



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 1996

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FEBRUARY HIGHLIGHTS

NO RIFs IN FY 96

2050 SAYS "NO" TO FURLOUGH

EPA CONTRACTING OUT OUR JOBS

BUDGET FOLLIES: SMOKESCREEN FOR ANTIENVIRONMENTAL AGENDA

BE A LOBBYIST FOR ENVIRONMENTAL PROTECTION

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INSIDE THE FISHBOWL, FEBRUARY 1996

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**NEXT MEMBERSHIP MEETING:
THURSDAY, FEBRUARY 29
EPA AUDITORIUM: 12 NOON**

(Call Union office at 260-2383 for call-in number)

**CONGRESSIONAL BUDGET GAMES MAY
LEAD TO UNPAID FURLOUGHS BUT
RIFS RULED OUT IN FY '96**

by James Handley and Dwight Welch

The National Partnership Council (comprised of national union presidents and senior EPA management) met on January 30 to discuss budget issues and to consult with the unions on options for responding to the budget crisis. EPA management informed us that RIFs have been ruled out for this fiscal year because they would not result in net savings to the Agency during the current budget cycle. This is because RIFs are costly; the agency must pay severance and back leave that average about \$18,000 per RIFed employee. By the time a RIF went into effect, most of the fiscal year would be past. Thus, RIF costs would exceed any payroll savings for the remainder of year, and furloughs are the only viable way to save payroll money this fiscal year, although we are pressing for contract money to be cut before payroll.

EPA is currently operating under a continuing resolution (CR) which provides only partial funding for the Agency. If the funding levels for the CR remain in effect for the rest of the fiscal year, then EPA management estimated that we would need about 14 or 15 days of unpaid furlough to meet the budget shortfall this year. That seems to be the "worst case" scenario right now.

The Unions have been submitting suggestions on ways to save funds to mitigate the number of furlough days and we continue to encourage you to submit your ideas to us and to copy Fred Hansen and Carol Browner. If furloughs are needed, management has agreed to negotiate with us over how and when the furloughs would be implemented. Our agreement with EPA provides that if a discontinuous furlough is implemented, employees will have flexibility to work out with their supervisors the days they take furlough. There is also the possibility that furlough days would occur in a block, thus shutting down the Agency, conserving overhead (e.g., power and shuttle services) and making a political point. If furloughs do become a reality, Local 2050 will negotiate over implementation and will likely ask members to vote on the options.

RIF PROCEDURES

While we now don't expect reductions in force (RIFs) this fiscal year, we have been negotiating over the procedures in anticipation of the worst. In November's issue we reported that Local 2050 had reached agreement on some elements of furlough procedures and that EPA agreed to negotiate with us over RIFs if the Agency determines that RIFs are needed. (We considered this a small but important victory because management had previously

asserted that the subject of RIF implementation was not negotiable. They have now agreed to negotiate the issue.) The Agency indicated that if a RIF were needed, its preference was to do a "speed RIF" to avoid the "pachinko effect" resulting from the complicated and time consuming "bump and retreat" process that accompanies a traditional RIF. (See November '95 Fishbowl for detailed explanation of "bump and retreat.")

In accordance with our agreements with EPA management, a "speed RIF" proposal was submitted in January by EPA to the Office of Personnel Management to determine if such a process would be acceptable under the personnel regulations. The following is an excerpt from that "speed RIF" proposal that included input from Local 2050:

"1. The agency:

- Sets competitive areas,
- Establishes competitive levels,
- Develops retention registers, and
- Creates master retention registers.

"(The master retention registers are lists that merge employees, in each of the competitive levels, in the order of their relative retention standing. There would be separate master retention registers for competitive service, excepted service and executive service employees.)

"2. Management determines the size of the cuts (number of positions to abolish) necessary for the RIF.

"3. The human resources office, using the master retention registers as its decision tool for which positions to eliminate, starts at the bottom of the retention register and counts up until the number of positions to be abolished has been met. The positions occupied by these employees are targeted for elimination.

"4. The employees occupying the positions identified for elimination through the master retention register decision tool are selected for release on their respective retention registers. The appropriate retention registers are annotated, showing the positions that are abolished and the resultant release of the employees from the competitive level/retention register.

"5. The human resources office verifies that each employee reached for release from their appropriate retention register has no bump or retreat entitlement.

"(The employees reached for release should be on the bottom of their retention registers based on having the lowest retention

standing thus, little, if any, bumping and retreating should occur.)

"6. The human resources office prepares and issues the required 60 day notices. As necessary, the personnel office would re-run additional iterations of the RIF mechanics based on resignations, retirements, etc.

"We see in this approach an opportunity to focus the RIF in the first instance on those employees most likely to be released at the conclusion of a disruptive and time consuming bump and retreat process. We would deal with any resulting dislocation in the Agency's skill mix through post- RIF reassignments.

"EPA seeks your [OPM's] legal opinion as to whether this approach or some derivation there of conforms to the requirements of the CFR. We also request your opinion on how it may be treated by MSPB in an appeal. EPA would welcome any suggestions or recommendations you have which would improve the process we have outlined. We are seeking a legal opinion in the event that Agency Management indicates a preference to use this approach."

If RIFs become a necessity in a future fiscal year, Local 2050 feels that the "speed RIF" process outlined above is easily verifiable, quickly executable, and would avoid much of the potential unfairness and possible favoritism that could result from other processes.

FURLOUGH PROCEDURES AND PROTECTIONS

Our November collective bargaining agreement also spelled out the following concerning furloughs:

- Employees have flexibility to work with their supervisors to schedule any discontinuous furloughs.
- EPA will cover health benefits during an unpaid furlough.
- If a furlough exceeds 30 calendar days in a fiscal year, EPA will assist in job placement, including providing expedited processing of waiver requests for employment outside EPA.
- Employees will not be held responsible for work requirements that are unfulfilled because of furlough.
- Employees on alternative work schedules (compressed workweek) will not be disadvantaged or advantaged as a result of their work schedules.
- EPA will provide, upon request, statements to creditors explaining the furlough situation.
- Part time employees will be furloughed in proportion to the work schedule of a full time employee.

In summary: We feel confident that there will not be a RIF this fiscal year, but for the future, we've established that RIF

procedures will be negotiated and we've reached an understanding that EPA will pursue a speed RIF if necessary and feasible. Unpaid furloughs of about 15 days may be needed if the current funding levels are maintained for the duration of the fiscal year. We have negotiated some protections and will be negotiating the timing and implementation of furloughs should they become necessary. We welcome your suggestions and comments, and remind you that only dues-paying members may vote to determine the Union's negotiating positions on these important issues.

FURLOUGH RULES AND PROCEDURES

by James Handley

The Office of Personnel Management regulations (5 CFR, part 351) divide furloughs into two categories: "short;" those that do not exceed 30 calendar days (including those that do not exceed 22 non-consecutive work days) and "long;" those that exceed 30 calendar days. A 30 calendar day or longer furlough would trigger the RIF rules. We will focus here on the so-called "short" furlough rules.

A furlough may be scheduled for consecutive days, or a number of discontinuous days, e.g., 1 or 2 days per pay period. Presidential appointees are not subject to furlough. Employees on compressed work schedules must be furloughed for the days and times when they would be scheduled to work, and part time employees must be furloughed in the same proportion as full time employees. Furloughs may include paid holidays; if the employee is furloughed on both the last work day before and the next work day after a holiday, the employee will not be paid for the holiday, but the agency must justify including a holiday on programmatic and administrative grounds and may not schedule a furlough around a holiday solely to save a day's pay.

Furlough is a management right, but management must negotiate over the impact and implementation with the unions. Some or all job categories may be furloughed. Employees are entitled to 30 days notice prior to furlough, which must include the reasons for the furlough, the duration and effective date.

Benefits generally continue to accrue while employees are on furlough. The exception is annual leave, which does not accrue during a furlough if an employee is on non-pay status for more than 80 hours in a calendar year. The government continues to pay its share of health benefit premiums but employees are required to pay their share either by paying the agency directly or by accumulating the premiums and having them deducted when returning to pay status. Life insurance continues in effect. Retirement contributions are made in proportion to pay, so during

furloughs, total contributions will decrease in proportion to the number of furlough days. Up to 6 months of furlough is creditable service for retirement calculation and for ranking on RIF retention registers.

Furloughed employees may file for unemployment benefits according to the requirements of the state where they work. Employees may accept outside employment during furlough subject to Agency approval for outside employment.

USE OR LOSE NOT LOST

by Steven Spiegel

Employees who had scheduled their leave during December and January (12/18/95-1/6/96), but were unable to take their leave due to the furlough, can now have their use-or-lose leave restored. During the furlough, all leave was canceled. All employees who were scheduled to take annual or sick leave were not charged for this period. However, those who had scheduled use-or-lose leave faced forfeiting their leave because they were not allowed to use it. Thanks to pressure from the unions and management, those with use-or-lose leave, which was approved by November 26, 1995, can have their leave restored. This date for approval of leave through a signed and dated leave slip is required by regulation and has been the same every year. The Union raised this issue in early November, pointing out that the Agency's notice to schedule leave and have it approved by November 26, 1995 did not appear to have been circulated at throughout Headquarters. The Union also requested that a streamlined centralized process be set up, since the exigency of public business in this case was the furlough which was common to all employees, and that such a process would be more efficient. Under the new stream-lined policy, your supervisor can now complete a form identifying their employees and the hours scheduled for leave which should now be restored. This certification form must be returned to OHRM by March 22, 1996. This is a great improvement over each employee submitting multiple memos from themselves and management to Human Resources. Restored leave can be used over the next two years.

Employees whose leave was not approved by leave slip prior to November 26, 1995, are not considered to be eligible for restoration of leave. However, if you have a particular factual situation in which this policy is being unfairly applied, such as you believe the leave was approved by your supervisor, but not formally processed, then you should contact the Union to see if alternative means for restoring your leave are available. If you just plain missed the boat and didn't schedule your use-or-lose as required, the Union has also requested an extension of time to make donations to the **Leave Bank**, since the open season for

donating leave also expired during the furlough. Donations can be made to the general leave bank or to specific employees. There are many employees with personnel or family health problems who have exhausted their own leave and would benefit from your donations. You do not have to be a member of the leave bank to donate leave. Please contact me via E-mail or at 703/308-8507 and I will provide more specific information on donating leave and helping fellow employees in need.

EXECUTIVE BOARD POSITION OPEN

As a result of the forced retirement of re-employed annuitants by EPA, Local 2050 Vice-President Alex Arce was discharged from employment. Alex was a staunch supporter of unionism at EPA and we will dearly miss his involvement. Consequently, there is now an open position on the Union's Executive Board. The Executive Board consists of the Union's elected officers, and operates as the governing body of the Union between membership meetings. While the annual election cycle for officers has been disrupted for the past year, the Local anticipates that the regular election cycle will resume with nominations being taken at the April membership meeting and the election being conducted in May. Therefore, the position to be filled would operate until the change of officers in June 1996. Anyone wishing to be considered by the Executive Board to fill this position should contact the Union by March 1, 1996.

EPA KEEPS CONTRACTING YOUR JOBS AWAY

by Jim Goodyear and Steven Spiegel

The Union has long been an opponent of contracting out jobs of EPA employees to private contractors. A study by the Government Accounting Office demonstrated that in most cases, government employees perform the same tasks at lower cost to the public and that government agencies often contracted out these jobs without performing the required cost-comparison analysis. Local 2050 and its members have lobbied Congress to eliminate this "shadow government" and return these jobs to career employees, which is especially important during this time of retrenchment. (Please keep writing letters and making calls to Representatives and Senators on this subject.)

About two years ago NFFE 2050 member Jim Goodyear became the project officer for a Florida contractor evaluating pesticide studies. Evaluation of pesticide reports is one of the standard functions of his branch. When the contract expired, management published a proposal for a new contract.

Jim met with the professionals in the Ecological Effects Branch (EEB) of the Office of Pesticide Programs in his capacity as NFFE 2050 steward. They agreed that the Union should oppose the renewal of the expired contract. This contract uses money that could well be used to pay EEB scientists. In fact, the amount of money being spent on the contract could fund three to eight FTEs.

For months Jim tried to work with the management of his branch and division to stop the awarding of the new contract. He did this while acting as the project officer-designate and member of the first technical evaluation panel for the new contract. The office refused to give serious consideration to his arguments. Jim continued to pursue the problem. He wrote a letter to the Program Management Operations Section asking that they invalidate the contract. PMOS rejected his complaint on what he thought were inadequate grounds.

In early August 1995, NFFE 2050 learned that the contract had been issued. Jim and Chief Steward Steven Spiegel worked together to develop the form and logic of the grievance and supporting documents and filed it on August 31, 1995. At first, management appeared cooperative, and agreed to the Union's request for a face-to-face meeting to resolve the dispute. Management agreed to suspend sending work to the contractor while the grievance was being negotiated. Management also requested several extensions of time to provide the Union with documentation supporting the contract. On December 6, 1995, Chief Steward Steven Spiegel sent a message to management inquiring about arranging another meeting, obtaining the requested documents, and confirming that no work was being conducted under the contract. Without directly responding to the Union, and without notice, management resumed contracting out work the next day. The grievance was then elevated to the next level and it has now been elevated to the third level.

The Union argues that the contract should be voided for several reasons: 1) Management did not negotiate with NFFE 2050 in violation of Executive Order 12871, which requires management to negotiate on the numbers, types and grades of employees or positions assigned to any organization; 2) The contract is not in conformity with OMB Circular A-76, because the contractor acts solely as an addition to the government reviewers. The circular states:

"§7c(6): This circular and its supplements shall not: ... Be used to justify conversion to contract solely to avoid personnel ceilings or salary limitations."

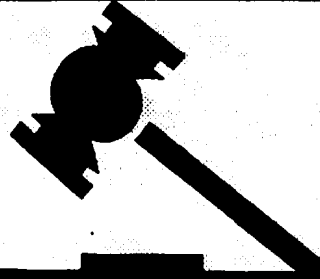
The contractor does nothing that EEB does not do or could not do if it had adequate personnel. It does not have adequate personnel, because personnel ceilings have restricted the hiring of additional scientists; and 3) The Agency is contracting out

government functions, which also violates the OMB directive.

With possible reductions in force and furloughs now facing us, grievances against inappropriate contracting out are especially timely. Other EPA employees who are aware of contracts that are paying private sector employees with funds that could be used for government employees should contact the Union to challenge these contracts.

CHIEF STEWARD'S

REPORT



by Steven Spiegel

Multiple Grievances Underway

Moves/Renovations

Three grievances concerning moves of employees and the lack of notice and opportunity to the Union to represent employees and to bargain, have all advanced through negotiations to near resolution. The Union has reached general agreement on settling these grievances and is in the process of concluding formal agreements. These grievances include grievance 95-7 concerning the improper unilateral assignment of office space by the Ecological Effects Branch of the Environmental Fate and Effects Division of the Office of Pesticide Programs. Steward James Goodyear is working with the Chief Steward in representing the Union on this grievance. The second grievance 95-8, concerns the failure to provide notice for representation, failure to negotiate and the improper change of working conditions, including the assignment of office space by the Permits & State Programs Division (PSPD) of OSWER in the Crystal Station building. A separate grievance, 95-10, was filed over the several acts of noncompliance by management with the negotiated grievance procedure.

More recently, the Union filed grievance 95-33 on December 11, 1995 concerning the proposed renovations to the Crystal Mall building without notice and an opportunity to bargain. The Union requested a meeting to try to resolve this grievance. We met with Rich Lemley, Director of Facilities, who has committed to working with the Union and GSA to try to see that employee concerns are addressed before the renovation work takes place. Steward James Goodyear is working with the Chief Steward in representing the Union on this grievance.

Performance Evaluations

The Union is representing two employees in grievances challenging performance evaluations for the 1995 Fiscal Year. The Chief Steward assisted these employees in preparing and filing their grievances and is in the process of arranging meetings with management to try to resolve these grievances. Three other Stewards, Jim Goodyear, Eric Jackson and Irv Mauer, are assisting the Chief Steward on these grievances.

Discrimination Complaint

The Union has been working with a disabled employee to ensure the employee is properly accommodated by the Agency. The Union and the employee have granted management extensions of time to provide accommodation so that a grievance or EEO complaint need not yet be filed, and it looks like the several months of work will soon lead to proper accommodation of the employee.

