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Official Newsletter of NTEU 280

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Flu Season Continues, Vaccine Available

The winter influenza season got off to a late start this year, but recently has seemed to be hitting its stride. After a shaky start, with widespread shortages of vaccine and recommendations that only high-risk persons get flu shots, the Centers for Disease Control and Prevention have reported increased availability of vaccine and lifted restrictions on its distribution.

EPA Headquarters Director of the Safety, Health and Environmental Management Division, Dennis Bushta, issued an update on February 4, listing a new schedule of times and places where EPA employees who want a flu shot can get it (unless and until the current supply runs out).

Ronald Reagan Building, room G1-2

EPA East, room 6232

1310 L Street, NW, room 102

Crystal Mall II, room .321

Monday, Wednesday, Friday - 9 to 11 a.m.

Tuesday, Thursday - 1 to 3 p.m.

Influenza, like the common cold, is caused by a virus, which means that antibiotic drugs tend not to be effective against it. Vaccines are helpful, because they induce your body to make antibodies against the invading virus. It may take a couple of weeks for your B lymphocytes and

plasma cells to gear up and make enough antibodies to be effective after you get the vaccine, so keep washing your hands and avoid the coughers and sneezers.

Opinion - In Praise of Hats (Submitter's name withheld by request.)

Hats, caps and hooded coats seem to be making a comeback. In the 19th Century and the first half of the 20th, the "uniform" for the incoming and outgoing President at Inauguration time was the high silk hat. Then President Eisenhower modified the "dress code" to the gray felt homburg. Eisenhower's successor, John F. Kennedy, didn't care for hats and was rarely photographed wearing one, beginning a trend toward Presidential bare-headedness which had adverse effects on the hat industry.

This winter, though, fashion and practicality have combined to increase hat-sightings. A considerable amount of heat is lost through the scalp, so individual energy conservation favors the wearing of a hat in the winter. In the summer, peaked and wide-brim hats protect the skin and eyes from harmful ultraviolet radiation. Alexander Pope said, "Be not the first by whom new means are tried, nor yet the last to lay the old aside." It's okay, you won't be the first or the last. Wear a hat.

FROM THE PRESIDENT

Dwight Welch

Federal Employee Survival Guide - Free to NTEU 280 Members

The Federal Employees Almanac is the ultimate reference book on federal employment. Unless you've been living in a cave, you are surely aware that hard times may be ahead for EPA employees. The Federal Employees Almanac contains information you may need including: pay systems and schedules, a comparison of retirement plans from Social Security to FERS to TSP to CSRS. It contains all the federal rules. At what age can you collect Social Security? (It's an increasing age scale, depending upon when you were born.) What are your rights in a RIF (Reduction in Force)? What are your rights as a probationary employee? Career Conditional Employee? What are your rights as a veteran? What happens to your retirement if you get divorced? What happens if you are separated early from service? How can one apply for Disability Retirement? These and many questions are all answered by the Federal Employees Almanac.

If you are a member of NTEU 280, even if you just joined today, you will be getting a free copy shortly via inter-office mail. We are buying a bunch at a discount rate. And if you are not a member? Well I guess you'll just have to fork over \$14.95 plus \$3.95 S & H to the publisher.

The Planned Destruction of the Civil Service - A Return to the Spoils System

What makes the federal bureaucracy so incredibly dysfunctional can be summarized in one word: Cronyism. This is not a new idea which I pulled out of my hat, but rather is supported by most recent surveys of federal institutions such as the Office of Special Counsel, the Merit

Systems Protection Board, and the Government Accountability Office. Cronyism is like an aggressive and virulent cancer which has metastasized throughout the federal bureaucracy. Managers hiring and promoting friends and relatives in favor of more qualified individuals has not only led to the down-grading of the competence of the workforce, but since senior managers often promote less competent people than themselves due to fear of competition, over the decades, a de-evolution of management integrity and competence has occurred. If I had five dollars for every time I heard a complaint of cronyism, I could retire by now to Beverly Hills.

