

2003-08  
National Security Personnel System (NSPS) Chronology

2003

*from Steve  
Rudkey*

Nov 24 – National Defense Authorization Act, Public Law 108-136, becomes effective, providing authority to establish NSPS.

*w hyperlink to documents*

Dec 1 – NSPS Implementation Office established.

Dec 19 - First meeting of NSPS Implementation Team

- Pursue aggressive policy of including all of DoD within two year period
- FWS and NSPS HR proposal for unions are initial projects
- NSPS process different from DHS process; DHS will use 5 CFR as union proposal; NSPS will use no CFR or FRN (not subject to APA, so no FRN required); will develop written proposal to unions as DoD regulations.
- One system – no Army, Navy or AF version
- We are implementers not policy-makers (but will be hard to separate)
- Team will develop overall training plan and basic module to deliver the training
- Decision on who is in first implementation wave to be discussed this afternoon (Dec 19) – decision expected by mid-Jan 04

2004

Jan 5-10 - Labor Relations Working Group meets on the bargaining process

Jan 6-7 - Meeting with Ogilvy/SRA on NSPS marketing strategy

Jan 7 – Staff Meeting

- FWS will be covered for labor, appeals, and all aspects of HR except for pay banding and pay-for-performance.
- Set up FWS Work group for Jan 20-23
- By end of Jan need to develop language for NSPS proposal

Jan 14 – Staff Meeting

- Issue the FRN and the operating guide as the whole written proposal
- Major NSPS Sections: NSPS HR System, Labor Relations, and Employee Appeals, get these in place before conversion to HR system
- Training Group convened Jan 16 to review training strategy

Jan 15 – Tim Curry, Staff Director for Labor and Employee Relations, CPMS FAS, telephones eight unions with national consultation rights and one without advising them of letter inviting them to a meeting on the DoD labor relations system

Jan 16 – NSPS HR Proposal Development Team Meeting

- Initially established a completion date based on Jan 31 delivery to unions

Jan 16 – Date of the letters notifying the unions of the Jan 22 meeting to discuss the transformation of DoD's labor relations system

Jan 20 – Collaboration/Proposal/Implementation Process milestones established

- NSPS HR Proposal provided to unions- scheduled for March 23 begins collaborative process
- Overall collaboration process (respond to union questions, meet with union to reach agreement, notify Congress of implementation) March 23 – Aug 6
- NSPS Implementation – October 1

Jan 22 – Initial meeting with unions (Ginger Groeber, Charlie Rogers, Marilee Fitzgerald, Brad Bunn, and Tim Curry attending) to discuss the procedures to be used to collaborate on the NSPS labor relations system

Jan 20 –23 FWS Working Group

- Proposed a 4<sup>th</sup> CG (Trades and Crafts) covering FWS, pay table administration, position criteria, and conversion procedures

Feb 4 – Staff Meeting

- Proposal going to the unions will include the Sept 8, 2003 FRN combined with the Oct 2, 2003 Operating Guide (will not be published as an FRN – OPM has challenged this)

Feb 5 – Reg/Mod Questions

- San Antonio to provide list of IT system requirements questions.

Feb 6 – DoD unions are provided by e-mail or fax a document entitled “National Security Personnel System Pre-Collaboration Labor Relations System Options”

Feb 11 – Reg/Mod BP Meeting

- Conversion of 300K by Oct 04
- Focus on white collar (GS/GM) conversion by Oct 4
- Involves 60-70% change of DCPDS – basically rewriting the system
- San Antonio provides questions by Feb 13

Feb 12 – SECDEF Rumsfeld designates SEC England to be serve as the interface with unions concerning the development and implementation of the NSPS labor relations system

Feb 12 – Draft of NSPS human resources management proposal provided for review

Feb 13 – Reg/Mod San Antonio provides list of NSPS IT requirements questions.



Feb 17-20 – Meeting/Discussion of Supervisory Architecture/Pay

- Development of supervisory adjustment and basic criteria

Feb 18 – Staff Meeting

- Brad's initial meeting with Gordon England (main problem: no comprehensive program to deal with media, unions, etc. on NSPS)
- Brad needs supervisory adjustment proposal by Feb 20

Feb 17-19 – Training Work Group invites components for Rosslyn conference

Feb 22 George Nesterchuk begins work as OPM senior advisor to NSPS

Feb 23 – Draft NSPS Proposal finalized

Feb 23 – Brief of Executive Steering Group (Groeber, Rogers, etc.) by Dennis Turner on Proposed Supervisory Adjustment

Feb 26 – Reg/Mod Meeting establishes need for San Antonio meeting at Rosslyn to address NSPS requirements

Feb 26-27 -DoD and OPM meeting with DoD unions at Hyatt Hotel, Rosslyn, on the labor relations system options. Unions are strongly opposed to the concept document provided to them prior to the meeting.