Contracting Out Challenged

Thanks to the initiative of Steward James Goodyear in bringing this matter to our attention, the Union filed a grievance on August 31, 1995, challenging the contracting out of EPA employee functions to outside contractors. In grievance 95-21, the Union has sought to stop this contracting out of EPA employee work to KBN Engineering as an illegal action under OMB Circular A-76. (See related story). The grievance is now at Step 3, which requires a management panel of three managers, including two outside of the subject office, to consider the validity of the grievance and the contract. If the grievance is not satisfactorily resolved at this stage, then the Union will have the opportunity to bring the matter to arbitration.

LOCAL 2050 CONTRACT NEGOTIATIONS PRODDED BY ULP

Despite months of efforts by the Union since June 1995 to negotiate on numerous subjects with EPA management, negotiations on these matters, as well as on renewing the Union's Collective Bargaining Agreement with EPA, finally ground to a complete halt on Halloween, October 31, 1995. Maybe it was a full moon. On November 3, 1995, Local 2050 filed Unfair Labor Practice charges with the Federal Labor Relations Authority (FLRA) citing numerous failures by the Agency to bargain, as well as other violations.

The good news is the FLRA responded quickly to the Union's charges and has met with both the Union and Management. It is generally thought that the EPA and the Local are not that far apart on reaching an agreement on a new collective bargaining agreement. A meeting has been scheduled for late February, and it is hoped that with the assistance of FLRA staff, a new CBA will be agreed upon which will restore formal relations with EPA and allow the other negotiation matters to be addressed.

OPM MAY RECLASSIFY ENVIRONMENTAL PROTECTION SPECIALISTS AS PROFESSIONALS

OPM is considering reclassifying dozens of job classifications as professional. Although most do not impact EPA, Environmental Protection Specialist (028 series) would affect hundreds of EPA employees. OPM is sending out a survey to 60,000 employees and supervisors in connection with the proposed reclassifications.

EPA SETTLES DISCRIMINATION SUIT BY NATIVE AMERICAN

Bob Smith, an Oneida (Native American) of Wisconsin and program analyst for EPA has settled a suit alleging discrimination and First Amendment violations. Mr. Smith filed suit in March 1994 after being prevented from offering a prayer before he gave a presentation during and EPA-sponsored National Tribal Conference on Environmental Management. He said he was told he could not offer a prayer because he is a federal employee, but he discovered that the policy was illegal because it was unwritten. Smith felt hurt by the denial because "an invocation sets the minds and hearts of the participants to put their minds together. Indian people have been giving thanks to the Creator since time immemorial..." In settling the case, EPA issued a promise on August 4, 1995 that it would not violate Smith's rights in the future.

DC CIRCUIT STRIKES DOWN EPA RULE PRECLUDING PRIVATE REIMBURSEMENT OF EMPLOYEE/SPEAKERS' EXPENSES

by James Handley

William Sanjour won an appeal before the DC circuit which on May 30, 1995 invalidated EPA's rule prohibiting EPA employees from receiving travel expense reimbursement from private sources for unofficial speaking or writing engagements concerning the subject matter of employees' work. The rule permitted the reimbursement of employees for officially-authorized speeches on the same issues.

The court applied a balancing test between the interests of the employee as a citizen in commenting about matters of public concern and the interests of the government in promoting the efficiency of the services it performs. EPA conceded that Sanjour's speech involved matters of public concern, but argued that the regulations were justified in order to protect against the appearance of impropriety by employees. A majority of the panel found that EPA had not made a sufficient showing that its interests were sufficiently harmed to justify constraining

Sanjour's free speech rights. Nevertheless, a strong dissent was filed by four judges who found that the fact that EPA rule's only prohibited on reimbursement for speaking on job-related topics was narrow enough to be justified in promoting the governments interests. This dissent, along with the fact that one of the judges who sided with majority has now retired, casts doubt on the value of the case as reliable precedent for EPA employees.

EPA EMPLOYEES APPEAL DECISION TO REDUCE INDOOR AIR DAMAGES FROM WSM OWNERS

An Appeal has been filed by EPA employees who sued Town Center Management in 1990 for injuries sustained as a result of improper ventilation and contaminated indoor air in Waterside Mall. They were disappointed by Judge King's decision to vacate the jury's damage award to 4 of the 5 injured employees. They are asking the court of appeals to reinstate the jury's damage award. The suit is being tried in parts: the first trial, which was conducted in October - December 1993 was for 5 of the 19 plaintiffs. The remaining plaintiffs' trial has been stayed pending this appeal. The trial jury awarded the 5 a total of \$948,000 for injuries caused by the poor indoor air quality in Waterside Mall, which as nearly every employee who works there will tell you, was (and remains) a serious health hazard. The main issue in the case is over the extent of injuries and the amount of monetary damages.

OPINION AND COMMENT

More on Employee Rights and Remedies When Reporting Fraud, Waste, Abuse, and Mismanagement by Richard Emory

We've all seen the cute poster issued by the Office of the Inspector General (OIG) portraying the federal employee as an foolish-looking ostrich, burying his head so as not to see and report fraud, waste, and abuse. The poster reads:

Ignoring Fraud, Waste, or Abuse Won't Make It Go Away.
Report It to the Inspector General's Hotline.
Information Is Confidential.

The poster implies that many of us either don't care, or do care and fear reprisal, and may be foolish and not really know the score, so the OIG assures potential whistleblowers that their information is confidential. As every investigator knows, confidential, inside informants who see it as a duty to report

wrongdoing, provide the very best evidence. But ostriches beware: the poster is misleading.

Congressman John M. Spratt, Jr. (Congressional Record, E1459-60 (July 13, 1994)), found that employees throughout the government who report mismanagement or misconduct often later complain that OIGs do not keep their identities confidential from their managers which triggers reprisals, effectively making potential whistleblower cases into actual ones. Fear of reprisal discourages reporting of important information to IG personnel and creates the impression that OIGs cannot be trusted to protect sources. Cops call this "burning" your sources, who should never be revealed unless they are protected after disclosure of their identities.

In truth, an OIG is not legally required to protect employees, and is allowed to name a confidential informant if the OIG "determines that such disclosure is unavoidable." Inspector General Act of 1978, 5 U.S.C. Appendix § 7(b). While the law (5 U.S.C. § 2302(b)(8)(B)) invites employees to disclose fraud, waste, and abuse to "the Special Counsel [of the Merit Systems Protection Board], or to the Inspector General," only the Special Counsel must protect employees and keep their communications confidential; OIGs are free to "burn" their ostriches with impunity.

Are the OIGs justified in turning over the fate of their burned ostriches to the Special Counsel, while taking a hands-off attitude? According to Report 103-769 on H.R. 2970 of the House Committee on Post Office and Civil Service, pp. 12-13 (1994), (explaining the need for Public Law 103-424 enacted October 29, 1994) which partially reforms the Office of Special Counsel and the Whistleblower Protection Act of 1989) that Office and that Act have been a counter-productive disaster in practice, creating new reprisal victims at a far greater pace than protecting them. The Report cites recent MSPB and GAO studies in many agencies reporting that employees -- after disclosing fraud, waste, or abuse -- experienced increased retaliation, that few exercising their whistleblower remedies were helped, and that many reported that acting on their whistleblower protection rights got them in even more trouble. The MSPB survey found that, by a 60-23 percent margin, employees do not believe that their whistleblower protection rights will help them, and that fear of reprisal remains a strong reason for would-be whistleblowers to remain silent.

As part of "reinventing government," it is time to pull our heads out of the sand, to protect whistleblowers who put the taxpayers first, and to "re-engineer" the role of the Inspector General. Better and less expensive government requires that we foster, not burn, our very best sources of evidence -- and that we create more cooperative solutions, not unnecessary adversarial problems.

But "such change will require a cultural revolution within many IGs offices," according to the Report of the Vice President's National Performance Review. In future installments this series will suggest ways for the OIGs to better help both the taxpayers and the employee-ostriches who know where the taxpayers' money is buried -- to help us all to get a government to be proud of, that works better and costs less. We could begin by teaching the OIGs that only if a witness-employee is assured follow-up protection may the employee's name be revealed.

And what should our EPA OIG's poster be changed to say -- to tell it straight to all the EPA ostriches? EPA should tell its employees that they are valued and promise that they will not be abandoned. And how about the following new text for the ostrich poster:

Ignoring Fraud, Waste, or Abuse Won't Make It Go Away.
Report It to the Inspector General's Hotline.
Information Will Be Confidential in Many Cases.
Employees Will Be Protected from Reprisal in All Cases.

BUDGET FOLLIES: SMOKESCREEN FOR ANTI-ENVIRONMENTAL AGENDA

Editor's Note: The following is an edited version of a letter being circulated by Roger Yates, of Engineers and Scientists of California Union (IFPTE AFL-CIO), USEPA Reg. 9. He urges us to submit similar letters to the editor to local publications.

When President Clinton proposed a seven-year balanced federal budget, the true goals behind the Congressional leadership's budget agenda were revealed. The President offered a way to meet the Congressional leadership's budgetary goals. But Congressional leaders could not accept his proposal because their underlying goals are to provide a series of tax breaks which would primarily benefit corporations and the super-rich and to enact large scale deregulation. The seven year balanced budget is a smoke-screen to cover their real agenda: dismantling government programs and laws that protect and help America's working families such as worker protection and safety standards, Medicare, and human health and environmental protection programs under EPA.

Controlling the budget deficit and eliminating the national debt are important, but the anti-environmental provisions that have been attached as "riders" to the budgets of EPA and other government agencies have nothing to do with balancing the federal budget. Some of these "riders" would prohibit EPA from listing new sites on the Superfund contaminated site cleanup list; prohibit EPA from setting drinking water standards for arsenic

and radon; exempt an industrial facility in Kalamazoo from EPA water pollution control requirements and would suspend the requirement that corporations inform the public of toxic chemical releases. President Clinton's proposed balanced budget would preserve these protections, with full funding of EPA and related programs. The congressional leadership argues that cutting EPA will save money but what they do not say is that this reward to the polluters will cost the general public far more in future health and clean-up costs. If balancing the budget is such a high priority, why did Congress add over 7 billion dollars to the military budget? This over-funding is approximately equal to the entire EPA budget including grants to fund wastewater treatment plants for towns and funding for state environmental programs.

The history of environmental protection in this country provides a warning against the congressional leadership's agenda. Until the 1960s, weak state environmental laws and almost nonexistent federal environmental laws allowed industrial pollution to flourish and encouraged industries to locate in where environmental and worker protection laws were most lax. In 1970 EPA was created as a result of the public outcry over the industrial pollution occurring in this country. Have we already forgotten the horrors of Love Canal, Stringfellow Acid Pits, and the burning of the Cuyahoga River? While the rest of the world is realizing that a healthy environment is essential to a health economy, U.S. congressional leaders are trying to undo 25 years of advances in environmental protection. In the broad sense, protection of human health and the environment is a conservative, low cost investment in a healthy future for ourselves, our children and our grandchildren. (Isn't effective prevention always cheaper than cleanup?) While EPA has accomplished a great deal, we still have a long way to go. If Americans value clean air, clean water, clean soils, pesticide free food, and safe drinking water then we must demand that our elected officials provide full funding for the Environmental Protection Agency. We have been down this dirty road before; we know better.

FURLOUGH OF AGENCY EMPLOYEES ISN'T NECESSARY

by Dwight Welch

Union leaders at the National Partnership Council let senior management know that in our view a furlough of Agency employees should not be necessary even if EPA's funding remains at the current reduced levels provided by the continuing resolution. Employees and Union leaders are suggesting that cuts be focussed primarily on contracts and grants. Management's response is that Congress, under heavy lobbying pressure from contractors, seems inclined to treat contractors and civil service alike in "sharing

the pain." Thus we've seen the 12th floor shift from "preserving our most important resource--the employees" to the new buzz word "mission."

Implicit their use of the word "mission" is that management accepts the idea that certain functions cannot or at least should not be performed by EPA employees. While this might be true in some exceptional circumstances, in the vast majority of situations EPA employees are fully qualified and capable of doing the work being contracted out, and as the GAO has concluded, we usually do a better job at lower cost. (See related article on the KBN contract where scientific reviews which can and should be done by EPA employees in the Office of Pesticide Programs are being done under a contract that EPA recently renewed over Union objections.) The result is that EPA employees in scientific disciplines, have often become "contract managers" referring their former work to outside contractors. Contracting out Agency scientific work is contrary to Circular A-76, and erodes EPA's in-house science base, a corrosive process that started under the Gorsuch regime.

We are informed that one of the largest shortfalls would be \$116 million in Environmental Programs and Management account. This could be made up by cutting contracts (which total \$906 million) by a mere 11%. Moreover, EPA has already realized some savings in contract money because contractors were not paid during the December-January furlough.

We know that lobbyists for the grantees and contractors are busy on Capitol Hill. The voices of EPA employees must be heard as well. While the national unions are lobbying on behalf of federal employees generally, we need to become advocates for environmental protection. Write or have relatives and friends write to Members of Congress and Senators preferably from your home states, since most of our local representatives are already sympathetic. Send copies to Newt and the President.

In your letters or phone calls, focus on public interest rather than your personal interest (i.e., pay loss). Point out that the environment is a decades old bipartisan issue of importance to everyone on planet earth. Point out that federal employees can do the job cheaper and better than contractors. If possible, use first hand examples of dangers to the public health and degradation of the environment that occurred as a result of work stoppages at EPA. For more letter-writing ideas, see the excellent editorial by Roger Yates of EPA Region IX in this issue. **Now is the time for us to be the lobbyists for environmental protection.**

To Join NFFE 2050, please complete marked sections

Standard Form 1187
Revised June 1989
U.S. Office of Personnel Management
FPM Chapter 330

REQUEST FOR PAYROLL DEDUCTIONS FOR LABOR ORGANIZATION DUES

Privacy Act Statement

Section 5525 of title 5 United States Code (Allotments and Assignments of Pay) permits Federal agencies to collect this information. This completed form is used to request that labor organization dues be deducted from your pay and to notify your labor organization of the deduction. Completing this form is voluntary, but it may not be processed if all requested information is not provided.

This record may be disclosed outside your agency to: 1) the Department of the Treasury, to make proper financial adjustments; 2) a Congressional office if you make an inquiry to that office related to this record; 3) a court or an appropriate Government agency if the Government is party to a legal suit; 4) an appropriate law enforcement agency if we become aware of a legal violation; 5) an organization which is a designated collection agent of

a particular labor organization; and 6) other Federal agencies for management, statistical and other official functions (without your personal identification).

Executive Order 9397 allows Federal agencies to use social security number (SSN) as an individual identifier to avoid confusion caused by employees with the same or similar names. Supplying your SSN is voluntary, but failure to provide it, when it is used as the employee identification number, may mean that payroll deductions cannot be processed.

Your agency shall provide an additional statement if it uses the information furnished on this form for purposes other than those mentioned above.

1. Name of Employer (Print or Type Last, First, Middle) X	2. Employee Identification Number (SSN optional) X	3. Organization NATI Code X
4. Home Address (Street Number, City, State and ZIP Code) X	5. Name of Agency (Include Bureau, Division, Branch or Other Designation) X	

Section A-For Use By Labor Organization

Name of Labor Organization (Include Local, Branch, Lodge or Other Appropriate Identification)

NATIONAL FEDERATION OF FEDERAL EMPLOYERS LOCAL 2050

I hereby certify that the regular dues of this organization for the above named member are currently established at \$ 8.65 per

(biweekly pay period) (calendar month) (Strike out whichever period is not appropriate, based on arrangement with the employee's agency.)

Signature and Title of Authorized Official

Date (Month, Day, Year)

Section B-Authorization By Employee

I hereby authorize the above named agency to deduct from my pay each pay period, or the first full pay period of each month, the amount certified above as the regular dues of the (Name of Labor Organization):

NFFE Local 2050

and to remit such annual amount to the labor organization in accordance with its arrangements with my employing agency. I further authorize any change in the amount to be deducted which is certified by the above named labor organization as a uniform change in its dues structure.

I understand that this authorization, if for a biweekly deduction, will become effective the pay period following receipt in the payroll office of

my employing agency. I further understand that Standard Form 1188, Cancellation of Payroll Deductions for Labor Organization Dues, is available from my employing agency, and that I may cancel this authorization by filing Standard Form 1188 or other written cancellation request with the payroll office of my employing agency. Such cancellations will not be effective, however, until the first full pay period which begins on or after the next established cancellation date of the calendar year after the cancellation is received in the payroll office.

