



INSIDE THE FISHBOWL

"We must conduct our affairs at EPA as if we worked inside a fishbowl..."
— William Ruckelshaus, former Administrator, U.S. EPA

February 2001

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Articles from any source are considered for publication by the Editorial Board. Items should be submitted on Disk to UN-200. Articles indicating authorship reflect the views of the author, not necessarily those of Chapter 280. We do not publish anonymously submitted articles, but when requested, may conceal the author's name.

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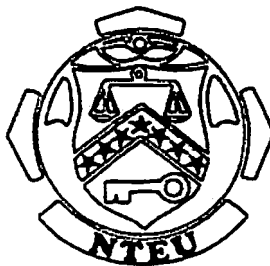
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National Treasury Employees Union

Chapter 280

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From the Editor

The Fishbowl is back again with great news for its readers. NTEU Chapter 280 has been hard at work making life at EPA much better for us all. The last few years have brought about many benefits that we now take for granted. Almost all of us now get to work in the morning using the transport subsidies which were negotiated by NTEU officials. Many of us later use the fitness centers to make us feel better and stay healthy. And the days that we're not enjoying these benefits many of us have the option of productively working at home or another alternative work site on flexiplace.

During the OPP and OEI reorganizations, we were given choices of who we would directly work under. Now the latest achievement that NTEU has successfully negotiated is the establishment of GS-15 Non-Supervisory Scientist positions in the Office of Pesticide Programs (OPP). The establishment of these positions adds to the Senior Scientist GS-14 positions which were negotiated in 1996 at the beginning of the OPP reorganization. More details about this most wonderful accomplishment are presented in another section of *the Fishbowl*.

All these notable accomplishments were not conceived or pushed by management. It took a lot of time and patience on the part of NTEU negotiators to bring about these changes. To continue these kind of accomplishments NTEU needs your support. Perhaps you believe that the dues are too high. But first ask yourself if you benefit from any of the changes noted above. If the answer is, "yes", almost any one of the benefits listed above pays the costs of your dues many times over. If you are not already a member perhaps now is the time to think about joining. It's simple. Just contact your closest NTEU steward or officer to obtain a form. If you don't know who they are just contact the NTEU Waterside Mall office at 260-2383. Membership will entitle you to have a stronger voice in the formulation of union policy and direction as well as voting rights or even the right to run for office. So join today!

On a lighter note, *the Fishbowl* would like to know what you would like to read about. Would it be a good forum to let your colleagues know what you have been working on? Perhaps sharing your work with your colleagues in *the Fishbowl* might be a subtle way to influence some decision or direction that management has to make. On the other hand, there may be issues that strike a discord with you and you would like NTEU to focus on and take up with management. Whatever it is, *the Fishbowl* would like to hear about them. Send your comments by email to the editor at editor@n-teu.org. All submissions should be in an editable, electronic format; preferably Corel® WordPerfect or Microsoft® Word format.

NTEU SUCCESSFULLY NEGOTIATES GS-15 NON-SUPERVISORY SCIENTISTS POSITIONS

The EPA Office of Pesticide Programs (OPP) recently successfully negotiated the establishment of 15 - 17 GS-15 Non-Supervisory positions for NTEU scientists this year. Kudos to Freshteh Toghrol for a lot of hard work, patience, and skillful negotiations. The text from the official Agreement follows:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

MEMORANDUM

SUBJECT: Agreement Between OPP Management and NTEU Chapter 280 Concerning
Establishing Additional GS-15 Non-Supervisory Scientist Positions

FROM: Marcia E. Mulkey, Director
Office of Pesticide Programs (7501C)

Freshteh Toghrol, Vice-President and Chair for OPP Affairs
NTEU Chapter 280 F. Toghrol

TO: All OPP Employees

We are pleased to announce the attached agreement under which OPP expects to establish and advertise additional GS-15 non-supervisory scientist positions over the next several months and into the future. This agreement has been entered into by OPP management and NTEU Chapter 280 in the spirit of the partnership principles established in Executive Order 12871. It reflects agreement between OPP management and the union representing OPP's scientists and other professional employees that there should be more GS-15 non-supervisory science positions in OPP, taking into account the complexity and importance of the work inherent in implementing the Food Quality Protection Act and our other statutes.

