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PUTTING PEOPLE FIRST: A WAY FORWARD FOR THE HOMELAND SECURITY WORKFORCE

HEARING

BEFORE THE

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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CONTENTS

Page

STATEMENTS

The Honorable Christopher P. Carney, a Representative in Congress from the State of Pennsylvania, and Chairman, Subcommittee on Management, Investigations, and Oversight:
Oral Statement 1
Prepared Statement 2
The Honorable Gus M. Bilirakis, a Representative in Congress from the State of Florida, and Ranking Member, Subcommittee on Management, Investigations, and Oversight 3
The Honorable Bennie G. Thompson, a Representative in Congress from the State of Mississippi, Chairman, Committee on Homeland Security 68
The Honorable Bill Pascrell, Jr., a Representative in Congress from the State of New Jersey 70

WITNESSES

Ms. Carol A. Bonosaro, President, Senior Executives Assocation:
Oral Statement 50
Prepared Statement 52
Mr. John Gage, National President, American Federaltion Treasury Employees, AFL–CIO:
Oral Statement 40
Prepared Statement 42
Ms. Colleen M. Kelley, National President, National Treasury Employees Union:
Oral Statement 31
Preapred Statement 33
Mr. Max Steir, President and CEO, Partnership for Public Service:
Oral Statement 57
Prepared Statement 59

FOR THE RECORD

MATERIAL SUBMITTED FOR THE RECORD

2008 Federal Human Capital Survey 4
Breakdown of Components Covered by Title 5 70
National Academy of Public Administration:
Prepared Statement 77

APPENDIX

Questions and Responses:
Responses from Ms. Colleen M. Kelley 81

VerDate Nov 24 2008 11:18 Mar 29, 2010 Jkt 000000 PO 00000 Frm 00003 Fmt 5904 Sfmt 5904 H:\DOCS\111-CONG\111-4\54473.TXT HSEC PsN: DIANE

PUTTING PEOPLE FIRST: A WAY FORWARD FOR THE HOMELAND SECURITY WORKFORCE

Thursday, March 5, 2009

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT,
COMMITTEE ON HOMELAND SECURITY,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:04 a.m., in Room 311, Cannon House Office Building, Hon. Christopher Carney [chairman of the subcommittee] presiding.

Present: Representatives Carney, Thompson, Pascrell, Green, and Bilirakis.

Mr. CARNEY. [Presiding.] The subcommittee will come to order. The subcommittee is meeting today to receive testimony on "Putting People First: A Way Forward for the Department of Homeland Security Workforce."

I would like to thank everyone for joining us today. It is the first of many M,I, and O hearings that we will hold during the 111th Congress. I am looking forward to another year of productive oversight and also looking forward to working with our new ranking member, Congressman Bilirakis of Florida.

During the 110th Congress, I had the good fortune to develop a very productive working relationship with Congressman Rogers of Alabama. I am sure that Ranking Member Bilirakis and I will work in a similarly productive, bipartisan manner.

Last Congress, the subcommittee traveled to my home state of Pennsylvania to look at the threat posed by agro-terror, and we also traveled to Mr. Rogers' district in Alabama to examine innovative training methods for first responders from across the nation.

Similarly, this subcommittee will continue to explore how homeland security issues impact our local communities outside the Beltway. That said, I look forward to learning about some of the specific homeland security-related matters facing the state of Florida.

Today, however, we are here to learn about an issue vital to the Department of Homeland Security's operations, the management of the Department's large workforce.

It is my hope that by choosing this subject as the subcommittee's first hearing of the 111th Congress, the committee is making it clear that the Department must put people first.

Instead of just disparaging some of the flawed management, as so many DHS critics like to do, this hearing gives us an opportunity to take another look at DHS employees and hopefully hear

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some innovative ways for the Department to deal with and manage some of the challenges the workforce faces.

In the near future, we will bring the Department's chief human capital officer before the subcommittee to provide us feedback on the exchange of ideas we will have here today and to discuss future plans, policies and implementation strategies for the Department's workforce.

The Department currently employs over 223,000 people, performing varied jobs, from law enforcement to intelligence to analysis to even pilots, and countless jobs in between. It is easy to see how a complex set of workforce issues has developed.

For all of the criticisms of the Department since its inception, it has successfully succeeded in protecting our country from numerous threats, with only one glaring exception, and that is Katrina. But the Department has always struggled with employee satisfaction and morale.

Yesterday, Ranking Member Bilirakis and I were pleased to bring to the floor a resolution honoring the Department's workforce, and today, we seek solutions on how the Department can improve its personnel systems.

In many ways, this vital oversight again honors the contributions of the DHS rank and file as we seek to improve their working environment and look for ways to improve morale.

In 2004, 2006 and 2008, Federal Human Capital Surveys, the Office of Personnel Management, found that the Department ranked among the lowest cabinet departments and independent agencies in employee morale.

In the 2008 OPM survey, 35 percent of the employees said they have insufficient resources to do their jobs, 35 percent said they did not get enough information from management, and 34 percent disagreed that awards are based on how well people do their jobs.

These statistics are alarming, to say the least. I think we can all agree that measures must be taken to correct them, and the sooner, the better.

I thank the witnesses for their participation in today's hearing, and I look forward to hearing from Ms. Kelley, Mr. Gage, Ms. Bonosaro and Mr. Stier.

The chair now recognizes the ranking member of the subcommittee, the gentleman from Florida, Mr. Bilirakis, for his opening statement.

[The statement of Ms. Carney follows:]

PREPARED OPENING STATEMENT OF CHRISTOPHER P. CARNEY, CHAIRMAN, SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

I'd like to thank everyone for joining us today for the first of many MI&O hearings we will conduct during 111th Congress. I'm looking forward to another year of productive oversight. I also look forward to working with our new Ranking Member, Congressman Bilirakis of Florida.

During the 1110th Congress I had the good fortune to develop a very productive working relationship with Congressman Rogers of Alabama. I'm sure that Ranking Member Bilirakis and I will work in the Sam bipartisan manner.

Last Congress, this subcommittee travelled to my home state of Pennsylvania to examine the agro-terror threat, and we also travelled to Mr. Rogers' district in Alabama to see innovative training methods for first responders from across the nation. In the same fashion, this Subcommittee will continue to explore how homeland security issues impact local communities outside of Washington, and I look forward to

learning about some of the specific homeland security-related matters facing the wonderful state of Florida.

Today, however, we are examining an issue that is vital to the Department of Homeland Security's operations and that is the management of the Department's large workforce. We hope that by choosing this subject as this Subcommittee's first hearing of the 111th Congress we are making it clear that the Department must put its people first.

Instead of just knocking the flawed management as so many of DHS' critics like to do, this hearing gives us an opportunity to take another look at DHS employees and hopefully hear some innovative ways for the Department to deal with and manage some of the challenges its workforce faces. In the near future, we will bring the Department's Chief Human Capital Officer before the Subcommittee to provide feedback on the exchange of ideas we have her today, and to discuss plans, policies and implementation strategies for the Department's workforce.

While DoD's creation is often cited as a similar challenge, the creation of DHS is really unprecedented in our nation's history. The Department currently employs over 223,000 employees, performing varied jobs. From law enforcement officer to intelligence analyst to pilot, and countless jobs in between, it's easy to see how a complex set of workforce issues has developed. For all of the criticisms of the Department, since its inception it has, for the most part, successfully succeeded in protecting our country from numerous threats. But the Department has always struggled with employee morale and satisfaction.

Yesterday, Ranking Member Bilirakis and I were pleased to bring to the House floor a resolution honoring the Department's workforce. Today, we seek solutions on how the Department can improve its personnel systems. In many ways, this vital oversight, again honors their contributions as we seek to improve their working environment and look for ways to improve employee morale.

In both its 2004 and 2006 Federal Human Capital Surveys, the Office of Personnel Management found that the Department ranked among the lowest cabinet departments and independent agencies in employee morale. In the 2006 OPM survey, 43% of employees said they have insufficient resources to do their jobs, 41% percent said they do not get enough information from management and 43% disagreed that awards are based on how well employees do their jobs. These statistics are alarming to say the least. I think we can all agree that measures must be taken to correct them and correct them sooner rather than later.

I thank the witnesses for their participation in this hearing today and I look forward to hearing from Ms. Kelly, Mr. Gage, Ms. Bonosaro and Mr. Stier.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Let me start by saying that I am proud to serve as ranking member for the Management, Investigations, and Oversight Subcommittee.

The establishment of the Department of Homeland Security marked the largest government reorganization since the Department of Defense was created, consolidating 22 different agencies.

The Department has made great strides in efforts to create a unified organization, but more work needs to be done to produce the kind of Department envisioned by the Homeland Security Act.

This subcommittee has an important role to play in the evolution of the Department both as a supporter, but also as an overseer to ensure that the Department is working in the most efficient and effective way possible.

Chairman Carney and I look forward to working with you.

Of course, I also look forward to working with you, Mr. Chairman, in these efforts.

I am pleased that the subcommittee's first hearing is focused on personnel issues at the Department. The Department is home to 223,000 employees, as Chairman Carney said, who are some of the most dedicated employees in our government.

That is why I introduced, along with Chairman Carney, House Resolution 195, which honors the employees of the Department for the work they do every day to ensure that our nation is secure.

I thank Chairman Carney for joining me again in introducing this resolution. And I am pleased to report that the resolution passed yesterday with unanimous support.

My district is home to many of the Department's employees, including Transportation Security officers, Customs and Border Protection Officers, Immigration and Customs Enforcement Agents, and Coast Guardsmen.

These hard-working individuals, along with their colleagues across the nation, deserve the best Department, the best that the Department has to offer. And I hope today's hearing was shed light on some initiatives the Department could put in place that will better serve its employees.

In 2006 the Department of Homeland Security ranked nearly last in the Office of Personnel Management's Federal Human Capital Survey, showing overwhelming employee dissatisfaction and low morale.

Since that time, the Department, under former Secretary Chertoff's leadership, has worked to address these issues, and I am pleased to see that these efforts are paying off.

The Office of Personnel Management recently released the results of the 2008 Federal Human Capital Survey, and I ask unanimous consent, Mr. Chairman, to insert the results of the survey in the record.

Mr. CARNEY. Without objection, so ordered.

[The information follows:]

Becoming an Employer of Choice

Using Survey Results to Focus Discussion Sessions on Key Drivers of Employee Satisfaction

Homeland Security

1113-1.eps

2008 Federal Human Capital Survey (FHCS)
Introduction

•Agencies are required to conduct an Annual Employee Survey (AES).
The 2006 and 2008 AES was in the form of the FHCS. The 2007 AES was in the form of the DHS Employee Survey.

- These surveys enable DHS to:
  - Learn employees' attitudes
  - Guide human capital management strategies and practices
  - Provide human capital metrics within the Human Capital Assessment and Accountability Framework (HCAAF) in the following four indices:
    - Leadership and Knowledge Management
    - Results-Oriented Performance Culture
    - Talent Management
    - Job Satisfaction

The 2006 and 2008 consisted of 85 total items; the 2007 DHS Employee Survey consisted of 66 total items; 40 items are identical in each survey and are prescribed by OPM.

A total of 212,223 federal employees responded; 9,550 were DHS employees (a 49.8% DHS response rate).

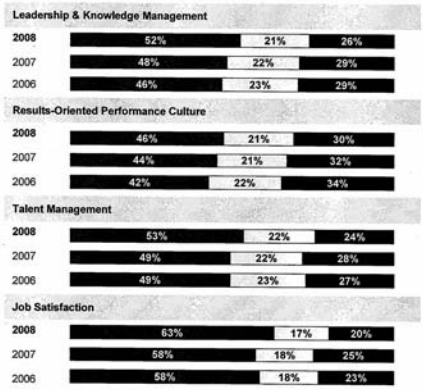
2008 Federal Human Capital Survey (FHCS) Highlights of the DHS Results

- Results showed an upward trend in positive responses from the 2006 survey (72 of 74 items increased) across all four indices.
- Overall, DHS employees continue to like the work they do, strongly believe that the work they do is important, know how their work relates to the agency's goals and priorities, work together to get their jobs done and are committed to their work.
- Improvement is still needed in recognizing high performers, rewarding creativity and innovation, providing personal empowerment with respect to work processes, ensuring that pay raises and promotions are based on merit, and dealing with poor performers.

2008 Federal Human Capital Survey
Items with the most significant increase from the 2007 AES

- Q.36: Managers/supervisors/team leaders work well with employees of different backgrounds (+ 7%)
- Q.41: Managers review and evaluate the organization's progress toward meeting its goals and objectives (+ 9%)
- Q.55: How satisfied are you with your involvement in decisions that affect your work? (+ 13%)
- Q.57: How satisfied are you with the recognition you receive for doing a good job? (+ 7%)
- Q.62: Considering everything, how satisfied are you with your pay? (+ 8%)

2008 Federal Human Capital Survey
HCAAF Indices DHS Trends



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2008 Federal Human Capital Survey (FHCS)
Top HCAAF increases across DHS

	HCAAF Index			
Highest Increases	Leadership and Knowledge Management	Results-Oriented Performance Culture	Talent Management	Job Satisfaction
1	CBP (+7)	CPB (+4)	CBP (+7)	CBP (+7)
2	USCIS (+5)	NPPD (+4)	NPPD (+6)	I&A (+5)
3	NPPD (+5)	TSA (+2)	I&A (+5)	ICE (+5)
4	ICE (+4)	USCIS (+2)	USCIS (+5)	DHS (+5)
5	DHS (+4)	DHS (+2)	S&T (+5)	
6			ICE (+5)	
7			FEMA (+4)	
8			DHS (+4)	

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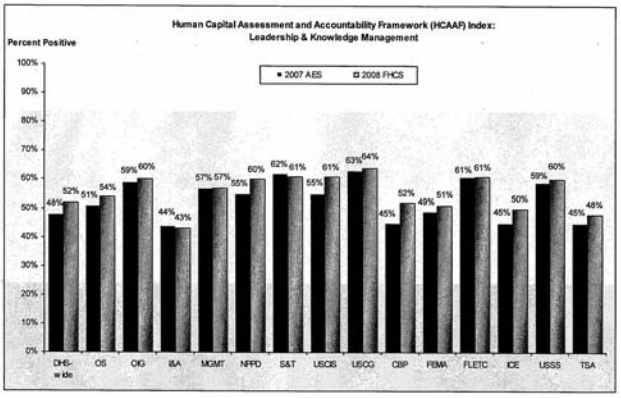
2008 Federal Human Capital Survey
HCAAF Indices — Trend across Components



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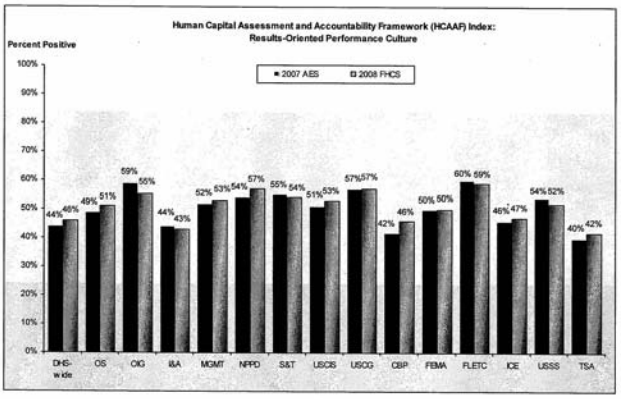
2008 Federal Human Capital Survey
HCAAF Indices — Trend across Components



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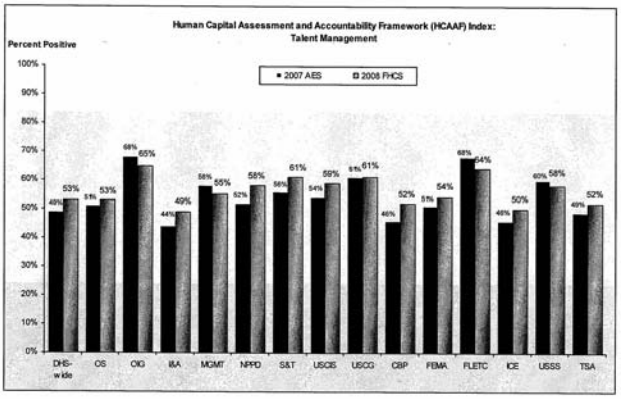
2008 Federal Human Capital Survey
HCAAF Indices — Trend across Components



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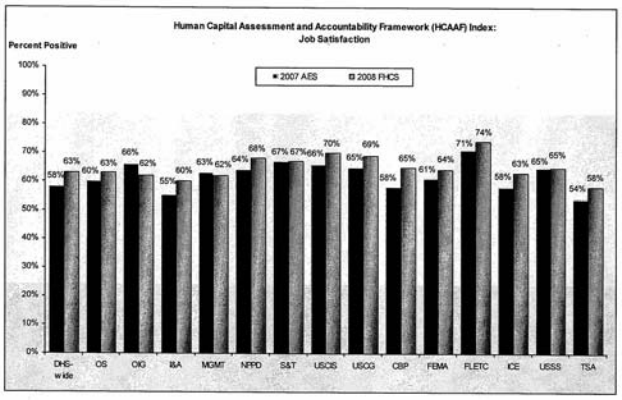
2008 Federal Human Capital Survey
HCAAF Indices — Trend across Components



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1113-9.eps 1113-10.eps

2008 Federal Human Capital Survey

HCAAF Indices Component Comparison to DHS and Government-wide Average

Leadership & Knowledge Management Index

Government-wide	59%
DHS	52%
USCG	64%
S&T	61%
FLETC	61%
USCIS	61%
OIG	60%
NPPD	60%
USSS	60%
MGMT	57%
OS	54%
CBP	52%
FEMA	51%
ICE	50%
TSA	48%
I&A	43%

Results-Oriented Performance Culture Index

Government-wide	53%
DHS	46%
FLETC	59%
USCG	57%
NPPD	57%
OIG	55%
S&T	54%
MGMT	53%
USCIS	53%
USSS	52%
OS	51%
FEMA	50%
ICE	47%
CBP	46%
I&A	43%
TSA	42%

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2008 Federal Human Capital Survey

HCAAF Indices Component Comparison to DHS and Government-wide Average (continued)

Talent Management Index

Government-wide	60%
DHS	53%
OIG	65%
FLETC	64%
S&T	61%
USCG	61%
USCIS	59%
NPPD	58%
USSS	58%
MGMT	55%
FEMA	54%
OIG	53%
CBP	52%
TSA	52%
ICE	50%
I&A	49%

Job Satisfaction Index

Government-wide	67%
DHS	63%
FLETC	74%
USCIS	70%
USCG	69%
NPPD	68%
S&T	67%
CBP	65%
USSS	65%
FEMA	64%
ICE	63%
OS	63%
OIG	62%
MGMT	62%
I&A	60%
TSA	58%

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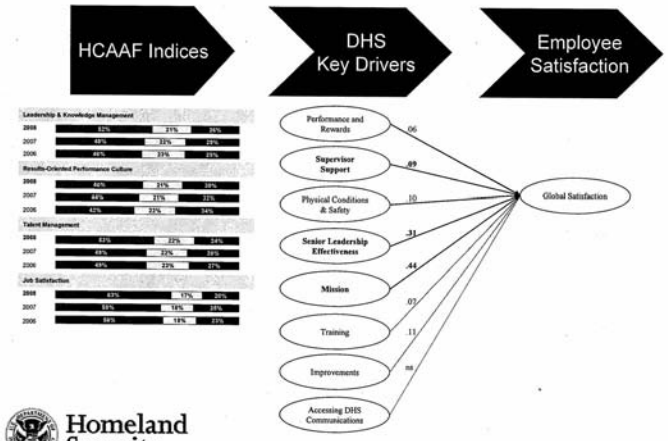
2008 Federal Human Capital Survey

Transition from HCAAF to Drivers of Employee Satisfaction



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2008 Federal Human Capital Survey

Key Drivers of DHS Employee Global Satisfaction

The main focus of the initial set of key driver analyses was to determine the drivers of employee satisfaction within each of the DHS Components. In order to do this, for each Component of DHS, the reliability of the dimensions from the factor analyses were examined and then regression analyses were performed to determine the key drivers of employee satisfaction.

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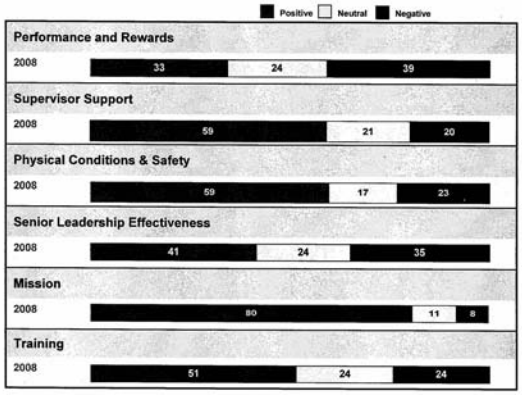
2008 Federal Human Capital Survey
DHS Key Drivers of Employee Satisfaction Index



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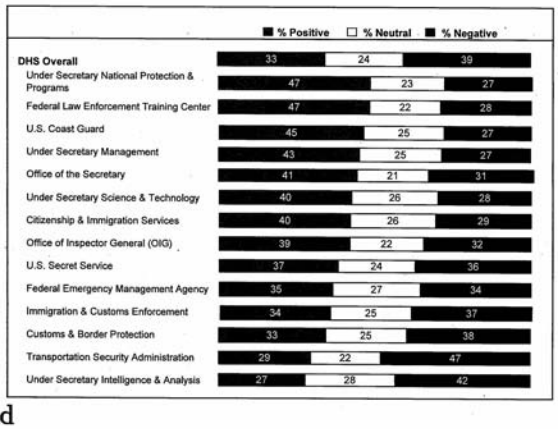
2008 Federal Human Capital Survey
DHS Key Drivers of Employee Satisfaction

Performance and Rewards



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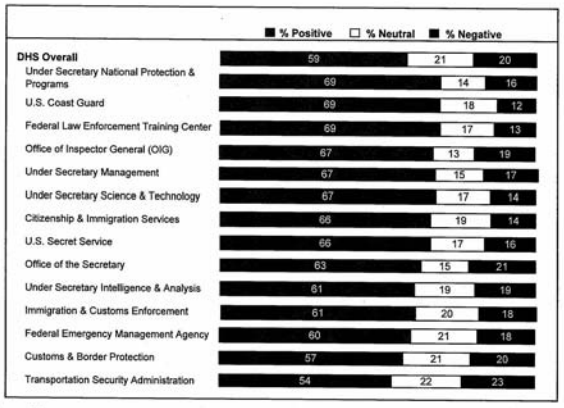
2008 Federal Human Capital Survey
DHS Key Drivers of Employee Satisfaction

Supervisor Support



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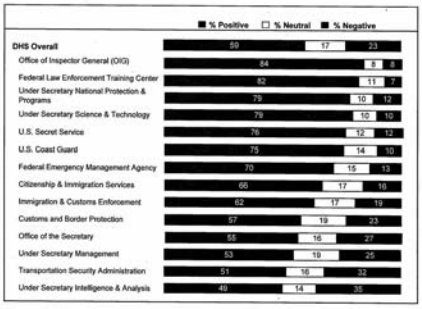
2008 Federal Human Capital Survey
DHS Key Drivers of Employee Satisfaction

Physical Conditions and Safety



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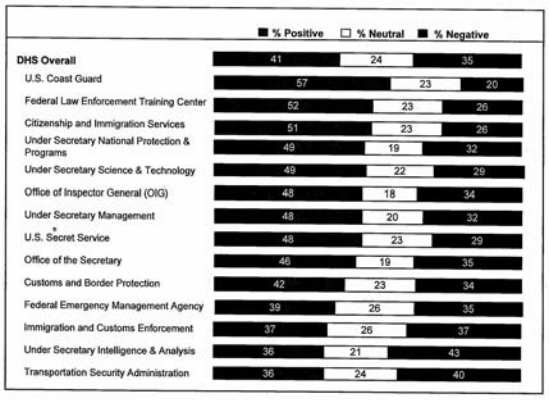
2008 Federal Human Capital Survey
DHS Key Drivers of Employee Satisfaction

Senior Leadership Effectiveness



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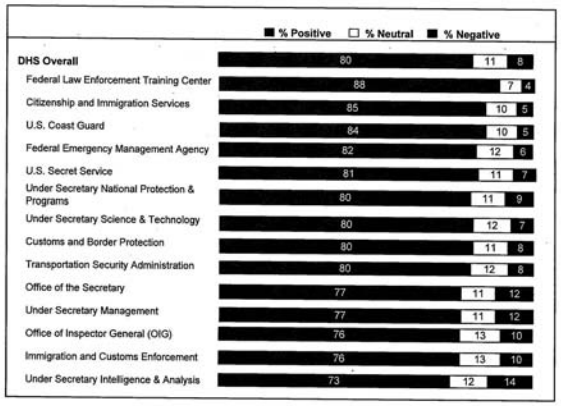
2008 Federal Human Capital Survey
DHS Key Drivers of Employee Satisfaction

Mission



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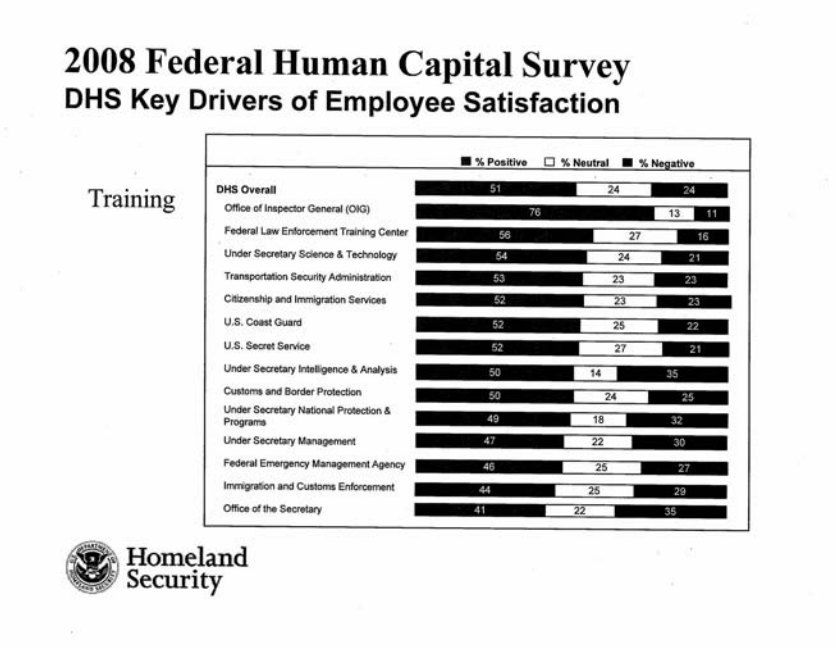
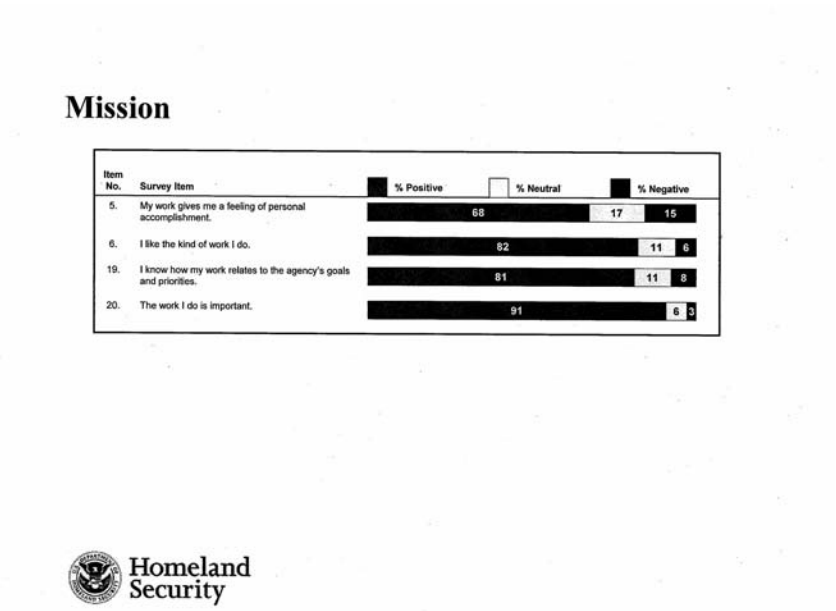


