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# Inside The Fishbowl

## Official Newsletter of NTEU 280

### AUGUST 2006 VOLUME 22 NUMBER 5

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New Leadership Coalition Sweeps NTEU Chapter 280 Elections

The New Leadership Coalition, a coalition of new and experienced union leaders organized around the candidacy of Linda Barr for President, swept the July 11, 2006 election. All of the NLC's 9 candidates won along with two independent candidates, Dr. Freshteh Toghrol, Vice President and Dr. Bernard Schneider, Treasurer. Pledging "New Leadership in a Time of Change", the dynamic Ms. Barr, who previously negotiated the 4/10-Flexitour Agreement, organized her coalition around a platform of family friendly initiatives, scientific integrity, and the protection of seniority. Below are the election results, with the winners highlighted in bold:

President

Linda Barr 62% Jim (James J) Murphy 38%

Executive Vice President

Dwight Welch 61% Seth Thomas Low 39%

Chief Steward

Jeff Beaubier, PhD 29% Rosezella Canty-Letsome 71%

Secretary

Jacqueline (Jackie) Rose 31% Anne-Marie Pastorkovich 69%

The other 7 candidates, running unopposed were elected by acclamation:

Vice Presidents: Bill Evans (Elected by the Executive Board to Senior VP) Dr. Arthur Chiu, M.D. Dr. Bill Hirzy Pat Jennings Bob Kenney Dr. Freshteh Toghrol

Treasurer: Dr. Bernard Schneider

Dwight Welch, the newly elected Executive Vice President will temporarily serve as acting President until the elected President, Linda Barr, finishes a detail on or about September 22, 2006.

This Executive Board extends our best wishes to all of the candidates who were nominated and ran for positions in the NTEU Chapter 280 Executive Board in the 2006 election. We thank those individuals who served on the Executive Board over the past three years for their leadership and dedication in serving this bargaining unit. We also thank the members of the Election Committee for their dedication and perseverance during the 2006 election.

This Executive Board looks forward to serving NTEU Chapter 280 bargaining unit employees over the next three years. There is much work to be done to preserve the benefits and programs that currently exist for NTEU Chapter 280 bargaining unit employees and to promote activities and programs that help make EPA a place where you look forward to coming to work. Support by our bargaining unit members is critical to this Chapter's success. We thank the current members of this chapter for their continued support. If you are an NTEU Chapter 280 bargaining unit employee who is not currently a member, we urge you to join. Contact Bill Evans, Senior Vice President and Membership Committee Chair for an application and/or information about becoming a member.

Note from the Managing Editor

This is the first edition of INSIDE THE FISHBOWL released under the leadership of the newly-elected NTEU Chapter 280 Executive Board. A regular feature of INSIDE THE FISHBOWL will be "The NTEU Chapter 280 Legislative Update" by Bob Kenney, NTEU Chapter 280 Vice

President. At the request of bargaining unit members and newly-elected members of the Executive Board, "Roachez" by Dwight Welch, NTEU Chapter 280 Acting President, will also be a regular feature of INSIDE THE FISHBOWL.

We welcome your ideas about articles you would like to see in future issues of INSIDE THE FISHBOWL. We also appreciate and encourage your feedback in the form of letters to the editor regarding your reactions to articles that appear in this newsletter. The Executive Board is committed to serving the interests of NTEU Chapter 280 bargaining unit members and would like to hear your thoughts about the services and causes this Union promotes and your ideas about what services and causes you would like to see NTEU focus on in the future.

### **4/10 and Flexitour Alternative Work Schedule Options Now Available to NTEU Bargaining Unit Employees**

by Pat Jennings, NTEU Chapter 280 Vice President

As a result of a recent agreement between EPA and NTEU Chapter 280 that became effective on June 26, 2006, EPA NTEU bargaining unit employees now have new work schedule options. These new options, characterized as Alternative Work Schedules (AWS), include the 4/10 Compressed Work Schedule and Flexitour with Credit Hours. Under the 4/10 - Flexitour Agreement negotiated by President-Elect Linda Barr, the Union has been receiving copies of approved employee applications for alternative work schedules. So far, no problems with the application and approval process have been reported. NTEU Chapter 280 plans to offer a 4/10 - Flexitour Lunch and Learn sometime in September.