Under this agreement, OPP management and NTEU Chapter 280 will work together to ensure that the OPP's most difficult and critical science jobs are classified at the grade level they warrant and that all qualified OPP employees have the opportunity to compete for these senior-level positions. This agreement marks another in a series of productive areas of dialogue and cooperation between EPA's management and unions to ensure that our employees are appropriately recognized and rewarded for the exceptional contributions they make on an ongoing basis to protecting public health and the environment.

Separate from this agreement, OPP also expects to establish and advertise during the same time frame additional non-supervisory GS-15 positions in other disciplines, such as information technology, risk management or other areas. These positions also will be filled competitively under EPA's Merit Promotion procedures and using rating panels as provided in the OPPTS Diversity Action Plan.

Of course, our efforts to implement this agreement and any other non-supervisory GS-15 positions will comport fully with any new policies of the new Administration. Through these actions and others we seek to give OPP a strong competitive edge in hiring, developing, and retaining dedicated employees with the expertise and experience needed to meet our many and difficult obligations.

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

AGREEMENT BETWEEN NTEU CHAPTER 280 AND OPP

This agreement is between National Treasury Employees Union (NTEU) Chapter 280 and the Office of Pesticide Programs (OPP), U.S. Environmental Protection Agency (EPA). The parties agree as follows:

1. This agreement is established in the spirit of the partnership principles described in Executive Order 12871.
2. Science issues in OPP are among the most complex and critical in all of EPA. Many of them require a very high level of professional expertise, widely recognized by scientific peers and consistent with a grade 15 position under the position classification standards established by the U.S. Office of Personnel Management (OPM).
3. Based on a review of its program requirements, OPP management has concluded and NTEU Chapter 280's representative has agreed that additional GS-15 non-supervisory scientist positions should be established in a number of divisions.
4. OPP expects to establish approximately 15 to 17 such positions at this time. During the three months following adoption of this agreement OPP management will work diligently with EPA's Office of Human Resources and Organizational Services to establish and advertise these GS-15 positions using EPA's Merit Promotion procedures. All qualified OPP scientists currently at the GS-14 level will have the opportunity to apply for these positions. OPP expects to establish additional GS-15 non-supervisory scientist positions in subsequent years.
5. Consistent with EPA's Merit Promotion procedures and the OPPTS Diversity Action Plan, OPP will use rating panels to evaluate and rank the qualified applicants for these positions. Within six weeks following adoption of this agreement NTEU Chapter 280 will give OPP management a list of GS-15 scientists in OPP and other EPA offices that NTEU believes would be good candidates to serve on rating panels for non-supervisory GS-15 scientist positions. OPP management will consider NTEU's suggestions, along with other qualified GS-15 scientists, in naming rating panels for these positions.
6. Following advertisement of these positions, OPP management will diligently pursue the subsequent Merit Promotion process steps and make a selection decision for each position as quickly as practicable.

Signed and dated: *January 18, 2001*

For NTEU Chapter 280:

F. Toghiani

Freshteh Toghiani, Vice President
and Chair for OPP Affairs

For the Office of Pesticide Programs:

Marcia E. Mulkey

4 Marcia E. Mulkey, Director

PARTNERSHIP ACTIVITIES

LABOR-MANAGEMENT STRATEGIC PLAN The strategic plan for EPA's labor-management relations underwent intensive work this year. All of EPA's SES corps commented on the draft plan during the early Summer. Bill Hirzy, Ed Exum (Athens GA, NAGE) and Paul Sacker (R-2, AFGE) worked with management reps to finalize a draft that was agreed to and signed by all parties at a meeting of the full National Partnership Council (NPC) in September. The plan, after final minor editing, was pronounced in effect by the Administrator on December 13. The NPC Executive Board, co-chaired on the labor side by Bill Hirzy, met January 18 to discuss implementation issues under a new administration. At the meeting, outgoing Assistant Administrator Romy Diaz was given the NPC's Partnership award for his efforts within management ranks in bringing partnership to life.