NEXT STEPS: USING SURVEY RESULTS TO FOCUS DISCUSSION SESSIONS ON KEY DRIVERS OF EMPLOYEE SATISFACTION



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Senior Leadership Effectiveness

Item No.	Survey Item	% Positive	% Neutral	% Negative
37.	I have a high level of respect for my organization's senior leaders.	47	21	31
38.	In my organization, leaders generate high levels of motivation and commitment in the workforce.	34	25	40
56.	How satisfied are you with the information you receive from management on what's going on in your organization?	43	23	35
55.	How satisfied are you with your involvement in decisions that affect your work?	45	23	32
58.	How satisfied are you with the policies and practices of your senior leaders?	38	26	36

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Supervisor Support

Item No.	Survey Item	% Positive	% Neutral	% Negative
7.	I have trust and confidence in my supervisor.	59	19	22
49.	Supervisors/team leaders in my work unit support employee development.	58	20	21
31.	Discussions with my supervisor/team leader about my performance are worthwhile.	50	26	22
36.	Managers/supervisors/team leaders work well with employees of different backgrounds.	61	20	17
12.	My supervisor supports my need to balance work and family issues.	67	15	17
48.	My supervisor provides me with constructive suggestions to improve my job performance.	53	23	23
9.	Overall, how good a job do you feel is being done by your immediate supervisor/team leader?	61	23	16

Homeland Security

1113-24.eps 1113-25.eps

Drill Down: Potential Items for Focused Discussion

	Item No.	Survey Item	% Positive	% Neutral	% Negative
Senior Leadership Effectiveness	56.	How satisfied are you with the information you receive from management on what's going on in your organization?	43	23	35
	55.	How satisfied are you with your involvement in decisions that affect your work?	45	23	32
Supervisor Support	49.	Supervisors/team leaders in my work unit support employee development.	58	20	21
	48.	My supervisor provides me with constructive suggestions to improve my job performance.	53	23	23

Homeland Security

Sample Template for the Focused Discussions

1 Discuss Selected Item(s)

Item No.	Survey Item	% Positive	% Neutral	% Negative
56.	How satisfied are you with the information you receive from management on what's going on in your organization?	43	23	35

2 Obtain Focused Discussion Feedback

_____

_____

3 Create Action Items from Feedback

Next Step:
Implement Action Items

Homeland Security

1113-26.eps 1113-27.eps

2008 Federal Human Capital Survey
Department of Homeland Security Trend Report
Number of Surveys Returned: 9550

This is a summary of your department's or agency's responses to the 2008 Federal Human Capital Survey. This summary displays results by Positive, Neutral, Negative and where applicable, Do Not Know or No Basis to Judge responses. As shown below, for each response scale two responses are categorized as "Positive", one response is categorized as "Neutral", and two responses are categorized as "Negative"

Positive Responses		Neutral Responses	Negative Responses		Do Not Know/No Basis to Judge
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Do Not Know
Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	No Basis to Judge
Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	
Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	No Basis to Judge
Very Good	Good	Fair	Poor	Very Poor	

Department of Homeland Security Trend Report

Personal Work Experiences

01 The people I work with cooperate to get the job done.

	Positive	Neutral	Negative
2008 Governmentwide	83.9%	8.4%	7.7%
2008 Department of Homeland Security	81.8%	9.4%	8.7%
2006 Department of Homeland Security	79.4%	10.7%	9.9%
2004 Department of Homeland Security	84.1%	8.6%	7.4%

02 I am given a real opportunity to improve my skills in my organization.

	Positive	Neutral	Negative
2008 Governmentwide	64.0%	17.9%	18.1%
2008 Department of Homeland Security	56.0%	19.4%	24.5%
2006 Department of Homeland Security	49.1%	21.7%	29.3%
2004 Department of Homeland Security	49.5%	21.2%	29.3%

03 I have enough information to do my job well.

	Positive	Neutral	Negative
2008 Governmentwide	73.4%	15.2%	11.4%
2008 Department of Homeland Security	67.8%	16.7%	15.5%
2006 Department of Homeland Security	64.3%	17.5%	18.2%
2004 Department of Homeland Security	63.5%	18.4%	18.1%

04 I feel encouraged to come up with new and better ways of doing things.

	Positive	Neutral	Negative
2008 Governmentwide	60.7%	19.4%	19.9%
2008 Department of Homeland Security	49.2%	20.6%	30.2%
2006 Department of Homeland Security	41.5%	22.0%	36.5%
2004 Department of Homeland Security	41.3%	19.4%	39.4%

1113-29.eps

Department of Homeland Security Trend Report

Personal Work Experiences

05 My work gives me a feeling of personal accomplishment.

	Positive	*Neutral*	*Negative*
2008 Governmentwide	73.4%	14.9%	11.7%
2008 Department of Homeland Security	67.6%	17.0%	15.4%
2006 Department of Homeland Security	62.3%	19.0%	18.8%
2004 Department of Homeland Security	60.0%	18.6%	21.3%

06 I like the kind of work I do.

	Positive	*Neutral*	*Negative*
2008 Governmentwide	83.8%	11.0%	5.2%
2008 Department of Homeland Security	82.4%	11.4%	6.2%
2006 Department of Homeland Security	79.7%	13.3%	7.1%
2004 Department of Homeland Security	77.8%	14.4%	7.8%

07 I have trust and confidence in my supervisor.

	Positive	*Neutral*	*Negative*
2008 Governmentwide	64.2%	17.8%	18.0%
2008 Department of Homeland Security	59.2%	19.0%	21.8%
2006 Department of Homeland Security	55.6%	19.8%	24.6%
2004 Department of Homeland Security	N/A	N/A	N/A

08 I recommend my organization as a good place to work.

	Positive	*Neutral*	*Negative*
2008 Governmentwide	65.5%	19.6%	14.9%
2008 Department of Homeland Security	58.4%	21.4%	20.2%
2006 Department of Homeland Security	51.2%	22.8%	26.1%
2004 Department of Homeland Security	51.3%	21.9%	26.8%

09 Overall, how good a job do you feel is being done by your immediate supervisor/team leader?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	66.2%	20.9%	12.9%
2008 Department of Homeland Security	61.1%	22.8%	16.1%
2006 Department of Homeland Security	57.1%	24.2%	18.8%
2004 Department of Homeland Security	55.9%	26.4%	17.8%

10 How would you rate the overall quality of work done by your work group?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	83.4%	13.5%	3.0%
2008 Department of Homeland Security	78.0%	17.1%	4.8%
2006 Department of Homeland Security	75.0%	19.2%	5.8%
2004 Department of Homeland Security	76.8%	19.2%	4.0%

1113-28.eps

Department of Homeland Security Trend Report

Recruitment, Development, & Retention

11 The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	73.8%	15.1%	10.4%	0.7%
2008 Department of Homeland Security	68.7%	16.3%	14.5%	0.5%
2006 Department of Homeland Security	67.7%	16.2%	15.8%	0.4%
2004 Department of Homeland Security	63.6%	20.0%	15.9%	0.5%

12 My supervisor supports my need to balance work and other life issues.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	75.3%	13.4%	10.6%	0.6%
2008 Department of Homeland Security	67.2%	15.2%	16.9%	0.7%
2006 Department of Homeland Security	63.6%	15.9%	18.9%	1.6%
2004 Department of Homeland Security	64.9%	16.5%	17.9%	0.7%

13 Supervisors/team leaders in my work unit provide employees with the opportunities to demonstrate their leadership skills.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	60.6%	21.0%	17.4%	1.0%
2008 Department of Homeland Security	55.4%	21.4%	22.4%	0.8%
2006 Department of Homeland Security	50.2%	23.2%	25.4%	1.2%
2004 Department of Homeland Security	49.9%	21.2%	28.4%	0.5%

14 My work unit is able to recruit people with the right skills.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	44.9%	27.8%	24.5%	2.8%
2008 Department of Homeland Security	36.4%	30.1%	30.2%	3.3%
2006 Department of Homeland Security	33.1%	30.9%	31.1%	4.9%
2004 Department of Homeland Security	30.0%	33.5%	32.2%	4.4%

15 The skill level in my work unit has improved in the past year.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	52.7%	27.2%	17.4%	2.6%
2008 Department of Homeland Security	51.2%	25.4%	20.9%	2.5%
2006 Department of Homeland Security	49.6%	26.8%	20.9%	2.8%
2004 Department of Homeland Security	52.0%	25.5%	20.6%	1.9%

16 I have sufficient resources (for example, people, materials, budget) to get my job done.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	51.2%	18.1%	29.9%	0.8%
2008 Department of Homeland Security	46.1%	17.6%	35.2%	1.1%
2006 Department of Homeland Security	37.1%	18.5%	43.0%	1.3%
2004 Department of Homeland Security	37.2%	17.0%	44.6%	1.1%

Department of Homeland Security Trend Report

Recruitment, Development, & Retention

17 My workload is reasonable.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	60.0%	16.2%	23.3%	0.5%
2008 Department of Homeland Security	60.2%	16.2%	23.0%	0.6%
2006 Department of Homeland Security	55.0%	17.1%	27.1%	0.9%
2004 Department of Homeland Security	57.1%	15.9%	26.4%	0.6%

18 My talents are used well in the workplace.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	62.3%	17.0%	19.8%	0.9%
2008 Department of Homeland Security	52.7%	18.7%	27.4%	1.2%
2006 Department of Homeland Security	47.8%	19.9%	31.0%	1.3%
2004 Department of Homeland Security	47.5%	18.2%	33.1%	1.2%

19 I know how my work relates to the agency's goals and priorities.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	83.9%	10.3%	5.1%	0.6%
2008 Department of Homeland Security	80.7%	11.0%	7.5%	0.8%
2006 Department of Homeland Security	76.5%	13.0%	9.6%	0.9%
2004 Department of Homeland Security	77.8%	12.2%	9.2%	0.9%

20 The work I do is important.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	90.8%	6.3%	2.6%	0.2%
2008 Department of Homeland Security	90.5%	6.3%	2.8%	0.3%
2006 Department of Homeland Security	89.4%	6.8%	3.4%	0.5%
2004 Department of Homeland Security	91.0%	5.6%	3.0%	0.4%

21 Physical conditions (for example, noise level, temperature, lighting, cleanliness in the workplace) allow employees to perform their jobs well.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	67.2%	14.6%	17.7%	0.5%
2008 Department of Homeland Security	58.4%	15.4%	25.4%	0.8%
2006 Department of Homeland Security	54.3%	16.3%	28.5%	0.9%
2004 Department of Homeland Security	51.9%	15.0%	32.3%	0.8%

1113-31.eps

Department of Homeland Security Trend Report

Performance Culture

22 Promotions in my work unit are based on merit.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	35.2%	26.2%	34.0%	4.6%
2008 Department of Homeland Security	26.8%	23.7%	45.4%	4.2%
2006 Department of Homeland Security	22.2%	23.5%	49.7%	4.6%
2004 Department of Homeland Security	21.6%	22.3%	51.8%	4.3%

23 In my work unit, steps are taken to deal with a poor performer who cannot or will not improve.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	29.6%	26.5%	37.3%	6.5%
2008 Department of Homeland Security	27.6%	22.6%	44.9%	5.0%
2006 Department of Homeland Security	23.3%	23.7%	48.8%	4.3%
2004 Department of Homeland Security	24.9%	20.8%	50.3%	3.9%

24 Employees have a feeling of personal empowerment with respect to work processes.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	43.8%	28.5%	25.4%	2.3%
2008 Department of Homeland Security	35.9%	29.3%	32.9%	1.9%
2006 Department of Homeland Security	29.6%	28.4%	39.6%	2.4%
2004 Department of Homeland Security	27.9%	26.5%	43.0%	2.5%

25 Employees are rewarded for providing high quality products and services to customers.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	46.1%	23.6%	28.0%	2.2%
2008 Department of Homeland Security	34.8%	24.0%	38.2%	3.0%
2006 Department of Homeland Security	30.1%	24.0%	43.3%	2.6%
2004 Department of Homeland Security	24.1%	25.3%	46.2%	4.4%

26 Creativity and innovation are rewarded.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	40.0%	28.1%	29.3%	2.5%
2008 Department of Homeland Security	30.4%	27.6%	39.3%	2.7%
2006 Department of Homeland Security	25.1%	27.2%	45.5%	2.3%
2004 Department of Homeland Security	21.1%	26.3%	49.0%	3.5%

27 Pay raises depend on how well employees perform their jobs.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	25.6%	26.7%	42.5%	5.2%
2008 Department of Homeland Security	19.5%	25.7%	49.4%	5.4%
2006 Department of Homeland Security	15.4%	25.1%	54.5%	5.0%
2004 Department of Homeland Security	N/A	N/A	N/A	N/A

28 Awards in my work unit depend on how well employees perform their jobs.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	41.4%	23.2%	30.9%	4.4%
2008 Department of Homeland Security	33.6%	22.8%	39.0%	4.6%
2006 Department of Homeland Security	29.2%	23.2%	43.7%	4.0%
2004 Department of Homeland Security	30.7%	20.6%	45.1%	3.6%

Department of Homeland Security Trend Report

Performance Culture

29 In my work unit, differences in performance are recognized in a meaningful way.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	31.4%	30.5%	33.8%	4.2%
2008 Department of Homeland Security	26.6%	27.9%	41.8%	3.6%
2006 Department of Homeland Security	21.7%	27.0%	47.6%	3.7%
2004 Department of Homeland Security	21.0%	27.2%	48.2%	3.6%

30 My performance appraisal is a fair reflection of my performance.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	63.2%	18.0%	16.7%	2.2%
2008 Department of Homeland Security	56.3%	21.0%	20.2%	2.5%
2006 Department of Homeland Security	55.9%	22.3%	19.5%	2.2%
2004 Department of Homeland Security	56.7%	18.2%	22.6%	2.6%

31 Discussions with my supervisor/team leader about my performance are worthwhile.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	56.2%	23.1%	19.0%	1.8%
2008 Department of Homeland Security	50.4%	25.5%	22.0%	2.1%
2006 Department of Homeland Security	48.4%	24.9%	24.5%	2.2%
2004 Department of Homeland Security	49.0%	24.9%	24.2%	2.0%

32 In my most recent performance appraisal, I understood what I had to do to be rated at different performance levels (for example, Fully Successful, Outstanding).

	Positive	Neutral	Negative	No Basis to Judge
2008 Governmentwide	64.3%	15.9%	16.2%	3.6%
2008 Department of Homeland Security	60.5%	18.0%	16.4%	5.0%
2006 Department of Homeland Security	N/A	N/A	N/A	N/A
2004 Department of Homeland Security	N/A	N/A	N/A	N/A

33 I am held accountable for achieving results.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	81.8%	12.7%	4.8%	0.8%
2008 Department of Homeland Security	75.5%	14.8%	8.4%	1.3%
2006 Department of Homeland Security	68.7%	18.7%	11.4%	1.3%
2004 Department of Homeland Security	68.2%	18.8%	11.9%	1.0%

34 Supervisors/team leaders in my work unit are committed to a workforce representative of all segments of society.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	56.8%	25.7%	11.0%	6.5%
2008 Department of Homeland Security	52.1%	27.0%	14.3%	6.6%
2006 Department of Homeland Security	44.9%	31.8%	16.3%	7.0%
2004 Department of Homeland Security	46.3%	30.4%	15.9%	7.4%

Department of Homeland Security Trend Report

Performance Culture

35 Policies and programs promote diversity in the workplace (for example, recruiting minorities and women, training in awareness of diversity issues, mentoring).

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	59.7%	23.8%	10.6%	5.9%
2008 Department of Homeland Security	54.1%	24.6%	13.5%	7.7%
2006 Department of Homeland Security	48.6%	27.7%	15.6%	8.1%
2004 Department of Homeland Security	48.3%	27.4%	17.0%	7.3%

36 Managers/supervisors/team leaders work well with employees of different backgrounds.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	65.2%	19.4%	12.2%	3.3%
2008 Department of Homeland Security	60.9%	19.6%	16.5%	2.9%
2006 Department of Homeland Security	55.6%	23.3%	18.3%	2.8%
2004 Department of Homeland Security	58.7%	20.3%	18.7%	2.3%

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Department of Homeland Security Trend Report

Leadership

37 I have a high level of respect for my organization's senior leaders.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	51.8%	22.7%	24.9%	0.6%
2008 Department of Homeland Security	47.0%	21.3%	31.2%	0.5%
2006 Department of Homeland Security	40.5%	22.7%	36.4%	0.4%
2004 Department of Homeland Security	39.2%	21.0%	39.5%	0.3%

38 In my organization, leaders generate high levels of motivation and commitment in the workforce.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	39.9%	28.0%	31.3%	0.9%
2008 Department of Homeland Security	34.4%	24.9%	40.1%	0.6%
2006 Department of Homeland Security	26.8%	25.1%	47.5%	0.7%
2004 Department of Homeland Security	27.0%	21.9%	50.8%	0.4%

39 My organization's leaders maintain high standards of honesty and integrity.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	49.5%	25.7%	21.6%	3.1%
2008 Department of Homeland Security	46.8%	23.4%	27.0%	2.9%
2006 Department of Homeland Security	41.6%	24.8%	30.6%	3.0%
2004 Department of Homeland Security	39.3%	26.1%	31.4%	3.2%

40 Managers communicate the goals and priorities of the organization.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	59.7%	21.4%	18.1%	0.8%
2008 Department of Homeland Security	52.6%	21.7%	24.8%	0.9%
2006 Department of Homeland Security	48.6%	23.3%	27.0%	1.1%
2004 Department of Homeland Security	49.1%	20.9%	29.1%	0.8%

41 Managers review and evaluate the organization's progress toward meeting its goals and objectives.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	57.5%	23.6%	13.7%	5.1%
2008 Department of Homeland Security	46.9%	24.8%	21.3%	7.0%
2006 Department of Homeland Security	41.5%	27.6%	21.1%	9.9%
2004 Department of Homeland Security	39.6%	27.8%	21.7%	11.0%

42 Employees are protected from health and safety hazards on the job.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	76.2%	13.2%	9.6%	1.1%
2008 Department of Homeland Security	59.2%	18.2%	21.5%	1.1%
2006 Department of Homeland Security	51.9%	19.3%	27.4%	1.4%
2004 Department of Homeland Security	47.8%	18.2%	33.1%	0.9%

43 My organization has prepared employees for potential security threats.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	74.1%	15.6%	8.9%	1.4%
2008 Department of Homeland Security	61.9%	18.5%	18.3%	1.3%
2006 Department of Homeland Security	59.6%	18.3%	21.1%	1.0%
2004 Department of Homeland Security	60.3%	16.5%	22.3%	0.9%

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Department of Homeland Security Trend Report

Leadership

44 Complaints, disputes or grievances are resolved fairly in my work unit.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	39.4%	27.5%	20.8%	12.2%
2008 Department of Homeland Security	34.7%	25.3%	29.8%	10.2%
2006 Department of Homeland Security	30.7%	27.2%	33.3%	8.9%
2004 Department of Homeland Security	29.3%	26.2%	36.4%	8.1%

45 Arbitrary action, personal favoritism and coercion for partisan political purposes are not tolerated.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	47.7%	23.4%	21.5%	7.4%
2008 Department of Homeland Security	39.0%	23.5%	30.5%	6.9%
2006 Department of Homeland Security	33.1%	23.7%	36.9%	6.3%
2004 Department of Homeland Security	32.8%	23.8%	38.8%	6.6%

46 Prohibited Personnel Practices (for example, illegally discriminating for or against any employee/applicant, obstructing a person's right to compete for employment, knowingly violating veterans' preference requirements) are not tolerated.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	60.1%	19.2%	11.5%	9.2%
2008 Department of Homeland Security	54.3%	20.0%	15.8%	9.9%
2006 Department of Homeland Security	49.2%	21.1%	17.1%	12.6%
2004 Department of Homeland Security	49.0%	19.9%	18.8%	12.3%

47 I can disclose a suspected violation of any law, rule or regulation without fear of reprisal.

	Positive	*Neutral*	*Negative*	*Do Not Know*
2008 Governmentwide	50.5%	22.6%	19.0%	7.9%
2008 Department of Homeland Security	45.1%	21.7%	25.6%	7.6%
2006 Department of Homeland Security	39.9%	24.7%	29.0%	6.5%
2004 Department of Homeland Security	40.2%	22.3%	31.1%	6.4%

Department of Homeland Security Trend Report

Learning (Knowledge Management)

48 Supervisors/team leaders provide employees with constructive suggestions to improve their job performance.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	58.3%	22.3%	18.2%	1.3%
2008 Department of Homeland Security	53.4%	22.5%	23.0%	1.2%
2006 Department of Homeland Security	49.0%	24.4%	25.6%	1.1%
2004 Department of Homeland Security	51.5%	22.7%	24.9%	0.9%

49 Supervisors/team leaders in my work unit support employee development.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	64.5%	19.1%	15.6%	0.8%
2008 Department of Homeland Security	57.8%	20.4%	20.7%	1.0%
2006 Department of Homeland Security	52.3%	22.9%	24.1%	0.8%
2004 Department of Homeland Security	51.4%	24.6%	23.4%	0.6%

50 Employees have electronic access to learning and training programs readily available at their desk.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	78.6%	11.9%	7.8%	1.6%
2008 Department of Homeland Security	75.8%	11.2%	11.5%	1.5%
2006 Department of Homeland Security	63.2%	13.9%	21.2%	1.8%
2004 Department of Homeland Security	51.4%	18.1%	27.2%	3.4%

51 My training needs are assessed.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	53.4%	24.7%	20.4%	1.6%
2008 Department of Homeland Security	48.8%	24.4%	24.4%	2.4%
2006 Department of Homeland Security	43.3%	25.5%	29.0%	2.2%
2004 Department of Homeland Security	40.7%	23.7%	32.8%	2.8%

52 Managers promote communication among different work units (for example, about projects, goals, needed resources).

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	54.5%	23.1%	19.6%	2.8%
2008 Department of Homeland Security	46.0%	23.9%	27.5%	2.7%
2006 Department of Homeland Security	39.1%	25.2%	32.0%	3.7%
2004 Department of Homeland Security	37.5%	26.1%	32.8%	3.6%

53 Employees in my work unit share job knowledge with each other.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	75.4%	12.8%	11.3%	0.5%
2008 Department of Homeland Security	73.3%	12.7%	13.5%	0.5%
2006 Department of Homeland Security	72.3%	13.3%	14.0%	0.4%
2004 Department of Homeland Security	75.0%	12.5%	12.3%	0.3%

Department of Homeland Security Trend Report

Learning (Knowledge Management)

54 Employees use information technology (for example, intranet, shared networks) to perform work.

	Positive	Neutral	Negative	Do Not Know
2008 Governmentwide	87.3%	8.2%	3.8%	0.8%
2008 Department of Homeland Security	82.7%	9.9%	6.2%	1.2%
2006 Department of Homeland Security	76.9%	10.9%	10.8%	1.4%
2004 Department of Homeland Security	68.6%	11.9%	16.3%	3.3%

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Department of Homeland Security Trend Report

Job Satisfaction

55 How satisfied are you with your involvement in decisions that affect your work?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	53.4%	22.8%	23.9%
2008 Department of Homeland Security	44.8%	23.3%	31.9%
2006 Department of Homeland Security	38.6%	23.7%	37.7%
2004 Department of Homeland Security	35.9%	22.9%	41.2%

56 How satisfied are you with the information you receive from management on what's going on in your organization?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	48.1%	24.4%	27.4%
2008 Department of Homeland Security	42.6%	22.5%	34.9%
2006 Department of Homeland Security	34.9%	23.7%	41.5%
2004 Department of Homeland Security	32.7%	22.0%	45.4%

57 How satisfied are you with the recognition you receive for doing a good job?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	50.3%	22.8%	26.9%
2008 Department of Homeland Security	42.2%	22.2%	35.5%
2006 Department of Homeland Security	35.3%	24.1%	40.6%
2004 Department of Homeland Security	35.9%	24.8%	39.3%

58 How satisfied are you with the policies and practices of your senior leaders?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	42.3%	28.8%	28.9%
2008 Department of Homeland Security	37.6%	26.1%	36.2%
2006 Department of Homeland Security	30.2%	28.3%	41.5%
2004 Department of Homeland Security	28.5%	26.7%	44.8%

59 How satisfied are you with your opportunity to get a better job in your organization?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	39.0%	28.2%	32.8%
2008 Department of Homeland Security	36.9%	25.2%	37.9%
2006 Department of Homeland Security	27.9%	26.3%	45.7%
2004 Department of Homeland Security	25.8%	26.2%	48.0%

60 How satisfied are you with the training you receive for your present job?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	55.3%	24.5%	20.2%
2008 Department of Homeland Security	52.4%	23.4%	24.2%
2006 Department of Homeland Security	47.8%	24.2%	28.0%
2004 Department of Homeland Security	49.6%	21.9%	28.5%

Department of Homeland Security Trend Report

Job Satisfaction

61 Considering everything, how satisfied are you with your job?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	68.5%	17.5%	14.1%
2008 Department of Homeland Security	62.2%	19.4%	18.4%
2006 Department of Homeland Security	56.6%	20.5%	22.9%
2004 Department of Homeland Security	55.6%	20.9%	23.6%

62 Considering everything, how satisfied are you with your pay?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	60.4%	17.4%	22.2%
2008 Department of Homeland Security	56.8%	17.5%	25.7%
2006 Department of Homeland Security	54.6%	18.1%	27.4%
2004 Department of Homeland Security	51.7%	17.5%	30.8%

63 Considering everything, how satisfied are you with your organization?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	57.5%	22.2%	20.3%
2008 Department of Homeland Security	49.8%	22.4%	27.8%
2006 Department of Homeland Security	43.9%	21.9%	34.2%
2004 Department of Homeland Security	42.2%	21.7%	36.2%

1113-39.eps 1113-40.eps

Department of Homeland Security Trend Report

Satisfaction with Benefits

64 How satisfied are you with retirement benefits?

	Positive	*Neutral*	*Negative*	*No Basis to Judge*
2008 Governmentwide	60.9%	19.4%	12.5%	7.3%
2008 Department of Homeland Security	57.4%	19.3%	16.2%	7.1%
2006 Department of Homeland Security	53.7%	20.1%	18.5%	7.7%
2004 Department of Homeland Security	59.9%	23.9%	16.2%	N/A

65 How satisfied are you with health insurance benefits?

	Positive	*Neutral*	*Negative*	*No Basis to Judge*
2008 Governmentwide	62.0%	17.2%	15.8%	5.0%
2008 Department of Homeland Security	58.6%	16.2%	20.6%	4.6%
2006 Department of Homeland Security	50.4%	17.3%	27.2%	5.1%
2004 Department of Homeland Security	49.3%	21.6%	29.0%	N/A

66 How satisfied are you with life insurance benefits?

	Positive	*Neutral*	*Negative*	*No Basis to Judge*
2008 Governmentwide	60.2%	21.7%	9.5%	8.6%
2008 Department of Homeland Security	61.1%	20.4%	12.6%	5.9%
2006 Department of Homeland Security	57.4%	23.9%	12.9%	5.9%
2004 Department of Homeland Security	60.3%	28.4%	11.3%	N/A

67 How satisfied are you with long term care insurance benefits?

	Positive	*Neutral*	*Negative*	*No Basis to Judge*
2008 Governmentwide	32.0%	28.4%	9.6%	30.0%
2008 Department of Homeland Security	35.9%	26.6%	12.9%	24.5%
2006 Department of Homeland Security	30.0%	30.9%	13.1%	26.0%
2004 Department of Homeland Security	33.3%	52.6%	14.1%	N/A

68 How satisfied are you with the flexible spending account (FSA) program?

	Positive	*Neutral*	*Negative*	*No Basis to Judge*
2008 Governmentwide	34.8%	27.0%	3.7%	34.5%
2008 Department of Homeland Security	33.2%	28.1%	5.0%	33.6%
2006 Department of Homeland Security	29.7%	29.5%	5.4%	35.4%
2004 Department of Homeland Security	26.9%	66.6%	6.5%	N/A

69 How satisfied are you with paid vacation time?

	Positive	*Neutral*	*Negative*
2008 Governmentwide	87.7%	7.7%	4.7%
2008 Department of Homeland Security	82.3%	9.8%	7.9%
2006 Department of Homeland Security	82.5%	10.8%	6.7%
2004 Department of Homeland Security	80.4%	9.8%	9.8%

1113-41.eps

Department of Homeland Security Trend Report

Satisfaction with Benefits

70 How satisfied are you with paid leave for illness (for example, personal), including family care situations (for example, childbirth/adoption or eldercare)?

