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Inside The Fishbowl

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NTEU'S 2003 LEGISLATIVE CONFERENCE

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LEGISLATIVE CONFERENCE REPORT

EDITORIAL

NTEU LEGISLATIVE CONFERENCE REPORT

NTEU's 2003 Legislative Conference took place March 11-13, featuring visits to Congressional offices by Chapter 280's Jim Murphy, Jacqueline Rose, Tom Ngo and Bill Hirzy, along with NTEU representatives from all 50 states. In addition, conferees were addressed by Senators Joseph Lieberman (D-CT), and Jon Corzine (D-NJ) and Representatives Tom Davis (R-VA) and Danny Davis (D-IL). Tom Davis is Chairman of the House Government Reform Committee, Danny Davis is Ranking Member of the House Civil Service Committee, Sen. Lieberman is Ranking Member of the Senate Governmental Affairs Committee and Sen. Corzine heads the Democratic Senate Campaign Committee.

Addresses by Congressional People All four Congressional people lauded the Civil Service and the work that we do. Tom Davis, however did voice support for the President's plan to give us a 2% raise in 2004 and devote other money to the so-called pay for performance program. They all cited the Volker Commission's report that calls for reforms in the Civil Service and all mentioned the unduly long time it takes to hire a new employee. Davis said he has an open mind in dealing with Federal unions, and NTEU's experience has been that he does indeed operate that way, even if he does sometimes come down on the side opposite to ours on employee issues for economic reasons.

The most important work of the week was visiting Congressional offices. NTEU representatives lobbied Congress on your behalf on five important issues, each of which will be discussed in some detail below:

1. Privatization of Government
2. Fair and Equitable Pay for Federal Employees
3. Federal Employees Health Benefits Program
4. Agency Funding Levels
5. Department of Homeland Security Issues

Privatization of Government Under the guise of "Civil Service Reform" the administration proposes to privatize 850,000 Federal jobs - yours and mine included. See the editorial by Bill Hirzy at the end of this newsletter.

The Office of Management and Budget last November published a proposal to modify Bulletin A-76 to put 850,000 Federal jobs on the open market. All Federal jobs that cannot meet a strict, new definition of "inherently governmental" will be placed on the market. If your job does not directly involve making policy or committing the Federal government to spending money, your job is not inherently governmental anymore, under OMB's proposal. There are specific cases now happening that show just how far this extremist drive to kill the Civil Service intends to go, namely private firms are now obtaining contracts to collect the Federal Income Tax and to answer taxpayers' questions about taxation. Agents of the Internal Revenue Service (where NTEU originally was organized in 1938) are in imminent danger of losing their jobs, and we are next. Management's blithe assurances that "federal workers win most of these competitions" are hardly worth the paper they are written on.

We learned on March 5 that EPA's National Strategic Workforce Planning project has been killed by the Administrator.

Why carry out strategic workforce planning when there isn't going to be a Federal workforce at EPA, just contract risk assessors, contract engineers, contract regulation drafters, contract data gatherers, contract pesticide registerers, contract water program analyzers, and contract waste management? Assistant Administrators and SESers will be all that's left of EPA.

NTEU is fighting this development in several ways. We commented on OMB's proposed changes to A-76. We along with other labor unions representing Federal workers are pushing Congress to pass the Truthfulness, Responsibility and Accountability in Contracting (TRAC) Act. [See the Chapter's website at www.nteu280.org for the text.](http://www.nteu280.org) We are beginning training programs for our members in how best to participate in the "competitions" that are in the offing. And most importantly, we are undertaking outreach programs to educate the public about the dangers of losing the Civil Service as we have known it for over a hundred years.

We need your help and the help of your family and friends around the country, and we need your active membership to carry on this fight for our jobs and for good government.

