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I begin with a summarization. NSPS has very little to do with national security and will fall far short of curing many of the publicized "problems" with the current system. In a nutshell, we have a threshold level of inferior management officials sufficient to prompt Congressional leaders to believe our government needs "new" system. What I have gleaned from the text published in the Register amounts to a large-scale rehash of current practices with new names and a "twist" or two thrown in to make them appear "different". It should also be noted that many specific facets of NSPS were not included in the published Register content and makes assessment of, and/or commenting on those facets impossible. It also makes one wonder why these portions were not included and begs the question: Is NSPS ready for implementation in DoD as published in the Register? To continue pursuit of this folly is a criminal misuse and wasting of American citizens' taxpayer dollars.

Pay raises are not "automatic" as has been reported. The management principles in NSPS are the same ones we have in place today. Within-grade-increases can be disapproved for mediocre or substandard performance. Employees are supposed to get performance feedback under the "old" system. To a very large degree, it's not happening. Until it does, the problems and perceptions cited will not go away. Subrogating statutory employee rights/protections to the fox with the toothpick by the henhouse door (NSLRB) will degrade the rank and file employee confidence for fair and impartial due process. "Streamlined" does not necessarily equate to quality. Though not published in clear language within the Register, national-level collective bargaining will not work. National labor organizations are not and cannot be equipped to adequately represent bargaining unit needs above the exclusive recognition level and therefore cannot be effective. An "agile and responsive workforce can be easily sized, shaped, and deployed to meet changing mission requirements" is inflammatory at the least to those who have served or who continue to serve our nation's military departments. I can't speak for all, but I performed 20 years of honorable service when I wore the uniform. As a federal civil servant, I DO NOT appreciate the tone of this comment. The words are either "flowery fluff" or an admonition of things to come, i.e. a "DoD Civilian Assignment Section" to send private citizens worldwide and possibly into combat theaters or hostile areas. This thought can be carried further to include family disruption and hardship even for locations within the continental U.S. A converse analysis may indicate that the younger, divorced, "no loyalty to any one or place" employees stand to benefit from a concept along these lines. They can be mobile,

where the more traditional employee seeks a stable, long-term commitment with reasonable upward progression. A system that rewards only those who continually go above and beyond is doomed to be constructed on a foundation of lies. The U.S. government should not mirror corporate America where the only loyalty is to oneself or the bottom line.

Classification of current core document duties/standards in most series job categories is vague and immeasurable. If job classifications and duty standards are broadened from their present vagueness, accountability will be further removed. The removed accountability applies equally to both the employee and the rating management official.

NSPS recruitment and competitive examining within a "defined geographical area" all but eliminates individually desired mobility and seeking higher level performance/responsibility. (Unless of course, the affected employees "suck up" to those who can exercise influence over staffing those positions) The "Good 'ol Boy" premise will run rampant.

In concept, In-service probation is plausible. Putting it into practice is impossible. Once an employee is placed into another position, their vacancy is filled. This makes the statement "An employee who fails to complete the in-service probationary period will be returned to the position and rate of pay he or she held before the probationary position" untrue. If this is fact, how does this "streamline" employment procedures? In order for this to be fact, the vacated position will either have to be held for the duration of the probationary period or a "personalized RIF" will ensue for that employee.

The NSPS RIF process places too much emphasis upon performance (interpret as performance rated by the "threshold level of bad management officials"). Tenure should not be arbitrarily ranked above performance ratings which are either inflated or baselessly dependent upon vague, immeasurable standards.

NSPS changes to adverse actions and appeals undermine the employee's ability to experience due process. All agencies currently enjoy a virtually limitless amount of time to prepare execution of adverse actions. Employees under NSPS would be further denied this same luxury when they are already in a disadvantaged representational position brought about by unbelievably short response times and limited financial ability as compared to an agency. Gutting the MSPB procedures and shortening filing deadlines and AJ decision timeframes undermine the very premise of merit system principles. These changes are not fair, nor are they equitable. They are yet another example of how "streamlining" severely limits or negates employee due process.

NSPS tosses out the Douglas v. Veterans Administration legal precedent. If the factors within Douglas are not applied by management, case merit goes down the tubes. If MSPB judges are not allowed to use the Douglas factors to mitigate penalties of questionable merit, good discipline nor efficiency of the service will be promoted.

Changes to the award of attorney's fees for questionable or unfounded management actions are ludicrous. If management did not have preponderance level, factual data to take the action, it should not have done so. See how far the concept of "facts unknown to management" will get a prosecuting attorney in a federal district court. The employee should not be financially burdened by management's legal carelessness.

Modifications to USC Title 5 does nothing for the efficiency of the service. The indicated desire and intent of NSPS is to "bust" federal sector labor organizations' ability to represent its bargaining unit members and subsequently destroy its checks and balances.

The NSLRB, appointed by the Secretary, won't be viewed by anyone as impartial and in all likelihood, will not be. Panel members cannot possibly possess the qualifications of FLRA AJs and as a result will render inappropriate decisions. The qualifications cited (distinguished citizens, labor relations/DoD mission experts) are likely to skew adjudications in such a manner that places DoD mission above the law. This is extraordinary to the basic framework of democracy and borders on totalitarianism.

## **Pay banding**

With the management flexibilities incorporated within NSPS, an employee's salary could fluctuate dramatically at the whim of an unhappy management official via transfer to a less-responsible position, although no grade reduction is involved. By the same token, an employee can suffer financially due to bad management decisions. Case in point: Two justified, needed positions are eliminated, leaving one employee performing the work of three, but who is compensated only for their current pay grade/band. Even if paid at the highest rate, the employee, the organizational mission, and those they supervise suffer when span of control is unmanageable and the expected level of responsibility is unattainable.

The Register states that setting and adjusting pay band rate ranges can be based upon many things. One of those is "overall budgetary constraints". Employees fear this could result in downward fluctuations in their pay during severe budget cuts despite assurances to the contrary. Another element states "DoD will also set local market supplements for rate ranges based on geographic and occupational factors". With the job assignment flexibilities built into NSPS, that same employee could experience significant reductions in pay because of where they work and the occupational series in which they are placed.

Extraordinary Pay Increases are just a rehash of the Sustained Superior Performance award and the Quality Salary Increase programs under the current system.

Someone needs to seek out input from the U.S. Army Corps of Engineers. I understand they have utilized pay banding for several years. I also understand many of the problems I describe, and that employees fear have occurred, i.e. favoritism, nepotism, and abuse of authority.

### **Bottom Line**

If a "new" system is to be implemented, make sure it's new. Don't write off American citizens and the checks and balances which protect them just because they happen to work for the government that just happens to run the nation they support.