

From: David Hunter, U.S Army TACOM/TARDEC, Warren, MI
To: Bradley B. Bunn, PEO NSPS, Arlington, VA
Subject: Comments on Proposed NSPS Regulations-RIN 3206-AK76/0790-AH82

Comments on the National Security Personnel System (NSPS)

General NSPS Comments

G1. [Relationship 7553] The Federal Register indicates that the Department of Homeland Security (DHS) model was used in developing the NSPS. Based on the nature of work for the majority of DoD employees, NSPS should be less restrictive than the DHS plan. This is not the case. For example, DHS keeps RIF rules the same as current-but, NSPS changes RIF rules to make performance a deciding factor above seniority. This should not be allowed and NSPS needs to be made much less restrictive than the DHS plan overall. The very few DoD employees that are directly involved in national security functions could have special features that only apply to them. Many intelligence and defense laboratory employees will not be included in NSPS for many years, and these are the employees that would justify tighter rules. Invoking the security issue on all employees is totally uncalled for and very much unacceptable. The majority of DoD employees can be managed very well with the current personnel system if only supervisors would do their job and the very intrusive political influence is removed permanently.

G2. [Authority 7553] The Federal Register has just recently been released. But, already many in the Bush-Rumsfeld regime have been pushing to have NSPS applied to all of DoD immediately. They want to skip the proper development phases prescribed by Congress. This must not be allowed. In fact, NSPS needs to be limited to a maximum of 100,000 employees for the first four years to allow for a better system development and adequate testing. The very first year that any employee is covered by NSPS rules must be only for the purpose of establishing a base record for comparing employee performance.

G3. [Option 7555] For several years, the Government has tried to use demonstration project experience as justification for furthering these types of personnel systems. The Government wants to do this again with NSPS. The basic premise of using experience from other programs and "Best Practices" is very much flawed. Most employees that were in such experimental projects had no choice whether to be

included or not. When surveys were done, only a small percentage of the employees responded. Employees that did not like these programs were not likely to respond for fear that negative program comments would result in bad ratings on performance reviews. Thus, information used to develop NSPS has been very badly skewed and contrived.

G4. [Option 7555] The Federal Register indicates that, among various sources of information, the "Best Practices" initiative was used in developing NSPS. As indicated in G3., this was bad data and very much unproven. Over the years, there have been numerous problems with experimental government projects and private industry programs. The problems will just be repeated since no effort to fix and/or avoid the known problems has been made. The approach being taken will only result in many lawsuits being filed. All available information should have been used and must be incorporated before proceeding any further with the NSPS development.

G5. [All] The Federal Register is much too general and vague. This allows too much power to management, possible loopholes, and room for abuse and favoritism. Constructive comments are very difficult to make based on such vague descriptions. This is not a proper way to develop a new personnel system. Comments, honest consideration, and real changes need to occur through many years of the development phase.

G6. [All] The entire NSPS proposed rules smack of great discontent for the civilian employees. If major changes are not made, NSPS will be a return to the days of the "spoils" system. The proposed rules describe a pay-for-cronyism system. This kind of system will do nothing to improve employee performance.

Specific NSPS Comments

S1. [The Case 7552] The Federal Register talks about DoD transforming the way it leads and manages. The Federal Register then goes on to describe a system that is very dictatorial, controlling, and regressive. The purpose of the system described can only be for cutting costs and giving managers the ability to single out employees for pay reductions and/or removal. This is not the true purpose of any credible pay-for-performance system. DoD does need to improve the quality and ability of supervisors and managers. This major problem should be handled before giving them such a regressive tool as NSPS. The proper approach should be to improve management first. Then if needed, the personnel system could be improved.

S2. [Authority 7553] The Federal Register talks about DoD's security mission to justify the need for NSPS. As discussed in G1., very few DoD employees that would be covered by NSPS are directly involved in any first response security type work. The vast majority work in offices and manage records in support of DoD activities. Scare tactics are being used in an attempt to incorporate an inappropriate and unnecessary personnel system. If the proposed NSPS is allowed, it will not be "contemporary" as required by law. NSPS is a return to the "spoils" system of management. The approach needs to change and NSPS needs to be done correctly.

S3. [Guiding Principles 7555] The Federal Register talks about respecting the individual. There is nothing in the proposed NSPS rules that show any respect for the individual. Everything is designed to give more power to management and take existing rights away from the employees. More safeguards need to be incorporated. The individual must be protected from unscrupulous and politically motivated managers. Individuals need to have a clear and unbiased means to challenge unjust demands placed on them. It is unacceptable to have statements such as "final decisions regarding performance expectations are within the sole and exclusive discretion of management".

S4. [Guiding Principles 7555/9901.101] The Federal Register talks about the NSPS being credible and trusted. The comments made so far have eliminated any chance of that ever happening. NSPS sets up an environment where there would be a "fox guarding the hen house" situation. Management is given complete authority with little or no oversight from an unbiased organization. Aside from credible and trusted, the system was required to be validated. None of these has been done, nor do the proposed rules allow for a truly impartial verification of such. This must be incorporated.

