

DO D EMPLOYEES

AFGE Saves 2,000 Locks and Dams Jobs from Privatization

AFGE successfully blocked the Army Corps of Engineers' planned privatization review of locks and dams operations and maintenance, saving more than 2,000 jobs from possible outsourcing.

The Corps announced in November that it was abandoning the planned privatization study in favor of so-called High Performing Organization (HPO), an internal reorganization that does not involve competition with private contractors.

AFGE and lawmakers had pressured the agency not to outsource these jobs because lock and dam operators and mechanics play a vital role in protecting the country's waterways. Congress, at the urging of AFGE, has for two years denied the Corps the funding necessary to carry out the wasteful job competition, also known as an A-76 study. The agency had originally planned to invite bids from contractors in February 2006. Now it has plans to start implementing the HPO process in January this year and complete it in 18 months. AFGE will be monitoring the process closely.

AFGE Argues Against NSPS Before Appeals Court

AFGE on Dec. 11 presented oral arguments before the U.S. Court of Appeals against DoD's new personnel system which fails to protect employees' rights to organize and bargain collectively.

Speaking on behalf of the United DoD Workers Coalition, Joe Goldberg, AFGE Assistant General Counsel, urged the appellate judges to uphold U.S. District Court Judge Emmet Sullivan's February ruling that declared illegal the labor relations portion of the proposed National Security Personnel System

(NSPS). Goldberg said Congress clearly required collective bargaining under the new personnel system.

AFGE on Sept. 26 filed an answer brief in response to the department's appeal to Judge Sullivan's decision. The union argued that NSPS would harm workers by violating their due process and eliminating their collective bargaining rights. The appeals court is expected to issue its decision this spring. AFGE will continue to urge employees to call their senators and representatives about the harmful impact of NSPS.

Appeals Court Reverses FLRA Decision on Firing of Employees

The U.S. Court of Appeals sided with AFGE when it reversed a Federal Labor Relations Authority (FLRA) ruling that approved the Air Force's firing of employees enrolled in a drug rehabilitation program at Arizona's David-Monthan Air Force Base.

The Dec. 5 court decision was in response to an appeal filed by AFGE, which argued that the Air Force violated a negotiated contract by which the Air Force agreed to retain employees or grant them leave while they received drug treatment. Appeals Court Judge Harry Edwards said in the 16-page court ruling that the FLRA's decision was "arbitrary and capricious" and that FLRA had "conjured up ambiguity in unambiguous language."

"The Authority's analysis was completely backwards and totally inconsistent with...other relevant precedent," Judge Edwards added.

AFGE welcomes the appeals court's decision. The union is calling on Congress to hold hearings on the future of FLRA and how it has failed to conduct itself properly and fulfill its mandate.