Feb 27 – On second day of meeting, DoD unions develop a letter to “All Members of Congress” protesting the concepts presented to the unions

- Letter from Chris Van Hollen and Frank Wolf, et al
- Letter from Representative Henry Waxman, Senator Joseph Lieberman, et al
- Letter from Senator Frank Lautenberg, Senator Joseph Biden, et al

March 1 – OPM/OMB Briefing Meeting (George Nesterchuk, Ron Sanders, Jeff Goldstein, etc.)

- Issues: Cannot presume FLSA exempt/nonexempt for all positions in a specific CG/level; lack of restraints on pay setting within band – need guidance; SSR needs clarification; need additional technical information of pay retention; pay pool budgeting; disagree with only 30% vets floating to top of category in which they are rated/appears no preference is given to anyone other than 30% veterans.
- NSPS HR Proposal was to be provided to unions on March 23 as the statutory regulation; either issue them as internal DoD regulations (DoD Civilian Personnel Manual) or as CFR regs. If issued as internal regulations, they would not be released until after statutory collaboration (Summer 04)

March 2 OMB Comments received

- Annual pay raises (performance and scheduled) that exceed President's guidance for GPI
- Width of CGI pay band
- Cost of supervisory adjustment
- Budgeting WGI buy in

March 2-5 First Reg/Mod NSPS Requirements Meeting – Rosslyn

- Requirements: WGI buy-in, PFP, supervisory adj., RIF, mass locality adjustments, etc.
- New data elements and pay table changes
- Nature of Action (NOA's) and Legal Authority Code (LAC's)

March 5 – Staff Meeting

- Decision made to send NSPS/FAS group to San Antonio

March 9 – OPM Memo to Defense Secy Rumsfeld Providing Comments to NSPS Draft HR Proposal

March 11 OPM Comments meeting

OPM Issues:

- NSPS proposal diminishes veterans' preference, e.g., proposal eliminates protection for veterans under RIF unless they have the most severe service-connected disabilities
- NSPS proposal does not take full advantage of flexibilities afforded DoD, and may pressure DHS to pull back some innovative elements of their personnel system
- DoD's labor-management proposal was developed without OPM involvement or union input
- NSPS should be established by "regulations jointly prescribed", i.e., joint publication of proposed NSPS regs in the Federal Register

March 12 – Secy Rumsfeld directs the establishment of a strategic and comprehensive review of NSPS development.

March 15-19 Second Reg/Mod NSPS Requirements Meeting –San Antonio

- Currently reviewing requirements/questions from San Antonio

March 17- Initial Structuring and Meeting of the Strategic Engagement Teams

Teams established to re-think the NSPS structure and mission as it relates to individual DoD stakeholders

- Requirements Team (Pat Adams – Navy)
- Personnel Team (Dave Snyder – Army)
- Process Team (Roger Blanchard – Air Force)

- Program Team (Pete Brown – Navy)
- Communications Team (Eric Ruff – OSD, Public Affairs)
  - Participating NSPS staff:
    - Brad Bunn – Requirements, Program, Process
    - Sharon Stewart – Requirements, Program
    - Stephanie Olson - Communications
    - Janice Lander, Helen Sullivan, Judy Mayrose – Process
    - Paula Hartzoge - Program

April 1 – Dr. Chu, Defense Under Secy for Personnel and Readiness, and /Secy England open letter to DoD workforce on strategic engagement.

April 7 – Strategic Engagement Brief to Navy Secy Gordon England and Dr. Chu on NSPS Design Recommendations

April 13 – NSPS Implementation Recommendations presented to Senior Level Review Group – Defense Secy Rumsfeld approves the recommendations

April 14 – Interim PEO informs San Antonio that input to “NSPS Implementation Issues” List has been suspended

April 15 – Secy England introduces to DoD personnel at Pentagon the NSPS Design and Implementation Brief ; Pete Brown, Program Team Lead, provides brief

April 19 – NSPS Design and Implementation Plan briefed to Union Representatives by Secy England

April 27 – Secy England Announces Program Executive Office for NSPS Created

- Pete Brown, Executive Director at NAVSEA, appointed as Interim Program Executive Officer
- Dave Snyder, Army HR Director, named as Interim Director of Labor Relations and Appeal Process Team
- Brad Bunn named as Interim Director of Human Resources and Pay-for-Performance Team

