

August 2002

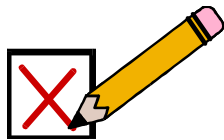
# Alert!

***Following the Survey and EEO articles, this newsletter is devoted to the Homeland Security Bill. It is the single most important piece of legislation facing the Congress and Federal Employees this year.***

## SURVEY MEETINGS

*This memo was sent to all IRS managers from Deputy Commissioner Bob Wenzel on July 15, 2002. It was entitled "Expectations On Using IRS/NTEU Survey 2002 Results". I have "bolded" areas to draw your attention to important dates and items.*

The Internal Revenue Service has three strategic goals that guide our planning and operations. One of these goals is: Productivity Through a Quality Work Environment. Our principal measure for this goal is Employee Satisfaction. Our principal measure of Employee Satisfaction is the annual census survey. This year's survey, SURVEY2002, was completed in May.



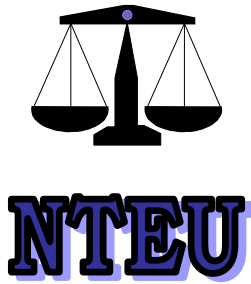
Our employees demonstrated their commitment to this strategic goal by participating in SURVEY2002. In total, almost 70 percent of all IRS employees responded. That means we know what seven out of every ten employees think about the important issues that were covered in the survey questions. This high response rate shows that our employees take the survey seriously and that they trust that we will act upon their responses.

It is now time for us, as IRS management, to demonstrate our continued commitment to the strategic goal and employee satisfaction by acting upon the findings of the survey. We can do so by meeting with our employees to develop action plans, using the survey information to enhance the quality of the work environment for all members of the Service. The steps outlined below will assist you in making your workgroup meetings a success, and should be followed by all executives and managers.

For SURVEY2002, we have developed and refined resources to support you in this process.

Once you receive your SURVEY2002 Workgroup Report, it is my expectation that all IRS executives and managers will:

- Understand how to interpret your Workgroup Report by using the resources available to you.



# Chapter 52

- Complete initial workgroup meetings by September 30, 2002, and continue meetings as needed throughout the year to address employee satisfaction issues.
- Ensure that your workgroup develops an action plan by October 1, 2002. Each workgroup is expected to identify the issues and prepare an action plan based on workgroup discussions. You should use WEBTRACKER to document these issues.

Once your workgroup has identified their issues, it is important that the group establishes ownership of their issues and celebrates the successes. Include appropriate items in your FY2003 performance plan based on your workgroup's action plan.

Note: If fewer than four of your employees took SURVEY2002, you should request a "roll-up report" from your immediate manager and treat that just as you would a Workgroup Report.

cc: NTEU National President

***Let's take these Survey results just as seriously as DC Wenzel expects his managers to take it!***

- ✦ Go into the meetings with an open mind and participate fully in the Survey process.
- ✦ Speak what is really on your mind... in a manner that is courteous, respectful and meaningful.
- ✦ Give all your efforts to improving the workplace. It is yours.
- ✦ Do what you can as a group to make changes that will enhance your worklives.
- ✦ When elevating an issue, canvass other groups to see if this is also their issue. If so, combine these elevated issues to stress that the issue is important to many employees.

**Remember: This is your workplace. Make it a place you like to come to every day. Whining improves nothing. Action is the only effective change agent.**



**Civil Rights Groups Question Possible Changes to EEO Process**

*The following article, written by Tanya N. Ballard, appeared in the Government Executive. It is a good example of what happens when stakeholders aren't included in agency decisionmaking:*

Civil rights advocates and federal employee organizations staged a protest rally Wednesday to oppose proposed changes to the federal Equal Employment Opportunity redress process.

In an effort to shorten the lengthy and time-consuming employee complaint process, EEOC Chairwoman Cari Dominguez has floated several ideas over the past few months to revamp the system. Two proposals under consideration include abolishing hearings and eliminating investigations at the agency level.

