

**Testimony of Elaine Downing, Vice President  
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**Before the**

**House Committee on Natural Resources  
Subcommittee on National Parks, Forests, and Public Lands**

**Regarding**

**Restoring the Federal Public Lands Workforce**

**March 19, 2009**

Thank you, Chairman Grijalva and distinguished Committee members, for the opportunity to submit the following testimony.

My name is Elaine Downing. I serve as the Vice President of the National Federation of Federal Employees (NFFE), Local 2152, representing approximately 600 Bureau of Land Management employees throughout the state of California. Additionally, I keep in close contact with numerous employees from other BLM offices, both represented by NFFE and other unions.

Overall, employee morale within BLM is relatively low, as evidenced in the recent government-wide employee satisfaction survey. I believe the results of the employee satisfaction survey actually misrepresent the true level of employee morale. In my estimation, morale is lower than the survey indicates, because many employees are fearful of retaliation if they answer the survey honestly. Many rank and file employees do not believe that the survey is actually anonymous, regardless of the agency's assurances, and many chose not to even respond to the survey.

It is difficult to point to one or two solitary reasons for low morale, as there are a multitude of reasons for low morale within the Bureau. What I hope to do is to explain some of the more often heard complaints that the union hears and witnesses in representing employees, or has experienced firsthand. Our issues revolve around ethics, labor relations, workforce planning, resource protection, performance appraisals and awards, and the balance between home- and work-life. In my testimony, I have also included recommendations for improvements regarding some of these concerns.

**Workforce Planning**

There is much concern among rank and file employees at BLM that upper level management officials do not adequately manage how the work within the department is done. With critical vacancies in the field for long periods of time, new software implementations that are impacting all programs, unprecedented wildfire seasons in California, national emergencies like Hurricane Katrina, and alternative energy development mandates, employees at BLM are constantly trying to handle too many top priorities at once.

In my opinion, far too high of a percentage of agency resources are allocated toward supporting higher level managers residing mostly in district and state offices, while the field offices, where the majority of the agency's mission is actually accomplished, get too small of a percentage. Many field offices are severely understaffed and overworked. There is also concern that management officials build hierarchies to protect their position and grade at the state and district levels, while leaving protracted vacancies in critical positions at the field level. Having too many managers and not enough rank and file employees to do the work has several undesirable consequences; it is a waste of much-needed resources, it causes understaffing of critical positions, it causes rank and file employees to be overworked, it has a tendency to make rank and file employees feel micromanaged and pulled in different directions, and it ultimately hurts the ability of the agency to carry out its mission.

Some people, particularly high level management officials, will point to budget shortfalls as a primary cause of low employee morale. It is true that most employees are disheartened by inadequate funding within their programs. However, we hear more complaints about the lack of integrity in how and which vacancies are filled than complaints of a shortfall of appropriated funds.

Here is an example of the kind of action that has frustrated BLM workers: Management will allow for the advertising of a realty specialist position in an office where there is already one or two, while in the same period, the agency will leave a critical realty specialist job in a field office vacant for months, even though that field office does not have a single realty specialist on staff. Failing to fill this critical vacancy tied the hands of the agency so that it could not carry out a key function. That field office was unable to process alternative energy development applications for a period of several months. In this critical time of alternative energy development, this should not have been allowed to occur. We see lots of cases where BLM inappropriately fills non-critical vacancies ahead of critical ones in this way. It hurts the mission and it frustrates workers.

Additionally, upper level management seems to lack an ability to manage workload. Rank and file employees at all levels, but particularly in field offices, are bombarded by data requests and work assignments from many sources including: Washington office, state office, district office, other field offices, etc. In my experience, management places very little if any emphasis on BLM employees following a chain of command when requesting work to get done. There is also little to no guidance for employees to make decisions on how to prioritize their work. In addition, there is a considerable volume of work that comes through the door that BLM employees are forced to perform, but the time it takes employees to handle these duties is often overlooked by management. BLM employees often feel they are getting pulled in too many directions at once, and they are unsure of how to prioritize their assignments. This common problem has hurt morale at BLM.

### **Law Enforcement Officers**

For law enforcement Rangers at the California BLM, morale is particularly low. These Rangers are responsible for protecting resources and public safety across 15.2 million acres in California and 1.6 million acres in northwestern Nevada. The Law Enforcement Ranger program started in the California Desert District with the passage of the Federal Land Policy Management Act

(FLPMA) of 1976, which specifically mandated the focus toward protection of natural resources within the California Desert Conservation Area. There is strong pride in California for that reason.