April 30 – Pete Brown chairs initial Component Program Managers Meeting (9-12) in DLAMP Conference Room

- Discussion of interim PEO operating strategy
- Discussion of interim PEO roles, responsibilities, and expectations
- Work plans for specific project areas are presented by NSPS members

May 7 – Program Managers Meeting

- Feedback provided on May 6 Secy England meeting
- Update on OIPT issues, PEO admin matters (e.g. PEO organization chart, staffing, etc.), HR planning team meetings, and LR and Appeals work group



- Emphasis placed on discussion of six union consultation sessions and need to start focus on pilot program and IT

May 12 – Draft of NSPS Requirements Document provided to PEO members for review and comment

May 14 – PEO-NSPS Staff Meeting

- Update on initial May 10 meeting of the SAG
- Discussion of LR/Appeals/HR integration
- Input provided from components on chain of command vs. info via focus groups
- Discussion of PEO products (i.e., what info can be given out and in what venue)
- Once again need to begin focusing on Pilot and IT sections of PEO organization structure

May 19 – DEPSECDEF officially delegates authority for NSPS Senior Executive to Secretary England

May 21 - PEO-NSPS Staff Meeting

- Pilot selection criteria presented and discussed
- Need for NSPS Requirements Document feedback
- Planned re-launch of NSPS web site after June 7 union meeting
- Janice Lander presents Program Evaluation proposal

May 24 – Secy England names Mary E. Lacey, technical director of Naval Surface Warfare Center, as program executive officer for NSPS(news release)

May 26 – Pete Brown, Interim PEO, extends e-mail invitations to all DoD unions to a meeting with DoD and OPM in Crystal City. Purpose of meeting is to:

- Establish desired outcomes for this and future meetings
- Understand working groups, focus groups, union meetings and timelines
- Provide opportunity for unions to share concerns on process and timelines

May 27 – Secy England approves formal NSPS OIPT charter

May 27 – Pete Brown Memo on Union Dialogue for Senior Leaders

June 4 – PEO-NSPS Staff Meeting

- Update on preparation for June 7 union meeting
- Web site “release” planned for June 8; existing NSPS web text requires review and editing prior to release
- PEO establishment matters, i.e., charters, draft CPMS operating agreeen physical space, and budget

June 7- First consultation session with union leaders representing DoD personnel on NSPS is held; session co-hosted by Charles Abell, Principal Deputy Under Secretary of Defense (P&R) and George Nesterchuk, OPM

- Unions indicate that Secy Abell's discussion of current human resources system, appeals process, and labor relations system is too broad
- DoD agrees to provide unions with information on what changes in the current system, and NSPS impact on bargaining units and Chapter 71, title 5

June 8 – Mary Lacey physically on board as PEO for the NSPS staff meeting to discuss 7 June Labor/Management Consultation

- Unions still seeking understanding of what NSPS would resolve
- No Focus Group establishment until after July 4
- Unions consider Focus Groups as formal discussions and would want representation at them

June 8 – Revised NSPS Web Site launched

June 14 – Brad Bunn selected as the Deputy PEO for NSPS (memo)

June 24 – In response to the unions' June 7 request for information on what the problems are in the current system, DoD unions receive a document entitled "Interests and Concerns about Current Human Resources Management System"

June 25 – PEO-NSPS Staff Meeting

- Received "thumbs up" from OPM on NSPS requirements document

June 29 – Second in a series of consultation sessions with DoD, OPM, and union leaders representing DoD personnel involves a union discussion of the PEO working groups in the morning session, but unions do not revisit subject of working groups after the lunch break.

June 30 – PEO-NSPS Staff Meeting (Update of June 29 union meeting)

- Conveyed to unions that NSPS is not eliminating Chapter 71
- Union plans to address concerns and suggestions on focus/work groups by COB July 2
- AFL-CIO becomes active participant at end of meeting
- OIPT told that pilot sessions will contain no bargaining unit employees

July 1 – DoD unions provide DoD and OPM with a written proposal that is concerned with how the proposed NSPS regulation on Human Resources, Appeals, and Labor-Management Relations should be developed

July 7 – Mary Lacey e-mails a letter to Byron Charlton, AFL-CIO, emphasizing that the procedures proposed and discussed at the June 7 and 29 meetings offered



the unions opportunities to provide input and to have that input fully considered in the development of the NSPS regulations

July 7 – Pentagon Town Hall Meeting on NSPS hosted by Secy England

July 8 – Byron Charlton response to the July 7 e-mail indicates that the unions object to DoD's plan to proceed with focus groups

