

DOD

EMPLOYEES

AFGE FILES LAWSUIT ON NSPS-DELAYS IMPLEMENTATION

A lawsuit was filed in November shortly after the final regulations were announced, challenging the legality of several portions of the regulations. Those areas dealing with insuring fair treatment in adverse actions and giving employees a say in working conditions through collective bargaining were the subjects of the lawsuit. AFGE met with the Justice Department and worked out a delay on these regulations until the Judge issues a ruling around March 1, 2006. In a similar lawsuit affecting similar regulations in the Department of Homeland Security (DHS), Judge Collyer issued an injunction preventing DHS from implementing those regulations when she found that the agency regulations illegally did away with fairness in adverse actions and eliminated collective bargaining.

DOD DELAYS TRAINING ON NEW PERFORMANCE MANAGEMENT/ PAY SYSTEM

DoD has announced a delay in the implementation and training on NSPS. Apparently, based on feedback from managers, DoD realized that it was not ready to begin the spirals as originally planned. Originally 65,000 DoD employees were to begin Spiral 1.1 for the new performance management and pay system as of July 2005. That was initially delayed until January 2006. With the new announcement, the Spiral 1.1 will be

downsized to 11,000 employees to begin in May 2006. No bargaining unit employees will be in Spiral 1.1. Spiral 1.2 is now scheduled for October 2006 and Spiral 1.3 for January 2007.

The unions have asked many questions about the proposed systems and the training, but we haven't received many answers. The system being proposed is very complex and many of the specific details on how it works have not been spelled out yet.

AFGE SECURES MAJOR CONTRACTING OUT LEGISLATION

The American Federation of Government Employees (AFGE) offered thanks to the Senate and House conferees of the fiscal 2006 Defense Authorization Bill for making, in a strong and bipartisan fashion, significant reforms to the Pentagon's controversial privatization process, despite strong opposition from the Office of Management and Budget (OMB), Department of Defense (DoD) and contractors.

The new provision will ensure that DoD civilian employees have fair opportunities to compete before their work is given to contractors. In all cases involving functions of ten or more civilian employees, there will be no direct conversions to contractor performance without public-private job competitions; civilian employees will always be allowed to submit their most competitive bids, known as Most Efficient Organization plans; and contractors will always be required to at least promise to generate savings sufficient to offset the

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presumed and often significant costs of conducting privatization reviews. Additionally, this requirement will eliminate loopholes that have been used in the past to avoid competition by forbidding DoD from breaking up larger functions in order to be below the 10-employee threshold and designating functions as 'new' when they are performed by civilian employees.

Although similar language has been included in previous versions of the Defense Appropriations Bill, the new measures in the defense authorization bill will be permanent law and an even stronger deterrent against work performed by civilian employees being given to contractors without fair and full public-private competitions.

The Congress also directs DoD to come up with a plan to ensure that civilian employees are given opportunities to perform work that is contracted out or which would normally be given to contractors. Contractors acquire and retain almost all of their work without ever competing against federal employees; and all too frequently, without competing against other contractors. Ensuring that DoD uses civilian employees, instead of sole-source contractors, for at least some new work and contracted out work is a big present for taxpayers and war fighters.

AFGE WINS 3.1% RAISE FOR DOD GS AND WG WORKERS

AFGE won an average across the board increase of 3.1% for this January, depending on locality. Congress agreed with AFGE instead of President Bush's proposed 2.3%. **That's an extra .8% in your pocket.** In the last five years, AFGE secured an extra increase of 7.4% in Federal Pay Raises.

This year, at AFGE's urging, Congress also added special language to apply the raise to DoD employees. In addition, AFGE won "special language" providing the wage grade employees with the same raise for the third year in a row.

Why were these issues important? First, in the FAA, employees are receiving their first across the board pay raise in four years because the agency has its own pay system. Without the specific Congressional action to include DoD employees, DoD has argued that it would not have been bound by the Congressional action on the pay raise for the rest of the government. Second, the special language for wage grade employees is important. Without it, many wage grade employees would have received little or no raise.

*Pay Raises Won by AFGE Since 2002

Year	Proposed Raise (Percent)	Enacted Raise	QUIZ
2006	2.3%	3.1%	(1) How much is your salary x 7.4%? (2) Is there an AFGE membership card in your wallet?
2005	1.5	3.5	
2004	2.0	4.1	
2003	2.6	4.1	
2002	3.6	4.6	
Total	12.0	19.4	
Extra Pay		7.4%	