ALTERNATIVE DISPUTE RESOLUTION Bill Hirzy served as the labor steering committee member from the National Partnership Council during development and implementation of the pilot ADR program at Headquarters, which began operating this Fall. Julie Simpson, Rosezella Canty-Letsome and Bill Garetz served on the work group that actually designed and put the ADR program into effect, and they continue to monitor the operation, along with Jim Murphy. A contractor will soon begin an evaluation of the program's first year of operation.

LOCAL PARTNERSHIP COUNCILS The union has worked with Deputy Chief of Staff Ray Spears to create a partnership council in the Office of the Administrator. Credit for most of the work goes to NTEU's Jack Kooyoomjian for hammering out the charter for this organization. The charter for the new organization, that will have two NTEU, two AFGE and two management reps, was signed in early December. From the separate, previously established OECA partnership council, James Handley stepped down as one of NTEU's representatives, and was replaced by Steve Howie. (See two related stories below on James Handley's retirement and Steve Howie's work on Office of Compliance job shuffles.)

HIRZY NAMED LABOR CO-CHAIR OF NPC Bill Hirzy was named to replace J.R. Finney, former NTEU 281 (R-4) Chapter President, as labor co-chair of the National Partnership Council for the duration of 2000. Paul Sacker, AFGE Local President in Region 2, took over the post on January 18.

HRC MEETS IN ATLANTA Bill Hirzy attended the Fall meeting of the national chapter of the Human Resources Council (HRC) in Atlanta in his role as NPC labor co-chair. A major item during both days (11/1-2) of the meeting was responding to charges of discrimination leveled against the Agency by employees and aired before Congress in October. Some of the recommendations that were sent to the Administrator were: more effective partnerships with EPA's unions; strong and visible action against unfair managers; making the Office of Civil Rights an Associate Administratorship; and tying SES bonuses to performance in this area. Unions reported their impressions of partnership progress to the HRC. Hirzy said the past eight years were B-minus, but should have been A-plus, and he wondered if the fault was Carol Browner's or her advisors'. He said the NPC languished for over four years, until Romy Diaz breathed life into

it, finally producing a professional ethics policy that remains devoid of a clear implementation mechanism (see below).

OFFICE OF COMPLIANCE JOB SHUFFLE Steve Howie and Bill Hirzy met several times with OC Director Mike Stahl and Bruce Deputy Bruce Weddle to work out a process for allowing OC employees to change jobs as the Office re-aligned its resources for the coming year. Steve did all the work on this project, working closely with OC employees and management, and the job shuffle went off in October with virtually no hitches or complaints, reflecting a well conceived and executed partnership operation.

GUIDANCE REPORT RELEASED ON STUDENT LOAN REPAYMENT PROGRAM -

A final report from OPM authorizing government agencies to establish a program for the repayment of student loans has just been released. The authorization allows agencies "to repay federally insured student loans when necessary to recruit or retain highly qualified professional, technical, or administrative personnel". Agencies are given much leeway in the determination of defining "highly qualified professional, technical or administrative personnel". NTEU will keep an eye on this development to assure that it is administered fairly. Anyone interested in reading the entire rule can log on to http://www.access.gpo.gov/su_docs/fedreg/a010111c.html