Contributions or gifts (including dues) to the labor organization shown as left are not tax deductible as charitable contributions. However, they may be tax deductible under other provisions of the Internal Revenue Code.

Signature of Employee

Date (Month, Day, Year)

X

FOR COMPLETION BY AGENCY ONLY-The above named employee and labor organization meet the requirements for dues withholding. (Mark the appropriate box. If "YES", send this form to payroll. If "NO", return this form to the labor organization.)

YES

NO

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1187-103



INSIDE THE FISHBOWL

"We must conduct our affairs at EPA as if we worked inside a fishbowl ..."

— William Ruckelshaus, former Administrator, U.S. EPA

April 1996

Volume 12, Number 2

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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 Local 2050. We do not publish anonymously submitted articles, but when requested, may conceal the author's identity.

APRIL HIGHLIGHTS

GENERIC MOVE AGREEMENT

NEW CBA

EDMUND MUSKIE

WHISTLE-BLOWER SUPPORT GROUP

EPA EMPLOYEE GETS NWF CONSERVATION AWARD

**National Federation of Federal Employees
Local 2050**

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Washington, DC 20013
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Mail Code: UN-200
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LOCAL 2050 ELECTIONS:

Watch your mailbox for your election ballot. The election will be held on May 23. Ballots may be submitted by mail or on the election day.

The next issue of Inside the Fishbowl will be devoted to candidate statements. Kudos to Becky Jones for overseeing our election process; she continues to serve this important function year after year.

Note that only dues paying members of Local 2050 are eligible to vote so if you haven't already done so, be certain to join ASAP. (Dues may be paid directly to Local 2050 or by payroll deduction.) If you are uncertain of your status, call the union office today at 260-2383.

AGREEMENT REACHED GOVERNING ALL HEADQUARTERS OFFICE MOVES

by Bill Hirzy

In an important first step toward streamlining union operations and partnership building, a "generic move" agreement was reached with Headquarters management on February 28, 1996. The agreement, which had been under negotiation for three years, governs virtually all moves of Headquarters employees in the bargaining units represented by NFFE Local 2050 and AFGE Local 3331.

The one-year pilot agreement delegates approval and decision-making authority concerning employee office moves from the unions' governing bodies directly to employees in work units. Here's how that will work: As soon as management is informed that a work unit will be moved, it is required to notify the unions. The unions will then appoint a group of employees to work with management to develop the detailed plans for the move, creating a "mini partnership council" within the work unit for this purpose. The partnership council will, among other duties, develop a space assignment policy tailored to the needs and wishes of the members of their specific work unit.

The space assignment policy will be based on the principles of function, grade and seniority collectively. Job title and grade, efficiency, co-location of work units, functional integrity and job classification equity will also be taken into consideration. Then, before the move, the partnership council will certify to the unions and management that the terms of the agreement have been met and will recite the decision-making process used for space assignments.

The agreement specifies that "management will work with the unions to minimize problems associated with video display terminals." It also provides that "where possible, dedicated agency copy centers will be directly vented to the outside or other arrangements will be made." The agreement directs the use of only low off-gassing carpeting, paints, furnishings, etc., and provides for airing out carpet for seven days prior to installation, and prohibits painting or floor covering installation during core business hours. The agreement also incorporates the 1987 Clean Air Agreement, the 1990 Agreement on Carpet Removal.

This pilot generic move agreement will provide an opportunity for working-level employees, the unions and management to test three important concepts:

- 1) the value of employees' direct involvement in space assignment processes,
- 2) the feasibility of working-level partnership, and
- 3) the desirability and efficiency of delegating representational union authority from the union's Executive Board directly to the affected union members.

In this agreement Local 2050, in effect, says to employees, "Your union not only believes in partnership, but wants to practice it at all levels in the organization. You, the work unit employee, have a large stake in and important knowledge about making move decisions that will keep your work unit content and functional."

Local 2050 members ratified the Generic Move Agreement at the monthly meeting on March 28, 1996. Join the union, pay your way, participate in union decisions.

NEW COLLECTIVE BARGAINING AGREEMENT

**-Unfair Labor Practice Charges Settled
by Steven Spiegel**

At the March 28, 1996, Membership meeting, Local 2050 members voted to ratify a new Collective Bargaining Agreement (CBA) with EPA. This contract, which is effective March 8, 1996, represents an intermediate step in our negotiations and includes an agreement to negotiate over all the subjects which the Agency failed to negotiate during 1995, and to provide the information necessary for those negotiations. Chief Steward Steven Spiegel and President-Elect James J. Murphy served as lead negotiators. Having reached this agreement, the Union withdrew the Unfair Labor Practice Charges we filed against EPA on November 3, 1995 for refusal to bargain. The parties commenced negotiations on the next CBA on March 25, 1996. These negotiations have been going well and both parties believe this represents a new period of constructive cooperation between the Union and EPA.

Union's Unfair Labor Practice Charges Prompt Management to Begin Earnest Negotiations

Since June 1995, the Union had sought to negotiate on numerous subjects including renewing the Union's Collective Bargaining Agreement with EPA management. After several false starts, negotiations finally ground to a complete halt on October 31, 1995. On November 3, 1995, Local 2050 filed Unfair Labor Practice charges with the Federal Labor Relations Authority (FLRA) citing numerous failures by the Agency to bargain, as well as other violations including refusal to provide requested information necessary to conduct the negotiations.

The FLRA assigned the case to Regional Field Attorney Thomas Bianco on November 7, 1995. This swift action by the FLRA and the very able, timely and conscientious assistance of Mr. Bianco were major factors in getting the parties back to the negotiating table and in eventually reaching agreement on our new CBA. With the new CBA and Agreement on negotiating the next CBA, the Union had obtained the relief it was seeking when it filed the ULP. Therefore, by letter

of March 29, 1995, Chief Steward Steven Spiegel notified the FLRA that the Union was satisfied with the outcome, settling ULP charges.

Local 2050's New Contract

The new CBA restores formal relations between Local 2050 and EPA and our "Groundrules" agreement provides the basis for us to negotiate now on the next CBA. The new CBA incorporates all the provisions of the prior 1986 agreement and identifies and incorporates the additional agreements negotiated subsequently. The CBA went into effect on March 8, 1996 and expires fifteen months later on June 8, 1997. The Groundrules Agreement specifies how negotiations will now be conducted over the next fifteen months on our next CBA which is to take effect when the current one expires. The next contract will be of three years duration and provide further stability in the relationship between the Union and EPA.

Negotiations on Next CBA

Steven Spiegel and Jim Murphy then began negotiations with EPA's representatives Linda Wallace and Drew Moran on March 25, 1996. The negotiations have been going well. Here is the current status of negotiations:

Smoking Policy - we modified some of the language on this Article to preserve the previous agreement and integrate it with the Agency's negotiated policy. We should have a revised final version to sign at our next meeting.

Transit Subsidy - Management generally agreed with our Proposal 95-5 to provide additional automatic teller machines in Agency buildings. This will specifically include Ariel Rios and eventually Federal Triangle. Management will be getting back to us with specific information such as costs and numbers of employees at our offices so we can determine if we will be able to add additional machines to other locations too. ATMs are currently available in Waterside Mall, Judiciary Square and Crystal Station. It is our expectation that the subsidy will resume when we have a budget in place.

Employee/Union/Management Rights - Management would like to negotiate these soon. These will be based on our Proposal 95-6 and the three proposed articles from management.

Alternative Workspace - This is the substantially completed agreement to open and operate the alternative workspace at Crystal Station 2 which opened 6 years ago. Management was given the last agreed-upon version. This article will either be agreed to or negotiated to conclusion at the next meeting or two.

Flexi-place - We have requested addressing the second proposal under 95-4, the Flexiplace bridge proposal recognizing the 1991 policy as being in effect. We hope management will agree, which will clarify for all of HQ that flexi-place is currently available, and take care of the several offices which are working on potentially redundant policies.

New HQ, Computers/Communications - Briefings are being prepared by management on these subjects. Some may be in written form at first. We'll share materials when we get them.

Other Proposals - We have told management we will soon have proposals on Lactation and Quiet rooms, and on Partnership, so we can negotiate those articles. All of the officers need to select articles or subjects to work on and prepare initial proposals, if those things are to be included in the next contract. **This is a team effort and we need your participation; here is a specific opportunity for you, our members to get involved on subjects that matter to you.** Whatever you want in the contract, please work something up. It doesn't have to be long, just a proposal - proposed language and a rationale.

"Contracting Out" Challenged

Local 2050 continues to challenge EPA's practice of "contracting out," that is, giving private contractors the work (and jobs) of EPA employees. On April 2, 1996, Chief Steward Steven Spiegel assisted by Steward Jim Goodyear presented to the Step 3 Grievance Panel arguments for voiding the contract with KBN Engineering:

- 1) Management did not negotiate with NFFE 2050 in violation of Executive Order 12871, which requires Management to negotiate on the numbers, types and grades of employees or positions assigned to any organization;
- 2) The KBN contract was let in violation of OMB A-76 to get around personnel ceilings by contracting out substantially the same work performed by EPA employees. The contract is not in conformity with OMB Circular A-76, because the contractor acts solely as an addition to the government reviewers. The contractor does nothing that EPA does not do or could not do if it had adequate personnel. EPA does not have adequate personnel because personnel ceilings have restricted the hiring of additional scientists; and
- 3) The Agency is contracting out government functions, which also violates the OMB directive.

To support our assertion that the contracting was done circumvent personnel ceilings, the Union presented evidence from the EPA acknowledging that it was contracting out due to scarce resources. Additionally, the Union introduced information from reports commissioned by the Administrator and produced by the National Academy of Public Administration to review EPA's management

practices. In its November 1994 report reviewing EPA, the National Academy concluded that EPA has experienced a chronic shortage of resources, due to a lack of planning. The study further noted that as the workload of EPA has grown, so has the proportion of work performed by contractors. The Union asserted that the Agency's contracting out of work is part of this problematic pattern and in violation of the prohibition against using contractors to get around personnel ceilings or salary limitations.

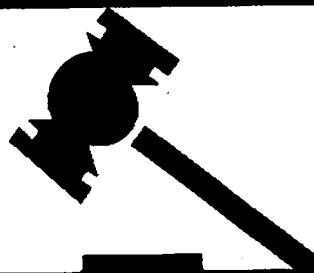
The Union requested the following relief:

- 1) Termination of the KBN contract,
- 2) All future contracting of work by EPA will comply with the following procedure:
 - A) An analysis will be prepared examining the nature of the work to be performed in comparison with the nature of work performed by EPA employees;
 - B) A cost analysis will be performed comparing the costs of contracting compared to the costs of EPA employees performing the work;
 - C) These analyses and other pertinent information will be provided to Local 2050 twenty-one days prior to the solicitation of bids for contracting; and
 - D) EPA will provide Local 2050 with notice at the time contracts are awarded; and
- 3) Additionally, the Union has requested that the National Partnership Council convene a work team to address the issues associated with the contracting out of work.

The Step 3 Panel is expected to provide its decision in early May 1996.

CHIEF STEWARD'S

REPORT



Use or Lose Recovered

Local 2050 has arranged with management a streamlined process whereby the Use-or-Lose Leave forfeited during the furloughs can be restored. Supervisors were to complete a certification form listing employees and their scheduled leave for restoration. Leave scheduled in writing prior to November 26, 1995 should have been submitted for restoration. At our suggestion, OHRM sent notices to

employees and supervisors on this procedure, including a follow-up reminder to managers to submit the restoration forms by March 29, 1996. We also sent electronic reminders to employees, some of whom reported that our messages were the only notice they received on this subject. (Electronic notices are a subject we will be addressing in the current contract negotiations.) Many employees are having their leave restored as the result of this process and these efforts. If you believe your supervisor improperly failed to process your restoration of leave even though you were eligible, your deadline for filing a grievance was April 26, 1996. Please contact me for assistance in filing your grievance.

Representational Update

Chief Steward Steve Spiegel and other Stewards continue to represent employees and the Union on several grievances and other actions concerning performance ratings, working conditions and discrimination matters. Thanks to Stewards James Goodyear and Eric Jackson for their assistance on these matters.

LOCAL 2050 MEMBER WINS PERFORMANCE CREDIT

NFFE Local 2050 Vice President Bill Hirzy succeeded in assisting a member to obtain full federal service credit both for previous creditable service, and for performance evaluations which had not been submitted for inclusion in the member's official personnel file. Local 2050's representation resulted in an additional nine years of federal service credit for this NFFE member. In an era of threatened reductions in force, NFFE's actions can make the difference between severance and retention in federal service.

TSP -It Was A Very Good Year

Those of you who followed the ol' Chief Steward's advice over the last two years on investing in the Thrift Savings Plan Stock Fund should be very happy. The C Fund returned 37% for 1995. That means for every \$10,000 you had in the C fund, your account earned \$3,700 in 1995, on top of contributions to your account. The Bond fund did pretty well at 18% and the Government Securities fund did alright at 7% - it is now down to 5.87%. While the stock market only performs this well every so often, it is years like that which build-up your retirement fund. Even though the stock market will fluctuate a good deal, it is important to not panic and remember you are investing for the long-term goal of retirement. Compared to the other investments, the stock fund over time will vastly outperform the bond fund and the government securities fund. Not

panicking includes not moving your balances around from fund to fund trying to time the market - it just can't be done. You want to invest regularly over time and you want to have some diversity in your account. For example, many financial advisors think that above 65% stock holdings is in the aggressive range while 50% is being moderately conservative. You have to make your own judgements, taking into consideration how close or far you are from retirement. If you are less than five years from retirement, then you may wish to be more conservatively invested. And if you are early in your career, you want to at least start saving now, so you can take advantage of the government's matching contributions and put compounding of earnings to work for you. Remember Open Season for changing the amount and distribution of your current contributions will be from May 15 - July 31, 1996.

Quote of Note

" A hero? He was more than a hero, he was a Union man!"

-Chief Miles O'Brien, Star Trek Deep Space Nine, responding to a comment about his great-great-grandfather organizing the mine-workers in the Pennsylvania coal fields in the early 1900's and successfully leading them on strike.

Food For Thought

For those interested in cutting down on the amount of pesticides you consume, I recently came across a new brand of orange juice. "Big Squeeze" is certified 100% pesticide free. It also claims to be #1 in taste tests, and I have to agree it tastes better than the leading brands. I came across it at Bread and Circus, a newcomer to the area in the Fresh Fields type of food store. "Big Squeeze" costs about the same as leading brands.

In Memorium

by Steven Spiegel

Edmund S. Muskie

March 26, 1996 marked the loss of one of the pioneers of the modern environmental movement in the United States. If Rachael Carson (author of Silent Spring) is the mother of modern environmentalism, then surely Edmund Muskie, architect of such monumental first steps at pollution control as the 1963 Clean Air Act, the 1965 Water Quality Act, and the 1972 Federal Water Pollution Control Act, is the father, obstetrician and the parent who raised the child. We owe an great debt to him for the cleaner air we breath, the water we drink and for the opportunity for meaningful work in carrying out his legacy.

Ron Brown

The tragic demise of Commerce Secretary Ron Brown is another terrible blow to our country and to public service. Brown personified the American Dream, having risen from poverty in Harlem to become one of our most influential leaders. In the course of his many achievements in military service, the practice of law, Chairman of the Democratic National Committee and Secretary of Commerce, Ron Brown always strove to make time for people and to help them make the world a better place. Secretary Brown should be remembered for his dedicated public service, including using commerce to advance the causes of peace and environmentalism.

Oklahoma City - One Year Later

April 19, 1995 - the bombing of the federal building in Oklahoma City killed 168 people, 19 of them children. Over 700 more people were injured. Over 230 children lost one or both parents in the explosion. Beyond the physical injuries, the emotional wounds from the explosion are widespread, serious and lingering. Many still can't sleep through the night, others are delayed in returning to work. Their recoveries have been impeded by the delays and cuts in the federal budget and staffing this year. During the State of the Union Address, President Clinton honored survivor Richard Dean for returning to the decimated building four times to save the lives of other federal employees. Mr. Dean was furloughed in November and was required to work without pay during the second shut-down.

