



INSIDE THE FISHBOWL

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

January 1995

Volume 11, Number 1

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"Fishbowl"

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 We do not publish anonymously submitted articles, but when requested, may conceal the author's identity.

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CERTIFICATION UPDATE

The holidays seem to have taken their toll at the Federal Labor Relations Authority. Although FLRA had earlier indicated they expected to decide on our certification petition in December, FLRA has not yet made its decision. Following the membership's vote on September 27, 1994 to change affiliation from NFFE Local 2050 to EECO, we submitted a petition to amend our certificate of representative to reflect the change. This lawful exercise of democracy prompted NFFE National to attempt to put our union in trusteeship. The trusteeship was never legally instituted, but EPA management jumped at the chance to disenfranchise the union despite earlier assurances that recognition would continue. Meanwhile, the union is continuing to function as best as we can within the constraints imposed by the Agency. We are also aware that management has been improperly interfering with payroll deductions and we are working on that as well. We expect that the FLRA will render a favorable decision in the next few weeks and resolve this ambiguous situation.

Since NFFE imposed an emergency trusteeship without any opportunity for a hearing as to the need for trusteeship, it was required to provide a hearing after the fact within 90 days. The hearing notice NFFE eventually sent was defective in several respects: it did not frame the hearing issues as to the reasons for trusteeship, but rather whether the local officers were guilty of disciplinary charges; the National President improperly appointed his choice for a hearing officer rather than the one provided for in the National Constitution; and the notice failed to provide the time and place of the hearing. Typical NFFE. Chief Steward Steven Spiegel submitted a request for a continuance to cure these defects in accordance with the National Constitution. NFFE later acknowledged they received the request but chose to ignore it. The hearing took place on December 6, 1994 and Chief Steward Spiegel ably represented the Union and the other officers who were present. During cross-examination of the Trustee, NFFE admitted the only reason for putting our union in trusteeship was to prevent the members from attending the meeting called for by the membership, that the officers were bound by the constitution to hold the called for meeting, that no emergency or harm was ever identified for putting Local 2050 in trusteeship, and that the trusteeship notice NFFE sent didn't comply with the statutory and constitutional requirements. Chief Steward Spiegel submitted proposed findings of facts to the hearing officer. The hearing officer was required to provide his findings within twenty days of the hearing, but has not done so to date.

Since NFFE still has not provided any findings of facts from the hearing, on January 11, 1995, Chief Steward Steven Spiegel wrote to the Department of Labor requesting the Department to act to immediately dissolve the trusteeship. As the letter describes, the trusteeship was never legally instituted and NFFE did not comply with hearing process. The letter urges the Department that its time it acted to dissolve the trusteeship.

CHIEF STEWARD'S REPORT

STEVEN SPIEGEL



MONEY MATTERS

Pay Increases - Happy New Year! When you receive your pay on January 31, 1994 you will be glad to see that your salary went up 3.22 percent effective January 8, 1995. Perhaps not as much as you may like, but in these times that's pretty good. The 3.22 percent raise is a combination cost of living increase and locality pay for the Washington area. This raise is something the officers of your Union lobbied Congress for this past year. (See accompanying chart for new pay rates).

Thrift Savings Plan - Open season for changing the amount and distribution of your contributions to the Thrift Savings Plan closes on January 31, 1995 as well. Now that you will be receiving a salary increase this month, this is the least painful time to increase your contribution to your retirement account (and be sure to budget in the small cost of your union membership if you aren't already a member - see below). Remember, the sooner you invest in your own retirement, the more money you will have later. Money invested earlier in your career has a far more powerful effect than even greater sums invested later on, so invest in your future. As to where to invest, that is really something you need to become informed on to make your own judgement. Generally, the younger you are, the more you should be investing in stocks and bonds which over the long-term pay greater returns. The reverse strategy applies if you are near retirement and wish to be more conservative in your risk-taking. If the stock and bond markets seem scary right now, remember the age-old number one rule of investing: buy low, sell high.

Union Dues - Union membership dues have been dramatically decreased to only \$5 per pay period. If you haven't joined EECO yet, well shame on you. If you are a member, then share this issue with a co-worker and get them to join. The annual cost of union dues is now less than it costs to belong to most professional organizations. Your Union is your professional organization and your voice in EPA and the federal government. If you like getting pay increases and other benefits, like matching funds to your retirement account, then its time you invested in your future and joined your union so these benefits will continue. Think of belonging to the Union as affordable insurance for professional employees. Now is certainly one of the best times to join: your pay has gone up thanks to the union

TRUSTEESHIP-- NFFE's "MEDICINE" MASKS THE REAL DISEASE: LACK OF CUSTOMER RESPONSIVENESS

by Dwight Welch

Despite President Clinton's partnership initiatives, which should have breathed new life into federal employee unions, the National Federation of Federal Employees continues to wither. Regrettably, NFFE and many of the other national federal employee unions seem far more encrusted and inflexible than the government they espouse to reform. The Unions need to "re-invent" themselves before "re-inventing" the government.

Several years ago, Jeff DeBonis, a Forest Service employee, was an officer in a NFFE local. DeBonis witnessed a myriad of problems in the Forest Service that added up to poor land management. The habitat of endangered species was being destroyed, the water quality of aquifers ruined, timber theft, etc. DeBonis looked to the Union to help him press for reform but he found NFFE totally unresponsive. Ultimately, he formed two other organizations: the 5,000+ member AFSEEE and later the several thousand plus member PEER. The arithmetic is simple: thousands of concerned and active employees could have been NFFE members if only there was someone at National actually paying attention and responding to the issues DeBonis had raised -- issues which galvanized thousands of Forest Service employees and their associates. Instead, NFFE turned a deaf ear to him and his colleagues.

A similar scenario is unfolding here at EPA. Local 2050 has been on the cutting edge of NFFE locals. The local negotiated 5 1/2 FTEs for union work, and the right to use official time to present union issues to the Congress, the citizens, and the media. It has been recognized by its members and management for its constructive efforts in reorganizations, streamlining and partnership at EPA. It has a superior newsletter, and is the leading edge on knowledge about indoor air quality, MCS, and alternative work arrangements. NFFE should have capitalized on Local 2050's progress to make NFFE a better Union for all its members.

NFFE had plenty of chances. At training courses Local 2050 officers such as Bill Hirzy readily provided advice, experience, and wisdom from which even the NFFE instructors learned. Local 2050 has acted as a resource for our sister locals in other Agencies on indoor air and sick building-related problems. The National's response has usually been to take credit without giving recognition to the Local that did the work.

NFFE does not give members their money's worth. Indeed, in recent years we have found that the National has created headaches, problems, and extra work because of its carelessness and disorganization. If national unions were voluntary, like our health insurance plans, and locals could change affiliation during open season, we would have a lot healthier and much better functioning national organizations. As things now stand, if you complain too loudly, they put you in trusteeship without a valid reason -- NFFE doesn't even follow its constitution, or the law. All former NFFE President Sheila Velazco had to do was write a letter reporting to impose emergency trusteeship and EPA jumped through its own rim to comply, never bothering to check details such as compliance with the law or regulations.

Not having to be responsive but merely having to be able to spell "trusteeship" has created a "couch potato" of a national union. Our local's vote to form EECO was nearly 90% of the membership who voted -- at the largest-ever membership meeting! What could create this high level of resentment toward the national? They don't seem to be concerned that maybe they are doing something wrong, instead focus blame on the "rebel" EECO leaders. Ironically, these same "rebels" once were NFFE's most ardent supporters.

Though it is much too late to mend fences with Local 2050, NFFE should take notes to avoid repeating its mistakes elsewhere. Indeed, as we've sought our

independence, we've heard from lots of other dissatisfied NFFE locals. Evolution, both biological and social, is a requirement for survival; those who do not adapt perish. If NFFE is evolving, it is in the wrong direction. Indeed, the scuttlebutt in union circles is that AFGE is ready to swoop in on the remains of NFFE.

Despite the fact that EECO has not publicized its independence, and despite EPA's unlawful failure to recognize the new Union, word of EECO has gotten out. We have received calls from EPA Regions and other natural resource and environment-protecting agencies both federal and state. We may quickly go from a local to a national organization. Our national organization should never use such devices as "emergency trusteeship" to thwart the will of the local members. A national EECO must meet the needs of the locals or it will not, and should not survive.

PARTNERSHIP CHARTER IS BOGUS
by Dwight Welch

In November 1994, EPA signed a partnership charter with some of its unions. One of the supposed principles of partnership is consensus among all the parties. Yet three out of five of EPA's national unions failed to sign the charter. Engineers and Scientists of California (ESC) and NAGE declined to participate. EECO was excluded.

When I mentioned this to Jon Cannon, Assistant Administrator for OARM, his response was "All of the Union Locals who attended signed." This explanation conveniently overlooks those who were either locked out or snubbed out. Isn't that like to saying that a white males club is not discriminating because there is no clause in the by-laws prohibiting women and minorities? If members of other groups are made to feel unwelcome and therefore don't join, isn't the discrimination is just as real? The EPA Partnership Agreement is an oxymoron. EPA management is pretending there is a partnership while ignoring the concerns of ESC, NAGE, and EECO.

VOTE FOR WITH YOUR DUES DOLLARS -- SWITCH YOUR DUES DEDUCTION TO ENVIRONMENTAL EMPLOYEES COLLECTIVELY ORGANIZED

Our membership spoke loudly and clearly on September 27: 88% voted to disaffiliate from NFFE and form an independent union: Environmental Employees Collectively Organized (EECO). While we await the action of the Federal Labor Relations Authority (FLRA) on our petition for a change of affiliation, we strongly urge you to stop sending your money to NFFE and switch your dues deduction over to EECO your new organization -- and save \$ 3.65 a pay period in the process.