Fair Pay for Federal Employees. The President has proposed to give us a 2% pay raise in 2004, setting aside another chunk of money for "pay for performance" programs. As Jim Murphy's message in last month's *Inside the Fishbowl* points out, its hard to say anything bad about "pay for performance," but Jim did a good job of doing just that. And as Delegate Eleanor Holmes-Norton said in the visit Bill Hirzy had with her, the opportunity is too great for abuse of "pay for performance" under Federal rules, where labor is unable to carry out bargaining on rules for administering such a program. She said that history has shown that there is ample opportunity to reward good performers with bonuses and Quality Step Increases under the present system - and even these have seen their share of management abuse. She further noted that a 2% increase is a violation of the law passed in 1990 that is supposed to bring Federal workers up to par with

private sector workers. She said it was a Presidential insult to the Civil Service to provide them with less than half the raise he will give to the military services.

The President's proposal is nothing but a thinly veiled attempt to discourage people from entering the Civil Service by denigrating Federal employees' contributions to the nation's welfare and to encourage current employees to leave. When Federal employees leave, critical job skills (not to mention institutional memory) are lost to government, strengthening the argument of those who want the government run by corporations that there just aren't enough people with the needed skills in government, so contract workers have to be hired.

NTEU is pushing to maintain pay raise parity with the military, making the arguments as above with Congress, and seeking a 4.1% raise in 2004. The House budget resolution passed on March 12, calls for this 4.1% raise for the Civil Service next year.

Federal Employees Health Benefits (FEHB) Program NTEU representatives from all 50 states carried the message to Congress that we need to catch up to the private sector's average in this issue. The average health insurance premium paid by the Federal government is 72% of the program cost, while in the private sector the average is 80%, with many employers paying 90-100%. NTEU representatives asked their Congressional delegations to cosponsor HR 577 or S 319, which do the above. We also oppose setting up medical savings accounts in the FEHB program because: 1) they will encourage people *not* to seek needed care; and 2) medical care costs are rising much faster than the inflation rate, and these accounts increase only at the inflation rate, so they represent nothing more than an effort to further shift benefit costs to employees over the long run.

Agency Funding Levels One issue is of special note in this regard. The President's budget proposal for IRS includes - as cited above - recommending using private collection agencies to collect taxes. While the law prohibits IRS agents from being rated on how much tax money they bring in, the private collection agencies would be paid out of what they collect, a frightening prospect for taxpayers. Former IRS Commissioner Charles Rossotti has stated that IRS needs an additional \$1.9 billion for its enforcement budget, while the President proposes only \$200 million, half of which would target citizens who claim Earned Income Tax Credit.

Our own Chapter 280 efforts saved 280 EPA enforcement jobs in the 2002 budget when Jim Murphy and Bill Hirzy hand delivered letters and lobbied each House and Senate Budget Conference Member office in September 2001. Feedback from the Hill indicated that Chapter 280 played a large role in securing unanimous passage of the version of the 2002 budget that saved the enforcement jobs.

Homeland Security Issues Funding for the Department of Homeland Security (DHS) is increased a whopping 0.8% in the President's 2004 budget over 2003 levels. NTEU questions this lack of improvement in funding for DHS. The Customs Service issued a report prior to September 11, 2001 that stated it needed an additional 14,000 agents to adequately cover American ports of entry. NTEU also called for Congressional re-authorization of user fees collection before their expiration.

NTEU calls for the recognition of U.S. Capitol Police and Customs inspectors as law enforcement officers for retirement and benefit purposes. Legislation to this effect will be introduced by Senator Mikulski and Representative Bob Filner. These officers currently are not recognized as members of law enforcement, even though they all have to re-qualify on firearms ranges three times per year, and nearly one hundred members of these services have been killed in the line of duty.

NTEU calls upon Congress to carefully oversee the actions of the Secretary of DHS and the Director of OPM as they relate to employees' Civil Service rights. This is required because the legislation authorizing DHS gives the President the authority to deny collective bargaining rights to DHS employees, rights which virtually every police officer and firefighter in America have. And it gives the Secretary and the Director authority to waive Civil Service rights of DHS employees.