To be eligible to apply for these AWS options, employees must meet the criteria that follow:

- be a full-time NTEU bargaining unit employee (AFGE bargaining unit employees are currently ineligible);
- have no documented performance deficiencies, disciplinary actions, or attendance concerns within the preceding 12 months; and
- volunteer to participate.

For both AWS programs, employees are responsible for meeting the requirements that follow:

- use a centrally located sequential sign-in/sign-out sheet to log their time upon arrival and departure;
- log times electronically via a message to their supervisor while working at an alternative work location.
- complete the employee self-certification of time and attendance;
- observe established policies and procedures for requesting and using leave; and

- complete required applications/agreements to participate in the AWS program.

To apply for the 4/10 Compressed Work Schedule or Flexitour with Credit Hours, an employee must fill out and sign an application form and submit it to their supervisor for approval. A copy of an application form is attached to this issue of INSIDE THE FISHBOWL. An employee's supervisor or designee has 15 calendar days to approve or disapprove an employee's signed and completed AWS application. Applicants should send a copy of their AWS application to Chief Steward, Rosezella Canty-Letsome (Rosezella's mail code is UN200T) within 15 calendar days after submitting the application for their supervisor's approval. Although probationary employees (i.e., employees within their first year of federal employment) are eligible for Flexitour with Credit Hours, they are not eligible to participate in the 4/10 Compressed Work Schedule. If you meet the eligibility criteria for these AWS programs, but are encountering problems getting your application approved, contact NTEU Chapter 280 Chief Steward, Rosezella Canty-Letsome.

#### 4/10 Compressed Work Schedule

The 4/10 Compressed Work Schedule is a fixed schedule that includes four 10-hour work days and one compressed work day each week, normally Monday through Friday. In addition to the requirements listed above for participating in an AWS program, employees on an approved 4/10 Compressed Work Schedule must meet the specific additional requirements that follow:

- choose and adhere to a regular time of arrival between 6:00 am and 7:30 am and time of departure between 4:30 pm and 6:00 pm (these times can be changed by the employee no more than once per quarter); and
- work no more than one day per week at an alternative work location if also participating in a regular flexiplace arrangement;

#### Flexitour with Credit Hours

An employee who has been approved to participate on a Flexitour with Credit Hours work schedule may earn credit hours by electing to work in excess of the basic work requirement (i.e., 40 hours per week) by varying the length of a workweek or a workday. Under this work schedule option, an employee may carry no more than 24 credit hours from one pay period to the next. Credit hours must be earned in advance of their use and may be used and earned only in increments of one hour.

The basic work requirement for a flexitour work schedule is eight hours per day, five days per week. To complete a flexitour work schedule, an employee is allowed to select arrival and departure times. However, employees must work core hours with pre-established fixed hours each work day. If the employee elects, the hours may be changed the following quarter.

Labor Relations Director Leaves EPA for Promising New Position by Dwight Welch, NTEU Chapter 280 Acting President

Ruben Moreno, the recent EPA Labor Relations Director, has left EPA/OARM for a more promising position in another Federal agency. I think this is a big loss to EPA. Ruben and I did not start off on the right foot--we clashed--big-time. While I was operating under an interest based paradigm, Mr. Moreno seemed to be operating under a more traditional, confrontational labor relations paradigm. I reported these clashes in previous editions of INSIDE THE FISHBOWL. After a couple of months, Mr. Moreno, with a little encouragement from Rich Lemley, gave me a call and wanted to talk.

After our long, honest conversation, Ruben Moreno and I established a very functional and working relationship. We both realized that it was in the best interests of everyone to problem-solve rather than to dig into entrenched positions. In short, Ruben Moreno turned out to be one of the best LR Directors I've worked with in 17 years as a senior union leader. Telling it like I see it, whether good or bad, at the last National Partnership Council (NPC) meeting, in my role as NPC Co-Chair, I recognized Mr. Moreno as one of the best LR Directors under my tenure, and indeed, added that I had seen quite an improvement in the Labor Relations Staff overall.