“As currently designed, the federal process can take up to four years. Many employees have retired from federal service before they see justice dispensed,” Dominguez said in a written statement. Agencies now have 180 days to complete their investigations of complaints. After 180 days, the complainant can request a hearing before the EEOC. Once jurisdiction shifts to the EEOC, the agency cannot continue its investigation without a judge’s approval.

But employee and civil rights groups said the changes being discussed are too drastic and that the groups haven’t been consulted about how to improve the process. To show their displeasure, members of the American Federation of Government Employees, the NAACP Federal Sector Task Force, the National Treasury Employees Union, the National Council of EEOC Locals, the Council of Federal EEO and Civil Rights Executives and Black Males for Justice joined Joseph Kaplan of the law firm Passman & Kaplan in the protest, which was held in front of the EEOC’s offices in Washington.

“While the chairwoman’s staff has been working on proposals to eradicate or reduce federal employees’ important protections, they have done so behind closed doors,” said Kaplan. “None of the commission’s stakeholders—not federal employees, federal employee representatives, unions or federal agencies—have been included in the secretive deliberative process apparently going on.”

The groups also criticized a proposal that would give agencies 60 days to resolve complaints through alternative dispute resolution. According to the proposal, if the complaint is still unresolved after 60 days, the employee could appeal to the EEOC or file a lawsuit in district court.



“If you remove hearings and the administrative judges from the process, it’s like removing the steering and motor from the car,” said Ken Burton, a member of Black Males for Justice, a group of 2,200 Social Security Administration employees that successfully sued that agency for discrimination in 1995 and settled the suit this year. “What you have left is a sofa that passed a collision test.”

In her statement, Dominguez cautioned against premature judgments about what measures would be adopted to correct the grievance process.

“No definitive proposal has emerged yet regarding exactly how the federal sector process may change in order to improve efficiency, effectiveness and fairness,” Dominguez said. “In considering our options, please be assured that our focus will be on how to best utilize all of the human capital allocated for EEO programs throughout the federal government in a more proactive, consultative manner.”

David Grinberg, a spokesman for EEOC, said the agency planned to hold a public meeting in late August or early September that would focus on reforms in the federal equal employment opportunity process. Dominguez also plans to hold roundtable discussions with stakeholders in the next few months, he said.

“This is a concern of the highest level for NTEU,” said NTEU President Colleen Kelley. “NTEU would not stand for a daylight attack on our members’ civil rights, and we certainly are not going to stand for a sneak attack in the dark of the night.”



# The HOMELAND SECURITY BILL, UNION RIGHTS AND CONGRESS

## It All Started When Justice Workers Lost Collective Bargaining in Post-Sept. 11 Order

Back in January, the Federal Labor Relations Authority held a hearing in Miami to consider a petition by a group of U.S. Department of Justice employees who sought to be represented by a union. Many government employees, including DOJ staffers, are represented by unions, though they do not have the right to strike.

But something else happened on that first Monday of the new year that trumped the authority proceedings.



On that day, President George W. Bush signed Executive Order 13252: "Exclusions from the Federal Labor-Management Relations Program." Hundreds of Justice staff employees, many of whom had for decades been represented by unions, suddenly were deemed crucial to national security and thus prohibited from collective bargaining.

Also on Jan. 7, President Bush fired all seven members of the Federal Service Impasses Panel, a part of the FLRA that handles disputes between the government and its employees. Panel members are part-time presidential appointees, but union officials said they had never before seen a president clean house at the board all at once. Collective bargaining for government employees came to a standstill for a month, until the president appointed his own panel.

The Bush administration said these actions were necessary due to national security concerns. However, to some union officials, these events were part of an ongoing series of post-Sept. 11 encroachments on government-sector unions. And the union lawyers, who believe opportunism is piggy-backing on tragedy, are now scrambling for another kind of homeland security-preserving the unions themselves.

On the one hand, the Bush administration has in effect shrunk the number of federal employees covered by unions. And on the other-with the proposals to combine a number of federal agencies into a new Department of Homeland Security and to add 30,000 airport screeners-the number of union-exempt employees would be greatly increased.

