

Stop the Department of Defense from Implementing the National Security Personnel System (NSPS)

The proposed National Security Personnel System (NSPS) regulations issued by the Department of Defense and the Office of Personnel Management (OPM) are deeply disturbing to me as a Department employee, a taxpayer, and a voter. Here are a few examples of how DoD is using the ruse of “National Security” to exceed its Congressional authority and attack employees’ rights:

- Despite a directive from Congress to **protect collective bargaining**, the new personnel system would scrap employees’ collective bargaining rights and allow management to unilaterally change work conditions at any time, simply by issuing new guidelines. The proposed NSPS regulations put forth by the Pentagon give management unlimited power “to take whatever other actions may be necessary to carry out the Department’s mission.” Such language, containing no definitions of that mission or limitations in its execution, allows management to do anything it wants at any time, including simply disregarding all existing employee contracts and agreements. The proposed system is dictatorial, at best.
- Congress mandated that any new personnel system must include a process for **independent review** of management’s actions and decisions. Traditionally, this responsibility has been handled by the Federal Labor Relations Authority (FLRA). Under its proposed new personnel system, the Pentagon would create its own body to review management actions. The members of this body would be appointed by and answerable to the Secretary of Defense alone. It is impossible to create a more biased, less independent review process than this. Besides creating a sham “kangaroo court” that is sure to be immediately dismissed by employees as unfair, the creation of this body will unnecessarily cost taxpayers hundreds of millions of dollars to provide an “evil twin” of the FLRA. In essence, the Secretary of Defense would have his own personal Star Chamber to justify management’s actions. This is clearly not the will of Congress. Why is DoD afraid to have its actions reviewed in the harsh glow of daylight?
- The DoD proposals for the new personnel system also deny employees their rights to a fair hearing on **appeals of management actions** against them. While employees may appeal actions to the Merit Services Protections Board (MSPB), DoD gives itself the authority to simply dismiss any decision by an MSPB Administrative Judge that it does not agree with. In other words, DoD will decide if and when it makes a mistake! This proposal makes a mockery out of American expectations for justice and guarantees that virtually any appeal of a management action will ultimately have to be settled in the federal courts, requiring millions more in tax dollars to be spent defending DoD’s actions.

These concerns and others were raised with DoD officials during the congressionally-mandated “meet and confer” period. Absolutely no improvements or meaningful changes were made as a result of the 30-day conference between employee unions and DoD management. It is up to Congress to step in and hold the Department of Defense to the letter of the law. Do not allow DoD to implement any new personnel system until the department works collaboratively with employee unions – as mandated by Congress – to develop a new system that will protect workers from arbitrary and capricious behavior by management.

Stop NSPS Now!!

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