



Local 1263

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO
Defense Language Institute and Presidio of Monterey

15 March 2023

Honorable Deborah Lee James Chairwoman
Defense Business Board
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PUBLIC COMMENT: for the DBB meeting of 17 March 2023

I am the President of AFGE Local 1263 located at the Presidio of Monterey, California, the headquarters of the Defense Language Institute Foreign Language Center (DLIFLC). The Institute's intensive language program serves 3500 military students in courses ranging from 36 to 64 weeks in length for a vast array of languages taught by 1700 highly educated foreign language instructors. In addition to its courses at the California campus, its faculty members teach intermediate- and advanced-level students at Language Training Detachments at military bases across the United States, in Europe and in South Korea. Since its inception in 1947, DLIFLC has graduated over 230,000 linguists in over 65 foreign languages.

AFGE Local 1263 represents all 1700 of these teachers, and we believe that Defense Business Board needs to better understand the conditions under which these talented and highly trained teachers are recruited, managed and asked to serve the evolving linguistic needs of the U.S. military, as they directly relate to the DBB's current work on talent acquisition and management.

The vast majority of the DLIFLC faculty's frustrations stem from the excepted-service, limited-term-appointments by which all faculty members are hired. These positions were traditionally advertised under the banner of being "tenure-track", despite the unlikelihood of ever becoming tenured. The current policy is not to grant any further tenure – until the percentage of tenured faculty drops below 10% (from its current level of 20%). And all limited-term (i.e., non-tenured) faculty members are only guaranteed to receive a 10-working-day notice of the non-renewal of their 1-year appointments, regardless of their years of longevity at the Institute.

DLIFLC makes consistent use of "personnel caps" under which any upscaling of a specific language programs (such as Russian and Chinese) necessitates the downsizing/closure of other language programs (such as Urdu, Hebrew, French, Japanese and Pashto). When this occurs, faculty members have no "RIF rights". And although they are officially "encouraged" to apply for other internally announced DLIFLC positions, there is no obligation to provide them with suitable alternate employment – even positions for which they are currently qualified.

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And under Title 10's authority the Institute's FPS (Faculty Personnel System) no faculty members have any transfer rights into positions in other agencies in the federal government – regardless of how desperately instructors, translators or interpreters of their foreign language are being sought by such agencies as the State Department, the FBI or the Department of Homeland Security. Under Title 10, DLIFLC faculty members are effectively “corralled” inside the FPS system, until they are no longer needed.

Below, are two charts detailing the way that our Institute many times disposes of its Human Capital, despite their years of loyal service, as well as their current ability to support the Institute's broader mission – by either speaking additional foreign languages which the Institute needs, or through their academic leadership/support skills in non-language-specific positions, such as Curriculum Development.

All the above frustrations are made possible by **10 USC 1595**, by which DLIFLC is authorized to promulgate its own unique local regulations, creating 50 individual faculty pay-steps, but avoiding any periodic pay-step increases. The Institute claims for itself (under 10 USC 1595) the authority to forgo the “window dressing” of personnel selection panels in favor of command-directed reassignments between positions, whenever it's more convenient than internally announcing these positions and the taking applications for a panel to screen, then short-list and finally to interview .

I questioned why our meeting was even offered to AFGE if the subsequent effect of bringing this information into the awareness of these DBB members would be virtually null – until I reviewed the DBB's slide deck for tomorrow's public meeting – and found Point 5.9 on Slide 20 (“Expand **term** and **temporary** civilian position **options**”) and its clarification, on Slide 22, the Recommendations Roadmap: “5.9 Expand Term and Temporary Positions”. The ‘expansion’ simply means increasing the number of term/temporary positions – **not** to increasing the equitability of RIF rights for Title 10 employees, vis-à-vis those of Title 5 employees. To expand the use of term or temporary appointments for skilled workers is unmindful of the high costs of turnover and developing a workforce and is inherently contradictory to the idea of managing the talent of the workforce one has.

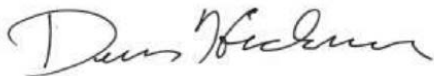
Perhaps independently wealthy workers who do not have to think about job security would not care if a job is term or temporary without the job protections of a workforce to whom an employer is committed to retaining and developing their skills. But your proposal to expand term and temporary appointments is what those trying to reintroduce patronage spoils systems to weaken the federal civil service typically advance. In fact, it is right out of the playbook of one of the richest men in the Senate, Senator Rick Scott, the Senator who wanted to get rid of Social Security. His agenda for the federal workforce was to arbitrarily convert the entire workforce to term or temporary appointments. See Government Executive, "GOP Will Slash Federal Workforce and Limit Service Time if It Retakes Congress, Senator Says" (Feb. 12, 2022). This recommendation is out of touch with ordinary Americans. I do not know anyone who, if presented a choice between a term or temporary appointment, would take a job without any protections, unless they had some other independent means for income. The Department is able to take advantage of highly trained faculty at DLIFLC, because native speakers of languages are often recent immigrants who are among the most vulnerable of populations. Taking advantage of people in this way is not consistent with the principles of diversity, equity and inclusion. Expanding the use of a tool just because one can does not make it right.

The current situation at DLIFLC illustrates the deleterious effects of the special personnel authorities under 10 USC 1595, which result in difficulties hiring and retaining highly talented and educated staff.