The politics of hate and divisiveness turned federal employees into faceless entities who could be coldly destroyed. And perhaps the well-know passivity of federal employees contributed to that atmosphere of our being sheep led to slaughter. The survivors of Oklahoma City want the country to know that small-minded cowardly terrorists can't get away with killing Americans. They also want us to know that while the wounds from this tragedy will take decades to heal, they are not going to let terrorists or polarizing politicians dictate how they live their lives. Many survivors view being alive as a new beginning. Perhaps we could take a lesson from this tragedy and renew our commitment to active involvement in our communities and work places. Rather than passively allowing events to rule us, isn't it time we took a more active role in participating in the many facets of our lives? On this anniversary, let us remember our dead. 168 seconds of silence doesn't seem enough.

AEROSOL FLAMMABILITY:

S.C. Johnson Spends a Bundle to Avert a Small Settlement, Arson Investigator Calls SCJ Simulation "Bogus"

by Dwight Welch

As previously reported in INSIDE THE FISHBOWL, Mr. Alan Paul of Virginia Beach, Virginia was charged with the crime of arson, having simply set off a few insecticide foggers in his house trailer which subsequently exploded and caused a fire. Mr. Paul was found "not guilty" in large part due to my testimony regarding fogger fires. So when his attorney asked me to provide expert testimony in Mr. Paul's suit against S.C. Johnson & Co. (makers of "Raid" products), I readily volunteered, having already done most of the work behind the case. As with the arson case I received no compensation.

S.C. Johnson's strategy was to avoid settlement at any cost; it seemed the attorneys for the company had received a blank check to win the case. As part of its case, the company set up a 10 x 12 room complete with furniture and a ceiling fan, to reproduce the conditions of the accident. Ignition sources within the area included a spark source at the ceiling fan level (the motor of the ceiling fan was strongly suspected of being the ignition source in the original accident), a lit candle, and a burning cigarette. (Actually, a lit cigarette is not an ignition source--it will not ignite the hydrocarbon propellants in the product.)

The company performed 9 repetitions of the "experiment" using up to three foggers, obtaining ignition in none of the 9 repetitions. Not explained to the jury was the fact that ignitions occur in probably less than 1 in 10,000 applications, leaving the company 9,991 repetitions short. In countries other than the U.S., the closed drum test is used to assess this type of hazard. For this reason, Bobby Chapman of the Virginia Chapter of the International Association of Arson Investigators described the S.C. Johnson demo as "bogus."

Another company strategy was to hide behind EPA's outdated Regulations and Product Chemistry Guidelines which fail to test for the flammability of accumulations of propellant since the U.S. switched from the non-flammable CFCs in the late seventies to the intensely flammable hydrocarbon propellants. The company also tried to keep me from testifying on the origin of the fire, citing my lack of experience/training in fire origin. Although the judge ruled in the company's favor, Mr. Chapman was so impressed with my testimony that he has invited me to speak before the International Association of Arson Investigators this summer. According to Mr. Chapman, arson investigators are almost completely unaware of the hazard posed by the extremely flammable hydrocarbon propellants.

WHISTLE-BLOWER SUPPORT GROUP FORMED

Recognizing the enormous strain that whistle-blowers face in their personal and work lives, the Government Accountability Project (GAP), Local 2050 President Dwight Welch and other whistle-blowers have formed a support group. The group meets every other Wednesday and is intended to provide emotional support and resources for whistle-blowers both in and out of government. The group's experienced whistle-blowers serve as mentors to new whistle-blowers and we are working with our contacts on Capitol Hill to promote legislation to protect whistle-blowers and to expose instances of Inspector General retaliations. We invite new members. For information, contact Dwight Welch at 260-2261.

FBI and EPA Whistleblowers Meet

by Dwight Welch

Dr. Frederick Whitehurst of the Federal Bureau of Investigation met with EPA whistle-blowers in March. Whitehurst, a Ph.D. analytical chemist specializing in explosives, assisted in the investigations of the OJ Simpson and Oklahoma City bombing cases. An outspoken whistle-blower, critical of problems within the FBI, Whitehurst has appeared in national publications and TV programs including "Larry King Live". In apparent retaliation, he has been "backwatered" to FBI's Environmental Crimes unit.

At the bimonthly GAP whistle-blower meeting Dr. Whitehurst and I traded information concerning protection of the environment. Dr. Whitehurst agreed to meet EPA environmental professionals at the offices of Local 2050, to learn about the technology for catching criminal polluters. Enthusiastic EPA professionals provided him with technical information and catalogues featuring environmental monitoring equipment as well as EPA contacts and information sources.

Special thanks to Butch Mellon, Phil Wirdzek, Rob Lee, and Roger Lueck of the Facilities Management Division who were most cooperative and helpful in supplying Dr. Whitehurst with equipment and information resources.

HEALTH AND SAFETY NEWS

by Dwight Welch

Fire Extinguisher Fuels Fire in Watercide Mall

A recent electrical fire in the Mall area of Waterside Mall was exacerbated by the use of a fire extinguisher. An employee noticed a circuit breaker to a resistance heating unit arcing sparks. The

employee grabbed an ABC Fire Extinguisher (an appropriate extinguisher for an electrical fire) and gave the arcing breaker a couple of shots. The sparking then turned into a small fire. The reason for the fire, cited by an outside contracted fire investigator, was that the powder in the fire extinguisher caused additional insulation between the breaker and the wire at the loose connection. The increased electrical resistance cause the insulation of the wiring to catch fire.

In the case of electrical fires, always cut off the power before trying to put out the fire. The fire was a small one which did not even trip the circuit breaker, thermal cutoff, or sprinkler system. Little damage was caused and the fire presented no danger to EPA employees. Some employees were released because of the fumes released from the electrical fire.

**EPA EMPLOYEE RECEIVES 1995 CONSERVATION ACHIEVEMENT AWARD
FROM NATIONAL WILDLIFE FEDERATION**

**EPA OFFICE OF INSPECTOR GENERAL FAILS IN ATTEMPT TO INDICT
EPA EMPLOYEE WITHOUT INTERVIEWING HIM**

**MERIT SYSTEMS PROTECTION BOARD ORDERS EPA
TO RESCIND ALL REPRIMANDS;
EPA MANAGEMENT AND OFFICE OF GENERAL COUNSEL
FAIL IN FIVE-YEAR EFFORT
TO DISCIPLINE EPA EMPLOYEE**

**AMERICAN CIVIL LIBERTIES UNION FILES FEDERAL SUIT
ON BEHALF OF EPA EMPLOYEE
AGAINST EPA AND THE OFFICE OF GOVERNMENT ETHICS**

by Richard Emory

Believe it or not, these headlines all refer to the same EPA employee, electronics engineer Jeffrey van Ee.

Represented by the D.C. firm of Steptoe and Johnson and the American Civil Liberties Union, Jeff filed suit in federal court in 1995, charging EPA with improperly reprimanding him for exercising his Constitutional rights when he participated in a meeting with representatives of the Department of Interior concerning the conservation of endangered desert tortoises.

For over four years, two EPA administrations have deployed enormous resources against Jeff, enmeshing him in a seemingly unending legal nightmare. EPA alleged that Van Ee created a conflict of interest, in violation of 18 U.S.C. sec. 205 which prohibits federal employees from representing any group in any particular matter or controversy with any part of the federal government. EPA asserted

Jeff had acted as the agent of the Sierra Club Legal Defense Fund, or at least had created the appearance of doing so.

Since 1971, when Jeff joined EPA, he has won numerous awards including EPA's gold medal for outstanding service. His work includes air pollution surveys, studies, and monitoring systems, and hazardous waste studies. In his efforts as a concerned citizen, Jeff criticized the U.S. Fish and Wildlife Service's plan for an expensive radio tracking study of tortoises, and suggested that the \$400,000 could be better spent on buying and preserving their habitat. Jeff lives in Nevada where the federal government owns 86% of the land, and he is passionately concerned with land use as it relates to wildlife conservation. Jeff did not and has never communicated in a matter of controversy with EPA or with another federal agency regarding or in any way connected to his work at EPA, and he does not seek to appear before EPA or to challenge the acts of other federal agencies that are related to his EPA work. No one has ever said that Jeff has taken a position adverse to that of EPA or that he has not been loyal to EPA.

In fact, by all accounts, Jeff is model citizen -- but not to EPA's ethics police. Without even interviewing Jeff, EPA's Office of the Inspector General "investigated" and referred Jeff's alleged violation to the U.S. Attorney's Office for possible criminal prosecution which could lead to imprisonment for up to five years. Although the prosecutor declined to bring criminal charges, and finally the MSPB ruled against EPA in the administrative litigation, EPA warned Jeff that it would refer any future similar conduct to the U.S. Attorney's office for possible criminal prosecution. Jeff feels that EPA and OGE are continuing to deprive him of some of the most valuable rights of U.S. citizenship - the rights to speak publicly on matters of public concern, to petition his government for the redress of grievances, and to associate with like-minded citizens.

The ACLU agrees with Jeff that the government has shown no legitimate interest in suppressing his First Amendment rights. The ACLU suit seeks to enjoin such future behavior by EPA and the Office of Government Ethics - a suit that could find the EPA's application of the law to be unconstitutional. The National Wildlife Federation recently recognized Jeff's courage with its Special Achievement Award for "extraordinary contribution to conservation of wildlife and natural resources . . . by the people and for the people."

Meanwhile, EPA employees should be careful. The ACLU reports that EPA and the OGE interpret the law so restrictively that no federal employee can safely speak on behalf of any person or organization, be it an environmental group, homeowner's association, an elderly neighbor, in any matter in which any part of the federal government is involved. (Labor Unions are the main exception; in this context, federal employees may act as representatives in matters

involving the government. Perhaps another reason to join your union...) EPA employees should remember that EPA's Office of Inspector General may be watching and that the peril is greatest, when one takes a position in conflict with one's own agency, which Jeff never did. Each violation may result in imprisonment for up to five years.

"Inside the Fishbowl," will continue to report on this struggle between government fealty and Constitutional freedom. Jeffrey van Ee has gone from defense to offense; his case is expected to be decided soon by the federal courts.

Editor's Note: Attorneys for Mr. Van Ee filed an amended complaint in his case on April 25, 1996 after EPA formally ruled that he may not represent any organization on any specific or particular matter involving the federal government. For instance, EPA's ethics officer ruled that Mr. Van Ee could not even represent the Nevada Wildlife Federation in obtaining a campground site from the U.S. Forest Service if he had to persuade the Forest Service or there was any controversy involved. Van Ee would face possible criminal prosecution if he did so.

Rep. Frank Wolf of Virginia has sponsored the Federal Employee Representation Improvement Act to partially restore the First Amendment Rights of federal employees. Two recent incidents apparently caught Rep. Wolf's attention: The National Association of U.S. Attorneys was told it could be a violation for them to comment on the effects of the crime bill. And in another instance, an employee was admonished for representing the users of a day care facility in a federal work place. The Senate has yet to take up the measure, so we urge you to write or call your Senator. D.C. Residents may wish to contact the President.

To Join NFFE 2050, please complete marked sections

REQUEST FOR PAYROLL DEDUCTIONS FOR LABOR ORGANIZATION DUES

Standard Form 1187
Revised June 1987
U.S. Office of Personnel Management
FPM Chapter 550

Privacy Act Statement

Section 5525 of title 5 United States Code (Allotments and Assignments of Pay) permits Federal agencies to collect this information. This completed form is used to request that labor organization dues be deducted from your pay and to notify your labor organization of the deduction. Completing this form is voluntary, but it may not be processed if all requested information is not provided.

This record may be disclosed outside your agency to: 1) the Department of the Treasury, to make proper financial adjustments; 2) a Congressional office if you make an inquiry to that office related to this record; 3) a court or an appropriate Government agency if the Government is party to a legal suit; 4) an appropriate law enforcement agency if we become aware of a legal violation; 5) an organization which is a designated collection agent of

a particular labor organization; and 6) other Federal agencies for management, statistical and other official functions (without your personal identification).

Executive Order 9397 allows Federal agencies to use social security number (SSN) as an individual identifier to avoid confusion caused by employees with the same or similar names. Supplying your SSN is voluntary, but failure to provide it, when it is used as the employee identification number, may mean that payroll deductions cannot be processed.

Your agency shall provide an additional statement if it uses the information furnished on this form for purposes other than those mentioned above.

1. Name of Employee (Print or Type Last, First, Middle) X	2. Employee Identification Number (SSN and agency) X	3. Employee's Mail Code X
4. Home Address (Street Number, City, State and ZIP Code) X	5. Name of Agency (Include Bureau, Division, Branch or Other Designation) X	

Section A-For Use By Labor Organization

Name of Labor Organization (Include Local, Branch, Lodge or Other Appropriate Identification)

NATIONAL FEDERATION OF FEDERAL EMPLOYEES LOCAL 2050

I hereby certify that the regular dues of this organization for the above named member are currently established at \$ 8.65 per

(biweekly pay period) (~~calendar month~~) (Strike out whichever period is not appropriate, based on arrangement with the employee's agency.)

Signature and Title of Authorized Official

Date (Month, Day, Year)

Section B-Authorization By Employee

I hereby authorize the above named agency to deduct from my pay each pay period, or the first full pay period of each month, the amount certified above as the regular dues of the (Name of Labor Organization):

NFFE Local 2050

and to remit such annual amount to the labor organization in accordance with its arrangements with my employing agency. I further authorize any change in the amount to be deducted which is certified by the above named labor organization as a uniform change in its dues structure.

I understand that this authorization, if for a biweekly deduction, will become effective the pay period following receipt in the payroll office of

my employing agency. I further understand that Standard Form 1188, Cancellation of Payroll Deductions for Labor Organization Dues, is available from my employing agency, and that I may cancel this authorization by filing Standard Form 1188 or other written cancellation request with the payroll office of my employing agency. Such cancellations will not be effective, however, until the first full pay period which begins on or after the next established cancellation date of the calendar year after the cancellation is received in the payroll office.

Contributions or gifts (including dues) to the labor organization shown at left are not tax deductible as charitable contributions. However, they may be tax deductible under other provisions of the Internal Revenue Code.

Signature of Employee X	Date (Month, Day, Year) X		
FOR COMPLETION BY AGENCY ONLY: The above named employee and labor organization meet the requirements for dues withholding. (Mark the appropriate box. If "YES", send this form to payroll. If "NO", return this form to the labor organization.)	<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO		

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INSIDE THE

FISHBOWL

"We must conduct our affairs at EPA as if we worked inside a fishbowl ..."

— William Ruckelshaus, former Administrator, U.S. EPA

May 1996

Volume 12, Number 3

Local 2050 Executive Board

Dwight Welch, President
Jim Murphy, President-Elect
Steve Spiegel, Chief Steward
Bill Hirzy, Sr Vice President

James Handley, Vice-President
Otto Gutenson, Vice-President
Freshteh Toghrol, Vice-President
Anne Leslie, Vice-President
Jeff Beaubier, Vice-President
Dick Emory, Secretary
Bernie Schneider, Treasurer

"Fishbowl"

Editorial Board

James Handley, Editor
Bill Hirzy
Jim Murphy
Anne Leslie

Editorial Policy

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 Local 2050. We do not publish anonymously submitted articles, but when requested, may conceal the author's identity.

SPECIAL ELECTION ISSUE

**National Federation of Federal Employees
Local 2050**

PO Box 76082
Washington, DC 20013
Offices: Waterside, North Plaza
Mail Code: UN-200
Telephone: 202-260-2383
FAX: 202-401-3139

Name: Steven Spiegel

Candidate for: Chief Steward

Candidate's Statement:

For the past three years as Chief Steward, I have worked to effectively protect the rights of EPA employees and to help move our Union forward. My Union service has been in addition to working as an attorney in EPA's Office of Enforcement for over twelve years. As your Chief Steward, I've fulfilled my responsibilities by providing representation to our employees and legal advice and representation to the Executive Board and the Membership, while working on increasing our membership and your ability to participate in your Union.

I've done this by successfully representing individual employees and the Union in various grievances and discrimination complaints; organized the Membership drive which increased our membership by 25%; modernized the Union with electronic communications and office equipment; been a regular substantial contributor to the Fishbowl; recruited and trained members to serve as Union Representatives and Stewards; acted as the primary organizer of the July 1995 Rally to fight EPA budget cuts, working with Environmental Public Interest Groups and obtaining Ralph Nader's participation on our behalf; worked for the restoration of leave forfeited during the furlough; served as primary author of most of our negotiation proposals; prepared and filed the Unfair Labor Practice Charges against EPA which brought EPA to the negotiating table, and then with President-Elect Jim Murphy, negotiated our new Collective Bargaining Agreement and the procedures for the upcoming negotiations for our next contract which will affect our future working conditions.

