



THE FEDERAL EMPLOYEE

NFFE Calls on Congress for a Real Pay Adjustment

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In June, NFFE joined forces with 20 organizations representing federal employees in calling for lawmakers to approve a much-needed 5.3 percent pay adjustment for federal employees in 2017. The currently-proposed 1.6 percent pay adjustment by Congress is woefully inadequate and fails to account for the rising cost of living expenses and increased FEHB premiums federal employees must endure every year. NFFE has repeatedly advocated that the country cannot keep on a sustainable path forward unless and until it provides federal employees the fair return on work that they deserve and stops cutting into the bottom line of family budgets—and this starts with an increased federal percent pay adjustment.

United as the Federal-Postal Coalition, the letter signed by NFFE and its allies urges lawmakers to support the Federal Adjustments of Income Rates (FAIR) Act, H.R. 4585, which comes after the Senate approved the FY2017 government appropriations bill, providing federal employees the 1.6 percent pay raise proposed by President Obama. This paltry 1.6 percent, which continues to lag behind basic rates of inflation and cost of living expenses, comes on the heels of six years of pay freezes, pitiful pay adjustments, and cuts to earned retirement benefits. On its current trajectory, federal employees will have sacrificed \$182 billion in compensation over 10 years.

During his final year in office, President George W. Bush's administration certified that the pay discrepancy between federal employees and private sector workers performing the same jobs was 23 percent. During the Obama administration, that pay gap has ballooned to 35 percent. Federal employees are losing buying power each year they remain employed in the federal civil service. Congress must take action to reverse this alarming trend. If the federal government is to recruit and retain the best and brightest, it needs to take a serious look at compensation levels for federal employees. Congress must pass Congressman Connolly's FAIR Act, and they must continue to advance ideas that will greatly reduce the growing financial burden that is placed on federal employees each year.

The President is scheduled to announce his 2017 pay raise

proposal for federal employees on August 31. Without greater support of the FAIR Act in Congress, federal employees are unlikely to get the level of pay adjustment they deserve. All NFFE-IAM members are encouraged to call their members of Congress and urge their support of the FAIR Act, H.R. 4585.

"NFFE-IAM members have strongly expressed their desire to pass Congressman Connolly's FAIR Act," said NFFE National President William R. Dougan. "The woefully inadequate pay adjustment proposed by President Obama is an insult to America's federal civil servants. NFFE will continue to fight tooth and nail alongside Congressman Connolly, the Federal-Postal Coalition and our many allies in Labor and on Capitol Hill to see that federal employees receive the significant pay adjustment they deserve."



NFFE's delegation to the 2016 IAM Legislative Conference that lobbied Congress for a bigger pay adjustment

MESSAGE FROM THE NATIONAL PRESIDENT

With the Republican and Democratic conventions wrapped up, it is now clear who the nominees are for President. Donald Trump and Hillary Clinton have very different views on what the role of government should be in this country, and those views help inform what we might expect the federal workforce to look like after the November 8 election. I firmly believe that, no matter what political party you identify with, it is incumbent upon each of us to educate ourselves on where the candidates stand on the issues that are important to you. In my younger years as a registered Democrat, I blindly voted the straight party ticket in every election. I can honestly say that those days are gone forever. Today, after doing my homework on the candidates, I vote for the candidate that best supports the issues that are important to me: do they support the right of working men and women to organize and join a union; do they support creating jobs that pay a living wage; do they support equal pay for equal work; are they advocates for keeping retirement plans and Social Security strong and fully funded; and, are they supportive of cost-effective health care plans for all?



William R. Dougan
National President

Your list of issues that are important to you is likely different than mine. In any case, I encourage you to become educated on the issues and educated on where the candidates stand on the issues. We cannot afford to elect candidates that do not make good on campaign promises once they are in office. We have seen the effects of an ineffective Congress when it comes to passing meaningful legislation – government shutdowns and furloughs of the federal workforce cannot be tolerated any longer. We cannot afford to elect candidates that would take this country backwards – we all want a more prosperous nation to leave as a legacy for our children and grandchildren and the generations to come.

The most important thing you can do is turn out to vote. Democracy is not a spectator sport. It's time to walk the talk. Show up. Make your voice heard and make your vote count.