S5. [Subpart C- Rating 7560] The Federal Register does not spell out exactly how the rating method would be handled. But, a possible methodology, similar to those used in government experiments, is provided. These rating schemes have been totally subjective and arbitrary. To meet available funding, a supervisor can contrive ratings as needed to achieve a desired outcome. This kind of rating scheme has nothing to do with employee performance. This kind of rating scheme allows the supervisor to distribute available funds based on personal preference. These kinds of schemes are not acceptable and will do nothing to improve performance. They only serve to promote

cronyism and problems in the workplace. If an employee is performing at an acceptable level, they must be guaranteed the same percentage increase as all other employees that are performing at an acceptable level. A pay-for-performance system must not be used as a mechanism for controlling costs or playing favorites.

S6. [Subpart D- Monitoring 7562] The Federal Register talks about replacing the "culture of pay-for-longevity". This kind of mind set is exactly why some problems exist in civilian personnel management. High-level managers have too much political involvement that results in distorted thinking and false conclusions. Seniority is and should be a very valuable asset to any organization. Employee skills and knowledge are developed through many years of training and work experience. If supervisors and managers did their jobs right, the current system is more than adequate. Years of work experience, education, and time in grade position must always be a major factor in determining pay increases and/or promotions.

S7. [Subpart F- Workforce 7564] The Federal Register talks about making performance a major factor in the RIF decisions. This would allow supervisors to pick and choose which employees to make vulnerable to a RIF. RIF decisions should not be done based on playing favorites. Seniority is also a very valuable and necessary asset when it comes to deciding which employees to keep. As pointed out in G1., security is not an issue and the RIF rules must not be changed. Doing so would send the wrong message and establish an environment of distrust.

S8. [9901.108] The Federal Register talks about program evaluation established by and performed by DoD. This is not acceptable. Law passed by Congress required OPM involvement. There also needs to be an independent unbiased organization involved to oversee and approve the entire process. It is wrong to let DoD approve their own system evaluation process. The evaluation and approval must be done by an independent unbiased organization.

S9. [9901.313] The Federal Register talks about national security compensation comparability. The language in this section is very general and ripe for possible loopholes. Many factors can affect funding from the Government. Positive safeguards and guarantees are needed on this issue. The proposed rules for NSPS are very much lacking as a whole. But, this area is of extreme importance and must not be left as currently presented. The success of NSPS is very much dependent on having fair, reliable, and sufficient funding.

S10. [9901.341/.342] The Federal Register talks about performance-based pay. Statements such as "allocate available funds" are used in describing this part of NSPS. The Government has missed the entire point and purpose of setting up a pay-for-performance system. The limited rules and descriptions covering this process indicate that this is designed for all the wrong reasons. Performance-based pay must be fair and equitable. There must always be sufficient funding for all employees performing at an acceptable level. The proposed rating and pay pool concept must be eliminated. The system should not be used to punish employees performing below expected levels; current laws can be used to improve performance. The entire performance-based pay rules need to be reworked completely.

S11. [9901.341/.342] Adequate funding is one of the key factors for a successful pay-for-performance system. The proposed rules do nothing to indicate that DoD management intends to secure or maintain the adequate funding needed. In fact, the proposed rules indicate that the system will rely on whatever funds are available and make the best of it. This approach results in a quota system that forces supervisors to pick and choose the few employees that will receive a share of the available funds. Many hard working and deserving employees will be hurt due to a shortage of adequate funds. This is definitely not the correct way to run a pay-for-performance system.

S12. [9901.401] The Federal Register talks about the establishment of a performance management system. A fair, credible, and transparent employee performance appraisal system is called for. This has not been accomplished as indicated in S4. above. Adequate training and retraining for supervisors, managers, and employees is also called for. Since no specific details have been provided on this and no definition of what adequate is, DoD seems to be free to make details and definitions to please DoD alone. This kind of unreasonable power is totally unacceptable and must be changed.

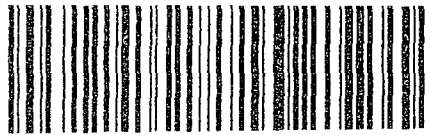
S13. [9901.405] The performance management system will also hold supervisors and managers accountable for effective management. No details as to how this would be verified or who would be doing the verification are given. Most of the Federal Register indicates that DoD management will regulate itself. Self approval is totally unacceptable and will not provide a trusted system. NSPS must be monitored and verified by an independent unbiased organization.

S14. [9901.406] The Federal Register talks about setting and communicating performance expectations. This section ends with the statement that "final decisions regarding performance expectations are within the sole and exclusive discretion of management". This is totally unacceptable. There must be an independent unbiased organization for employees to seek assistance when unjust demands are placed on them. The "my way or the highway" attitude will do nothing to help DoD.

S15. [All & 9901.405] The majority of DoD supervisors and managers are not qualified to properly manage their valuable human resources. The proof of this is shown by the very poor job done in preparing the proposed NSPS rules and all previous related experiments. The desire is to have a "Gestapo" type system with all authority in the hands of very bad managers. This is because a corrupt system is perpetuated by having bad managers controlling all aspects. Congress must not allow this NSPS to proceed as currently proposed.



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Wood Rd.
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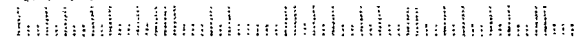
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Program Executive Office
National Security Personnel System
Attn: Bradley B. Bunn
1400 Key Boulevard
Suite B-200
Arlington, VA

22209 - 5144

22209+1356 01



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