I believe it is important that our Union continue to make progress in our effectiveness, growth and participation. In order to do this we must practice the fundamentals of participatory democracy and encourage members to become involved, practice politics of inclusion, and have an active Executive Board which acts in the interests of the employees and carries out their responsibilities by working together as our Union Constitution intends and directs. I look forward to working with incoming President Jim Murphy and the officers you elect to continue building on our progress. I am also grateful to those members who have served as Stewards and Representatives and I hope they will continue to serve the Membership. Remember its your Union and the Union is a participatory democracy. Please vote for me and the other candidates who support responsible constitutional democracy.

Name: Dwight Welch

Candidate for: Chief Steward

Candidate's Statement:

"He who admires himself,
Does so alone."

If I am elected, I will be privileged to serve.

Name: Jeff Beaubier

Candidate for: Vice President

Candidate's Statement:

A.B. Anthropology Stanford University 1965 M.A. Asian Studies Japanese East-West Center Univ. of Hawaii 1967 M.P.H. Epidemiology Sch Public Health Univ of North Carolina 1969 Ph.D. Medical Anthropology-Field Epidemiology U. No. Carolina 1974 Postdoctoral Immunology Ctr Aging Duke Univ. Medical Center 1975 Postdoc. Environmental Epidemiology Johns Hopkins Sch.Pub.Hlth 1990 Athletic scholarship, U.S. Olympic team 880 prospect, Freshman record holder, G.N Guiberson scholarship in Soc. Science; State Dept Fellow; NIMH Award; Population Fellowship; Johns Hopkins Postdoctoral Award. Asst Port Captain Everett Steamship Corp. Vietnam 1967 Taught 17 different college & university courses in 5 years of teaching at Univ. No. Carolina campuses and Sweet Briar College VA. Author of book on longevity and coauthor of 4 vol work on US CANCER MORTALITY RATES AND TRENDS. Recently discovered significant correlation in 100 counties of Illinois between the # of acres of sprayed herbicides and white female breast cancer mortality and reported finding at the International Society for Environmental Epidemiology, Holland. Have been a long term member of our professionals' Union and served on numerous committees striving for workplace democracy fairness and scientific integrity. Am presently a member of the Executive Board. I personally commit to knowing each member of the Union and being available for consultation. Together we must fight for fairness and democracy against the forces of both bureaucracy and small networks (cliques) that are eroding professionalism at EPA. Unfortunately I would not be available to serve on any Board with Steve Spiegel.

Name: Bill Garetz

Candidate for: Vice President

Candidate's Statement:

The last two years have been very stressful for all of us. A disproportionate share of the burden has been borne by the dedicated and hardworking officers of our local. They have had to bear the brunt of the intransigence of important others on matters of critical importance to us. The "important others" I'm referring to are both Agency management and -- to my great dismay -- NFFE national. I have sought to be a constructive and active member of the local during this difficult period. I have done so by working with the other members of our local, especially, our officers -- who have shown tremendous leadership during this very trying period -- to explore and agree on appropriate ways to deal with the critical issues with which we have been confronted.

We have now succeeded in reestablishing a productive relationship with Agency management and are in the process of doing so with NFFE national. It is therefore ironic and saddening that the stress we have been under has now begun to bring about a divisiveness within the leadership of the local that we have not seen for quite some time. I will work hard to help mend the rift that has formed, to help create an environment in which we draw on the talents and energies of all who wish to play an active role in meeting the needs and aspirations of our members. We have a big job to do. Now bigger than ever. We need to embrace and work in solidarity with all who are willing to commit themselves to getting this job done.

Name: Mark Gordon

Candidate for: Vice President

Candidate's Statement:

I seek your support as a candidate for the Office of Vice President. If elected, I commit myself to be a vigorous advocate for the needs of EPA employees represented by NFFE and to work cooperatively with other Board members to conduct Union affairs in a professional manner in order to gain respect from both EPA management and EPA employees.

I have been an Attorney-Advisor with EPA's Office of General Counsel for the past 17 years. In that capacity, I have worked with a large number of program offices across the Agency (Water, RCRA, Superfund, Grants Administration, Environmental Justice, Small, Minority and Women-Owned Business program, to name a few).

I joined the Union within the past year. I currently serve as the Union's ex-officio representative on OGC's Management Council. I also serve (as OGC's representative) on the Agency's Disabilities Advisory Committee.

I believe that in these uncertain times for federal employees it is especially important for the Union to have an active and effective Board which will work together to further the interests of the employees NFFE represents. Although I have only recently joined the Union, I already have assumed NFFE responsibilities. Your vote for me would be a vote for conducting Union affairs in a professional, cooperative manner.

Name: James Handley

Candidate for: Vice President

Candidate's Statement:

For the past 4 years I've served as a VP and am current "Fishbowl" editor. This has been a troubling year; I've been frustrated by unnecessary personal friction amongst Board members. On the positive side, I'm proud to have had a hand in some important accomplishments: we've renewed our collective bargaining negotiations, obtained agreements on RIF and furlough procedures (thankfully, not yet needed), improved working conditions, and continued to produce a clear, concise and informative newsletter. We continue negotiations and legal efforts to gain independence. Everyone on the Board shares credit for these accomplishments.

More important than my legal and engineering training has been a "cool head;" I can reason with almost anyone. I'd welcome more cool heads on the board; our meetings seems to bring out strong emotions, raised voices and misunderstandings.

I request both your vote and your involvement. Participate at membership meetings, join the steward corps, help with newsletter production and mailing... we need marketing skills to improve our outreach and recruitment... and political contacts and savvy to promote environmental protection. Voting is just the beginning... Thanks.

Name: Christopher Hoff

Candidate for: Vice President

Candidate's Statement:

We have just completed a year of tremendous uncertainty, not just for the fate of environmental protection in our nation, but also for the fate of EPA's workforce. Nothing has solidified my belief in the need for effective union representation as much as the confusion that surrounded RIF procedures, competitive level determinations, "speed RIFs", and a host of other matters that would weigh heavily in whether we would keep our jobs.

While the present crisis may have passed, the plight of federal employees will not soon improve. Remaining alert to new threats to our careers would be challenge enough for any union. Add the implications of the evolving electronic workplace, and the as yet unclear effect of the expanding role of states and localities. You can see that the advocacy of the federal professional union will become more valuable than ever -- but only if we ensure that the union leadership reflects the quality of the EPA workforce!

We need officers who can anticipate future challenges, who have the negotiating skills to work effectively with both members and management, and who look beyond personal interests to the benefit of the membership as a whole. During 11 years at EPA (with stints as a 12th floor Special Assistant, as a manager in OCLA, and now as Senior Legislative Counsel), I believe that I have developed these skills and can be of service. For that reason, I accepted the nomination to serve as Vice President.

Name: Bill Hirzy

Candidate for: Vice President

Candidate's Statement:

Bill Hirzy: B.S. Chemistry '58, Ph.D. Organic Chemistry '62 U. Missouri. Phi. Beta Kappa, Sigma Xi, Woodrow Wilson Fellow. Monsanto Co. '62-'81. Synthesis/process R&D, mfg. support, env. mgmt. CMA liaison. Adjunct instr./prof. of chemistry U. Missouri-St.L/St.L. Community College '62-'81; American U. '95, Marymount U. '96. Sr. Scientist/Chemist OTS/OPPT '81-date. Organizer/charter member NFFE Local 2050. Executive Board member '84-date. 3 terms President; 3 Pres-Elect; 2 Sr. V.P.; 4 V.P. Several terms newsletter editor. Representative in many grievances, EEO actions & informal dispute resolutions. Negotiated agreements on compressed work week, transit subsidy, employee options on flooring material, toxic carpet removal, alternative workplace policy, flexiplace, RIF/furlough arrangements, official time, smoking policy, day care (on founding Board of Early Environments, & 1 subsequent Board term). Congressional testimony on, inter alia, indoor air quality, EPA budget, OMB interference, scientific integrity, staffing patterns, "streamlining". Member 1st EPA Nat'l & H.Q. Partnership Councils, EPA Senior Leadership Council & Management Committee. Patents/publications on polymers/monomers, plastic industry, risk assessment, labor management relations, poetry. Nominated for Pres.-Elect this term, but feel its someone else's turn. Will not serve another term on the same Board with Steve Spiegel.

NAME: Anne Leslie

CANDIDATE FOR: Vice President

Candidate's Statement:

I have served as a vice president since June, 1994, and have been a union representative on the Employee Advisory Group (EAG) established by Dan Barolo, since August, 1995. I have served as a backup to Freshteh Toghröl, who is the union representative to OPP. In this capacity, I served as representative of the union in the negotiations over the April 1996 move of OSWER from Crystal Station to Crystal Gateway. I have also been on the Editorial Board of the Fishbowl. I view my role on the board as being a moderating influence on the sometimes heated discussions of issues during the past stressful months of the continuing resolutions. If elected, I will continue to serve the membership and the bargaining unit employees to preserve fair treatment by the management of EPA.

NAME: Martha Price

CANDIDATE FOR: Vice President

Candidate's Statement:

I am asking for your vote for the positions of Secretary and Vice-President. I first joined NFFE in 1985 because they represented me, and I felt their representation deserved my support. Additionally, this past year, I wanted to work actively, and I am serving as the NFFE alternate representative on the HQ Disabilities Advisory Committee. (I was on a similar board as a graduate student.) Now I would like to increase my commitment by serving on the Executive Board.

I understand how executive boards function because I have served as a Vice-President and Treasurer for several community organizations (Fairfax County Humane Society, Greenbelt Recycle Advisory Board, and Homeowners' Association Board). Such boards by their nature have different and conflicting ideas. I have found that I am good at finding common ground and resolving issues, which allows the Board to function as a team to support their membership.

Moreover, I have good working knowledge of parliamentary procedure and believe its appropriate use increases efficiency and productivity of both Executive Board and Membership meetings. It is the surest way to allow expression of everyone's ideas.

NFFE must get its house in order or our officers cannot concentrate on the issues important to the membership, such as our physical working conditions, changes for the new Headquarters buildings, reorganization, downsizing, budget issues, etc.

I have 25 years experience in state and federal government organizations, the last 12 in Toxics at EPA. I know the Agency and the people. I know the Union. I want to work with President-Elect Jim Murphy and the officers of NFFE 2050. I ask for your vote.

NAME: FRESHTEH TOGHROL

CANDIDATE FOR: VICE PRESIDENT

Candidate's Statement:

Ph.D. in Biochemistry, 10 years of teaching and research, 8 years at EPA, 3 years as Vice President of NFFE 2050.

For the past two years, I served as the Union representative at OPP's Streamlining meetings and at Employee Advisory Group (EAG) meetings. During this difficult year of budget cuts and furloughs, I was outspoken in support of employees' rights. I plan to continue my active involvement in EPA organizations as well as my strong advocacy in favor of employees during this period of economic uncertainty. If elected, I intend to do the following:

1. Get back the transit subsidy that I pursued and implemented for all EPA workers in 1994.
2. Promote the career track of scientists at EPA. EPA scientists must gain a higher level of respect at least equal to that of their counterparts at universities and in industry.
3. Work for high quality office space, with better lighting and cleaner air, to provide a healthier work environment.

If you agree that Union and Management must work together to achieve these important goals, please vote for Freshteh Toghrol.

NAME: Anne Leslie

CANDIDATE FOR: Secretary

The office of secretary to the Executive Board is an important one, concerned with taking minutes at the Executive Board and Membership meetings and preserving an accurate record of the proceedings. If elected, I will do my best to carry out these duties.

Name: John Wheeler

Candidate for: Vice President

Candidate's Statement:

I believe that health and safety issues are the most important business of our Union. This is even more important than protecting jobs from RIFs. It was because of NFFE's leadership on health and safety issues that I joined the Union. If elected I will push the health and safety issues and will push for each AA-ship to establish partnership councils. I hope that these will allow many issues (health and safety as well as others) to be addressed more efficiently at a lower level.

Finally, I hope that the Union will have a feeling of solidarity and that the members of the board can work together effectively, collegially, and with respect for one another and for all the members. Our energies should be focused on external forces, not internal personality conflicts.

NAME: Martha Price

CANDIDATE FOR: Secretary

Candidate's Statement: (See statement under Vice President Candidates)

NAME: Bernard A. Schneider, Ph.D.

CANDIDATE FOR: Treasurer

Candidate's Statement:

I have served this Local since 1991 as a Vice-President for 3 years and I have been serving as the Treasurer for the past 3 years. The Treasurer's position is very important to the success of the Union. All expenses and investments must be accurately maintained by the Treasurer as well as dues statements and completing the annual Department of Labor Financial Reporting Forms. I would like your vote, so I can continue in this capacity.

Name: Jim Goodyear

Candidate for: NFFE Convention Delegate

Candidate's Statement:

If elected, I will do my best to represent the opinions and instructions of the membership and the Executive Board at the National Convention.

Name: Jim Murphy

Candidate for: NFFE Convention Delegate

Candidate's Statement:

In even-numbered years, NFFE holds a national convention, for which delegates are elected. I'm running for delegate this year. I am currently serving Local 2050 as President-elect, and have served five terms as Vice-President. I've worked as a toxicologist at EPA in three offices (toxics, pesticides, and drinking water). I believe that "all of us are smarter than any of us" and encourage diversity of thoughts, styles and approaches. I have heard that some are reluctant to join the Union and run for office because they don't like our style. I don't see how our style is going to change unless they bring their own styles to the table. The Union is the federal worker's shield in these uncertain times. Our strength is in our diversity, but, in the words of the civil rights movement, "You've got to learn to enjoy the struggle."



INSIDE THE FISHBOWL

"We must conduct our affairs at EPA as if we worked inside a fishbowl ..."

— William Ruckelshaus, former Administrator, U.S. EPA

JUNE 1996

Volume 12, Number 4

Local 2050 Executive Board

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Jim Murphy, President-Elect
Steve Spiegel, Chief Steward
Bill Hirzy, Sr Vice President

James Handley, Vice-President
Otto Gutenson, Vice-President
Freshteh Toghrol, Vice-President
Anne Leslie, Vice-President
Jeff Beaubier, Vice-President
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2050 ELECTION RESULTS

CBA NEGOTIATIONS

ETHICS AND PARTNERSHIP PROPOSALS

PROPOSAL FOR ONE YEAR EXECUTIVE VP

COMMENTARIES:

Steve Spiegel
Jeff Beaubier
Dwight Welch
Bill Hirzy

National Federation of Federal Employees Local 2050

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INSIDE THE FISHBOWL, JUNE 1996

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Correction

The April tribute to former Secretary of Commerce Ron Brown, incorrectly stated that he had risen from "poverty." In fact, Ron Brown grew up in a middle-class family. (The information was based upon erroneous statements reported the Washington Post.) Apologies for the error.

LOCAL 2050 ELECTION RESULTS

BOLD INDICATES THE PERSON WHO WILL SERVE IN THE OFFICE. THE INSTALLATION OF OFFICERS WILL BE ON JUNE 18 AT FORT SCOTT PARK NEAR CRYSTAL STATION AT A NOON PICNIC

Secretary: **Martha Price** 41*
 Anne Leslie 28*

Treasurer: **Bernie Schnieder** 58

Chief Steward:
 Dwight Welch 53
 Steve Spiegel 24

Vice Presidents (six serve):

Bill Hirzy 52
Freshteh Toghrol 41
James Handley 40
Jeff Beaubier 38
Bill Garetz 35

TIE:

Anne Leslie 32*
Martha Price 32*

Mark Gordon 27
John Wheeler 25
Otto Gutenson 18
Eric Jackson 16
Irv Mauer 11
Chris Hoff 11

Convention Delegates:

Dwight Welch 61
Jim Murphy 58
Jim Goodyear 52
John Wheeler 55

NEGOTIATIONS ON NEXT CBA

by Steven Spiegel

The current Collective Bargaining Agreement (CBA) between EPA and Local 2050 went into effect on March 8, 1996 and is set to expire in June 1997. During this period, the Union and the Agency are negotiating the terms of the next contract which will go into effect in June 1997 for a three-year duration. Chief Steward Steven Spiegel and President-elect Jim Murphy have been negotiating the new contract since March 25, 1996 and report

progress on a number of fronts:

Publication of Contract - The agreements providing for the current new contract and the negotiations for the next contract will soon be published and circulated to employees. This will be accompanied by a full-text version of the current contract containing the terms of the old 1986 contract and the subsequent agreements and changes, so you will have it available for reference.