July 6-8 – Three initial pilot Focus Groups meet

July 9 – PEO-NSPS Staff Meeting

- Union concerned that NSPS will schedule focus groups
- Involved components told to "pull trigger" on employee focus group lists for July 12

July 9 – Mary Lacey responds to the union coalition objections to focus groups by offering to schedule a discussion with a small group on how to proceed with the discussions on NSPS

July 14 – Mary Lacey and Brad Bunn have initial meeting with Charlie Rogers, CPMS Director, and Cheryl Fuller, Regionalization and Systems Modernization (RegMod) Div., CPMS

July 16 – PEO-NSPS Staff Meeting

- 89 responses to NSPS questions put on web site July 15
- Work group schedules presented for July 27-29
- Army and Navy (D. Snyder and K. Ott) discuss experiences with Town Hall meetings
- Discuss with Defense Business Board on hiring PR firm to present NSPS core message
- Working group options will be run by SAG on Aug 12 and 26, and Sept 16

July 27 – Memorandum from PEO to NSPS Component Program Managers, Subject: Request for Component Nominations for Spiral One.

July 28 – PEO Working Groups convene at One Lafayette Center, Washington, DC to develop and explore options and alternatives as the basis for NSPS design

- Compensation Architecture – Dennis Turner
- Hiring/Assignment/Workforce Shaping – Karen Lebing
- Performance Management – Jim Irwin
- Employee Engagement – Steve Sommers

Aug 16 – Sec England formally charters PEO



Aug 16 – Twelve-page document that outlines various issues and provides some potential design options for NSPS Labor Management Relations and Employee Appeals is presented to DoD union representatives

Aug 24 – DoD union coalition provides a written response to the Aug 16 document by reiterating that the unions' position that the labor relations system must operate within the constraints of Chapter 71, and asks DoD and OPM to justify each identified interest and concern

Aug 25/26 – DoD/OPM consultation meeting with the DoD unions focuses on labor relations and appeals. Working groups are briefly discussed; no request to participate in these groups is made by the unions

Sep 3 – DoD unions are provided a document that outlines various issues and some potential design options for the NSPS Human Resources system

Sep 9 – PEO distributes HR Options paper for Capitol Hill, unions, website

Sep 9 – Deputy PEO sends draft Focus Group report [finalized as attached] and supplemental background on LR/Appeals to employee representatives

Sep 9 – DoD responds to the Aug 24 union coalition statement regarding the NSPS Labor Relations System and Employee Appeals process

Sep 9 – DoD and OPM conduct a meeting with DoD unions identified as non-coalition unions and focus on labor relations and appeals (NAIL and FOP attend)

Sep 10 – DoD/OPM consultation meeting with the DoD coalition unions intends to focus on the document "Discussion of Human Resources Options and Union Interests and Concerns", but is spent discussing NSPS timeline and process due to issues raised by the unions

Sep 14 – PEO formally charts SAG

Sep 14 – Non-coalition unions invited to attend DoD/OPM meeting regarding "Discussion of Human Resource Options and Union Interests and Concerns" (NAIL and FOP attend)

Sep 16 – PEO Working Groups disband and initial brief of PEO Working Group options provided to OIPT

Sep 22 – DoD/OPM consultation meeting with non-coalition unions

Sep 25 – NSPS Requirements Document approved and signed by Secy England

Oct 1 – All DoD unions are provided a copy of the NSPS Requirements Document

Oct 5 – DoD/OPM consultation meeting with the DoD coalition unions focuses on their request for an advance copy of the NSPS regulations, a discussion of the Human Resources system, and the working groups; unions are advised that working groups are no longer formally meeting, but that working group members attend the union meetings, and that changes have already been made to options based on union input

October 14-15 – Individual Work Group experts (leaders) provide presentations at OIPT HR Decision Brief

Nov 10 – OIPT Recommendations to the Senior Executive

Nov 19 – draft NSPS enabling regulation sent to OIPT for review

Nov – PBD 704 (page 32) funds PEO-NSPS for FY05 through FY11, including program development, DCPDS system modifications, and office administration

Dec 1 – Financial Management function implemented in PEO with full time program lead detailed

Dec 13 – DoD/OPM meeting with DoD non-coalition unions focuses on the impact of pay banding and pay-for-performance on firefighter and law enforcement pay (NAIL and FOP attend)

Dec 14 – DoD/OPM consultation meeting with the DoD coalition unions focuses on:

- the timetable for coalition input into the NSPS design
- the coalition response to DoD's Sep 9 letter
- the Spiral One implementation

Dec 15 – Pentagon press conference announcing Spiral One  
Secretary England announces that Spiral One will be rolled out in three phases over an 18-month period beginning as early as July 2005. Spiral One includes GS, GM, Acquisition Demonstration project employees in the Continental US, Alaska and Hawaii, up to 300,000 employees.