	Positive	Neutral	Negative
2008 Governmentwide	84.3%	9.4%	6.3%
2008 Department of Homeland Security	76.1%	12.2%	11.7%
2006 Department of Homeland Security	75.9%	12.7%	11.4%
2004 Department of Homeland Security	75.1%	13.0%	11.9%

71 How satisfied are you with child care subsidies?

	Positive	Neutral	Negative	No Basis to Judge
2008 Governmentwide	9.1%	23.0%	4.2%	63.7%
2008 Department of Homeland Security	8.9%	22.8%	7.4%	60.9%
2006 Department of Homeland Security	7.0%	24.1%	6.7%	62.2%
2004 Department of Homeland Security	10.5%	77.9%	11.5%	N/A

72 How satisfied are you with work/life programs (for example, health and wellness, employee assistance, eldercare, and support groups)?

	Positive	Neutral	Negative	No Basis to Judge
2008 Governmentwide	28.5%	24.4%	7.4%	39.7%
2008 Department of Homeland Security	22.3%	24.4%	10.7%	42.6%
2006 Department of Homeland Security	20.8%	24.9%	13.1%	41.2%
2004 Department of Homeland Security	24.9%	59.1%	16.0%	N/A

73 How satisfied are you with telework/telecommuting?

	Positive	Neutral	Negative	No Basis to Judge
2008 Governmentwide	22.6%	20.3%	13.7%	43.3%
2008 Department of Homeland Security	15.7%	21.0%	13.1%	50.2%
2006 Department of Homeland Security	13.5%	23.0%	12.4%	51.2%
2004 Department of Homeland Security	15.7%	69.1%	15.2%	N/A

74 How satisfied are you with alternative work schedules?

	Positive	Neutral	Negative	No Basis to Judge
2008 Governmentwide	46.9%	17.0%	12.7%	23.4%
2008 Department of Homeland Security	30.0%	18.3%	20.9%	30.8%
2006 Department of Homeland Security	28.7%	19.1%	23.2%	29.1%
2004 Department of Homeland Security	32.3%	40.1%	27.7%	N/A

1113-42.eps

Department of Homeland Security Trend Report

Demographics

75. Where do you work?	
Headquarters	25%
Field	75%

76. What is your supervisory status?	
Non-Supervisor	48%
Team Leader	15%
Supervisor	23%
Manager	12%
Executive	3%

77. Are you:	
Male	66%
Female	34%

78. Are you Hispanic or Latino?	
Yes	14%
No	86%

79. Are you:	
American Indian or Alaska Native	1%
Asian	4%
Black or African American	13%
Native Hawaiian or Other Pacific Islander	1%
White	78%
Two or more races	3%

80. What is your age group?	
25 and under	1%
26 - 29	5%
30 - 39	22%
40 - 49	34%
50 - 59	30%
60 or older	8%

81. What is your pay category/grade?	
Federal Wage System	4%
GS 1-6	3%
GS 7-12	40%
GS 13-15	36%
Senior Executive Service	2%
Senior Level (SL) or Scientific or Professional (ST)	< 1%
Other	14%

82. How long have you been with the Federal Government (excluding military service)?	
Less than 1 year	2%
1 to 3 years	12%
4 to 5 years	13%
6 to 10 years	26%
11 to 14 years	10%
15 to 20 years	13%
More than 20 years	24%

83. How long have you been with your current agency?	
Less than 1 year	3%
1 to 3 years	19%
4 to 5 years	20%
6 to 10 years	28%
11 to 20 years	17%
More than 20 years	12%

84. Are you considering leaving your organization within the next year?	
No	64%
Yes, to retire	4%
Yes, to take another job in the Federal Government	24%
Yes, to take another job outside the Federal Government	3%
Yes, other	5%

85. I am planning to retire:	
Within one year	3%
Between one and three years	9%
Between three and five years	10%
Five or more years	79%

Mr. BILIRAKIS. Thank you.

The Department showed improvement in nearly every category of the survey, ranking in the top five of most improvement among the federal agencies. The largest increase came in the job satisfaction indices, evidencing a much-needed increase in employee morale.

There is good news. It is great news. But more work needs to be done. The Department will now use the results of this survey to further improve working conditions at the Department and within its components.

I will say that I am disappointed that the Department was not invited to testify here today. I am interested in learning more about its plans to improve and support the Department's workforce.

And I hope that we will have a follow-up hearing, Mr. Chairman, on this issue in the future.

That said, I look forward to working with the Department and Chairman Carney to address the concerns of the employees, im-

1113-43.eps

prove morale and foster a one-DHS culture. The Department's employees deserve nothing less.

With that, I would like to welcome our witnesses here today, and I look forward to their testimony.

Thank you, Mr. Chairman. I really appreciate it.

Mr. CARNEY. Thank you, Mr. Bilirakis.

Other members of the subcommittee I reminded that under committee rules, opening statements may be submitted for the record.

Our first witness is Colleen Kelley, president of the National Treasury Employees Union, NTEU. NTEU represents over 150,000 federal employees, including 24,000 who work at the Department of Homeland Security.

A certified public accountant, Ms. Kelley began her career as an IRS revenue agent. An NTEU member since 1974, Ms. Kelley has served in various NTEU chapter leadership positions, including president of NTEU Chapter 34. She was first elected president of the national organization August of 1999 and was reelected to a third term in August of 2008.

Welcome.

Our second witness is John Gage, president of the American Federation of Government Employees, AFL–CIO. AFGE represents more than 600,000 federal employees, including 60,000 who work at the Department of Homeland Security.

Mr. Gage was elected as AFGE's national president in 2003. Prior to this, he served more than 20 years as president of the AFGE Local 1923 and as national vice president of AFGE's fourth district.

Mr. Gage began working for the federal government as a disability examiner for the Social Security Administration in 1974.

Our third witness is Carol Bonosaro, president of the Senior Executives Association. The Senior Executives Association has nearly 3,000 members that represent Cabinet-level departments, as well as 44 administrative and independent agencies, commissions and corporations.

Ms. Bonosaro was herself a senior executive until her retirement from federal service in 1986 to become SEA's full-time president. Ms. Bonosaro began her 25-year government career at the Bureau of the Budget, now the Office of Management and Budget, as a management intern.

At 33, she became a super-grade executive at the U.S. Commission on Civil Rights. Ms. Bonosaro directed the commission's congressional and public affairs program from 1980 to 1986, when she retired from the Senior Executive Service.

Our final witness is Mr. Max Stier, president and CEO of the Partnership for Public Service. The Partnership for Public Service seeks to revitalize the federal civil service by making the government and employer of choice for talented Americans.

Mr. Stier has worked previously in all three branches of the federal government, including clerking for the Supreme Court Justice David Souter. His professional experience also includes practicing law at the firm of Williams & Connolly.

Most recently, Mr. Stier was deputy general counsel for litigation with the Department of Housing and Urban Development. His career in government service began here on Capitol Hill, when he

served as a personal staff of former Representative Jim Leach of Iowa.

Without objection, the witnesses' full statements will be inserted into the record. I now ask each witness to summarize his or her statement for 5 minutes, beginning with Ms. Kelley.

STATEMENT OF COLLEEN M. KELLEY, NATIONAL PRESIDENT, NATIONAL TREASURY EMPLOYEES UNION

Ms. KELLEY. Thank you very much, Chairman Carney, Ranking Member Bilirakis and committee members, for the opportunity to be here today and to testify on the current state of affairs regarding personnel practices and workforce challenges at the Department of Homeland Security.

I would also like to thank both of you, Chairman Carney and Ranking Member Bilirakis, for the H.R. 195 recognition to Homeland Security employees, recognition that they earn every day in their duty to our country.

As president of NTEU, I had the honor of representing over 150,000 federal employees, and 24,000 of those are in the Department Of Homeland Security, so what I would like to do is to highlight the main points of my written testimony.

Let me start with the Transportation Security Administration and also mention that NTEU has TSOs from around the country here in D.C. this week, including from Florida and Pennsylvania.

Congress' intention in federalizing the screening workforce at TSA was to replace a poorly trained, minimum wage, private contract civilian workforce with professional, highly trained, security screening officers.

The goal of providing screeners with adequate pay, benefits and training, and thereby creating a professional and dedicated TSO workforce, has been undermined by ineffective management and the denial of most basic workplace rights.

TSA has the dubious distinction of having the lowest morale of all federal agencies. It has the highest attrition rate and the highest injury rate. TSA employees face a hostile work environment. Our union officers have been demoted or moved to less desirable areas for trying to get employee disputes resolved.

TSOs are forced to take annual leave when they are clearly eligible for family and medical leave. Jobs are not posted. They are filled based on favoritism or who you know.

TSOs are routinely at the airport 11 to 14 hours a day and get paid for only 8 hours due to split shift assignments. Staffing levels at some airports are so low that TSOs are working extra shifts, not getting breaks, and working on their days off.

I believe the new administration will address these problems, those that are the remnants of the Bush legacy, but the law needs to be changed, and this is an agency that needs to have the voices of its employees heard.

In the 110th Congress, both the House and the Senate voted to repeal the section of the Aviation Transportation Security Act that allowed management to deny collective bargaining rights to its employees.

Unfortunately, that provision did not survive in the final version of the 9/11 Commission bill that did become law. NTEU strongly

supports providing collective bargaining rights to TSOs and believes it will improve morale and performance, as well as to help ensure that employees are not retaliated against if they report waste, fraud or abuse.

Rather than inhibit management, collective bargaining agreements set procedures for work assignments and duties that lead to stability in the workplace. The result is a trained and committed workforce that enhances the nation's security.

TSA's personnel management programs, including its unique pay system, have been massive failures. Under TSA's pay-for-performance system, known as PASS, employees have no basis to accurately predict their salaries from year to year. If the TSO fails a test, they are not told why.

Every year when the PASS payouts come, our office is flooded with calls from TSOs who are confused and disappointed with their scores and with their payouts.

The PASS system is not fair. It is not credible, and it is not transparent. It should be eliminated, and TSOs should be put under the general pay schedule, the general system pay schedule, which covers most other federal employees, including most of DHS.

Now, at the Bureau of Customs and Border Protection, we now have over 18,000 CBP officers covering our 327 ports of entry. NTEU believes that at least 22,000 CBP officers are needed to have a robust and fully staffed force at our ports of entry.

NTEU's CBP members have told us that CBP officer cross-training and on-the-job training is woefully inadequate. In addition, staffing shortages force managers to choose between performing port operations and providing ongoing and important training.

The knowledge and the skills required to perform the expanded inspection tasks under their One Face at the Border initiative have been diluted, while at the same time increasing the workload of CBP officers.

CBP officers are becoming generalists without ever developing the specialized skill set that they had as legacy inspectors. We believe this jeopardizes the nation's security.

NTEU believes this initiative has failed to integrate the different port functions it sought to make interchangeable, because they are not interchangeable. And I ask this committee to review that initiative.

I would like to thank the committee for its great work in the last Congress to finally recognize CBPOs as law enforcement officers and to grant them an enhanced law enforcement retirement.

NTEU asks that this Congress extend that same law enforcement benefit to CBP's property specialists and to agriculture specialists, as was included in the Senate's 2009 DHS authorization bill. This action would result in a more unified CBP workforce and increase employee morale.

And DHS employees are very, very proud of the work they do, keeping our country free from terrorism, our neighborhoods safe from drugs, and our economy and transportation systems safe from illegal trade.

Again, I would like to thank the committee for holding this hearing and for the opportunity to be here to recognize them and speak on their behalf. Thank you.

[The statement of Ms. Kelley follows:]

PREPARED STATEMENT OF COLLEEN M. KELLEY

Chairman Carney, Ranking Member Bilirakis, I would like to thank the subcommittee for the opportunity to testify on the current state of affairs regarding personnel practices and workforce challenges at the Department of Homeland Security (DHS). As President of the National Treasury Employees Union (NTEU), I have the honor of representing over 150,000 federal employees, 24,000 of whom are Customs and Border Protection (CBP) employees at the Department of Homeland Security.

DHS PERSONNEL SYSTEM AUTHORIZED BY TITLE 5, CHAPTER 97

When Congress passed the Homeland Security Act in 2002 (HSA), it granted the new department very broad discretion to create new personnel rules. It basically said that DHS could come up with new systems as long as employees were treated fairly and continued to be able to organize and bargain collectively.

It was unfortunate that after two years of "collaborating"with DHS and OPM on a new personnel system for DHS employees, NTEU was extremely disappointed that the final regulations fell woefully short on a number of the Homeland Security Act's (HSA) statutory mandates. The most important being the mandates that DHS employees may, "organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them," (5 U.S.C. 9701(b)(4) as well as the mandate that any changes to the current adverse action procedures must the fair, efficient and expeditious resolutions of matters involving the employees of the Department."(5 U.S.C. 9701(f)(2)(C)).

Because the final personnel regulations failed to meet the statutory requirements of the HSA, NTEU, along with other federal employee unions, filed a lawsuit in Federal court. On August 12,2005, the federal district court ruled the labor-management relations and appeals portions of the DHS final personnel regulations illegal and enjoined their implementation by DHS. DHS appealed the district court's decision to the U.S. Court of Appeals for the District of Columbia Circuit. In June 2006, the Appellate Court upheld the lower court decision and DHS declined to appeal the ruling to the Supreme Court.

Much to NTEU's consternation, on March 7,2007, DHS announced that it would put into effect portions of its compromised personnel system, formerly known as MaxHR, but now called the Human Capital Operations Plan. NTEU was very grateful that on March 28,2007, the House Homeland Security Committee acted. **The Committee approved an amendment offered by Subcommittee Chairman Carney to the fiscal year 2008 DHS Authorization bill that repeals the DHS Human Resources Management System. H.R. 1684, the DHS Authorization legislation was approved by the House of Representatives on May, 11,2007, but was not considered by the Senate.**

Despite Congress' clear intent to stop implementation of the failed DHS Human Resources Management System, DHS continued to persist in implementing these compromised personnel regulations. Finally, Congress approved a fiscal year 2009 DHS Appropriations bill that prohibits the department from using any funds to implement a new personnel system for rank and file employees. Because of this Congressional prohibition, DHS finally abandoned all efforts to implement all regulations promulgated under Title 5, Chapter 97 in October 2008. The House has voted once already to repeal the authorization of Title 5, Chapter 97. **NTEU urges Congress to enact the Chapter 97 repeal this year.**

TRANSPORTATION SECURITY ADMINISTRATION

The Aviation and Transportation Security Act (ATSA), enacted in November 2001, removed screening responsibility from air carriers and the private sector contractors who conducted screening for them and placed this responsibility with the Transportation Security Administration (TSA). As a result, TSA hired and deployed about 55,000 federal passenger and baggage Transportation Security Officers (TSO)—formerly known as screeners—to more than 400 airports nationwide based largely on the number of screeners the air carrier contractors had employed. Since August 2002, TSA has been prohibited by statute from exceeding 45,000 full-time equivalent positions available for screening.

Congress' intention in federalizing the screening workforce was to replace a poorly trained, minimum-wage private contract screening workforce with professional, highly trained security screening officers. Congress, however, included in ATSA, Section 111(d) that codified as a note to 49 U.S.C. 44935, the following:

Notwithstanding any other provision of the law, the Under Secretary of Transportation for Security may employ, appoint, discipline, terminate, and fix the compensation, terms and conditions of employment of Federal service for such a number of in-

dividuals as the Under Secretary determines to be necessary to carry out the screening function of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed.

This section permitted the establishment of a federal personnel management system that is unique to TSOs. The Federal Labor Relations Authority construed Section 111(d) as granting unfettered discretion to TSA to determine the terms and conditions of employment for federal screener personnel. Accordingly, a directive issued by then Under Secretary James Loy on January 8,2003 barred screeners from engaging in collective bargaining.

The goal of providing screeners with adequate pay, benefits and training and thereby creating a professional and dedicated TSO workforce has been undermined by capricious and arbitrary management and the denial of the most basic workplace rights.

To date, TSA's basic management programs have been massive failures. The training and certification program, performance appraisal system, and health and safety programs all lack accountability and therefore lack credibility with employees. The Transportation Security Officers, who put themselves on the line every day, at every airport, deserve better than what they've endured so far. TSA is an agency with the lowest pay in the government. Not surprisingly, it also has the lowest morale. Lack of oversight and accountability has resulted in one of the highest voluntary attrition rates in the entire federal government as well as the highest workplace injury rates.

Pay for Performance

Under TSA's pay-for-performance system, known as PASS, employees have no basis to accurately predict their salaries from year to year. They have no way of knowing how much of an annual increase they will receive, or whether they will receive any annual increase at all. Every year, the amount of points required to receive a merit increase change, as does the percentage of each category. Scores are routinely changed on the whim of management. The PASS system relies almost entirely on the integrity, work ethic and writing ability of the supervisor who gives the points.

PASS is an example of the "worst of all worlds" kind of system -not a statutorily set system like the GS one, and no collective bargaining over pay, nor over anything. So, has this pay-for-performance system aided in recruitment and retention or motivation? It absolutely has not. It is a major contributor to the fact that TSA has the highest turnover rate in the federal government. Has it motivated employees to better achieve the agency mission? Certainly not. Employees at TSA are struggling to make ends meet with an average salary of $30,000, uncertain work conditions and no knowledge as to whether they will receive a pay raise or even what the expectations are to get one, under the current system. While they do a remarkable job with insufficient training and feedback, it is hard for them to focus on the larger mission goals.

Last fall, was awarded a contract to administer human resources systems at TSA. It already plays a large part in the inept PASS system. While airport screeners in charge of vital security needs rarely make enough to afford health insurance, a contractor with an abysmal record of deeds accomplished at the same agency was awarded a new $1.2 billion contract. This money would be much better spent on increasing staffing and pay for TSOs.

PASS is in disarray. The imagery used for training, when it actually occurs, is faulty. If a TSO fails a test, they are not told why. It doesn't measure the appropriate skills. If you do fail, there is no training to improve your skills. Still, your merit increase is based on these scores, scores that can change between the time the tester hands them in to a supervisor, and the supervisor records them. Part of your PASS score is based on duties". The supervisor decides who gets these duties, adding another layer of favoritism to the personnel system. Every year, when the PASS payouts come out, our office is flooded with calls from TSOs confused and disappointed with their scores.

With roughly 8,000 of the approximately 40,000 member TSA workforce leaving their jobs each year, TSA is incurring astronomical and unnecessary costs of training, recruiting and hiring and lost productivity. This critical workforce is in flux and I see no advantage to experimenting further with their pay. The PASS system is not fair, credible or transparent. It is not achieving the success to justify it, and it is a major contributing factor to the agency's double-digit attrition. The PASS system should be eliminated and TSOs should be put under the General Schedule pay system.

The General Schedule

Critics of the General Schedule are often confused about the very nature of that system, or sometimes, as in the Partnership for Public Service's report on "Elevating our Federal Workforce", when they think they're criticizing the GS, they're really complaining about other things—federal managers who won't manage, pay that's too low, difficulty in hiring. These are not GS problems, nor are they problems that can be fixed with a new performance management system.

I am a big believer in setting meaningful goals and then figuring out how to reach those goals. It seems to me that we need to step back in this discussion about pay systems and personnel systems and ask—what are our goals? I have a couple: (1) Does it help recruit and retain the best people for the jobs? And, (2) Does it help motivate employees to better achieve the agency mission? Agencies that follow the General Schedule have been successful in both these goals. Agencies that have pay-for-performance systems have not.

The General Schedule is a structured system. It has rules, standards and evaluations which must be written. It has both merit and market components—with grade and career ladder promotions subject to merit standards. There is limited ability for favoritism, discrimination or other non-merit determinations to come into play.

But there is also flexibility. Non-performers can be denied merit pay increases and outstanding performers can be given many rewards, including quality step increases, additional leave, and retention and recruitment bonuses. Yet we see a pattern of managers' inability to follow the rules and work within the GS system. If managers currently have trouble with the GS system, it does not make sense to go to a *more subjective system.* The GS system is a performance-based system that works. Until we see actual success stories of pay-for-performance systems, and there have been none in any of agencies represented by NTEU, NTEU will continue to oppose them.

For those who argue that raises are automatic within the GS system and say the only thing that counts is *being there,* I take issue. An employee's supervisor must certify that the employee is performing the job up to standard. If not, the employee's step increase can be withheld and disciplinary action can follow. If there's a problem here, it's that the supervisor is not doing his or her job. Can we expect them to do a better job with a much greater task, the kind of task that is involved in each and every one of the pay-for-performance systems presently in the government? It took a very long time to build a non-partisan, professional civil service that is envied around the world. There has been no evidence so far that it needs to be changed. Rather than spend money and precious resources fixing what isn't broken, I suggest we put that money and time into developing a better hiring plan for the federal government and more training for managers to take advantage of what already exists.

Collective Bargaining Rights for TSOs

In the 110th Congress, both the House and Senate recognized the failings of the TSA personnel system that prohibits collective bargaining and voted to repeal Section 111(d) of ATSA. Unfortunately, the ATSA repeal provision did not make it into the final version of the 9/11 bill. Reversing this unequal treatment of TSOs will help restore morale and strengthen mission and personnel dedication at the Department of Homeland Security.

There is little dispute that TSA is a hostile work environment. Our union officers have been demoted or moved to less-traveled areas for trying to get disputes resolved. People are injured on the job and told to stay home or even told to find a different place to work. TSOs are forced to take annual leave when they clearly are eligible for Family and Medical Leave Act leave. Jobs are not posted; they are filled by TSOs friendly to management. TSOs routinely are at the airport 11 to 14 hours a day, but get paid for 8. Staffing levels at some airports are so low that TSOs are working extra shifts, not getting breaks, and working on their days off.

Concerns voiced by the former administration, that collective bargaining would limit management flexibility at TSA have been totally discredited by the record of the organized workforce at other DHS bureaus and agencies. Rather than inhibit management, collective bargaining agreements set procedures for work assignments and duties that lead to stability in the workplace. The result, then, is a trained and committed workforce to enhance the nation's protection.

In conclusion, the inherent arbitrariness of the PASS system can only be solved by moving TSOs to the General Schedule with full bargaining rights as enjoyed by their fellow civil servants.

IMPEDIMENTS TO MISSION ACCOMPLISHMENT

The second part of my testimony addresses the previous administration's DHS staffing and personnel policies that have deleteriously affected employee morale and threaten the agency's ability to successfully meet its critical missions.

ONE FACE AT THE BORDER INITIATIVE

As part of the establishment of the Bureau of U.S. Customs and Border Protection (CBP) in March 2003, DHS brought together employees from three departments of government—Treasury, Justice and Agriculture to operate at the 327 ports of entry. On September 2, 2003, CBP announced the One Face at the Border initiative. The initiative was designed to eliminate the pre-9/11 separation of immigration, customs, and agriculture functions at US land, sea and air ports of entry. Inside CBP, three different inspector occupations—Customs Inspector, Immigration Inspector and Agriculture Inspector were combined into a single inspectional position—the CBP Officer.

The priority mission of the CBP Officer is to prevent terrorists and terrorist weapons from entering the U.S., while simultaneously facilitating legitimate trade and travel—as well as upholding the laws and performing the traditional missions of the three legacy agencies, the U.S. Customs Service, the Immigration and Naturalization Service (INS) and the Animal, Plant and Health Inspection Service (APHIS).

This change in job description and job duties established by the One Face at the Border initiative resulted in the Herculean task of training, retraining and cross training over 18,000 newly created CBP Officers. It became clear after several months that Agriculture Specialists job duties and background was significantly unique to establish a CBP Agriculture Specialist job series 401, separate from the CBP Officer job series 1895.

CBP saw its One Face at the Border initiative as a "force multiplier"a means to "increase management flexibility"without increasing staffing levels. According to CBP, "there will be no extra cost to taxpayers. CBP plans to manage this initiative within existing resources. The ability to combine these three inspectional disciplines and to cross-train frontline officers will allow CBP to more easily handle projected workload increases and stay within present budgeted levels." This has not been the case. The knowledge and skills required to perform the expanded inspectional tasks under the One Face at the Border initiative have been diluted while at the same time increasing the workload of the CBP Officer. The CBP Officer is becoming a generalist, rotating from seaport cargo inspection to land port vehicle processing to airport passenger processing without ever developing the specialized skill set that they had as legacy inspectors, and further undermining the nation's security.

CBP STAFFING SHORTAGES

In 2006, Congress requested that the Government Accountability Office (GAO) evaluate the One Face at the Border initiative and its impact on legacy customs, immigration and agricultural inspection and workload. GAO conducted its audit from August 2006 through September 2007 and issued its public report, *Border Security: Despite Progress, Weaknesses in Traveler Inspections Exist at Our Nation's Ports of Entry* (GAO–08–219), on November 5,2007.

The conclusions of this report echo what NTEU has been saying for years:

- CBP needs several thousand additional CBP Officers and Agriculture Specialists at its ports of entry.
- Not having sufficient staff contributes to morale problems, fatigue, and safety issues for CBP Officers.
- Staffing challenges force ports to choose between port operations and providing training.
- CBO's onboard staffing level is below budgeted levels, partly due to high attrition, with ports of entry losing officers faster than they can hire replacements.

According to GAO, *At seven of the eight major ports we visited, officers and managers told us that not having sufficient staff contributes to morale problems, fatigue, lack of backup support and safety issues when officers inspect travelers—increasing the potential that terrorists, inadmissible travelers and illicit goods could enter the country.* (See GAO–08–219, page 7)

Due to staffing shortages, ports of entry rely on overtime to accomplish their inspection responsibilities. Double shifts can result in officer fatigue. . .officer fatigue caused by excessive overtime negatively affected inspections at ports of entry. On occasion, officers said they are called upon to work 16-hour shifts, spending long stints in primary passenger processing lanes in order to keep lanes open, in part to minimize traveler wait times. Further evidence of fatigue came from officers who said that CBP officers call in sick due to exhaustion, in part to avoid mandatory overtime, which in turn exacerbates the staffing challenges faced by the ports. (See GAO–08–219, page 33)

According to CBP, CBP Officers have "Twin Goals" in doing their job—anti-terrorism and facilitating legitimate trade and travel. CBP's priority mission is preventing terrorists and terrorist weapons from entering the United States, while also

facilitating the flow of legitimate trade and travel. CBP's emphasis on reducing wait times, however, without increasing staffing at the ports of entry creates a challenging work environment for the CBP Officer.

On the one hand, CBP Officers are to fully perform their inspection duties, yet at all times they are made aware by management of wait times. In land port booths, wait times are clearly displayed. Primary inspections at land ports are expected to be conducted in less than one minute. Travelers routinely spend about 45 seconds at Canadian crossings during which CBP Officers have to determine if a person is a U.S. citizen or alien, and if alien, whether the alien is entitled to enter the U.S. At airports, all international arrivals are expected to be cleared within 45 minutes or a visual alert is displayed at headquarters and local management is notified. CBP's posts wait times at every land port and allow travelers to check airport wait times by location.

The emphasis on primary passenger processing and reducing wait times results in limited staff available at secondary to perform vehicle, baggage and cargo inspections referred to them. NTEU has noted the diminution of secondary inspection in favor of passenger facilitation at primary since the creation of DHS.

CBP Agriculture Specialists

In 2008, NTEU was certified as the labor union representative of CBP Agriculture Specialists as the result of an election to represent all Customs and Border Protection employees that had been consolidated into one bargaining unit by merging the port of entry inspection functions of Customs, INS and the Animal and Plant Inspection Service as part of DHS' One Face at the Border initiative.

In order to assess CBP Officer and CBP Agriculture Specialists staffing needs, Congress, in its fiscal year 2007 DHS appropriations conference report, directed CBP to submit by January 23, 2007 a resource allocation model for current and future year staffing requirements. In July 2007, CBP provided GAO with the results of the staffing model.

