

NTEU CHAPTER 280 - U.S. ENVIRONMENTAL PROTECTION AGENCY, NATIONAL  
HEADQUARTERS  
BEN FRANKLIN STATION, BOX 7672, WASHINGTON D.C. 20044 - PHONE 202-566-2789  
INTERNET <http://www.nteu280.org> E MAIL [Al-Mudallal.Amer@epa.gov](mailto:Al-Mudallal.Amer@epa.gov)

[DESCRIPTION](#) [NEWSLETTER](#) [CURRENT ISSUES](#) [PRESS RELEASES](#) [LINKS](#) [MEMBERS](#)  
[PAGE](#) [HISTORY](#) [SITE INDEX](#)

# Inside The Fishbowl

## Official Newsletter of NTEU 280

September 2003 Volume 19, Number 7

### RECENT NEWSWORTHY ITEMS

**EPA Labor Coalition Response to EPA I.G.'s 911 Report**

**PEOPLE PLUS (OR MINUS) Issue - Be Your Own Timekeeper**

**Buyout and Early Out - Update - Comments ASAP**

### FROM THE NTEU 280 PRESIDENT

- "Human Capital" - A dangerous New Epithet
- Good Riddance Christie/You're Going To Love It With Leavitt
- Acting Deputy Administrator Makes Good on Promises
- Jim Hamilton Forced to Resign
- Native Americans Win Partial Victory on Ariel Rios Art

### RECENT NEWSWORTHY ITEMS

**EPA LABOR COALITION RESPONSE TO EPA I.G.'S 911 REPORT**

On September 17, 2003, the Coalition of EPA Labor Unions issued a statement in response to the EPA Inspector General's report that indicated the White House restricted the depth and accuracy of information that EPA provided to residents and rescue workers at ground zero after the attacks on New York City on September 11, 2001. That statement can be seen [on our website](#).

After much union discussions, on September 4, 2003, we agreed that a response for Civil Service staff employees should be made. This Chapter of NTEU provided a draft to the other eighteen unions and led the drafting effort. NTEU was also in contact with Bill Moyers' staff, who indicated that a program on former EPA Administrator was scheduled for broadcast in mid-September and they would like to include input from the unions.

We were invited to a press conference called by House Minority Leader Nancy Pelosi (D-CA) to release our statement. At that press conference, she and Ranking Democrats on six House Committees and Subcommittees announced their sending a letter to House Speaker Hastert requesting hearings on the extent to which the White House controlled EPA's responses to the 911 attacks. Paul Sacker, President of AFGE Local 3911, Bill Hirzy, Senior Vice-President of NTEU Chapter 280, Linda Barr, Vice-President of Chapter 280, and Alan Hollis, head of the EPA-AFGE Council from Region 3 (Philadelphia), were at the conference.

A crew from *NOW With Bill Moyers* taped the conference and afterwards interviewed Paul Sacker and Bill Hirzy for about fifteen minutes. When the broadcast happened on Friday, September 19, a portion of Hirzy's interview was aired, and he said, in effect, that employee morale is affected adversely when our work is not translated into effective environmental and health protection and that in such circumstances the public does not get the value it expects from the Civil Service.

The bulk of the Moyers program dealt with air issues, with emphasis on the Report on the Environment and how "global warming" vanished from it, replaced with allusions to "climate change." The Moyers people are still interested in speaking with people having front line knowledge about that issue, and the union can serve as intermediary if anyone wants that help.

## **PEOPLE PLUS (OR MINUS) ISSUE - BE YOUR OWN TIMEKEEPER by Linda Barr**

NTEU and EPA's other unions are opening bargaining on this program, aiming at minimizing the negative impacts of this latest management gimmick.

Several people in my office, myself included, have taken or have attempted to take the mandatory People Plus online training. The online training is supposedly intended to explain and demonstrate the Time and Attendance reporting process and to allow you to practice using

People Plus to report your time. However, the training is anything but user friendly. When I attempted the training, I was trapped in a loop that repeatedly carried me through the simulation and prevented me from practicing. Then, upon investing nearly an hour of time, I was booted out of the system prior to being given credit. Several other people in my office have reported similar experiences. This results in having to retake the course multiple times before it works. The *Mass Mailer* that all EPA staff received on September 24, 2003 states that the course "should take approximately one hour to complete and you may take the course as many times as you would like." It should state that the course will take hours to complete as the result of having to take it many times before you will receive credit!

Once everyone is trained and finally given credit for their efforts, then administrative responsibilities are taken from GS-5 to GS-10 administrative staff and transferred to professional staff - at a cost of \$40 - \$50 per hour. I can only imagine the cost of developing the software to make all this possible. I've heard that other Departments are attempting similar online programs for employees to report their own time. I wonder if those in charge of developing People Plus for EPA did so in coordination with the other federal offices to achieve overall integration and consistency, as well as economies of scale?