## 2005

Jan 13 – DoD coalition unions submit recommendations and comments concerning NSPS

Jan 21 - Defense Secy Rumsfeld meets with Secy England and certifies draft enabling regulation for OMB submission



Jan 23-28 - NSPS Senior Leadership Kick-Off Conference, McDill AFB, Tampa FL

Jan 30 - Kay Cole James, OPM Director, certifies draft enabling regulation

Feb 1 - Department of Homeland Security HR Management System Final Rule published in Federal Register

Feb 10 - Secretary England and OPM Acting Director Dan Blair hold press conference on the soon to be published NSPS proposed regulations.

Feb 10 - DoD and OPM conduct informational briefing at OPM for union representative on soon to be published NSPS proposed regulations.

At briefing, Secy England emphasizes that the process for union involvement was a fair and open process, and reminds them of the previous meetings that provided opportunities for union input.

Feb 11 - PEO formally charters Financial Management IPT

Feb 14 - NSPS proposed regulations issued for employee representative and public review and comment

Feb 14 - PEO provides cost estimate (\$158 million) to implement NSPS

Mar 9 - Sec England approves NSPS financial policies covering base pay adjustments upon conversion to NSPS, January 2006 pay adjustments for Spiral 1.1 employees, and protection of pay pool funding

March 10 - DoD and OPM meet with unions to discuss the meet and confer process and procedures

March 15 - Senate Subcommittee on oversight of Government Management, the Federal Workforce and the District of Columbia Hearing on NSPS - Witnesses: Charles Abell, Principal Deputy for Personnel and Readiness and Co-Chair of the OIPT, and George Nesterchuk, Senior Advisor to the Director of OPM on defense matters.

March 16 - Review and comment period for proposed regulations ends - comment consolidation for NSPS website begins

March 28 - Congressional notification provided on meet and confer

April 8 - NSPS/Labor Management consultation (Key Bridge Marriott) to discuss meet and confer schedule and process

April 12 – House Committee on Government reform, Subcommittee on Federal Workforce and Agency Organization Hearing on NSPS – Witnesses: Charles Abell and George Nesterchuk.

April 14 – Senate Armed Services Committee Hearing on NSPS – DoD Witness: Hon. Gordon England, Secy of the Navy and NSPS Senior Executive, and Dan Blair, Acting Director of OPM.

April 18 - NSPS/Labor Management Collaboration Meeting (California/Texas Rooms) as meet and confer process officially begins with first face-to-face meeting between the DoD/OPM team and union representatives

April 19-22/April 25-28 – Additional face-to-face meet and confer sessions

May 3-4/May 9-10/May 16-19 – Additional face-to-face meet and confer sessions

May 5-6/May 11-13 – Union only meeting days for meet and confer issues

May 13 – President designates Secy England as Acting Secy of Defense

May 23 – Meet and Confer extended to June 2

June 1-2 – DoD/OPM face-to-face meetings with unions are concluded

June 12 – Brad Bunn assumes “dual-hatted” role as both CPMS Director and Deputy PEO

June 16 - Secy England and Acting Director of OPM, Dan Blair, meet with 16 union representatives to discuss the proposed NSPS regulations.

United Defense Workers Coalition presented Secy England with a paper outlining their recommended changes to the proposed regulations. Secy England and Mr. Blair state their commitment to reviewing the unions' recommendations and giving them full consideration. (Meeting considered as concluding meet and confer.)

June 23 – RegMod releases instructions for coding positions with a Pre-NSPS Spiral Indicator. These codes are to be assigned to both Position and Person and allow tracking NSPS participants with a specific spiral increment prior to and after conversion.

June 28 – Linda Springer sworn in as OPM Director

July – GAO Report to Congressional Committees: Human Capital—DOD's National Security Personnel System Faces Implementation Challenges

July 14 – England-Blair letter to Byron Charlton, United DoD Workers Coalition



July 15 – PEO formally announces the release of the web-based Readiness Assessment Tool for Spiral 1.1 units.

Tool has 10 topical areas outlining the major tasks to be completed prior to conversion and after conversion to NSPS. PEO monitoring of progress will be via the tool.

July 20 – ICF Consulting provides final compilation report (hard copy and electronic) of the major public comments to the NSPS proposed regulation

July 29 – Principal Deputy Under Secretary of Defense for Personnel and Readiness Abell announces he has accepted Senator Warners's offer to be Staff Director for the Senate Armed Services Committee.