"The administration has used 9-11 as an excuse for many agendas," says Charles A. Hobbie, deputy general counsel for the American Federation of Government Employees. "Some of these moves have been kind of an 'up yours' to unions. They have been too numerous to enumerate."

"The government unions are crying crocodile tears," responds Dan Cronin, a spokesman for the National Right to Work Committee, a pro-business, corporate-funded group that fights compulsory union membership. "It's definitely a very valid point the Bush Administration makes about national security. These are life-and-death matters, and union demands can go up at a time of crisis."

For union lawyers, the post-Sept. 11 problems keep piling up. Some federal employees have asked their unions to seek more physical security for them on the job, such as bulletproof glass or other shielding for those dealing with the public.

"But we're told that's an internal security matter, and the government won't bargain," Hobbie says.

Through collective bargaining, union members are guaranteed protection for whistle-blowing and for grievance procedures. Without it, they may or may not have those protections.

Congress exempted the new airport screeners from civil service protections so that those who perform poorly can be fired in short order. But arrangements were made by the Transportation Security Administration for the U.S. Office of Special Counsel to protect them from retaliation for whistle-blower complaints. They will not, however, have recourse to the Merit Systems Protection Board for a third-party review of firings and other major personnel actions.

Though Congress showed its concern for quality control in hiring and expeditious firing of airport screeners in the wake of the 9-11 attacks, some House members complained to the White House about the exclusion of hundreds of DOJ staffers from unions. They question the motive.

The executive order of Jan. 7 concerned staff working in all U.S. attorneys' offices, Justice's Criminal Division, the U.S. National Central Bureau of Interpol, the National Drug Intelligence Center and the Office of Intelligence Policy and Review.

Noting that the executive order came on the same day the president fired the impasses panel, the legislators wrote a letter to the president. It said, "To an outside and objective observer, this timing appears to be more than coincidental."

The letter was written by Rep. Steny H. Hoyer, D-Md., and signed by seven other members, including two Republicans.

"It is a dangerous proposition to invoke national security when circumventing fundamental rights of citizens, and the president should only cry wolf when it is truly necessary," Hoyer wrote. The House members received a general response to the effect that their disagreement was noted.

"To us, the whistle-blower protections and grievance rights are very important," says Hobbie, the No. 2 lawyer in the nine-lawyer American Federation of Government Employees' general counsel's office. "These things might not sound like much to a lot of Americans right now, but they're very important rights for government workers."

The federation has 215,000 dues-paying members, but represents 650,000 federal employees in collective bargaining. Federal employees also are represented by unions such as the National Federation of Federal Employees and the National Treasury Employees Union.

Through its union local in Texas, the American Federation of Government Employees challenged the executive order removing Justice staffers from collective bargaining, asking the Federal Labor Relations Authority to keep them eligible for union membership. The labor relations board ruled that it has no authority to do so.

These actions to deny civil rights to government employee's opened a virtual Pandora's Box. The next creepy-crawly to emerge from the Box infected the Homeland Security Bill. The next article describes that fiasco.



# Everything You Never Wanted To Know About Your Congress And The Homeland Security Bill Debacle

The never-ending debate over the creation of a Homeland Security Department has set off a flood of lobbyists: Business groups eager to ensure the free flow of trade through tightened borders, technology groups hawking data management and new security devices, defense contractors, health researchers and port authorities have joined in the debate. But the most intense lobbying campaigns have come from two opposing corners—the White House and the federal employees' unions—and have focused on what kind of labor rights employees of the new department will enjoy.

The White House has also brought its formidable lobbying machine to bear on the House of Representatives, with particular interest in pulling lawmakers toward President Bush's original position on the so-called worker issues.

The House Government Reform Committee had different ideas: It passed a bill containing employment language that the unions could support. The president's team began lobbying for changes to that committee's proposed civil service and collective bargaining language even before the Government Reform panel had finished marking up its bill, according to sources.

