



December 4, 2008

Newsletters Get the Word-Out That the Agency Refuses to Email

As the Agency refuses to email some NTEU announcements, NTEU will publish the controversial subject matter with newsletters. Newsletters are costly, and consume more resources than email but NTEU is left with no recourse when the agency refuses to adhere to the Collective Bargaining Agreement which permits the Union to email announcements, a long standing past practice. A healthy climate for Union workplace differing views is truly not supported by this current Agency practice. You can view all the issues on the NTEU Chapter website at www.NTEU208.org where the hyper links are active.

---Dale Yeilding, NTEU Chapter President

November 26, 2008

Agency Policy Favors Supervisors with 50% Larger Performance Award

"Pursuant to Article 29.7 of the [Collective Bargaining Agreement](#), the NRC informed NTEU of the performance awards granted to bargaining unit employees. Management also provided the Union with information on non-bargaining unit employee awards. NTEU notes that this year, a supervising team leader was awarded 50% more than non-supervisory employees of the same grade with the exact same appraisal score.

OPM regulation [5 CFR 451.104\(h\)](#) requires programs for cash awards to make meaningful distinctions based on levels of performance. Other regulation and law also provide agencies with the discretion to determine its own award system. Despite this authorization, NTEU views the larger awards issued to supervisors as unfair and challenges the Agency to make the award program more equitable.

October 22, 2008

Supervisor's Web-Tool That Automatically Generates Appraisal Text

Supervisors have a not-so-new tool to automatically generate appraisal text by simply entering the [Outstanding, Excellent, Fully Successful] outcome for element criteria of [quantity, quality, timeliness, independence]. NTEU was recently informed of the ~2-year old web-tool and explained to management the agency's automated process is reversed. The supervisor enters the outcome and the web program then generates the appraisal text inserting the proper adjectives into each sentence. The supervisor simply adds 2 examples to complete the appraisal's element text. Because regulations prohibit appraisal quotas, the supervisor should first determine work quantity is "high" before entering into the tool the outcome as "excellent". This automated process appears to begin with what should be the end result. The programmer, when faced with a tie score for the four criteria, was instructed by management to have the tool generate the lower rating.

Employees should visit the [tool webpage](#) and determine if their supervisor used this backwards short-cut to generate an appraisal that does not clearly and explicitly justify their rating per the policy reproduced below. Contact Dale Yeilding in the NTEU Union office (415-3600) with questions about your appraisal, which might be the document that gets you a promotion.

[MD10.67](#), Part II, D.5 (dated 1986) - **Performance Appraisal Rating** - Supporting Individual Element Ratings.
In addition to indicating the rating, the supervisor shall write a brief narrative for each critical element, rating performance against the written Fully Successful standard. When performance exceeds or does not meet the Fully Successful standard, justification should be included to clearly and explicitly justify the assignment of a rating above or below the Fully Successful level.

5 USC 4302 - Establishment of Performance Appraisal Systems (b) Under regulations which the Office of Personnel Management shall prescribe, each performance appraisal system shall provide for (1) establishing performance standards which will, to the maximum extent feasible, permit the accurate evaluation of job performance on the basis of objective criteria.

October 8, 2008

SEC Employees to Share in \$2.7 Million Settlement

NTEU has notched another victory in its fight against unfair pay-for-performance systems in the federal government, this time at the Securities and Exchange Commission (SEC). Under an NTEU-won settlement, African-American employees grades 8 and above and employees ages 40 and older at all pay levels will share in a \$2.7 million payment and receive salary adjustments. The settlement was reached after an arbitrator ruled for NTEU on a grievance alleging SEC's merit pay system is illegal because it applies a vague and subjective system for awarding pay increases that adversely affected large groups of employees. SEC's flawed merit pay system has been suspended and the parties are negotiating a new merit pay system.