In order to make the federal bureaucracy more competent, ethical, and responsive, measures are needed to decrease cronyism and increase management accountability. However, recent Administration proposals take a QUANTUM LEAP in the wrong direction. The Administration seeks to replace the Civil Service System with a spoils system. On January 26th when the Department of Homeland Security (DHS) announced its new personnel systems; OMB Deputy Director for Management, Clay Johnson III also proclaimed that the White House would propose legislation within a month to extend these new systems to the rest of the government.

The Department of Defense (DoD) is now proposing similar changes and together the two departments constitute a major part of, if not majority of, federal workers. If implemented, the other agencies would soon tumble over like a row of dominoes. Comments on the new DoD rules are due in by April 16, 2005. We urge readers to not only comment, but send their comments to their Senators and Representatives as well. Information on how to do this can be found on both the nteu.org and afge.org web-sites. I personally found the AFGE site easier to use. Just click on the top item on the AFGE.org home page "Fight Back Against Defense Dept. Work Rules" and follow the steps to get started.

Below are some of the most pertinent issues in the new rules:

- New Hires and Promotions The new rules will increase crony hires and promotions. Direct hires from the outside (excepted service) can easily be converted to career civil service. Even those of you now belonging to an inside crony group will not be safe. You may get bumped out of your privileged status by a friend of a political appointee. We may have, one day, industry regulating itself as the "revolving door" moves into overdrive.
- Pay Banding Employees will be removed from the GS Schedule and be placed in one of 4 or 5 pay bands. While previously, if not a member of the "in-crowd," you might not receive a promotion (only step increase) or an award. Under pay-banding your supervisor could determine the amount of your actual pay. The pot of money for individual programs can be varied, and politically unpopular programs would be decreased; decreasing salaries for those employees. Some compensation could be in the form of "bonuses" which will NOT count towards retirement. Employees could lose tens of thousands of dollars in lifetime earnings.

- Outsourcing and Foreign Workers Can your job be done cheaper in India or China? Under the new rules it could be outsourced. Now you have to be a U.S. citizen to work for the federal government. The new rules would allow non-citizens to do your work.
- Reduced Appeal Rights and Whistle-Blower Protections DHS was set up and DoD proposes to set up internal review boards to review grievances, performance complaints, etc. The new rules curtail what items can be contested and severely limit outside review of complaints by Federal Labor Relations Authority (FLRA), outside arbitrators, (under grievance procedures), etc. The internal board, replaces outside reviews creating a lack of accountability.
- Reduced Bargaining Rights If the Unions and management reach an impasse, rather than a resolution by an outside authority such as the FLRA resolving the dispute, the dispute is resolved by the internal board. Once again no checks and balances, no accountability.
- Losing Employee Benefits Many rights and benefits are now taken for granted by employees. They collect their monthly \$105 metro transit subsidy, work at home 2 days a week, enjoy flexi-time, etc. without giving any thought to the fact that these were hard won Union-fought issues. Under the proposed new rules, such Collective Bargaining Agreement (CBA) rights could be unilaterally revoked if new Agency or Department regulations conflict with the CBA. The Union would have no basis to file an Unfair Labor Practice with the FLRA.
- No Bargaining Over Scheduling In DHS they have ended collective bargaining over such issues as scheduling, assignment, shift rotation, duty posting and time off. In the proposed DoD rules, DoD can reassign you ANYWHERE IN THE WORLD with little or no notice or appeal! Such actions are particularly family unfriendly.

- Loss of RIF Rights Under current rules seniority and veterans status allows one to bump junior people in the event of a reduction in force. Under the proposed rules newly hired cronies can be given bonus seniority points to bump out senior people. Veterans status may be abolished.

Why should we at EPA care? DHS has fallen, DoD is about to fall if federal employees don't band together to fight. In "town hall" meetings and focus groups conducted in DHS, many of the recommendations of the employees were flatly ignored.

Below is the text of a letter, written by the AFGGE President in EPA Region 5, John O'Grady:

I am writing to express my concerns and to raise awareness among American citizens, taxpayers and voters about current proposed changes to the Department of Defense (DoD) work rules and how these changes may affect us as recipients of government services. The proposed regulations, known as the National Security Personnel System, were printed in the Federal Register on February 14, 2005, for a thirty (30) day public comment period ending March 16, 2005.

