



AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES
LOCAL 1415

CRANE, IN 47522

TEL: 812-854-1839

FAX: 812-854-3815

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Dear AFGE Member and Concerned Federal Employees,

We are providing you with our comments on the most draconian efforts to do away with employee rights, protections and any expectations of working without fear in the workplace that I have seen in over 35 years of federal service. What is being proposed sets worker rights back decades. There is a reason for the laws that have been passed over the years to protect employees and unions, and DoD is proposing doing away with many of those out of arrogant self-importance. I don't make that statement lightly or in an attempt to promote or degrade any political party. Both parties have displayed their contempt for federal employees because we are in the way of giving their contractor friends government jobs. When the contractors don't get their way, it somewhat diminishes the campaign contributions and "after office" high paying jobs. Also, if the standard of employee and union rights and protections can be diminished in the federal sector, the private sector will have a heyday misusing and abusing their workforce. This will make the rest of big business very happy. We used to be able to depend on Congress to hold in check most of the abuses that the various administrations tried to pull. That appears to have changed.

The 108th Congress abrogated their responsibility to the federal employee, and in reality to all workers in our country, and gave the Secretary of the Defense the authority to establish a performance based pay system and to ignore several sections of law and the Federal Service Labor-Management Relations Statute, which protect employees and unions. The Department of Defense has published the regulations it wants to implement and they are out for the comment period in the Federal Register. This comment period ends 15 March 2005. These regulations set the Secretary of Defense up as an Emperor unto himself with accountability to no one. There are a lot of words in these proposed regulations but the bottom line is that it shows disrespect, contempt and absolutely no appreciation for the federal DoD employee. These regulations are saying: "I'm going to set up a patronage system that operates on the premise that if we don't like you we will fire you or take pay away from you and there's nothing you can do about it. You can appeal some things but it will only go to a Board appointed by me, the Secretary. And by the way, don't expect any help from anyone because we are going to take away representational rights from anyone we see as an obstacle." Don't think this is the same thing as the Personnel Demo project we currently have at Crane, because the only similarity is the name "Pay for Performance". Under Demo, employees still have rights and protections and at least their Cost of Living pay is assured. All that, plus much more, is gone under the proposed system. What is even scarier than what is already printed is the fact that it gives the Secretary the authority to create further regulations at his discretion and to implement those regulations, without oversight or accountability, on the DoD federal employee.

The only way to stop this from happening is for every federal employee, their friends and family to comment on these regulations and express how dangerous they are. Besides doing that, every federal employee and their friends and family must call or email their two Senators and their respective Congressman and express their displeasure with and unfairness of what they allowed DoD to do. In reality, our legislators are the ones that allowed this to happen and are the only ones that can force them to stop. They need to be held accountable for their actions. Let Congress know that we expect them to address this attitude from DoD and to stop these regulations from being approved and implemented. This is perfectly legitimate and legal to comment from work or home. This is not pending legislation that has restrictions on how we comment. This regulation is in the Federal Register and every citizen has a right to comment. Enclosed is the process for commenting to the Federal Register as well as the phone #'s and addresses of your Senators and Congressmen. Please take action to protect yourselves and preserve the rights and protection of all workers.

Bill Mason
President AFGE Local 1415
Crane

AFGE LOCAL 1415
300 HWY 361, B-39
CRANE, IN 47522

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Comments regarding NSPS

Subpart A - General Provisions

9901.102 Eligibility and Coverage

Personnel Demonstration Laboratories are supposed to be exempt from both Human Resources and Labor Relations aspects until October 2008. DoD is trying to implement the Labor Relations sections across the board beginning in July 2005.

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 only 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. This will cause significantly lower pay of technicians in an area where there are not already high paying complex electronics jobs in that area. This would reduce standard of living in those areas and produce less tax base and revenues and further depress these areas of our country

Locality Pay (Local Market Supplements) can be withheld for performance, when it 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

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

9901.344 Other Performance Payouts

Can increase pay based on purely subjective 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.