Here's why we ask that you do this immediately:

- 1) NFFE is using your dues against you. They are continuing to waste your money on a battle with this local and on frills for the officers of the national.
- 2) EECO needs your support. We have been unable to access certain accounts since NFFE imposed its illegal trusteeship upon us. We've asked the Department of Labor to dissolve the illegal trusteeship which was imposed by NFFE without following the procedure and for an invalid reason, but it would help persuade FLRA to see that members strongly support EECO both with their votes and their dues money.
- 3) EPA management is dodging the issue by feigning neutrality. Contrary to the FLRA's Montrose decision, they argue that they do not have to recognize EECO pending the outcome of our FLRA petition. Again, a strong showing in the payroll office would help get EPA management off the fence.

Here are step-by-step instructions to switch your dues deduction to EECO:

A) Using the memo on this page, fill in your name, date, Social Security Number, and sign.

B) On the other side fill out the Direct Deposit Form:

1) Fill out block 1. "Employee Information".

2) Sign and date block 5, "Authorization."

3) Please send signed originals to Dwight Welch, 7506C, so he can change our membership records and forward the original to payroll. We recommend that you keep copies of pay stubs since September so you can recover the dues you were overcharged by EPA since then.

MEMORANDUM

Date _____

SUBJECT: Termination of Payroll Union Dues Deduction

FROM:

Name

Signature

Social Security Number

TO: EPA Payroll

Effectively immediately, please cancel my payroll dues deduction of \$8.65 for NFFE Local 2050.

(OVER)

FAST START

DIRECT DEPOSIT

INSTRUCTIONS FOR PROCESSING FEDERAL EMPLOYEE PAYMENTS

Use: For processing Federal employee net salary, allotments, and other agency - approved payments associated with Federal employment travel reimbursement, uniform allowance, etc). Employee must complete items 1, 2, 3 and 5. Complete item 4 only if you want to start, cancel or change the amount of a savings or discretionary allotment - see instructions on back of form.

1. EMPLOYEE INFORMATION

(SSN) EMPLOYEE PAYROLL IDENTIFICATION NUMBER ^x

EMPLOYEE NAME ^x
(as on payroll records)

(Last, First, Initials)

TELEPHONE NUMBER (WORK) ^x

(HOME) ^x

2. TYPE OF ACCOUNT

- Checking
 Savings

TYPE OF PAYMENT

- Net Pay
 Travel
 Other Federal employment related payments

3. DIRECT DEPOSIT ACCOUNT INFORMATION - NET PAY/TRAVEL/OTHER (Use Sec. 4 for allotments)

A voided personal check/sharedraft may be attached in lieu of completing this section.
See instructions on back of this form.

ROUTING TRANSIT NUMBER

Check Digit

ACCOUNT NUMBER

ACCOUNT TITLE

(Account Holder's Name)

FINANCIAL INSTITUTION NAME

4. ALLOTMENT INFORMATION

Complete this section only if you want to start, cancel or change the amount of a savings or discretionary allotment - see instructions on back of form.

TYPE OF ALLOTMENT
(Check One)

- Savings (whole dollar amounts only)
 Discretionary or Third Party

TYPE OF ACCOUNT
(Check One)

- SAVINGS
 CHECKING

ACTION
(Check One)

- START
 CANCEL
 CHANGE

AMOUNT
(Check One)

- INCREASE TO:
 DECREASE TO:
New Total \$ 5.00

ALLOTTEE NAME
(person/company who will receive allotment)

ALLOTTEE'S ROUTING NUMBER

Check Digit

ALLOTTEE'S ACCOUNT NUMBER

ALLOTTEE'S ACCOUNT TITLE
(Account Holder's Name)

EECO - Environmental Employees

FINANCIAL INSTITUTION NAME

Paine-Webber, BankerOne

5. AUTHORIZATION



EMPLOYEE'S SIGNATURE

DATE

6. AGENCY USE:



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

June 1995

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JUNE HIGHLIGHTS

WE'RE BAAACK

NEGOTIATIONS UNDERWAY

EMPLOYEE RIGHTS (WHAT OARM DIDN'T TELL YOU)

FED BASHING AND THE OK CITY BOMBING

THE HIGH COST OF NONMEMBERSHIP

AND MORE!

**The NEW
National Federation of Federal Employees
Local 2050**

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FROM THE PRESIDENT

by Dwight Welch

THE RENEWED NFFE LOCAL 2050 - WE'RE BACK AND WE MEAN BUSINESS

In an unexpected turn of events, the elected officers of the Union, the "old" Local 2050, who then became the officers of EECO, are now once again, the officers of the "New" NFFE Local 2050. After Louis Jasmine was removed as NFFE National president, Sonya Constantine, who was appointed to acting National President, approached EECO's leaders and we initiated discussions to resolve the eight-month-old conflict between the EPA's local and the National. While these discussions proceed, the Local Officers are administering the trusteeship. When specific terms for a trial reconciliation period have been negotiated, the Local will resume direct control over local business. The proposal under discussion is for a reconciliation period after which the Local's members would decide whether to remain affiliated with NFFE or to go independent. Any agreement with the National will be subject to approval by our membership, so stay tuned and stay involved.

Immense challenges lie ahead. A number of offices at EPA are undergoing re-organizations that will have substantial effects on your working lives. We will now be able to be your voice in this process.

On the broader horizon, I need not tell you that is a tough time to be a federal worker. We are taking the brunt from politicians and talk-show demagogues who blame the woes of the nation on federal workers. We need to continue to educate voters, members of Congress and the Administration about the vital role hard-working EPA employees play in protecting America's health and environment.

We must restore solidarity within the Local. Internal disputes cripple our efforts to advance our agenda with management. In an effort to move beyond our prior differences of opinion, I have sent invitations to each of the "temporary" trustee designees praising their contributions and inviting them to rejoin us in solidarity. Pat Hilgard, Carol Bass, Mark Antell, and Jeff Beaubier have accepted and are authorized to use official time to work for you. I appreciate their past work and continued support. Unfortunately, Ms. Pringle and Mr. Schucknect have declined our offers, and other EPA Union Presidents on the EPA National Council have informed us that they have been actively seeking another Union to raid Local 2050. I would ask that everyone remember to put the needs of the membership and the bargaining unit in their proper place of premier importance. Unity is our best hope for success.

NEGOTIATIONS UNDERWAY

by Steven Spiegel

The elected officers of Local 2050 lost no time after our reinstatement in getting back to the bargaining table. We held our first meeting with management on June 15th where we set the first Labor-Management Committee (LMC) meeting for June 20th, and submitted an information request on June 16th to ascertain the state of representational business.

At the June 20th LMC meeting we submitted five proposals for negotiations:

- 1) **New HQ Facilities and Services, including an Alternative Workspace, Fitness center, Daycare center, Healthcare center, Library, Lactation rooms and Quiet rooms;**
- 2) **Fall 1995 OECA Move to Ariel Rios;**
- 3) **the proposed changes to the computer equipment and related systems for Headquarter employees;**
- 4) **Flexiplace Program; and**
- 5) **the provision of Automated Teller Machines for Metrocheck Distribution for the various Headquarters office buildings.**

Our requests for negotiations included specific information requests on the particular subjects of negotiations. While the Agency provided a partial list of streamlining and reorganization activities in response to the first information request, they had nothing to report in terms of any negotiation or grievance activities by the trustees for the last eight months. Suffice to say that the representation business will be extremely busy.

If you would like to get involved on some issues, please contact us. There is official time available for employees to work on union representational matters, and it is your right as a federal employee to work with your Union. In addition to the above subjects, we are also looking for people interested in representing our interests to Congress.

EMPLOYEE RIGHTS AND REMEDIES UNDER THE WHISTLEBLOWER PROTECTION ACT

by Richard Emory

You (and all EPA employees) should have received a May 30 memo bearing the above title, signed by the AA for OARM. You should read it with great caution - the memo contains some dangerous misinformation and information gaps. Whistleblower protection is founded on the hope that, with sufficient employee rights and remedies, bureaucracy should be able correct its own mismanagement while avoiding cover up and scapegoating. But if you need a healthy dose of skepticism, consider the case of James Wang, the young Air Force captain on the radar plane who was the only person in the chain of command prosecuted by the U.S. government for the shooting down by "friendly fire" of two of U.S. helicopters over Iran. And Wang was not even a whistleblower.

OARM's memo says: 1) Reports to the Inspector General of prohibited personnel practices based on whistleblowing, or any information involving fraud, waste, and abuse, are confidential, and 2) The Office of General Counsel is available to provide advice and counsel on employee whistleblower (WB) rights to EPA employees. The full truth is not so simple, and many EPA professionals, caught in a crossroads where hard science and hard politics collide, may need more and better advice. EPA's memo did not tell you:

(1) EPA's IG is authorized to and in fact does reveal sources, a pattern common throughout the government:

...Many employees [who] report... mismanagement or misconduct have complained that IG's do not keep their names confidential from their managers, in violation of the spirit if not the letter, of the IG statute, and that such revelations cause agency reprisals against them. This can negatively impact the reporting of important information to IG personnel and leaves employees with the impression that OIG's cannot be trusted to protect their sources. This practice seems to be a widespread one throughout the Government. (Emphasis supplied; Congressman John M. Spratt, Jr., Congressional Record, E1459-60 (July 13, 1994))

(2) EPA's OGC, caught between its duty to counsel against fraud, waste, and abuse and its duty to defend agency management, will defend agency management if you file a WB case. While individual OGC attorneys may respect confidences from EPA employees whom they regard as well intentioned, and will recuse themselves if litigation follows or will counsel fairness, ultimately they are not required to keep confidences and they will not be on the employee's side.

(3) EPA's unions -- Any member of a bargaining unit (not just dues-paying union members) is entitled to have a union representative present at any formal discussion with management concerning any personnel practice, 5 U.S. Code § 7114(a)(2)(A). From the point of view of an employee in an actual or potential WB situation, there is no more important right than that of independent representation -- including private legal counsel. This essential right was not even mentioned in the OARM memo.

