

GENERAL COMMENT: *As a current Federal employee with forty-nine years of continuous service to this great nation, I have great concern as to the reasoning, other than what was stated by the Department of Defense, that being “national security,” behind re-inventing an “entire wheel” when indeed the wheel is not broke “entirely!” I believe that DOD by its NSPS move has forgot those words of wisdom that say, “don’t fix it if it isn’t broke!” The current system found today in Federal Civil Service is no different than systems found outside government. Sure there is a need for change and improvement “but” not totally revamping a workable measure of effectiveness, efficiency, and productivity.*

Now having said all that appears herein this submission package, “I sincerely hope that both the DOD and OPM take to heart the feelings, views, comments and recommendations of each and every person and group who took the time and effort to read the 114 page Federal Register document on NSPS, and in doing such sits in consultation and negotiation with the 41 unions who represent the DOD workforce, and then together build a system on a NEED to repair only what is BROKE!” To not consider working together as a “team” would only produce what is being proposed at this time and the there is “no winner of justice” and the excuse of “national security needs” takes hold causing major personnel problems with emphasis on “morale!”

Section 9901.101 – Purpose: *DODs language throughout their proposals states that “federal civilian employees” are unique in government, and they are an integral part of an organization that has a military function. DOD civilians must complement and support the military around the world in every time zone, every day. Just as new threats, new missions, new technology, and new tactics are changing the work of the military, they are changing the work of 700,000 civilians. To support the interest of the United States in today’s national security environment – where unpredictability is the norm and greater agility the imperative - - civilians must be an integrated, flexible and responsive part of the team. Currently pay and the movement of personnel are pegged to outdated, narrowly defined work definitions, hiring processes are cumbersome, high performers and low performers are paid alike, and the labor system encourages a dispute-oriented adversarial relationship between management and labor.*

VIEW/COMMENTS: *DOD has by their language made deployment of civilians a reality and that they can be sent to various locations around the globe. However, DOD does not take into consideration that at the present time with all the personnel ceilings impose, privatization, contracting out, etc., there is created reductions in force. Through the present system we have established we now have an older workforce because of RIF policy and procedures. Deploying civilians employees who in applying the common sense rules, are senior to the members of the military and therefore may not perform those duties under adverse situations based upon mission requirements,*

physical conditioning in geographical locations where their services are needed. Found to be apparent throughout the entire NSPS rules is that DOD is establishing changes and “not elaborating” on the sufficiently as how the change/requirement will be set. In view of this failure to elaborate fully I find that by DOD requesting its workforce, and their exclusive representative to submit comments, views, and recommendations is somewhat superficial due to insufficient facts, and rationale.

As far as a high performing workforce I do not see NSPS providing that as the compensation language will beyond a doubt bring about more favoritism than we now see in the federal sector by management. Stating an agile and responsive workforce and meaning its mobilization I see significant problems neither in such a move and nothing beneficial nor in the best interest of “national security.” We operated and responded without problems with those conflicts, wars, and/or humanitarian missions for many years. Here again the DOD proposals are vague and do not elaborated on what failures brought a need for such drastic changes.

DOD identifies pay and the movement of personnel as outdated, narrowly defined in its work definitions and that the current hiring process is cumbersome. The problem here is not as stated- they problem is made by government itself by the “centralization” of Civilian personnel Offices, with procedures varying as to which office is accomplishing what, and how! Along the subject of pay, to which I submit later in more detail, DOD claims that both high and low performers are paid alike – “this is erroneous” and far from any positive practice. Here DOD identifies the failure of management and supervision forgetting that rules or laws contributed greatly as well as departmental interpretations and business procedures that set what is to be followed and they “do allow for pay to be given or withheld based on performance!” However, this important fact clearly known within the requirements of existing rules, laws and regulations is not referenced on elaborated upon in DOD’s NSPS language.

9901.103 – Provides language regarding “pay banding.” NSPS as written will give latitude throughout DOD to assign occupations and positions to occupational groups and broad pay levels to those groups and also permits establishment of qualifications for positions within groups. Upon reviewing I see no fixed steps which mean that the present pay banding system already in use by DOD shall be their pay banding structure. This leads readers of the proposed NSPS language to believe here is yet another new needed change in the interest of “national security” when in fact, that is not correct.

As I initially understood pay banding under the proposed NSPS language there were to be FIVE Career Groups which each having pay band levels. I do not see them presenting this Section discussing pay bands, however I do see where this has been changed to TWO GR0UPS (Section 9901.212). There is also a reference to 9901.514. This Section discusses NON-CITIZEN hiring and there is no reference at all to pay banding.