"The model's results showed that CBP would need up to several thousand additional CBP officers and agricultural specialists at its ports of entry." (See GAO–08–219, page 31) CBP has determined that data from the staffing model are law enforcement sensitive and has not shared this data with NTEU.

According to GAO, with the merger of the three agencies' inspection forces, there are now approximately 18,000 CBP Officers currently employed by CBP. Based on the expanded mission of CBP Officers, **NTEU believes that at least 22,000 CBP Officers would be needed to have a robust and fully staffed force at our ports of entry.**

According to GAO–08–219 page 31, CBP' s staffing model "showed that CBP would need up to several thousand additional CBP Officers and agriculture specialists at its ports of entry." **And GAO testimony issued on October 3,2007 stated that, "as of mid-August 2007, CBP had 2,116 agriculture specialists on staff, compared with 3,154 specialists needed, according to staffing model."** (See GAO–08–96T page 1 .) NTEU recommends that CBP hire additional CBP Agriculture Specialists to comply with its own staffing model.

Congressional Appropriators added fiscal year 2009 funds to hire 1,373 U.S. Customs and Border Protection Officers and CBP Agriculture Specialists at the ports of entry—an increase of 834 beyond those requested by the Bush Administration in its fiscal year 2009 budget. According to CBP February 2009 Snapshot summary of CBP facts and figures, CBP employs 19,726 CBP Officers and 2,277 CBP Agriculture Specialists. **NTEU urges Congress to authorize and fund the additional 2,274 CBP Officers and the 880 CBP Agriculture Specialist needed according to CBP's own staffing model.**

Also, NTEU continues to have concerns of CBP's stated intention to change its staffing model design to reflect only allocations of existing resources and no longer account for optimal staffing levels to accomplish their mission.

Finally, NTEU strongly supports Section 805 of S. 3623, the fiscal year 2009 DHS Authorization bill introduced in the Senate last Congress, that through oversight and statutory language, makes clear that the agricultural inspection mission is a priority and increase CBP Agriculture Specialist staffing, impose an Agriculture Specialist career ladder and specialized chain of command. H.R. 3623 in Section 815 also extends CBP Officer enhanced retirement to their ranks and to CBP Seized Property Specialists.

CBP Seized Specialists

CBP Seized Property Specialists are uniformed and armed GS–1801 Officers responsible and accountable for accepting, securing, storing, maintaining and disposing of dangerous drug evidence. Seized Property Specialists are responsible for all seized personal and real property, including controlled substances, currency and

firearms, by Border Patrol Agents and Customs and Border Protection Officers. The approximately 125 CBP Seized Property Specialists are the keepers of millions of dollars worth of sensitive evidence and other contraband until final disposition. Transportation to destruction facilities and destruction of seized property is an integral part of their jobs.

When CBP was created in March 2003, it was decided that all CBP Officers would be placed under one compensation system both for base pay and for overtime and premium pay. The system is the Customs Officers Pay Reform Act (COPRA) system and applies to all CBP Officers.

CBP Seized Property Specialists comply with the same qualification standards and requirements as CBP Officers do. They qualify in handgun proficiency, undergo self defense tactics training and learn defensive and restraint techniques every trimester. They undergo the similar specialized training and are issued the same equipment. Yet Seized Property Specialists are not under the COPRA overtime and premium pay system.

Also, as you know, On December 26,2007, the President signed the 2008 Consolidated Appropriations Act, that included an enhanced retirement benefit for CBP officers. The enhanced retirement benefit (section 535 of the Act) is similar to that provided for law enforcement officers. The provisions of this enhanced retirement package became effective on July 6,2008. Again, Seized Property Specialists comply with the same qualification standards and requirements as CBP Officers do. Yet, CBP Seized Property Specialists are not covered by the new enhanced retirement benefit.

On behalf of the CBP Seized Property Specialists (GS–1801 series) assigned around the nation, NTEU has requested that the enhanced retirement provision and that COPRA be extended to all Seized Property Specialists at CBP. Both these actions will result in a more unified CBP workforce. This discrepancy could be resolved administratively by the Department. If the Department does not act, NTEU will seek a legislative remedy. The Senate Committee included a legislative extension of enhanced retirement benefits to SPS in it fiscal year 2009 authorization bill, H.R. 3623, Section 815.

CBP Trade Operations Staffing

CBP has the dual mission of not only safeguarding our nation's borders and ports from terrorist attacks, but also the mission of regulating and facilitating international trade; collecting import duties; and enforcing U.S. trade laws. Customs revenues are the second largest source of federal revenues that are collected by the U.S. Government. Congress depends on this revenue source to fund federal priority programs. Trade volume is growing exponentially, while CBP trade enforcement staffing remains stagnant. In 2005, CBP processed 29 million trade entries and collected $31.4 billion in revenue. According to a GAO report on Customs Revenue (GAO–07–529), CBP collected nearly $30 billion customs duties in fiscal year 2006, but concluded that CBP's shift in mission contributed to reduced focus and resources devoted to customs revenue functions. According to most recent budget projections, in 2009 the estimated revenue collected (Customs duties) is projected to be $24 billion—a drop of over $6 billion in revenue collected.

Section 412(b) of the Homeland Security Act of 2002 (P.L. 107–296) mandates that "the Secretary [of Homeland Security] may not consolidate, discontinue, or diminish those functions. . .performed by the United States Customs Service. . .on or after the effective date of this Act, reduce the staffing level, or reduce the resources attributable to such functions, and the Secretary shall ensure that an appropriate management structure is implemented to carry out such functions.

According to the Trade Resource Allocation Model (RAM) required by Congress in the SAFE Port Act of 2006 and dated July 6, 2007, CBP needs 1,100 Import Specialists on board by fiscal year 2010 to meet its trade facilitation mission. NTEU asks the Committee to carefully scrutinize the 2007 Trade RAM and a forthcoming 2009 RAM also authorized by the SAFE Ports Act when determining CBP trade function funding needs.

NTEU urges the Committee to ensure that CBP trade enforcement personnel is increased to staffing levels sufficient to ensure effective performance of customs revenue functions as determined by CBP in its own July 2007 Trade Resource Allocation Model.

TRAINING ISSUES

NTEU's CBP members have told us that CBP Officer cross-training and on-the-job training is woefully inadequate. In addition, staffing shortages force managers to choose between performing port operations and providing training. In these instances, it is training that is sacrificed. As you know, I testified before this Subcommittee on the inadequacy of CBP training at a June 19, 2007 hearing entitled

"Ensuring 1We Have Well-Trained Boots on the Ground at the Border." Because little has changed since that hearing, I refer you to that testimony with respect to continuing deficiencies in CBP employee training program.

I do want to update you on a new development that once again shows how short-changing, in this case, new CBP Officer training can be attributed to staffing shortages. In January 2008, I testified at a field hearing in El Paso about staffing shortages and increasing wait times at the land port. Shortly nine additional pedestrian lanes and two more passenger lanes will be opened at the Paso del Norte Bridge. It is NTEU's understanding that the El Paso Field Office is considering eliminating post academy training for CBP Officers by sending FLETC graduates directly from the academy to work the line at the POE.

Last year, El Paso eliminated the post academy training for cargo inspection. Presently, post academy training in El Paso consists of six (6) weeks of training in passenger processing and six (6) weeks in passport control. If this change does occur, it most likely due to El Paso lacking sufficient personnel to staff, not only the existing border crossings, but also the new lanes. Lack of on the job training for new hires not only jeopardizes the career success, but possibly the health and safety of other employees.

RECRUITMENT AND RETENTION ISSUES

Reported staffing shortages are exacerbated by challenges in retaining staff, contributing to an increasing number of vacant positions nationwide. "CBP's onboard staffing level is below its budgeted level. . .the gap between the budgeted staffing level and the number of officers is attributable in part to high attrition, with ports of entry losing officers faster than they can hire replacements. Through March 2007, CBP data shows that, on average, 52 CBP Officers left the agency each 2-week pay period in fiscal 2007, up from 34 officers in fiscal year 2005. . .Numerous reasons exist for officer attrition." (See GAO–08–219, page 34.)

Currently CBP is seeking 11,000 new recruits for both Border Patrol and the Office of Field Operations, however, the majority of these CBP Officer new hires are to keep up with attrition, not to address CBP Officer optimal staffing levels as determined by CBP's own Resource Allocation Model.

CBP Exclusive Use of Federal Career Intern Program

In 2000, the Office of Personnel Management issued regulations establishing the Federal Career Intern Program (FCIP). CBP now uses FCIP authority as its exclusive mean of hiring new CBP Officers. The FCIP was originally created as a limited special focus hiring program to provide formally structured two-year training and development "internships" as a strategic recruitment tool. Since then, however, because OPM placed very few restrictions on the program, its use by agencies has increased so dramatically that it amounts to a frontal assault on the competitive examination process as the primary method of hiring for competitive civil service positions. NTEU believes that there is no justification for FCIP's broad exemption from the competitive examination and selection requirements fundamental to the federal civil service.

As established by OPM, the FCIP allows agencies to hire "interns" for almost any entry-level position. FCIP vacancies are not required to be posted for internal candidates or on OPM's USAJOBS web site. The FCIP authority threatens to undermine fundamental merit systems principles. These principles require that selection and advancement be determined on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity. The practical effect for new CBP hires is that there probationary period is unnecessarily expanded from one year to two years.

Most importantly for all of us who support our war veterans, by using the FCIP exemption, CBP evades veteran's preference hiring as established by **Uniformed Services Employment and Reemployment Rights Act.** NTEU recently participated in a successful challenge to the legality of the excepted service hiring allowed under the FCIP. The petitioner, a 30% disabled veteran who had applied for an auditor position in the Department of Defense, was passed over in favor of two non-preference eligible applicants who were hired under the FCIP.

Finally, existing federal programs that have never been widely implemented at DHS, such as the telework and student loan repayment programs have shown proven success in recruiting and retaining federal workers. Congress should inquire as to why these programs that also contribute to higher employee morale are not personnel priorities at DHS. Congress should also ensure that CBP embraces existing successful retention programs such as the NTEU-negotiated CBP Officer Foreign Language Award Program and expands its use and awards.

NTEU RECOMMENDATIONS

DHS employees represented by NTEU are capable and committed to the varied missions of the agency from border control to the facilitation of trade into and out of the United States. They are proud of their part in keeping our country free from terrorism, our neighborhoods safe from drugs and our economy safe from illegal trade. The American public expects its borders and ports be properly defended.

Congress must show the public that it is serious about protecting the homeland by:

- Granting collective bargaining rights to TSOs and putting TSOs under Title 5;
- repealing Title 5, Chapter 97, the compromised DHS personnel system;
- fully funding CBP staffing needs as stipulated in CBP's own staffing models;
- ending the One Face at the Border initiative;
- reestablishing CBP Officer and CBP Agriculture Specialist inspection specialization at our 327 ports of entry; and
- extending LEO coverage to all CBP Seized Property Specialists and CBP Agriculture Specialists, and
- end the use of the Federal Career Intern Program as the exclusive hiring authority for CBP employees.

I urge each of you to visit the land, sea and air ports of entry in your home districts. Talk to the TSOs, CBP Officers, canine officers, agriculture specialists and trade enforcement specialists there to fully comprehend the jobs they do and what their work lives are like.

Again, I would like to thank the committee for the opportunity to be here today on behalf of the 150,000 employees represented by NTEU.

Mr. CARNEY. Thank you for your testimony.

We will now recognize Mr. Gage for 5 minutes.

STATEMENT OF JOHN GAGE, NATIONAL PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL–CIO

Mr. GAGE. Thank you, Mr. Chairman, subcommittee members.

I am here on behalf of the more than 600,000 federal employees AFGE represents, including those who work for the Department of Homeland Security and Border Patrol, ICE, FEMA, Coast Guard, Federal Protective Service, CIS, plus the more than 40,000 TSOs, of which over 25 percent are AFGE members, despite the fact that they are without the rights afforded other similar DHS employees.

I thank you for the opportunity to testify today on the severe problems of DHS faces regarding its workforce.

My written testimony discusses at length personnel issues for DHS agencies represented by AFGE, issues which the department must address to both fulfill its mission to the country and its obligation as the employer of workers performing critical tasks day in and day out.

The problems of DHS, and especially TSA, are numerous and well documented by congressional hearings and reports, by GAO reports, by two courts when they declared major pieces of the DHS personnel plan to be illegal in lawsuits brought by AFGE and others, by the decision of the Congress not to fund MAX HR, by the failure of Katrina, and by survey data showing DHS and TSA at the bottom among federal employees from the employees' perspectives.

Since its creation, the management of DHS and its components has come to reflect the definition for bad management of a public agency.

The management problems can be categorized as follows: anti-employee, anti-union policies at the top, which only encourage anti-employee, anti-union practices in the workplaces and the divisions.

This in turn led to poor morale, high attrition rates, loss of skilled employees and poor operational management, inadequate resources to fund the positions and the tools needed by the employees to do their jobs, a decentralized management structure without accountability for managers to perform or behave properly, a decision to rely upon profit-oriented contractors instead of a professional civil service, leading to billions of dollars wasted in poor performance, and faulty appointments and the lack of appointments and key management positions.

DHS has had more flexibility than any other Cabinet agency. TSA has had unlimited flexibility, as they were exempt from all laws and regulations governing personnel.

And what has flexibility meant for TSA? The Best Places to Work report tells us with its flexibility measures, TSA was dead last—222 out of 222 agencies—on the questions of effective leadership, questions of satisfaction toward pay and benefits, the question of performance-based rewards and advancement, and on the question of work-life balance.

TSA's pay system, known as PASS, is a failure, as evidenced by the survey results I have just referenced. Congress should end PASS immediately and place for TSA employees under the GS pay system.

Also, TSA has the highest on-the-job injury rate in government. This EDO filings of TSA represent 31 percent of the total in DHS, and the average attrition rate since 2003 for TSOs has exceeded 20 percent.

These problems at TSA undermine the mission of the agency. Our members are dedicated Americans, who believe that the mission. Our members believe in good government, and we have their union stand ready to work with Congress and the new administration to bring about positive change in DHS and TSA.

For TSA this can only be done by enacting legislation that would treat TSOs as full Title 5 employees with all the rights and protections, including the right to organize and bargain collectively as provided under Chapter 71, just like they are fellow DHS employees in Border Patrol, ICE, CBP, FEMA, Coast Guard and ICE.

Good government needs a workforce that is experienced, well-trained, team oriented and focused on the mission without the distraction of the poor management issues I discussed.

AFGE is ready to do our part. We call on Congress to support the management and staffing issues we raised in our written testimony for the other components within DHS. The culture in DHS must change from anti-employee to pro-employee. A new esprit de corps in DHS can and must be created.

A recent MSPB study reported that employee engagement is one of the key criteria for successful agency performance. That concept is simple and makes sense. The best way for DHS to engage its employees in a positive way is to effectively engage with the employees' elected representatives, their unions.

DHS should move quickly and boldly to bring about a positive labor union engagement at the top and throughout DHS. This will

be difficult because of the decentralization of the DHS structure and culture, but the culture must change, and the management at all levels must be accountable by the secretary.

That concludes my statement. I will be happy to answer any questions.

[The statement of Mr. Gage follows:]

PREPARED STATEMENT OF JOHN GAGE

Mr. Chairman and Subcommittee Members: My name is John Gage, and I am the National President of the American Federation of Government Employees, AFL–CIO (AFGE). On behalf of the more than 600,000 federal and District of Columbia employees our union represents, including approximately 40,000 who work for the Department of Homeland Security (DHS), I thank you for the opportunity to testify today on the severe problems the Department faces regarding its workforce. I will address the Department's notorious low morale, its failures to match resources and mission, the controversial, wasteful, and ultimately abandoned DHS-specific human resources management system; the staffing shortages that have resulted from high attrition, misallocation of resources, and misguided budget priorities; and the Department's failure to fulfill its promises and requirements with regard to employee training.

Finally, I will address the shameful fiasco known as PASS (performance, accountability and standards system), the so-called performance pay system that the Transportation Security Administration (TSA) implemented for Transportation Security Officers (TSOs) instead of placing them in the General Schedule with the rest of the federal workforce.

Introduction

Immediately after September 11, 2001, the Bush Administration took every opportunity to erode or eliminate civil service protections and collective bargaining rights for federal employees. After they reluctantly agreed that the terrorist attacks necessitated federalizing airport security functions, they insisted that the legislation not allow security screeners the rights and protections normally provided to federal employees. Consistent with this position, then Under Secretary of TSA Admiral James Loy issued a decision on January 8, 2003 which denied the right to collective bargaining to all airport security personnel.

In 2002, the Bush Administration reluctantly agreed to the creation of the Department of Homeland Security (DHS). However, the *quid pro quo* for that acquiescence was that federal employees who were transferred into the new Department would not be guaranteed the collective bargaining rights they had enjoyed since President Kennedy was in office. In addition, the Bush Administration insisted that the legislation which was eventually signed into law exempt the DHS from compliance with major chapters of Title 5 of the U.S. Code, including pay, classification, performance management, disciplinary actions and appeal rights, as well as collective bargaining rights. AFGE filed a lawsuit challenging the Department's final regulations. On August 12, 2005, Federal District Court Judge Rosemary Collyer ruled that major portions of the DHS regulations were illegal, and enjoined the labor relations and employee appeals systems. On June 27, 2006, the Court of Appeals essentially upheld her decision. Congress has since refused to appropriate funds for further implementation of the DHS personnel program. Congress should now go further and end this anti-federal worker, anti-union experiment by repealing the last vestiges of the DHS personnel program.

The establishment of DHS in 2002 combined 22 federal agencies that employed approximately 170,000 federal employees, 40,000 of whom are represented by AFGE. These employees now work for TSA, Border Patrol, Immigration and Customs Enforcement (ICE), Citizenship and Immigration Service (CIS), the Federal Emergency Management Agency (FEMA), the Federal Protective Service (FPS), the Coast Guard, and other bureaus and agencies of DHS.

Section 841 of the Homeland Security Authorization Act authorized the establishment of a new Human Resource Management System for the Department, and provided the Administration with the ability to modify Title 5 of the United States Code in each of the following areas: pay, classification, performance management, adverse (serious disciplinary) actions, appeals, and labor-management relations. This broad authority -and its abuse -are the real reason why we are here today discussing the profound problems in DHS rather than celebrating any of its hoped-for successes.

Seven years after the establishment of DHS, after lawsuits and protests, the expenditure of large sums on contractors hired to invent elaborate new personnel systems, and the arrogant and politicized exercise of its extraordinary authorities with regard to the treatment of its workers, we can say unequivocally that giving the Secretary of DHS these authorities was an error. By rescinding plans for its new pay system, DHS has admitted the failure of that conceived venture. We await the moment when the rest of DHS' personnel policies are likewise abandoned and the Department's workforce can focus, without political interference, on its national security mission.

Transportation Security Administration (TSA)

When Congress passed the Aviation Transportation Security Act (ATSA) that created TSA and thereby federalized the function of airport screening by creating the position of Transportation Security Officer (TSO), it made a pledge to the American public: TSA would hire "sufficient number of Federal screeners" and provide them with uniform training, good wages and benefits that would result in a highly-trained career workforce with low turnover to protect the flying public. The nation's TSOs have more than held up their end of the bargain: Since TSO jobs were federalized in November 2001, there has not been one act of aviation terrorism in the United States.

In return, the Bush Administration used a statutory footnote to place sole discretion over TSO workers' rights and workplace conditions in the hands of the TSA Administrator. Under the Bush Administration, TSA administrators prohibited such Title 5 rights and protections as the right to bargain collectively and to an exclusive bargaining representative, enforceable whistleblower protections, the Rehabilitation Act, the Civil Service Reform Act, the Fair Labor Standards Act, the Veterans Opportunity in Employment Act, the Uniformed Services Employment and Reemployment Rights Act, appeal rights to the Merit Systems Protection Board, the General Schedule salary scale and Office of Personnel Management adjudication regarding compensation and leave issues.

After seven years as serving as the country's first line of defense against aviation terrorism, immediate actions must be taken to grant TSOs the same fundamental workplace rights and protections as other federal workers. The quickest way for this to happen is for the new TSA administrator to (a) rescind the January 8, 2003 directive issued by then-TSA Administrator Loy that prohibits collective bargaining and the election of an exclusive representative for TSOs and (b) to apply Title 5 of the United States Code to TSOs. Second, Congress must enact legislation explicitly denying the TSA administrator the authority to deny union rights to TSOs, and explicitly placing them under Title 5 along with the rest of the federal workforce. Only then will these workers have full statutory protection against the whims of future administrations that might decide to pursue policies similar to the Bush Administration's that use "national security" as a pretext for anti-union animus. The statutory footnote granting the TSA administrator sole discretion to determine the collective bargaining rights and workplace protections afforded TSOs should be rescinded.

The first responders on September 11, 2001—firefighters, police officers and emergency medical technicians—were among the most highly unionized workers in the country. Numerous other law enforcement officers now working under DHS such as Border Patrol agents, Federal Protective Service officers, and Immigration and Customs Enforcement agents all have collective bargaining rights and full civil service protections. The Capitol Police have collective bargaining rights and a strong union contract. Screeners at two of the airports allowed to hire private screeners as part of the ATSA pilot program are currently working under collective bargaining agreements negotiated with TSA, but TSA has never claimed that their rights and the contracts that have been negotiated interfere with the agency's mission.

The denial of fundamental workplace rights is more than a litany of woes. Without the right to collective bargaining and to an exclusive bargaining representative via the Federal Service Labor-Management Relations Act, TSOs have no recourse when they are retaliated against for engaging in union activity. Despite President Obama's clearly stated preference that TSOs have union rights, there has been a marked increase in retaliation against AFGE's TSO activists at airports around the country—retaliation that includes termination. Local TSA management officials have sought to chill the free speech of TSOs by limiting when and where they can discuss AFGE's organizing efforts in violation of directives from TSA headquarters. Further, TSA managers have harassed and retaliated against AFGE TSO activists who have disclosed wrongdoing at their airports to their Members of Congress.

Thousands of soldiers honorably discharged from the military are denied veterans' preference by TSA for their service because they did not *retire* from the military. TSOs who return from deployment—including those deployed to combat areas in

Iraq and Afghanistan are denied promotions and raises in violation of the Uniformed Services Employment and Reemployment Rights Act. Although the public and Congress both called for a professional, experienced, highly trained and well-compensated screener workforce under federalization, TSA's denial of fundamental workplace rights and protections has resulted in the government's highest attrition rate, an annual average in excess of 20 percent since 2003. Further, TSA's on-the-job injury rates rank among the highest in government, and TSOs are unable to comply with Congressionally-mandated training requirements due to understaffing at airports. Finally, TSOs are only 23% of the total DHS workforce, yet they account for 31 % of the Department's new formal EEOC filings. These facts and figures speak for themselves, but clearly the agency is poorly managed, and the result is a workforce that is unable to devote its full time and energies to the agency's mission.

TSA managers have the right to appeal their *own* adverse personnel decisions to the Merit Systems Protection Board and have access to federal court, including for retaliation for whistleblowing, but rank-and-file TSOs do not. In fact, all employees at TSA with the exception of TSOs have the rights and protections of other federal employees in DHS. There is absolutely no connection between the denial of these rights and national security. The TSO personnel system is nothing more than a laboratory setting for the exploration of anti-worker sentiments. TSA has yet to offer a valid or even cogent explanation of how the denial of these rights makes the flying public safer.

Just as former TSA administrators have denied these very important rights and protections under the ATSA statutory note, the current or new TSA administrator under the Obama administration could grant the same rights and protections. But a future administration could revert to the Bush Administration's interpretation. That is why AFGE urges Congress to repeal the language in the statutory note, and grant TSOs full rights and protections under Title 5, including the grant of protection against pay discrimination by coverage under the General Schedule pay system.

Although TSOs are allowed to *join* unions because that is a Constitutional right, they are denied the opportunity to elect an exclusive collective bargaining representative and cannot file unfair labor practice charges with the Federal Labor Relations Authority when management wrongfully retaliates against them for engaging in union activities. As then-candidate Obama so directly stated in his October 20, 2008 letter to AFGE, "Collective bargaining agreements also provide an excellent structure to address issues such as a fair promotion system, the scheduling of overtime, shift rotation, health and safety improvements, parking, child care and public transportation subsidies. By addressing these day-to-day issues in a manner that is both functional and fair, I believe the unacceptably high attrition rate of TSOs will improve and more TSOs will remain on the job." We strongly agree with President Obama's assessment.

TSA's "Performance and Accountability Standards System" (PASS)

The PASS system at TSA has been an enormous failure. Among pay-for-performance schemes, PASS has the distinction of having been reformed numerous times over its brief life because even its architects recognize that it wastes time and resources. It also destroys morale, renders retention of productive and experienced workers next-to-impossible, and makes a mockery of serious efforts to improve performance, establish *esprit de corps,* or develop a culture wherein employees feel like valued members of a team.

PASS started out as a pay plan that was a system in name only, as there was little about it that was systematic or consistent. When TSOs were hired, they were told that they would be evaluated through a point system on the basis of skills acquired through agency training, personal traits, and on-the-job performance. There would be four rating possibilities: "role model," "exceeds standards," "meets standards," and "below standards." Those who obtained the highest rating were promised significant base pay increases and bonuses, those who met standards would receive only a bonus, and those who were rated "below standards." would get nothing. What ensued in the next couple of years turned the PASS into a joke. Workers often did not receive promised training and therefore could not qualify for the highest rating, supervisors failed to complete evaluation forms (not in every case because of malice or ineptitude, but because inadequate staffing forced them to spend their time supplementing TSO duties rather than filling out evaluation forms), and the criteria having to do with personal traits, such as "professional presence" and "integrity" were so susceptible to discrimination, subjectivity, and intimidation that few tried to meet them. Further, TSOs were evaluated on numerous criteria by employees of Lockheed-Martin, the contractor hired to train the employees. If Lockheed eval-

uators issue a failure rating, makes more money retraining and then re-evaluating them, a conflict of interest that further undermines the integrity of the system.

In 2008, acknowledging failure, TSA changed PASS somewhat by creating one additional rating called "meets and exceeds standards" which carried a small base pay increase and a small bonus. They also reduced the number of times that supervisors had to evaluate TSOs from four times a year to twice a year, and let new employees work six months before testing them immediately on Standard Operating Procedure (SOP) skills. So-called "dual function TSOs" who screen both passengers and baggage, under the "reformed" PASS, were supposed to receive larger bonuses in subsequent years in recognition of the greater number of skills these two functions require. And supervisors were supposed to record PASS evaluation data electronically rather than in a two-step paper first, then electronic format. And finally, there were supposed to be improvements in the "image quizzes" because even TSA management admitted that the earlier tests were meaningless because of wide variations in standards.

One of the most egregious aspects of PASS is that employees of Lockheed-Martin, the contractor TSA hired to provide the X-ray equipment, are also hired by the agency to evaluate TSOs on their ability to use the X-ray equipment. This conflict of interest is wrong in and of itself. However, TSOs also are denied any means of appeal of the evaluations that contractors report to an independent third party (such as the Merit Systems Protection Board, the EEOC, or the Government Accountability Office, forums available to their fellow federal employees). The result is a system that is inarguably flawed. (Despite TSA's assertions to the contrary, AFGE's TSO members report that Lockheed-Martin employees are still conducting evaluations.) TSOs report that supervisors who have never worked a shift with them have been assigned to perform their evaluations, and that there is virtually no accountability for management.

Another of the categories that is crucial to a TSO's performance evaluation and eligibility for pay raises and bonuses under PASS is the assignment of "collateral duties." These are functions outside the TSO's normal security screening responsibilities, such as mentoring new employees, working in the property recovery program, and working in the security program (where TSOs screen fellow TSOs for extra security). The opportunity to perform collateral duties adds additional points to a TSO's evaluation score under PASS; it can make the difference between receiving a decent raise and/or bonus or receiving none. But TSA has no program to coordinate the distribution of these opportunities. Collateral duty assignments are entirely at the discretion of individual managers, and there is absolutely no transparency or accountability regarding how these assignments are awarded. Despite their scores, TSOs who are injured are ineligible for any raises or bonuses under PASS, even if the injury was work-related.