As you consider your own rights, duties and options, and whether to seek independent representation, reflect upon this report behind the WB law:

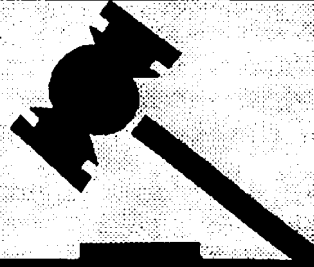
Whistleblowers personify the National Performance Review's principles. The Whistleblower Protection Act [of 1989] could be called the Taxpayer Protection Act, because whistleblowers "put the customer first." * * * * Unfortunately, while the Act is the strongest free speech law that exists on paper, it has been a counterproductive disaster in practice. The Act has created new reprisal victims at a far greater pace than it is protecting them.

Since the last... study in 1983, the [Merit Systems Protection] Board's 1993 survey found that the rate of eyewitnesses who challenge fraud, waste and abuse has increased from 30 to 50%. In 1993 the General Accounting Office reported that 60% acted within the chain of command instead of outside the system, but 20% [of employees reporting fraud, waste, or abuse] were harassed within 24 hours. Overall, the rate of ensuing retaliation increased from 24% to 37%. Less than 10% exercising legal remedies were helped and 45% report that acting on their [whistleblower protection] rights got them in 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 fear of reprisal remains as strong a reason why would-be whistleblowers remain silent [in 1993] as in 1983. (Emphasis supplied; Report 103-769 on H.R. 2970 of the House Committee on Post Office and Civil Service, pp. 12-13 (1994))

Where does this leave the EPA employee who takes seriously his or her duty to report fraud, waste, abuse, and gross mismanagement? Will the new law really improve matters? In future editions of this newsletter, we will provide more advice to correct and supplement OARM's memo. For now, beware, there are pitfalls, and you also have rights, that OARM didn't mention.

**CHIEF STEWARD'S
REPORT**



by Steven Spiegel

MONEY MATTERS

Thrift Savings Plan - Open Season for changing the amount and distribution of your contributions to the Thrift Savings Plan continues through July 31, 1995. TSP-1 forms can be obtained by calling 260-9680. Unlike publications such as "Money" magazine I'll take the bold step of reviewing what would have happened had you followed my last piece of advice. In January, I pointed out the long-term advantages and returns of investing in the stock and bond funds. For the 12 months ending May 1995, the returns for C fund and the F fund were 20.11% and 11.36%, respectively, while the return for the G fund was 7.73%. So listen to your Chief Steward, and let me reiterate my earlier advice: the sooner you invest in your own retirement, the more money you will have later. Money invested earlier in your career has a far more powerful effect than even greater sums invested later on, so invest in your future. As to where to invest, that is really something you need to become informed on to make your own judgement. Generally, the younger you are, the more you should be investing in stocks and bonds which over the long-term pay greater returns. The reverse strategy applies if you are near retirement and wish to be more conservative in your risk-taking. Over time, no other investment provides the high level of returns of the stock market, and it is that level which you'll need to make your retirement fund grow and to offset inflation.

FED-BASHING AND OK CITY BOMBING

I regret to say my first suspicions that the April 19th bombing was done by some deranged follower of Newt and the gang, proved right. Newt has delighted for years in being considered a "bomb-thrower" for the manner in which he practices politics without regard for the effects his divisive tactics have on the government and the country. Isn't it apt that his symbol in "Doonesbury" has long been a lit bomb? Rush and G. Gordon need only be mentioned as further examples of perversion and

irresponsible conduct. We live in a society of freedoms and responsibilities, but some people forget about the second half of that equation in their greedy quest for power. A recent letter to "Government Executive" magazine notes that the politically popular sport of "fed-bashing" has to be suspected as contributing to the deranged notions that federal employees in Oklahoma City and elsewhere are expendable pawns, fair game for murder and mayhem, in making political statements. "After all, if high government officials denigrate and dehumanize the lower level federal employees (and condone the same on the part of media), then why should others hold federal employees in high regard? When Newt refers to federal employees, he only uses the term "bureaucrat" and he makes it clear that he considers it an obscenity. As George Orwell so vividly illustrated in "1984," language does have very real consequences.

President Clinton is to be commended for criticizing the "hate-mongers and the use of "reckless speech" in the media. But even the President only deserves a B- for his efforts. Notable in the speeches made on the bombing was the lack of reference to the federal employees who were killed. It seemed that only children, and members of the public were considered innocent enough to be mourned. This type of political timidity helps perpetuate the problem. Real courage and leadership was seen more in the statements by Representative George Miller of California who denounced Gingrich and four other republicans for their speeches which only served to legitimize and incite further danger to federal law enforcement officials. And to the extent that you as federal employees remain silent, you allow yourselves to be victimized. Write your representatives and join your Union, make your voices heard.

Vigils - On May 19, 1995, in several cities and towns around the country, people gathered to honor the massacred public service workers, their clients and their children, to express their support for the people who provide the public services and also to respond to those who deny that we have shared needs which should be met by government, who attack the idea of public service, and who seek to destroy rather than improve our public services.

Lending A Hand - The Office of Personnel Management (OPM) has set up special procedures to enable Federal Employees to donate annual leave to employees affected by the bombing in Oklahoma City. Headquarters employees who wish to donate annual leave should contact Rita Jensen, Headquarters Leave Transfer Program Coordinator, at 202/260-4231, or yours truly at 703/308-8507.

HEALTH AND SAFETY NEWS

by Dwight Welch

Asbestos Release on Second Floor of Mall Contained, Lemley Takes Action Against Bresler for Delay

In the early morning hours of June 13, a light fixture being worked on by the building owner's maintenance crew, fell from the ceiling taking with it pieces of ceiling containing asbestos. HQ Health and Safety and Facilities Management acted swiftly. Jim Engleka insured the appropriate response: containment and isolation. Employees were not allowed in the affected areas and the ventilation was cut off. Mr. Bresler, however, acted irresponsibly by insisting on proof that asbestos was released, despite the fact that the asbestos-containing materials have been previously well identified. This delayed the actual cleanup until late in the evening.

In a Facilities/H&S meeting to which the Union was invited, Rich Lemley instructed his staff to write a letter to the landlord indicating that EPA was subtracting 2 days rent for the affected areas from the rent payment. Mr. Lemley also directed that an asbestos abatement team be identified and that if Mr. Bresler again dragged his feet on cleanup, the EPA-contracted team would do it and the cost would be subtracted from the rent.

Watercide Squirrels Bricked In?

Last year, in response to numerous employee complaints of rodents and vermin, a team of EPA HQ Health and Safety, Facilities Management, both Unions (Kirby Biggs and myself), an IPM Contractor, GSA, Agency experts including our Union's own rat?man Bill Jacobs and the National Coalition Against the Misuse of Pesticides, put together an IPM plan to control the vermin within Watercide Mall. Unfortunately, with the imposition of the trusteeship on and the disapproval by DAA Kathy Aterno, of a health and safety detail signed off on by Pesticide Program Management and OARM management to the John Chamberlin level, the project never got off the ground. Without me to keep the momentum up, apparently nothing was done after the trusteeship.

One of the plans was to install one-way doors to rat access holes in the pillars on the outside of Watercide. The one way doors would allow rats to leave to forage for food, but stop them from returning. This would prevent the building from becoming a health menace from dead and decaying rats. Mr. Bresler who insisted in "Government Executive" magazine that they were not rats but squirrels is now having his people brick up the bottoms of the pillars blocking rat access. We hope the rats are not locked in and forced to hunt in the building for food. Meanwhile, you can help by depriving the Watercide rodents of

food by observing good housekeeping practices. Clean up crumbs and secure foodstuffs in rat proof containers. Better yet, enjoy the summer days and eat outside.

Too Late to Bargain on Exercise User Fees?

Many employees have complained to me about the recent imposition of user fees in the exercise facilities at EPA. According to EPA, neither Union requested bargaining on this issue in response to the Agency's notice. Now that we are back we will attempt to reopen negotiations on this and other issues neglected by the temporary union. A possible alternative approach being considered involves vouchers to be used at local health clubs.

STUCK IN GRADE?--THE HIGH COST OF NON-MEMBERSHIP

by Dwight Welch

Last year, while Metro Transit Subsidy was still pending at EPA, an employee called me to ask the status of the subsidy. I told him it was nearly finished. He said, "Thanks." I asked him that if he really wanted to show his appreciation, he should join. "Why," he asked? "Because Local 2050 just put 60 tax free dollars in your wallet every month and thus you should reciprocate with your support." Unfortunately, this employee was content with his free ride.

Most of you reading this enjoy compressed work week and flexi-time. Many of you take advantage of the day care center and the exercise facilities. The work environment, bad as it may be, is improved due to the hard work of Local 2050. Our buildings contain a lot cleaner air, are relatively free of toxic carpet and asbestos dust, and many other indoor environment improvements. All of these benefits and much more are the result of negotiations and out and out hard work by your Union, NFFE Local 2050.

The latest hot idea of potential benefit for EPA professionals is the Dual Career Track. Enabling EPA Professionals to reach GS-14 and above, by reaching a state of excellence in one's field of professional expertise, without entering management. Dual Career Track has been given lip service from the Administrator on down. But will it happen?

Its chances are diminishing with every anti-federal worker speech, with every budget cutback. Dual career track is a top priority of Local 2050, but in order to succeed widespread support is needed. The biggest problem facing the Local is that there are too few union members among the bargaining unit. Not only does this mean less money to wage a campaign for the proposal, management seems to think it reflects a lack of support for the Union. With a 60% or greater penetration, management

would have no choice but to pay attention.