VIEW/COMMENTS: *In addition to what I have already submitted above and from the stand point of the workforce who is asked to read and comment on this proposed system they are placed at an extreme disadvantage as the document in the Federal Register as written is confusing. One must be thoroughly familiar with the rules, laws, and regulatory guidelines dealing with pay and pay banding to comment educationally showing knowledge of the subject. Pay banding is unfair and if adopted will cause employee to employee problems thereby placing the workforce at odds – not good for national security, and definitely not good for morale and welfare. In addition to these inherent conflicts between employees we will see the good old buddy rules applied as management sets the employees entry into a pay band. The system as written leaves too much room for abuse by all levels and I fail to see where this plays in this great nation’s national security!*

Section 9901.211 & Related Sections Concerning Classification – “DOD will develop a methodology for describing and documenting the duties, qualifications, and other requirements of categories of jobs, and DOD will make such descriptions and documentation available to affected employees. DOD will assign occupational series an definitions required by Sec. 9901.211 and 212 to assign jobs to an appropriate career group, pay schedule, and pay band. DOD will establish procedures for classifying jobs and make such inquires of the duties, responsibilities, and qualification requirements of jobs as it considers necessary for the purpose of this section. Classification decisions become effective on the date an authorized official approves the classification. Except as provided for in Sec. 9901.222 (b), such decisions will be applied prospectively and do not convey any retroactive entitlements.”

VIEW/COMMENTS: *It appears that DOD shall take a myriad of jobs series and condense them into major groupings. To accomplish DOD implied and stated objectives requires no regulatory change pr exemption from bargaining. It appears that DOD in its “flexibility needs” makes changes due to criticism that there is in the present system undue amounts of paperwork associated with drafting complex and detailed position descriptions, and that red tape shall diminish an organization’s ability to reshape itself. Following the policy and procedures already established in the current personnel system the agency controls this now and negotiations with employee representatives are restricted. Here again in representing unit employees it is unclear to the Union’s as to why there has been no action taken to this very day to minimize or simplify the requirements for position descriptions. By reducing the number of job categories, DOD has defined levels of work in broad career path language such as entry level, journey level, senior or expert and supervisory. Applying this action would set any compensation to “pay ranges” that are purportedly tied to existing labor market conditions with managers having the sole discretion to offer competitive salaries to “top quality candidates.” I fail to see any proper guidelines concerning the manner in which pay is set when candidates are hired. It is apparent that DOD will end up with a system that in itself is creating abuse resulting in wide disparity in how civilian employees are compensated for performing similar or same work requirements.*

Upon the assumption that reducing the number of occupational categories and their position descriptions will allow for greater flexibility in how organizational staff is managed is true, there becomes an existing risk that positions shall become too generalized and therefore creating an overabundance of duties and responsibilities. In a general statement in reading the entire proposed system I feel that DOD needs to re-look their proposals to avoid what I see happening – creating a new workforce that possess, as the saying goes – “a jack of all trade and a master of none!” This can be avoided had the DOD truly conversed as required by Congress; with labor organizations during the beginning stages of form NSPS!

*Sections 9901.341 thru 345– Performance Based Pay – VIEWS/COMMENTS:
Considering the fact that there is in the present system pay for performance measures DOD proposes something entirely different such as documents read that labeled this to be a process of “compensation cannibalism” – where an employee’s annual raise could only increase at the expense of his/her fellow employees! I find that cost of living allowances for all DOD would be gone – history, as would quality increases for superior performance. All employees within a unit would compete for raises not against objective performance standards BUT against one another. In this proposed language the zero-sum gain would “not” improve performance. Instead it “will” destroy morale, and underline the cooperation and teamwork needed to win the war on terrorism. What will happen will be employment within DOD less attractive than other federal employment.*

In the current system, as stated, it is know fact that pay for performance already exists. Beyond the annual comparability increases approved by Congress employees who perform well are entitled to a step increase in pay. Employees with exceptional performance may receive an additional raise (quality step increase). Employees who are found substandard performers are denied any step or grade increase and may be “fired or demoted!” Here again what we find is that with NSPS in its proposed language this system would be replaced with a bizarre scheme stating changes needed in the interest of national security. As I recall an evaluation of this was already conducted were it was found that manager would give or could give employees performance scores from zero to 100, and that this system was unclear on being fair, equitable, credible, transparent, and uniform!

The average employee reading this proposal lacking knowledge on the entire subject is making selling the package easy for DOD. There is no mention to performance scores that translate into a range of shares for payout as my reference document uncovers. As I understood this initial language and not having updated information at hand, I understand that employees would be placed into pay pools with annual payouts determined by taking the total amount of money what would otherwise be available for raises within a pay pool, divided by share allocations, and then multiplying the share price by the number of shares each employee receives “from their manager.”

If these measure stand as fact, I see no definitive language in the Federal Register document explaining how this would be applied. Again making an employee evaluation

of the proposed NSPS plan almost impossible. It is understood, and a matter of record that we need in the federal government a system that would reward high performers which I consider personally to be long over due, however in the proposed language and explanation DOD has presented nothing that NSPS would bring better change. Little detail has been provided to conduct a valid appraisal of whatever new pay rates and systems might be put into place. I am sure that cost involved in any pay system would bring close scrutiny as we find argument after argument stating that the Federal Employees Comparability Act has not been properly funded in almost twenty year

How can the DOD and OPM think that changes to the pay system can be accomplished within such an enormous organization as the DOD is, and one that will surely face significant, ongoing budget issues? In this great nations security needs there will be increases in the price of all materials need to fight terrorism! I refer at this point to a document written by Professor Robert D. Behn, who made observations concerning government compensation, and published them in the January 2004 edition of the Public Management Report. Overall, "any modification that deals with pay issues. Policy and procedures must require extreme controls in the administration and management of such programs.