According to Mr. Moreno, he was getting direction from his senior Leadership, Acting OHR (Office of Human Resources) Director, Mike Hamlin, and his then Acting Deputy, Bob Thorlakson, NOT to communicate with the HQ NTEU President (that would be me.) How can an EPA LR Director be effective at his job if he does not communicate with Presidents of EPA's unions? Mr. Hamlin, according to a complaint filed by Mr. Moreno, also told Ruben that he should be looking for another job!

Recently, Bill Laxton, who also recognizes Mr. Moreno's value to the Agency, was appointed acting OHR Director and Mike Hamlin was reassigned from acting OHR Director to acting Deputy. The problem is that Bill Laxton will only be with HQ for a 6-month detail. Although Mr. Moreno voluntarily dropped his complaint, he considers himself a "marked man". He also doesn't see any chance of advancement at EPA, so he's taken a job where the position of OHR Director looms bright in his future. The previous LR Acting Director, Bill Carson also resigned under a similar complaint -- considering the office politics, he saw no chance for advancement in OARM/OHR/LR.

I will certainly miss Ruben Moreno. That we had a functioning Labor Relations section was just too good to be true. I congratulate Ruben on his promising new position. LR Director at EPA has historically been a difficult position, being caught in the cross-fire between management and the unions. I wish OARM AA, Luis Luna, could have persuaded Ruben Moreno to stay. In the near future, however, it looks like NTEU Chapter 280 will have to begin the process of establishing an effective working relationship with yet another EPA LR Director.

### **FY 2008 Budget Cuts \$300 Million but No FTEs**

by Dwight Welch, NTEU Chapter 280 Acting President

As the National Partnership Council Co-Chair, Dwight Welch was invited to attend the Senior Leadership's budget meeting. While it is prohibited for attendees to reveal specifics about the budget, I can reveal that EPA's FY'08 budget will be cut by some \$300 million from last year.

However, there are no anticipated FTE loses due to these cuts. The 110th Congress, to be elected in November, will have the final say on the Agency's FY 2008 budget.

### **HQ IT to Be Outsourced**

by Dwight Welch, NTEU Chapter 280 Acting President

It's supposed to be called Competitive Sourcing. Under Competitive Sourcing, Government Employees are pitted against outside contractors to see who can do it cheaper. Thus far EPA's employees have won most competitions, but the end result is less people doing more work. Under the gun now are IT positions. As acting President, I've received my first notice of the competition (Office of Water). However, no NTEU 280 employees in OW are being impacted.

### **PARS Negotiations to Resume in the Fall**

by Dwight Welch, NTEU Chapter 280 Acting President

According to NTEU National Negotiator for EPA, Richard Bialczyk, the PARS negotiations for the NTEU bargaining units will reconvene this fall. So far we have been operating for a year on this illegal (non-negotiated) performance management system. Luis Luna, the Assistant Administrator for OARM has conducted PARS comment sessions by the unions, but so far there is no indication of what will change, if anything. An article on the status of PARS negotiations and other activities related to PARS will be included in the next issue of INSIDE THE FISHBOWL.

### **NTEU Chapter 280 Legislative Update**

by Bob Kenney, NTEU Chapter 280 Vice President

This report covers the most significant legislative activities of interest to EPA professional employees from June 1 through July 28, 2006. The House is in its summer recess until September 6, while the Senate will return on September 5.

**EPA Nominations:** On June 29 the Senate confirmed the nomination of James Gulliford to be EPA Assistant Administrator for the Office of Prevention, Pesticides and Toxic Substances (OPPTS), by voice vote. Mr. Gulliford was previously the Regional Administrator of Region 7. Senators Lautenberg and Menendez (both D-New Jersey) have placed holds on the nomination of Molly O'Neill to be EPA Assistant Administrator for the Office of Environmental Information (OEI). The New Jersey Senators object to recent EPA proposals to relax reporting requirements for the Toxics Release Inventory program. Ms. O'Neill's nomination was approved by a voice vote of the Senate Environment and Public Works Committee on May 23.