But low membership percentage does not reflect a lack of support for what the Union is doing - it's simply the free-ride attitude, the, "Let somebody else pay while I get the benefits," free-loader philosophy. I would take that another step, this attitude is penny-wise/dollar foolish. Do you think you are saving \$8.65 per pay period by not being a member? No, you are losing thousands of dollars a year by being stuck in grade for the rest of your career! Join now: it is a big return for a small investment.

THE UPRISING OF '34
PREMIERE on the PBS series, P.O.V.
JUNE 27, 1995, repeat June 29th

Maryland Public Television, channel 22, will be broadcasting THE UPRISING OF '34, a new award-winning feature documentary about southern working people, raising critical questions about citizenship, unions and democracy within the themes of history, memory, race, class and power which resonate far beyond the South. The compelling story is told by the workers in their own words; it reminds us of how much our history can teach about the struggle for justice and democracy today. WETA, channel 26, plans to broadcast this program in August, though no specific date has yet been set.

NEW UNION OFFICE TO OPEN SOON

Local 2050's new office off the outdoor courtyard at Waterside Mall will be opening soon. We hope to be open within the next week. Our new office should be much more accessible to employees (located on the left side of the courtyard between the bookstore and healthcare center). Our phone number continues to be 260-2383 and our mailcode continues to be UN-200. If you find you can't yet reach us at the new office, the four full-time officers can still be reached as follows: President Dwight Welch at 308-8582, President-Elect James Murphy at 260-1294, Senior Vice-President William Hirzy at 260-2327 and Chief Steward Steven Spiegel at 308-8507. We are all also accessible via All-In-1 Email.



INSIDE THE FISHBOWL

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

AUGUST 1995

VOLUME 11 NUMBER 3

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

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Steve Spiegel

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.

AUGUST HIGHLIGHTS

RALLY OPPOSES EPA CUTS

UNION BARGAINS OVER RIFs

ALTERNATIVES TO RIFs

RIF INSURANCE

(Membership Form)

**The NEW
National Federation of Federal Employees
Local 2050**

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

Officers of Local 2050, National Federation of Federal Employees,
 representing EPA headquarters professional employees (August 1995)

Office	Officer	Union Office Phone Number	Program Office Phone Number
President	Dwight Welch	(202) 260-2261	(703) 308-8582
President-elect	Jim Murphy	(202) 260-2987	(202) 260-1294
Senior V.P.	Bill Hirzy	(202) 260-4683	(202) 260-2327
Chief Steward	Steve Spiegel	(202) 260-7597	(703) 998-6780 or (703) 308-8507
Secretary	Dick Emory		(202) 260-9667
Treasurer	Bernie Schneider		(703) 305-5555
V.P.; Editor	James Handley	(202) 260-3346	(202) 564-4171
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Fax machine in NEG-070 = (202) 401-3139

UNION RALLY OPPOSES ENVIRONMENTAL BUDGET CUTS

Waxman, Nader, Sierra Club, NRDC Address EPA Employees

Local 2050 organized a July 25 rally of EPA employees to inform the public about the devastating effects that proposed EPA budget cuts would have on Americans' health and environment. Approximately 225 EPA employees participated in the rally held in the park adjacent to EPA's Waterside Mall HQ. Some carried signs that read "Save EPA, Protect USA" and "Newt Doesn't Give A Hoot".

Congressman Henry Waxman (D. CA), told the crowd that "some of the most fundamental rights Americans have -- the rights to clean air, safe drinking water and uncontaminated food -- are under attack. The Environmental Protection Agency, through its employees, brings these safeguards to the American Public and we cannot afford to have their budget slashed."

Consumer advocate Ralph Nader told the crowd that Republicans in Congress, allied with big business lobbyists, are bent on destroying the ability of the EPA to prevent or diminish the environmental violence that contaminates our air, water, soil and food. "Americans want law and order for corporations to clean up the damage they do to the health and safety of innocent children, women and men. If the Republicans continue to turn their backs on the people and betray their trust, the voters will remember in November how the Gingrich-Army-Dole-Lott gang tried to weaken our democracy and leave the people defenseless."

"The new leaders in Congress have produced an EPA budget to die for -- literally," said Debbie Sease of the Sierra Club. "Their proposed budget would increase the smog in our air, let industry dump thousands of tons of toxics into our waterways and put more sewage onto our beaches and into our rivers. This is a budget that turns its back on the progress made in the last quarter century, ...that turns its back on the American people, ...that turns its back on the law. They think that you and the programs you administer are the only things keeping their friends, -- the polluter PACs -- from doing whatever they want. And they are right. You and the programs you manage and the regulations you enforce are what is safeguarding the right of every man, woman, and child in this country -- to a safe clean and healthy environment." Fight back. Speak out! Tell the public what is going on!

Greg Wetstone, Legislative Director for the Natural Resources Defense Council warned that the Congressional budget process has been appropriated by special interests. "If this bill passes, the American public will lose hard-fought environmental protections which have safeguarded our air, our water and our communities." The new NRDC report, "Stealth Attack", documents more than 80 separate attacks on environmental protection through the budget process.

William Hirzy, Local 2050 Senior Vice-President, called on our elected leaders to face the consequences of these proposed cuts and to support the states with additional resources if Congress really curtails the federal environmental role. Hirzy proposed that if environmental functions are transferred to states, that the unions negotiate for federal employees to fill those positions. (See related editorial.)

We also wish to thank D.C. Shadow Representative, John Capozzi, a former EPA employee, and Kirby Biggs, representing EPA's other union, AFGE 3331, for speaking at the rally.

HOUSE SLASHES EPA BUDGET -- PRESIDENT VOWS VETO

The House of Representatives voted on August 1 to cut EPA's budget by approximately one third. The measure, which is expected to be re-worked in the Senate, includes a long list of "riders" that specifically prohibit EPA from spending on certain environmental protection activities and which target enforcement for deep cuts. These include implementation of rules governing air pollution from oil refineries and incinerators, protection of wetlands, and registration of pesticides.

The House vote, which was tied 210 to 210, came after a previous vote had defeated the riders by 212 to 206. Ellen McBarnett of the Sierra Club legislative office, expressed strong support for Local 2050's efforts. She credited our rally with influencing members, particularly those in local districts, to consider the effects on their constituents. For instance, she noted that Frank Wolf (R-Va.) had not previously supported environmental protection, but voted to eliminate the riders.

Senate appropriations committee chairman Mark Hatfield (R-Ore.) has vowed to strip the riders from the Senate bill because he views the riders as an inappropriate attempt to use the appropriations process to re-write the law. President Clinton has also vowed to veto the bill in its present form, thus setting the stage for a possible government shut-down on October 1. Borrowing from NRDC, the President labeled the House appropriations bill as a "stealth attack" on environmental protection.

What You Can Do: It is vitally important for EPA employees to communicate with their friends, relatives and even former classmates and ask them to write or call their Senators and the President asking for them to support EPA budget and programs. We also suggest sending letters to the editor to your home town newspapers. Letters are particularly effective and more likely to be published if they are personal, factually specific and brief.

By G.B. Trudeau

SENATOR DOLE INVITES INDUSTRY TO REQUIRE ITS OWN REGULATIONS...

WHAT WE'RE DOING TODAY, OF COURSE, IS NOT WITHOUT POLITICAL RISK...



AFTER ALL, WE'RE ATTEMPTING TO GUT SAFETY AND ENVIRONMENTAL LAWS WITH PROVEN EFFECTIVENESS AND POPULARITY, LAWS THAT ACTUALLY WORKED...



8-1

BUT AT A TRAGIC COST TO OUR STOCKHOLDERS!



I WAS GETTING TO THAT, JIM.

OH... SORRY, SENATOR... I'M A LITTLE DISORIENTED HERE.



LET ME JUST SAY AGAIN IT'S A PLEASURE TO BE WORKING ON REGULATORY REFORM WITH THE LOBBYIST COMMUNITY! IT'S A GREAT DAY FOR COST-BENEFIT ANALYSIS!



8-2

OKAY, LET'S TRY TO GET A CONSENSUS ON SOME FUNDAMENTALS. FIRST OF ALL, WHAT'S AN AMERICAN LIFE WORTH?



MEAT INDUSTRY?

SENATOR DOLE, WE PUT THAT FIGURE AT ABOUT \$95.



REALLY? WE GOT IT PEGGED AT 125...

THAT'S WHAT I MEANT.



WHAT WE WANT TO DO, THEN, IS REQUIRE REGULATORY AGENCIES TO DO COST-BENEFIT ANALYSIS OF EVEN THEIR MOST EFFECTIVE RULES...



...AND NATURALLY, WE SEEK YOUR INPUT HERE.

ONE SUGGESTION, SENATOR...



8-3

IF YOU MAKE THE COST-BENEFIT REQUIREMENTS ONEROUS ENOUGH, THE AGENCIES WILL BE SO TIED UP TRYING TO DEFEND THEIR REGULATIONS, THEY'LL HAVE NO RESOURCES FOR ENFORCING THEM!

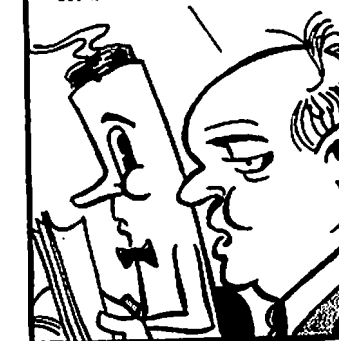


ACTUALLY, WE ALREADY THOUGHT OF THAT, PHIL.

EXCELLENT! CAN WE PROVIDE THE LANGUAGE?



BOB, LET ME SEE IF I UNDERSTAND YOUR REGULATORY REFORM DRAFT...



SAY, JUST SAY, I'M POLLUTING. WHAT IF THE FEDS DO ONE OF THESE COST-BENEFIT ANALYSES, AND I STILL HAVE TO CLEAN UP?