PROFESSIONAL ETHICS ACTIVITIES

INSPECTOR GENERAL LOOKS AT MALATHION ISSUES On August 16, despairing at the pace of progress in the partnership mode, the union filed the first complaint (grievance) under EPA's new Principles of Scientific Integrity (PSI), dealing with issues involving malathion and EPA's cholinesterase inhibition (ChEI) policy. The May issue of *the Fishbowl* reported the outlines of the situation. The grievance asked for suspension of EPA activity classifying carcinogenicity of malathion pending convening a new pathology working group at which EPA would have a presence, for suspension of attempts to promulgate a ChEI policy until the new version is peer reviewed, and restoration of the section of that policy statement that was deleted after it had been ordered restored by senior management. The filing occurred one day prior to the SAP meeting convened to consider malathion's carcinogenic potential, at which Brian Dementi - at EPA's invitation - submitted written comments and questions to the SAP. EPA denied the grievance, and the union elevated it to Step II, further elucidating the ethical problems at issue, including non-response of the August 2000 SAP to Dr. Dementi's submissions and support for Dr. Dementi's positions on the issues by SAP member Dr. Herbert Needleman and the California EPA.

The Step II management official was so concerned over the issues we raised that he asked the Inspector General's Office to inquire whether mismanagement or abuse of authority has impacted the malathion assessment work. The OIG audit continues as of this writing.

Dwight Welch and Bill Hirzy made a presentation at a Beyond Pesticides citizens' meeting in New York in October on this subject. Ralph Nader also spoke to the group, as did Dr. Needleman.

The grievance was elevated to Step III in early December, and we expect a panel of Assistant Administrators to review the matter. Arbitration would be the final step in the process if a satisfactory outcome is not achieved at Step III.

Management has contended all along that the matter "is not grievable," but our position is that, absent any other means of resolving alleged violations of this Agency policy, the negotiated grievance process is the only mechanism available for resolution of such disputes.

ACTIVITY ON THE FLUORIDE FRONT Citizens around the country, and especially in New Hampshire where a concerted effort is being made to mandate state-wide fluoridation, have been bombarding Congress with requests for a full hearing on the subject. Nationally, we are not alone in our concern over the shoddy science behind these efforts, and the union has built strong alliances with citizen groups and influential media in 21 states on this issue. These alliances have served us well in the past and will again, on issues that go well beyond fluoride. The union is recognized by these allies and their Congressional representatives as a bastion of scientific integrity within EPA.

Here are some examples of our alliances at work. In June 2000, Bill Hirzy was invited by Senator Bob Smith, Chairman of the Senate Environment and Public Works Committee to testify on water fluoridation before the Subcommittee on Fisheries, Wildlife and Water. The invitation was the result of complex work by allies in several states. In his testimony, Bill Hirzy called for: 1) an independent review of the pathology slides from the cancer bioassay completed in 1990 by Battelle Memorial Institute, with appropriate blinding, and results reported to Congress; 2) testing of the chemicals used in 90% of fluoridation systems (there are no chronic toxicity data on them); 3) an epidemiology study comparing children with dental fluorosis to those not displaying this sign of over-dosing for behavioral and other neurotoxic conditions; and 4) a full Congressional hearing on fluoridation, the last such having been conducted 22 years ago, before the large amount of research data on cancer, bone pathology and neurotoxicity now available was published. Immediately after the hearing, Sen. Smith requested EPA to review its current drinking water standards for fluoride. The union has requested bargaining on how this review will be conducted.

Citizens in Florida and Texas invited Bill Hirzy to participate in public forums on fluoride toxicity, and these took place in July and October, respectively. Bill also participated in radio talk show broadcasts on the subject in Kansas, Texas, Indiana, Florida, New York, California, Arizona, Hawaii and Utah, all arranged by citizen groups in these states.

NTEU PRESIDENT CRITICIZES HERITAGE REPORT With a new administration now in place in Washington, we can anticipate that interest groups will begin lining up to influence the direction of federal policies. One of these interest groups is federal employee unions that achieved considerable power and influence within the Clinton administration.

Another is the Heritage Foundation. FedNews OnLine reported last week that a new report from the Heritage Foundation had been issued (the report, "Taking Charge of Federal Personnel," is available in its entirety on the FPMI web site at <http://www.fpmi.com> in the news and notes section on the lower right hand side of the page).