MESSAGE FROM THE NATIONAL SECRETARY-TREASURER

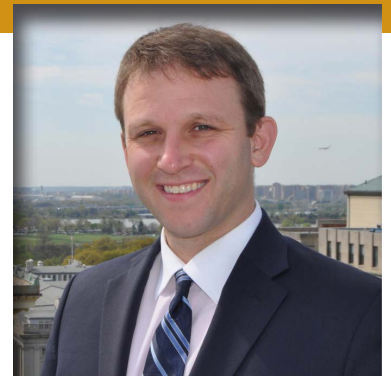
I write this column with anticipation of what the next few months will bring. NFFE's quadrennial Convention is just weeks away, and that will be followed by one of the most important elections in the history of our country – an election that has historic significance and will absolutely have profound implications for the federal workforce.

While NFFE Convention is sure to be an enjoyable experience, it is also an opportunity for NFFE delegates to make important decisions that will lay the foundation for our Union to prosper. NFFE is approaching 100 years of service to federal employees; we owe it to federal workers past, present and future to make sure this Union continues to be a strong and righteous voice for federal employees for another 100 years and beyond.

In order achieve that together, we must continue to grow. NFFE has achieved net growth of 30% in the last decade. There are remarkably few national Unions that can make that claim. NFFE's growth, which runs counter to national trends, shows that there is something truly special about NFFE, America's first federal employee Union. Let us each commit to making sure that growth continues in the years to come.

Let us also commit to improve our Union's governance at all levels, because effective governance is essential for our growth and prosperity. Let us strive at all levels for transparency and accountability. Let us identify change that needs to be made, and make it. It is through that constant change and progress that we will build a stronger future together.

I look forward to seeing you at NFFE's 50th Convention this September.



Randy L. Erwin
National Secretary-Treasurer

Red River Army Depot Locals Build Membership and Solidarity

Texas—a place well-known for cowboys, BBQ and a beaming sense of pride among its residents. Something many outsiders would not attribute to Texas are proud Unionists. Yet, in the northeast corner of the state on the Texas-Arkansas border lies the town of Texarkana, Tx—a town home to hundreds of proud Union members from the nearby Red River Army Depot.

The Red River Army Depot hosts a workforce that overhauls a large variety of military vehicles, ranging from Mine Resistant Ambush Protected (MRAP) vehicles to mobile cranes. The employees are either federal employees represented by NFFE Local 2189 or contract employees, most of whom are represented by IAM Local Lodge 1243. Members of both Locals work side by side on the vehicle assembly lines, and the employees proudly refer to the Depot as the Union Depot. When IAM began organizing the contract workers several years ago, it was NFFE-IAM members that played a key role in that successful effort.

After strong organizing successes of NFFE Local 2189 and the growing IAM presence on base throughout the first quarter of 2016, NFFE and IAM leadership decided to host a membership barbecue to celebrate recent successes and to highlight the unwavering unity among the Unions on the Depot.

On a beautiful March day, dues-paying Union members and potential new members came together at the IAM Union hall, near the Depot's main gate. Bordered by green lawns that encouraged games of horseshoes and football, the Unions hosted a generous Texas-style barbecue with an eclectic country western band, Highway 211, to provide live music for the attendees (sponsored by NFFE-IAM supplemental benefits provider Mike Davenport of Professional Benefit Administrators). Also in attendance was NFFE National Secretary-Treasurer, Randy Erwin, who traveled from Washington, DC to join the Unionists in celebrating recent successes and to encourage potential new members to join the Union family.



Local 2189 showing off their Texas-sized barbecue

Several Union members commented that this type of family-friendly picnic was reminiscent of the Union picnics they remembered fondly from their childhoods.

The celebrations were incredibly popular on the Depot. As the celebrations came to a close, NFFE Local 2189 Shane Connell recognized the hard work of all of those involved; “I want to thank all of our officers and stewards who worked together to make this two-day event a success. I also appreciate the use of the IAM hall and grounds for this big event. The band was a big hit with the crowd. I’m looking forward to doing this type of event again in the near future.”

Both Locals hope to host similar joint events in the future. Valerie Rodriguez, IAM Grand Lodge Representative, was pleased with the event and the large turnout, “I am proud of the way our two Local Lodges worked together to make this event a success. Our IAM Union hall is strategically located near the Red River Army Depot and has plenty of outdoor space, which we used to accommodate the big crowd we had. The NFFE group did a wonderful job preparing and serving the barbecue and helping arrange for Highway 211 to come all the way from Atlanta.”