9901.355 Setting Pay Retention

The rules have not been written yet. Do not trust DoD to make rules that are fair to employees.

9901.361 Premium Pay

Gives Secretary of Defense the authority to do anything they want to pay, overtime, and benefits. Congress is totally abrogating their responsibility.

Subpart D - Performance Management

9901.405-406 Setting and Communicating Performance Expectations

Expectations can change throughout the year. Can be used to manipulate outcome.

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.

9901.511 Appointing Authorities

Will create new positions and appointments for DoD. Would allow Supervisor to intentionally give low rating to a good performer to reward a non-performer friend with additional pay points. If this is appealed and won by good performer it wouldn't change their payout.

9901.512 and 516 Probationary Periods and Internal Placement

Currently probation periods are set for 1 year. With this spiral the probationary period will change whenever you change positions. If they move you from one job to another you will always be a probationary employee and would have no rights at all.

Subpart F- Workforce Shaping

9901.601-604 Purpose and Applicability

This give the Secretary of Defense the authority to change anything he wants, whenever he wants with no accountability.

9901.605-606 Competitive Area and Competitive Group

Adding additional criteria, which will make it impossible to advance.

9901.607-608 Retention Standing and Displacement

Doing away with bumping and retreating. This section will also make Veterans Preference meaningless.

Subpart G-Adverse Actions

9901.703 Definition

This is in conflict with 9901.343

9901.704 Coverage

Probationary employees are not covered by adverse action procedures and in other sections they can make you a probationary employee at their whim through reassignment. So therefore you could remain a probationary employee forever.

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. It would now give the agency the authority to disallow employee's representation of choice based on agency discretion.

Subpart H-Appeals

9901.807 Appellate Procedures

MSPB 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 no 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 agreements 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. No accountability for their actions. The 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 section states that all collective bargaining is gone.

9901.912 Determination of Appropriate Units for Labor Organization

It limits the ability of employees to be represented by a labor organization based on voting requirements of the regulation.

9901.914 Representation Rights and Duties

Doing away with employee's rights to have union representation when discussing personnel policies, working conditions, organizational practices, etc. It also restricts union's rights to be present during criminal investigations. Imposes standard of conduct or representative ability of a union representative to express themselves when performing their representative duties. Restricts ability to represent employees by denying information necessary to pursue the case on top of shortening the cycle times.

9901.916 Unfair Labor Practices

If our contract or collective bargaining agreement conflicts with rules or regulations, there will no longer be a ULP to enforce those regulations.

9901.917-918 Duty to Bargain and Consult and Multi-Unit Bargaining

Basically does away with bargaining. Sets unrealistic time frames. Allows going to third parties at anytime, that is always favorable to management. If management decides they don't want to talk to the union about anything all they have to do is write a regulation about it and this makes it non-negotiable. Can force more than one union to be bound by whatever one unit and management conspire about.

9901.919-920 Collective Bargaining Above the Level of Recognition and Negotiation Impasses and Grievance Procedures

Secretary has sole discretion to determine what will be negotiated and at what level. If negotiation don't go the Secretary's way it is then submitted to a board he appoints for resolution. This makes impasses a joke.

9901.922 Grievance Procedures

This adds restrictions to what can be grieved at all.

9901.923 Exceptions to Arbitration Awards

Makes a joke of the Arbitration process. If something were to go to arbitration and the employee and union wins, the agency can deny the arbitrators award by making false accusations about National Security etc.

9901.924 Official Time

DoD will try to restrict Official time for unions to represent.

9901.925 Compilation and Publication of Data

DoD doesn't have to live up to any remedies to appeal processes if not completed by date this goes into effect.