**Fiscal Year 2007 Interior/Environment Appropriations (H.R. 5386):** On June 29 the Senate Appropriations Committee reported H.R. 5386, a bill making appropriations for the Department of the Interior, EPA, and related agencies for FY 2007, with an amendment in the nature of a substitute (Senate Report No. 109-275). As reported by the Committee, H.R. 5386 provides \$7.53 billion in overall funding for the Agency. This amount is \$108 million less than the FY 2006 enacted level, \$47 million less than the House-passed FY 2007 funding bill, and \$214

million more than the President's FY 2007 budget request. EPA funding is broken down into the following budget accounts:

Environmental Programs & Management--\$2.31 billion Hazardous Substance Superfund--\$1.26 billion Science & Technology--\$793.4 million State & Tribal Assistance Grants--\$3.0 billion Leaking Underground Storage Tank Program--\$72.8 million Oil Spill Response--\$16.5 million Inspector General--\$35.1 million Buildings & Facilities--\$39.8 million

Four unions representing approximately 10,000 EPA employees, including NTEU, wrote a letter to the Committee asking that Congress not approve a proposed reduction in the Agency's library budget from \$2.5 million to \$500,000. [See separate story in this newsletter]

Because of the summer recess, the full Senate will not debate H.R. 5386 until September. The House passed its version of this bill on May 18.

Fiscal Year 2007 Transportation/Treasury Appropriation Bill (H.R. 5576): On July 26 the Senate Appropriations Committee reported H.R. 5576, a bill to make appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, and the District of Columbia for fiscal year 2007. Title VIII of the bill contains general provisions applicable on a government-wide basis. Probably of most interest to federal employees is a provision that establishes a 2.7% pay increase for civilian employees starting in January 2007, the same percentage increase as in the House version of H.R. 5576. There are concerns, however, that this pay increase might be reduced to 2.2% to mirror the pay increase for military personnel provided in the Senate and House defense appropriations bills. Other government-wide provisions in the bill include:

Requirements that a public-private competition be held before government work may be outsourced to a private contractor; A requirement that federal employees "use official time in an honest effort to perform official duties;" A prohibition on federal agencies providing the home address of a federal employee to a labor organization without the employee's permission or a court order; and A prohibition on federal agencies preventing federal employees from communicating with Congress, and from taking disciplinary or personnel actions against employees for such communications.

Federal Workforce Performance Appraisal and Management Improvement Act of 2006 (S. 3492): On June 29 the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia of the Senate Homeland Security and Governmental Affairs Committee held a hearing on S. 3492, the Federal Workforce Performance Appraisal and Management Improvement Act of 2006. NTEU, the Office of Personnel Management, and other organizations presented testimony on the bill.

S. 3492 is a "pay for performance—light" bill that was introduced on June 13 by Senator Voinovich (R-Ohio), the Subcommittee chairman. The legislation has four main components. First, it would require that all Federal employees receive written performance appraisals each year, with the appraisal making "meaningful distinctions in performance." In order to measure "meaningful distinctions in performance," a performance appraisal system would be required to



have at least 3 rating levels: fully successful, unacceptable, and a level above fully successful. Second, an employee who did not receive at least a fully successful rating would be ineligible for a within grade pay increase and an annual comparability pay increase. Third, managers and supervisors would be required to receive periodic training in conducting performance appraisals. Finally, Senior Executive Service (SES) employees could be paid as much as the Executive Level II pay grade (currently \$165,200 per year) instead of the current Executive Level IV pay grade (currently \$143,000 per year).

NTEU testimony by National President Colleen Kelley objected to the provision that would deny annual across the board and locality pay increases to employees with unacceptable ratings. Ms. Kelley stated that such pay increases were created in the Federal Employees Pay Comparability Act for the purpose of achieving comparable pay between federal employees and workers in the private sector, and that withholding these increases based on individual performance “completely drops the goal of comparability, which has been the goal of federal pay for decades.” President Kelley also objected to SES pay increases in the bill that she said are “totally unrelated to individual performance.”

