanted to discipline people who had affairs. The FAM says, in essence, "You know, we try not to deal with people's personal lives, but in some cases, we have to." I get it. If you're having an affair with a Russian and you didn't report it, well that could result in serious disciplinary action. Or if you are having a relationship with someone you supervise and didn't report it and get a cut out, that is grounds for discipline. But you can't start going around disciplining people for having affairs – sexual activity between consenting adults -- especially if there's no rule prohibiting this, and you've never told people that it's grounds for discipline. I just didn't think that was fair at all. I had success with those types of cases. This also led to the Department putting employees on notice of the types of activities that could result in discipline.

There have been a number of cases regarding reimbursement of attorney fees. As AFSA lawyers, we don't normally ask the foreign affairs agencies to pay for the time we put into winning a case. But there have been a few cases where we felt the foreign affairs agencies did not provide the employee with due process or that a decision they took was completely unfair where we have asked them to pay for our time. And they've paid our fees and that money has gone into the AFSA legal defense fund. And like those cases, I'm very proud of when I'm able to help someone, because that's why I went to law school. That's how it sort of all started -- the part about helping people and ensuring due process.

Q: Since you mentioned issues of conduct, we're now in a time when interventions, perhaps related to alcoholism or some sort of addiction, could impair an officers' ability to carry out their responsibilities. Did you have representation issues with these sorts of cases?

PAPP: You mean have people ask for assistance?

Q: Yes.

PAPP: Yes. We've had several cases where the Department thinks that an individual is an alcoholic, and wants them to go to a program. And honestly, we tell people, the best thing is to go to the program. Because if you don't, it could result in suspension of your security clearance. If you have a problem, you need to take care of it. What the Department looks at is whether you followed medical advice, you know, that type of thing. So, we encourage people to do that.

Returning to other individual cases. I had one client who was overseas supervising a number of contractors. This officer had to counsel several employees and they filed

workplace complaints and baseless accusations against him. The DS investigation at post of the complaints was poorly conducted. The officer was curtailed against his will based on the post investigation, received a prejudicial work evaluation, and was proposed for a suspension without pay based on the accusations. It was very clear to me and the employee that the complaints were filed with ulterior motives. I represented the employee in a grievance. Although the grievance board process took a long time to reach its conclusion, we ended up winning that case. The grievance board basically said, "The curtailment violated his rights." They threw out the disciplinary action, had his evaluation scrubbed of the prejudicial parts, and instructed the Department to provide back pay along with an additional very large sum of money to compensate for the benefits he lost when he was curtailed from overseas. My hope is, as a result of this case, the Department and DS will examine complaints like this more closely before rushing to judgment. So, I was pretty proud of the outcome in that case.

Q: Similarly, regarding retaliation, the Department has a dissent channel through which officers can confidentially describe their disagreement with a particular policy or process and offer an alternative. Some officers hesitate to use this for fear of being considered disloyal and suffering retaliation. Did that ever come up for you as a case?

PAPP: That has not. No, I don't think I've had any cases alleging retaliation for using the dissent channel.

Q: Recently you won an award for labor relations and labor representation. How did that come about?

PAPP: I think you are referring to the AFSA Special Achievement Award. My understanding is that I was nominated by John Naland, who has been a colleague of mine in AFSA for many years. He has held several board positions and has been a member of the Committee for the Legal Defense Fund. He is currently the vice president for retirees. I was so honored when I saw what he wrote in his nomination. It was just very, very nice. The nomination had to be approved by the AFSA governing board. My colleague, James York, who I've also mentioned, got it a previous year. So, you know, it just makes you feel good to know that your work has been appreciated.

Q: As you look back on your time as general counsel, are there recommendations you would make to the organization or aspects that you think might be improved?

PAPP: I'm not sure. I have to think about that one. I do have recommendations to my successor. It's really important to keep records of things. As I mentioned, I like going to the archives and digging through things and these old documents have helped win cases.

So, I guess one recommendation to AFSA is be really careful of what you decide to throw out from archives. And your historical records are really important, especially for our office. And I worry with technology sometimes that we're not, are we filing things in the right place? And can we find them when we need them? And our bargaining notes are so important and can be so important in winning a case. So, my advice would be to really keep track of those documents and be able to find things. And it's really important in our office to police our agreements. If the Department is violating something, you have to call them on it, because if you let them get away with it, then they can say, "Well, you didn't enforce it, you sort of abrogated the agreement." So it's really important to police things. The other thing I would say, kind of my philosophy towards our members, we're a service-oriented organization. And I feel it's really important if someone is a member, especially if they've been a member for 20 years and they've never contacted us before, to try to help them. Even if it's something we don't do, well, let's find a way to get them to the right person who can help them. We should try not to say, "No, sorry, we don't do that." And I don't think we do that. I think we all really try to help our members.

Q: Any other parting thoughts as we approach the 100th anniversary of AFSA?

PAPP: Just personally, this has been such a fantastic job. If you can't tell, I really like helping people. And when I worked for a law firm, I didn't like it when you had to give them a bill. Right? Because these were often people who lost their job or you know, something like that. Fortunately, people in the Foreign Service, you know, most of them are paid well, but I'm really glad we can help them and not have to give them a bill, that their membership covers it. I'm also proud that 80 to 85 percent of the Foreign Service are dues paying members of AFSA, which is really phenomenal. Most unions, it's like 30 percent. So that makes me proud that so many members, you know, our members are due paying members of AFSA, which makes me think, okay, we must be doing something right. I don't know. I don't know what other parting thoughts I had, just, I've been just really grateful to have this fantastic career and to have worked with such wonderful colleagues at AFSA. You know, people asked me, "When are you going to retire?" Maybe when it stops being fun, but I don't see that happening anytime soon.

Q: All right. We conclude the interview here. Thank you on behalf of both ADST and AFSA for your service and for taking part in this historic oral history program.

End of interview