It didn't take one union long to respond to the extensive recommendations on the future of the federal personnel system. National Treasury Employees Union National President Colleen M. Kelley Friday fired our union's first shot by criticizing what she terms "factual errors" in the Heritage Foundation report.

In a letter to the report's primary author, George Nesterczuk, Kelley said, "There are some areas of the report with which we are in agreement, some where we strongly disagree and some that are just so factually incorrect that I felt it was important to provide you with accurate information, so that you could make the appropriate corrections."

Kelley identified several items which she asserts are incorrect, including: a claim that the Supreme Court ruled on Executive Order 12871 (which created partnerships in the federal sector); a claim that the Federal Employees Retirement System (FERS) is "running up a debt;" and, the report's statement that Federal Employees Health Benefit (FEHB) Program costs are being driven up by mental health parity and "mandated coverage."

Kelley pointed out that the Supreme Court has never ruled on Executive Order 12871. In addition, she said, NTEU never filed any action against then-Secretary Robert Rubin for not complying with the Executive Order, as claimed in the report.

Kelley said the FERS system is fully funded by agency and employee contributions, and is not running up debt "that must be redeemed by future generations of taxpayers," as alleged in the report.

Regarding the FEHB program, Kelley said that increased premium costs have little if anything to do with mandated coverage. She said everyone acknowledges the biggest factor in recent premium increases is the "staggering increase" in prescription drug costs, which has been estimated to account for about 40 percent of premium increases. Kelley pointed out that an initiative to test reducing the cost of prescription drugs by allowing one small FEHB carrier to purchase drugs at discounted prices (as the veterans' health system already does) was "torpedoed when all of the major drug suppliers refused to sell drugs to the plan."

Kelley did say in her letter that she agreed with the recommendation that the federal government move closer to a market model for federal pay. "In the private sector," wrote Kelley, "collective bargaining is used to set wages and benefits. That is how the market works. We would support using the private sector collective bargaining model to change the way federal pay is set."

The union leader said she agreed with the report's statement that "input from employees and even unions is helpful," and to the report's observation that with regard to political appointees versus career employees, "the best qualified are already in career positions." Kelley said NTEU agrees with that view and "urges the new Administration to take advantage of the expertise and experience of the career civil service."

Kelley took exception to the report's recommendation that appointment decisions be "based on loyalty first and expertise second, and that the whole governmental apparatus must be managed from this perspective."

Kelley wrote, "I strongly disagree that loyalty, while an important factor for any job, should outweigh expertise when it comes to carrying out the government's business." As interest groups jockey for position and influence, the game will be interesting.

Legislative Priorities From the NTEU President

Pay The President proposed and Congress included in the final omnibus appropriations bill for FY 2001 an average pay raise for GS federal workers of 3.7%. The uniformed military also received a 3.7% pay increase for 2001. While NTEU argued that the budget surplus should have allowed the REPCA laws to be followed, we in NTEU were not successful in increasing the raise above the President's proposal.

Retirement Contribution Rollback While we would like to have seen a higher pay raise for 2001, we were successful in increasing federal employees' take home pay by pushing Congress to enact another proposal in the President's budget that repealed a contribution increase that both CSRS and FERS employees had been required to pay by the 1997 Balanced Budget Act. Without this Congressional action, which was pushed by NTEU, both nationally and locally, federal employees would be paying an additional 0.5% of their salaries for the same retirement benefits. This rollback will save the average federal employee \$200 to \$300 a year.

Health Care Costs In another major win, NTEU was successful in convincing the Clinton-Gore Administration to allow federal employees to pay for their health care premiums with pre-tax dollars. The premium conversion [effort] took effect October 1, 2000 and will save the average federal employee approximately \$450 annually. We continued to work with the outgoing Administration to ensure that plans to allow out of pocket medical expenses and dependent care expenses to be paid for with pre-tax dollars will take effect in January of 2002.