Government Efficiency Act of 2006 (H.R. 5766): On July 24 the House Government Reform Committee reported H.R. 5766, the Government Efficiency Act of 2006, by a vote of 15 to 12, with an amendment (House Report No. 109-594, Part 1). On July 19 the Committee held a hearing on H.R. 5766 and H.R. 3282 (see below). Witnesses at the hearing included a representative of the American Federation of State, County, and Municipal Employees (but no representative of a Federal employees union).

H.R. 5766 would authorize the establishment of bipartisan Federal Review Commissions to study whether specific aspects of Federal government operations would function “more efficiently and effectively” if some or all of the relevant federal programs and agencies were reorganized, consolidated, abolished, expanded, or transferred. The President would be required to submit a schedule to Congress for the review of all Federal agencies and programs by the commissions. Legislative proposals drafted by the commissions would be considered in Congress pursuant to expedited “fast-track” procedures. If the position of a Federal employee were eliminated as the result of abolishment of an agency, the bill would require a “reasonable effort” to relocate the employee to a position in another agency.

Opponents of the bill said it would “create a legislative vehicle for undermining our nation’s health and environmental laws and shrink[ing] the social safety net.” The proposal, they said, was “eerily reminiscent of the Grace Commission established in the 1980s by President Reagan,” when individuals representing corporate interests were appointed to examine the “very agencies that regulated their corporations.” They pointed to the example of EPA, where virtually all of the 68 members on the Grace Commission panel studying the Agency worked for corporations that had been the targets of EPA enforcement actions. H.R. 5766 was introduced on July 12 by Rep. Tiahrt (R-Kansas) and now has 81 co-sponsors.

Abolishment of Obsolete Agencies and Federal Sunset Act of 2005 (H.R. 3282): On July 20 the House Government Reform Committee ordered reported H.R. 3282, the Abolishment of Obsolete Agencies and Federal Sunset Act of 2005, as amended, by a vote of 16 to 15. H.R.

3282 would establish the Federal Agency Sunset Commission, whose duties would be to: submit to Congress a schedule for review, at least once every 12 years, by the Commission of each Federal agency; review and evaluate the efficiency and public need for each agency, using 19 statutory criteria; and recommend whether each agency should be abolished or reorganized. Each agency would be automatically abolished one year after the completion of the Commission's review unless it is reauthorized by Congress. Like H.R. 5766, this bill would require "a reasonable effort" to relocate employees whose positions are eliminated by the abolishment of their agency. H.R. 3282 was introduced on July 14, 2005, by Rep. Brady (R-Texas) and now has 110 co-sponsors.

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**19 EPA Unions Complain to Congress About EPA Library Closings ([PDF File of original.](#))**

Union Letter to Congress on EPA Library Funding Cut June 2006 (Text below)

**([PDF File of original.](#))**

The Honorable Conrad Burns, Chair Appropriations Committee, Interior and Related Agencies Subcommittee United States Senate

The Honorable Byron Dorgan, Ranking Member Appropriations Committee, Interior and Related Agencies Subcommittee

Honorable Members of Congress:

We, the undersigned, are Presidents of 16 Local Unions representing at least 10,000 EPA scientists, engineers, environmental protection specialists and support staff. We are writing to protest the proposed \$2 million budget reduction to the EPA operations and administration budget, which EPA management intends to use to close as many of our technical libraries as possible.

Many of us rely heavily on our technical libraries to perform our jobs in an effective manner. Our library staff provides us with the latest research on cutting-edge homeland security and public health issues. The ability of EPA to respond to emergencies will be reduced because important reference materials may be unavailable or take significant time to receive from storage or another library. In addition, the libraries conduct business searches for enforcement officers and provide EPA with a host of other resources that cannot be found with a standard internet search.

In short, our technical library staff provide vital support services that allow EPA scientists to spend more time conducting inspections, writing public health and environmental policies, and implementing the Agency's regulations. For these reasons, we urge Congress to re-instate the \$2

million budget reduction, and mandate that EPA management use these funds to keep open our existing technical libraries.

In addition to vital library services for EPA employees, we are very concerned that the public will no longer have access to many of our Agency's past reports and technical documents. Already, EPA library services have been significantly reduced, or are no longer available to the public in EPA Regions 1, 2, 5, and 6, which service 19 states.