Next, the White House hustled to ensure the House Homeland Security Committee would rewrite the Government Reform Committee's work to reflect the president's wishes more closely. Once the measure came before that select Homeland Security panel last Friday, the panel's Republicans were ready to move language much closer to the White House position.



Rep. Rob Portman, R-Ohio, a select panel member and close ally of the White House, said the new language improved both the president's version and the Government Reform language. Portman said the employees would have their union representation, but flexibility was necessary in a wartime situation.

The unions cried foul, saying the new language gutted the Government Reform-passed bill. They said despite Portman's changes to the president's original approach, the new department's secretary still could take away employees' civil service protections for "national security" reasons.

"Everything that gives meaning to having a union is at the discretion of the secretary," one union official complained of the select committee's approach.

AFL-CIO Political Director Bill Samuel said the labor federation is cranking up its grass roots to support the federal employees. "There's an important principle at stake here that people not be denied their collective bargaining rights," Samuel said.



The AFL-CIO and its member unions added their muscle to the two federal employee unions most affected by the legislation: the 600,000-strong AFGE, which represents 30,000 employees slated for transfer to the new department, and the National Treasury Employees Union, which would see about 12,000 of its 155,000 members shifted into the Homeland Security Department.

NTEU represents Customs Service workers, who calculate the tariffs on products passing through U.S. borders while also watching for terrorists. AFGE represents employees of the Immigration and Naturalization Service and the Border Patrol, as well as workers in the Coast Guard, Federal Emergency Management Agency and the Animal and Plant Health Inspection Service.

"It's hard for them to attack 'bureaucrats' when you look at the people being moved into the department—these are people on the front lines, not pencil pushers," said Maureen Gilman, NTEU's legislative director.

But the federal employee unions can use all the help they can get, as the AFGE fields just four lobbyists and the NTEU has two. At least a dozen affiliated unions, including the Teamsters and the United Steelworkers, took assignments earlier this week to help with the lobbying campaign, according to a union source who added, "They were proud to do it."

Despite the added muscle, however, the House defeated the attempt to preserve the union rights of employees in the proposed Homeland Security Department on Friday.

By a 222-208 vote, the House rejected an amendment from Rep. Connie Morella, R-Md., that would have guaranteed collective bargaining rights for employees moving to the proposed department. Morella's provision prohibited the Bush administration from waiving union rights, even for national security reasons. The House passed the full homeland security bill on a 295-132 vote.

Lawmakers also defeated an amendment from Reps. Martin Frost, D-Texas, and Henry Waxman, D-Calif., that would have blocked the administration from cutting the pay of employees of the proposed department. The measure would have applied Title 5 to homeland security employees and strengthened whistleblower protections. (See "How They Voted" in this issue).

The votes are a setback for federal employee unions, who strongly supported the Morella and Waxman-Frost amendments. "It's a sad day in America when a majority of members of Congress would so easily dispose of collective bargaining rights," said Brian DeWyngaert, assistant to Bobby Harnage, president of the American Federation of Government Employees.

"Civilian employees have performed critical work at the Defense Department in war after war, and Defense has never once had to come forward and say we just can't get the job done because of collective bargaining rights," DeWyngaert said.

The House also approved an amendment from Rep. Christopher Shays, R-Conn., that would let the president waive union rights for employees in the department in times of national emergency. Shays' amendment is a slight variation from the bill reported by the Select Committee on Homeland Security, which allows the administration to rescind union rights for national security reasons.



That same morning, President Bush criticized attempts to curtail management flexibility for the new department and reiterated a threat to veto the Senate version of the homeland security legislation, which preserves union rights.

"I'm not going to accept legislation that limits or weakens the president's well-established authorities—authorities to exempt parts of government from parts of federal labor-management relations statutes when it serves our national interest," Bush said at a White House ceremony.

Senate Governmental Affairs Committee Chairman Joseph Lieberman, D-Conn., Wednesday appeared with two union members—a Border Patrol agent and a firefighter—to repeat his vow to defend the labor language in his bill. He ushered the Democrats' version of the bill through his committee last week with the help of a few Republicans. But the White House threatened to veto that version of the bill soon after the final vote was cast.