Union pride runs strong at Red River Army Depot

NFFE-IAM VA Members Protect Employee Due Process Rights

On June 17, 2016, the Department of Veterans Affairs (VA) announced it will no longer use the expedited firing process for Senior Executives as outlined in the Veterans Access, Choice, and Accountability Act of 2014, following constitutional questions raised by the Department of Justice (DoJ). While NFFE does not represent members of the Senior Executive Service (SES), Congress has repeatedly attempted to apply this expedited firing process to the full VA workforce. This decision by the VA is not only a victory in the protection of VA Senior Executives' due process rights, but is indicative of DoJ finally stepping in to stop the trampling of employee due process protections that Congress has sought to apply to the federal workforce at-large.

In the wake of the Phoenix VA scandal in 2014, The Veterans Access, Choice and Accountability Act was passed with the intention of bringing accountability to Senior Executive officials at the VA. Following the bill's quick passage, various Agency and Administration officials raised concerns about legislative language that expedited the firing process for SES employees. During a 2015 hearing on the subject, VA Deputy Assistant Secretary for the Office of Resource Management Human Resources and Administration, Cathy Mitrano, said the expedited firing process of H.R. 1994 may go too far and prevent employees from adequately defending themselves. Susan Grundmann, Chair of the U.S. Merit Systems Protection Board (MSPB), questioned the very constitutionality of such measures when discussing the language of the 2014 legislation.

Despite warnings from various Agency and Administration officials, Congress has sought to apply the same expedited firing language

to the VA workforce at-large in subsequent legislation. Rank-and-file VA medical professionals—those providing direct care for our nation's cherished veterans—were not responsible for the scandals at the VA. The VA employees NFFE represents, many of them veterans themselves, are among the most dedicated employees in the federal workforce. There is no defensible reason to be expediting the disciplinary proceedings of rank-and-file VA employees.

But to the credit of NFFE-IAM VA members' unshakable resolve, we have successfully fought back against and halted any recent legislation seeking to erode due process protections of VA employees. It was NFFE-IAM members that fought against the inappropriately titled "VA Accountability Act of 2015," H.R. 1994, legislation that would have shortened the appeals process to a point that VA employees would essentially lose the right to appeal. NFFE-IAM members now urge Congress to oppose the Senate counterpart, VA Accountability Act of 2016, S.2554. If enacted, S.2254 would further cripple employee morale and erode whistleblower due process rights.

"This is a welcome decision by the VA to end its practice of this baseless attack on federal employee due process rights," said NFFE National President William R. Dougan. "The repeated attacks by Congress on the dedicated VA employees achieves nothing but creating a culture of fear among the workforce. When VA doctors and nurses are under constant fear for their jobs, their ability to provide the quality care that our veterans need and deserve suffers. NFFE-IAM members will continue to work with our allies on Capitol Hill to protect our VA brothers and sisters from these attacks on federal employee due process rights."



NFFE Exposes Shameful Hiring Practice by the U.S. Forest Service

Amidst active contract negotiations, and after months of urging the U.S. Forest Service to end flawed hiring practices that limit who can apply for jobs in the Agency, NFFE's Forest Service Council (FSC) decided they needed to take a new approach with negotiations. On June 7, 2016, the FSC took their fight to the streets of Olympia, Wash. to conduct an informational hand-billing outside of a Forest Service hiring event—one that required applicants to be physically present to apply.

At the June hiring event, the Forest Service was hiring for jobs across the country— as far away as South Dakota and Kentucky. However, to be considered for the vacant positions, applicants were required to appear and submit their applications in person in Olympia, Wash. Applicants unable to attend in person were automatically not considered for these jobs, regardless of their experience. This requirement effectively eliminated interested current Forest Service employees—many of whom have a great deal of experience and are the most qualified to fill these vacancies—that simply did not have the means or were unable to get away from their current obligations to apply for these jobs in person.

“By requiring interested applicants to appear in person, the Forest Service has effectively eliminated applicants from the rest of the country,” said Lisa Wolfe, NFFE Forest Service Council Vice President. “That is not fair to current employees or other applicants living in those areas. It also makes it impossible for the Forest Service to field the best pool of applicants. Anyone who cares about healthy forests or having an effective government workforce should want to see this hiring practice stopped immediately.”