I thought I was hired to conduct economic analyses. Does this mean that, with the added responsibility of being my own timekeeper, that I merit an accretion of duties? What is more likely is that this is an attempt to downgrade staff - or to outsource program positions since the federal employee will now be engaged in administrative duties. This will affect all federal employees - managers included. After all, once the staff-level positions have been outsourced, then there will no longer be a need for managers. At any rate, I thought being your own timekeeper wasn't allowed. Have I missed something here?

By the way, there was an article on the front page of the September 26, 2003 issue of USA Today regarding customer service and dissatisfaction with human-less service. Seems to me that all this push for on-line "service" - in the form of time and attendance corrections, travel changes and reimbursements, etc. - that staff (scientists and administrative staff alike) will be further demoralized as their attentions turn away from science and environmental support work toward fear of RIFs.

### **BUY-OUT & EARLY-OUT - UP DATE - Please Contact Us ASAP With Your Concerns**

NTEU is bargaining with management regarding the buy-out and early-out. We will be providing to management our counter proposals, so please contact us with your concerns ASAP. Below is some background information on how management is trying to limit the ability of the unions to bargain on these matters and the issues that we have raised with them.

On April 15 last, at the last meeting of EPA's National Partnership Council, the Agency's Strategic Plan for Labor-Management Relations was delivered to the unions, signed by the Administrator. See the April edition of *Inside the Fishbowl*, available at the union's website [www.nteu280.org](http://www.nteu280.org), for details. The principle feature of the Plan was that management and labor

would strive to be collaborative and use pre-decisional involvement as a tool for making changes in working conditions go smoothly as possible.

On September 22, out of a clear, blue sky, EPA announced to all employees that buy outs and early outs would be available starting that day and extending through October 17. No hint of pre-decisional involvement of the unions in this program occurred.

On September 23 - one day *after* the start of the open season, EPA's unions received notice from Labor Relations that bargaining might take place on the buy out program, but a decision on whether to bargain along with all union proposals had to be submitted within three days, by COB, September 26. EPA also laid out ground rules for the bargaining, including that the union select four people to do their negotiating (EPA has 19 local unions, representing AFG, NTEU, NAGE and ESC organizations). All the unions have contracts that call for periods of at least ten days for them to respond to proposals from management that are negotiable to decide whether they want to bargain, then periods of up to twenty days to develop proposals for submission at the bargaining table.

EPA's unions have responded to the unauthorized short time line for bargaining. Our NTEU Chapter is being represented by a negotiator from the National office who met with management on September 30, and expressed our dismay at the short turn around time and questioned whether EPA was negotiating in good faith. Other unions are filing Unfair Labor Practice charges against EPA for this gross repudiation of contractually mandated time frames for bargaining.

Many employees have asked why only 14s, 15s and SES along with some support staff are eligible for the program. That is one of the matters we want to negotiate and on which we should have been provided pre-decisional involvement. Some employees are not clear on what happens if they apply and then don't like the terms that they are offered - are they gone nevertheless? That is another item we want to bargain. Why is the window so limited? We want to bargain that too.

The reason for wanting to bargain the latter point is that EPA was granted authority to offer buy outs out through January 5, 2004 and to offer early outs through September 30, 2008.

Bottom line: your labor unions are going to work as hard as we can to make sure the buy out/early out program is run fairly, with as much information and protection available to employees as can be gotten.

FROM THE NTEU 280 PRESIDENT

by Dwight Welch

"Human Capital" - A Dangerous New Epithet

"I asked one of my colleagues to free-associate 'Human Capital.' His response was 'slavery.'"

(Reader name withheld.)

Preceding any hate campaign, be it garden variety discrimination or full fledged genocide, the haters must first invent an epithet. Prejudice is a specialized form of ignorance and it doesn't come readily to most humans, as most people endeavor to gain knowledge not ignore it. Thus to begin a hate campaign, one must first dehumanize the hated object group with an epithet. For as long as you are John and Sally Jones, with two kids named Mike and Mandy, and a dog named Spot, you are a human individual, and people without outside influences will take you as they find you, as individuals. But once you are stereotyped under a particular epithet, an abusive or contemptuous title, you are now dehumanized, no longer an individual, but rather a thing subject to stereotyping and hatred.