The situation with respect to collateral duties is repeated in the area of "shift bidding". In 2008, TSOs who worked "split shifts" received eight percent pay increases, while those on regular shifts with identical PASS evaluations received raises varying between two and three percent. Managers have complete discretion in deciding which TSOs work which shifts, despite the fact that this decision has enormous consequences for an individual TSO's pay increase. Each Federal Security Director is given such wide discretion in determining shift bids that they can decide TSO shift assignments based on whatever criteria they want-often ignoring without violating management directives.

The obvious and necessary solution is to place TSOs into the General Schedule (GS) locality pay system and to abolish PASS. The GS system provides the opportunity for career development, market-based salary adjustments, and performance-based step increases. All changes to pay under the GS system reflect changes in pay in the private sector and in state and local governments, as calculated by the Department of Labor. It grades jobs and assigns salaries on the basis of objective criteria. The GS system is in every way superior to the unaccountable and subjective PASS and is what TSOs deserve to establish them once and for all as federal employees, rather than a second-tier federalized workforce with inferior pay and an inferior set of civil service protections.

The Federal Emergency Management Agency (FEMA)

The Federal Emergency Management Agency was created in 1979 by President Jimmy Carter to help protect American lives and property from the consequences of emergencies and disasters, whether natural or man-made. During the 1900's under the leadership of James Lee Witt, FEMA became a model government agency whose staff had high morale and a keen sense of mission, and who met America's needs in disasters.

But after 2001, it was a different story. Under the Bush Administration, a succession of marginally qualified executives allowed FEMA's capabilities to deteriorate, and FEMA's budget and resources were cannibalized by the newly-created DHS. When Hurricane Katrina struck in 2005, FEMA was badly understaffed and, worse, was taking orders from Homeland Security specialists who knew little or nothing about disaster response and who seemed concerned mainly with protecting the Administration's public image. For example, a National Situation Report produced by FEMA staff gave FEMA and DHS executives a detailed warning about the impending storm *48 hours before Katrina hit.* After the Katrina fiasco, the incriminating report was deleted from FEMA's public website, and was later restored only after legal action was brought by outside groups who were aware of the report's existence.

After Katrina, everyone hoped FEMA would be reinvigorated, but instead the agency's downward spiral continued. Seeing opportunities for high-profile career advancement, numerous military, Coast Guard, and DHS executives moved into the top jobs at FEMA, pushing out more experienced emergency managers. Civil service hiring rules appear to have been bypassed or ignored to hire new people at all levels while career ladders for FEMA's long-time experienced staff became a thing of the past. Nowadays, military or Homeland Security experience (preferably in a white male) is highly valued at FEMA; Federal, State or local disaster management expertise is not.

The result has been chaos. Programs are cancelled and then re-started; offices are constantly being reorganized, then reorganized again; agency leadership continually activates emergency teams and brings in staff to work evenings, nights, and weekends (at a significant cost to the taxpayers) when there is little or no danger of a major disaster. The main focus now seems to be on public relations, not emergency management: During the 2007 California wildfires, a major priority was that all staff in the field wear FEMA hats, while at the same time FEMA executives tried to conceal the problem of hurricane victims who were living in formaldehyde-emitting trailers. FEMA Deputy Director Harvey Johnson went so far as to hold his now-infamous "phony press conference," one more example of trying to burnish FEMA's image while neglecting its mission.

FEMA's career staff have continued to suffer (or quit), not only from watching their agency collapse around them, but from the increasingly abusive and disorganized atmosphere within the agency itself. Staff complain that they cannot get job training, that they do not receive performance ratings, that in some cases they cannot even figure out who their boss is. Complaints of harassment and discrimination on the job have risen enormously, and FEMA has paid large sums of taxpayer dollars to settle these claims, including an allegation by a female employee that she was sexually assaulted in her office *by a FEMA executive.* One employee reported that a supervisor routinely referred to other employees in derogatory ways (using nicknames that exaggerated physical traits or employed sexual slang) during staff meetings, only to be told to ignore such remarks because that supervisor has "a tendency to be blunt." A female employee reports that she was shoved and threatened at work by a male employee, but her supervisor never reported the matter to FEMA Security. Another female employee who was receiving unwanted advances from a male employee was told that he could not be disciplined "because he is a good writer." But the employee who leaked the photos of Harvey Johnson's phony press conference that wound up in the *Washington Post* was fired for "poor job performance" even though he had received a pay raise for his job performance just a few months before. As you can imagine, the absence of basic professional decorum by agency leaders has had a profoundly negative effect on employee morale.

Every survey done at FEMA shows employee morale at rock-bottom. FEMA struggled to reach 95% staffing in 2007, but a year later staff levels were back down to 75%. In other words, people are quitting faster than they can be replaced, and many of those who remain are looking for new jobs or planning to retire. Even FEMA's elite disaster managers, the Federal Coordinating Officers, continue to leave. Yet up until Inauguration Day, the agency's answer was more questionable hiring, promotions, realignments, and contracts.

Undoing the damage of the Bush years will take extraordinary effort. AFGE's FEMA Council has recommended to the Obama Administration the following:

- *Closely examine all recent hiring, promotions, realignments, and contracts.* Look especially closely at recently-awarded contracts and at jobs that were filled without being advertised openly, to determine if applicable laws have been followed.
- Review the qualifications and iob performance of all GS–14's and above who have been brought into FEMA since 2005. Many of these individuals have little or no emergency management experience, and are locked into a military-style

top-down approach that runs opposite to the collaborative nature of Federal-State-local emergency management. They are not the leaders we need at FEMA.
• *Talk with FEMA employees and unions to find out what they think.* The events listed here represent a small fraction of the personnel abuse that has occurred over the last eight years. There has been almost no dialogue between FEMA's political appointees and career staff throughout the Bush Administration's term. We are hopeful this will change under the Obama Administration.
• *Ask how fixed FEMA in 1993.* When James Witt became FEMA Director in 1993, he inherited an agency that was in a shambles, as it is now. Within a year he turned it around. We believe that both Congress and the Administration should ask Mr. Witt and his Chief of Staff, Ms. Jane Bullock, how they accomplished this.

Border Security

Until Congress passes legislation to reform our immigration laws, AFGE's Border Patrol Agents recognize that their ability to provide true border security will be severely limited. The indifference, and at times, outright hostility on the part of management toward the views of the Border Patrol workforce during the previous administration has been costly both financially and in terms of effectiveness in carrying out the agency's mission. However, even before immigration reform legislation is passed, there is much that DHS can do to rebuild morale and reduce excessive attrition among the Border Patrol workforce. Border Patrol Agents need and deserve improvements in training, pay, and incentives to remain with the agency rather than take their law enforcement skills elsewhere.

There are numerous steps that the Border Patrol can take to ensure that its employees are treated like valuable assets, rather than expendable pawns. Many Border Patrol Agents are underpaid relative to their counterparts not only in federal law enforcement, but in state and local government as well. They are certainly overworked, and not adequately rewarded for their extra efforts. The agency's attrition numbers bear witness to the way Border Patrol Agents feel about this state of affairs. As you may know, 30 percent of Border Patrol Agents leave during their first 18 months on the job. This high attrition requires the agency to waste millions each year on perpetual recruiting and training to replace those who leave. Would it not make more sense to be selective in the hiring and screening process and provide real financial incentives to encourage trained and experienced employees to continue to serve?

We also believe that the Border Patrol has suffered under the organization structure that places it under the Bureau of Customs and Border Protection (CBP). Border Patrol should be an independent bureau within DHS, and granted full operational control of all its assets. That way, the mission of border security would not be compromised by having to compete within its own agency for resources and strategic focus.

Many of the needed reforms mentioned here are embodied in Title VI of H.R. 264, legislation introduced by Rep. Sheila Jackson Lee (D–TX). In general these provisions are intended to dramatically enhance mission effectiveness and ensure a stronger, safer nation. We urge the Subcommittee to incorporate Title VI into its bill.

Finally, rather than waste billions of dollars each year on unproven technologies that are only marginally useful to Border Patrol Agents in the field, it would make far more sense to tailor the technologies to the work that they perform. The primary reason that SBInet has failed is that it was constructed around the flawed notion that technology can cost-effectively replace human initiative in law enforcement operations. While some of the technologies that have emerged from this program have proven useful, overall it has failed to deliver enough value to justify its continuation. Future efforts to provide technology need to be closely coordinated with the men and women who actually perform the work.

Immigration and Customs Enforcement (ICE)

The backbone of the workforce in Detention and Removal Operations is the Immigration Enforcement Agent (IEA). IEAs work at the nation's prisons identifying dangerous criminal aliens, they respond to calls for assistance from state and local law enforcement officers, they work with deportation officers conducting fugitive operations, they locate and apprehend criminal aliens who have slipped through the cracks, they prosecute aliens in federal courts, and they conduct enforcement operations when requested.

These are all functions ICE agency management considers mission-critical. It should not be assumed that AFGE union members or other ICE employees are in support of the recent spate of employer raids. In making our case to consider an upgrade of the IEA position from GS–9 to 11, we urge the committee to keep this

in mind. IEAs deserve an increase and are prepared to follow new policy initiatives with respect to such issues as enforcement, such as the Obama Administration orders.

We have been told that approximately one third of all IEA jobs are vacant. ICE is competing with CBP and other federal agencies, and state and local agencies to attract educated and dedicated candidates for these critical positions. Until recently, ICE has been able to attract candidates from the ranks of Customs and Border Protection Officers (CBPO) because the IEA position provided law enforcement retirement coverage. Now that have been granted law enforcement retirement coverage, that recruitment angle no longer exists. In fact, as the CBPO position, like the Border Patrol Agent, has a journey level grade of GS–11, that flow of candidates may reverse.

We are working with a bipartisan group of lawmakers in the House Immigration Reform Caucus to develop legislation to be introduced shortly. We will ask the committee to take a close look at this issue and consider incorporating the language into your new bill.

Federal Protective Service

Although DHS placed the Federal Protective Service (FPS) under Immigration and Customs Enforcement, federal building security is largely unrelated to the rest of the agency's homeland security functions. Both the DHS Inspector General and the Government Accountability Office (GAO) have published scathing reports about the failures of ICE to effectively manage this critical agency. In fact, ICE has sought actively to downgrade or otherwise diminish the role of FPS at every opportunity. It has proposed the elimination of on-the-ground police officers to patrol areas around federal buildings. These officers constitute a pro-active force to protect against potential terrorism and crime. ICE has also sought to reduce or freeze the budget of FPS while pursuing budget increases for every other division of the agency.

AFGE strongly supports removing FPS from ICE. There no evidence that inclusion in this agency has been beneficial for federal building security, and there is much evidence that it has not. There is no administrative advantage in continuing with the current arrangement. FPS should be made an independent agency within DHS. In addition, Congress should provide funding so that the agency can meet the 2001 minimum standard of 1,200 boots-on-the-ground law enforcement officers. Further, Congress should direct the agency to establish a team of FPS personnel with substantial operational security and law enforcement experience, such as that used by the former FPS director in 2005, to determine the actual number of personnel required to provide effective protection to GSA facilities and those owned by other non-Defense Department agencies and departments.

Finally, AFGE strongly supported the provisions of S.3623, legislation introduced last year by Senator Lieberman, as part of his DHS authorization measure, to begin the process of reforming this agency. Although we were disappointed that the bill did not separate FPS from ICE, this is a vital reform we hope your Subcommittee will consider. We would also highlight a provision of the Senate bill that provides law enforcement retirement benefits to FPS Police Officers. This is a highly justifiable change given the requirements of the job, and a critical retention benefit to an agency that faces continuous attrition problems.

U.S. Citizenship and Immigration Services (CIS)

Citizenship and Immigration Services (CIS) is the remaining vestige of the Immigration and Naturalization Service, and changing its name and placing it under DHS solved none of the agency's long-standing problems. The recent fee increase helped the agency hire enough new adjudicators to begin reducing the backlog of cases. But in part because of the very high fees now charged, and in part because of the economic downturn, application receipts are in decline. Since the agency relies almost entirely on fee revenue for its operating costs, the new adjudicator positions are in danger of being eliminated.

The link between the agency's funding source and the treatment of its workforce may not be immediately apparent, but there is a direct connection. Because the agency's funding is so precarious and unpredictable, and is so disconnected from the actual costs of carrying out its mission, funding becomes an important factor in the way CIS employees are treated. Fee funding has institutionalized high turnover, extremely long-term temporary assignments, and wasted training dollars since long before DHS was created. We urge the Congress to provide funding for the agency so that it can invest in workforce stability, training, and new technology that will allow adjudicators not only to continue working to reduce the backlog, but to make sure that new backlogs do not develop.

The Coast Guard

Management in the Coast Guard embraced President Bush's privatization agenda with a vengeance. The Coast Guard reviewed for privatization more federal jobs than the rest of DHS put together. In the waning days of the Bush presidency, the Office of Management and Budget (OMB) authorized the Coast Guard to replace privatization reviews with so-called Business Process Re-engineering (BPR) studies. The "competitive sourcing" office that once focused exclusively on meeting Bush Administration privatization quotas is handling the BPR program. The most recent announcement regarding BPR is that it will be known as "Modernization" and 357 positions in the Coast Guard's Industrial Program, and 950 positions in its Base Support Services (BSS) program will be "Modernized."

In a context where there is trust and respect between management and labor, the prospect of re-engineering business processes would not be viewed with the level of skepticism and fear that our union feels within the Coast Guard. The fact that the Modernization initiative is being handled by the same office that so zealously pursued privatization is one reason why employees are approaching this initiative with trepidation. We have too much experience with contractors profiting at the expense of our nation's security to trust that BPR Modernization will not be a Trojan Horse filled with more contractors.

The Coast Guard excluded our union from all "pre-decisional" discussions that led to the announcement that it will establish four Logistic/Service Centers. These pre-decisional efforts have been ongoing for two years, during which time AFGE representatives were never invited to participate. The Coast Guard did, however, include its contractors in these pre-decisional activities. One example of the impact of the union's exclusion emerged at the briefing after the announcement of the Centers. The Coast Guard announced that it would detail 27 employees to a test product line. It had randomly selected the employees for the detail, without having asked for volunteers first, which has been the practice in the past. No position description or statement of duties for the detail had been prepared; nor was there any information on how the performance of the employees on detail would be evaluated. This type of exclusion and secrecy, and the agency's cavalier attitude toward employee concerns are the reasons for our skepticism toward the Modernization program.

Our first concern is that the Modernization effort not be used to undermine service to the public through an arbitrary reduction in the number of authorized positions. Inevitably, after reductions in Full Time Equivalents (FTE) undermine the agency's ability to fulfill its mission requirements, we are told that hiring contractors to fill the gap is the only alternative. The hiring of costly and unaccountable contractors subsequent to FTE cuts is a familiar and painful story. The Coast Guard's Modernization program has been described as A–76 without the competition. This means that the agency will undertake a review that has a pre-determined outcome. It will start with a requirement of reducing the number of jobs, and then "study" the work to determine which jobs to cut. A more valuable approach would be to examine whether each component has enough FTEs, given our responsibilities and obligations to the public. But that is not on the agenda.

We ask that the Congress instruct the Coast Guard that it should not undertake random FTE reductions under the guise of Modernization if such cuts will undermine the agency's ability to carry out its mission. We also ask that the agency not be permitted to exclude the costs of conducting these studies from its "savings" estimates. Hiring contractors to undertake the study and taking Coast Guard employees away from their regular duties imposes genuine costs on the agency. Further, since the Coast Guard has not demonstrated a willingness to do the right thing, we request that the agency be reminded of its bargaining obligations as it undertakes changes in the context of BPR.

Conclusion

However noble the intentions were in the creation of the Department of Homeland Security, the attitude of hostility and disdain for the Department's workforce was set when the Bush Administration insisted that the employee unions represented a national security threat. That calumny poisoned everything that followed.

The damage to employee morale from the denial of collective bargaining rights and the imposition of an atrociously unfair and unaccountable pay system on Transportation Security Officers are the first places to start in repairing the integrity of DHS as a federal employer. The bitterness of having to fight repeatedly in court for basic rights such as the opportunity to chose union representation, and have appeals of adverse actions and negative performance ratings heard by impartial third parties can be healed, but not without a serious commitment to change.

DHS is fortunate to have a large cadre of dedicated employees who possess a wealth of experience and creative energy and they are eager to give their all to fulfill the Department's crucial domestic security mission. The have done so under the most trying circumstances, and can do even more if the distraction of hostile management bent on the elimination of collective bargaining, the General Schedule pay system, and their civil service protections is ended. Add to that a commitment to obtaining the proper level of funding, an end to privatization reviews, and a fair and rational allocation of resources and the Department of Homeland Security will be second to none.

This concludes my statement. I will be happy to respond to any questions.

Mr. CARNEY. Thank you for your testimony.

We will now recognize Ms. Bonosaro for 5 minutes.

STATEMENT OF CAROL A. BONOSARO, PRESIDENT, SENIOR EXECUTIVES ASSOCIATION

Ms. BONOSARO. Thank you, Mr. Chairman, for the opportunity to testify today.

DHS workforce challenges related to the Senior Executives Service are a concern government-wide. DHS has always faced high SES turnover and vacancy rates. At present too many SES positions are vacant to ensure effective policy implementation and workforce oversight.

Further, 25 percent of DHS career SES were eligible to retire last year, 34 percent this year and 41 percent in 2010, yet only 64 percent of DHS executives responding to a 2008 OPM SES survey agreed that the department could attract and retain high-quality senior executives.

The SES pay and performance management system is a concern. In the OPM survey only 51 percent of DHS executives understood how their salary increases were determined. Thirty-four percent didn't know.

Responses regarding performance awards were almost identical. Similar results were reported government-wide.

While pay and performance management affect morale, utilization of the career SES has steadily diminished.

Many executives have been buried under layers of noncareer appointees with limited ability to distinguish and accomplish long-term agendas, while we lose the benefit of seasoned career executives who know how to operate government programs and pursue the agendas of political leadership.

One reform SEA proposes is to restore the stature of the SES is to place high-performing career executives in the assistant secretary for administration and other key positions requiring long-term experience at each agency, such as deputy or chief human capital officers, CIOs and CFOs.

These positions are now reserved almost exclusively for political appointees.

In 2008 DHS Acting Deputy Secretary Paul Schneider told the Senate committee it was essential that the department's highest human resources office be held by a careerist, yet this position is restricted by law to a political appointee.

The SES pay system also must change to ensure that quality applicants will aspire to the SES, and those who are in will want to stay. With the large number of executives eligible to retire, this is imperative.

When SEA surveyed the SES in 2006, 47 percent of those responding said the GS–14s and 15s were losing interest in SES positions. The 2008 OPM survey found that only 50 percent of senior executives believe the current pay system was helpful in recruiting qualified applicants.

The GS–14s and 15s losing interest in aspiring to the SES is regularly reported to SEA. This is true, because SES pay increases have not kept up GS increases over the years.

Executives don't receive locality-based pay. Annual increases are entirely discretionary, irrespective of performance. And alternative pay systems have become so generous that some GS–15s and equivalents make more than the executives who they work.

Pay isn't a primary motivator, but it gives GS–14s and 15s pause. The SES requires added responsibilities, added risk, and less time with families, especially at DHS, where many SES jobs are viewed as 24/7.

SEA proposes several legislative remedies. First, every senior executive rated fully successful or better should receive an annual guaranteed increase at least as much as the increase in the executive schedule plus a locality pay increase.

In January 2008 senior executives rated fully successful, however, received an average 2.5 percent pay increase, while the GS employee in Washington, D.C., received a 4.5 percent increase without regard to his or her rating.

Second, to recognize the reality that performance awards are an integral part of the SES compensation system, they should be included in executives "high three" in calculating annuities.

Finally, continuing development and training is needed to keep career executives up-to-date and revitalized.

In November Acting OPM Director Hager noted that recent history has proved the disadvantages for national security and disaster preparedness when leaders lack a government-wide perspective or are not experienced in working across agency lines to respond to national threats or issues.

He urged agencies to offer details to other major components within their departments, training and education opportunities for executives designated as national security professionals.

Senior executives often face a lack of training funds or are unable to take time away from their job. The OPM survey found that only 54 percent of DHS executives were satisfied with their developmental opportunities. Twenty-three percent said there were insufficient funds to maintain up-to-date skills.

Only 34 percent said that their needs were even assessed. Because 34 percent of DHS executives responding to OPM's 2008 have been SES members for 3 years or less, continuing development is critical, as many new executives face unexpected challenges.

A lack of training and development affects the preparedness and effectiveness of DHS and all agencies, so SEA recommends a comprehensive review to ensure that SES training and development needs are met and that funding exists to implement OPM's new directive.

But we look forward to working with you on these issues and urge Congress and the administration to implement the reforms I have outlined. Thank you.

[The statement of Ms. Bonosaro follows:]

PREPARED STATEMENT OF CAROL A. BONOSARO

Chairman Carney and Distinguished Members of the Subcommittee:

The Senior Executives Association (SEA) is pleased to testify before this Subcommittee concerning Senior Executive Service matters at the Department of Homeland Security (DHS). SEA is a professional association that for the past 29 years has represented the interests of career federal executives in government, including those in Senior Executive Service (SES) and equivalent positions, such as Senior Level (SL) and Scientific and Professional (ST) positions.

Now that we are at the beginning of a new presidential administration, it is more important than ever, especially at agencies like DHS that are tasked with ensuring our national security, that critical initiatives are maintained and that there is expertise, leadership and continuity at the highest levels. The members of the career SES are uniquely positioned to lead agencies through this transition and to ensure that this happens. Career executives also serve as the interface or link between policy and implementation. An effective relationship between political appointees and career executives is the key to mobilizing the federal workforce to carry out new initiatives, reforms and improvements of existing programs.

In considering the personnel practices and workforce challenges facing DHS, I will focus on those related to the Senior Executive Service and first on the significant issues at the Department specifically affecting the SES. Many of the issues discussed below are not only a concern at DHS, but government-wide. Therefore, it is necessary to examine the problems faced by DHS in the context of overall reform of the SES. This includes recommendations by the Senior Executives Association to restore career leadership, create a more fair and transparent pay and performance management system, and provide for training and continuing development of the SES. Making such reforms to the SES system across the government will help all agencies, including DHS, recruit and retain the best Senior Executives and ensure that they have the necessary tools to effectively carry out the missions of their agencies.

The Department of Homeland Security Senior Executive Service

When the Department of Homeland Security was created, Senior Executives were brought together from across the government to lead the department. Since its inception, DHS has faced problems regarding its SES corps. They include continuing high rates of vacant positions and a high turnover of Senior Executives.

In bringing career executives to the Department in 2003, DHS appears to have drastically underestimated the levels of leadership necessary to effectively run the agency. A 2008 report by the National Academy of Public Administration, commissioned by DHS under funds granted through the 2007 Supplemental Appropriations Act (Public Law 110–28), to study the state of DHS at the 2009 transition, found that "DHS' initial allocation of total senior executive slots was well below the number it ultimately would need to accomplish its mission" (Addressing the 2009 Presidential Transition at the Department of Homeland Security, p.51). In the years since, DHS has made requests to the Office of Personnel Management (OPM) to increase its number of SES positions. Even though the number of allocated positions has increased (from 323 positions in 2003 to 536 positions by the end of 2007), there are still too few Senior Executives at the agency to ensure the effective implementation of policy and oversight of the workforce. In fact, as of March 2008, the NAPA report found that 139 positions remain vacant, creating a large gap in the career leadership structure at DHS. While we are not aware of whether political appointees from the last administration may still be in office, current vacancies in the career corps may well have necessitated such a situation. If so, that would most likely slow down, if not inhibit, the institution of new policies.

Problems with recruiting and retaining Senior Executives contribute to the high vacancy rate. It is not clear that DHS has determined precisely what contributes to those problems, for example, by conducting regular exit interviews with those leaving. In any event, many of the original Senior Executives tasked with starting DHS in 2003 were already close to retirement. Several congressionally mandated reorganizations of DHS have created increased challenges for Senior Executives and may well have hastened the retirement or transfer to other agencies of still other Senior Executives. According to the DHS strategic plan for FY09—13, 25% of career SES were eligible to retire in 2008, with the number increasing to 34% in 2009 and

41% in 2010. Of DHS executives responding to the 2008 OPM SES survey, only 64% agreed that the department was able to attract and retain high quality Senior Executives. Therefore, it is critical that problems affecting recruitment and retention be resolved as quickly as possible.

A lack of transparency in the SES pay and performance management system at DHS concerns many career executives. Like all federal employees, Senior Executives value clear performance standards and feedback from their supervisors (in many cases, political appointees). According to one member of the Senior Executives Association, who is an employee at DHS:

> *It is bewildering why political leadership do not discuss performance nor explore an executive's development. As I near retirement I have not had a meaningful discussion on my performance with any political leader. While Ihave enjoyed the bonus and pay adjustments, they occurred without a word. It's as if it is always a surprise."*

According to the 2008 OPM survey, only 51% of DHS executives understand how their salary increases were determined; 34% don't know. The responses with regard to performance awards were virtually identical. 36% had no discussion of their progress in a required mid-year discussion with supervisors. In fairness, these results are not unusual; similar ones were reported for other agencies and departments.

Transparency and clearly communicated standards are necessary to an employee's morale and ability to adequately do his or her job. The Senior Executives Association has continuing concerns about the pay and performance system at DHS and also at other agencies.

Fortunately, the vacancy rate for SES positions at DHS is not uniform across the Department. Many components have a lower vacancy rate and are doing a much stronger job of managing their Senior Executive corps. A quick review of the 2008 Federal Human Capital Survey questions regarding supervisors shows a diversity of responses across the components of DHS.

Recommendations for Reform of the Senior Executive Service

Due to many of the workforce challenges regarding the SES corps at DHS—problems that are endemic throughout the federal government—an overall reform of the Senior Executive Service is necessary to ensure that the career executive corps is attractive and promotes the recruitment and retention of the most qualified employees.

Given the myriad of jobs and the substantial responsibilities exercised by the career federal executive corps, these almost 7,000 men and women are critical to high performing government and are key to implementing the political and management agenda of each agency and the Administration. These are the top career professionals in government, with an average of 26 years of experience, who obtained their positions on the basis of merit.

For many years and several prior Administrations, utilization of the advice and creativity of the career SES corps has been steadily diminished. It has been politically fashionable to denigrate and mistrust the "bureaucracy" and to give less attention and compass to the career corps. The complex and critical work of the hundreds of separate Federal programs they run has frequently been underestimated and undervalued, often resulting in negative impacts on Administration initiatives and on the quality of services provided to the American public. Rather than being treated as the "most valuable players" in the Federal enterprise—which they truly are—they have been increasingly taken for granted and buried under layers of non-career appointees. This trend has generated serious problems in the past, most dramatically in FEMA's disastrous handling of Hurricane Katrina. If not reversed, this erosion of the salience of the career SES will become even more dangerous as the current corps ages and retires, recruitment becomes more difficult, and the nature and magnitude of the issues facing our nation grows exponentially in the coming years.To this end, the Senior Executives Association proposes several reforms to the SES, both at DHS and government-wide, that will restore its stature and allow its members to effectively and efficiently serve their agencies.

1. Restoration of Career Leadership

Career Senior Executives have spent their careers in civil service and are committed to the mission of the federal government and their agencies. Years of neglect have lowered morale, but with the proper focus and respect, the career executive corps is ready and willing to step up and lead their agencies through the transition, implement new policies and programs and effectively serve the American people.

The work of career executives is rated highly by appointees. In the Spring 2001 issue of the Brookings Administration journal, *Governance,* George C. Edwards wrote, "[A]ccording to surveys of appointees ranging from the administration of Lyn-

don Johnson to the present, political appointees-regardless of party, ideology, or administration-find career executives both competent and responsive. 'In interview after interview," observes Paul Light, "presidential appointees celebrate the dedication of their bureaucrats."

The most recent data, from the Brookings Presidential Appointee Initiative, confirms that more than four out of five appointees found the career officials with whom they worked to be both responsive and competent. Only 25 percent of appointees found directing career employees to be a difficult task. Indeed, every other task about which appointees were asked was more difficult. More than a third of appointees, for example, found it hard to deal successfully with the White House.