Senior EPA managers are touting the message that the \$2 million budget reduction, and subsequent library closures, will promote increased "efficiencies," with virtually all EPA reports being available in an electronic format. These "savings" are illusory. In fact, nothing could be further from the truth. Here are some sobering facts regarding our impending library closures:

The National Environmental Publications Information System, EPA's repository of electronic documents, currently holds about 13,000 documents. But the Agency has a total of about 80,000 documents that should be retained; most of these are not yet available in any electronic format. Our management has not addressed the issue of how much it will cost to digitize these thousands of reports, where the money will come from, or how long it will take to complete the task. Some of EPA's library collections are being dispersed without establishing any standard procedures or criteria to ensure that important documents are not lost. For instance, the EPA Region 5 library in Chicago will close on 9/30/06, and is already offering its collections to other libraries. EPA's Office of Environmental Information (OEI), in a cost-benefit analysis completed in 2004 ("Business Case for Information Services: EPA's Regional Libraries and Centers," EPA-260-R-04-001, January 2004), estimated that EPA's library network saved Agency professional staff time of more than 214,000 hours – a cost savings of approximately \$7.5 million. The benefit to cost ratio was conservatively estimated at 4.4-to-1. Based on our assessment of EPA's long-range library plan, we have concluded that our Agency intends to stop providing any EPA library services to the public. Our management has indicated that the inquiring public will get their information either from EPA hotlines or program staff, or from our website. They also assert that all EPA documents will be available "on-line," for easy retrieval. But this proposed approach does not consider, for instance, how university, school, and municipal libraries will borrow paper copies of EPA's documents through the inter-library loan process. The approach would also deprive working-class people of a user-friendly, well-staffed EPA library system that can provide them with environmental and public health information; and we consider this to be an "environmental justice" issue.

We tried to resolve this issue internally by sending a Union "Demand to Bargain" to EPA management. Senior Agency management rebuffed us, saying that the topic was "premature" to negotiate because no formal FY 2007 library plan has yet been adopted. But the dismantling of EPA libraries is already underway, without a coherent plan in place.

The proposed \$2 million budget cut for EPA libraries was initiated by EPA management, and approved by the Office of Management and Budget and the President, before being sent to Congress. We believe that this budget cut is just one of many Bush Administration initiatives to

reduce the effectiveness of the U.S. Environmental Protection Agency, and to continue to demoralize its employees.

We also believe that the sudden, draconian manner in which the EPA libraries are being closed, with little regard to protection of its unique collection of past technical reports and documents, is one more example of the Bush Administration's efforts to suppress information on environmental and public health-related topics while cloaking these actions under the guise of "fiscal responsibility."

In summary, both EPA scientists and technical staff, and the citizens of the United States will experience a loss if this \$2 million reduction is included in the final FY 2007 budget. We urge you to restore this funding to EPA's FY 2007 operational and administrative budget, and to include explicit instructions that the funding be used to continue to support EPA's existing Regional libraries.

Very sincerely yours,

Dwight A. Welch, President, NTEU Chapter 280, Washington, DC

Steve Shapiro, President AFGE Local 3331, Washington, DC

Dave Christenson, President AFGE Local 3607, Denver

Larry Penley, President NTEU Chapter 279, Cincinnati

Patrick Chan, President NTEU Chapter 295, San Francisco

Paul Scoggins, President AFGE Local 1003, Dallas

Mark Coryell, President AFGE Local 3907, Ann Arbor

Wendell Smith, President ESC EPA – Unit San Francisco

John J. O'Grady, President AFGE Local 704, Chicago

Steven Roy, President, AFGE Local 1110, Seattle

Silvia Saracco, President AFGE Local 3347, Research Triangle Park

Nancy Barron, President NAGE Local R5-55, Atlanta

Tammy Jones-Lepp, President NAGE Local R12-135, Las Vegas

Steve Kinser, President NTEU Chapter 294, Kansas City

Henry G. Burrell, President AFGE Local 3428, Boston

Paul Sacker, President AFGE Local 3911, New York City

Charles Orzechoskie, President AFGE Council 238