In essence, pay for performance and which is already in place needs to be revamped, however not in the language found under NSPS. Managers may find NSPS a great deal more difficult to handle properly since they normally work in a culture rewarding seniority and image. I do not see the system working as we find managers/supervisors unable to learn the present system known as TAPES within the Department of the Army even with training provided and pamphlets to follow. Without measurable standards that permit a fair and equal playing field for workers to reach and for them to obtain that required level - the system will continue on as an "unfair" system.

The Department claims that outstanding performers are paid the same as poor performers, and that these so-called "poor performers" are not held accountable. This type of thinking does not get to the bottom line problem which is those in charge who measure an individuals performance often rate them higher than actual performance mainly because they do not wish confrontation or they just accept that type performance because of the "good ole buddy rules." What I find consistent throughout many Sections of NSPS is that "DOD makes statements repeatedly on poorly written, poorly managed language governing a broad area in the current personnel system, however, by doing such they, DOD do not offer any evidence indicating dissatisfaction or failure in total of the system. Since the beginning when the Civil Service Reform Act became law there was established mandates on performance standards and periodic evaluation, just as we find in DA, again those responsible have failed not the workers but yet a new system is being pursued that will do the same thing the present one does – reward, rate individuals not on what they know but who they know!

A failure to a system is not generated by the worker-bees and no matter how many rules are written in these various regulatory documents there can be no law, no system that can establish good sound managerial practices or create individuals in such

positions with all the necessary leadership skills. Recall, a leader is not born and until the employer refrains from that type thinking – nothing will change by any standards applied and enforced.

Section 9901.355 Pay Retention – “Pay retention prevents a reduction in basic pay that would otherwise occur by preserving the former rate of basic pay within the employee’s new pay band or by establishing a retained rate that exceeds the maximum rate of the new pay band. Pay retention will be based on the employee’s rate of basic pay in effect immediately before the action that would otherwise reduce the employee’s rate. A retained rate will be compared to the range of rates of basic pay applicable to the employee’s position.”

VIEW/COMMENT: Understanding this language its is apparent that current employee’s receiving “pay retention/save pay” would suffer a loss based upon placing all employees into pay bands. I see no advantage to this and clearly there is no impact on the ability to respond in times of national security needs. What is consistent in ones reading, understand and interpretation is that NSPS in all reality “does not have anything to do with national security” but rather it is a means of “union-busting and total control over the DOD workforce!”

Subpart E –9901.501 – 516 - Staffing and Employment – There is no doubt in any civilian employees mind that this system as it stands now is not the best and the selection process is something less acceptable. As Civilian Personnel offices have been centralized, and everything has been made electronic we find employees having to conduct job searches/ application measure on-line. Many employees do not have access to computers, nor do they have on-duty time allotted for these necessities so that they can better themselves in government employment. I do not see where any language contained in NSPS will make this process more employee oriented, and assist DOD in national defense. Current employment within the DOD is critical scarce, as in jobs are just not out there in abundance, and when they are because of the numerous reductions in force by privatization and contracting out there is a large listing of qualified employees appearing on “stopper lists.” What has DOD provided that will reduce those processes that in themselves are controversial as in – “costs saving?” DOD seeks to hire more qualified people but in reality they do not offer competitive pay and with this unneeded NSPS process I see less qualified people applying for federal jobs regardless as to what is told the private sector we in the trenches do not see “qualified high-level new people.

In general comment regarding Staffing and Employment I see that DOD has continued being vague as there are no establish criteria determining the appropriate length of ones probationary period. It appears that these periods will be set on employees and not jobs which mean employees to same positions could serve different probationary periods. Most critical is that “all promotions could be considered probationary within this section.

In conclusion with time being of essence and a major factor, I reiterate what I have stated and/or implied herein that I do not, as a federal employee see where the majority of these proposals have any significant impact on the national security of our great nation. I feel that by intention, DOD permitted comments, views, and recommendations during a small window time frame fully knowing and understanding that employees during their daily work requirements do not have the proper time to read the extensive language and then digest what is written as many of these proposals dealing with policy and procedures are not commonly known to them in such detail. Again, “there is no doubt in mind that there is a need for change in many issues, programs, and processes with federal employment. However, I do not believe that this process, NSPS is the answer to these problems, nor do I believe that it is introduced, and pursued under the umbrella of “national security.” Ultimately, I find very upsetting is the fact that a civilian employee can be deployed in times of need by the call of DOD, to anyplace, anytime, anywhere without the same benefits given to others who now and will serve this nation in her time of need. We, all of us our part of the team and all of us should be treated fairly and equitably in the best interest of all America!

In the interest of the people to include all citizens of a great nation that stands united on the war against terrorism “do what is right for national security! Don’t divide America more than it is now!” Adopting NSPS in its language standing now will only cause pronounced divisions in the Departments employee population!