August 12 – U.S. District Court Judge Rosemary Collyer rules that DHS personnel system does not adequately provide for collective bargaining

August 29 – Appointment of Michael Dominguez as co-chair of NSPS OIPT

October 7 – Collyer rules that DHS cannot streamline its personnel system until DHS collective bargaining produces a contract agreeable to the unions

October 24 – PEO receives final OMB clearance on the final NSPS regulations

October 26 – Secy England and OPM Director Linda Springer press conference announces availability of final NSPS regulations and the notification of Congress --Secy England Memo to the NSPS Workforce

October 27 – NSPS final regulations filed with Federal Register for publication and 30 –day congressional notification period begins

November 1 – NSPS final regulations published by Federal Register

November 7 – Ten unions file lawsuit with Judge Emmet Sullivan, U.S. District Court, to stop NSPS implementation (AFGE et al vs Rumsfeld et al)

November 10 – DHS files with U.S. Court of Appeals appealing Collyer's ruling invalidating parts of DHS personnel system

November 14 – DHS Union coalition counter-files a notice of appeal with U.S. Court of Appeals

November 16 – Unions reach agreement with Dept of Justice, DoD, and OPM to delay implementation of major portions of NSPS until Feb 1, 2006. DoD and unions request a court hearing in January 2006 on the lawsuit.

November 17 – Senate Homeland Security and Governmental Affairs Committee conducts NSPS hearing with Secy England, Brad Bunn, Linda Springer, and George Nesterchuk.

Nov 18 – Sec England approves NSPS pay pool funding policy establishing single DoD-wide minimum pay pool funding floor

November 23 – January 24, 2006, hearing date scheduled on union lawsuit against NSPS

November 23 – Draft NSPS implementing regulations made available to the public

November 29 – PEO Memo to NSPS OIPT and Program Managers informing them delayed implementation of portions of NSPS until Feb 1, 2006, and the case hearing scheduled for Jan 24, 2006

Dec 1 & 2- PEO conducts information briefings for union representatives on draft implementing regulations

Dec 5- Federal Education Association, Inc. (FEA) files suit against DoD and OPM. FEA represents teachers and support staff in domestic and overseas schools.

Dec 13 - PEO (T. Curry, J. Hansohn, D. Turner, et. al.) conducts continuing collaboration session by teleconference with three Fraternal Order of Police (F.O.P.) members

Dec 23 - PEO Memo to NSPS Program Managers informing them of PEO focus on re-evaluation of performance management and placing hold on January NSPS-specific content training.

Dec 28 – PBD 723 (pages 14-15) funds National Security Labor Relations Board (NSLRB) for FY06 through FY11

Dec 29 – Acting Deputy Defense Secy England relinquishes Navy Secy post

Dec 30 - Received comments from United Department of Defense Workers Coalition on proposed implementing issuances.

Dec 30 – President signs FY06 DoD appropriations bill; start-up of NSLRB now possible



2006

Jan 5 – PEO briefs OIPT and receives additional direction on projected work plan for the Performance Management System (PMS) Redesign and Spiral 1 Deployment

Jan 10 – PEO-defined PMS Core Characteristics presented to OIPT for agreement.

Jan 11 – Initial meeting of the NSPS PMS Redesign Working Group

Jan 12 – OIPT approves a reduced Spiral 1.1 implementation plan

Jan 17 – PMS Working Group (WG) presents three design options to expanded OIPT

Jan 24 – Judge Emmet Sullivan, U.S. District Court, accepts a deal to rule on the merits of the union lawsuit (AFGE v. Rumsfeld) by March 1 (thereby delaying NSPS implementation until at least that date); although the PEO can begin standing up the NSLRB, there is no information yet as to when that may begin

Jan 24 – PMS WG briefs expanded OIPT on four design options – an option recommendation is scheduled to be presented by M. Lacey and M. Dominquez to Secy England on Jan 26

Jan 26 - OIPT briefs Dep Secy England on three performance management design options, and after much discussion, the decision is made that the performance management design team will focus on the Purple 1 option.

Jan 31 – PEO sends memo to Dep Secy requesting that Dep Secy determine the effective date for establishing the NSLRB

Feb 1 – Dep Secy England approves PEO memo requesting the determination of the effective date of the establishment of the NSLRB and the issuance of interim rules for the Board's operation

Feb 3 – Kathy Ott, Navy PM, presents NSPS PRD project working agenda for developing NSPS standard PDs at PM meeting, and proposes additional meeting to further discuss project ground rules.

Feb 10 – Component PMs, NSPS PEO, CPMS, and other DoD agency reps attend NSPS PRD project meeting to develop ground rules for NSPS standardized PD project.