The White House worries that the Democratic bill does not give the new department's secretary the flexibility to create an agile agency capable of quickly hiring and firing employees and reorganizing on the fly.

Lieberman has stressed that his bill closely tracks the White House proposal in most areas. "The reality is that on 85-90 percent, we are in agreement," Lieberman said before the White House issued its veto threat.

Late last week, three senators—two Republicans and a Democrat—introduced a competing homeland security bill that mirrors Bush's plan. The White House has continued its full-court press to approve legislation that tracks Bush's original proposal.

The Senate delayed the procedural vote on the homeland security legislation until after the August recess—a move that further dampens the chances for Senate approval of a Homeland Security Department by the symbolic deadline of Sept. 11.



Senators had expected to vote on the motion earlier. However, Senate Appropriations Committee Chairman Robert Byrd, D-W.Va., in a series of speeches, has pleaded with senators to slow down consideration of the bill to ensure that the creation of the new Cabinet-level department gets careful thought.

On Wednesday, for the second time in two days, Byrd attacked the Bush administration's homeland security plan and urged members of Congress not to endorse it hastily. In a Senate floor speech, Byrd said the proposed Homeland Security Department is a backhanded attempt to strip rights from federal employees.

Although President Bush has said he believes the department should have broad "flexibility" on labor laws to create a nimble agency, Byrd said: "I question the real motivation behind the president's objections to worker protections. Let's face it, the players in this administration don't have much of a reputation as champions of basic protections for workers."

Under a deal reached Thursday, senators will vote on a motion to proceed to the homeland legislation soon after returning from the upcoming four-week break. The homeland legislation could take more than a week on the Senate floor. If senators approve the cloture motion on Sept. 3 when they return to Capitol Hill, the Senate would have just five legislative days to approve the bill before September 11.

Meanwhile, Senate Governmental Affairs ranking member Fred Thompson, R-Tenn., suggested Democrats were on the "defensive" over the issue of worker rights in the new department.

Thompson predicted that when the bill comes to the floor in the fall, it would be difficult for Democrats to "defend the proposition that they should take away authority the president has had since 1949" to restrict labor rights for national security reasons.

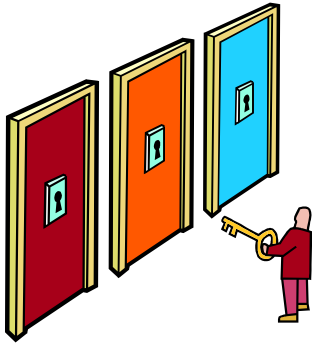
"The president in no uncertain terms said this [workplace flexibility] is important," Thompson told reporters.



## Group Suggests Compromise on Homeland Security Personnel Rules

By Brian Friel, *Government Executive*

A nonprofit group proposed a set of civil service reforms that it said could serve as a compromise in the battle between unions representing federal employees and the Bush administration over personnel rules for the new Department of Homeland Security.



The Partnership for Public Service, a Washington-based advocacy group, issued a report suggesting three changes to civil service rules for the new department. The changes would include a pay-banding system, new hiring procedures and special authority to offer buyouts and early retirement incentives to employees.

The partnership's proposed changes are more limited than the Bush administration's proposal for near-total autonomy over personnel, but more expansive than existing civil service rules, which federal employees' unions want to retain for the new department.

"This may be a means of resolving the conflict," said Max Stier, president and CEO of the Partnership for Public Service. "This gets away from the no rules versus old rules debate."

The battle over personnel rules has been a key stumbling block in the progress of legislation to create the Department of Homeland Security, which would merge almost two dozen federal agencies and offices and 170,000 federal employees into one new Cabinet department. The Bush administration's proposal would give the secretary of Homeland Security, in consultation with the director of the Office of Personnel Management, the power to create a personnel system that is "flexible, contemporary and grounded in the public employment principles of merit and fitness."