Smoking Policy - As reported in April, we modified some of the language on this Article to preserve the previous agreement and integrate it with the Agency's negotiated policy. (In essence, the agreement prohibits smoking in all EPA buildings, except where specially designated smoking lounges have been created. The Article preserves the right of employees to go outside for smoking breaks.) The negotiators signed the final version and it is ready to present for ratification.

Transit Subsidy - While management has generally agreed with our proposals to provide additional ATMs to distribute MetroChecks in Agency buildings, the Office of Facilities is resisting our request for an ATM at Ariel Rios. Facilities estimates that there are less than 200 users at Ariel Rios at present and they do not believe this justifies an additional ATM. Facilities may not have considered that as employees move to Ariel Rios, many will be shifting their transportation habits. An ATM there would encourage transit use, particularly since no Agency-subsidized parking is available. Local 2050 will continue to press for an ATM in Ariel Rios and is also requesting an ATM to coincide with the Federal Triangle move next Spring.

Alternative Workspace - Management presented a revised counter-offer to this substantially completed agreement to open/operate the AWS at CS2 which opened 6 years ago. After going through all the proposed changes, it looks like this agreement may be completed soon.

Flexi-place - We are continuing to advocate the Flexiplace bridge proposal which allow the 1991 policy to remain in effect. We hope to have an agreement clarifying that flexi-place is available for all of HQ, to avoid the duplication and inconsistent policies which are being discussed in several AA-ships.

New HQ, Computers/Communications - Briefings are being prepared by management on these subjects. Some may be in written form at first. We'll share materials when we get them.

Other Proposals - We have told management we will soon have proposals on Lactation and Quiet rooms, and on Partnership, so we can negotiate those articles. All of the officers need to select

articles or subjects to work on and prepare initial proposals, if those things are to be included in the next contract. This is a team effort and we need your participation; here is a specific opportunity for members to get involved on subjects that matter to you. Whatever you want in the contract, please work something up. It doesn't have to be long, just a proposal - proposed language and a rationale.

UNION READIES ETHICS AND PARTNERSHIP PROPOSALS FOR BARGAINING

by Bill Hirzy

The Executive Board is putting the final touches on two new proposals to be placed on the table in the current round of negotiations with management. They deal with implementing Executive Order 12871 (dealing with labor-management partnership) and establishing an enforceable code of professional ethics.

Partnership The partnership proposal would establish pilot partnership councils at the Office or AA-ship level in a few organizations, with the aim of gaining experience in partnership operation at levels closer to the day-to-day work of the Agency. The pilots would replace existing "company unions", also known as human resource councils or panels (HRC/P), and would thereby streamline labor management relations substantially.

Presently, when HRC/Ps deal with a matter such as Flexiplace, and make recommendations to management on how it should be implemented, management has the option of accepting the recommendation (and then opening required negotiations with the union over it) or not. If the recommendation is not accepted, then the matter goes back to the HRC/P at square #1, or it falls into limbo until an employee brings it to the attention of the union, which can then open bargaining with management on it, if the matter falls under the agency's duty to bargain (e.g., as Flexiplace does). Once negotiations open, by whatever means, the union goes to the bargaining unit members in the affected unit and solicits input for the negotiations. When negotiations are concluded, assuming they do not go to impasse and require third party intervention, the resulting agreement is submitted to union members for ratification. This is a needlessly cumbersome process, especially when a Presidential mandate, E.O. 12871, opens the door to a much better one.

As an example, if Flexiplace were to come before a partnership council (a decision making, executive group, carrying delegated authority from both management and the union(s)) the council simply decides how it will be implemented in that organization,

and that's the end of it. No management reviews and options for rejection, no negotiations among unions and program management and OARM. It's done. Period.

The union constitution will need to be amended to permit delegation of authority to partnership councils without the need for membership ratification.

Professional Ethics The union and EPA bargained for several months over a code of professional ethics some time ago. The Agency then decided it did not want to bargain at all on this subject, and the issue was dropped. With the advent of E.O. 12871 which mandates bargaining over "methods, means and technology of doing work", and of an Administration more amenable to the topic, the union has decided to put the issue back on the table. The proposal sets standards for employees and managers in dealing with intellectual property, lays ground rules for reporting and considering qualifications for doing professional work, and establishes a process for resolving scientific ethics disputes and distinguishing ethical disputes from simpler differences of professional opinion. (Copies of the proposal are available in the union office.)

Our proposal, which has gone through twelve iterations in its long history, draws heavily upon the code of ethics of the Association of Environmental Professionals and the professional dispute resolution process at the Nuclear Regulatory Commission.

CAREER TRANSITION WORK GROUP Last year when we were faced with the possibility of losing as many as 5000 employees, the Agency and its unions began planning against this worst case scenario. Among the partnership efforts undertaken was establishment of the Career Transition Work Group under the operational direction of Betty Reilly and Rosanna Tucker. Local 2050 was represented on the group by Jim Murphy and Bill Hirzy.

Originally designed to handle up to 5000 employees and with substantial outside contractor support, the program in its penultimate form is now scaled down to accommodate 300 people who may want to move from EPA into another employment situation. No outside contract support is envisioned. The program sets out procedures for helping employees find jobs, for compliance with the negotiated RIF furlough agreements between EPA and its unions, and for compliance with OPM regulations dealing with downsizing.

Bill Hirzy brought to the attention of the group a program of DOD which might have value to EPA employees. The program involves job swaps and buyouts. With the present confused state of buyouts, however, and the reduced pressure on our work force, it appears that the program is not likely to be needed or pursued further.

OPPT REORGANIZATION The reorganization/streamlining floodgates have opened now that we have a budget for the remainder of FY 1996. The reorganization of OPPT is now before the union for bargaining.

The union has requested bargaining on several issues and has solicited the professionals in OPPT for any additional items. The union has asked to bargain over number, types and grades of employees assigned to the reorganized Chemical Control Division and to the newly created Risk Assessment Division. We have also asked to bargain over a means for staff to select where (for whom) in the reorganized Divisions they will work, and we have asked for establishment of a partnership council to, among other matters, see to the implementation of the reorganization plan. The union is discussing the latter point with the existing OPPT Reorganization Advisory Panel.

Another matter of concern to employees on which we want to bargain is the means of doing work, especially in the reorganized Divisions. We have particular concerns about whether the proposed structure which divides work along program lines rather than subject lines, will make effective use of professional expertise. At present, some employees do assessment work on specific categories of chemicals, whether they are "new" chemicals (TSCA Section 5) or "existing" chemicals. As a result, they have become recognized experts in those categories, and are able to efficiently handle risk assessment assignments on them. Management proposes to separate "new" and "existing" chemical assessments into two different organizations, and chemical assessment jobs will be assigned without regard to employees' existing expertise.

PROPOSED AMENDMENT TO LOCAL CONSTITUTION WOULD CHANGE PRESIDENT-ELECT POSITION TO ONE YEAR EXECUTIVE VICE PRESIDENT

An amendment to the Local Constitution to replace the position of President-Elect with the position of Executive Vice President was proposed at the May 23, 1996 membership meeting. The Amendment is slated for discussion at the June 18, 1996 membership meeting, and eligible for action at the July membership meeting. Currently the President-Elect serves for a year in that position before becoming President for the succeeding year. This provides continuity and prevents anyone from serving as President two years in succession. The proposed change would drop the President-Elect position and replace it with the position of Executive Vice-President, with a one-year term of office and would include a provision to prevent a President from succeeding him or herself.

The advantage of the proposal is that a two-year commitment would not be required and the Presidency would be open to election to any qualified candidate, with the Senior-Executive VP being in the most advantageous position.

HEALTH AND SAFETY NEWS

by Dwight Welch

COMPLAINTS ABOUT POTENTIAL COPYROOM NOISE AND DISRUPTION REVEAL HEALTH AND SAFETY PROBLEMS AND FIRE CODE VIOLATION

If the plans for a proposed copyroom located off a bay in Ariel Rios 2202, go through, it will result in a copyroom of dubious distinction. It will be the only EPA copyroom with high speed, key operated copiers, that opens into an office rather than a hallway. Anticipating problems with noise and the disruption of employees seeking copies trekking through the bay, a member reported this potential problem along with a proposed solution.

The member believes the room should be a dual use room containing a small, self-serve copier and conference facilities. This is due to the fact that unlike other attorneys in OECA who have offices, the attorneys in the Office of Federal Activities are being forced to work in cubicles. An off the bay conference room would enable attorneys to conduct conference calls without disturbing their colleagues.

Management's position is that a high-speed copier is needed in the vicinity and that the room is specially vented to be a copyroom. Facilities management has proposed installing a vestibule at the joint bay/copyroom entrance. Employees could either enter an inner door to the right to go to the copyroom or go straight through another inner door to enter the bay.

With most copyroom doors being left open to dissipate heat and bring in fresher air, every time someone would enter the bay door, the noise of a running copy machine would also come through. However, the dual use room may not be workable due to the fact that people making copies might interrupt conferences and/or conferences might keep people from making their copies. There have also been objections raised of unnecessarily exposing conferees to copy machine emissions.

In an initial investigation by a special walkthrough of the Union/Management Health and Safety Committee, some fire and health and safety problems were also discovered. Unlike most bays in Ariel Rios, 2202 is configured differently. While the room has 6 or 7 doors, 4 or 5 of these are rendered inoperable because partitions are firmly bolted to the doors! Measuring the egress of the furthest person from the egress, the path of egress

was measured as approximately 120 feet. Under the fire code, the maximum egress should be only 75 feet.

A health problem identified has to do with the position of the vent to the outside. The outside vent is located near the entrance to the room. If a copy machine is positioned under this vent, air coming from the hallway will move past the machine drawing emissions up and out through the vent. However, it is proposed that 2 machines be put into the room. A second machine at the other end of the room may cause problems. This is because air will not enter the room, go to the back, then return to the front to be sucked out of the room; the air will follow the path of least resistance toward where it is being sucked.

As President and Health and Safety Officer for the Union, I have proposed a compromise solution. Reconfiguring the walls of the copyroom, a large portion of the room could be turned into a small teleconferencing room for the attorneys. Giving up a small portion of the bay, the bay would lose the door to the copyroom, giving the copyroom its own separate entrance. Due to the fire code violation, one or more of the now blocked doors must be unblocked, which may ultimately lead to a reconfiguration of the bay. If the bay needs to be reconfigured, this may be an opportunity to solve everyone's interests and needs while providing a safer, healthier, and quieter work environment for AR 2202.

Additional suggestions by the member included giving the passcode for all Ariel Rios copyrooms to all AR employees rather than individual offices having private facilities. This is intended to relieve copying problems in the building. The bay at AR 2202 - 2224 is also shared by employees from the Environmental Justice group who are sympathetic in their support for their OECA colleagues at the copier end of the room.

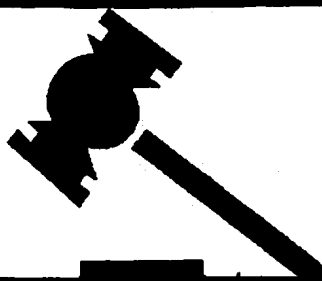
EMPLOYEE WINS PROMOTION DURING THE FREEZE WITH UNION HELP

by Bill Hirzy

An OECA employee who had passed a desk audit last June for promotion to GS-14, but whose management did not process the papers in time, was granted the promotion last month in an exemption from the promotion freeze. The union negotiated with OHROS and program management to rectify the error, and it continues to work with the Agency to resolve several remaining issues in the case.

CHIEF STEWARD'S

REPORT



by Steve Spiegel

Grievance Gains Increased Performance Rating

Chief Steward Steven Spiegel, working with EPA Engineer Cris Gaines, successfully resolved a grievance on an unfair performance evaluation after the third step of the grievance process. Despite interruptions caused by the trusteeship imposed upon the Local by NFFE National and the furloughs, Spiegel and Gaines pressed this matter through the third step of the grievance process which requires both a three-employee peer panel to review the rating and a three-manager panel to decide whether to grant the grievance. The next step would have been arbitration. Diligent union representation obtained the increased rating that Cris deserved, and also increased her tenure in the event of a reduction-in-force.

EPA Sued For Over \$300,000 In Discrimination Complaint

On June 10, 1996, acting on behalf of a Member and the Union, Chief Steward Steven Spiegel filed a grievance against EPA and management officials alleging several instances of discrimination and retaliation. The grievant, an employee who became chemically hypersensitive from working at EPA's Waterside Mall complex in the late 1980s had sought accommodation under the Federal Rehabilitation Act of 1973. The Agency not only refused the employee's request for reasonable accommodation, but would not even meet to discuss the possibility of providing accommodation. The Agency then retaliated and ordered the employee to either report to work, under conditions endangering the employee's health, or face being fired. In addition to violating the Agency's obligations under the Federal statute, the Agency also violated its own handicap accommodation and leave policies. The discrimination complaint seeks back wages and costs, plus punitive and compensatory damages of \$300,000 for these acts of discrimination and retaliation.

Free Benefits Guide

For a free copy a guide to federal employee benefits, titled the "Ins and Outs of Your Federal Benefits," provided by the Public Employees Roundtable, call 1-800-442-6654 and ask for the 1996 edition.



"We must conduct our affairs at EPA as if we worked inside a fishbowl ..."

— William Ruckelshaus, former Administrator, U.S. EPA

November 1996

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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 Local 2050. We do not publish anonymously submitted articles, but when requested, may conceal the author's identity.

NOVEMBER HIGHLIGHTS

CBA NEGOTIATIONS

**UNION CHALLENGES
OPPT REORG**

SENIOR SCIENCE IN OPP

**UNION CHALLENGES
PESTICIDE
SELF-CERTIFICATION**

IBB = LESS GRIEVANCES

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Local 2050**

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CBA NEGOTIATIONS UNDERWAY

Negotiators for Local 2050 and for EPA management spent the entire week of October 21 - 25 as well as November 1 negotiating a new Collective Bargaining Agreement for EPA professionals. Progress was made on many key subjects, but several remain un-resolved, and negotiations are scheduled to continue in November. The Local 2050 negotiating team comprises President Jim Murphy, John Wheeler and James Handley, who serves as chairman. Management is represented by Linda Wallace and Drew Moran.

Alternative Workspace (AWS) and accommodation of the chemically-sensitive are key concerns of Local 2050. We agreed to carry over the current contract provisions governing the procedures for obtaining AWS (including work-at-home arrangements) into the new contract. Thus, these provisions will continue in effect until a new agreement on the subject is negotiated and ratified. Management has asked to re-negotiate this provision in the next few months, and we've signalled that the current agreement will act as a "floor" for future bargaining; any changes would have to be at least as protective of our chemically-sensitive members as the current arrangement is. Assistant Administrator Al Pesachowitz sent out a memo last week stating that EPA will adhere to the status quo until the end of January.

We have also agreed on provisions to govern use of the Alternative Workspace at Crystal Station. If, as we expect, the AWS at Crystal is closed, we will bargain over new AWS at the New Headquarters complex. Management has indicated that AWS will continue to be provided; we have proposed that management provide AWS at the new headquarters at least comparable that at Crystal. Management has indicated no opposition but has not formally responded to this proposal.

Linda Wallace expressed a strong desire to streamline the **Grievance Procedure**, which she feels is impeding the resolution of some grievances. The first step of our current process involves review by the supervisor; the second step is review by the next level supervisor. If either party wishes to appeal, the third step is that grievances involving performance appraisals are reviewed by a panel of the employee's peers, while non-performance-related grievances are reviewed by a panel of managers at the next level, with two being outside the grievant's chain of command. Management has raised concerns that this step is time-consuming and causes very long delays, sometimes years. They admit these delays are often caused by managers, over whom Labor Relations has limited leverage to compel to participate in the process. We stressed that we consider the peer process an important and protective step because its very existence pressures the parties to resolve grievances at earlier steps and limits our arbitration costs. Arbitration is the final step after the current step three. The parties agreed that our mutual interests are to resolve grievances quickly and fairly and we advised management that we have a strong interest being able to use arbitration if step three is removed. After studying the CBA of the employees' Union at the Department of Labor, we made several proposals that would require management to bear the Union's costs of arbitration if step three were removed. (Although we asked NFFE National for samples of CBAs that they would recommend, and they promised to send us some, they have never responded. Fortunately we were able to get help from DOL's Union.) Our latest proposal is to require management to pay our arbitration costs where the Union prevails or where there is no clear prevailing party. This would discourage "frivolous" use of arbitration, creating incentives for both sides to settle. This subject is still under negotiation but we expect a response in the very near future.