Given the transition and the critical issues facing the country, it is imperative that career leadership is given attention by Congress and the new Administration. Career executives will be the key to the continuity and expertise necessary to ensure critical programs and daily agency operations continue to function while there is a lack of political appointees in place. Career senior executives will also play a crucial role in overseeing the effective and proper use of the economic stimulus funds that will go to DHS and other federal agencies. To ensure that Senior Executives at DHS and across the government have the necessary support and tools to carry out their mission, the Senior Executives Association suggests the following reform:

Consider placing high-performing career executives in Assistant Secretary for Administration and other key positions requiring long-term experience at each agency, specifically, as Deputy or Chief Human Capital Officers, Chief Information Officers, Chief Financial Officers, and Chief Operating Officers. These positions are now reserved almost exclusively for political appointees, as is the position of Assistant Secretary for Administration, which was formerly held by senior career employees in cabinet departments. In only two departments—Justice and Transportation—do career Senior Executives now hold that position, as a result of a statutory requirement (at Justice, the Assistant Attorney General for Administration is also required to be held by a member of the competitive service). On May 14, 2008 the Homeland Security Department's acting Deputy Secretary Paul Schneider told the Senate Homeland Security and Governmental Affairs Committee that the department's highest human resources office should be held by a career official, not a political appointee, as is now the case.

Deputy Secretary Schneider stated: "The fact that by law it's a political appointee means that, for the most part, that person will leave on January 20. Having a career civil servant in that job—especially. . .at this point in time—somebody that could carry over to the next administration would be absolutely essential. . .to improve national operations [in the] department." While this position is, by statute, restricted to a political appointee, many others throughout government are not, and career executives could be named to fill them.

We make this recommendation because a) continuity in leadership and expertise during the transition from one Administration to another is needed and the need is not satisfied when a political appointee resigns and another takes his or her place, and b) relatively short-term political appointees have limited ability to accomplish long term agendas. Further, Administrations are not gaining the benefit they might from seasoned and accomplished career executives who know how to operate government programs and to pursue the agendas of their political leadership.

2. Reform the SES Pay and Performance Management System

The current SES pay and performance management system has been in place for four full years of performance ratings and pay adjustments. There has now been sufficient time and experience to examine how well the system works. Congress has had the opportunity to review the SES system, identify problems and implement solutions. We believe the system needs to be fine tuned and modified to ensure that quality applicants will aspire to the SES and that those who are in the SES will want to stay. The large number of Senior Executives eligible to retire makes a review of the SES system even more imperative. Such a review will also yield valuable lessons learned which should inform your consideration of other pay for performance systems which are proliferating in the Federal government.

In 2008 OPM conducted a survey of the SES. This survey was preceded by an SEA survey in 2006 that also covered concerns and opinions about the SES pay system, albeit in far greater detail. In a number of ways the two surveys complement each other and show that Senior Executives feel good about their jobs, but the results are more mixed when addressing the pay system.

When SEA surveyed Senior Executives in 2006, one of the most telling findings was that 47% of those that responded believed that GS–14 and GS–15 employees were losing interest in aspiring to SES positions. The 2008 OPM survey reported

that only 50% of Senior Executives believed that the current SES pay and performance management system was helpful in recruiting qualified applicants for SES positions. GS–14's and 15's losing interest in aspiring to SES positions is a disturbing trend that is regularly reported to SEA and confirmed now by two survey results.

In our opinion, there are several reasons for this unfortunate situation. First, SES annual pay increases have not kept up with GS increases over the past several years. This is true because increases in the Executive Schedule, which sets the caps for SES pay, have lagged behind GS increases. From 1994 to the present, if the EL–II pay rate had increased each year by the same percentage as GS pay in the Washington DC area, EL–II (the cap on SES pay in certified agencies) would now be $242,318, not $177,000. Second, in addition to the lack of locality-based pay adjustments, SES annual pay increases are entirely discretionary, irrespective of performance, creating the accurate perception that a new Senior Executive cannot rely on the receipt of annual comparability increases upon entry to the SES. Third, GS and alternate pay systems have become more generous with the result that today some GS–15 or equivalent employees make more than the Senior Executives they work for, particularly if the Senior Executive is new.

While pay is an issue, we are well aware that pay is not a primary motivator of those in Federal service. What it does in this situation, however, is to give GS–14's and 15's pause. With SES positions come added responsibilities, added risk, and less time with families. This is especially true at DHS, where many SES jobs are viewed as "24/7."

Many Senior Executives also express concerns about a distinct disconnect between ratings, pay adjustments and performance awards. The SEA survey found that many executives believe the connection between their performance ratings and pay adjustments were based on administrative decisions and budgetary constraints, not actual performance. Further, there was no connection between increased responsibilities and pay; of the 233 executives reporting increased responsibilities since the implementation of the new pay system, 191 (82%) received no salary increase.

To that end, SEA has several legislative remedies to propose. These are common sense solutions that directly address the concerns of Senior Executives and potential SES members.

When the Senior Executive Service was created by the Civil Service Reform Act of 1978, the corps was designed to provide a careful balance of increased risk and increased rewards to the GS 16's, 17's and 18's who were to be asked to convert to the Service. Over time, that balance has been eroded. The centerpiece of our proposal consists of two provisions that would restore the balance of risk and reward so that the SES will be attractive to potential Senior Executives.

First, we recommend that all Senior Executives rated as "Fully Successful" or better performance level receive at least some annual increase. In an October 31, 2006 memorandum regarding Certification of Performance Appraisal Systems for Senior Employees for Calendar Year 2007, OPM Director Linda Springer expressed OPM's expectation that "senior employees who are at a pay level consistent with their current level of responsibilities and who receive an acceptable ("fully successful" or better) rating should receive a pay increase." Agency discretion (as noted above), however, interferes with this outcome. In January 2008, Senior Executives rated "Fully Successful" in F.Y. 2007 received an average 2.5% pay increase; contrast this with a GS employee in the Washington DC locality pay area, who received a 4.49% adjustment without regard to his or her performance rating. An annual guaranteed increase for executives who have performed successfully should be at least as much as the increase in the Executive Schedule plus the increase in locality pay for the geographic area in which the executive works. That would still, in most years, be below what GS employees receive.

Second, performance awards should be included in a Senior Executive's "high three" in calculating his or her retirement annuity. We believe that this second provision would make the SES an attractive career goal for the best applicants and will help assure a high quality future SES. Also, it recognizes the reality that performance awards have become an integral part of the SES compensation system.

3. Focus on Continuing Development and Training for Senior Executives

Training and development for Senior Executive positions is most often provided in Candidate Development Programs (CDP's). Without regard to how well CDP's prepare new Senior Executives, there is a need for continuing development and training. That includes specific "on-boarding" programs (which may include, for example, executive coaching and/or a mentor for the first year), as well as attention to activities which can keep a career executive up to date and revitalized throughout his or her time in the SES. Because 34% of DHS executives responding to OPM's 2008 survey of the SES have been members of the SES for 3 or less years, profes-

sional development is especially important as many executives face, in their first years, unexpected challenges for which they were unprepared.

On November 7, 2008, Acting OPM Director Michael Hager issued a memorandum for Chief Human Capital Officers, emphasizing steps that agencies should take to "broaden" their SES members' experiences throughout government, in order that they might become more effective leaders. He noted that the original creation of the SES envisioned "broad careers," and that "recent history has. . .proven the disadvantages for national security and disaster preparedness when leaders lack a Government-wide perspective or are not experienced in working across agency lines to respond to national threats or issues.

Specifically, the memorandum urged agencies to offer developmental opportunities such as details or assignments to other major components within their departments, training, and education opportunities for SES members designated as "National Security Professionals" under Executive Order 13434. Issued on May 17, 2007, this Executive Order was meant to promote the development of federal employees in national security positions to ensure that deficiencies apparent in the handling of Hurricane Katrina were addressed.

The Hager memorandum builds upon the idea of continuing development that should be a priority for all agencies and their career executives. Although OPM runs some training programs through the Federal Executive Institute, these are by no means mandatory or utilized throughout federal agencies. Senior Executives must use their own initiative to seek out training opportunities, but are often hampered by a lack of designated funds or an inability to take time away from their duties to do so. OPM acknowledges that "ongoing development of current and potential executives is critical to their effective performance as leaders in an environment of constant change and advancing technology, as well as to enhancing organizational achievement." However, SEA questions whether this is truly a priority at DHS or other government agencies.

In fact, in a 2007 US Citizen and Immigration Services (USCIS) Ombudsman Annual Report to Congress, it was found that training and leadership programs are pursued separately from development and retention needs and that the programs offered by the agency had no clear correlation to career development. The Annual Report went on to recommend "a comprehensive merger of core job career paths with necessary training requirements—mandatory, technical, and leadership—oriented to future needs and groups, as well as transparency from entry to executive levels.

We have no information as to whether these recommendations have been implemented, not only at USCIS, but at other component parts of DHS. The OPM survey found that only 54% of DHS executives were satisfied with the developmental opportunities they receive; 23% disagreed that there are sufficient funds available for their job-related development to maintain up-to-date skills; in fact, only 34% said that their developmental needs were even assessed.

The lack of training and development related to a strategic plan is a problem that not only affects the preparedness and effectiveness of DHS, but has an impact on all agencies across the government. SEA recommends that a comprehensive review of the strategic plan of DHS and all agencies is needed to ensure that training and continuing development needs of the Senior Executive Service are being pursued and implemented. This includes assessing the funding given to implement OPM's new training directives.

Conclusion

Many challenges remain that must be addressed at DHS and government-wide to ensure an effective Senior Executive Service. We encourage you to implement the reforms outlined above. The Senior Executives Association looks forward to working with you on these issues and serving as a resource on reforms to strengthen the SES.

Mr. CARNEY. Thank you for your testimony.

And I now recognize Mr. Stier to summarize his statement for 5 minutes.

STATEMENT OF MAX STIER, PRESIDENT AND CEO, PARTNERSHIP FOR PUBLIC SERVICE

Mr. STIER. Thank you very much, Chairman Carney, Congressman Bilirakis, members of the subcommittee. It is a great pleasure

to be here and really a pleasure to see that you are focusing on these important issues.

I go back to the 9/11 Commission, and I think they stated it best when they said that the quality of the people is more important than the quality of the wiring diagram. In this town you have a lot of attention paid to wiring diagrams and not enough to people issues.

Even today you see a huge amount of energy focused on the question of do we need a separate department of food safety, should FEMA be in or out of DHS, but not enough again time on the issues that you have focused on here—people issues, which are absolutely essential to making any of this work.

So the question today is where is DHS right now. As we have seen from the data from OPM, things have improved. You see 62 percent of the DHS staff saying that they are satisfied with their jobs. You see numbers across the board moving up, and in fact DHS moved more than most any other agency.

The flipside, though, is that they had a heck of a lot of distance to travel. And as much as they have moved, the numbers are, frankly, still not good enough. And I would point out three different things that highlight that to me most egregiously.

The first—only 34 percent of DHS employees say that their leaders generate high level of motivation and commitment from them. That to me is a stunning number, and one that no one could be proud of.

Second, if you looked at the career executive ranks, 72 percent of the career executives left between fiscal year 2004 and 2007. Nearly three-quarters of those executives left in that timeframe. That is, frankly, just scary.

And then third and finally, you look and you see 300 political appointees. Last I saw, you had one, the secretary, who has been confirmed by the Senate, and that is a major problem, to.

So what can you do about this moving forward? And I would offer seven suggestions here. I can come up with more, if you want, but seven in the 5 minutes I have got.

First of all I would have to re-imagine oversight. You look at the stimulus bill. Right now, you have got $350 million going into IGs, GAO. Truth be told, we need to make sure we get it right at the front end.

You need oversight, but you need to make sure that you are actually investing in the people and government that are going to get the job done right and well to begin with.

And the oversight has to be a different form of oversight. The oversight has to be one that is constructive, rather than punitive. And this hearing is an example of just what we really need.

Secondly, we need better and more frequent data. When you listen to all the testimony here, you listen to what the opening statements had to say, we know now more about DHS because of the survey that the OPM is doing, but it is not being doing frequently enough.

The law requires an annual survey. OPM actually only does it every other year. Agencies do it on those off years. And that doesn't work. We actually need OPM to do it every year, and we need that information to come out a lot faster.

We are 6 months after those surveys were being done, and they still just this week they say they are going to make it public. We need that information as soon as possible to make it real-time relevant.

And we need additional information. Survey is great, but Carol had a great idea, which I think is really important to their testimony. What about exit interviews? Let us really understand why it is that people are leaving.

A lot of key pieces of information that we still don't understand. If you understand it, you will be able to do a better job, the agencies will be able to do a better job, and the American people will get better service.

Number three, around learning and development, the one-DHS issue. We know one thing that is going to work, and that is rotational assignments. We see that in joint duty requirements in the military. We are seeing joint duty efforts now and the intelligence community.

We need to invest more in making sure that people in government move around and government. They will understand the problems and other agencies. They will learn from their colleagues. That is something that needs to be ramped up. There are pilot programs that are in place. We need them to go to scale here now.

Number four, leadership. What do our "Best Places to Work At" show us? The number one issue that would have the greatest impact on employee engagement is better management and leadership.

And that is going to require investing in our managers and leaders in a way that has never happened before. We have programs like the DHS Fellows program, which are terrific, but we need to see more of them.

Number five, hiring process broken in every which way. We need an applicant bill of rights that guarantee transparent, clear and easy process. And we need to take a look at the assessment processes, whether we are actually selecting the right talent.

Number six, we need a review of the political appointees. You have heard it before. Why do you need 300 of them? The president deserves folks that he can bring in that enable him to push the policies that he was elected to represent, but he doesn't need 300 of them, and that has huge consequences not only during this transition period, but also for the career staff as well.

And then finally, the last in seventh point I would make is we need to see a very different kind of relationship with unions and employee organizations. You can't be happy when you hear the testimony that you have just heard right now. No matter what the system is, the system will never work if employees don't trust it.

And if the people who represent those employees are as unhappy as they are right now, you know something is not working.

Now, my belief is the status quo can be improved upon, and I am confident that you and all these folks here will make that happen. Thank you very much.

[The statement of Mr. Stier follows:]

PREPARED STATEMENT OF MAX STEIR

Chairman Carney, Representative Bilirakis, Members of the Subcommittee, thank you very much for the opportunity to appear before you today. I am Max Stier, President and CEO of the Partnership for Public Service, a nonpartisan, nonprofit organization dedicated to revitalizing the federal civil service by inspiring a new generation to serve and transforming the way the federal government works. We were honored to testify before this subcommittee in 2007 on the human capital challenges facing the Department of Homeland Security (DHS) and the morale of the department's employees. It is our pleasure to be back before you again today to comment on the current state of the department's workforce and to suggest areas which we believe would benefit most from this subcommittee's attention.

The Partnership has two principal areas of focus. First, we work to inspire new talent to join federal service. Second, we work with government leaders to help transform government so that the best and brightest will enter, stay and succeed in meeting the challenges of our nation. That includes all aspects of how the federal government manages people, from attracting them to government, leading and engaging them, supporting their development and managing performance; in short, all the essential ingredients for creating, developing and maintaining a world-class workforce.

The Presidential Transition: A First for DHS

You have charged the witnesses for today's hearing with recommending a way forward for the department's workforce. Your timing is ideal; the new administration has created new opportunities to improve on the hard work that has already gone into standing up the Department of Homeland Security.

The Partnership for Public Service issued a report last year entitled "Roadmap to Reform: A Management Framework for the Next Administration." The premise of our report is that the new administration's policy objectives cannot succeed unless our government has a talented and engaged federal workforce that is able to implement those policies. We suggest that the core components of an effective workforce include having the right talent; an engaged workforce; strong leadership; and, public support. This is true for government as a whole, and it is true for the agencies of government—including the Department of Homeland Security.

The recent transfer of power from one presidential administration to another was a first for the department. Political transitions are a challenge for any federal agency as new political leaders and career professionals learn to work with each other to achieve the president's policy objectives, but the challenges for DHS are perhaps unique. Just over six years old, the department continues to experience the growing pains that resulted from its creation—the assemblage of 22 different federal organizations with different types of workforces, different cultures, different compensation systems and different goals into one department with a common mission to protect our homeland and 216,000 employees.

The Obama administration moved quickly to select a new secretary to lead this critically important department. Though the secretary was confirmed on January 20th, she remains essentially "home alone"—surrounded by senior staff who are in an "acting" capacity plus some holdovers from the previous administration. The department has almost 300 political appointees; filling those slots requires an enormous investment of time and resources. And when those slots are vacant, it creates a vacuum in leadership and accountability at a department that is tasked with protecting our homeland 24 hours a day, 7 days a week. Further, as noted in the DHS Human Capital Strategic Plan for fiscal year 2009—2013, 72 percent of DHS career executives left the Department from October 2003 to September 20,2007, the highest rate of any Cabinet department.

DHS is now the largest law enforcement agency in the federal government. Many department subcomponents brought a "command and control"culture with them to DHS and a staff that is deployed largely in the field, rather than in Washington. In many ways, the department is still struggling to create a "Team DHS" culture.

At the time of its creation, the Department of Homeland Security was granted major exemptions from Title 5 requirements, including in the areas of pay and performance. DHS designed a new human resources (HR) system that included a pay-banded approach to pay and was intended to be more sensitive to performance and the market for talent than the existing General Schedule system. DHS, however, also designed new approaches to labor-management relations and employee appeals which were challenged in court by employee unions. After years of fits and starts, Congress recently pulled the plug on the department's plans to move forward with its alternative personnel system.

The continuing adjustment to the department's creation and the uncertainty over the future of the department's personnel system certainly contributed to the depart-

ment's poor showing in the Partnership's 2005 and 2007 *Best Places to Work in the Federal Government* rankings, which measure employee satisfaction and engagement. When we testified in 2007, we highlighted the key drivers for employee satisfaction—or lack thereof—at DHS. Nearly two years later, we can report that in many ways, DHS appears to be headed in the right direction—but much work remains.

Measures Drive Change

The old adage that "what gets measured, gets changed" still holds true. And when it comes to the federal workforce, not enough is getting fully measured. Data available on the state of the federal workforce is not systematically organized, evaluated or disseminated in a way that is meaningful to all of the key audiences.

The value of indicator systems as an effective tool for driving reform has been widely documented. The Partnership has taken a step toward creating national indicators through our *Best Places to Work in the Federal Government* rankings, prepared in collaboration with American University's Institute for the Study of Public Policy Implementation. The *Best Places* rankings build upon data from OPM's Federal Human Capital Survey to provide a comprehensive assessment of employee satisfaction across the federal government's agencies and their subcomponents.

Employee satisfaction and commitment are two of the necessary ingredients in developing high-performing organizations and attracting needed talent to meet our nation's challenges. The *Best Places to Work* rankings are a key step in recognizing the importance of employee satisfaction and ensuring that it is a top priority of government managers and leaders.

Since the first rankings were released in 2003, they have helped create much-needed institutional incentives to focus on priority workforce issues and provided managers and leaders with a roadmap for boosting employee engagement.

The rankings also provide Members of Congress and the general public with unprecedented insight into federal agencies and what the people who work in those agencies say about leadership, mission and effectiveness. Ideally, the *Best Places* rankings can aid Congress in fulfilling its oversight responsibilities by highlighting the federal government's high-performing agencies and raising a red flag when agencies suffer from conditions that lead to low employee engagement and, consequently, poor performance.

DHS: Moving in the Right Direction

Mr. Chairman, in 2005 and again when we testified before you in 2007, the Department of Homeland Security as a whole ranked second-to-last—i.e., in 29th place—among large agencies in the *Best Places to Work* rankings. The department was the lowest ranked agency in eight out of ten workplace categories. Those ten categories are: employee skills/mission match, leadership, balance, teamwork, pay and benefits, training and development, support for diversity, strategic management, performance-based rewards and advancement, and family-friendly culture and benefits.

Our index scores are computed based on data that comes from federal employees themselves through their responses to OPM's Federal Human Capital Survey. The 2008 survey data are available for overall departments and we are in the process of preparing our 2009 *Best Places* rankings. Although the rankings will not be computed and released until later this spring, we are able to preview some important findings for the subcommittee drawn from the 2008 Federal Human Capital Survey.

[Information follows:]

In key questions that reflect overall employee satisfaction, DHS has improved:

—Fifty-eight percent of those department employees surveyed say they would recommend their organization as a good place to work, up from 51 percent just two years ago;

—Sixty-two percent say they are satisfied with their job, the highest positive response ever from DHS employees;

—Nearly 50 percent say they are satisfied with their organization, up from 44 percent in 2006.

Some additional good news is that these gains in employee satisfaction and engagement do not appear to be accidental. DHS has promoted a department-wide effort to constructively respond to the concerns and issues expressed by employees in previous surveys. For example, we understand that CBP conducted employee focus groups at 127 sites around the country to better understand the reasons for employee dissatisfaction. Department-wide action plans are updated periodically with best practices such as the expansion of an "Idea Factory" blog started within the Transportation Security Administration to solicit, share, and implement employee suggestions. DHS should be commended for taking the results of the employee survey seriously and for its efforts to improve employee satisfaction and engagement.

Within DHS, three workplace categories have been most closely related to overall satisfaction. They are, in order, leadership, employee skills/mission match, and strategic management.[1] We expect, based on historical trends, that leadership will continue to be a big, and perhaps the biggest, driver of satisfaction at the department.

Sixty-one percent of those surveyed in 2008 agreed that their immediate supervisor or team leader was doing a good job, up fi-om 57 percent in 2006—that's good news and certainly movement in the right direction, though it is still far behind the private sector, where 74 percent agreed that their supervisor or team leader was doing a good job. With respect to overall organizational leadership, however, the signals are mixed: just over 34 percent of employees agreed that leaders generate high levels of motivation and commitment in the workforce. This is a welcome improvement over the 27 percent who agreed with that statement in both 2004 and 2006. The unfortunate truth, though, is that an organization where only 34 percent feel that their leaders generate a motivated and committed workforce is an organization that is probably not performing up to its potential.

A Focus on Leadership

As stated earlier in this testimony, leadership has been the leading driver of employee satisfaction at DHS. We also know that leadership is the area in which the federal government most lags the private sector. The DHS Fellows Program, once run by the Council for Excellence in Government but now at home with the Partnership, is a leadership development program for GS–14s and GS–15s at the department. The program was launched in 2007 and has proven to be a popular, and successful, professional development opportunity for DHS's next generation of leaders.

The DHS Fellows are a tremendous source of information and insight. We believe many of their experiences suggest a way forward for the department and this subcommittee.

Our Fellows tell us that one of the best values of this program is the opportunity it offers for them to learn about each others' organizations. Fellows come from all over the department; some come from field offices while others are stationed in Washington. The opportunity to come together through the Fellows Program helps build relationships and contribute to a more cohesive "Team DHS" culture.

Exposing the Fellows to the other components of the department builds the connective tissue that will make for a stronger department overall. We know that Congress stands behind this concept, since it was Congress that passed a provision as part of the *Post Katrina Emergency Management Reform Act*[2] *to create a rotation program for department personnel to spend time working in other components of the department. Unfortunately, only small steps have been taken toward instituting a rotation program for DHS employees. One promising program is the Federal Law Enforcement Training Center's Pilot Leaders Program, which intends to encourage rotational assignments for supervisory staff.*

It was also Congress that created the Senior Executive Service, which was conceived originally as a cadre of seasoned management professionals who could, and would, move to different posts throughout our government. In practice, there is far less rotation among agencies than the Congress envisioned—but the concept is sound. A well-rounded understanding of different agencies gives perspective and leads to better managers and better management.

Attracting and Retaining Needed Talent

The federal government is an attractive employer. Our January 2009 report, "Great Expectations: What Students Want in an Employer and How Federal Agencies Can Deliver It," found that government/public service is the most popular industry choice out of 46 options among the undergraduates surveyed. We also found, however, that interest in government service is lower among groups government needs most, including students with technical and scientific majors.

The Department of Homeland Security performs a critical mission on behalf of the American people. With little margin for error, it is essential that DHS employ enough of the right people with the right skills. From new college graduates to senior professionals and everywhere in between, DHS must be able to attract and recruit the best available talent to fulfill its mission. We also suggest that DHS must be able to recruit and retain a diverse workforce at all levels.

Undoubtedly DHS has many of the same challenges as the rest of the federal government with regard to a hiring system that is frequently too slow, complex, and cumbersome and not applicant friendly. We also know, however, that parts of DHS have managed to achieve commendable results by overcoming some of these obsta-

[1] This differs from the government-wide results, where work/life balance—not strategic management—was the third most influential driver of employee satisfaction in the 2007 rankings.
[2] Title VI of P.L 109-295.

cles or in spite of them. For example, faced with the need to significantly increase staff levels, Customs and Border Protection (CBP) initiated an innovative and sustained recruitment effort that was able to attract over 3,500 applicants a week from a diverse applicant pool and included special outreach to military veterans. As a result, and despite what has been described as a rigorous screening process, CBP has been able to meet a goal of hiring 6,000 new border patrol agents by the end of 2008. Further, veterans make up approximately 25 percent of workforce and 54 percent of the workforce are minorities, with Hispanics accounting for half of the agent population. We are told that U.S. Immigration and Customs Enforcement (ICE) has also implemented a robust diversity recruitment effort and has established partnerships with a variety of colleges and universities towards that end.

Similarly, the Transportation Security Administration (TSA) has maintained an aggressive recruiting and screening process that attracts over 300,000 applicants a year. In fiscal year 2008 alone, TSA made over 3,400 new hires. Clearly, DHS has benefited from a renewed interest in federal employment driven partly by the current downturn in national economic conditions but also by an increased appreciation for the value of public service.

It will be important that DHS, along with the rest of the federal government, not squander this opportunity to fill its workforce needs with highly talented and motivated employees. Despite its impressive accomplishments, there are still examples of outmoded hiring processes or requirements within DHS and other federal departments and agencies. For example, a current announcement for the HR Director for the Federal Emergency Management Agency, a SES level position, calls for the submission of up to 14 pages of narrative, to be submitted "on bond paper."

The Obama administration has ushered in an era of enthusiasm for government service not seen since the Kennedy years. Making the most of this interest in government employment adds a new sense of urgency to calls to streamline the current process for hiring new employees.

We suggest that Congress pass legislation creating a "Federal Applicant's Bill of Rights." An applicant bill of rights should provide that the hiring process must be understandable, transparent and timely. Job announcements should be written in plain English. Applicants should be able to apply online with a standard resume, and should be able to reach a real person at the agency to which they are applying if they have questions. Agencies should be required to make timely hiring decisions, and to notify applicants when a hire has been made. Our nation needs a Department of Homeland Security staffed with highly skilled, highly motivated professionals—and we cannot afford to let such talent slip away due to an unnecessarily lengthy and complicated hiring process.

We also suggest that Rep. David Price's *Roosevelt Scholars Act* is another measure that could help the department—and the rest of the federal government—meet some of its critical hiring needs. This legislation was introduced in the 110th Congress and is expected to be introduced again shortly. It creates a graduate-level scholarship program in mission-critical fields in exchange for a federal service commitment. The military's ROTC program has been a tremendous source of leadership talent for our nation's armed forces; we believe the *Roosevelt Scholars Act* could become an analogous source of needed expertise for our civilian agencies.

Better Support and Oversight

The Partnership believes that the way to better government is through people. No federal agency can succeed if it does not have enough of the right people with the right skills to get the job done. While we have long argued that more investment in the capacity of the federal workforce is desperately needed, passage of the 787 billion-dollar stimulus package adds a new sense of urgency.

Federal agencies—and more accurately, federal employees—are being asked to distribute billions of dollars in stimulus money as quickly as possible. While the Obama administration has committed to spending 350 million dollars on oversight to ensure accountability and transparency, this approach fails to invest in the infrastructure of government that will minimize failures in the first place. It is like calling law enforcement for a smoking engine when what is really needed is a good mechanic. We need an aggressive plan to provide the personnel and tools necessary for our government departments and agencies to succeed, and a new paradigm that imagines the watchdog role as constructive rather than punitive. In other words, smart government should be about getting it right the first time, rather than discovering problems after the fact and attacking federal agencies, and their employees, for failing to do jobs they were never resourced to handle.