I am against these proposals,

*Danny Hawk
222 N. Walker St.
Jasonville, IN.
47438*

Instructions for Commenting to the Federal Register

If you go to the Federal Register and review the regulation you should know that the first 23 pages are devoted to an attempt to justify why this is necessary. You will read all of the "good" things about the new system and none of the problems. You will read that the Unions have been involved in the discussions when, in reality, the Unions were allowed to comment but there was no obligation to consider any of their comments or concerns.

If it is necessary for the people that are behind this to spend this much space trying to convince you what a good idea this is and how it will help National security, shouldn't you wonder what is really being done here?

If this is so good and will be better for the federal employee then why did the director of OPM suddenly resign on the eve of the publication of this regulation? If you had done something as wonderful as this is supposed to be, wouldn't you want to stay around and see how well it works? If it is not a good thing then I can understand why someone would want to run from it and get their hands off of it before the nightmare begins.

We need for all of our membership to submit comments about this regulation. You also need to get family and friends to comment on these changes. We have until March 15th to submit comments and then OPM and DoD will begin the process of reviewing our comments and discussing the comments with Congress.

Many hours have been spent in the last 2 weeks going through the regulation section by section. Due to the large volume of comments we generated we have opted to provide you with comments for what we feel are the most egregious parts of the regulation. Use the enclosed comments to let OPM, DoD and Congress know that you do not approve of what they are trying to do. Let them know that we expect action to be taken to correct this before it is too late.

It is critical that comments are received at the email, internet or postal mail address listed below before 15 March 2005.

Comments **must be received by March 15th at the following:**

e-mail: nspscomments@cpms.osd.mil

The e-mail subject line must be "Comments on Proposed NSPS Regulations – RIN 3206 – AK76/0790 – AH82".

Internet: <http://www.cpms.osd.mil/nsps>

Postal Service : Program Executive Office
 National Security Personnel System
 Attn: Bradley B. Bunn
 1400 Key Boulevard, Suite B-200
 Arlington, VA 22209-5144

Please send a copy of your comments or place a phone call to your Congressmen and Senators. Let them know that we feel this is an affront to the Federal employee and their families. Congress has allowed this to happen and they must take steps to correct it before it is too late. The addresses and phone numbers for all members of the Indiana Congressional delegation are listed in the table on the following page. We would also like a copy of your comments sent to us at the local or a phone call to let us know that you are concerned and that you have taken action. You can call the Local at 812-854-1839, send your comments

electronically to local1415@insightbb.com or mail them to us at:

AFGE Local 1415
300 HWY 361, B-39
Crane, IN 47522

Congressional Addresses and Phone Numbers

Senator Richard Lugar 306 Hart Senate Office Building Washington, D.C. 20510-1401 Phone: (202) 224-4814 Fax: (202) 228-0360	Senator Evan Bayh 463 Russell Senate Office Building Washington, D.C. 20510-1404 Phone: (202) 224-5623 Fax: (202) 228-1377
Congressman Mike Sodrel 1508 Longworth House Office Building Washington, D.C. 20515-1409 Phone: (202) 225-5315 Fax: (202) 226-6866	Congressman John Hostettler 1214 Longworth House Office Building Washington, D.C. 20515-1408 Phone: (202) 225-4636 Fax: (202) 225-3284
Congresswoman Julia Carson 1535 Longworth House Office Building Washington, D.C. 20515-1407 Phone: (202) 225-4011 Fax: (202) 225-5633	Congressman Mike Pence 426 Cannon House Office Building Washington, D.C. 20515-1406 Phone: (202) 225-3021 Fax: (202) 225-3382
Congressman Dan Burton 2185 Rayburn House Office Building Washington, D.C. 20515-1405 Phone: (202) 225-2276 Fax: (202) 225-0016	Congressman Steve Buyer 2230 Rayburn House Office Building Washington, D.C. 20515-1404 Phone: (202) 225-5037 Fax: (202) 225-2267
Congressman Mike Souder 2256 Rayburn House Office Building Washington, D.C. 20515-1401 Phone: (202) 225-2461 Fax: (202) 225-2493	