DoD employees are dedicated Americans who work hard and are committed to their country and DoD's mission. However, these new personnel rules will change the way DoD workers are evaluated, fired, paid, promoted, scheduled, and treated, which will ultimately hurt DoD's mission. Why? Because the new personnel rules create a system in which federal managers will be influenced by political favoritism rather the honor of serving the American people. Instead of promoting a cadre of professional civil servants, this new system will create a force of sychophants, competing with one another for pay raises, ultimately destroying teamwork, increasing conflict among employees, and rewarding short-term outcomes.

The new personnel system will allow managers to schedule employees to work without sufficient advance notice of schedule changes. This includes allowing DoD management to assign Federal civilian employees anywhere in the world, even into a war zone, with little or no notice. Federal employees are proud to serve their country, but they are also responsible for caring for their families and have personal obligations, not to mention the fact that they are not in the military.

For years, it has been a requirement to be an American citizen in order to work for the Federal government. However, these new regulations allow DoD to hire foreign nationals!

The costs of implementation are especially high, given the budget deficit created by various tax cuts and excessive Pentagon spending. "Training costs" for DoD managers are estimated at \$158 million through fiscal 2008.

The overall defense budget is in the \$400 billion dollar range, and given that kind of money, there is more than a potential for "sweetheart contracts", special preferences, and other forms of waste, fraud and abuse. These problems exist now, and yet this new personnel system creates a

situation in which DoD workers will be afraid to speak out about violations of the law and workplace safety, let alone waste, fraud and abuse.

These proposed changes will affect some 800,000 DoD civilian employees in the federal sector. However, you should consider these proposals as an attack on all American workers' basic rights. Corporate American will be quick to jump on the bandwagon. This "new" way of managing will quickly ooze its way into the private sector like a malevolent infection.

But how will these changes affect you right now? Well, give it a couple years and then call up the Federal government for services. Maybe you'll get lucky and get a "contract" employee or a foreign national in a third world country. I'm sure they'll try hard to understand your concerns.

You know some people in Chicago still talk about 'ol man Daley and his political machine. Maybe the new topic in Washington will be DoD's new party patronage system, which started first at the new Department of Homeland Security and now appears likely to infect DoD.

AFGE Local 704 is a professional union of workers with exclusive formal rights and duties to represent over 1,000 bargaining unit members in all matters of collective bargaining at the U.S. EPA Region 5 Office in Chicago, IL. Members of AFGE Local 704 are committed to regulatory protection of human health and the environment. AFGE Local 704 serves as an advocate for employee rights and a countervailing power to the employer, ensuring that the nation's environmental laws are fully enforced.

Sincerely,

John J. O'Grady

(312) 886-3575

RIFS (Reduction in Force) in 2005?

After hearing many rumors, including inquiries from [Inside EPA](#), I recently asked senior management, point blank, "Will there be any RIFs in 2005? Their answer was that in the short term they didn't anticipate any RIFs. Currently, we are under ceiling-the actual FTEs (Full Time Employees) was below the allocated FTEs. But management quickly added, that they weren't so sure about the longer term, or to borrow a phrase from our President, "All options are still on the table."

What Happens in a Reduction in Force?

For a more complete description consult with both your Federal Employees Almanac and your NTEU or AFGE (as appropriate) Collective Bargaining Agreement. In a nutshell, here's how it works. Specific FTEs (e.g. chemists) are targeted in specific programs (e.g. Office of Pesticide Programs). (Please note that these are strictly hypotheticals.) Specific individuals are NOT targeted. If your position is abolished, and if you have seniority, in the hypothetical situation noted above, you can "bump" a chemist who is junior to you. Veterans have special seniority and

are among the last to go. Disabled veterans have even higher seniority and are the last out the door.

If you are riffed, you have priority over others applying for jobs you are qualified for. If you seek to legally contest separation from service, it must be done through the Merit Systems Protection Board. If you are a Union member, NTEU 280 will represent you or assist you in representation to contest your separation. Non-members WILL NOT BE REPRESENTED. The law provides that Unions must represent all bargaining unit employees under the grievance procedure (which is not applicable under a RIF), however, we are not required to represent non-members before the Office of Special Counsel, the Merit Systems Protection Board, or the Equal Opportunity Employment Commission.