The current federal personnel system, in contrast, lays out extensive rules that govern every major aspect of human resources management. Union officials and lawmakers who oppose changes say the system protects federal employees from political influence, guards the employees' union rights, and tries to ensure that managers treat their people fairly.

"By getting rid of a lot of the civil service protections, management on a whim could fire whomever they wanted to and hire their brother-in-law," said Diane Witiak, spokeswoman for the American Federation of Government Employees. "That's one of the reasons we have the rules: To get rid of the cronyism. Now we're backtracking all the way."

Under the partnership's proposal, most civil service rules would be left intact. Among the changes: The department could use a system of broad pay bands rather than the General Schedule's hierarchy of grades and steps to set employees' pay. The department could also offer higher pay rates to senior people with important skills.

The department could use categorical ranking rather than requiring managers to select from a list of three top candidates when hiring employees.

The department could offer early outs and buyouts to replace employees with outdated skills. Unlike the buyouts used in downsizing during the 1990s, a full-time position at the department would not have to be eliminated every time someone took a buyout.

The partnership also suggested that Congress and the administration need to provide resources for the department to offer relocation incentives, student loan repayments, extensive training and other tools to attract, retain and develop a strong group of employees. The partnership also recommended that the department have a chief human capital officer to oversee strategic human resources management.

The House-passed version of the Department of Homeland Security legislation includes more restrictions on the new department's power over personnel than the Bush administration proposal did. The version approved by the Senate Governmental Affairs Committee was even more strict in protecting established rules. The full Senate has yet to take up the bill.

Sen. George Voinovich, R-Ohio, sponsored a provision in the current Senate bill that would extend several of the partnership's proposed changes to most federal agencies, not just the Department of Homeland Security. The only proposal not included is the pay-banding provision.

AFGE's Witiak said retaining collective bargaining rights is important to federal workers, noting that the issue wasn't addressed in the partnership's report. Stier said the partnership supports employee involvement in day-to-day management.

Office of Personnel Management spokesman Rusty Asher said officials are reviewing the partnership's report.



## **Agencies Would Get Buyout Authority Under Senate Homeland Security Bill**

By Jason Peckenpaugh

Federal employees throughout the government would be eligible for \$25,000 buyouts and early retirement incentives under the Senate bill creating the new Homeland Security Department.



Sen. George Voinovich, R-Ohio, sponsored the governmentwide buyout measure, which the Senate Governmental Affairs Committee added to the homeland security legislation last week. The committee adopted several provisions from Voinovich's Federal Workforce Management Improvement Act—legislation aimed at overhauling federal hiring practices—during markup of the homeland security bill.

The Voinovich provisions would create chief human capital officers at agencies and give them personnel flexibilities such as buyout authority. Attaching these measures to the homeland security legislation—which observers expect will pass in some form—makes it more likely that they will actually become law, according to John Palguta, vice president for policy and research at the Partnership for Public Service, a Washington-based think-tank.

“It remains to be seen what kind of compromise is worked out between the House and Senate, but I'm hopeful that the Voinovich language is retained and that we in fact get these things adopted governmentwide,” he said.

None of the Voinovich measures would be prohibited under the House version of the homeland security legislation, which gives the administration complete flexibility to design a new personnel system for the

department. The White House also proposed some of the measures, including buyout authority, in its Managerial Flexibility Act last fall. The full Senate will not consider the homeland security bill until after the August congressional recess, which runs through Labor Day.

Another Voinovich provision would repeal the so-called “rule of three” which requires federal managers to hire employees from a list of three pre-selected candidates. Instead, managers would use categorical ranking, where job applicants are lumped into several categories, such as “most qualified,” and “qualified” and ranked using predetermined criteria. The Agriculture Department’s Forest Service has used categorical ranking to hire thousands of firefighters, while the IRS used it last year to hire hundreds of revenue agents.