IN THAT CASE, YOU GO TO COURT! WE'VE MADE IT MUCH EASIER TO SUIT THE GOVERNMENT!

AND WERE ALLOWED TO CONTINUE POLLUTING WHILE IT'S TIED UP IN COURT?



I'M TELLING YOU, JIM— THIS IS REAL REFORM!

WHEW! I GUESS! IT'S JUST HARD TO BELIEVE!



McIntosh Launches False Attack On Local 2050

Not content with legislatively stalking Administrator Carol Browner on exaggerated charges of lobbying, Rep. David McIntosh, Chairman of the House Oversight Committee on Government, turned his harassment campaign on EPA employees. On the morning of the July 25, 1995 Rally, Cong. McIntosh issued a press release falsely asserting that the rally was being paid for by taxpayers and that Local 2050 was a non-profit organization using federal grants for lobbying. McIntosh falsely accused the union of using government funds to pay for the flyers for the rally and its June newsletter, and quoted statements such as "write your representatives and join your Union, make your voices heard," which the Congressman apparently found offensive. This accusatory press statement was released without checking with Local 2050 to substantiate any of it.

Following the release, the Minority staff contacted the Local about the accusations and requested a response. Chief Steward Steven Spiegel sent a letter to the ranking Minority Committee Member, Cong. Cardiss Collins, explaining that Local 2050 is a labor union funded solely by the voluntary dues of our members, that we are neither a non-profit organization nor do we receive any federal grant money. Therefore, we were not within the scope of the proposed amendment and the July 25, 1995 rally was not relevant. Additionally, employees participating in the rally were not on official government time and flyers announcing the rally were paid for with union funds. Our newsletter is likewise paid for with union funds, and it primarily pertains to representational matters affecting the welfare of our federal employees. Spiegel's letter went on to state that it is perfectly legitimate to criticize irresponsible conduct by public officials which contributed to the Oklahoma City bombing, that the safety of federal employees is a representational matter, and certainly there is nothing wrong with encouraging participation in Democracy.

Employee Rights to Petition Congress

As federal employees, your rights to petition Congress, and to inform the public concerning proposed legislation and appropriations are guaranteed by law, 5 U.S.C. 7102 and 7211. Section 7102 guarantees the rights of government employees to petition Congress as union representatives and section 7211 guarantees the rights of all employees, individually and collectively, to petition Congress. Two cases hold that federal employees are entitled to circulate petitions to Congress, even on official time, and that employees are allowed to express their concerns over the effects that proposed budget cuts would have on the mission of their agency. Know your rights, use them.

LOCAL BARGAINS OVER RIFS

First, Whether RIFs Are Necessary

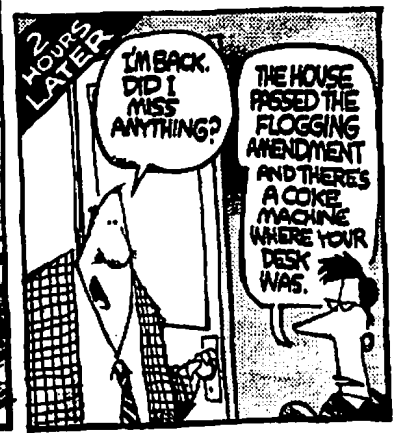
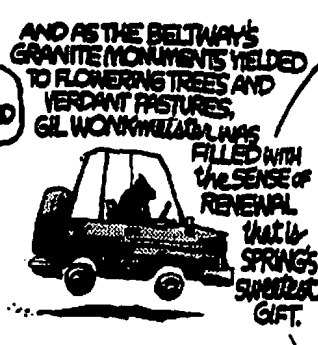
by Steven Spiegel

On August 3, 1995, Local 2050 submitted Proposal 95-9, requesting bargaining concerning Reductions In Force (RIFs). This proposal initiated bargaining on five matters concerning RIFs: 1) whether it will be necessary to conduct RIFs at EPA Headquarters, 2) in the event the Union and Management determines a RIF is necessary, the appropriate procedures for RIFs, 3) the appropriate arrangements for employees adversely affected by RIF's, 4) requesting that EPA immediately seek authorization from OPM for early retirement authority, and 5) the procedures for communications by management concerning RIFs.

The first part of the request for negotiations was to invoke our right to bargain over whether there will be any RIF. Executive Order 12871 signed by President Clinton, requires Management to negotiate on the numbers, types and grades of employees or positions assigned to any federal organization. Consequently, it is mandatory for the Agency to negotiate with the Union on whether a RIF is necessary. For example, if we can determine that funds can be saved through limiting or terminating contracts, or contractors, or moves or through furloughs, then

WONK

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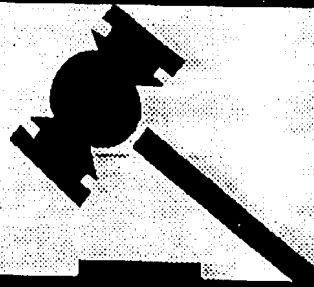


such cost-savings can be used to avoid a RIF. Likewise, the authority to offer employees early retirement may be used to reduce the number of employees to avoid the need for a RIF. The use of such alternative cost-cutting measures was raised by Local 2050 at the August 10, 1995 conference call/briefing on RIFs with EPA management and the Agency's unions. The suggestion was heartily endorsed by the union representatives and acknowledged as a possible alternative by management. If you want to increase the clout of your representatives and if you want to have a vote on these policies, then you have to pay your dues and join the Union.

Some managers have suggested that employees contact Personnel to check on their position descriptions and performance appraisals. Local 2050 pointed out that chaos would ensue if everyone took that advice and that in any event, assuring accurate personnel files is management's responsibility. We suggested and management agreed to perform a review of the files, notify all employees as to whether their files contained their PD and last three ratings, so only employees who needed to correct their files would have to contact OHRM.

CHIEF STEWARD'S

REPORT



by Steve Spiegel

3 Union Grievances Against EPA- Bad Moves, Bad Practices

On July 13, 1995, the Union filed 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. On July 14, 1995, the Union filed grievance 95-8 concerning 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. Both grievances named the Chief Steward as the Union's representative, and in accordance with the Collective Bargaining Agreement, requested face-to-face meetings to try to

resolve these grievances.

Despite the direction of the Agency's representative, Linda Wallace, to file both of these grievances with the subject program managers, Ms. Wallace issued summary denials of both grievances dated July 21, 1995. These denials did not contain any statement of reasons, nor any explanation for not meeting to attempt to resolve the grievances as required by the CBA, and they were not sent to the Union's representative. Accordingly, on August 7, 1995, Step 2 appeals were filed with both Ms. Wallace's supervisor and the particular program management, and a separate grievance, 95-10, was filed over the several acts of noncompliance with the negotiated grievance procedure.

Leave Bank Donations Needed

A colleague who was injured from the polluted air inside Waterside Mall has been seriously ill and was recently back in the hospital. This employee needs our contributions of annual leave to be used for sick leave. If you have any use-or-lose leave, or any annual leave that you would like to donate to the leave bank, it can be specifically directed to help. You do not have to be a member of the leave bank to donate leave. Please contact the union office at 260-2383 or me (Steve Spiegel) at 308-8507 and we can will provide more specific information on donating leave and helping a fellow employee in need.

HEALTH AND SAFETY NEWS

by Dwight Welch

Environmental Irony

A recent weekly Health and Safety inspection of Watercide Mall included the Office of Environmental Justice whose mission is to eliminate situations where minorities are unfairly burdened by pollution, such as when a neighborhood is located next to a toxic waste dump. Ironically, the Office of Environmental Justice is housed in rooms with asbestos-containing ceilings.

Mighty Mice

Local 2050's Health and Safety Agreement with EPA requires use of least toxic materials in our headquarters buildings. For mouse control this means sticky traps and snap traps. According to James Anderson, these methods are not controlling the problem; 70 mouse complaints were received last month in the Watercide complex alone. Mice are apparently eating the cardboard sticky traps and eating the peanut butter bait off the snap traps without springing them. Pretty smart mice. (Must be EPA mice,

not Congressional mice.) Responding to the mouse population explosion, facilities director Rich Lemley called a meeting of both Unions, HQ Health and Safety, and Facilities managers. I represented NFFE Local 2050 and Kirby Biggs represented AFGE Local 3331.

In a fine example of labor-management partnership, we arrived at a solution in about 40 minutes. The approach will be building-wide: an enclosed anticoagulant rodenticide bait will be used so carcasses of the dead rodents will be non-toxic to other life forms and no toxic fumes will be emitted. Employees will be notified and areas where employees object will not be treated. AT my suggestion, OPP's "rat-man" and long time Union member Bill Jacobs will be consulted. The group also decided to combat the cockroaches at the same time using the same control strategy used in the OPP QAT.

Employees need to do their part. If you must eat at your desk, clean up thoroughly afterward. If you must store food in the office, keep it in roach-proof/rodent-proof containers.

UNION HOLDS EMPLOYEE MEETING ON OPPT STREAMLINING

On July 19, 1995 Bill Hirzy conducted an open meeting for OPPT employees to comment on management's proposal to streamline and reorganize the Office. At the meeting union members also determined what issues the Union should bargain over. When we receive the proposed plan from management, Local 2050 will propose that employees be given the opportunity to bid on new job assignments in OPPT, as was done for the OECA reorganization, and will bargain on the number, types and grades of employees assigned to the new Risk Assessment Division. Thanks to Local 2050 members who attended the meeting and helped formulate our position.

OPINION AND COMMENTARY:

AN ALTERNATIVE TO RIFs by Bill Hirzy

For the first time since 1981, EPA faces the possibility of substantial budget and program cuts. How should the Union respond? Local 2050's July 26 rally was aimed at resisting the cuts by pointing out the importance of what we EPA professionals do: environmental protection. Another approach is to examine the reasons for the cuts and offer alternatives.

