



National Federation of Federal Employees
Forest Service Council
International Association of Machinists and Aerospace Workers



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NFFE-FSC Recommends Terminated Forest Service Employees File FOIA/PA Requests

The Freedom of Information Act (FOIA) allows the American People to request records from federal agencies. It's often described as a law that keeps citizens informed about their government.

Federal employees, even recently separated federal employees, have the right to records related to their federal careers.

Below is guidance and direction streamlining the process how you request the following records from the Forest Service, USDA and OPM regarding your recent termination.

1. Your eOPF.
2. Your performance appraisals and performance plans.
3. Communications between the government officials that made the decision to terminate your employment.

Basic Requirements

1. You must use your own personal email account.
2. You must not use any government device to send your emails.
3. You must not use government time to send your emails.

About FOIA and the the Privacy Act

The Freedom of Information Act (FOIA) allows you to request records from federal agencies. It's often described as a law that keeps citizens informed about their government.

The Privacy Act governs how the government collects, stores, uses and discloses your personal information and grants you access to that information, including making corrections when you determine information is incorrect.

You do not have to explain why you are requesting records. You can request a fee waiver. However, requesting records related to your personal situation will most likely not qualify for a fee waiver. We have included willingness to pay fees language to ensure your request will be processed. The minimum threshold for processing fees is \$25.00, so agreeing to pay that amount will not result in any cost to you, it will just ensure that your request will be accepted for processing.

There should be no fees for requesting your eOPF. It is one document that exists already and the agency simply has to copy the electronic record they have and provide it to you.

Below is language to use to make your requests and how/where to send them. This language was developed to ensure that your request is accepted by the receiving agencies and receives a prompt response. It is best to not change the wording, especially to add words such as “all” or “any” and other broad terms. That will cause a delay and may result in your request being rejected.

Most agencies have a backlog of requests, so making your request as easy to process as possible is to your benefit. Pay attention to your email, especially your spam folder once you email the requests because you will likely have to provide additional information to confirm your identity for the FOIA/PA requests. While this was created for employees that have been terminated in mind, some portions can be used by current employees, so please only send emails from a personal email account on your personal time.

FOIA/RA Request 1: Requesting a Copy of Your eOPF

- Send your FOIA/PA request to both your employing agency, the Forest Service, and OPM to ensure maximum coverage. When agencies receive FOIA requests for personnel records, they usually process them under the Privacy Act as well, but to ensure your request is processed properly, you should include both laws in your request.
- Send your email below to both the Forest Service at **SM.FS.WOFOIA@usda.gov** and OPM at **foia@opm.gov**.

You can send it to both agencies at the same time, no need to send separately.

Sample Email Language for eOPF

“Under the FOIA/PA, I, **<insert your full legal name>**, am requesting a complete electronic copy of my eOPF from the date of my initial employment **<if you know this date, provide it using the month and year – something like From January 2010 to . . .>** to the date the search is conducted.

“Please promptly inform me of whatever additional information you need in order to fully process my request under the Privacy Act. I am willing to pay up to \$25.00 for the processing of my FOIA/PA request. If the cost is estimated to exceed that amount, please provide me with a cost estimate before costs are incurred. I am willing to discuss amending my request to reduce the cost and/or time to process.”

FOIA/RA Request 2: Requesting copies of your performance documents and communications between Regional leadership pertaining to your termination

- Send your email below to the Forest Service at **SM.FS.WOFOIA@usda.gov**.

Sample Email Language for Performance Documents and Communications

“Under the FOIA/PA I, **<insert your full legal name>**, request complete electronic copies of my annual performance ratings, performance plans, quarterly performance ratings, performance related award documents and memos/letters issued pertaining to my performance from January 2022 to the date the search is conducted. I also request paper and electronic communications pertaining to the **<insert date>** communication I received informing me of my termination in the possession of my direct supervisory chain within Region **<insert region number>** from January 20, 2025 to the date the search is conducted. My direct supervisor was **<insert supervisor’s name>**.

“Please promptly inform me of whatever additional information you need in order to fully process my request under the Privacy Act. I am willing to pay up to \$25.00 for the processing of my FOIA/PA request. If the cost is estimated to exceed that amount, please provide me with a cost estimate before costs are incurred. I am willing to discuss amending my request to reduce the cost and/or time to process. I agree to exclude the names and other PII of third parties from my request. “

FOIA/RA Request 3: Requesting copies of communications between high level government officials pertaining to your termination

- Send your email below to foia@opm.gov and USDAFOIA@usda.gov.

Sample Email Language for High Level Government Officials' Communications

“Under the FOIA, I request communications related to the decision to terminate probationary federal employees between decision makers at OPM and/or decision makers at USDA from January 20, 2025 to the date the search is conducted. This request does not include my direct employing agency, the USDA Forest Service.

“I am willing to pay up to \$25.00 for the processing of my FOIA request. If the cost is estimated to exceed that amount, please provide me with a cost estimate before costs are incurred. I am willing to discuss amending my request to reduce the cost and/or time to process. I agree to exclude the names and other PII of third parties from my request.”

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