No More Widespread Buyouts

Nationwide, the Unions conducted a Buy-Out/Early-Out survey of employees. Employees were asked to respond whether they wanted a buy-out/early out or not. The response rate was about 1.4% nationwide! Not very good to say the least. I tried to spin the results with management indicating that with such a low response, we didn't have to worry about a "brain-drain." It didn't sell. No buy-outs for GS-13s and below. There may be a limited use of buy-outs to prevent RIFs hopefully.

People Plus or Minus? Working Out the Bugs

Our fellow EPA-NTEU President in Cincinnati, Larry Penley, sent a suggestion to EPA's Chief Financial Officer, Charlie Johnson, suggesting he meet with the National Partnership Council Executive Board (one rep from each National Union at EPA, plus the Union Council Co-Chair). Mr. Johnson took us up on Mr. Penley's suggestion. On February 2d, Mr. Johnson (CFO), Mr. Mike Ryan (Deputy CFO), Mr. Dave O'Connor (Acting AA OARM), Mr. Luis Luna (AA-Designate for OARM), Mr. Rafael DeLeon, (Director OHS), and Mr. Milton Brown a Branch Chief in OCFO met with representatives of NTEU, AFGE, NAGE, and ESC. Unlike many political appointees we've seen under various administrations in the past few decades, Charlie Johnson is an approachable, friendly, straightforward, down-home sort of guy. (Many Assistant Administrators, past and present, won't/wouldn't give the Unions the time of day.)

Mr. Johnson started the meeting with the statement, "When I heard we were using People Soft here, I hit the roof." Mr. Johnson had used People Soft in a previous place of employment and it was, at the time he was there, akin to an institutional migraine. So he called his old company and inquired how People Soft was working a year later. The bugs had all been worked out.

Mr. Johnson, Mr. Ryan, and Mr. Brown carefully heard out the employees complaints about the system and solicited suggestions for improvement. Mike Ryan, who has been praised numerous times before in this publication, actually assumed responsibility for the fixing of People Plus. Mike agreed to act on the Unions' suggestion of providing employees with People Plus updates, which he has done. Mr. Johnson asked that we meet in another 3 weeks to discuss progress.

We all met again on February 23rd. Mr. Ryan reported that his "Tiger Team" a special team of 12 employees specially designated to field People Plus problems, were reducing the backlog of complaints, resolving more than they were taking in each day. Keep in mind, under the old system some 300 complaints a month were usually received. Also keep in mind that this is W-2 season, so the workload/complaint load is unusually up compared to other times during the year.

Mr. Johnson again suggested that we meet in another 3 weeks and that we keep meeting every three weeks until there were zero defects in the system. The Union Presidents seemed all quite pleased with the problem solving taking place.

What Should I Do If My People Plus Problem Is Not Being Resolved?

If you reach an impasse or unacceptable response to a People Plus complaint after contacting the hotline, the person you should call is Milton Brown at 202-564-0373. Keep in mind: 1. Milton is a really nice guy, so even though you may feel exasperated, try to be patient and pleasant with him and he will help you. 2. Milton is super-busy working out the Minus in People Plus, so take that into consideration.

New Performance Review System This Summer - Unions To Engage in Developing the New System

EPA has been directed to change the Pass/Fail Performance system with a tiered performance system. Acting EPA Administrator Steve Johnson has already decided that it will be a 5 tiered system, similar (but hopefully improved) to what we used to have. EPA's Unions, through the National Partnership Council (NPC), have asked to be involved in developing the system. It is the Unions' position, that the previous system can be improved upon. For instance NTEU 280's suggestion is to bring back the use of "Peer Review Panels" in performance grievances. The Co-Chair of the NPC, Acting AA Dave O'Connor, has agreed to convene this task force. The Union side of the task force will consist of the NPC Executive Council plus the President of the EPA-AFGE Council.

While some of my fellow Presidents remain skeptical, others, including me consider this an exciting opportunity for partnership. If senior EPA management and the Unions can work together to develop this new system, it could open the door for future joint problem solving.

The chief reason for skepticism among some EPA Union leaders is they fear the 5 tier system will give way to pay banding. They don't have much objection to the 5 tier system, they do have severe objections to pay banding (explained elsewhere in this issue). They feel fighting the 5 tier system will slow down the transition to pay-banding. Senior EPA management has assured us, at least for now, that there will be no pay banding. But once again, "All options remain on the table."