Contempt of the government worker is nothing new; I still recall the great contempt President Reagan displayed when discussing "Gubment workers." Mr. Clinton superficially showed us more respect only to cut more than a third of a million of our jobs. But this administration has reached a new low when it comes to vilifying the federal employee. The term "Human Resource" was an offensive enough term as it was. Human beings are not resources to be used. However, there are many resources. Some are owned such as coal or oil in the ground. Some are free, at least so far, such as air and water. The epithet "Human Capital" takes the hate campaign against federal workers to a new low. More specific, not just a resource, but someone's property! Human capital is a concept supposedly outlawed by President Lincoln.

What makes this concept of humans as capital so dangerous? In addition to making us ripe for abuse as the politicians scapegoat the federal worker for their own mistakes (e.g. were intelligence federal employees not doing their jobs or was the American public deceived by politicians in the whole Weapons of Mass Destruction scam?), it allows policy-makers to manipulate us without compassion. Thus, if a soldier gets blown up on the streets of Baghdad, simply subtract one unit of Human Capital from the inventory list. In actuality, it is a tragedy of the loss of a young life, the tragedy of a now broken family, not simply the loss of one unit, one thing. Similarly, if 100 workers have their jobs contracted out, it is merely those in charge moving about their property as they see fit, and not 100 personal tragedies of lost mortgages, broken marriages, etc. By dehumanizing the federal workers, it now becomes more like replacing a hundred old computers with a hundred new computers. The use of the term "Human Capital" is symptomatic of the thought processes of the current leadership. In a giant game of chess, the pawns are expendable so long as the king prevails.

I have personally confronted many senior managers, including Rafael DeLeon and Morris Winn with my outrage at the use of this epithet. Both these men expressed their similar personal objection to the use of the term, yet justified it as a "White House initiative." The fact that they also find the term offensive, but persist in the lockstep use of this epithet without complaint, increases my anger, it doesn't lessen it. America is becoming a depressingly dangerous society when such obnoxious party lines are adhered to without protest. Indeed, in today's political atmosphere, with a never ending war going on, it has become "unpatriotic" in a steeply Orwellian sense, to criticize the White House. Indeed, a best selling book, Treason, written by Ann Coulter, would label all "liberals" as subversive traitors. The group-think, the lack of critical analysis, the

blind adherence to policies unsupported by the facts, the dehumanizing of the work-force into units of capital has the distinct flavor of Germany in the 1930s. Sorry Rafael and Morris, "I was under orders," doesn't cut it with me as an excuse. We must all strive together, managers included, to ban this obnoxious epithet from the government lexicon.

### **Good Riddance Christie/You're Going to Love It With Leavitt**

As probably experienced by most readers, we have been barraged with a number of articles written about incoming Administrator Mike Leavitt. Since most such articles have either one political bent or another, and since I don't like to prejudge, I try to ignore them, preferring instead, to find out for myself, of what mettle the new person will be. But it's difficult: most articles I've read do not paint a rosy picture, particularly when one is written by a Republican, ex-EPA Administrator, namely, the not exactly flaming liberal, Russell Train ("The Environmental Protection Agency just isn't like it was in the good old (Nixon) days"). A bad omen was at the press conference, when President Bush announced Mr. Leavitt's nomination for EPA Administrator. Mr. Leavitt had entirely too much praise for outgoing disaster, Christie Todd Whitman.

But at least now the dots are connected as to why the "Governor" jumped ship. On September 13, 2001, I cautioned Administrator Whitman about EPA's saying that the smoke from the burning World Trade Center (WTC) was safe. As with all of my e-mails to that elitist Administrator, it was ignored. But now, in an entirely surprising execution of duty, EPA IG Nikki Tinsley, has blown the whistle on the WTC lies and deceit. What is particularly amusing is the premise that the White House pressured EPA to lie. Since when did EPA need help in deceiving the public? Whenever I see a news item prefaced with, "According to the EPA" that news item is particularly suspect.

### **Acting Deputy Administrator Makes Good on Promises**

In this era of broken promises, ranging from getting Osama bin Laden "Dead or Alive" to promises of creating new jobs, it is refreshing when someone in government keeps their promise. Indeed, Osama and Saddam are still making more videos than the average rapper, and while millions of new jobs have been created, they are all in China and India.

But acting Deputy Administrator seems to be cast from a different mold. Stephen Johnson, once upon a time my Division Director, would get my vote to become the next EPA Administrator. And I sincerely hope such kudos do not bring ill-winds blowing down on the acting DA. Steve is an employee who has risen to the top. Starting out as a summer intern, then working as a staff scientist, then rising through management, Mr. Johnson knows EPA and has the respect and trust of many EPA employees. But most importantly to me, Mr. Johnson keeps his promises.

