

8 March 2005

Program Executive Office
National Security Personnel System
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Reference Docket number NSPS-2005-001 and/or Regulatory Information Number (RIN) 3206-AK76 or 0790-AH82 – Proposed National Security Personnel System.

The following are my comments and concerns concerning the proposed NSPS:

1. Page 7561: Performance Management – Subpart D: “The current performance management system is burdensome because of its actual and/or perceived inflexibility and strict adherence to written elements and standards established at the beginning of a rating period...”

Comment: When TAPES (Total Army Performance Evaluation System) was implemented in the 1990s, it was implemented with the stated objective of eliminating the actual and/or perceived inflexibility and strict adherence to written elements, as stated above, as was intended to be flexible, living document that would/could be changed throughout the annual performance period.

*It now appears that management and supervisors will now decide the employees’ performance objectives at any time throughout the year **without the mutual consent of the employee**, expect more work, with less recognition. If a supervisor does not clearly communicate performance expectations to the employee, what protections are in place to the employee to appeal the evaluation process?*

*While the NSPS may appear to be an improvement to the existing system, there are too many “may be’s” and not enough “will be’s” in the ruling as it is currently exists. **More time is needed to answer all the unknowns before the NSPS is implemented.***

2. Page 7574: Unfunded Mandate, quote: “These proposed regulations would not result in the expenditure by State, local or tribal government of more than \$100 million annually, thus no written assessment of unfounded mandate is required.”

*Comment: This is an unrealistic expectation in the fiscal crises that many states, local and tribal governments are currently in...to expect the funds to be available is a farce. How can additional costs be incurred on an agency, or any entity, that already is under tight budgetary constraints? **A written assessment of this mandate needs to be conducted before the NSPS is implemented, otherwise there is an undue burden on local governments and other entities.***

Where will the funds come from for the needed and frequent training of managers and supervisors? With the budget constraints being experienced in most organizations, etc., it is highly questionable that ANY funding would be available to conduct this very needed training.

Will the \$100 million actually come from the “unstated savings” that will result from the elimination of COLAs, step increases, etc.? Will bonuses now become a thing of the past, yet performance standards will be even higher? What happens to rewards for exceptional performance if any individual is already at the top of their grade, which means they have a very small window of increasing pay in their respective pay band?

3. Page 7576, 9901.103 Mandatory removal offense (MRO):

*Comment: How can categories of “grounds for dismissal” not be identified **now** rather than at some unspecified time in the future? Why the vagueness of the process in general?*

4. Page 7579, 9901.221 Classification Requirements, Paragraph (b)(2):

*Comment: Who exactly will decide the appropriate career group? Who will decide the pay banding? A career group appropriate in one area of the country may not be appropriate in another, for a variety of reasons. To state that a “working group” will decide the career group is not adequate. **A clearer, more concise explanation is needed.***

5. Page 7596, 9901.905, Impact on Existing Agreements:

*Comment: This section breaks negotiation contracts and shows bad faith, strips employees and unions of rights and due process. **This section needs to be rewritten.***

General Comments:

1. The proposed ruling is **confusing, arbitrary and contradictory, and vague** in how it actually will be implemented.
2. In making a more mobile workforce, and potentially placing employees in harm’s way, at the whim of DOD management, **where are the mechanisms to protect the employees rights?**
3. The basis for Reduction-in-Force (RIF) will change under the NSPS. Will employees in current job series now be able to RIF another employee in a different series (engineer versus a biologist/ecologist)?
4. Veteran’s preference now appears to take a lower standing in RIFs. How can this be legal?

5. Morale in DOD and the USACE is already at an exceptionally low level. How does the DOD expect to deal with the even lower morale (if that is even possible) during the implementation of the NSPS and the years following? Where is the incentive to stay with the DOD or USACE, or even enter the agency once NSPS is implemented? Will deceptions of the HR staff continue as they have with the hiring of interns, and others who were lied to repeatedly by the Human Resources staff?

6. Who will be deciding the pay bands, and which series are banded together? What appeal process will be in place to challenge the determination/decision? Is there any appeal process?

Thank you for considering the enclosed comments.

Sincerely,

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