

**Comment Number** EM-FORM LETTER 3 (2,271 received)  
**Received Date** 02/15/2005 12:00:00 AM  
**Subject** Notice of Proposed Rulemaking, Request for Comment  
**Title** National Security Personnel System  
**CFR Citation** 5 CFR Chapter XCIX and Part 9901  
**Attachments** No Attachments

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**Comments**

U.S. Department of Defense: Bradley Bonn

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Dear U.S. Department of Defense: Bonn,

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I believe the proposed NSPS regulations will undermine the civil service and hurt the ability of Defense Department employees to accomplish the agency's mission. This is no way to treat those who play a critical role in defending our nation. Soldiers are fighting and dying in Iraq in an attempt to bring democracy and more rights to Iraqis. Meanwhile, here at home, an attempt to strip the working families who provide support for these soldiers of their rights to a living wage and representation is taking place in this proposed rule. This is anti-democracy.

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As published, the proposed NSPS regulations lack critical details on how various aspects of the new system will operate.

Relying on implementing issuances denies the American public the opportunity to offer substantive comments on NSPS and does not provide the requisite transparency Congress needs to carry out its oversight function. Please consider the following comments and delay final implementation until the proper steps have been taken to effectively involve the elected representatives of Defense Department workers.

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Subpart C Pay, Sections 9901.301 to 9901.373

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Defense Department employees should continue to receive the same annual pay and across-the-board adjustment that other GS/FWS workers receive.

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The individual pay increases for performance in the regulations should include guaranteed percentages so employees will understand the pay system and what their pay increase will be depending on their performance.

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Subpart D Performance Management - 9901.401 to 9901.409

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to ensure fairness and accuracy, Defense Department employees should be able to appeal any performance rating to an independent grievance and arbitration process as they can do now.

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Subpart E Staffing and Employment - 9901.501 to 9901.516

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The proposed regulations would replace longstanding provisions on hiring found in 5 U.S.C. Chapters 31 and 33 with unpublished procedures that will be prescribed at some future date through implementing issuances. Using this approach will allow the Defense Department to arbitrarily develop and administer new rules on staffing and employment that have not been available for public comment. This is especially troubling given the proposal to engage in non-citizen hiring to positions within NSPS. Our national security would surely be put at risk if Defense Department managers were able to exercise such hiring flexibilities.

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Subpart F Workforce Shaping - 9901.6012 to 9901.611

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Â The Defense Department should not change the current layoff/RIF rules, which give balanced credit to performance and the employees' valuable years of committed service. Moreover, under the proposed regulations employment disputes over such matters would be unfairly limited to the Merit Systems Protection Board.

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Subpart G Adverse Actions - 9901.701 to 9901.810

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The NSPS guiding principle on enhanced management flexibility would be undermined if the provision on mandatory removable offenses is retained. Due process and fairness demand that the independent body reviewing major suspensions and terminations be allowed to alter the proposed penalty if it deems the penalty to be unreasonable. The current standards approved by the courts to guide such bodies should be continued.

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Subpart I Labor-Management Relations - 9901.901 to 9901.929

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The labor-management law that has governed the employees' right to organize and engage in collective bargaining has worked well since 1978. There is no compelling reason to take away most of the collective bargaining rights or grievance rights.

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The Defense Department should not create a "company-dominated dispute board." Any dispute board must be jointly selected by management and the union.

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Sincerely,

*Rosemary C. Salasino*