



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

John Gage
National President

Jim Davis
National Secretary-Treasurer

Andrea E. Brooks
National Vice President for
Women and Fair Practices

November 29, 2005

Honorable Gordon England
Acting Deputy Secretary of Defense
1010 Defense Pentagon
Washington DC 20301-1010

Dear Secretary England:

We are deeply disappointed and concerned about the manner in which DoD is carrying out its obligations to involve AFGE and the other unions in the development of its new personnel systems. Instead of sharing the details of the new systems as they were being thought out, and actually involving us in the development of these details while they were still a work in progress, DoD has chosen to release 6 issuances, essentially at once, with unrealistic timeframes for us to comment. As you must know, this makes it virtually impossible for us to give each issuance the time and thought necessary to make the kind of meaningful and constructive comments DoD employees deserve. The fact that DoD says it will have its responses to our comments within 12 days, on January 4 – 5, 2006 (those 12 days include Christmas, Hanukah, Kwanzaa, and New Year's Eve and Day), seems to indicate that this is a *pro forma* exercise rather than a good faith effort to genuinely involve us and seriously consider our views.

Here are the issuances we received shortly before Thanksgiving and the dates that our comments are due:

- 1) Rules and regulations for the NSLRB - 42 pages - comments due 12/18/05
- 2) Classification - 196 pages - comments due 12/23/05
- 3) Compensation - 47 pages - comments due 12/23/05
- 4) Performance Management - 33 pages - comments due 12/23/05
- 5) Staffing and Employment - 28 pages - comments due 12/23/05
- 6) Workforce Shaping - 16 pages - comments due 12/23/05

In addition, we received a 7-page issuance on conversion into the new classification system.

All of these issuances are highly technical and detailed and will require careful analysis. DoD has scheduled 5 days of briefings during the comment period, giving us even less time to digest the issuances and prepare our comments. It is obvious that DoD has been working on these issuances for a very long time. We believe that if the Department truly meant to involve us as Congress intended, there would have been, at the minimum, ongoing briefings and discussions as DoD worked out the details of the various systems. Individual issuances would have been

shared with us one at a time, each one with a separate timeframe for responding, giving us the opportunity to devote our resources to them. Instead, the issuances were developed without us and all 369 pages given to us at the same time with one 30-day period for all six of them. This clearly indicates to us that DoD does not take this process seriously and does not intend to give AFGE and the other unions adequate time to read and understand the issuances, ask clarifying questions, go out to our members for their input, and write carefully thought-out responses.

During the NSPS Regulation process, we went through the comment period, wrote our comments and went through the meet and confer process all without the details necessary to make that statutory process meaningful. Now we are suddenly deluged with the details, with no time to do them justice. One striking example - In the Regulations, subpart B on classification is one of the shortest subparts, with very little useful information. The implementing issuance, however, is 196 pages long, full of information about career groups and pay bands that matter a great deal to the employees we represent. This is a clear example of how much of the relevant information about NSPS DoD withheld until the initial statutory collaboration process was over. We are extremely disappointed that now, when the Department is finally choosing to share that information with us, it is doing so in such a belittling way - making sure that we cannot do justice to any of the issuances.

We have also learned from our members that they are being told that DoD has said it will not pay for any of our leaders to travel to Rosslyn for the briefing sessions. We learned late on November 22, 2005 (6:55 pm) that DoD was scheduling these so-called "continuing collaboration" meetings with us starting December 1, 2005 - just 9 days away, including the Thanksgiving Holiday. Frankly, there was no collaboration whatsoever with us regarding this; we were simply told that these were the dates we were to meet. We have received no official notification that DoD will not pay for any of our leaders' travel - we would appreciate the courtesy of letting us know if this is true. We also would have appreciated the courtesy of having enough notice of a meeting to be able to get good airfare rates so we can fund the people who represent your employees ourselves. Instead, DoD has unilaterally scheduled these meetings so that we must pay premium rates (during the holiday season) or leave our frontline representatives out. This is not any rational person's definition of "collaboration."

What DoD is offering us is not even as much as we usually get under current National Consultation Rights (NCR) provisions. There we get more than 30-days notice of changes that affect our bargaining units and we also get the same opportunity to comment. AFGE, as the exclusive representative of our bargaining unit employees, also has the right to bargain over the changes at the level of recognition for non-NSPS employees. Congress clearly intended that the collaborative process for NSPS was to be more than a mere notification, unilateral setting of briefing times, and an opportunity to comment on a huge number of details over the holidays when much of the staff is scheduled to be on leave.

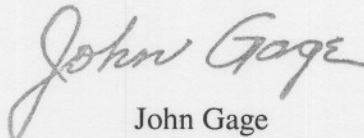
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What is particularly troubling is the fact that there does not seem to be any urgency that warrants dropping all of these issuances on us at once and requiring us to respond to all of them at the same time. It makes no sense for an organization to impose a new classification system, a new pay system and a new performance management system all at once. We continue to have serious disagreements with the NSPS system as set out in DoD's regulations and issuances. Even if we agreed with the system DoD has laid out, however, the general wisdom says that first you get your performance management system right and let employees and managers have time to learn and understand the system and fix any problems that arise. Later, an organization might put people into the new classification system and take some time to see how well that works, including validating any market studies. Only after the organization has implemented and fixed any glitches that arose, should it begin to set pay based on performance, national market studies and local market studies. There simply is no reason to rush comments on all parts of the new compensation system at once.

We are especially disappointed because you have promised that NSPS would be event-driven, not driven by artificial deadlines. You have also promised that DoD was ready and willing to take the time to do this right, with appropriate consultation with the unions involved. It appears that these representations, made to members of Congress and to the unions, are expendable.

We respectfully request that the meetings be re-scheduled for January 2006, and that the unions be afforded the opportunity to submit written comments thirty days following the final briefing.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Gage". The signature is fluid and cursive, with the first name "John" and last name "Gage" clearly distinguishable.

John Gage
National President

cc: Members of the House Government Reform Committee
Members of the Senate Homeland Security and Governmental Affairs Committee
Members of the House Armed Services Committee
Members of the Senate Armed Services Committee