Although we intend to make our case for maintaining EPA's role in protecting the health and environment of the American people through the political process, Congress and the President may eventually choose to diminish the federal role. But Americans will continue to demand and expect environmental protection-- and recent polling data shows they are willing to pay for it. Logically, this means that states and local governments will have to fill the gap in environmental protection. They should be given adequate funds to carry out this mandate and sufficient federal support to assure that protections to our health, air, water and land are not abrogated. Furthermore, there should be an orderly transfer of environmental protection functions and jobs from EPA to the non-federal sector.

By transferring highly trained, experienced civil servants to the states and localities where environmental protection functions are moved, the need for RIFs at EPA could be greatly reduced or eliminated. Ideally, the end result would be environmental protection that would be more de-centralized, but would remain effective and could be more tailored to local needs and issues. On the other hand, if the real agenda is simply to destroy our national environmental protection programs without replacing them with commensurate state and local authority and financing, we as environmental professionals will fight tooth and nail, and we'd better start here and now.

OPEN MEETING SET FOR AUGUST 23: RIF, FLEXIPLACE ON THE AGENDA

Local 2050 will hold its monthly meeting on Wednesday August 23 in the EPA Auditorium to hear employee opinions and discuss RIF, Flexiplace and other Union bargaining issues. The meeting will be open to all professional bargaining employees from 11:00 a.m. to noon. From noon to 1:00 p.m., Union members only will discuss and make decisions on how the Union will proceed in its negotiations on these vital matters. Local 2050 has made proposals on RIF bargaining and Flexiplace and it is important, especially for members, to attend the meeting to help guide the future course of bargaining. Ten telephone conference lines will be available to for employees who are unable to enter the Auditorium to participate in the meeting. Call the Union office at 260-2383 or 260-4683 to obtain the call-in number and access code.

The next monthly membership meeting will be held on September 7, 1995, from 12-1:30 p.m., in South Conference Room 2. Among the other business at this meeting, the National has directed the Local to conduct a secret ballot vote on whether to affirm the

action of the National Executive Council on the removal from office of National President Louis Jasmine.

HELP YOUR UNION HELP YOU

Local 2050 is your representative on all issues affecting your employment at EPA. While we have four full-time officers working on your behalf, there are simply not enough hours in the day to do all the things that need to be done. **We need your help.** Pitch in a few hours of your time to help us represent your interests. Participating in your Union is part of your job here at EPA. If you would like to get involved on some issues, please contact us. There is official time available for employees to work on union representational matters, and it is your right as a federal employee to work with your Union. (Your salary is paid and you need not take leave.) Negotiations are pending concerning the facilities for the New HQ, the moves to the new HQ, Flexiplace policy, changes to the computer and communications systems throughout HQ and the Agency, increased provision of farecard machines throughout HQ buildings, RIFs, reorganizations in practically every office, and many other matters involving communicating with employees - keeping all of you informed and gathering your input. In addition to the above subjects, we are also looking for people interested in representing our interests to Congress. We also need help setting up and running our new office in the courtyard at Waterside so we can better serve you. The quality of the democratic representation you receive depends ~~on~~ your participation.

WEDNESDAY VOLUNTEER MORNING:

Come meet union officers and other members at our new office at Waterside Mall, on the North Plaza. Lend a hand in a social atmosphere. We will be holding a volunteer morning each Wednesday in September from 10 a.m. - 12 noon in the Union office. We will provide light refreshments and organized projects for your participation and to help us with. Just come by the new Union Office in the Waterside court yard (next to the religious book store) and join the fun. Our phone number remains 260-2383.

RIF INSURANCE

ONLY \$8.65 PER PAY PERIOD*

* While no one can guarantee that you will not be RIFFed, a strong Union is your best insurance against a Reduction In Force and adverse consequences in the event of a RIF.

**JOIN AND SUPPORT
NFFE LOCAL 2050**

THE ENVIRONMENTAL PROFESSIONALS UNION

Regarding any proposed Reduction in Force, the Union must represent EPA Headquarters Professionals in general.

HOWEVER, THE FOLLOWING ADDITIONAL SERVICES ARE AVAILABLE TO
MEMBERS ONLY:

1. Appealing RIF actions to the Merit Systems Protection Board - MEMBERS ONLY (THIS IS THE ONLY LEGAL APPEAL IN THE EVENT OF RIF - RIFFed non-members are on their own!)
2. Partial or Full payment of grievance arbitration fees - MEMBERS ONLY
3. Representation in EEOC Complaints - MEMBERS ONLY
4. ONLY MEMBERS get to vote on RIF related Collective Bargaining Agreements, Reorganizations, Moves, Etc.

APPLICATION ON REVERSE SIDE

(Return to: Dwight Welch, UN-200)

To Join NFFE 2050, please complete marked sections

REQUEST FOR PAYROLL DEDUCTIONS FOR LABOR ORGANIZATION DUES

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

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. Classification GS11 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) (selemdnmonths) (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 laid 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

X

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November 1995

Volume 11, Number 4

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NOVEMBER HIGHLIGHTS

**IMPASSE BROKEN:
RIF AGREEMENT REACHED**

**CBA NEGOTIATIONS:
TRICK? OR TREAT?**

**RIF PROTECTIONISM
PLANNED?**

**RIF OR FURLOUGH?
TRANSIT SUBSIDY?
ONLY MEMBERS VOTE!**

**The NEW
National Federation of Federal Employees
Local 2050**

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Washington, DC 20013
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INSIDE THE FISHBOWL

THE NEWSLETTER OF EPA'S PROFESSIONALS' UNION

NOVEMBER 1995

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IMPASSE BROKEN: RIF / FURLOUGH AGREEMENT REACHED

by Dwight Welch and James Handley

Editor's Note: *On November 1, Local 2050 reached agreement with EPA management to negotiate on the process for RIFs if they become necessary. This agreement is subject to ratification by our members on November 16. Our agreement specifies that the competitive area for RIFs would be the broadest possible: the DC commuting area, and management has agreed to a partnership process with the unions to develop ways to avoid RIFs, including furloughs. (If EPA's appropriation is cut less than about 19%, Management has advised us that depending on how the cuts are allocated, RIFs may not be necessary this fiscal year. EPA Labor Relations has indicated that because of the procedures required, the earliest separation date would be in about April, if a RIF were conducted this fiscal year.) The following is a brief narrative summary of our long and arduous negotiations.*

Three months ago, Local 2050 sought negotiations with EPA management on the impacts of probable Congressionally-mandated budget cuts. Given the uncertain outcome of the Congressional budget process, we recognized that we needed to be prepared for RIFs while negotiating for alternatives. With the mandate of our membership, which voted to support negotiations that would minimize the potential for RIFs through other austerity measures including contract cuts and furloughs if these became necessary, we began negotiations in September. We sought a fair procedure that would avoid favoritism and preserve as much professional expertise and institutional memory as possible.

On August 3, Local 2050 requested bargaining over the numbers, types and grades of employees to accomplish the EPA's mission and over whether a RIF would be necessary. Our request to negotiate is based upon the President's Executive Order 12871 which requires management to negotiate over such subjects. On August 18, Thorne Chambers (of EPA Labor Relations) requested centralized negotiations on budgetary impact issues and laid out ground rules. We responded on August 23 that we were interested, but wanted to retain certain issues for local negotiation, e.g, competitive areas at headquarters.

On August 30, a coalition of the EPA unions represented by AFGE, NFFE, NAGE and ESC, agreed to participate in national negotiations on budget-related issues. The Coalition asked that the first priority of negotiations be ways to avoid RIFs, confronted the "take it or leave it" tone of Mr. Chambers' August 18 letter and outlined the subjects about which we sought to negotiate, stressing our need to negotiate issues of local importance on the local level (e.g., competitive area, shuttle service, transit subsidy, etc.).

Mr. Chambers responded on September 5 that by asking for separate negotiations about local issues, the unions were attempting to create "two-tiered bargaining" and he indicated that he was recommending that management consider canceling the negotiations. Mr. Chambers privately set up a meeting in Boston with AFGE Council President Barbara White, representing three of the locals who had agreed unconditionally to his ground rules. (The AFGE counsel represents all EPA AGFE bargaining units.) Upon discovering that we had been cut out of the planned Boston negotiations, Local 2050 and AFGE Local 3331 met with Fred Hansen who invited both HQ unions to participate, along with all other EPA unions.

Local 2050 President Dwight Welch and Senior Vice President Bill Hirzy represented Local 2050 in the Boston negotiations from September 14 - 23. They described the negotiations as "exhausting and frustrating;" For the first several days the "independent" unions (including Local 2050) tried to develop a unified position with the AFGE Counsel. Because AFGE already has RIF provisions in its contracts, they did not see the need to negotiate on this in spite of the fact that their contracts essentially recite OPM regulations and don't spell out RIF procedures or other available employee protections. Thus, the unions split into two separate sets of negotiations: the AFGE coalition and the "independents." In the final afternoon of negotiations, AFGE and EPA signed a very general MOU whereupon the management officials left-- except for Mr. Chambers who stayed to negotiate with us. The independents agreed to resume later and we subsequently set the date for October 16 - 20. At our suggestion, talks were slated for Washington to reduce travel costs.

During that week, we reached agreement on a pre-decisional labor management partnership process to mitigate the impact of budget shortfalls and avoid furloughs and RIFs. With the able assistance of Leslie Deak of NFFE's National Office, we negotiated over the process for RIFs. Our objectives were to ensure that any RIF be fair, avoid possible management manipulation to choose favorites, and that it retain employees with the greatest expertise. We also wanted to be certain that excepted service employees (primarily attorneys in Local 2050's bargaining unit) are afforded the same assignment rights as competitive service. (See related article on RIF procedures.)