Feb 15-16 – As part of the continuing collaboration process, PEO conducts training for union reps on the NSPS HR Elements, including a brief on the proposed performance management system design.

Feb 21 – Second PRD meeting discusses work group rules and position description development process.

Feb 24 – Revised implementing issuances for performance management and revised pay pool provisions sent to unions as part of continuing collaboration process – unions asked to respond with comments by March 24.

Feb 27 – U.S. District Judge Emmet G. Sullivan rules that NSPS fails to ensure collective bargaining rights, does not provide independent third-party review of labor relations decisions, and would leave employees without a fair process for appealing disciplinary actions.

Feb 28 – PRD work groups begin 3-day position description development process.

Feb 28 - NSPS OIPT meets with OSD Counsel Helen Sullivan and unanimously agrees to implement a previously-approved contingency strategy--moving quickly to appeal the District Court ruling. OIPT authorizes Ms. Sullivan to ask the Dept of Justice to proceed with an appeal; estimates the appeal process will take about one year to play through to a conclusion.

March 2 PRD work groups brief Mary Lacey on progress of PRD development.

March 9 – PEO collaboration meeting held with F.O.P. union representatives to update and explain the performance management redesign.

March 10 – PEO representatives provide compensation/performance management briefings to participants attending the Office of Defense National Intelligence (ODNI) Pay System Modernization Offsite in Herndon, VA.

March 17 – Formatted NSPS draft implementing issuances provided to NSPS PMs.

Mar 24 – Union Coalition responds on proposed NSPS performance management system with comments

March 27 – Website release of HR Elements for Managers, Supervisors, and Employees: A Guide to NSPS (HRMagazineS1.1)

March 28-30 – Spiral 1.1 Train the Trainer (T3) sessions held at DFAS, Columbus, Ohio.

April 3 – Website release of introductory course, NSPS 101 .



April 6 – Judges rebuff DHS bargaining statement

Judges hearing the appeal of a lower court's ruling striking down key provisions of the DHS personnel system challenged the DHS central argument that it has the right to overturn union contracts negotiated under the new system.

April 17 – Department of Justice files Notice of Appeal on behalf of DoD and OPM to the U.S. District Court of Appeals for the District of Columbia circuit court.

April 26 – Deputy PEO notifies unions that the Department has completed continuing collaboration and in the response to their comments and recommendations, informs them of the disposition.

April 28 – DepSecDef England approves NSPS Financial Management Policies for Spiral 1.1

April 28 – DepSecDef England signs the directive implementing portions of the National Security Personnel System effective April 30, 2006. The directive established the NSPS Implementing Issuances, or Subchapters, for the Human resources elements of NSPS and provides the details for carrying out certain provisions of the NSPS regulations.

April 30 – Spiral implementation commences.

May 1-5 – Spiral 1.1 completed on time to include the conversion of 4,258 Navy employees along with almost 7,000 other DoD employees.

(Only the compensation and classification, performance management, staffing and workforce shaping provisions components were implemented; a federal circuit court has barred DoD from implementing the remaining component – labor relations.)

May 8 – PEO Compensation Work Group begins sessions.

June 13-16 – PEO convenes an NSPS Spiral 2 Planning Team in Rosslyn to develop the overarching strategy, to identify and resolve any high-level issues, and to insure an integrated approach in the development of the expanded NSPS HR system.

The team explored inclusion of FWS, National Guard, Non-Appropriated Fund (NAF) employees, service school professors, and mariners in the Spiral 2 design/implementation.

June 21-22 – PEO conducts Spiral 1.1 Lessons Learned Workshop

June 22 – CPMS Director's memo announcing CPMS implementation of NSPS in January 2007

June 27-U.S. Court of appeals for the District of Columbia rules that the Homeland Security Department's new personnel system violates laws guaranteeing workers the right to collectively bargain with their employers over workplace matters.

July 18-Aug 1 – Hiring/Workforce Shaping/Pay Administration Working Groups under the NSPS Spiral 2 initiative meet during this time frame on the design of the NSPS blue collar system.

August – The PEO sends a letter to the unions asking how they could be involved in further development of the FWS design. The unions expressed an interest to continue to be involved in pre-decisional meetings regarding design options.

August 10 – Dept. of Justice on behalf of DoD files opening appeal brief with U.S. District Court of Appeals regarding the January 27 Sullivan decision.

August 24 – First large-scale meeting with the OPM NSPS Assessment Review team to discuss details and get the reaction of the PEO staff on the Assessment Team's review approach and to validate what PEO data will be made available to them.

October 1 – Spiral 1.2 commences implementation.