We were not so successful in other efforts to bring down the continually increasing costs of health care premiums for federal workers and retirees. Proposals in the President's budget to allow OPM authority to negotiate separate dental or vision plans stalled in Congress and an effort by OPM to allow FEHBP plans to buy drugs at the same special low price as the Veterans Administration was torpedoed when all the major drug companies refused to participate.

NTEU also successfully backed legislation requiring a study of providing paid parental leave for federal employees. Legislation supported by NTEU that would provide for such paid leave was introduced by Representative Carolyn McCarthy (D-NY), but was acted on by Congress.

Government Pension Offset (GPO) Legislation was introduced in the House and Senate to relax the effects of the GPO (H.R. 1217, Jefferson (D-LA), and S. 717 (Mikulski (D-MD)). The GPO sharply reduces or even eliminates the Social Security benefit that many federal retirees are otherwise eligible for on their spouse's work record. Under the GPO, spouse or widow Social Security benefits are reduced by two-thirds of the amount of the government pension.

In the 106th Congress, which adjourned in December 2000, H.R. 1217 gathered 263 co-sponsors and received a hearing by the House Ways and Means Committee. S. 717 in the Senate gathered 21 co-sponsors.

Windfall Elimination Provision (WEP) The WEP prohibits many federal retirees from collecting Social Security benefits they have earned in their own right (non-spousal benefits). Social

Security benefits federal retirees in the CSRS system may be eligible for as a result of pre-federal employment are significantly reduced if they have less than 30 years of Social Security coverage.

Two bills were introduced in the 106th Congress, H.R. 742 (Sandlin, D-TX) and H.R. 860 (Frank, D-MA). H.R. 742 would have eliminated the WEP entirely and gained 62 co-sponsors. H.R. 860 would have relaxed the effects of the WEP and gathered 140 co-sponsors.

Long Term Care President Clinton recently signed into law legislation (H.R. 4040, sponsored by Scarborough (R-FL)) establishing a federal long term care program that will be available to all federal employees, their spouses, parents, parents-in-law and family members. The program is expected to be available in the fall of 2002 and the group insurance rates may be as much as 20% lower than similar private sector long term care insurance policies. Employees choosing to purchase a long term care policy for themselves or one of their family members will be responsible for the entire premium.

Under the new policies, benefits will be paid in a variety of settings (nursing homes, home health care, adult day care) and will begin when an individual is unable to perform the normal activities of daily living such as eating and bathing.

Retirement Error Correction Legislation After several years of pressing for relief for employees in the wrong retirement system, NTEU succeeded in accomplishing this goal. President Clinton signed H.R. 4040 into law in September and the Office of Personnel Management is preparing regulations to implement this new law.

Potpourri

To all the rocks in your life...(Beware of the rockslides) - A philosophy professor stood before his class and had some items in front of him. When class began, wordlessly he picked up a large empty mayonnaise jar and proceeded to fill it with rocks, rocks about 2" in diameter. He then asked the students if the jar was full. They agreed that it was.

So the professor then picked up a box of pebbles and poured them into the jar. He shook the jar lightly. The pebbles, of course, rolled into the open areas between the rocks. He then asked the students again if the jar was full. They agreed it was. The students laughed. The professor picked up a box of sand and poured it into the jar. Of course, the sand filled up everything else. "Now," said the professor, "I want you to recognize that this is your life. The rocks are the important things - your family, your partner, your health, your children - anything that is so important to you that if it were lost, you would be nearly destroyed. The pebbles are the other things that matter like your job, your house, your car. The sand is everything else. The small stuff."

"If you put the sand into the jar first, there is no room for the pebbles or the rocks. The same goes for your life. If you spend all your energy and time on the small stuff, you will never have room for the things that are important to you. Pay attention to the things that are critical to your happiness. Play with your children. Take time to get medical checkups. Take your partner out

dancing. There will always be time to go to work, clean the house, give a dinner party and fix the disposal. Take care of the rocks first - the things that really matter. Set your priorities. The rest is just sand."