The Department of Homeland Security is fortunate to have a workforce that is highly committed to its mission; over 90 percent of department employees surveyed

agreed that the work they do is important. The challenge for Congress is to ensure that the department is provided with the personnel and resources to do its job well.

We also highlight the importance of strong Chief Human Capital Officers and human resources professionals in federal departments and agencies. And of course, the Office of Personnel Management serves a vital policymaking role across government. Never has our government been so challenged, and never have these positions been more important.

In 2007 and again in 2008, we interviewed Chief Human Capital Officers in large departments and agencies in a candid, not-for-attribution conversation on the challenges they face and potential areas for improvement.

When asked the extent to which HR staff members have the competencies needed to help their agency succeed in the future, 71 percent of respondents said their staffs had needed competencies to only a "limited"or "moderate" extent, with less than one-third saying their staffs had the right skills to a "great" or "very great" extent.

"[HR staff] are very comfortable in the transaction zone, but not so comfortable giving advice," said one CHCO. The shift away from transactional skills to a more consultative role for HR staff that requires strategic thinking was noted by many of our survey participants. Indeed, 48 percent of those surveyed said that HR staff is viewed by agency leadership as a business advisor"(versus a transaction manager) only to a "limited" or "moderate" extent.

Tackling the workforce and management challenges facing the Department of Homeland Security requires a solid resources team with modern skills and tools. We encourage the subcommittee to continue its oversight of the DHS workforce and to pay special attention to the capacity of the human resources function in the department. The fact that DHS has improved to a significant extent from 2006 to 2008, as measured by the results the Federal Human Capital Survey, is an encouraging sign and indicates that the department's management team takes the survey data seriously and that early efforts to improve employee satisfaction and engagement are starting to pay off.

The Way Forward: Recommendations

The Partnership offers the following recommendations regarding the Department of Homeland Security's personnel management:

1. Better and more frequent data are essential for Congress to conduct necessary oversight of the Department of Homeland Security and how it is managing its workforce. We recommend that the Office of Personnel Management conduct the Federal Human Capital Survey on an annual basis, and release the data as soon as its accuracy can be assured. This will enable the department to make real-time course corrections where needed; provide an annual benchmark capability by providing consistent data across agency lines; and provide Congress a more timely and informative oversight tool.
2. Congress should encourage and support department efforts to create learning and development opportunities for DHS employees; in particular, more attention must be devoted to creating a successful rotation program that will enable employees to experience other DHS components and build a more cohesive department.
3. A key criterion for the success of any human capital management system is the presence of highly competent managers, supervisors, and HR professionals. Congress should ensure that DHS has the resources, and is making the necessary investment, to select, train, and effectively manage the individuals in these key occupations.
4. Congress should encourage and fund leadership enhancement and leadership development programs for DHS employees. Improving the skills of existing leaders and developing the next generation of leaders will improve employee engagement and organizational performance.
5. Congress should ensure that the department has the resources and personnel necessary to fulfill its mission, and should encourage an oversight approach that is constructive and designed to identify and fix potential problems before those problems become failures.
6. Congress should require the Department of Homeland Security, and all federal agencies, to improve their hiring processes. A "Federal Applicant's Bill of Rights" to make the hiring process more understandable and timely would improve the ability of the department to attract needed talent from diverse talent pools. Congress should also pass the *Roosevelt Scholars Act* to enable federal agencies, including DHS, to attract mission-critical talent.
7. Congress should review the number of positions filled by political appointees in the Department of Homeland Security to determine whether each of those

positions is needed and whether the department would benefit from filling some politically appointed positions with career civil servants.

Mr. CARNEY. Thank you for your testimony.

I want to thank all the witnesses.

And I will remind each member as we proceed through questioning that he or she will have 5 minutes to question the panel. And I now recognize myself for 5 minutes.

This is for each one of you. If you had 30 seconds with the chief human capital officer at DHS or undersecretary, what would you guys recommend?

Colleen?

Ms. KELLEY. I would recommend collective bargaining rights be granted immediately to TSOs.

I would recommend that staffing be secured, resources be secured to ensure that the agencies in Homeland Security have the staff they need to do the mission they are trying to deliver on every day.

And I would recommend that they look seriously at their management structure and at the message they send to their managers for delivery out to the workforce.

I believe there are a lot of good managers in the Department of Homeland Security, but they will react to the tone that is set at the top. I think we are seeing a different tone now, but there is a lot of work that needs to be done to train them to be good managers, and then to hold them accountable to do just that.

Mr. CARNEY. Thank you.

Mr. Gage?

Mr. GAGE. Well, clearly—and I have had an opportunity to talk to the secretary, and we, too, are pushing to correct this terrible situation with part of the employees in the department not having Title 5 rights, not having the ability to collective bargaining, not having a voice at work.

But I would also say, too, that bringing in people, who really know the mission of the agencies—for instance, the new appointment to FEMA is a welcome change, that we have somebody there with a background in emergency management.

And I think moving with appointments like that would really be very good.

I think, too, that you know when you look at all these agencies, they all have their own individual problems. Certainly, more communication with employees and more communication at each of the agencies—ICE, CIS, FEMA, especially Border Patrol—would really help in setting a new attitude at the department and a new way to move forward.

Mr. CARNEY. Thank you.

Carol?

Ms. BONOSARO. I would recommend four things—certainly, to pay attention to what is causing these high vacancy rates, whether it is by conducting exit interviews or doing more with existing executives to find out what would encourage them to stay.

Secondly, I would certainly at this point in the new administration do everything—I urge that everything possible be done to develop a clear working partnership and full communication between career executives and political appointees. They can't carry out the

agenda if they don't know what it is and they aren't fully involved in it.

Thirdly, I would urge that the pay and performance management system be examined to ensure that it is transparent and fair as it is operating there.

And finally, I would urge that a sufficient amount of funding be provided to ensure that the developmental needs, the continuing revitalization needs be met for the current and future senior executives.

Mr. CARNEY. Thank you.

Mr. Stier?

Mr. STIER. Well, I want that conversation with the secretary, not with the chief human capital officer, because, obviously, I would point him to testimony here.

But the number one recommendation honestly I think, and from which all of this flows, is making people issues a priority. The tendency is for political leaders to focus on crisis management and policy development, but not on really what is going to make those things work, and that is the people inside the department.

The secretary needs to make sure that people issues—they will say, yes, they are important, but the question is do they prioritize them. And they need to make sure that their leadership team understands in fact this is not an HR issue. This is a leadership issue.

And they need to make sure that they then also have a mechanism of holding those folks accountable and there is some transparency with that.

Mr. CARNEY. Thank you.

Quickly, I want to make reference to the article that came out in the Post today about the process of hiring. You mentioned it in your testimony, Mr. Stier.

Apparent that Linda Springer said that the system is inefficient by design for hiring people to work for the government. I mean this is not just DHS. This is across the government. How are you going to fix that?

That is to you, Mr. Stier.

Mr. STIER. All right. This is one that I would need more than 30 seconds on to begin with.

I think the first way you fix it is you have to recognize that they are a set of problems. It is not just one issue. And if you fix one and not the others, you are going to get in trouble.

So there has been a lot of you know attention focused on the speed of hiring. That is important, but if you hire poorly, it doesn't much matter if you hire quick or slow.

So you have to make sure you know that you have all the different components fixed. And I think in part it starts from this notion of making people a priority and seeing it as a leadership issue.

Right now, HR issues are viewed as transactional questions, not as strategic success questions. And that is a big issue. So how do you fix it?

First, you recognize that you have to have leadership hearing about it. You have to have literally the top folks in the agencies saying, "This has to be done. It is priority, and I am going to make sure that it is fixed."

I see the time is out, so you tell me if you want to keep running through this, but——

Mr. CARNEY. Well——

Mr. STIER. Yes.

Mr. CARNEY. Let me address this. I will exercise my prerogative as chair here. Is it an OPM problem, or is it a government-wide problem?

Mr. STIER. It is both. There are ways in which—I mean, honestly, there are ways. It is a decentralized hiring process. OPM cannot fix it on its own, but OPM can help. And so you actually really do need a collective effort. And again, it has to go beyond the human capital community to really get done.

We did a process called Extreme Hiring Makeover, where we worked with three different agencies. Just to give an example, one agency—they had no idea what the hiring process was. We mapped it. It was 110 steps. Forty-five people touched every hire.

And usually people say, "Oh, my god, that is horrible," but there was worse. The worst was no one knew what that process was. And secondly, they got the wrong person at the end of the day, because they had no conversation between the hiring person who managed the process and the hiring manager who needed the person on the requirements at the front end.

So that is an example of the kinds of issues you need to get your arms around to fix this.

Mr. CARNEY. Thank you for your testimony, I think.

The chair now recognizes Mr. Bilirakis for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

To follow up on your question, Mr. Stier, in your written testimony you noted that DHS has many of the same challenges as the rest of the federal government with regard to the hiring system. It is too slow, complex, cumbersome, and not applicant friendly.

Has DHS or any of its components attempted to overcome these obstacles? If so, what results have these efforts yielded? What more can be done to prevent talented, motivated and committed people from slipping away due to the lengthy, complicated and bureaucratic federal hiring process?

Mr. STIER. This is such an important issue. You have for the first time ever I think the American people looking to government in a very different way. President Obama said he wanted to make government cool again, and I think he has come a long way to doing that.

But at the end of the day, if talented Americans run into the typical experience of the hiring process, they are going to get turned off in a way that is unhelpful for government and unhelpful for changing that sense of what government can actually accomplish.

DHS, like other agencies, had made efforts. It is a big organization. They have tried to improve their process—honestly, not enough, and not nearly enough has really occurred to argue that they have made significant strides.

Part of the challenge here is that there is insufficient transparency, insufficient information. We talked about exit interviews. It wouldn't be all that hard to start collecting information agency by agency about what the applicant experience actually is like—you know questions about time to hire.

There are real challenges about when you start and when you stop. But you can actually set something and create some transparency around that that would serve as a driver for changes in behavior inside the agencies.

The starting place for that is really focusing on a small number of core measurements that you can start making that will drive changes in the agencies in the same way that we are starting to see more focused around employee morale issues.

Real easy to hide, if you can—if you don't have the information, and right now that information is not available.

So I would say the starting point really is what I offered before, an applicant bill of rights that makes a certain set of commitments and then requires agencies to collect and make public the information that will allow us to know whether those commitments are really being made.

But truly to me this is a vital issue. Some folks see it as you know in the weeds. But at the end of the day, it has enormous implications not only for the talent government has, but also for the perception Americans have about their government.

Mr. BILIRAKIS. Thank you.

Ms. KELLEY. If I could just add——

Mr. BILIRAKIS. Sure.

Ms. KELLEY. I think there is a huge resource being untapped by both OPM and the agencies, and that is the unions who represent these employees. We represent the employees who have successfully run the gauntlet to get through the hiring process and to actually be a federal employee.

And I think OPM should be putting out bargains, suggestions, best practices to agencies. I am hoping now with the nomination of an OPM Director, that we will see that happen that the unions will be in that conversation.

We have a lot of ideas, suggestions, things to avoid in the future. And we want the hiring process be as streamlined and effective as possible so that the agencies don't have the vacancies that we see for the length of time that happened today.

Mr. BILIRAKIS Ms. Kelley, I have a question for you.

Sir, do you want to comment on this as well?

Mr. GAGE. Well, I would just like to say that you know when you focus on, say, procurement officers, now what everybody is looking for is we need more procurement officers, and we are looking to go outside the government to bring them in, when inside the government there are many candidates who could move up to those jobs and are a pool of employees who could satisfy it.

So I don't think just looking outside the government is the whole answer here. I think there are plenty of people within the government, who would really look forward to the promotion and could do the job just as well.

Mr. BILIRAKIS. Would anyone else like to comment?

Okay. Ms. Kelly, yesterday I had the opportunity to meet with one of your members. One issue that was raised was the impact of border violence on CBPOs. I am concerned with reports that CBPOs do not have sufficient resources and equipment to protect themselves against the increasing violence occurring in Mexico.

What resources do the CBPOs currently have, such as body armor, weapons, et cetera? Have CBPOs received additional training to help them respond to the threat posed by these Mexican drug cartels?

And what can Congress do to help ensure that the men and women who work to protect our borders have the equipment they need to protect themselves and lawful travelers?

Ms. KELLEY. I appreciate the question and the fact that there is attention being paid to this. I can get you exact information as to the equipment that they have versus the equipment they need. I would like to make sure I have the accurate information from the ports of entry along the southwest border.

Mr. BILIRAKIS. Please do.

Ms. KELLEY. I would be glad to get you that.

As far as training, part of the problem, especially on the southwest border, is with staffing shortages down there. They are daily making decisions to run port operations or to do the training that they need, ongoing training, important training that I know Secretary Napolitano believes in, because we talked about this the other day.

But because of staffing shortages, they are not able to do the training that is needed. And just a year ago I was in El Paso at a field hearing, and Chairman Carney was at the hearing.

And we talked specifically about staffing shortages and the impact of that is having on not being able to do the job that they are trying to do, and especially in the situations you described, where you are talking about the safety of officers.

And you need to make sure that there is always back up, that people are rested, that they are not working 16 day shifts back-to-back days in a row, and that is exactly what is happening because of the lack of staffing.

So a big resource issue is the need for staffing across ports of entry across the country, but particularly on the southwest border. And I would be glad to give you specific numbers of recommendations we have made for those ports that we——

Mr. BILIRAKIS. Thanks very much. Thank you.

Mr. CARNEY. Thank you.

The chair now recognizes the full chair of the committee, Mr. Thompson, for 5 minutes.

Mr. THOMPSON. Thank you very much, Mr. Chairman.

And good to see our witnesses to this hearing.

One of the issues we have referenced for quite a while is the number of different personnel systems for human capital systems operating within DHS. And if I look at TSA, I see where we have a number of systems operating within that one agency.

Ms. Kelley and then Mr. Gage, have you had any experience with the different sort of systems operating within TSA?

Ms. KELLEY. Actually, Mr. Chairman, the TSOs experience those differences every day, because the basic employee rights that employees have throughout the rest of Homeland Security they do not have within the Transportation Security Administration.

I can just give you a couple of examples. We had a TSO who was suspended for 5 days for not taking their break on time when it was scheduled. They took their break a half an hour later. The su-

pervisor watched them work through their break, watched them take their break a half-hour later, never said a word to the TSO, and then suspended them for 5 days.

Now, if TSOs had the same rights under Title 5 as other DHS employees have, that employee would have had a statutory right to challenge that adverse action and to have it reviewed by third party. That does not exist today for TSOs.

We had another situation where an employee got their score on this PASS system, their pay system. And he got his score, and the supervisor changed his score before was submitted, that is impacting his pay.

And under the current system in TSA, where they do not have the rights other DHS employees have, there was no recourse for this employee. Under Title 5, an evaluation cannot be changed like that, and it would be a—if it were.

So those are just two examples, and I could give you a very long list. And this happens every day in airports around the country because of the differences in the systems just as you described.

Mr. THOMPSON. Mr. Gage?

Mr. GAGE. Yes, clearly the biggest discrepancy is a lack of rights for TSOs compared to the rest of the department. It just makes no sense to me how Border Patrol agents, how ICE, how CIS can be afforded Title 5 rights, the right to collective bargaining, and TSOs not.

And the pay process, where the whole department is under GS pay, yet they TSOs are into this PASS system. And it is a way, really, to hold down pay. I think it is the whole basis for the turnover and the lack of credibility, the frustration that TSOs have.

And even within TSA, the managers are entitled to go to MSPB, should there be an issue against them that they wanted to contest, yet they TSOs have no such luxury, so I—not luxury, but right.

I think standardization and consistency across this department is absolutely necessary. And I must say that you know even President Obama in a letter to me on October 20th saw that this was a huge problem within TSA and that the employees needed a voice at work and that he stands fully behind collective bargaining for TSOs.

Mr. THOMPSON. Thank you very much.

Mr. Chairman, I would like to have the components covered under Title 5 under Homeland Security entered into the record of this hearing.

Mr. CARNEY. Without objection, so ordered.

[The information follows:]

Breakdown of Components Covered by Title 5

COMPONENTS [1]	PAY	CLASSIFICATION	PERFORMANCE MANAGEMENT	LABOR MANAGEMENT RELATIONS [2]	ADVERSE ACTIONS	APPEALS	HIRING, EXAMINATION, SELECTION AND PLACEMENT	GOV'T-WIDE BENEFITS PROGRAMS (e.g., retirement, health benefits, life ins., leave)
5 U.S.C. HR AUTHORITIES (by Chapter)	53,55	51	43	71	75	77	31.33	63, 81, 83, 84, etc.
DHS Headquarters	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
CBP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
CIS	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
FEMA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Stafford Act ®	Yes	Yes	Yes	Yes	No	No	No	Yes
FLETC	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ICE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
TSA	**No**	**No**	**No**	**No**	**(see below) [4]**	**(see below) [4]**	**No [3]**	**Yes**
USCG	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
USSS	Yes	Yes	Yes	No [5]	Yes	Yes	Yes	Yes
Uniformed Division 7	No	No	Yes	No [5]	Yes	Yes	Yes	No [6]

1 Members of uniformed military service, USCG academy faculty, administrative law judges, presidential appointees, Senior Executive Service and office of inspector general excluded. Pay plans/schedules with less than 100 participants are not included in this chart (e.g., USCG academy faculty).

2 Labor Management Relations not applicable to supervisors or management officials.

3 The Aviation and Transportation Security Act (ATSA) OF 2001 placed TSA employees under the FAA personnel management system (ATSA Section 114(n) citing Title 49 Section 40122). Furthermore, ATSA provides near unfettered authority for DHS to define all terms, pay, benefits, and conditions of employment for Transportation Security Officers (TSOs, formerly ''Screener Personnell''; TSA Section 111(d)).

4 Generally, TSOs are not covered by Title 5 adverse Actions and Appeals, however, TSOs do have other formal and informal processes to protect their rights. TSOs who believe they have been retaliated against for whistleblowing may go to the Office of Special Counsel and the Merit Systems Protection Board. They have full access to federal Equal Employment Opportunity processes; may appeal adverse personnel actions to a Disciplinary Review Board at TSA Headquarters; and can take grievances to Peer Review Panels composed of three peers and two supervisors. TSA also has an Integrated Conflict Management System providing training on communication, problem solving and issue resolution, while creating processes for raising issues. Airports have Employee Advisory Councils that raise and discuss issues with management. The National Advisory Council of TSOs and middle level airport managers meet regularly and work in committees to develop new programs supporting field personnel.

5 Excluded by Executive Order 1217 dated November 17, 1979.

6 Employees hired prior to 1984 are covered under the DC Police and Firefighters Retirement System.

7 Covered under DC Code.

8 Columns with a ''yes'' indicated where FEMA has chosen to apply these provisions to CORE employees; Disaster Assistance Employees (DAE) are excluded.

Mr. THOMPSON. Thank you.

Mr. CARNEY. The chair now recognizes the gentleman from New Jersey, Mr. Pascrell, for 5 minutes.

Mr. PASCRELL. Thank you.

When it comes to the issue of our Homeland Security workforce, many of us have been outspoken about the fact that TSA employees, and in particular the transportation security officers, the TSOs, seem to get the short end of the stick when it comes to their rights and protection as federal government employees.

In fact, in the last Congress I wrote to the TSA assistant secretary, Kip Hawley, who appeared before this committee, about the glaring lack of whistleblower protection for TSOs.

It seemed clear, as it still does now, that these TSOs are the people on the ground, who witnessed firsthand every day the implementation of security procedures that we put in place. Their observations and information can be a very invaluable resource.

But TSA has seemingly been more interested in silencing them in the interest of not being embarrassed than they are listening to their own employees. That is not a good idea.

Furthermore, these TSOs don't have the right to do the same collective bargaining rights as do federal employees. We do know what happened in the past several years.

The former president decided that if we ever sent through bargaining legislation or whistleblower protections, that he would veto it—clear and precise. He claimed that such rights would limit TSA's ability to perform its mission due to the need for workforce flexibilities and fears of strikes.

Yet we know very specifically under Section 7106A(2)(d) that these are taken care of in already existing law, so there is no one trying to circumvent so that we don't protect Americans in their homes.

So it is no wonder, though, then that the level of morale and retention—we have heard it from all of you—where the employees in the TSA are the lowest within the Department of Homeland Security, and I don't care what rating system you use, the last one or the one in 2006, their rating ranks among the lowest department in this criteria in the entire government.

So literally, TSA employees are the lowest of the low within the entire federal government when it comes to morale and retention, yet we expect these folks to be the first and last line of defense against acts of terror. It is their job to present the next 9/11.

But we won't even empower them with a real voice. We expect them, Mr. Chairman, to do the most with the least.

So I ask Ms. Kelley and Mr. Gage specifically, so many DHS employees rightfully have collective bargaining rights and whistleblower protections, including those in the CBP, so why shouldn't TSA?

And the second question is do you believe providing the TSOs screeners with these rights and protections would actually improve the security of our nation and the integrity of the TSA?

Ms. Kelley?

Ms. KELLEY. Absolutely. I believe that TSA employees should have the same rights, protections and whistleblower protections as other employees in Homeland Security, including CBP.

And without a doubt, I believe that providing TSOs with collective bargaining rights can only strengthen national security. These TSOs join TSA to provide security for our country at airports.

And they need the ability to do their jobs without fear of reprisal, to know that they are doing the right thing for the taxpayers and the right thing for the country.

They want to use their energy to focus on how to make the checkpoints and the baggage screening operations the most efficient possible and the safest possible.

And the best way for them to be able to do that is to be given collective bargaining rights, as well as whistleblower rights, so that they can do their jobs and that we can tap into their ideas and energy for how to do the job better, because today none of that is done.

It is not invited. It is not allowed. And it has created the work environment that we find them in today. And for the benefit of the security of our country, that needs to change.

Mr. PASCRELL. Mr. Gage?

Thank you.

Mr. GAGE. Yes, Congressman. I just returned from the winter meeting of the AFL, and a resolution was passed by all the unions to support collective bargaining for TSOs.

And the argument from all these unions, who had such a big part to play in 9/11, was that nowhere was their union, their ability to form a union, to have a union, that it influenced any of their work when it came to 9/11, the heroes, the EMTs, the police officers, the firefighters.

And it is an insult, really, to the labor movement to say that somehow having the right to belong to union somehow affects national security.

And I think having a secure, experienced workforce with the rules set, with transparency, with employees knowing they have a right to work, can only improve our security. And it is something that is long overdue.

Mr. PASCRELL. Mr. Chairman.

Thank you.

Mr. Chairman, I think every member of this committee should be asked to read Title 5. In Title 5 it is very, very, very clear that the president of the United States in an emergency situation can issue an executive order, so the baloney that we have been listening to for too many years, we must address that factually so that we can get over this hump and deal with a major part of the workforce in the Homeland Security.

And I hope we have a second round. I want to get back into this. Thank you.

Mr. CARNEY. Thank you.

Will start the second round right now, actually.

Ms. Bonosaro, let us talk about the SES for a moment. I was kind of disturbed by Mr. Stier's statistics on 72 percent of the SESs retired or resigned over the last few years.

Without the benefit of an exit survey, but based on your experience, what can you attribute this loss to?

Ms. BONOSARO. Well, first of all, obviously, and a good number of these—some number unknown at DHS that these executives were eligible to retire, and it was time.

I will say, too, though, that clearly over time, as I indicated in my testimony, the stature of the SES has been diminished. And

one of the things that keeps executives on the job is to be excited and interested and committed to what is being done.

I think many of them right now are certainly in that position and looking forward to contributing to the new policies and programs that are being put in place.

So to the degree that they were locked out of those opportunities, that certainly gives them some impetus to retire.

I think, too, certainly the pay and performance management system that was instituted 4 or 5 years ago has not been terribly motivational, frankly. There have been a lot of problems with it, and that doesn't encourage someone, certainly, to stay on the job.

And finally, I think there is no question that there is burnout at DHS. A number of executives that I have known personally who have left, it just has not been unusual for them to work 7-day weeks.

One of the things, by the way—I would just like to turn back to, if I may—in your discussion or your consideration of TSA, the executives in TSA are not part of the regular Senior Executive Service either.

So I think if there is any consideration of dealing with personnel law with regard to TSA, it would be worth taking a look at whether they should not be folded into the regular SES.

Mr. CARNEY. What is their status, if they are not?

Ms. BONOSARO. I can't tell you the precise differences. I will be happy to follow up with the committee and give you information on how it differs, but they are, as far as I know, not eligible, for example, for a presidential rank awards.

That is certainly one difference, which they are pretty rare, it is true, but it is a wonderful honor, and it is something to aspire to.

I know their status is different. I can't tell you precisely how right now.

Mr. CARNEY. I appreciate that. We will get to the bottom of that. I think that surprised everybody up here.

Ms. Kelley, can you shed any light on that? Do you——

Ms. KELLEY. I am making a note, because that is news to me also.

Mr. CARNEY. Mr. Gage?

Mr. Stier? Do—yes?

Mr. STIER. The comparison point for the rest of the government is 48 percent in that same timeframe turnover, so it is quite dramatically a lot higher at DHS. And you know there are lots of reasons, none of them good.

And it is also a problem that you are seeing that same kind of turnover across government at that level. And so we need to make some changes about that.

Part of that, even when people are retirement eligible, the question is you know can you motivate them to still want to be there.

Mr. CARNEY. Right. Thank you.

I have no further questions at this time.

Mr. Bilirakis for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

This is to Mr. Stier and Mrs. Bonosaro.

As you know, the Department is currently operating out of more than 70 buildings and 40 locations throughout the metropolitan

D.C. area, although the department is actively engaged in creating a one-DHS culture.

The lack of centralized headquarters puts a strain on its operational and organizational capabilities. How critical is it for any agency, and in particular DHS, to have a centralized and secure headquarters facility?

And how would a consolidation of the department's headquarters at the Saint Elizabeth's ancampus improve employee morale and performance capabilities?

Whoever would like to go first would be fine.

Mr. STIER. I think that you know clearly having a headquarters, you go to the—you know the headquarters on Nebraska Avenue, it is a you know not the greatest physical installation. So real headquarters I think certainly does matter.

I would argue, though, that this is yet another representation of the challenge of you know focusing, if not wiring diagram, on the physical asset rather than some other issues, which are, frankly, I think even more important.

So making sure that we actually have an investment in the technology and the communication opportunities that allow people, no matter where they are—even if you have one headquarters here, you are going to have you know DHS people across the country.

You need to figure out ways that you are actually going to support communication across the entire network of people that are out there, make sure that you actually have an investment again in the rotation all opportunities.

And that requires staffing levels—the military plusses up their staffing requirements because they know that they are going to ensure that, whether it is rotational or educational assignments, that those things are going to exist with their folks.

You know Chairman Carney is probably well aware of that. That model, what the military does, is something we ought to see in the civilian work force. If you really want people to give of their best, you have to invest in them. And I think that to me that is the kind of focus that I would love to see.

Great to have the physical headquarters, but there are, frankly, I think other things that are even more important.

Mr. BILIRAKIS. More pressing.

Mr. STIER. Yes.

Mr. BILIRAKIS. Okay.

Ms. BONOSARO. Yes, I agree with Mr. Stier. I think the issue, obviously, is the collaboration and cooperation bringing those component agencies together.

You know people have observed that it took the Department of Defense, when it came together, 25 years to really coalesce and behave like a department, so to speak.

So I think this is to some degree a long haul problem, but I agree with Mr. Stier that much of what needs to be done really has to focus on the collaboration and cooperation and the building site is but one part of that.

Mr. BILIRAKIS. Thank you.

Ms. Kelley, in fiscal year 2007, CBP hired 2,156 new Custom and Border Protection Officers for a net increase of 648 CBPOs. This indicates a high level of attrition.

Are you aware whether these departing CBPOs are moving to other jobs within CBP, to another component within the Department, or leaving the Department altogether?

And if these CBPOs are moving to other components, which ones? And what is it about the components that make them more attractive than the CBP?

Ms. KELLEY. Well, again, without exit interviews or you know hard data, I can tell you anecdotally, because I talked to many of our officers as they are leaving or to their chapters after they have left. And it falls into a couple of categories.