A chief human capital officer could be particularly useful at the Homeland Security Department, where officials will have to reconcile dozens of different personnel systems and oversee massive hiring campaigns that some homeland security agencies will conduct over the next few years. For example, the Immigration and Naturalization Service plans to hire 20,000 Border Patrol agents, immigration inspectors and other law enforcement personnel over the next two years.

The Department of Homeland Security’s human capital “czar” could also try to keep homeland security agencies from raiding each other for new hires, noted Palguta. An analysis in the August issue of *Government Executive* found that federal agencies lost more than 1,400 law enforcement officers and support personnel to the Transportation Security Administration between September and June.



## HOW THEY VOTED

On 08/02/2002, NTEU National President Colleen Kelley sent this memo to “All Chapter Presidents and Legislative Coordinators”

### **Update on Congressional Action on Legislation Creating a new Department of Homeland Security.**

Re: Update on Congressional Action on Legislation Creating a new Department of Homeland Security.

Summary: The House of Representatives rejected amendments that would have preserved the rights of federal employees who would be transferred into the proposed Department of Homeland Security (DHS) and passed their DHS legislation — HR 5005, by a vote of 295-132. The Senate will vote on their DHS legislation — S 2452, after the congressional recess in September.

This memo is to recap recent congressional actions and inform all NTEU members as to the status of both the House and Senate bills on the creation of the DHS.

During floor debate of HR 5005 — Homeland Security Act of 2002 on July 26 — four amendments that affected federal employee rights were debated. The results of these amendments are as follows.

- An amendment aimed at undercutting the Morella Amendment and giving the President flexibility to remove employees from their bargaining units, was introduced by Rep. Chris Shays (R-CT). NTEU opposed this amendment that passed by a vote of 229-201. This amendment would limit the President's authority in a very minor way.

Republicans who voted against the Shays Amendment and **with** NTEU members:

Duncan Hunter (R-CA)

Connie Morella (R-MD)

All other Republican members supported the Shays Amendment.

Democrats and Independents who voted for the Shays Amendment and **against** NTEU members:

Allen Boyd (D-FL)

Jane Harman (D-CA)

Charles Stenholm (D-TX)

Bud Cramer (D-AL)

Baron Hill (D-IN)

Ellen Tauscher (D-CA)

Cal Dooley (D-CA)

Ken Lucas (D-KY)

Gene Taylor (D-MS)

Ralph Hall (D-TX)

Adam Schiff (D-CA)

Virgil Goode (I-VA)

All other Democratic members opposed the Shays Amendment.

- By a vote of 208-222, the House rejected an amendment by Rep. Connie Morella (R-MD) and supported by NTEU, that would have guaranteed collective bargaining rights for federal employees moving into the new DHS. This amendment would have grandfathered the collective bargaining rights of these federal employees unless their job duties substantially changed.

Republicans who voted for the Morella Amendment and **with** NTEU members:

Connie Morella (R-MD)

Tom Petri (R-WI)

Shelley Moore Capito (R-WV)

Rob Simmons (R-CT)

Duncan Hunter (R-CA)

All other Republican members opposed the Morella Amendment.

Democrats and Independents who voted against the Morella Amendment and **against** NTEU members:

Allen Boyd (D-FL)

Charles Stenholm (D-TX)

Cal Dooley (D-CA)

Gene Taylor (D-MS)

Ralph Hall (D-TX)

Baron Hill (D-IN)

Ken Lucas (D-KY)

Virgil Goode (I-VA)

All other Democratic members supported the Morella Amendment.

- A third amendment introduced by Rep. Jack Quinn (R-NY), and opposed by NTEU, passed by a vote of 227-202. The Quinn Amendment would allow the new DHS Secretary and the OPM Director to eliminate or establish, new rules in place of current Title V rights on collective bargaining, pay, performance appraisals, discipline, job classification, and merit systems appeals. It was offered in an effort to defeat the Waxman amendment described below.

**Republicans** who voted against the Quinn Amendment and **with** NTEU members:

Connie Morella (R-MD)

All other Republican members supported the Quinn Amendment.

