

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

Subject: Comments on Proposed NSPS Regulations—RIN 3206-AK76/0790-AH82

General:

I believe the proposed NSPS will undermine the Civil Service and hurt the mission of the DoD employees.

Subpart C Pay, Sections 9901.301 to 9901.373

The employees in DoD should continue to receive the same annual pay across-the-board adjustment that other GS/FWS workers receive.

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

Subpart D Performance Management - 9901.401 to 9901.409

In order to insure fairness and accuracy, DoD employees should be able to appeal any performance rating to an independent grievance and arbitration process like they can do now.

Subpart F Workforce Shaping - 9901.6012 to 9901.611

DoD should not change the current layoff/RIF rules which give balanced credit to performance and the employees valuable years of committed service to DoD.

Subpart G Adverse Actions - 9901.701 to 9901.810

Due process and fairness demand that the independent body reviewing a major suspension as termination be allowed to alter the proposed penalty if they deem it to be unreasonable. The current standards approved by the courts to guide such bodies should continue to be used.

Subpart I Labor-Management Relations - 9901.901 to 9901.929

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.

DoD should not create a "company dominated dispute board." Any dispute board must be "jointly selected" by management and the Union.

Name: Wells Fargo Financial

Address: 418A George High

City: McAlester State: OK

Postal Code: 74501 Country USA

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

9901.917-918-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.

## 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 15<sup>th</sup> 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 15<sup>th</sup> at the following:**

e-mail: [nspscomments@cpms.osd.mil](mailto: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