

February 25, 2005

Re: National (In)Security Personnel System

I am appalled by the Office of Personnel Management and Department of Defense proposal for their National Security Personnel System. The system you are proposing seems to create chaos and divisiveness in the workplace. I believe it is somewhat of a 'caste system' that you are proposing and it will create a cut throat environment and make cordial and cooperative co-workers become enemies in what was once a harmonious and sharing work environment. Worse of all, I believe this caste system will cause all kinds of morale problems and destroy any semblance of team work. It will make employees do anything to be a "have" instead of a "have not" at the expense of each other. I believe your system will cause all kinds of stress and health problems as a result of employees missing rest breaks and lunches and by taking unauthorized work home in order be the best and the brightest. This kind of caste system has never worked anyplace in the world. It is wrong where it exist. It is definitely wrong in the workplace and especially where co-workers are performing the same jobs. These proposed rules are unconscionable. I am appalled that OPM and DOD wish to destroy all sense of a peaceful workplace without allowing civil servants to have a voice as required by the National Defense Authorization Act.

For your information, I believe soldiers in the Dutch Army have a voice because they operates by consensus. These regulations do not give employees any voice of substance and they are not for military employees but civilian. I know that if the Dutch Army operates by consensus we can write better regulations by effectively using the employee's voice and without destroying almost all employee rights and civil service rights.

One of the main things Congress and the National Defense Authorization Act ordered you to do in your proposed regulations was to " ... protects the civil service rights of its employees." Your proposed regulations, as written, are not protection but are weapons of mass destruction on the existing rights of employees. These propose rules destroy most of the protection of rights under Constitution, chapter 42 (Civil Right Acts), chapter 71 (Labor Management Statue), chapter 75 (Adverse Actions) and chapter 75 (Appeals). Your proposed rules fail to comply with the National Defense Authorization Act.

These proposed rules destroy collective bargaining rights, equal employment opportunity rights, Weingarten Rights, rights to 30 days advance notice of adverse action, rights to appeal to an independent 3rd party (MSPB, Arbitration, FLRA, EEOC). It also appears that OPM and DOD used the NDAA to review Supreme Court, other courts and administrative decisions that protected employee's rights and erased all of them in these proposed regulations. I believe the cases that you cited in the proposed regulation severely misinstructed those cases. In any event, these proposed regulations have no guaranteed employee protection in them anywhere.

For example, the regulations in Section 9901.402-.409 also proposes to build the performance management system that is unfair and inequitable. It is anti-employee and pro-management. There is no balance. I did not see any concrete language which suggest the performance system would be understandable, fair, valid, credible and transparent as required by the NDAA. These are important ingredients and fair and equitable is mention only one time- in 9901.401- the Purpose section only. Even, Section .401 makes no reference to the involvement of the employees representatives. Employees, employeece representatives and fairness and equity should have been the theme throughout each of these sections from 9901.402-.409. Instead, the regulations give supervisors complete control and authority over the livelihood of employees i.e. appraisals, pay, promotions, training, awards and RIFs. These regulations place employees in the guillotine each and every day that they would be under the proposed performance system or supervisors' expectations.

In addition, the title of these proposed rules should be changed to the National Insecurity Personnel System.

In conclusion, I propose that you rescind these horrible rules and work with the unions to establish fair and equitable rules in accordance with the NDAA to protect the rights of employees.

/s/

Earl Tucker