

docket number NSPS-2005-001 and/or Regulatory Information Number (RIN) 3206-AK76 or 0790-AH82

In reference to Proposed Rules in the Federal Register/Vol 70, No. 29/Monday, February 14, 2005

Title XI – Civilian Personnel Matters Chapter 99 –

(k) Additional Provisions Relating to Personnel Management.-(1) the Secretary, in establishing and implementing the National Security Personnel System under subsection (a), shall not be limited by any provision of this title or any rule or regulation prescribed under this title in establishing and implementing regulations relating to – (A) (B) (C)

9901.104 Scope of authority.

Question -- If the Secretary of Defense “shall not be limited by any provision of this title or any rule or regulation prescribed under this title in establishing and implementing regulations relating to – (A) (B) (C)” why go through the Federal Register process and ask for comments when he is not bound by a higher authority?

In reference to –

*Subtitle B – Department of Defense Civilian Personnel Generally
Sec. 1111.(a) Pilot Program.—*

Question -- What mechanisms are set in place at this time to determine if this “pilot program will be effective and efficient for the Department of Defense and the Federal Government?

Question -- What are the means for ensuring employee involvement in the design and implementation of the system?

Question -- The previous system was designed to alleviate the detrimental effects of a politically motivated military officer wanting the authority to remove, move or otherwise punish a lower ranking, career civilian, that has worked in the Department of Defense for multiple years providing continued positive results, just because the military member wants another military member in the position. The uniformed individual comes in for 2-3 years, burning the candle at both ends, just wants to make a name for themselves and will leave when their tour is finished. The civilian employee must stay and pick up the pieces left behind or at the possible expense of their career keep the hothead from making stupid mistakes that will ruin both careers.

Giving more latitude to military individuals that supervise civilians, such as mentioned above, will decrease our workforce at a much faster rate than it is now.

In addition, what is to keep a supervisor from ‘taking care of’ their favorites and leaving the rest out in the cold?

Page 7574 : “The primary benefit...high-performing...excellent performance...”

Question – In comparison of NSPS to automobiles, how can the system run effectively with all BMWs, Mercedes, Rolls Royces, etc and not have any ‘farm trucks? You cannot have all Chiefs and no Indians.

9901.333 (a) *Within its sole and exclusive discretion, DoD may, set and adjust local market supplements.*

Question - How is the economy different for DoD employees vs. other Federal Government employees that currently receive locality pay?? LOCALITY PAY IS RELATED TO YOUR LOCAL NOT YOUR PERFORMANCE.

*In reference to 9901.406 Setting and communicating performance expectations.
(a) ...support and align with the DoD mission and its strategic goals, etc.*

Comment - IAW “The **Department of Defense** (DoD) ([DoD Directive 5100.1](#)) is responsible for providing the military forces needed to deter war and protect the security of the United States. The major elements of these forces are the Army, Navy, Air Force, and Marine Corps. Under the President, who is also Commander-in-Chief, the Secretary of Defense exercises authority, direction, and control over the Department which includes the Office of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, three Military Departments, nine Unified Combatant Commands, the DoD Inspector General, fifteen Defense Agencies, and seven DoD Field Activities. (See [DoD](#) chart.)”

For some this is a very long distance to align performance expectations with DoD mission, etc...

9901.721& 810 *Savings provision.*

Question –

What does this mean? Thrift Savings Plan? Personal Savings? Social Security Savings? Saving documents initiated before NSPS?

9901.911 –*The Department ...to **A** labor organization **IF** ..., a **SECRET** ballot, ...*

Comment – This does not sound like “protects the civil rights of its employees.” As described in the summary of this proposed rule. Secret? Classified? I have a TS clearance, I want to be involved in the selection. Who will have access, the chosen few??

This also contradicts “9901.916 *Unfair labor practices proposed rule. (a) (2) To encourage or discourage membership in **ANY** labor organization by discrimination in*

connection with...” If there is only to be one, the phrase should read membership in **THE** labor organization.

Wash Post – Comment by Sen. John W. Warner’s (R-Va.), chairman of the Senate Armed Services Committee.

Comment - With all due respect to Sen Warner, the working environment in the Department of Defense was VERY different during the Vietnam War era. One addition is contractors, who take away the very work the military and civilians are trying to protect. In addition, our very rights under the personnel system in place at that time are at stake.

To echo the question of David Walker, GAO, where are the details? If we went into war with this type of plan, we would surely lose. Want a winning force? Provide a winning plan.