Therefore, we urge that the DBB support the repeal of this section of law as one avenue for improving talent management at the Defense Department; the Institute's work is vital for the Department's overall effectiveness overseas.

Although my comments, here, are expand upon those I made at our informal (and unrecorded) meeting with some DBB members on 3/13/23, where I co-presented with John Anderson (AFGE Defense Lobbyist), the two attached charts are the ones I presented at that meeting.

Respectfully submitted,



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- CC: 1. Sen. Feinstein (D-CA)
2. Sen. Padilla (D-CA)
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4. Chair and RM HASC and SASC
5. Chair and RM HAC-D and SAC-D
6. DepSecDef
7. AFGE NP Kelley

**Some other Foreign Language Faculty members NTE'ed* in
2021 and 2023**

Approx. yrs of DLI employment	NTE-date (end of final Appointment)	Language (currently Teaching/ Last taught)	Other Language competencies (DLI taught Languages)	Other Language competencies (Not currently DLI- taught Languages)
14 years	10/01/21	Hebrew	Egyptian Arabic MSA	Levantine Arabic
10+ years	03/25/23	Pashto	Persian-Farsi	Dari/Hindi/Urdu
10+ years	04/06/23	Pashto	Persian-Farsi	Dari/Hindi/Urdu
10+ years	04/20/23	Pashto	Persian-Farsi	Dari/Hindi/Urdu
10+ years	04/23/23	Pashto	Persian-Farsi	Dari/Hindi/Urdu
10+ years	05/05/23	Pashto	Persian-Farsi	Dari/Hindi/Urdu
10+ years	05/17/23	Pashto	Persian-Farsi	Dari/Hindi/Urdu
10+ years	05/18/23	Pashto	Persian-Farsi	Dari/Hindi/Urdu
10+ years	06/14/23	Pashto	Persian-Farsi	Dari/Hindi/Urdu
10+ years	06/29/23	Pashto	Persian-Farsi	Dari/Hindi/Urdu
10+ years	08/07/23	Pashto	Persian-Farsi	Dari/Hindi/Urdu

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* "NTE" = Not To Exceed; "To be NTE'ed" = to have one's limited-term appointment not renewed.

Urdu Language Faculty members NTE'ed* in 2020/21

(Chart prepared by Dennis Hickman, LP, AFGE Local 1263, PO Box 5836, Monterey, CA 93944 AFGE1263@gmail.com (831-601-7914))

Last Name	First Name	NTE date	Yrs /Mos Teaching at DLIFLC	Applications Submitted	1st Interviews conducted	2nd Interviews conducted	Positions offered	Notifications of "non-selection"	Attempts you made to improve your resume & interviewing skills	Educational Credentials
(Redacted)		4/22/2020	9 yrs, 2 mos (prior to NTE)	35	5 14% (5/35)	2	0	25 71% (25/35)	Requested hiring-panel members' feedback, as well as that of hiring officials -- as suggested by FPS Director. (Never got requested information.)	MA in Curriculum & Instruction; Ed. D. in Educ. Leadership
(Redacted)		6/11/2020	9 yrs, 7 mos	9	0 0%	0	0	4 44% (4/19)	Consulted my Academic Specialist, and attended Resume-building workshops; asked for help from Center for Leadership Development (CLD) personnel.	Masters of Organizational Leadership; Masters of Mathematics
(Redacted)		6/15/2020	7 yrs, 7 mos	17	0 (0%)	0	0	9 53% (9/17)	Attended multiple Resume Workshops (In-house & online); sought advice on academic discussion boards; consulted Supervisors and my Academic Specialist.	BS in Liberal Sciences; MS in Instructional Science & Technology (Completion: 9/2020)
(Redacted)		7/23/2020	8 yrs, 11 mos	11	2 18% (2/11)	1	0	3 27% (3/11)	Worked with Faculty Development Specialists, edited/updated my resume a total of 30 times.	MA: Instructional Science & Info. Techn.; BA: Business Admin; BS: Medicine/Surgery

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Urdu Language Faculty members NTE'd* in 2020/21

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Last Name	First Name	NTE date	Yrs /Mos Teaching at DLIFLC	Applications Submitted	1st Interviews conducted	2nd Interviews conducted	Positions offered	Notifications of "non-selection"	Attempts you made to improve your resume & interviewing skills	Educational Credentials
(Redacted)		7/24/2020	10 yrs, 4 mos	12	2 17% (2/12)	0	0	10 83% (10/12)	By attending training workshops, consulting the Academic Specialist and reviewing Resume-building websites.	M.A Education (in Instructional Technology) M.A in Urdu Language & Culture
(Redacted)		9/25/2020	10 yrs, 2 mos	14	3 21% (3/14)	1	0	4 29% (4/14)	Consulted Faculty Development Specialist; conducted online research; attended 2 workshops: one by In-house DLI-team and another by a professional consultant.	M.Ed. in Curriculum and Instruction; Ph.D. currently in progress
(Redacted)		1/24/2021	10 yrs	25	3 12% (3/25)	0	0	0 0%	Through Dean and Faculty Development Specialist	MSA in Administrative Sciences; Masters of Instructional Technology; EDS - Educ. Specialist

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