Management asserted that it could not negotiate with us over assignment rights for excepted service employees because as they interpret U.S. Merit Systems Protection Board v. FLRA, 913 F.2d 976, 980 (D.C. Cir 1990), the RIF rules must be the same for two bargaining units in the same competitive area. AFGE Local 3331's contract, which governs the non-professional bargaining unit at Headquarters provides for no assignment rights for excepted service. Thus, management argues, based upon the case law, that

they cannot negotiate an agreement to grant those rights to excepted service employees in our bargaining unit. This would mean that whichever union reaches agreement first would bind the other-- an absurd result, especially given the purposes of the Federal Labor Relations Act to encourage collective bargaining. The legal question is one that is the subject of a pending FLRA case, so the law is far from clear.

We attempted to sidestep this obstacle by offering to accept a simple "Speed RIF" proposal which management had first floated as a possibility in August. In a "Speed RIF," competitive levels would be as broad as the OPM regulations will allow. (There would only be 6 retention registers built from those broad competitive levels: full-time SES, part-time SES, full-time competitive, part-time competitive, full-time excepted, and part-time excepted.) Retention registers would be set up for each competitive level using the four factors that the OPM regulations mandate: tenure, veterans preference, length of service and performance. Employees would be RIFed from the bottom of the retention registers. There would be essentially no need for complicated and time-consuming "bump and retreat," because of the very broad competitive levels. (See related article on RIF procedures.)

Management would not agree to our proposal because of budget uncertainties and concerns about possible Congressionally "directed" program-specific cuts, and we thus found ourselves at impasse. We then agreed to schedule mediation by the Federal Services Impasses Panel for November 1.

Meanwhile, Local 2050 President Dwight Welch and Bill Hirzy approached members of the AFGE 3331 Executive Board and set up a meeting for October 26 to discuss the RIF provisions in their Collective Bargaining Agreement. We noted that their contract does not provide for within tenure sub-group bumping rights, and does not provide assignment rights for excepted service employees. This not only adversely affects their members but may affect the negotiability of those issues for our bargaining unit. At the conclusion of the meeting we agreed to consult the Office of Personnel Management (OPM) and invited representatives to come and comment on effect of the AFGE agreement.

The OPM meeting was held on Tuesday October 31, and OPM required that management be invited. OPM representatives confirmed that AFGE's contract does not protect the senior employees within a tenure group, and does not protect excepted service employees. We also discussed the "speed RIF" proposals with them and they expressed concerns that the proposal could be challenged by employees at Merit Systems Protection Board (MSPB) hearings unless factors in addition to service computation date (adjusted for performance) were used in a RIF.

The mediation on November 1 opened with an explanation of what the OPM representatives had related to us and how it would affect our proposal. Both management and union participants were uncertain as to whether OPM had understood that our proposal was to construct retention registers based on all four of the OPM-mandated factors (tenure, veterans' preference, length of service and performance).

The mediator, Gary Hattal, from FMCS, very capably assisted the parties in understanding each others' positions. Management indicated that if a RIF is necessary, they are planning to use a "speed RIF" or a variation of that procedure that would involve the largest possible retention registers. Thorne Chambers indicted that he was concerned that a traditional RIF would overwhelm the personnel office and that delays would mean even more people would need to be cut to meet a shortfall. We reverted to an earlier proposal, that management agree to bargain locally, in timely fashion, over the procedures for a RIF. Just after noon, management agreed to that proposal.

We were particularly grateful for the solidarity of the "independent" union representatives from the Regions and Labs who hung in there with us while we spent most of the morning on headquarters-related RIF issues. They could have just signed off on their own agreements but instead chose to support us until the end, helping to keep the pressure on management.

The agreement we reached sets the D.C. commuting area as the competitive area and gives Local 2050 the right to negotiate over the process for RIFs if they become necessary. We received strong indications that management wants to do "speed RIFs" or a variation, and the agreement specifically mentions this option. This would provide a fair, consistent and easily verifiable process that would include excepted service employees and would preserve expertise to the extent possible.

We don't know what the chances of a RIF might be, but if there is a RIF, this agreement means that you can be sure you will have a voice, through your union, about the process. It also means that the unions and management will be involved in a partnership dialogue to discuss measures for avoiding a RIF, including furloughs if necessary. We're not happy to be in this situation, but we're doing as much as possible to protect your interests.

MEMBERSHIP TO VOTE ON RIF/FURLOUGH AGREEMENT

At a meeting on November 16 at 1:30 in WIC room 2 South, members of Local 2050 are invited to vote on ratification of the agreement reached by Local 2050 negotiator on November 1 with Management. A copy of the entire agreement will be sent to each dues-paying member along with the meeting notice. We urge all members to attend and participate.

A PRIMER ON RIF PROCEDURES:

by James Handley

The following is a quick primer on RIF procedures based upon the OPM regulations at 5 CFR part 351 that govern RIF procedures. Considerations of space have limited the detail presented here. Local 2050 has a booklet available to members at the union office entitled "Reductions-in-Force Guide 1993" that explains these points in more detail.

Definitions:

Competitive Area-- the organizational and geographic limits of competition for employment retention. At EPA headquarters this could be as large as the Washington metropolitan area or as small as the AAship. Under the agreement just reached with Local 2050, the D.C. commuting area has been set for all of Headquarters.

Competitive Level-- The agency organizes similar positions into competitive levels based upon grade, series, qualifications, duties and working conditions. These can also be very broad, or narrow. (One of our fears was very narrow competitive levels that, in effect, would allow management to "target" individuals.) Thorne Chambers of EPA Labor Relations has been advocating very broad competitive levels, which we favor since it would offer the largest possible number of options to experienced staff. For instance, in the "speed RIF" proposal, all full-time competitive service chemists of the same grade would be grouped together, regardless of program affiliation.

RETENTION REGISTERS

Retention Registers are constructed using four factors: Tenure, Veterans' preference, Length of service and Performance.

Tenure-- type of appointment: Group I = career employees who are not serving their probationary period (3 years for career, 1 year for excepted service), Group II = career who are on probation, and Group III = term or temporary employees. Within each tenure

group employees are classified as follows:

Veterans Preference (a.k.a. "tenure sub-groups)-- AD = disabled veterans, A = veterans, B = non-veterans. Within each tenure group employees are ranked by tenure subgroup and length of service adjusted for performance.

Length of Service-- total federal service including civilian and creditable military service.

Performance-- additional credit (in years) for added to length of service. Outstanding = 20, Exceeds = 16, Fully Satisfactory = 12. Last 3 ratings are averaged. E.g., $(20 + 16 + 16) / 3 = 17.3$ which is rounded up to 18 years and added to the length of service.

RIF NOTICE

The agency may give a general notice of a RIF to all employees at a facility but must give a specific RIF notice to affected employees least 60 days before separation date.

RELEASE FROM COMPETITIVE LEVEL

Employees are released from their competitive levels in the reverse order of their standing on the retention register. For instance, a register might look like this:

Group I:	AD	30	creditable years (performance adjusted)
		25	
	A	30	
		24	
	B	32	
		25	
Group II:	AD	23	
		16	
		14	
	A	15	
	B	16	
Group III:	AD	16	
	A	15	
	B	13	

Employees would be released from the bottom of this register, i.e., starting with the Group III B employee with 13 years, then moving up the register for this competitive level until the

number of positions to be reduced was achieved.

RIGHTS TO OTHER POSITIONS (Assignment Rights)

Released employees have certain rights to "bump" other employees in other competitive levels in the same competitive area, if they are qualified for the position. Bumping is limited to three grades below the position from which the employee was released.

Released employees also have the right to "retreat," that is return to previously-help positions with their tenure and subgroup, displacing other employees.

Excepted service employees do not have bump and retreat rights unless granted by the Agency.

APPEALS AND GRIEVANCES

Employees who believe that the Agency did not follow the RIF regulations may appeal within 20 days to the Merit Systems Protection Board. Local 2050's dues-paying members are provided representation in such proceedings.

NEGOTIATIONS ON REOPENING OF COLLECTIVE BARGAINING AGREEMENT

by Jim Murphy

For the past few months, Local 2050 has been engaged in three nearly simultaneous negotiations with the EPA administration. The one that has received the most attention concerns development of mutually acceptable procedures for conducting a reduction-in-force (RIF), if that should become necessary. The second one is the continuing saga of our quest for a generic move agreement. The last concerns the Agency's request to revisit Local 2050's collective bargaining agreement. [See related editorial].

Our existing contract renews from year to year, but may be reopened by mutual consent, or at the request of either party during a discrete period once a year. In July, the Agency requested reopening of the contract, stating that the various provisions that have been agreed to since the original collective bargaining agreement was signed make the contract unwieldy and difficult for managers to understand. The Agency team, headed by Linda Wallace, stated their desire to renegotiate the entire contract. The others on the management negotiating team are Justina Fugh, Mike Moore, Drew Moran, and Jack Puzak.

In August, Local 2050 proposed a draft contract in response to management's stated concerns; management's comments have been promised, but had not yet been received as this was being

written. Management requested that ground rules be adopted for negotiations. On October 5, ground rules were agreed to that recognize the provisions of the existing contract while negotiations of a new contract are in progress. Local 2050 has committed to meet twice a week with management to try to reach an agreement on a new contract. Local 2050's collective bargaining agreement negotiators are Jim Murphy, Steve Spiegel, and Bill Hirzy, with the support of James Handley and Dwight Welch.

**EDITORIAL: CBA Negotiations:
 Trick or Treat?**

Local 2050's officers have been very busy negotiating on both the national and local level over the ramifications of potential budget cuts. The negotiations have been an enormous effort that involved travel to Boston and lots of time. Dwight Welch, Bill Hirzy, Jim Murphy, Steve Spiegel and James Handley have spent numerous arduous hours in meetings with members, preparing proposals, negotiating and in strategy sessions. Management has dragged its feet on every front and two weeks ago we reached impasse on the key issue of RIF procedures. We called in a mediator who helped us reach an agreement on November 1. (See article on RIF / Furlough negotiations, above.)