October 4 – Second large-scale meeting of the OPM NSPS Assessment Review team where the Review team presents their schedule for formulating the overall assessment standards; they are expected to be completed by next month for PEO review.

October 24- PEO holds the second Lessons Learned workshop with senior officials of Spiral 1.1 units to discuss mock pay pools, and to assess their usefulness in the implementation of future spirals.

October 26 – Meeting with the unions as part of the continuing collaboration obligations regarding the FWS design. Briefings highlight the proposed design options.

November 27 – PEO meeting with the OPM NSPS Assessment team cancelled due to concern over the inadequacy of the modified assessment criteria provided to the PEO by the Assessment team.

December 7 – PEO meets with OPM Assessment team in short (approx 45 minutes) meeting to discuss assessment issues and present newly modified assessment criteria.

December 11 - An oral argument is scheduled with the U.S. Court of Appeals.



December 18 – Third large-scale meeting with the OPM NSPS Assessment team where newly modified assessment criteria is presented to the PEO staff and invited Component PMs, and implementation transition managers for their review and comments.

December 22 – PEO receives newly modified NSPS assessment criteria for review.

## 2007

Jan 9 – Mary Lacey forwards Dec 22 version of the OPM NSPS Assessment criteria to Nancy Kichak, OPM, with note on a potential showstopper in the criteria.

Jan 18 – Teleconference with OPM on Jan 16 assessment criteria finally spawns agreement and overall NSPS review schedule is discussed.

Feb 18 - Spiral 1.2j, last of the Spiral 1.2 increments, is implemented.

March 6 – Spiral 1.3 commences implementation.

March 6 - The House Armed Services readiness subcommittee debated the new National Security Personnel System that the Pentagon has started rolling out to Defense Department civilians, the first oversight hearing since the NSPS was created in 2003, subcommittee chairman Solomon P. Ortiz (D-Tex.) noted.

In addition, the House Appropriations Financial Services and General Government subcommittee, a new panel, held a hearing on "issues in the federal workforce."

May 1 – OPM provides their completed assessment report of NSPS

May 18 - The United States Court of Appeals for the District of Columbia Circuit released its decision in AFGE vs. Gates (formerly AFGE v. Rumsfeld) regarding the adverse actions, appeals, and labor relations portions of NSPS. The Court reversed the judgment of the District Court and upheld all aspects of the regulations in the appeal. One of the judges from the 3 member panel issued a dissenting opinion.

May 24 - Senate panel approves language that would significantly limit the implementation of NSPS. In a markup of the fiscal 2008 Defense authorization bill the Senate Armed Services Committee voted to repeal the existing authority of the Defense Department to move forward on the labor relations portions of NSP S. The House approved similar language the previous week. The Senate provision would permit Defense to continue developing a pay-for-performance system, as long as such a system is consistent with existing federal labor relations law.

June 4-8 - PEO conducts a Senior Leaders Workshop in Columbus, Ohio. Approximately 300 senior civilian and military leaders attend from units converting to NSPS in all four Components. Technical and policy staff of the PEO, Deputy Undersecretary for Civilian Personnel Policy, and the Civilian Personnel Management Service (CPMS) also attend.

July 2 - Union coalition files a petition for rehearing before the U.S. District Court of Appeals for the District of Columbia.

July 23 - The Department of Justice files an opposition to the union coalition petition for rehearing on behalf of DoD and OPM.

August 10 - U.S. Court of Appeals for District of Columbia denies a motion filed by the AFGE and UDWC for an *en banc* (or full court) review of the Court's May 18 decision.

August 13 - Initial GAO meeting with PEO is held to discuss review of adequate safeguards to ensure fairness and lack of abuse under NSPS.

August 15 - The PEO and CPMS changes and enhancements to the NSPS automated Performance Appraisal Application (PAA) to make it more user-friendly become operative.

August 23 - Union coalition files an appeal of U.S. Court of Appeals August 10 denial

September 17 - The U.S. Court of Appeals lifts its injunction against the labor relations, adverse actions, and employee appeals portions of NSPS.

October 14 - Spiral 2.1 commences implementation.

October 15-18 - The PEO conducts a second Senior Leaders Workshop in San Diego, CA. Participants from all three Components and the Fourth Estate were provided the opportunity to attend a number of PEO-moderated workshop sessions to hear from Spiral 1 senior leaders and session panel members as they discussed such topics as mission alignment, compensation, personnel practices, pay pool planning and structure, job objectives, and training and communication under NSPS.

## 2008

January 7 - A member of the union coalition files a petition for certiorari in the Supreme Court. The government's response is due in March 2008.