The future use of **Local Partnership Councils** to resolve issues in each work unit was also discussed; because of uncertainty about how (and whether) this process will be implemented, we agreed to a provision leaving this subject open for mid-term negotiations, and are retaining a slightly modified version of the current provisions on Human Resource Councils until that time. (An amendment to the Local 2050 Constitution authorizing the delegation of some of the Executive Board's authority to Local Partnership Councils has been the subject of intense debate in the last few membership meetings.)

We agreed to retain our current levels of **Official Time** for Union Officials and those authorized by the Board to use official time, and have simplified the procedures for changing **dues withholding** so that the payroll office will process requests to cease dues withholding after the first year of membership. (Previously this could only

be done in March, which we felt may have discouraged people from joining.)

The **Credit Card** program is still under discussion. The current contract between GSA and American Express puts at risk the credit ratings of employees who use the program. We want to allow employees the option of obtaining cash advances instead of using the credit card program. We are constrained by the terms of the government-wide credit card program, but even this program allows exceptions and we have asked that these be carried over into our CBA.

Facilities for the **Union Office** have been negotiated; management has agreed to continue to provide the storefront space in Waterside Mall and will provide equivalent or better space in the New Headquarters. The details are subject to further negotiations. The CBA will now explicitly provide for the Union's use of electronic communications for representational matters.

The **Equal Opportunity** provision of the CBA precludes discrimination by EPA or the Union based upon race, color, religion, sex, national origin, age, sexual orientation, union affiliation, political affiliation, marital status, or "disability." The old agreement used the term "qualifying handicapping condition" which we felt was unduly restrictive and perhaps anachronistic.

The **Compressed Work Week** has been retained and is now applicable agency-wide, rather than as a pilot project specific to each AA-ship.

The **Clean Air** agreement (governing ventilation and indoor air quality) has been incorporated into a section on **health and safety**. The agreement recognizes the need to comply with the ASHRAE (American Society of Heating Refrigerating and Air conditioning Engineers) standard for fresh (outside) air. It also recognizes the need to avoid over-crowding; the GSA space guidance will continue to be a bench mark for density of occupancy.

The **Transit Subsidy** has been retained. Subsidy levels are limited by IRS rules to a maximum of \$60 or actual commuting expenses.

Provisions for **Child Care** have been retained; we expect the specifics concerning the facility will be re-negotiated when the facility is moved to the New Headquarters.

The **RIF/Furlough** agreement has been retained; essentially it requires negotiation over the implementation of any RIF or Furlough, including procedures for excepted service employees.

Our **Generic Move Agreement** and its implementation procedures will be incorporated into the CBA; since it is a pilot program which ends next year, the move provisions are subject to mid-term negotiations if either party requests. The agreement is intended to involve the Union as early as possible in any moves and to assure that consensus is reached before the move rather than at the last minute. We will watch closely to see how this is implemented.

The pilot **Flexiplace Program** has been retained.

We have retained the function of the **Labor Management Committee** to provide continuous contact between the Unions and EPA management, and have proposed explicit provisions on **Employee Rights, Management Rights and Union Rights**. Although these are governed by statute, we felt it was important to state these rights in a place where staff and managers could easily find them. We have made a proposal that the management rights be amended to conform to President Clinton's Executive Order on Federal Labor / Management Partnerships. The Order compels management to bargain over the numbers, types and grades of employees and the technology, methods and means of performing work accomplish the Agency's mission.

The Union made an **Ethics Proposal** drafted by Bill Hirzy to assure that the professional integrity of our members is not compromised by politically-driven supervisors and that we retain the ability to dissent publicly without retaliation. Management has indicated that this subject is governed by regulations promulgated by the Office of Government Ethics and that these government-wide regulations may make parts of our proposal non-negotiable. We have asked for a written response as to negotiability or for a counter-proposal that would address the interests we've identified.

We plan to make a proposal on **Performance Agreements (PAs)** to essentially re-state the Office of Personnel Management (OPM) regulations that require that PAs be reflective of the actual job, that they be negotiated with supervisors and that agreements define at least three performance levels for each job element. (We have recently experienced some problems in the Office of Site Remediation Enforcement, where management was attempting to require boiler-plate agreements that did not adequately describe actual work expectations and did not include three rating levels for each standard. Thus, we feel it is prudent to re-enforce these provisions from the OPM regulations and to make them accessible to our employees and managers, some of whom may not know their rights and obligations.)

We expect this CBA to be a **three year agreement**, but as mentioned above, a number of subjects are explicitly reserved for mid-term bargaining, and any changes in working conditions and subjects not addressed in the CBA are subjects that management is required to negotiate if we request it.

You may address questions about the CBA negotiations to any member of the negotiating committee: Jim Murphy, John Wheeler or James Handley (chair).

COMBINED FEDERAL CAMPAIGN: Some Suggestions

It's that time again: time when various worthy causes bid for your attention and support through the Combined Federal Campaign. This year, Local 2050's Executive Board calls to your attention three groups that provide service and protection to Federal employees, including, specifically EPA employees. They are:

Early Environments Child Development Center, EPA Headquarters own facility for care and development of the young children of its employees. **CFC Pledge Number 7249**

Federal Employees Education & Assistance Fund, which provides loans and grants to Federal employees in special need. FEEA's funds were drastically depleted last year by requests for help from Oklahoma City bombing victims. It will provide \$200,000 in scholarships and \$250,000 in emergency assistance in 1996 -all of it through contributions from Federal employees. **CFC Pledge Number 1237**

Government Accountability Project, which provides counsel and other help for government employees whose public service ethic has caused them to question their employers' policies and decisions that affect the public welfare and the environment. A number of public-spirited EPA employees have benefitted from GAP's involvement in their cases. **CFC Pledge Number 0830**

There are many fine organizations seeking your support in this year's CFC campaign, and Local 2050 urges you to make your choice(s) and make a difference.

HQ PARTNERSHIP COUNCIL STRESSES "PARTNERSHIP" TRAINING FOR MANAGERS AND UNION OFFICIALS

The Training committee comprised of Patsy Stewart (AFGE), Linda Wallace (OHROS), Dev Barnes (OSWER), Dwight Welch and Bill Hirzy (Local 2050) of the HQPC met October 17, 1996 with Federal Mediation and Conciliation Service Commissioner John Kolb to map out plans for "partnership" training at EPA Headquarters. The committee tentatively agreed to develop a training module for managers (Office Directors first) and Union members (other bargaining unit people later) describing what "partnership" means, how it should be implemented and the obligations it places on unions and management. Executive Order 12871 and the Office of Personnel Management Guidance Memorandum will form the basic framework for the training, which will also draw on FLRA and EPA management and union memoranda to define partnership specifically for EPA's work place.

The union identified the need to train the decision-making managers, namely Office Directors, first so that those managers "get the message," which many don't seem to have gotten yet. Further, by training union members, we hope to generate more interest in and willingness to serve as union representatives on committees, some of which we hope will evolve into partnership councils at the working level.

This session of the Training Committee grew out of an October 2, 1996 meeting of the entire HQPC facilitated by Commissioner Kolb. At that meeting Local 2050 representatives Jim Murphy, Dwight Welch and Bill Hirzy identified what management and the unions each need to do to make EPA a better work place. Management reps did the same exercise. We then compared our lists and selected short and long term tasks. Both parties identified training in "partnership" as a very high priority. We are developing a partnership training module to recommend to the Administrator after our HQPC meeting scheduled for December 10-11, 1996.

At that meeting we will also undertake HQPC training in interest-based bargaining and may try to make progress on one of several possible subjects, including an HQ-wide policy for alternative work space arrangements. If we cannot make progress on AWS another subject will be chosen.

OPPT REORGANIZATION - UNION FILES NEGOTIABILITY APPEAL AND UNFAIR LABOR PRACTICE CHARGE

Local 2050 filed a negotiability appeal and an unfair labor practice charge with the Federal Labor Relations Authority on October 16, 1996 over management's refusal to bargain on four union proposals covering the OPPT reorganization. Bargaining unit employees voted 80% in favor of a union alternative staffing plan for the new Risk Assessment Division of OPPT over management's plan. Employees are concerned with management's proposal to break up discipline-oriented branches and replace them with multi-disciplinary, program-oriented branches. Management promised to "take the results of the referendum into consideration" when they were notified that the union was conducting the vote. But Management's consideration was a response via memo saying that it had "no duty to bargain" over the alternative staffing plan.

The other three proposals management also is refusing to bargain over are: 1) a union-proposed Re-invention Advisory Panel-endorsed staff self-placement plan, 2) the creation of a union-management steering committee to implement the reorganization and the transition to team operation in OPPT, and 3) a proposal to create a Partnership Council in OPPT.

The union decided to submit a ULP rather than a negotiability appeal to FLRA at this time (FLRA will process only one of the filings at a time) in the hope of a faster resolution of the dispute. The alternative staffing plan

presented by the Union was developed in consultation with a group of scientists who will be part of the new division, and the Union contends that the staffing plan is subject to bargaining under Executive Order 12871 as a matter of numbers, types and grades of employees assigned to a work unit, and as a matter of the means and methods of doing work - both types of bargaining were declared mandatory subjects of bargaining by the President in E.O. 12871. If management implements its staffing plan (and a self placement program without bargaining) and the union prevails in either of its filings with FLRA, OPPT may have to nullify its entire reorganization and come to the bargaining table.

TOGHROL NEGOTIATES SENIOR SCIENTIST POSITIONS IN OPP

Dr. Freshteh Toghrol (OPP/BPPD) a Local 2050 Vice-President and Chair of the OPP Affairs Committee has successfully negotiated an agreement with management over the number of Senior Scientist positions in OPP. Until now, there have been comparatively few Senior Scientist positions. Many of those that exist were created as part of a "desk audit" of a position and are for the current holder. When that person leaves, the position ceases. Freshteh has negotiated Senior Scientist "slots," which are permanent positions that will be filled by a new Senior Scientist when the current holder leaves. She has made a major break through, helping to assure a base of experienced scientific expertise in OPP.

The agreement states, in part:

"OPP agrees to appoint a Senior Scientist... in each Branch and each Division in the Office of Pesticide Programs in which a majority of the staff is classified as either a physical or biological scientist... [A]ll eligible scientists may apply for these positions... [F]or each new Branch created... in which a majority of the staff is either a physical or biological scientist, a Senior Scientist will be proposed as part of the staffing pattern for such Branch."

Union Challenges Pesticide Acute Toxicity Self-Certification

OPP has proposed a rule on "self-certification" of pesticide acute toxicity data in the Federal Register. Chemical companies are required to perform a series of studies in order to obtain registration of their pesticides which currently are reviewed by scientists in Office of Pesticide Programs to assure that they have been performed in accordance with the strict published guidelines. EPA's "self-certification" proposal would allow pesticide manufacturers to determine if their own studies had followed the regulations. Beyond its potential adverse effect on the Agency's ability to protect the public health and the environment, this proposal would directly affect the numbers and grades of EPA scientists employed to do this work in the Registration Division - which means that under the President's Executive Order on Partnership, negotiations with Local 2050 were required.

The plan would effectively contract out EPA's review to the manufacturer or its subcontractor. Local 2050 believes that the determination of whether a study satisfies EPA regulations and standards is an inherently governmental function which under Executive Order A-76 may not be delegated to a nongovernmental body. Local 2050 Steward Dr. James Goodyear filed a comment on behalf of Local 2050. Dan Peacock (a Union member) and Marilyn Mautz, both of the Registration Division, also filed comments against the plan as did the National Coalition Against the Misuse of Pesticides.

The results of the studies performed as part of the registration process are used by the scientists in the Health Effects Division (and to a lesser extent the Environmental Fate and Effects Division) in preparing risk evaluations and risk characterizations of the chemical. Since the results are likely to be biased, the professional integrity of the scientists relying on this data would be seriously compromised; they would have to prepare evaluations and reach conclusions based studies that they could not trust. This affects the means of performing work, since it requires EPA scientists to make risk characterizations and risk evaluations based upon study certifications that they cannot trust.

The rejection rate for self-certification studies is so high that it would be impossible to have the manufacturers certify that their studies were "Core," i.e., that they meet the minimum requirements. Today more than one third of Dermal Sensitization submitted are not acceptable. If manufacturers can't tell that the studies are unacceptable today, why does EPA think they will be able to do better after the self-certification proposal is put into force? OPP's proposal says that, "EPA will selectively review acute toxicity studies," but does not obligate EPA to audit a minimum percentage of the studies. Moreover, it provides no budget, standards, FTEs, or organizational assignment to assure that the task is accomplished.

The proposal contains another alarming loophole: it allows applicants to certify that the studies "were conducted in *substantial* conformity with EPA guidelines" (emphasis added). But the term "substantial" is not defined, nor is it likely that EPA will be able to define it. Chemical company representatives have argued that their studies were valid even after EPA scientists have explained why the studies were "invalid." We should expect that they will submit reports of studies that are biased in favor of their products. But when discrepancies are detected, the proposal would allow a manufacturer to avoid penalties by asserting that the discrepancy was not "substantial."

EPA could suspend the registration if after notification of a serious error, applicants fail to respond within 30 days with "information that EPA determines is sufficient to correct the serious error." The applicant would to be penalized not for submitting a deceptive study report, but for failing to correct that report if they happen (by chance) to get caught. This would encourage applicants to submit questionable results knowing that EPA would probably not audit their study, and that even they were audited, they could submit a correction and escape without penalty.

Perhaps the most objectionable provision of the self-certification proposal is the following: "Currently, the program is limited to registration of end-use products of Toxicity Categories III and IV containing currently registered active ingredients. If successful, the program may be expanded to additional products as time and resources permits." The notion of self-certification has been expanding in OPP for some time, not only in the Toxicity Categories but in the types of studies that are to be self-certified.

In 1994 Goodyear asked Dr. Lynne Goldman (OPPTS AA) exactly what self-certification meant. She said that she didn't know anything about it. She said she was opposed to letting the registrants certify their own studies, but that we might have the registrants to do most of the work for some "me too" studies. ("Me too" chemicals are those that are similar to already-approved chemicals.) The results of these studies would, presumably, be the same as for the registered chemical. The studies in the current proposal are not limited to "me too" chemicals. Anne Barton, then the Director of the Environmental Fate and Effects Division, told Goodyear that she believed that self-certification would only apply to product chemistry data.

In 1994 Goodyear sent Daniel Barolo (OPP DD) a message asking about the program. He did not answer directly, but assigned the task to Anthony Maciorowski, Ph.D., then Chief of the Environmental Effects Branch, which is concerned with toxicity to wild animals and plants. Dr. Maciorowski answered, "Can you imagine a data format scenario submitted by registrants that would allow a rapid quality control check of salient test measurements and statistics for acute studies as an example. By quickly perusing the salient data summary, the veracity of an LC₅₀ should be relatively self evident."

It should be noted that he was clearly talking about basic acute and higher level toxicity studies in the Environmental Fate and Effects Branch not in the Registration Division. The management of OPP must have already discussed in detail the subject of allowing manufacturers to self-certify their basic toxicity studies in EEB in 1994. That they intended to expand the self-certification program is evident.

Although Local 2050 has not been able to get an official response to our comments or a written commitment to abandon the program, we believe that our efforts, along with those of others have had an effect: the unofficial word is that the self-certification of all but the physical and chemical properties studies will not be pursued. For a copy of the Union's complete comments, please send an E-mail request to Jim Goodyear.

HEALTH AND SAFETY NEWS

by Dwight Welch

Dirty "Clean Space" Cleaned Up

It started last summer with the transfer of two employees into the Alternative Work Space on the second floor of Crystal Station. We represented one of the employees, also an active member, so as Local 2050's Health and Safety Officer, I got involved. The problem was that the AWS was making the employees sick. We have made a lot of progress since then.

The problem for our Union's member was that after finally getting her space in Rosslyn healthy enough for her to work in, the Agency moved our employee out of that space. The destination space, the 10th floor of the West Tower was unacceptable, so we got the employee into the AWS. Problem was the AWS made her sick.