Now, back in 2007 one of the primary reasons was they were leaving to go to state and local law enforcement agencies that provided them with the law enforcement officer retirement, which did not exist in 2007. So I believe that Congress' action on that this past year will have an impact.

But I also know that many left because of their feeling that they were not given the tools and resources to do the job, that their management structure did not allow them, work with them or allow them to implement ideas they had about how to make the ports safer.

There is a very top down structure in Customs and Border Protection, and there was a time about 8 years ago when NTEU worked very closely with at the time it was called partnership with the U.S. Customs Service. And we were able to do a lot of things that really helped CBP to be effective and to help officers to be more effective.

That work has really all ceased, and I am hoping it is going to start up again and that we are going to see in the future the recognition that these front-line officers have a lot of really good ideas about how to do the work better and that we are going to see that tapped into. That will keep them at CBP, and it will help them to stay.

But for the moment a lot of it is about leadership. Now we have new leadership. And you know so I think we are going to see some changes there.

But it is not a work environment that officers feel like they can be successful or that the work is valued and appreciated. So in large part that is why they leave.

And most of them are not within department. I didn't answer that question. Some go to other pieces of DHS or other federal agencies, but I would say that is the lowest number.

Most of them left because they could get in law enforcement officer retirement elsewhere, and they were tired of waiting, or just because of the tone and attitude of management and them feeling that they weren't valued and respected.

Mr. BILIRAKIS. Very good. Thank you very much.

Mr. CARNEY. Thank you.

The chair now recognizes the gentleman from Mississippi for 5 minutes. No? Then we will recognize Mr. Pascrell for 5 minutes.

Mr. PASCRELL. The argument about shutting down airports is many times presented as to why we can't allow collective bargaining rights to TSOs.

Has providing collective bargaining rights diminished the operational effectiveness of those 54,000 in CBP or the Border Patrol,

in your estimation? Do we worry about the fact that there will be—someday they will all walk off this and into the wildwood and then we will have no protection on our borders these? Would you respond to that—anybody?

Ms. KELLEY. Absolutely, positively not. It is not an issue. I mean it has never happened. It would never be a factor.

Mr. PASCRELL. Well, why should it be an issue for those protecting the border as compared to those that are in our airports and facsimile?

Ms. KELLEY. In my view there is no reason for any difference at all, for any distinction whatsoever. They all provide security to our country in different ways in different places, airports versus the land border crossings versus the seaports.

But I know of not one reason that is valid that should deny them those rights.

Mr. GAGE. You know I just want to say that our Border Patrol is very highly organized. And if I were to call a strike among our dedicated Border Patrol agents, I don't think I would be sitting here much longer.

They look at their dedication to their country and their jobs in a way that is really different from other employees in the private sector, so I don't think there is any real or even realistically imagined threat that TSOs, for instance, are suddenly going to shut down the airports and go on a strike or a job action, nor would it be lawful in any way for our union to participate or to call for.

Ms. KELLEY. If I could just add, as John said, I mean the fact is federal employees cannot strike. Federal employees in any agency that have collective bargaining rights have no right to strike.

Mr. PASCRELL. You don't have the legal right to strike, do you?

Ms. KELLEY. No, we do not.

Mr. PASCRELL. So this is a very empty argument, very empty argument against having collective bargaining rights and the protecting of those people who are whistleblowers. This is something that we have had to swallow for a number of years now.

We should address it head-on, Mr. Chairman, and Mr. Chairman, as quickly and possibly, because it doesn't make logic. It doesn't make any sense to me.

And I think is one way to include the morale within the folks that are on the line every day. It is like almost taking bargaining rights away from cops and firefighters. That would be pretty stupid, it would seem to me, because the governor has powers, the mayor has powers, and the president of the United States under Title 5 has the power. It is illegal for those people to strike.

Thank you very much, Mr. Chairman.

Mr. CARNEY. Thank you, Mr. Pascrell.

Does anybody else have any more questions?

Hearing no more questions, I want to thank the witnesses for their very valuable testimony today.

First of all, without objection, I submit for the record a document from the National Academy of Public Administration addressing best practices for the 2009 presidential transition, including analysis of the DHS workforce.

So ordered.

[The information follows:

STATEMENT FOR THE RECORD

National Academy of Public Administration

Presidential Transition Study on

The Department of Homeland Security

Committee on Homeland Security

Subcommittee on Management, Investigations, and OversightUnited States House of Representatives

Doris Hausser, Fellow

National Academy of Public Administration

March 5, 2009

Thank you for inviting the National Academy of Public Administration to submit a statement for the record on the best practices for the 2009 Presidential Transition. I served as a member of the Panel that developed the Academy's June 2008 report that assessed the Department of Homeland Security's (DHS') executive profile, its transition training, and the department's plans for the 2009 Presidential Transition. Many of the issues and recommendations outlined in that report apply to other departments and agencies, as well as DHS, especially those with homeland security responsibilities.

The Presidential Transition of 2009 was the first major transition since "9/11." As we point out in our report, recent history demonstrates that political transitions present an opportunity for terrorists to take advantage of real or perceived weaknesses in a nation's ability to detect, deter, prevent or respond to attacks. The final report of the 9/11 Commission raised concerns about the impact of future transitions on the government's ability to deal with terrorism. Owing in part to the delayed resolution of the 2000 election, the incoming Bush administration did not have its deputy Cabinet officials in place until Spring 2001 or its sub-Cabinet officials in place until that summer. Historically, getting the Presidential team in position has been a slow process. The Commission strongly pushed for changes to the process so that the Nation is not left vulnerable to these types of delays in a post-9/11 world. During a transition, DHS must retain the ability to respond quickly to both man-made and natural disasters.

In light of these issues, Congress and DHS asked the Academy to assess DHS' executive profile, study its transition training, and review its plans for the 2009 Presidential transition. Our June report was the result of that request.

The lessons learned from this work can be—and in some cases were—applied to other federal departments and agencies. For example, the Academy Panel assessed DHS' allocation of executives between career and political appointees and compared it with other departments. As of March 20, 2008, 13 percent of DHS' executives were political appointees—about average for all federal departments. The percentage of all executives who were political appointees ranged from 9 percent at the Department of Veterans Affairs to 35 percent at the Department of State. But the Academy Panel also noted that 30 of the top 54 executive positions, or 56 percent at DHS were filled by political appointees. Large percentages of other departments' top executives were also political—this includes 49 percent at Treasury, 59 percent at Justice and Defense, and 66 percent at the Department of State. Overall, the Academy Panel believes that efforts need to be made to reduce the number of political appointees, specifically in the DHS security and emergency management environment, so that these positions can be filled with career executives who will learn the job over time, versus a non-career appointee with a much shorter tenure. At DHS, the Academy Panel recommended that non-career headquarters deputy officials, FEMA regional administrators and other officials be career executives.

Another part of the Academy's DHS study compared DHS' transition training programs with those of similarly structured Cabinet-level agencies. The Academy Panel concluded that DHS' transition training and development efforts were consistent with executive development programs in most federal agencies and that the department has a balanced set of transition-specific training programs underway. When implemented, these should have helped executives prepare to meet their homeland security responsibilities during transition. As of our report date, DHS was well along in its transition training especially given that it is a young agency with a crit-

ical national mission and going through its first Presidential transition. The Academy Panel believes other departments could benefit from learning about DHS' transition training.

Finally, the Academy Panel reviewed DHS' transition planning, and the report laid out a series of actions that were tailored to Presidential transition timeframes. Specifically:

- Before the national party conventions. DHS was to have completed, updated and executed its transition plans; identified key operational executive positions; ensured that training and joint exercises had begun and filled vacant executive positions.
- From the national party conventions to the election. Consistent with the recommendations of the 9/11 Commission and "Sense of the Senate" provisions, DHS was to have worked with Executive Branch agencies and Congress to reach out to the Presidential candidates to identify potential homeland security transition team members and help them obtain security clearances by Election Day.
- From the election to the inauguration. DHS was to have worked with the incoming administration, the Executive Branch and Congress to ensure that the new Secretary of Homeland Security was sworn in on Inauguration Day; that key executives were identified and voted on by the Senate as quickly as possible, recognizing that any day a critical position is vacant is a "gap" in our homeland security coverage; and that transition training and joint exercises were provided to executive appointees and nominees.
- Following Inauguration Day. DHS should continue training of new appointees, nominees and careerists to build trust and operational performance, and reexamine current executive positions and allocations to support administration priorities. Within the first six months of the new administration, DHS should conduct a "capstone" scenario exercise to evaluate the effectiveness of transition planning, training and overall operational readiness.

DHS did address these recommendations. In June, it appointed retired Coast Guard Admiral John Acton as a full-time transition director who reports directly to the Deputy Under Secretary for Management. DHS completed a comprehensive plan for all facets of the transition that focused on several areas:

- Ensuring that management processes are in place and memorialized in policies and procedures;
- Concentrating on knowledge retention for current executives and knowledge transfer to the next administration's executives;
- Conducting a series of seminars, training sessions, and exercises to make sure current leadership is trained in incident response, as well as positioning the new leaders for these roles; and
- Focusing on the deputy positions in each office and component to make sure they understand transition issues.

In addition, DHS collaborated with partners such as the Departments of Transportation, Defense, State, and Health and Human Services; state and local governments; and with private industry. Joint training and exercise opportunities were actively coordinated. Also, the Academy understands that OMB hosted Agency Transition Coordination meetings, which afforded an ideal opportunity to enhance collaboration among the federal departments and agencies.

Many of the Academy Panel recommendations for DHS also applied to other federal departments such as the appointment of a transition director, development of a comprehensive transition plan, identification of critical non-career positions, and transition training. The report noted that to the greatest extent possible, incoming DHS leadership—including the Secretary and key staff—must be in place on Inauguration Day or shortly thereafter. Key leadership positions at other federal departments, especially those with homeland security responsibilities, must also be filled quickly. This requires the support and cooperation of federal agencies with background check and clearance responsibilities, as well as the Congress given its confirmation role and responsibilities. The Academy Panel believes that all federal departments and agencies need to address the issues as appropriate that are presented in our DHS report.

With respect to lessons learned, we recognize that DHS proceeded in a timely manner to plan for and begin its transition initiative using a five-pronged approach which included: updating the order of succession for the Secretary, all headquarters offices and operating components; assessing critical positions and managing succession risks; working with an external partner to establish interagency relations mapping and ensure knowledge transfer through leadership development; operational training with stakeholders; examining and identifying best practices of other transition efforts; and developing a series of transition guidance materials Despite this ap-

proach, however there is much more work to be done.8e strongly recommend that DHS continue to monitor transition staffing levels beyond the post-inauguration period until approximately 80% of key positions are filled. "Additionally, DHS's decision to identify and appoint an experienced, full-time transition officer who has accountability for the mechanics and follow-through for the transition process is seen as a very positive force. The Transition Officer and the Academy presented the NAPA report and discussed overall transition issues at the leadership conference in Kansas City for the U.S. Citizenship and Immigration Services. We do not have knowledge of whether there were similar briefings out in the field, but believe it is a practice worth exporting to other operating units.

Thank you for the opportunity to submit this statement for the record. We also offer the "Report of the Panel of the National Academy, Addressing the 2009 Presidential Transition at the Department of Homeland Security," dated June 2008 for the record.

Mr. CARNEY. Okay. Now I want to thank the witnesses again for their testimony and the members for their questions. I think we have opened up a nice dialogue here that we really need to pursue further down a number of avenues.

We may have some further questions, and we will ask you for your written testimony. And please do so expeditiously, if you get a request for them.

This committee now stands adjourned.

[Whereupon, at 11:15 a.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM THE HONORABLE BENNIE G. THOMPSON, CHAIRMAN, COMMITTEE ON HOMELAND SECURITY:

RESPONSES FROM COLLEEN M. KELLEY

Question 1.: In light of the recent OPM 2008 Federal Human Capital Survey[1] and the FY09—FY13 DHS Human Capital Strategic[2] Plan what steps do you see that the Department of Homeland Security is taking to shore up recruitment, hiring and retention practices?

- If you are not aware of any steps, what do you recommend?
- Can the Department take any best practices from other peers in the Federal Government?

NTEU answer: NTEU represents two employee groups at DHS—Customs and Border Protection Officers and Transportation Security Officers, so my remarks will center on those two groups.

Customs and Border Protection has been helped in its recruitment hiring and retention practices by passage last year of enhanced retirement benefits for CBPOs. On July 6, 2008, the Congressionally-mandated CBP Officer law enforcement enhanced retirement benefit program went into effect. NTEU members commend the Committee on its forethought and perseverance in enacting and funding this vital legislation. Nothing has had a more positive effect on the morale of the CBP Officer. Now that CBP Officers are granted the same retirement benefit that most federal law enforcement officers have, it removes a powerful incentive for CBP officers to transfer to other federal law enforcement postions. Extending this benefit to CBP Seized Property Specialists will have the same effect on that position's recruitment and retention efforts.

Another step that DHS can take is to fully implement retention programs that it already has the authority to implement such as the Student Loan Repayment Program. Section 5379 of title 5, United States Code, authorizes federal agencies to establish a student loan repayment program for federal employees. The purpose of this law is to provide a tool for federal agencies to attract and retain well-qualified, highly motivated employees who otherwise might decline or leave federal employment.

For example, fully implementing the student loan repayment would greatly help with the retention of highly skilled CBP Customs attorneys. Because of the slow implementation of the student loan repayment program, approximately 60% of the staff has left the agency in the past decade, with most departing within the last five years. Many new employees who start their career at DHS leave after a couple of years because they cannot afford the monthly payments for their student loans.

According to a survey of professional staff in one of DHS' agencies, among the employees with student loans, the average total debt was approximately $80,000—with one new staff person owing $176,000. The resulting loss of institutional knowledge, combined with the steep learning curve, has placed a severe hardship on the office, its budget, and the public.

In addition, NTEU has negotiated a Memorandum of Understanding (MOU) addressing CBP's Student Loan Repayment Program. The Program is designed to assist CBP in recruiting and retaining employees in difficult-to-fill positions. Under the MOU student loan repayments may be made up to a maximum of $10,000 per calendar year and up to a maximum per employee of $60,000. NTEU negotiated criteria that CBP must consider in making student loan repayment decisions in addi-

[1] See pp. 4—24.

[2] "Unparalleled Mission. . . Unparalleled Talent. . . Where People People Want To Work, U.S. Department of Homeland Security Human Capital Strategic Plan Fiscal Years 2009—2013. Homeland Security. (See committee file.)

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tion to a requirement that CBP provide a detailed written explanation to support its loan repayment decisions. A joint NTEU–CBP workgroup will meet bi-annually to review the operation of the Program including CBP's loan repayment determinations. Yet the program has not been implemented. NTEU has requested an explanation from CBP as to the delay in implementing the program.

As for TSA, we have seen no actions that would favorably affect recruiting, hiring and retention. We feel that HR 1881 will go a long way toward helping these areas, and we thank you for signing on to that bill.

There are many flexibilities within the government that can be used in recruiting, hiring and retaining employees. For instance, there are both recruitment bonuses and retention bonuses allowed within the structure of the General Schedule. There is relocation assistance. There is a student loan repayment program. Flexitime schedules could be used. Some of these have been used successfully by other agencies and the Department could review their potential use at DHS as well.

Question 2.: According to the most recent OPM Human Capital Survey, 51 percent of Department of Homeland Security employees feel they do not have sufficient information to do their jobs.

- What steps are being taken to ensure supervisors are aware of employee needs?
- Further, what steps are being taken to hold supervisors accountable for providing information to their employees?
- What internal processes are in place for DHS employees to *anonymously* inform supervisors of problems they face?
- Is there a good effort afoot elsewhere in the Federal government to hold the supervisors accountable to listening and developing their employees?

NTEU answer: At TSA, supervisors routinely are given very little information themselves, so there is no system of providing employees with information necessary to do their jobs well. At CBP, NTEU employee representatives have some avenues to make supervisors aware of employee needs. NTEU is unaware of steps to hold supervisors accountable for providing information to their employees except through the negotiated contract. NTEU is unaware of any system for DHS employees to anonymously inform supervisors of problems they face.

We have found that when an agency has a good relationship with the employee representatives, a system can be put in place where supervisors and employees can work together to do the best possible job. During the Clinton administration, Labor-Management Partnerships were developed, and both supervisors and employees have told me that the partnerships made a difference in the work environment and in the dissemination of necessary information. The NTEU-represented legacy that became part of CBP, the U.S. Customs Service, had a very positive experience with Labor -Management partnership in the 1990s. NTEU is working with the administration and with Congress to have these partnerships reinstituted government wide.

Question 3.: In July 2008, the Transportation Security Administration awarded a contract worth $1.2 billion to Lockheed Martin Corporation to develop and manage human resources management for the agency. **Do you believe these deliverables will aide the TSA workforce? If so, how? If not, why not.**

NTEU answer: You may recall that when TSA announced the Lockheed Martin contract, NTEU asked whether that money might be better spent hiring more TSOs. Ever since Lockheed Martin has taken over Human Resources functions, we have heard many and various complaints. The biggest complaint is that there is never any person to talk to about missing paychecks, erroneous leave balances, denial of Family and Medical Leave, denial of workman's compensation, and other problems. Problems are never resolved. We have several people who were promoted, and four months later, still can't get their pay raise. We believe that the contract should be terminated.

QUESTIONS FROM THE HONORABLE CHRISTOPHER P. CARNEY, CHAIRMAN, SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT:

Question 1.: It has been noted by some, that the Department of Homeland Security's intention to move all of its employees to a pay-for-performance system caused great angst among employees and contributed to low employee morale.

- Now that this system has been abandoned, what steps do you think the Department can take today and the months ahead to improve morale?

NTEU answer: DHS has to work with its supervisors to stress the importance of workplace respect. The present atmosphere lacks respect, and this is something we hope will change under Secretary Napolitano's leadership. To help achieve this goal, NTEU supports the reestablishment of partnership. On October 1, 1993, Presi-

dent Clinton issued Executive Order 12871, establishing labor-management partnerships in the federal government. That executive order was rescinded by President Bush soon after he assumed office. NTEU believes now is the time to re-establish labor-management partnerships in the federal government. This step is likely to improve workplace morale.

When labor-management partnerships were in effect during the 1990s, there was a climate of recognition that the sometimes adversarial labor-management relationships in federal agencies could be transformed into problem solving relationships. Partnerships were made up of managers, employees, and employees' representatives who had insights into designing and implementing the processes necessary to more efficiently achieve agencies' missions. Partnership councils functioned in federal agencies throughout the country and in cooperation with a National Partnership Council. The purpose of the partnerships was to identify problems and craft solutions to better serve the taxpayer, not to provide for co-management. Often, issues within federal agencies were resolved before they became major obstacles or points of contention in the labor-management arena. Through partnerships came a recognition that employees and their union representatives added value to the decision making process.

In its December 2000 report to Congress, the Office of Personnel Management (OPM) found that partnerships between labor and management "have helped cut costs, enhance productivity, and improve customer service at agencies across Government." It is time to bring the creative ideas of management and labor together again in government, and improve moral.

The employees of DHS overwhelmingly believe in what they do and regard it as an important part of our nation's safety. Unfortunately, that is about the only good news. In the most recent public survey results, 30% of the U.S. Customs and Border Protection (CBP) employees responded that they were satisfied with their involvement in workplace decisions. A mere 27.1% believe their leaders generate high levels of motivation and commitment. At the Transportation Security Administration (TSA), only 20.9% of the employees believe that promotions are based on merit. Only 22.7% felt that creativity and innovation are rewarded, and this is in a position where we need to reward innovative thinking.

One of the most frustrating things I hear is that if only management had more flexibility, they could recruit and retain employees much easier. It is frustrating to me, because there are already flexibilities available to managers that they rarely use. With greater use of these flexibilities such as the Student Loan repayment Program, recruitment and retention bonuses, relocation assistance, and the litany of government flexibilities, I believe we can attract more workers and keep them. I understand that in many cases, agency budgets have been slashed so significantly that there is no money for these flexibilities. May be we need to consider mandating that funds be allocated to these accounts so that they can really be used. These are ways to improve hiring in the federal government that do not involve demolishing the merit system, yet still address serious morale issues at CBP and TSA.

Finally, NTEU again urges the Committee to repeal Title 5, Chapter 97 that authorized the establishment of a new DHS human resource management system. This too will lead to increased employee morale. Last year Congress approved a FY 2009 DHS Appropriations bill that prohibits the department from using any funds to implement a new personnel system for rank and file employees. Because of this Congressional prohibition, in October 2008, DHS abandoned efforts to implement all regulations promulgated under Title 5, Chapter 97, but the authorization of this program remains in effect. The House has voted once already to repeal the authorization of Title 5, Chapter 97. **NTUE urges Congress to enact the Chapter 97 repeal this year**

- **Please also explain your perception of how employee morale contributes to the Department's overall effectiveness.**

NTEU answer: The Government Accountability Office (GAO) recently examined this in a GAO report. According to GAO, "At seven of the eight major ports we visited, officers and managers told us that not having sufficient staff contributes to morale problems, fatigue, lack of backup support and safety issues when officers inspect travelers—increasing the potential that terrorists, inadmissible travelers and illicit goods could enter the country." (*See* GAO–08–219, page 7)

"Due to staffing shortages, ports of entry rely on overtime to accomplish their inspection responsibilities. Double shifts can result in officer fatigue. . .officer fatigue caused by excessive overtime negatively affected inspections at ports of entry. On occasion, officers said they are called upon to work 16-hour shifts, spending long stints in primary passenger processing lanes in order to keep lanes open, in part to minimize traveler wait times. Further evidence of fatigue came from officers who said that CBP officers call in sick due to exhaustion, in part to avoid mandatory

overtime, which in turn exacerbates the staffing challenges faced by the ports." (*See GAO–08–219 page 7)*

The GAO analysis demonstrates the important link between morale and agency effectiveness. Further, I direct you to recent stories from the Denver airport, where TSOs told reporters that they are so worried about their problems with management that they can't focus on the screening.

Question 2.: During Secretary Napolitano's confirmation hearing, she acknowledged the necessity of improving the morale of the Department of Homeland Security workforce. To your knowledge, what initiatives are underway or are planned to facilitate improvement in how DHS employees view the department's performance of its mission and the Department as an employer?

NTEU answer: On March 27, 2009, Secretary Napolitano unveiled the DHS Efficiency review initiative a program to improve efficiency and streamline decision-making through agency-wide initiatives. As part of the initiative, the Secretary has charged all DHS components to solicit ideas from their employees to help generate greater new efficiencies, accountability, and transparency in how DHS conducts business.

CBP has informed NTEU that it will be soliciting employee input on how CBP can reduce costs, streamline operations, eliminate duplication, and improve services while also improving coordination and the sharing of assets across DHS. Employees will have the opportunity to assist Secretary Napolitano's Efficiency review to accessing a link provided by an agency e-mail and responding to the survey between March 30 and April 10, 2009. Employees will be asked to briefly explain their idea to make CBP more efficient and why it should be implemented.

To the best of NTEU'S knowledge, this is the first time since the agency stood up that the DHS Secretary has directly asked rank and file employees for their input and ideas, and this is a positive development.

Question 3.: Many highlight the need for leadership and high quality senior executives at the Department of Homeland Security. **In your opinion, how can the Department attract high quality senior executives?**

NTEU answer: The Department can attract high quality senior executives by offering a place where their abilities will be utilized and appreciated, and where they are paid commensurate with their responsibilities.

Question 4.: How can the Department of Homeland Security alleviate the effects of the expected large-scale retirements in the coming years? How can the Department generate interest and recruit its next leaders? Does the Department adequately develop those in the senior GS ladder—the 14's and 15's? What does it mean to properly develop those levels of leadership?

NTEU answer: The answer to alleviating the effects of the expected large-scale retirements is to provide opportunities for advancement in the middle ranks and to hire more people.

Question 5.: Throughout reorganizations and recruitment challenges to ill-equipped office spaces and limited resources, the men and women that make up the Department of Homeland Security have continued to put their best foot forward, often times with little to no recognition. They deserve to be honored for their tireless work and sacrifices.

- **How can the Department focus on improving awards and recognition initiatives for its employees?**

NTEU answer: NTEU has an ongoing issue with CBP regarding awards and recognition. In 2004, CBP threw out its NTEU-negotiated awards and recognition program and unilaterally imposed its own awards system. In 2005, NTEU received a favorable arbitration result that concluded that CBP had unlawfully terminated the negotiated Article 17 Awards and Recognition procedures when it unilaterally imposed its own awards system. The arbitrator ordered CBP to return to the prior joint awards process where awards are determined by a joint union management committee, and to rerun the fiscal year 2005 awards process using the Article 17 procedures. Once again, however, CBP has delayed the ultimate resolution of this issue by appealing the arbitrator's decision to the FLRA. In its appeal CBP argued that the award should be overturned because it allows employees to grieve CBP's award decisions. Yet CBP has acknowledged that employees would also be permitted to file grievances under the Agency's unlawfully implemented award process. Inexplicably, CBP asked the Authority to overturn the arbitrator's decision in order to improve employee morale.

Undeterred by this 2006 arbitration decision, CBP continues to use the same discredited, secretive and illegal performance awards policy to reward employee performance. As a protective measure, NTEU continues to file grievances and invoke

arbitration just as was done for fiscal year 2005 while we enter a third year waiting for the Federal Labor Relations Authority to sustain our arbitration win.

A way to greatly improve the Agency's improve the awards and recognition initiatives for its CBP employees would be for CBP to abandon its discredited, illegal, and secretive unilateral awards system and reinstate the negotiated joint awards process.

Question 6.: During the effort to implement a new personnel system, MaxHR, for the department, DHS reported to Congress that it had extended contracts to Northrop Grumman Information Technology (NGIT) for services related to program management; pay, performance, and classification; and training, communications, and organizational change management, and labor relations. The contracts were worth almost $3 million and more than $16 million, respectively.

- **Are any of you aware of specific deliverables from Northrop Grumman of these some $19 million total contracts for each of the areas stated (e.g., pay, performance, classification)?**

NTEU answer: No.

- **How are these deliverables being utilized by the department, especially in the wake of DHS's decision to abandon implementation of the new personnel system?**

NTEU answer: I am not aware of and deliverable being utilized by the department. NTEU believes that the Department wasted millions of taxpayer dollars in funding these contracts.

Question 7.: From your vantage point, what are the staffing needs in senior career executive positions to the front lines and how many employees would make the Department of Homeland Security "whole?"

NTEU answer: NTEU does not know the staffing needs for senior executive positions, however, CBP's own staffing allocation model concluded that the agency needs 1,600 to 4,000 additional CBP Officers and CBP Agriculture Specialist at the 327 air, land, and sea ports of entry, a boost of 7 to 25 percent.

What impact would full staffing have in terms of time for training and development?

NTEU answer: Staffing shortages force managers to choose between performing port operations and providing training. In these instances, it is the training that is sacrificed. Without full staffing, the success of the mission is compromised.

According to GAO, "Vulnerabilities in traveler inspections are created when new officers do not receive required training. For example, new officers who received as little as 2 weeks of on-the-job training rather than the recommended 12 weeks told us that they needed more training before inspecting travelers. In our July 2003 report. . .we found that the ports that graded their officers least prepared to carry out traveler inspections were among the ports that provided the least amount of on-the-job training." (*See* GAO–08–219, page 40) Also, "vulnerabilities in traveler inspections occurred when officers did not receive cross-training before rotating to new inspection areas. Although CBP's training policy call for no officer to be placed in an area without receiving the proper cross-training module, officers and supervisors at ports of entry we visited told us that officers are placed in situations for which they are not trained." (*See* GAO–08–219, page 37.)

NTEU believes that full staffing at CBP air, land and sea ports of entry, in terms of time for training and development, would mitigate these vulnerabilities in traveler inspections.

Question 8.: To your knowledge, to what extent have your members participated in the graduate education programs for Department of Homeland Security employees? Are the Department's employees on individual development plans to provide for continuous training and what types of training are essential for all employees, regardless of position?

NTEU answer: Clearly, training has not been a priority for the last eight years, More money will have to be appropriated to make up for that lost time. As for individual development plans, the success of such plans depends on the ability of supervisor and employee to both and understand the expectations and resources necessary to achieve the mutual goals. We believe that the leadership of Secretary Napolitano in this area will result in measurable changes in this area.

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