To make matters worse, in April, Forest Service Chief Tom Tidwell was asked about their practice of hiring events requiring applicants to appear in person in order to be considered for jobs in different states. Chief Tidwell assured Congress that applicants should be able to send in applications to be considered during job fairs. However, at the June hiring event, that simply was not



NFFE FSC Vice President Lisa Wolfe demonstrating against FS hiring practices

the case. The Forest Service continued to use a closed process that eliminated from consideration some of the most qualified candidates.

“We cannot stand idly by as the Forest Service continues a hiring practice that is unfair to potential applicants, is bad for the agency, and ultimately short-changes American taxpayers,” said Wolfe. “People should not be expected to travel halfway across the country to compete for a job that pays less than 14 dollars an hour. This hiring practice is ridiculous, and it needs to stop.”



NFFE-IAM FSC Members and IAM brothers from nearby Districts Lodges opposing FS event

DoD Introduces Labor-collaborated Personnel Reform



In the wake of repealing the disastrous National Security Personnel System (NSPS) in 2010, an enormous victory for Defense workers which NFFE played a major role in bringing about, the Department of Defense (DoD) was tasked with reforming its civilian personnel management system in collaboration with its labor stakeholders. Throughout the NSPS debacle, DoD fought vigorously to unilaterally impose anti-worker personnel reforms in the face of fierce Union opposition. Due to the tensions that had developed during the NSPS struggle, collaboration between labor and management within the department was strained (at best). But it was no secret that DoD desperately needed to update some of its outdated personnel management practices, so at the direction of Congress, both sides came together to work on the aptly-named reform: New Beginnings.

Many NFFE-IAM members from DoD Locals contributed to the New Beginnings reform. One NFFE-IAM member in particular played a significant role in this collaboration -Pete Randazzo of Local 1690 (Naval Postgraduate School, Monterey, Calif.). Randazzo as the labor co-lead for performance management, and frequently met with DoD and other Union officials over a five-year period to outline a blueprint, program and rollout for the new Defense performance management and appraisal program. On April 1st, after years of work and collaboration, New Beginnings finally began its implementation phase at DoD installations around the country.

So what does New Beginnings mean for NFFE-IAM members? New Beginnings' mission is to use employee performance plans to document the link between the organizational mission and goals of DoD and the contributions of individual employees to secure increased employee engagement, morale, and effectiveness. Additionally, New Beginnings includes additional training for supervisors and managers, which is much-needed at DoD according to managers and rank-and-file employees alike.

Another reform outlined in New Beginnings is a focus on streamlining the hiring process. Reforms include: enhancement of existing automated hiring tools; training for supervisors and managers; providing training to improve the skills and advisory capabilities of DoD's human resource practitioner workforce; and implementing effective means of recruiting, compensating, and incentivizing the workforce. Additionally, there is a significant focus on strategic workforce planning to shape an effective workforce for today and into the future.

The Defense Performance Management system and Appraisal Program has incorporated a three-level system to rate employee performance. The three levels are: Level 1 (unacceptable), level 3 (fully successful), and level 5 (outstanding). The three-level system allows for a more objective method to distinguish between levels of performance, which will allow for more-informed discussions between the employee and supervisor to occur throughout the year. At a minimum, performance discussions will include an initial performance planning meeting to discuss performance expectations, a mid-year performance review, and a final performance appraisal.

“One major lesson from NSPS was that we could not allow personnel reform to happen behind closed doors without the workers having a voice in the process” said NFFE National President William R. Dougan. “That is why New Beginnings is different from any personnel reform in recent memory. From the very beginning labor was involved in the process, and because of that, the end product is substantially better than past reforms like NSPS. New Beginnings is not perfect, but the process by which it was created should be the model for personnel reform in the federal government.”

NFFE Fights Legislation Gutting Federal Employee Due Process Rights

On July 7, in an almost exclusively party-line vote, the U.S. House of Representatives passed H.R.4361 despite deep opposition from NFFE and our allies on Capitol Hill. While supporters of this bill touted gimmicky provisions, such as a moratorium of federal employees viewing porn on government computers (which is already prohibited), the vast majority of the bill comprised arbitrary and punitive attacks on the due process rights of federal employees. With the legislation making it through the anti-worker House of Representatives, our fight turns to the Senate.