An initial investigation of the AWS indicated higher than expected carbon dioxide readings (an indicator of insufficient fresh air). Working with Facilities Management and HQ Health and Safety, we got filters changed, ventilation re-balanced, increased ventilation from 12 hours per day to 24 hours per day, and got the blower settings changed from operating only on heat/cool demand to continuous. Although the carbon dioxide levels were significantly reduced, the employee health problems continued.

The affected employee was allergic to molds and their spores, so the next effort was a general cleanup of the AWS. The place had too long served as a dumping ground for old records. There were ill-attended plants, open/exposed and even rotting food sources, paper on ledges which had gotten wet from the open windows, and other sources of allergens. Indeed, some of the stuff stored in the space belonged to employees no longer assigned to the space. Excessive paper serves as a harborage for cockroaches, rodents, and dust mites. Exposed and decaying food is also a food source for pests. Since pesticides cannot be used in the Alternative Work Space, these harborages and food sources become extremely important. And while healthy plants contribute slightly to adding oxygen to (and reducing carbon dioxide and pollutants from) an indoor environment, dead leaves falling from ill-cared-for plants add carbon dioxide and are a significant source of mold and other fungi. Employees and their supervisors were given notice of the cleanup which was to have been completed by the end of August.

In general we had good compliance; only one employee refused to cooperate. Having given up on trying for cooperation, as of this writing the AWS is being washed and wiped with water and unscented plain soap, working around the area not cleaned up. According to Linda Raymond, a sweep up of the room yielded a big pile of dust and dead leaves and the mops are coming up filthy. After the cleaning we intend to go in and take microbial samples to see what we may be up against. However, until the cleanup is completed, the affected employee continues to work on the 6th floor as a guest of another program. And although the carbon dioxide levels are considerably higher on the 6th floor than the AWS, the employee seems to be relatively healthy there.

Continuing thanks to Facilities Management's Linda Raymond and HQ Health and Safety's Jim Engleka and Dennis Bushta for their cooperation, hard work, and determination in getting the clean space clean once again.

CHIEF STEWARD'S REPORT

by Dwight Welch

Steward Corps

Striving towards President's James Murphy's goal of a "steward in every shop", I have been recruiting for our Steward Corps and have tried to get at least a steward in every building. We now have more than 2 dozen stewards, including those whom I have welcomed from previous administrations. I am beginning to undertake training of the stewards, however, a shortage of full time officers has kept things busy.

Interest Based Bargaining - No Grievances.....Yet!

Under my stewardship, we have embarked upon a radical change from past practice. Working in the "Partnership" mode we have been seeking to resolve conflicts using interest-based bargaining (IBB), rather than position-based bargaining. This has been supplemented by joint Union/Management IBB training on the National/Headquarters Partnership Council levels. One of the goals of the HQ Partnership Council is to train Union members and managers in IBB.

As a result of using IBB, I am happy to report that all conflicts in the first quarter have been informally resolved without the necessity of filing grievances or Unfair Labor Practice Charges, although some potential grievances and ULPs loom on the horizon due to lack of cooperation from certain managers.

I have not have much success with resolving inherited grievances due to a lack of cooperation by my predecessor, however I continue to move forward nonetheless.

High Level OECA Problem-Solving Committee to be Formed

In the past the Office of Pesticide Programs was the program which was the source of the most conflicts and grievances handled by the Union. In the past couple of years, OPP has made radical improvements due in large part to the cooperation of Program Director Dan Barolo and OPP with the Union. Indeed, a standing committee headed by VP Freshteh Toghrol and a number of officers and stewards has been able to resolve problems as they arise. Cooperation has replaced confrontation and Interest-Based Bargaining has replaced Position-Based Bargaining. However, a few problem managers still seem to fail to recognize that the Unions are the exclusive bargaining agents of the employees and as a result Unfair Labor Practice charges/grievances may have to be filed.

The new problem program seems to be OECA. Indeed, more than half of the major complaints this Union receives from employees seem to be coming from OECA. These complaints range from foot dragging on Quality Step Increases, to discrimination against scientists and engineers, to a move to "recertify" employees allowed to work at home or in the AWS.

Sitting on the HQ Partnership Council with Michael Stahl, Deputy Assistant Administrator for OECA and Labor Relations Director Linda Wallace, we have been simultaneously trained in Interest Based Bargaining techniques. I have proposed, and Mike and Linda have accepted, an invitation to participate in problem solving sessions. The first session, yet to be scheduled, will include Mike Stahl, Linda Wallace, Local 2050 President Jim Murphy and myself. It is my proposal to get our respective interests on the table, brainstorm possible solutions,

and then report back to our respective customers--OECA management on the one side and grievants or prospective grievants on the other.

These meetings will not be negotiations, rather they will be exercises in problem solving. We are leaving the lawyers out and the proposed solutions will become recommendations to our respective "customers." Once the customers on both sides feel comfortable with the proposed solutions, we can proceed to formal negotiations which would then be relatively straightforward, short, and to the point. The advantage of this technique is that both sides will have a chance to open up without fear of setting a precedent which one side or the other may later come to regret. A proposed solution, later reconsidered and changed, would not become a bad faith offer. This approach allows for greater flexibility and creativity in approaching problems. Also, in position-based bargaining, even when both sides have a common ground, both sides have a fear of being the first to extend an offer to reach this common ground. This fear comes from the possibility of having to "retreat" from the common ground position. With interest-based problem solving, the common ground can be explored without commitment. Once both parties arrive at the common ground, then the solution can be fixed in formal negotiations.

All four parties to this exercise seem enthusiastic about the possibilities. Hopefully, we will have good news to report on from these meetings later in the year.

Freeze on Change of Status for Work-at-Home/AWS Employees

In response to pressure by both Unions, Assistant Administrator Al Pesachowitz recently issued a notice to freeze the status of Alternative Workspace (AWS) employees. A draft of the document was circulated to the Unions and brought a number of adverse comments. Management will maintain the status of AWS employees until the end of January while a process is developed to account for those working in AWS and outside the buildings. Management is seeking a more uniform policy.

REPORT ON THE NFFE 1996 NATIONAL CONVENTION

Although much smaller than the 1992 Convention (our Local did not participate in the 1994 Convention) the mood was markedly different and very invigorating. Although representatives of other unions, hoping to lure in NFFE locals, hovered in the lobby and gave out free food and drink from hotel room hospitality suites, the mood of the convention was definitely optimistic. Local officers expressed their displeasure at the shenanigans in the National office; the mood was palpably anti-incumbent. Indeed, 9 of the 11 seated national officers were replaced.

On the first ballot, Ruby Rogers handily defeated her two opponents for Secretary/Treasurer. (Tallies: Ruby Rogers 320, Arthur Guarriello 122, and R. Eugene Phillips 78.) In our Region, incumbent Libby Chandler was defeated by former Region II VP Chet Lanehart. I was approached to run for Region II NVP, but declined because I felt the need to focus on the problems here in Local 2050.

The vote for the President was the most exciting. On the first ballot Jim Cunningham got 203 votes, T. Ray came in second with 121, followed by Larry King with 99, and Bob Keener (supported by Local 2050) with 97. Acting President Gary Divine, nominated for President, dropped out before the balloting and indicated his support for the controversial Thomas "T" Ray. With the second ballot, Bob Keener gave his support for Jim Cunningham. Together with those withdrawing support for Larry King, the final count was Jim Cunningham 290, T. Ray 141, and Larry King 86.

Some other interesting notes on the convention. Yours Truly participated in the all-important Constitution Committee. I also managed to talk to a number of delegates and found the tribulations of Local 2050 to be similar to others: a surprising number of Locals were in or had recently been in trusteeship. And although I actively campaigned for Bob Keener, I made a point of getting to know Jim Cunningham and educating him to

the problems experienced by our Local. I offered him our support should he win, told him of our expertise in subjects such as Multiple Chemical Sensitivity and indoor air contamination. I voted for Mr. Cunningham on the second ballot.

Some controversies during the convention were anti-T. Ray posters and graffiti, and during certain votes T. Ray's supporters stood alone. Also controversial was an attempt to keep Bob Keener off the ballot (Bob had resigned during a period of unemployment but later rejoined and paid back dues). While Keener did come in last on the first ballot, an overwhelming majority of the delegates voted against the motion to keep Keener off the ballot.

In the Region II caucuses (where each candidate gives a 10 minute speech), questions were all polite as was applause at the end. Candidates were queried as to how they voted on the "Keener resolution;" those answering in the affirmative lost votes. Jim Cunningham received the only ovation during these speeches when he indicated that, although he supported people's rights to file grievances, charges, and challenges, he would go after those wasting the Federation's time filing bogus charges.

A challenge to the NFFE election has already been filed.

VENDING ROOM TO BECOME LACTATION ROOM AT CM2

A new vending machine room is being installed on the 10th floor at Crystal Mall and a former vending machine room on the 8th floor is being converted into a lactation room as a part of a Union initiative to provide a private room for nursing mothers. The Union had sought a room with a sink and running water, but none was available in CM². A survey revealed that the women were more interested in getting a room now than in waiting for a room with water.

This facility will help women raise a family without having to quit their jobs or take a large amount of time off from work. Pat Hilgard, who has nurtured this effort, says that the room will be used primarily by nursing mothers to pump and bottle breast milk, which they will take home to their babies.

NFFE National Upholds Local 2050 Election

NFFE National has declined a challenge filed by Mr. Steven Spiegel after our election of officers. In an October 29 letter to Mr. Spiegel, NFFE President Gary Divine wrote:

"In response to your appeal... an investigation was conducted based on the ten allegations and evidence you submitted. After careful review of the election records and the findings from this investigation, I conclude that the election was conducted in a fair manner and should not be set aside.

"Several of your allegations are based on incomplete or mishandled membership mailing list. It appears that the election committee made every attempt to ensure the accuracy of this list and that no member was denied the opportunity to vote in this election. In any event, the total number of ballots in question would have had no effect on the outcome of the chief steward election.

"A number of the other allegations center around the charges of electioneering, libel and/or false/misleading statement[s] by several candidates. In reviewing the newsletters, candidate statements and e-mails, including those specifically provided by you as evidence, I find nothing to support these charges. In addition, Section

101(a)(2) of the LMRDA establishes a broad range of protected activities to union members in regards to free speech including oral statements, written flyers and leaflets distributed to other union members. Local 2050 complied with their constitution, Department of Labor regulations, as well as the NFFE election guidelines in conducting this election and the results should stand."

Chemical Sensitivities Disorders Association (CSDA)

by Ed Hogan (703) 368-0751

Chemical Sensitivity is a serious and difficult disorder that is often misunderstood or even mis-diagnosed. Its victims find that substances that other people can tolerate or do not even notice, represent a barrier and hazard to them. There are many places and situations that they must avoid, leading to potential isolation and disenfranchisement. Victims may lose employment, access to church, schooling, social functions and the accommodations that healthy people take for granted. I know four people who, having lost employment due to chemical sensitivity, were denied compensation, and without benefits or other resources may be facing penury and homelessness. All were hard working women who were successfully pursuing the American dream until toxic exposures created a set of invisible barriers to normal work, socializing and all the other interactions large and small that make us human. Some have managed to continue working or have the means to survive in relative comfort. The fortunate ones have arranged to work out of their homes or tele-commute. But all face health and accommodation problems and can benefit from the information and support provided by an association or group.

The Chemical Sensitivities Disorders Association (CSDA) was chartered in 1986 as a Maryland non-profit corporation to provide information and support to persons suffering from chemical injuries and sensitivities. CSDA serves as a clearinghouse for relevant information to other groups, professionals and the general public, and encourages research while advocating policies to curb toxic exposures and safeguard health.

The group has provided validation, support, and information on doctors and treatments, and the opportunity to make friends and socialize in places and ways that are consistent with the avoidance regimens that form the cornerstone of the most MCS victims' health plans. A newsletter is published to members and friends and is a welcome lifeline for many who are too sick to participate in other ways. CSDA is growing rapidly; we recently started a Northern VA. group. New members are welcome; dues are \$10.00 per year. Our address is: CSDA, P.O. Box 24061, Arbutus, MD 21227 or call in Maryland: Carol Bouregard, (310) 330-3331, Northern Virginia: Del Marien (703) 451-0282; other parts of the country: Ed Hogan (703) 368-0751.

Other Resources:

Chemical Injury Information Network (CIIN), a non-profit organization dedicated to education regarding the negative effects of chemicals on health. CIIN also publishes a highly regraded newsletter "Our Toxic Times" which includes excellent abstracts of recent scientific studies on chemical injury and MCS. They will also provide an extensive catalog of scientific papers on these subjects at very modest cost.

MCS Referral and Resources (MCSRR) 2326 Pickwick Road, Baltimore MD 21207-6631, Phone (410) 448-3319, www.mcsrr.org has an excellent publication on the recognition of MCS, referrals to physicians and services, a listing of publications and relevant scientific and medical papers and other services.

REQUEST FOR PAYROLL DEDUCTIONS FOR LABOR ORGANIZATION DUES

Standard Form 1187
Revised June 1989
U.S. Office of Personnel Management
FPM Chapter 350

Privacy Act Statement

Section 5525 of title 5 United States Code (Allotments and Assignments of Pay) permits Federal agencies to collect this information. This completed form is used to request that labor organization dues be deducted from your pay and to notify your labor organization of the deduction. Completing this form is voluntary, but it may not be processed if all requested information is not provided.

This record may be disclosed outside your agency to: 1) the Department of the Treasury to make proper financial adjustments; 2) a Congressional office if you make an inquiry to that office related to this record; 3) a court or an appropriate Government agency if the Government is party to a legal suit; 4) an appropriate law enforcement agency if we become aware of a legal violation; 5) an organization which is a designated collection agent of

a particular labor organization; and 6) other Federal agencies for management, statistical and other official functions (without your personal identification).

Executive Order 9397 allows Federal agencies to use social security number (SSN) as an individual identifier to avoid confusion caused by employees with the same or similar names. Supplying your SSN is voluntary, but failure to provide it, when it is used as the employee identification number, may mean that payroll deductions cannot be processed.

Your agency shall provide an additional statement if it uses the information furnished on this form for purposes other than those mentioned above.

1. Name of Employee (Print or Type Last, First, Middle) X	2. Employee Identification Number (SSN optional) X	3. Agency Mail Code X
4. Home Address (Street Number, City, State and ZIP Code) X	5. Name of Agency (Include Bureau, Division, Branch or Other Designation) X	

Section A-For Use By Labor Organization

Name of Labor Organization (Include Local, Branch, Lodge or Other Appropriate Identification)

NATIONAL FEDERATION OF FEDERAL EMPLOYEES LOCAL 2050

I hereby certify that the regular dues of this organization for the above named member are currently established at \$ 8.65 per

(biweekly pay period) (~~calendar month~~) (Strike out whichever period is not appropriate, based on arrangement with the employee's agency.)

Signature and Title of Authorized Official

Date (Month, Day, Year)

Section B-Authorization By Employee

I hereby authorize the above named agency to deduct from my pay each pay period, or the first full pay period of each month, the amount certified above as the regular dues of the (Name of Labor Organization):

NFFE Local 2050

and to remit such annual amount to the labor organization in accordance with its arrangements with my employing agency. I further authorize any change in the amount to be deducted which is certified by the above named labor organization as a uniform change in its dues structure.

I understand that this authorization, if for a biweekly deduction, will become effective the pay period following receipt in the payroll office of

Signature of Employee

my employing agency. I further understand that Standard Form 1188, Cancellation of Payroll Deductions for Labor Organization Dues, is available from my employing agency, and that I may cancel this authorization by filing Standard Form 1188 or other written cancellation request with the payroll office of my employing agency. Such cancellations will not be effective, however, until the first full pay period which begins on or after the next established cancellation date of the calendar year after the cancellation is received in the payroll office.

Contributions or gifts (including dues) to the labor organization shown at left are not tax deductible as charitable contributions. However, they may be tax deductible under other provisions of the Internal Revenue Code.

X	Date (Month, Day, Year) X
FOR COMPLETION BY AGENCY ONLY-The above named employee and labor organization meet the requirements for dues withholding. (Mark the appropriate box. If "YES", send this form to payroll. If "NO", return this form to the labor organization.)	YES <input type="checkbox"/> NO <input type="checkbox"/>

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