Just as the anxiety-producing budget situation unfolded last summer, Management contacted Local 2050 and notified us that it intended to re-negotiate our Collective Bargaining Agreement (CBA) which expires November 13. In the past, the automatic three year renewal provision of the Agreement has been allowed to operate. This year however, the Agency has indicated that it wants to re-open the entire contract. Our CBA is a thick document, amended many times over the past decade, and we know it needs some housekeeping. It deals with a plethora of subjects, including vital issues such as official time for union officers, office space, dues withholding, the definition of our bargaining unit, and our grievance procedure. It sets up the Labor Management Committee, and implements the Transit Subsidy and includes our hard-won agreements on carpet removal and indoor air quality. It provides for the compressed work week and child care, and for implementation of the OECA reorganization that for the first time gave employees a say in their placement. It also includes some more mundane items such as the employee credit card program.

The foregoing list of the CBA's topics highlights the fact that we've won some very important employee benefits in the past decade and gives one a sense of the importance of the CBA and the enormous scope of negotiations that would be required to re-visit each of these vital subjects. But why did management choose this moment to open the agreement? Surely they understand that the

effort to re-negotiate all those important provisions is not going to be quick or easy. We suggested negotiating a "bridge" agreement on our core issues so we could work in a more deliberate and thoughtful way to revise the other provisions. For reasons that we don't understand, management has refused this proposal. Could it be that management wants to distract Local 2050 from the task of negotiating over RIFs / Furloughs, move proposals and grievances, or that management wants to hold a loaded gun to our heads forcing us to hastily re-negotiate our CBA? What happened to Labor-Management "partnership?"

Editor's Note: At 5 PM on Halloween, Drew Moran stated on behalf of EPA Management that the Agency would only negotiate if all the provisions of the entire CBA were open, (which took 4 months last time), putting us in a position of being forced to reach agreement in less than 2 weeks on the entire CBA. The Agency repudiated our agreement with them on how to proceed with the negotiations and has refused our proposals for a "bridge agreement" to address core issues while others were under negotiation. On November 3, Local 2050 has recently filed an Unfair Labor Practice (ULP) charge with the Federal Labor Relations Authority concerning the Agency's refusal to bargain over our Collective Bargaining Agreement.

A Halloween Poem

- Anonymous

It seems an unspeakable horror
 To imagine that anyone
 Could be making up lists
 Of the exempt and the doomed
 To settle old scores
 To reward young admirers
 Who will dance on the graves
 Of experience.

Are the ghouls working
 In secret,
 To define "national expertise"
 to include all special assistants,
 The dependent, the most ingratiating?
 Unable to admit it and yet not deposed
 Yet with stifled glee
 To be in on the kill?

Are there ghouls working
 To banish experience and excellence?
 To leave a hollow husk

Sucked of its juices
 Pale politicized, empty, its memory gone
 Unable to continue
 Its mission to preserve life?

Information Sought to Fight Possible Unfair RIFs

Headquarters is buzzing with rumors that managers are marking off lists of people who would (allegedly) be exempted from RIF procedures under the guise of being essential "national experts." Are these "experts" being selected based on factors other than the statutory criteria of experience and excellence? Although the practice seems patently illegal, and details are hard to confirm, one has to wonder.

If the rumors are true: goodbye dedication, hello opportunism. This scam would impair the professionalism, independence, integrity, and freedom from politics which should characterize the Civil Service. Congress wisely provided that RIFs should seek to preserve experience and institutional memory, and also be based on the verifiable standard of three performance ratings done before the RIF was imminent (before the gamesmanship could begin). The goal, of course, is that the core of experience and excellence in an agency should survive to best serve the public interest.

Let us hope that the rumors are exaggerated or false. And let us also hope there is no need for a RIF. If there must be a RIF, let us do all we can to ensure a clean, fair RIF. If you have information about unfair RIF practices, send it in strict confidence to: NFFE Local 2050 P.O. Box 76082, Washington D.C., 20013.

RIF/FURLOUGH SURVEY RESULTS

Responses from 222 employees in our bargaining unit to 5 questions about RIF/furlough were tabulated, and the results (with condensed versions of the questions) are shown below.

1. Of these three unpleasant options, which is the least objectionable:
 - a) RIF 4000 career conditional employees by March 1996 23%
 - b) RIF 1000 CC employees, maintain austerity, furlough 10 days in FY '96 and '97 30%
 - c) Maintain austerity, furlough 22 days in FY '96 and 97 47%

2. Should savings be credited to the locale where accrued and used to reduce impact of budget shortfall? Yes 69% No 31%

3. What should the Headquarters competitive area be? DC commuting area 59% AA-ships 40% Other 1%

4. Should excepted service (e.g. attorneys) have assignment rights? Yes 52% No 30% No opinion 18%

5. Should within tenure subgroup bumping (maximum protection for seniority plus credit for performance) be used? Yes 69% No 15% No opinion 16%

Ten AA-ships responded, with the bulk of responses coming from OPPTS (73), OGC (46) and OECA (32). These AA-ships supported the 22-day furlough option by 56%, 59% and 47% margins, respectively, with only 18%, 6% and 25% choosing the 4000 person RIF option, respectively, in these AA-ships.

UNION POLLS MEMBERS ON IMPORTANT ISSUES

In Late October management requested an approximately 48-hour turn-around response from Local 2050 on the Transit Subsidy for November - cancel or cut permanently, or cancel or cut for November. We polled our members by voice mail, and reported back to management that about 80 percent of responders favored a temporary cut for November, followed by re-visiting the issue again in late November. This was the course of action management took. Our polling system ran into some glitches. Many union members in Virginia did not get our voice mail questionnaire, and Bill Hirzy's voice mail box rapidly filled to over-flowing with responses. At the membership meeting on Thursday, November 16 at 1:30 p.m. in WIC Conference Room 4, WSM, we will poll the membership on how to proceed regarding that subsidy in the future.

MEMBERSHIP GUARANTEES YOU A VOICE IN FUTURE POLLS: We learned at the National Partnership Council meeting of November 2 that EPA may again ask the Union for very short turn-around decisions regarding RIF vs. furlough and related matters, once the budget fight is over. We will discuss how to conduct such short turn-around polls at the membership meeting November 16. Members who are LAN wizards are especially urged to attend and offer ideas for a better electronic polling process.

Please note: Only dues-paying members of the Local decide what course of action the union takes, as we did on the RIF/Furlough negotiations discussed in an article above. While the union will take the views of the entire bargaining unit into consideration as it formulates its policies, only members can bind the union to specific actions.

NATIONAL PARTNERSHIP COUNCIL DISCUSSES BUDGET

by Jim Murphy

On Thursday, November 2, the EPA National Partnership Council held a day-long meeting in Rosslyn, VA, to discuss the differences between the Agency's budget proposed by the President, the House of Representatives, and the Senate, and through their union representatives to air EPA workers' preferences for various possible courses of action to address any budget shortfall. The National Partnership Council consists of representatives from management and all the unions that represent EPA employees across the country and at headquarters.

The outcome of the conference between House and Senate remains uncertain, but the Agency has promised that the unions will be involved before the Agency makes any major decisions once the Agency's appropriation is known. Union members will be asked for input on these items -- probably on a quick turn-around basis. (Hint: Join if you want a voice.) [Bargaining-unit members with a talent for making sense of budgets and spreadsheets can be of great help to Local 2050 -- call the Union at (202) 260-2383.]

If furloughs are needed, there was general agreement that the affected employees should have a choice in when and how to take it, since the employee will be bearing the financial burden. Opinion was divided on the desirability of maintaining the transit subsidy if the funds can be used to save jobs. Most speakers favored abandoning the transit subsidy if, and only if, the expense would cost people their jobs. Some expressed the view that the transit subsidy ought to be available to lower-grade employees, and not, for example, to GS-15s. "Image" issues were discussed: encouragement for use of mass transit versus giving the appearance of having a surplus of funds.

(The day after the EPA partnership meeting, the House voted to withdraw its support for 17 riders that would limit funds and EPA's enforcement activities. If this holds up in conference, EPA should have greater financial flexibility. The President has promised to veto any cuts of the magnitude passed by the House (34%), but we cannot predict the eventual funding levels.)

To Join NFFE 2050, please complete marked sections

REQUEST FOR PAYROLL DEDUCTIONS FOR LABOR ORGANIZATION DUES

Standard Form 1187
 Revised June 1989
 U.S. Office of Personnel Management
 FPMR Chapter 530

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. Employee 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 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

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

RIF INSURANCE

ONLY \$8.65 PER PAY PERIOD*

* While no one can guarantee that you will not be RIFFed, a strong Union is your best insurance against a Reduction In Force and adverse consequences in the event of a RIF.

**JOIN AND SUPPORT
NFFE LOCAL 2050**

THE ENVIRONMENTAL PROFESSIONALS UNION

Regarding any proposed Reduction in Force, the Union must represent EPA Headquarters Professionals in general.

HOWEVER, THE FOLLOWING ADDITIONAL SERVICES ARE AVAILABLE TO
MEMBERS ONLY:

1. Appealing RIF actions to the Merit Systems Protection Board - MEMBERS ONLY (THIS IS THE ONLY LEGAL APPEAL IN THE EVENT OF RIF - RIFFed non-members are on their own!)
2. Partial or Full payment of grievance arbitration fees - MEMBERS ONLY
3. Representation in EEOC Complaints - MEMBERS ONLY
4. ONLY MEMBERS get to vote on RIF related Collective Bargaining Agreements, Reorganizations, Moves, Etc.

APPLICATION ON REVERSE SIDE

(Return to: Dwight Welch, UN-200)