Probationary Employees Beware

Probationary Employees, those in their first year of federal service, have almost no rights. They can, however, be represented by the Union and under our Collective Bargaining Agreement, they

have the right to resign instead of being fired. Recently, two probationary employees in the same AAship were recently fired. The first, initially was not given the right to resign. The second one was given the opportunity to resign and did, however, the manager refused communications with the Unions including engaging in mediation through Workplace Solutions. The letters of termination, in both cases, while they referred to appeal rights to the MSPB and EEOC made no mention of Union representation. We are seeking to rectify this through the Headquarters Partnership Council, hoping to insert some standard Union representation language in any adverse action letter.

As for Probationary Employees, be cool, be real cool. In your first year they can fire you for ANY reason at all or no reason at all, and there is not much you can do about it. Hey, sort of like the same boat we will all be in if the new proposed personnel systems take effect.

Management +/-

Managers Plus

Charlie Johnson, CFO is being recognized for engaging in problem solving rather excuse making in dealing with People +/- problems.

Mike Ryan, Deputy CFO is also recognized in dealing with People +/- problems. Additionally, Mike, frequently recognized by this publication as an example of excellence in management, is taking personal responsibility. This is a refreshing difference from many EPA managers who would have instead scapegoated an underling for the problems.

Dave O'Connor is being recognized for making the ground breaking step of convening a pre-decisional work group for developing the new 5 tier performance management system.

Managers Minus

Nhan Nguyen gets a thumbs down this month. An employee under Dr. Nguyen, for his midterm performance evaluation, was given a blank, signed only, performance evaluation. No comments either plus or minus, no "satisfactory" or "unsatisfactory" boxes checked. No feedback during the year. Suddenly the employee, a probationary employee, gets fired. Our Chief Steward recommended mediation with the Workplace Solutions Staff office. Dr. Nguyen refused to cooperate and no mediation took place.

A Number of OPP Managers were originally scheduled, but due to the fact that they settled the grievance to the satisfaction of the Union, they are not being listed. Still, I recall the golden days of partnership, with Dan Barolo as Director of OPP. Dan and I would have talked about the issues; the current Director feels no need to respond or discuss with the Union President.

Guest Articles/Letters to the Editor

Workplace Solutions Staff - by Carolyn Davis, Director WSS

[Ed. note: The NTEU Collective Bargaining Agreement (CBA) has a specific provision regarding the Alternative Dispute Resolution process. See CBA Article 34, Negotiated Grievance Procedure, Section 10.]

Are you a new employee and don't know who to talk to? Is there something that has been bugging you for a while? Are there workplace conflicts that are affecting your ability to be the best that you can be? Or, do you just need to vent? The Workplace Solutions Staff (WSS) may be the avenue you need to take to begin the process of sharing your concerns and finding solutions, whether you are an employee or manager.

The WSS was established by Administrator Whitman on November 22, 2002. The WSS began operating on January 6, 2003, as a staff office of the Assistant Administrator for the Office of Administration and Resources Management. The WSS fulfills the Equal Employment Opportunity Commission's November 1999 requirement that every federal agency establish an Alternative Dispute Resolution (ADR) program for resolving employment disputes. Prior to the establishment of the WSS, the Workplace Mediation Program of the Conflict Prevention and Resolution Center of the Office of General Counsel was created to meet that requirement. However, after an evaluation of that program, one of the primary concerns regarding its effectiveness was its location. Therefore, it was determined that relocating the WMP to another office would strengthen its independence and help it attain its purpose and goals.

The Workplace Solutions Staff (WSS) helps employees and managers prevent and resolve workplace disputes in a balanced, quick, and confidential way. The WSS provides advice, consultation and ADR services to individuals and groups to help resolve workplace issues. It is the goal of the WSS to provide the resources needed to handle a conflict situation effectively.

