



## LEGISLATIVE ALERT

April 28, 2015

Dear Representative:

On behalf of the AFL-CIO, I urge you to support efforts during consideration of the 2016 National Defense Authorization Act (NDAA) markup to make the workforce management process more accountable to taxpayers and to ensure that the Department of Defense (DoD) continues to be a high-road employer that treats its civilian workforce fairly.

**The AFL-CIO urges you to support the following amendments:**

**Bordallo amendment.** This language would strike Section 906, which would revive the discredited National Security Personnel System approach of stripping civilian employees of their protections against politics and favoritism. Congress should instead support the effort it mandated in 2010 that the Department establish a “New Beginnings” personnel system to emphasize performance in employee appraisals appropriately.

**O’Rourke amendment.** This language would ensure that the Department follows its own policy of emphasizing cost-effectiveness in determining whether military, civilians, or contractors should perform new work when the cost is the sole criterion.

**Takai amendment.** This language would extend the cap on service contract spending through FY16 in order to deter the Department from shifting work from a capped civilian workforce to an otherwise uncapped service contract workforce. The cap on service contract spending was originally enacted for FY12 and FY13, and it has since been extended for FY14 and FY15. Last year’s amendment to extend the cap was accepted by voice vote.

**Bordallo amendment.** This language would ensure that any conversions of non-military essential work from civilians and contractors to military personnel reduce costs and promote readiness. The guidelines established would neither take work from military personnel nor prevent the Department from continuing to shift military essential work from civilians and contractors to military personnel. However, before shifting work that is not military essential, DoD should be required to conduct a cost comparison and establish a professional link between the military personnel and the work that they are to perform. This amendment passed by voice vote at last year’s mark up.

**Bishop amendment.** This language would amend Section 905, which mandates an arbitrary 20% cut in DoD headquarters staff. The amendment prohibits headquarters cuts of working capital fund employees unless they are in compliance with 10 USC 2472, the law that requires that depot employees be managed only on the basis of workload and not on the basis of any arbitrary caps or manpower limitations. While this amendment addresses part of the problem with Section 905, we continue to urge opposition to Section 905 as it fails to include all components of the workforce; fails to take into account cuts taken already; and is arbitrary in nature.

The AFL-CIO urges you to oppose any amendment that would revive the controversial OMB Circular A-76 privatization process. The use of the privatization process is prohibited, both government-wide and specifically for DoD, because of significant problems identified by the Government Accountability Office and the DoD Inspector General. Both OMB and DoD acknowledge the A-76 process is flawed and oppose repealing the prohibitions.

The AFL-CIO urges you to oppose any amendments that establish barriers to workload transferring to depots or amendments designed to circumvent core and 50/50 statutes indirectly. Such amendments would establish arbitrary barriers and unnecessary and burdensome layers of bureaucracy that undermine readiness and the balance of workload in the depot system.

Thank you for consideration of our views on the NDAA.

Sincerely,

A handwritten signature in black ink, appearing to read "William Samuel". The signature is fluid and cursive, with a large initial "W" and a long, sweeping tail.

William Samuel, Director  
Government Affairs Department