**Democrats and Independents** who voted for the Quinn Amendment and **against** NTEU members:

Allen Boyd (D-FL)

Baron Hill (D-IN)

Ellen Tauscher (D-CA)

Cal Dooley (D-CA)

Ken Lucas (D-KY)

Gene Taylor (D-MS)

Ralph Hall (D-TX)

Charles Stenholm (D-TX) Virgil Goode (I-VA)

All other Democratic members opposed the Quinn Amendment.

- A fourth and final amendment was offered by Rep. Henry Waxman (D-CA) and Rep. Martin Frost (D-TX). This amendment, which was supported by NTEU, failed by a vote of 207-220. This amendment was identical to language that was unanimously adopted by the House Government Reform Committee and then stripped out of HR 5005 by the House Select Committee on Homeland Security. This amendment simply stated that all federal employees transferred into the new DHS would continue to have full Title V civil service rights and protections.

**Republicans** who voted for the Waxman Amendment and **with** NTEU members:

Connie Morella (R-MD)

All other Republican members opposed the Waxman Amendment.

**Democrats and Independents** who voted against the Waxman Amendment and **against** NTEU members:

Ralph Hall (D-TX)

Ken Lucas (D-KY)

Charles Stenholm (D-TX)

Virgil Goode (I-VA)

All other Democratic members supported the Waxman Amendment.

## Senate Actions:

The Senate Governmental Affairs Committee voted its version of the DHS legislation — S 2452 out of committee on July 25. It included the following provisions:

- Provides that all employees transferred to the DHS will continue to be subject to all current Title V civil service protections and rules.
- Employees transferred to the new DHS who are already members of unions, would retain their collective bargaining rights. These rights could be revoked by the Federal Labor Relations Authority only if: employee job duties materially change, and, the changed duties directly relate to intelligence, counterintelligence or investigation of terrorism.

Key provisions of S 2651, the Federal Workforce Improvement Act and the President's Freedom to Manage proposals were also added to the Homeland Security legislation, S 2452, during the committee markup. These provisions included:

- Reform of the federal hiring process that would permit categorical ranking of applicants as an alternative to the Rule of 3 hiring process.
- Establishment of a human capital officer position at the new agency.
- Permanent extension of agency workforce shaping tools including Voluntary Separation Incentives (buyouts) and Early Retirement Authority.
- Adjustments related to Senior Executive Service members.
- Academic degree training flexibilities for agencies.

The Senate will begin debate on its DHS legislation, S 2452, on September 3 when the Senate returns from its congressional recess. During the House and Senate congressional recesses it remains imperative that all NTEU members contact their Representative and Senators. NTEU members should contact their Representative and thank those who supported NTEU members. If your Representative voted against the Morella and Waxman/Frost Amendments, ask them why they did not support the rights of federal employees. If they voted in favor of the Shays and Quinn Amendments, again, ask them why they did not support federal employees.

In the Senate, it is important that every NTEU member contact their Senators to ask for their support of S 2452, as well as asking them to vote against any floor amendments that would weaken the rights of federal employees.

If you have any questions regarding the House votes, or the Senate's DHS legislation, S 2452, which protects the rights of all federal employees, please contact Paul Giuliano of NTEU's Legislation Department at (202) 783-4444 ext. 2221.

Colleen M. Kelley  
National President



Note: TOM'S HUMOR PAGE will return with the September issue.

**Chapter 52 has recently registered its Domain Name.  
We now can be found at: [www.nteu52.org](http://www.nteu52.org)**



The **Chapter 52 Alert!** can be found on our Chapter Web Page at [www.nteu52.org](http://www.nteu52.org)

You can e-mail any Chapter officer, staff member or steward from the page.

*Chapter 52 President, Tom Jones  
Chief Steward, Bill Grace  
Asst. Chief Steward, Mick Eskew*

*Send comments and/or articles to  
[Susan.M.Ryan@irs.gov](mailto:Susan.M.Ryan@irs.gov), mail to  
1700SANW, or fax 210-706-5376,  
attention Alert! Editor Susan Ryan*