The WSS also provides a voluntary "first stop" option for employees prior to using the negotiated or administrative grievance procedures or the Equal Employment Opportunity (EEO) process. However, the ADR options offered to employees through the WSS are not meant to take the place of any employee right of redress or discourage representational activities by labor unions. In fact, certain types of complaints, by their nature, may require referral outside of the WSS. When employees seek the assistance of the WSS, the staff will ensure that they are advised of their rights, including union or personal representation, and access to other processes established to handle workplace disputes, such as the EEO complaint process and the administrative and negotiated grievance procedures. The WSS provides information about these processes to employees in writing. This is an important aspect of using the program as it may provide even more options for EPA employees in conflict.

You ask, what is ADR? ADR is any procedure that is used in lieu of adjudication to resolve conflict. ADR techniques are non-adversarial, informal processes based on cooperation, goodwill, and respect, which empower disputants to solve their own problems. Disputants who try ADR may discover, together, a mutually satisfying resolution to their problem. They may also learn about good communication and collaborative problem-solving that they can carry back

to their work setting. Thus, ADR can help resolve disputes and serve as a positive model for personal and organizational interaction in EPA's workplace.

You might also ask, "how do I request ADR," and "what happens after I have entered the process?" You can request ADR in several ways. You can exercise the "first stop" option; request ADR through the negotiated or administrative grievance procedures or through the informal or formal EEO processes. There is a 90-day time limit for resolution of concerns brought through these venues with the exception of the formal EEO process. Attempts at resolution during the formal EEO process can continue, if reasonable, up until the case is adjudicated.

After your request and approval for the WSS to intervene, the WSS will make contact with the parties with whom you are having the conflict. This is known as the Intake process. However, it does not guarantee that the dispute will be accepted for ADR. The WSS has to evaluate the request after communication with the parties, including exploring options for solutions, to determine if the disputed situation is appropriate for ADR. If so, the WSS will schedule an ADR session, and hopefully the issue or dispute can be resolved.

Let's use an example of promotion-non-selection based upon the EEO basis of sex. A female applicant in your Division was selected for the position of Environmental Specialist. You believe that you possess, demonstrate, and have received awards with respect to all the qualifications required of the position, and you want nothing less than to be placed in the position, but are open to other options.

When you allege that an EEO basis(es) is the cause of the problem, you must request ADR either through the informal EEO counseling process, or through the negotiated grievance procedure, provided you are covered by a bargaining unit agreement. After speaking with you and your representative, if you elect to have one, the WSS will get your consent to speak to the other parties involved. If there appears to be room for negotiating, the WSS will schedule a co-mediation session depending upon your choice of mediators from EPA, another federal agency, or combination thereof. During the discussions at the table, you may learn that your supervisors believe that you indeed have a lot of the experience required of the position. However, they believe you need more experience and focus on the oversight of major projects and initiatives. Therefore, they are agreeable to provide you with detail opportunities, training and coaching in these areas to prepare you for future opportunities. After consideration of these options, you decide that you want to take advantage of them. You also let management know that you would like more clarity and feedback in regards to their expectations and your work products.

As a result, you and management agree that these are good approaches to resolving your concerns. In this case, a settlement agreement will be prepared with specific courses of training, possibly including dollar amounts; information regarding where the detail assignments will occur; types of coaching that will be provided and by whom; and with specific time frames and expectations and other stipulations that will occur in regards to each of these options. You will also be required to withdraw your informal EEO complaint.

Many benefits for managers, employees, and organizations, as a whole, can occur when using ADR that can't be explained within these pages. By the way, our website has been revised. Please visit <http://intranet.epa.gov/OARM/workplace/index.htm> to see what we can do for you.

Pay Banding - Not The Wonderful New Management Tool

Stephen Barr

Federal Diary, *Washington Post*

Mr. Barr,

I am writing in response to your article of Tuesday, February 22, 2005, in the Washington Post, entitled, "Postmaster Pleased With Results of Pay-for-Performance System." It is not hard to see why the Postmaster General was pleased with the new Pay-for-Performance System. Of the 70,000 postal employees eligible to receive a salary increase, 50.8 percent received the average raise of 5.3 percent; 37.6 percent received above the average; and 11.6 percent received something below the average. Mr. John E. Potter, Postmaster General, indicated that a few employees "...got nothing."