There's something happening here, what it is ain't exactly clear . . . but it's becoming clearer all the time.

If you hope to save good government, the Civil Service and your jobs, you need to put your active engagement where your hopes are: join the union, get active in our legislative and other programs and start fighting for these things that are important to us all.

ON CIVIL SERVICE REFORM

An editorial by Bill Hirzy 2/28/03 (Note the 3/5/03 addendum below)

In the February 28, 2003 issue of the *FPMI Newsletter* there is a report on an address by OPM Deputy Director Dan Blair at a forum on professionalizing public service in Mexico. Blair's remarks dealt with some "successes of the Bush Administration to innovate and contemporize the U.S. Civil Service." Blair said,

"We are working hard to implement a Civil Service system that is efficient and open to all, which enhances the positive image of public service...Through innovation and competitiveness, we provide increased job opportunities for our citizens, while making our Civil Service a cutting-edge employer."

Regarding the U.S. Civil Service as it operates here at EPA, I've been participating in the Agency's National Strategic Workforce Planning project. This project aims to have an EPA workforce of top-drawer employees into the foreseeable future through inventorying the skills of the present workforce, comparing them with the needs of EPA's "business lines," and thereby setting into motion a plan for recruiting workers to fill identified and anticipated gaps.

I've also been working with some professional staff in OPPT who are writing Performance of Work Statements in connection with potentially contracting out the work of 20 FTE's in that Office.

We in the union office are also this month engaged with complaints about managers who do such things as give Fully Successful performance appraisals, then attempt to deny employees career ladder promotions that are due them under Civil Service Regulations, or who remove employees from projects and deny them awards and professional development opportunities because they do professionally competent work that undercuts pre-conceived management decisions on health risks, or who fire employees because they are aging or have disabilities. And these are only a few examples.

What am I missing? What is wrong with this picture?

This administration, along with Congress, says it wants to improve government operations and wants to build and maintain a Civil Service staff of first-rate professionals, yet it:

1. Brags to the electorate that they are "reducing the bloated bureaucracy"
2. Keeps employees on edge about whether their jobs will be gone next year, and
3. Maintains egregiously bad managers in place

Improvement in delivering government services will not come through demoralizing the Civil Service by bad-mouthing its members to the American public, by having its members spend enormous amounts of time writing Performance of Work Statements so their own jobs can be put on the open market, or by keeping bad managers in place. Rather, it will come with improving *management* of the Civil Service by having managers who can inspire employees to do their best, who treat all employees with dignity and respect, and who honor employees for honest, public spirited work and not punish them for it.

This administration and the last one both seem blind to the obvious. The Civil Service is full of employees who are dedicated to public service, who can and do deliver service of higher quality than those who work only for profit, and who long for and respond well to competent and caring managers.

Effective government reform and delivery of quality service at the lowest cost will come only when politicians and Beltway Bandits and Beltway Gurus recognize what we have always known:

Good managers make for successful enterprises; bad managers make for failures

Demoralizing employees does not make them more productive

Quality people will not come to work in an insecure job environment

That's what the politicians and Beltway Bandits and Beltway Gurus are missing.

This is the message that NTEU carries every day to the halls of Congress and to the public, where lies our hope of redress of this dis-service to us and to the nation: **an inspired, dedicated Civil Service is the solution, not the problem.**

LATE-BREAKING ADDENDUM March 5, 2003. I have just returned from an abortive meeting of the National Strategic Workforce Planning workgroup. We were informed that funding for the project has been stopped by the Administrator.

Why make any strategic plans for a workforce at EPA if virtually all staff jobs are going to be contracted out to the private sector under the new OMB Bulletin A-76 guidelines?

Maybe the Administrator will deny that this is the reason for cancelling the project, but I suggest Civil Service employees carry around a couple of grains of NaCl for immediate use in case she does.

And get fired up and join the union, wherein lies the best defense of the Civil Service and your job.