

*Fax Cover Sheet**NIMA*

*Executive Office of the President
Office of Management and Budget
National Security Division*

Intelligence, Communications, Command & Control Branch

Date: 25 Sep 96

Number of Attached Pages: 2

Outgoing Fax To:

Jennifer O'Connor

Recipient's Phone:

Recipient's Fax Number:

65820

From: Bryan Smith, Chief, C3I ←

Anthony Wu

Paul Brower

Bill McLeod

Peggy Evans

Arocia Grayton

Telephone: 202 395-4800 30

Classified fax: 202 395-7558

Unclassified fax: 202 456-0752

Comments:

*These talking points from NIMA/GC, Ed O'bloy,
should be useful in addressing the AFGE/LOC
concerns,*

Pony

Talking points to address issues raised in AFGE Local 3407 letter of 28 August, and September 3, note to Ms. Jennifer O'Connor

AFGE letter:

a. The union will not be allowed to expand the bargaining unit or create any new bargaining units.

This was a necessary compromise both within the executive branch as well as with Congress to even permit collective bargaining in the NIMA, an intelligence agency. The alternative was no collective bargaining at all.

b. MSPB rights will be eliminated.

- The Administration's bill proposed MSPB appeal rights for all NIMA employees. The Conference report on H.R. 3230 "National Defense Authorization Act for Fiscal Year 1997" changed the language concerning MSPB appeal rights and modified it to provide only that those employees with such rights upon entering NIMA will continue to enjoy them so long as they remained in NIMA.

- The language could be read to be more restrictive, but the NIMA Implementation Team has been assured by the congressional staff, that result was not intend.

- Attempts to propose a "technical amendment" to eliminate any ambiguity on this point are being pursued with the SSCI for inclusion in the Intelligence Authorization Act for FY97.

- The DOD is considering implementation regulations that will interpret the language to provide MSPB rights, grandfathered to all that enter NIMA with those rights, for as long as they remain in NIMA.

c. The Agency Director will be able to identify positions in the bargaining unit (He would then have the power to eliminate a lot of our members) This has been done in the past.

- This is referring to the authority the D/NIMA will have to decide that certain positions are no longer consistent with collective bargaining under the same legal standards applied by the Federal Labor Relations Authority (FLRA).

- This authority was in the Administration's bill and part of the compromise to continue collective bargaining within an intelligence agency.

d. Excepted Service will be implemented.

- The implementation of "excepted service" in the NIMA was part of the Administration's bill. Also, since NIMA will be an intelligence agency within the DOD, it will be included in the DOD civilian intelligence personnel system as provided in the DOD Authorization Act for FY97.

- All intelligence agencies are in an excepted service personnel system.

- These matters were fully vetted with AFGE Local 3407 leadership at the time the NIMA legislation was being considered by Congress in a meeting hosted by Senator

Mikulski's staff.

Letter to Ms. O'Connor

- NIMA will be designated an intelligence agency by law.

- An important reason for establishing NIMA is to bring together the mapping and intelligence activities that use common sources. The result is improved support to the warfighter and national policy makers through the synergism that occurs.

Comments from Mr. Wiley Pearson (September 9, 1996)

I spoke to Mr. Wiley Pearson. He assured me the national does not support this effort by local 3407. The points he asked me to make are:

a. They are very satisfied with the efforts of the NIMA Implementation Team and were appreciative of our efforts to keep them apprised and involved. He sees *no bad faith* on the part of NIMA or the Administration.

b. Because of the lack of continuity in leadership of local 3407 (The president the NIMA team worked with retired and Ms. Meny is a newly elected president of the local) the National has not been able to spend the necessary time on this matter with the new leadership.

- Pearson fully understands that the alternative to what is in the NIMA legislation is no collective bargaining in NIMA.

- He understands NIMA is working to promote a technical amendment to clear up any ambiguity on the matter of MSPB appeal rights.

c. The National realizes this is unique and strongly supports the current legislation and will work to get the local "on board." The National is giving the NIMA legislation its "whole hearted support."

EXECUTIVE OFFICE OF THE PRESIDENT

16-Sep-1996 05:11pm

TO: Jennifer M. O'Connor
FROM: Phebe N. Vickers
Office of Mgmt and Budget, NSD
CC: Bryan R. Smith
SUBJECT: Phone Call

Sorry we keep trading phone calls. Just in case you are calling about NIMA, Bryan Smith might also be able to help. His number is 54830.

9/19/96

Bryan -

can you please call
me re attached.

Thanks!

- Jennifer O'Connor
6-6350

Copy to 9/23

Bryan
Smith
in OMB

September 3, 1996

MEMORANDUM FOR GORDON ADAMS
PHEBE VICKERS

FROM: JENNIFER O'CONNOR 

SUBJECT: NIMA

How do we respond to this note and/or these concerns? Please call me at 456-6350 to discuss. Thank you.

9/3/96

TO: Jennifer O'Connor (202-456-5820) F

FROM: MARILYN MERRY (301-227-4041) F

SUBJECT: NIMA

This is the letter I faxed most of the senators. My number is 227-1008.

This is bad for the entire labor movement. Also, federal employees have been downsize furloughed, they have had their benefits endangered and now their rights too!

I believe the suggestions in this bill would be a serious mistake if implemented we are still a "mapping" agency not an "intelligence" agency.

Thanks

AFGE Local 3407**American Federation of Government Employees****PO Box 443, Glen Echo, MD 20812****(301)227-1008**

26 August 1996

The Honorable Senator
Washington, D.C 20520

Dear Senator

My name is Marilyn Merry and I am the president of AFGE Local 3407 at the Defense Mapping Agency. My letter is regarding the bill S1745, the National Defense Authorization Act for Fiscal Year 1997.

I have a number of concerns about the bill, all regarding the rights of the employees and the reorganization of the Defense Mapping Agency (DMA) with other agencies to form the National Imagery and Mapping Agency (NIMA). Items in the bill causing me concern are the caveats that:

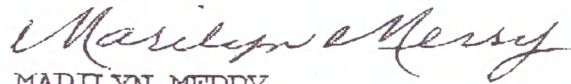
1. The union will not be allowed to expand the bargaining unit or create any new bargaining units.
2. MSPB rights will be eliminated.
3. The agency Director will be able to identify positions in the bargaining unit (He would then have the power to eliminate a lot of our members). This has been done in the past.
4. Excepted Service will be implemented.

I see no evidence that the DMA unions were at the table endorsing or protesting "Excepted Service". I am pleased we have a partnership program and in honor of it I have not examined the Excepted Service issue closer or filed any Unfair Labor Practice (ULP) charges. I do not see evidence of "How" collective bargaining will be handled since it would be a "historic" practice to have a union under "Title X" guidelines at the newly created agency. I have been told the union would be "informed" of practices and procedures, not that issues would be "negotiated" or run by the union prior to implementation of a practice. Perhaps a lot of ULP's will have to be filed or should have been filed!

I request your support by rewriting the bill to allow the expansion of the bargaining unit and the creation of a new bargaining unit. Please maintain MSPB rights. Please remove the Director's authority to assign positions in the bargaining. I believe "competitive service" instead of "excepted service" is consistent with the DoD environment and should remain so at the National Imagery and Mapping Agency.

I appreciate your cooperation and assistance.

Respectfully,

A handwritten signature in cursive script, reading "Marilyn Merry".

MARILYN MERRY
President/Steward AFGE Local 3407