

Dear Sir or Madam:

I am writing to you to voice my dissatisfaction on the Proposed NSPS Regulations. Here is just a few of the areas of this proposal this is unfair to Federal Employees.

Subpart A – General Provisions

9901.106 Continuing Collaboration Process

Collaboration without any obligation to an agreed outcome is meaningless for employees and unions.

Subpart B – Classification

9901.201 – 231 General, Classification Structure, Classification Process, Transitional Provisions.

These sections give no detail, only ideas that will be figured out later. This is unacceptable since there is no collaboration and no binding negotiations on these subjects.

Subpart C – Pay and Pay Administration

9901.301 – 334 General, Overview of Pay System, Setting and Adjusting Rate Ranges, Local Market Supplements

Even though total money for salary will remain the same thru 2008 there is no objective way of distribution.

After 2008 the money may not even be there.

By not adjusting the minimum rate in pay band DoD avoids having to pay a cost of living raise.

Within a single pay band there can be multiple pay levels depending on job series.

Locality pay or Local Market Supplement, which is supposed to be an adjustment for the cost of living in a particular area, will be used as a manipulative tool to pit different segments of the workforce against each other.

Locality Pay (Local Market Supplements) can be withheld for performance, when is a cost of living for the area, which has nothing to do with performance.

9901.343 Pay Reduction Based on Unacceptable Performance and/or Conduct

Supervisors can reduce your pay by 10 % at their whim on purely subjective material and opinions.

9901.352 Setting Pay Upon Reassignment

This can be used to either reward or punish, without any oversight, by randomly allowing managers to reassign people without merit or cause.

9901.353 Setting Pay Upon Promotion

It will be possible to get promoted but actually have a reduction in pay.

9901.354 Setting Pay Upon Reduction in Band

Loss in pay or grade is no longer an adverse action.

Subpart D – Performance Management

9901.407 – 408 Monitoring Performance and Providing Feedback

This is no different than the present and is what they say is the problem. If this isn't done properly, the rest is doomed to failure. So what is the point in doing this at all?

9901.409 Rating and Rewarding Performance

Doing away with Veterans preference and RIF. They are going to use your rating of record for RIF, but don't know how. Appeals are a joke! Another trust me deal.

Subpart F – Workforce Shaping

9901.601-604 Purpose and Applicability

This would give the Secretary of Defense the authority to change anything he wants. Whenever he want with no accountability.

9901.607-608 Retention Standing and Displacement

Doing away with bumping and retreating. This section will also make Veterans Preference meaningless. As a Veteran of Viet Nam and now working in the federal work force, this is an insult to all the Veterans who have served.

Subpart G-Adverse Actions

9901.703 Definition

This is in conflict with 9901.343

9901.712 Mandatory Removal Offenses (MRO)

Gives sole authority to Secretary of Defense to determine what offenses would be considered mandatory removal offenses. Only the secretary can change the decision on appeal.

9901.713-716 Mandatory Removal Offenses (MRO)

An employee's notice period can be as short as 5 days if employer believes there has been a crime committed, even if there is no proof.

Subpart H-Appeals

9901.807 Appellate Procedures

MSPS and the appeals process would be rendered meaningless under this section. You would have to show that an adverse action decision was totally without merit and egregious in nature. The agency is not longer responsible for the cost you incur in your appeal, including attorney fees and lost wages.

Subpart I-Labor Management Relations

9901.905 Impact on Existing Agreements

Current negotiated agreement will be null and void if they disagree with any part of the regulations or any part yet to be published, guidance or implantations requirements from DoD.

9901.907-909 National Security Labor Relations Board (NSLRB) and Federal Labor Relations (FLRA)

The Secretary of Defense will appoint the National Security Labor Relations Board and they will answer to him. Again no accountability for their actions. They will replace FLRA in all hearings.

9901.910 Scope of Bargaining

It prohibits management from bargaining subject matter that is currently permissible by law.

This is just a partial list of what is wrong with the MSPS proposal. This proposal needs to be DOA (DEAD ON ARRIVAL).

Please do what is right and **do not** allow this proposal to become law.

Regards

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