As I mentioned in the last issue of *Inside the Fishbowl*, Stephen Johnson convened a lunch time meeting between EPA's two Headquarters Unions and senior management. Attending for

management were Steve Johnson, Morris Winn, and Rafael DeLeon. For NTEU 280, Dwight Welch, Jim Murphy, Bill Hirzy, Rosezella Canty-Letsome, and Seth Low. For AFGE 3331, Selwyn Cox and Theresa Fleming-Blue. Unfortunately, AFGE 3331 President Gretchen Helm was out sick that day.

Mr. Johnson seems to be keeping his promises. He indicated a restarting of the Headquarters Partnership Council, is looking into the issue of Management Accountability, and is encouraging Pre-Decisional Involvement of the unions. Mr. Johnson's stated goal is to make EPA a better place to work, a place where one can look forward to, instead of dreading, coming to work. Hmm, I remember such an EPA once upon a time.

Conspicuously absent was acting Labor Relations Director Drew Moran. While some of my colleagues don't much care for Mr. Moran, I find I can get along with him despite his occasional fits of hard-line negotiation positioning. Mr. Moran has been a moderating change to the "Fire 'Em First, Let Them Sue Later," mentality which prevailed under Steve Sharfstein's management. Under Drew Moran, at least we are talking, and Mr. Moran keeps his word rather than saying one thing, then doing something completely different. The decision to exclude such an obviously important player as the Labor Relations Director was obviously made above Mr. Moran's head.

Meanwhile, as mentioned in the previous issue, the National Partnership Council will be convened on October 7, 2003. I will keep you posted on these and other events.

### **Jim Hamilton Forced to Resign**

While the occasional success, such as restarting Partnership Councils, are the juice that keeps me going, unfortunately this job is fraught with entirely too many heart-breaking tragedies. This story is one of many of these heart breaking tragedies. I reported previously on the retaliatory vendetta to fire geologist Jim Hamilton. Since that article was written, I received numerous positive responses from Jim's colleagues thanking the Union for fighting for Jim, and thanking me for writing his story. Jim was well respected and well liked by his colleagues. He certainly had the admiration of his fellow geologists.

While it may be perplexing to an outsider, it was an all too familiar scenario for those of us who have worked for EPA for many years. During the same evaluation period, Jim's supervisor was judging Jim's performance as being sub-par, Jim was given an award for his outstanding performance, by the scientifically distinguished Office of Research and Development for his work on a joint ORD/OW project. What's wrong with this picture?

Jim probably didn't have to go. I believe, had he hung in there the Union could have saved his career. However, as we see entirely too much, Jim's spirit was mercilessly beaten into the ground by an unrelenting manager. Jim's resignation was a sad day for EPA. We lost a fine scientist with a wealth of experience. Experience he could have shared with younger scientists. I look forward to a day when managers are held accountable. A day when the laws to protect employees are actually enforced. A day when arbitrary and capricious firings are a thing of the past. A day

when retaliatory managers are the ones who are fired. Oh well, all of us are entitled to a few fantasies.

## **Native Americans Win a Partial Victory as EPA/GSA Continue**

### **to Display Objectionable/Historically Inaccurate Art in Ariel Rios Building**

For a time they were covered up, but in the name of art and "historic preservation" disgusting and historically inaccurate stereotypes of alleged American Indian behavior are again, after being renovated, being displayed in the Ariel Rios Building. Below are comments on the historical inaccuracy from Bob Smith, a historical scholar of Native American culture.

"Pillage, rape, and savage brutality are portrayed with a backstabbing Indian, naked white women, scalping, and strangulation. Prostrated women are on the ground having their scalps ripped and sliced from their heads while still alive. Although we may never know for certain, the artist could have been trying to elicit some kind of emotion from the viewer of this mural, but the emotion elicited has nothing to do with history or saying anything positive about American Indians.

1. Scalping, was a practice first learned from the white man, and was done only after the victim was dead. As portrayed in the mural, we have both a white man and woman being scalped while very much alive.
2. Plains warriors did not take female scalps as it was considered cowardly to have a woman's scalp on his belt or lodge pole. It was also not an acceptable practice to count coup on a female. Scalping was done to take an enemy's spiritual power away. Only the bravest of victims were scalped.
3. Strangulation was as a form of torture and execution which was not practiced by the American Indian. Indians were appalled at the brutality of the white man when they witnessed death by hanging as was done when 39 Indians were hanged per the order of Abraham Lincoln in the 1860's after what was called the Great Sioux Uprising."

After meeting with Morris Winn, Dave O'Connor, Rich Lemley, and David Lloyd, Mr. Smith and other American Indian representatives achieved a compromise: again physical barriers would prevent the ready display of this "art" as one gets off the elevator. While the employees would prefer a complete removal, this may be at least a satisfactory compromise.