As we continue to defend against the ever-rising wave of Congressional attacks on the working men and women of the federal workforce, opponents are becoming increasingly aggressive in their attacks on federal employee due process protections. Provisions like arbitrarily extending probationary periods, which have no demonstrated effect on performance outcomes, are repeatedly popping up in numerous pieces of legislation. More damaging, though, are provisions like the expedited firing process applied to the Department of Veterans Affairs (VA) Senior Executive Service for federal employees, which Congress has repeatedly attempted to apply to VA rank-and-file employees and the rest of the federal workforce through H.R. 4361.

In June, the VA announced it would no longer adhere to the expedited firing procedures prescribed by Congress to those in the

Senior Executive Service following constitutional questions raised by the Department of Justice (DoJ)). Despite the warnings from the DoJ regarding the constitutionality of gutting federal employee due process rights, extremists in Congress are coming back for another bite at the anti-worker apple with recently-introduced legislation stripping VA employees of their due process rights.

Congress has repeatedly demonstrated their blatant disregard for the Constitution as it applies to federal employees, and it is up to us to stop them. We must stand in Union to stop these repeated and baseless attacks on the federal workforce. United, we will win. It is on us to contact our members of Congress and tell them our stories, and how cuts in pay, pensions, and due process protections negatively affect our lives.

“Proposals to expedite discipline and extend probationary periods for federal workers have nothing to do with seeking good government,” said NFFE National President William R. Dougan. “These proposals are about making workers feel vulnerable, and lay the foundation for eliminating Unions in the federal government. Anti-federal worker lawmakers have shown they will push legislation to eliminate rights for federal executives today, and they will propose eliminating the same rights for all federal workers tomorrow. NFFE will not stand for the whittling away of critical employee protections. We will fight this legislation tooth and nail.”



NFFE-IAM members with Sen. Elizabeth Warren (D-Mass.) to discuss the importance of federal employee workplace protections



Rainey v. Merit Systems Protection Board, 2016 U.S. App. LEXIS 10254 (Fed Cir. 2016).

Summary: The employee alleged retaliation for whistleblower activity. Specifically, he alleged that his duties were taken away from him because he refused to follow a supervisory order to violate the Federal Acquisition Regulation (FAR) which sets forth the ethical rules for government contracting. The Court affirmed the MSPB finding that the whistleblower provision at issue only applied to orders to violate the law, not orders to violate a rule or regulation.

Comment: Under the Whistleblower Protection Act (WPA), employees have the right to disobey a supervisory order that requires a violation of law. Employees should know, however, that this right to disobey does not pertain to rules and regulations. If an employee is disciplined for refusing to violate a rule or regulation, a defense could be mounted under the just cause provision of a CBA. But, an action under the WPA before the MSPB will likely fail.

Michigan Army National Guard and LIUNA Local 2132, 69 FLRA 393 (2016).

Summary: Two employees were terminated. They requested hearings and were going to be represented by the Union. The National Guard attorney wrote a letter to the employees' representative instructing him not to have any more communications with the employees. The Union filed a ULP. Both the Administrative Law Judge and the FLRA ruled in favor of the Union.

Comment: This case, while unusual on its facts, is a reminder that the law protects an employee's right to communicate with his or her Union representatives, which includes Union counsel. This right falls under 5 U.S.C. § 7102. When an agency interferes with that right, even if the interference is unintentional, it constitutes an Unfair Labor Practice under 5 U.S.C. § 7116(a)(1).

Defense Commissary Agency and AFGE Local 63, 69 FLRA 379 (2016).

Summary: When the Agency informed the Union that it had to move out of its temporary office space, the Union filed a grievance. The Agency argued that the grievance was precluded by a ULP the Union earlier filed. The Arbitrator found that the Agency failed to bargain, and ordered the Agency to provide the Union with other space and to pay the costs of any move. The FLRA upheld the Arbitrator's Award.

Comment: This is a good case to keep in mind when an Agency alleges that a grievance is precluded by an earlier ULP charge. Here, the grievance was filed 14 months later under different circumstances despite the fact that both related to the Union office space. Therefore, the grievance was not barred under 5 U.S.C. § 7116(d).

The Federal Employee

National Federation of
Federal Employees
1225 New York Ave, NW
Suite 450
Washington, DC 20005
202-216-4420
202-898-1861 Fax

Connect with us:
www.nffe.org



National President
William R. Dougan

National Secretary-Treasurer
Randy L. Erwin

National Vice Presidents

Rob Arnold
Mark Davis
Patricia La Sala
Elizabeth McDargh
John R. Obst
Tim Ostrowski
Eric Plimmer