However, what about the employees at the Federal Aviation Administration (FAA)? In 1996, the FAA undertook a human capital reform effort under one of the most flexible human capital management environments in the federal government, including broad exemptions from title 5 laws governing federal civilian personnel management. FAA initiated changes in three broad areas: (1) compensation and performance management; (2) workforce management; and (3) labor and employee relations. In its July 15, 2002, report, "Managing for Results: Using Strategic Human Capital Management to Drive Transformational Change (GAO-02-940T)", the U.S. Government Accounting Office (GAO) indicated that major change initiatives generally require a minimum of 5 to 7 years to provide meaningful and lasting results. Subsequently, on February 3, 2003, GAO published its report entitled, "Human Capital Management: FAA's Reform Effort Requires A More Strategic Approach (GAO-03-156)", and reported, among other things, that:

*Many FAA managers and employees were critical of the new compensation system. Nearly two-thirds (110 out of 176) of those interviewed disagreed or strongly disagreed that the new pay system was fair to all employees.

*There was evidence of specific concerns regarding unfairness in disparities in pay for air traffic controllers.

*According to representatives of FAA's Office of Labor Relations and employee unions, a general sense of unfairness over pay among some FAA employees outside of air traffic services has led to increased unionization among FAA employees.

*The number of employees in unions, as a percentage of the workforce, increased from 63 percent in 1995 to almost 80 percent in 2001.

*Only 12 of the 46 managers we interviewed said that the speed of hiring has improved.

*FAA labor management officials cited a limited amount of data that indicated that the number of grievances filed at the national level by employees represented by unions had increased.

*The managers and employees interviewed had mixed views on the impact of labor and employee relations reform initiatives.

In addition, I would like to point out a recent article by Tim Kaufmann on January 17, 2005, in Federal Times OnLine, in which he noted that:

*FAA hasn't adjusted pay ranges under its Pay-for-Performance System since 2002.

*About half of the 38,000 employees paid under the FAA's Pay-for-Performance System are subject to an agency policy that restricts them from earning above the top of their pay bands.

* More than 800 FAA employees are at the caps now and receive annual pay adjustments as bonuses instead of as additions to their base salaries. Unlike raises, bonuses don't increase an employee's overall salary and aren't applied toward retirement. This point is NOT lost on FAA

employees and has hurt morale. FAA employees subject to the caps estimate they will lose tens of thousands of dollars in cumulative raises and pension payments.

Pay Banding and Pay-for-Performance will only lead to a culture of sychophants in federal service. In the Department of Defense's (DoD's) National Security Personnel System (NSPS), the amount of a worker's salary will depend almost completely on the personal judgment of his or her manager. There is no guarantee that even the best workers in DoD will receive a pay raise or that the pay offered will be fair or competitive. The DoD NSPS will create a situation in which workers are in conflict with one another and afraid to speak out about harassment, violations of the law, and workplace safety problems. Furthermore, there will be no impartial appeal system to assure that everyone is treated fairly.

AFGE Local 704 is a professional union of workers with exclusive formal rights and duties to represent over 1,000 bargaining unit members in all matters of collective bargaining at the U.S. EPA Region 5 Office in Chicago, IL. Members of AFGE Local 704 are committed to regulatory protection of human health and the environment. AFGE Local 704 serves as an advocate for employee rights and a countervailing power to the employer, ensuring that the nation's environmental laws are fully enforced.

Fraternally yours,

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Dioxins at the Crystal City Consolidation Site?

Dwight,

I sent around an email to OSWER last week about the possible dioxin contamination of Potomac Yard as well.

Arsenic was present because the railroad used arsenic derivatives as an herbicide. Agent Orange and its relatives (2,4,5-T and 2,4-D derivatives were also frequently used by railroad companies in that time period as herbicides as well. Reviewing the site assessment documents reveals that PCB's were tested for in 1991, but not dioxins.

When I was working with Vietnam veterans and Agent Orange issues, I also worked with men who had been hired by railroads, usually as teenagers for their summer jobs, to spray these dioxin-contaminated herbicides along the railroad tracks from the backs of service cars, with absolutely no protection, not even gloves.

Dioxin tests are not that expensive anymore, and standard. I personally recommend assessing this situation. The data would be very helpful, and possibly reassuring.

Cate Jenkins, Ph.D.