Prior to 9/11, the ranger corps of BLM was dedicated to resource protection as prescribed under FLPMA. After 9/11, and with the formation of Homeland Security, several high level BLM law enforcement officials were hired into the Bureau from outside the agency.

Generally speaking, these new managers were less oriented toward natural resources and more focused on homeland security. These new law enforcement managers also brought a stricter, more militaristic style of management to the Ranger force. This shift in focus has caused a lot of distress for many BLM law enforcement rangers and field office managers. Confusion as to who these law enforcement officers answer to and who can delegate the work to them, is beginning to cause friction within the offices, and it is affecting morale for all. Recent funding earmarked for the California Desert Ranger program has not found its way to California, and there is a growing concern that it was sent elsewhere.

A common concern we have heard from BLM law enforcement Rangers is that upper level management does not value law enforcement officers with natural resource backgrounds. Many law enforcement Rangers have speculated that they were passed up for promotion because management was promoting from outside the agency for higher level positions. In addition, our union has had to defend several Rangers against what I would consider to be questionable disciplinary actions. These suspect disciplinary measures have had a strong tendency to be taken against Rangers with natural resource orientations, hired before the creation of DHS. Regardless of whether there is any validity to the concern some law enforcement Rangers have that they are being treated unfairly, there can be little doubt that morale has fallen due to the perception that they are not being given equal treatment.

### **Consolidation of Functions**

There are two specific groups of employees at BLM that have recently been targeted for consolidation, the Information Technology (IT) and Human Resources (HR) personnel. Even though we as a union do not represent the HR staff (BLM considers them “confidential employees,” and therefore outside the bargaining unit), they are our coworkers and are a critical part of our mission. I will use this venue to share some of their major concerns.

In 2005, BLM’s Executive Leadership Team (ELT) started discussing a new initiative called “Managing for Excellence.” This initiative was supposedly developed with the aim of improving effectiveness and cost efficiency within BLM. Our union believes there were areas that needed to be improved, but the agency has not demonstrated that the changes they have implemented, nor the changes they are planning for in the future, have saved or will save any funds or improve efficiency.

In fact, one of the primary decisions the team made—to put the three tier system (as opposed to the two tier system) back in place—will most likely hurt efficiency within BLM. The three tier system adds another layer of bureaucratic supervision to the field offices, which are actually

accomplishing the work right now, and could accomplish much more if they had adequate staffing.

According to the ELT's frequently asked questions document about the restructuring, the rationale for moving to a three tier system read as follows "We've learned that being closer to the ground with a three-tiered organization allows us to provide better service to the public and better quality control. It also gives us the opportunity to reduce duplication and overhead services."

I respectfully disagree with this conclusion, and have seen no evidence to substantiate it. Adding a third tier does not accomplish what they have claimed it does. Having worked in an office that continued to have a district office (three tiers), while others went to two tiers, I have found that the district does not bring consistency to the field offices. Rather, it adds a layer of management that is costly and unnecessary. It also seems to justify additional grades to those employees who often have the same knowledge, skills, abilities, and responsibilities as our field office staffers. I do not believe that adding this layer of management eliminated any meaningful duplication of effort or overhead. The three tier system has actually created more overhead and duplication of effort.

Another one of the Managing for Excellence decisions was to transfer the functions of IT and HR to a central location in Denver, Colorado. This decision alone is responsible for a drastic decrease in employee morale. Not only has it impacted the IT and HR employees, but it has affected all of the employees throughout the BLM.

Our most experienced IT and HR employees have begun looking for jobs elsewhere in their same communities. Those who are mobile have started looking for jobs outside of BLM. Promises of assistance regarding career counseling have yet to be fulfilled. Shortages in HR have been very difficult to overcome, creating a backlog of work, especially during fire season. In my estimation, it is taking several months longer on average to fill vacancies. Most employees at or near retirement age feel as though they are being forced into retirement, while others are taking voluntary downgrades, sometimes 3 or 4 grades below their current level, in order to end the uncertainty of their future.

The initiative came with promises of union involvement, but we have only been engaged in an ad hoc fashion. A Washington Office management official said it is the responsibility of the state offices to negotiate with their local unions. However, local labor relations employees in the state office cannot engage in meaningful discussions on topics when they do not know what is going on themselves and they have not been included in the initiative planning. In fact, there has not been as much as a conference call to collaborate and discuss the impacts of these changes on BLM employees. A labor-management partnership council would be extremely helpful in addressing employees concerns with regard to this reorganization.

Although, I have stated our union would like to bargain the impact and implementation of this reorganization, I would like to make clear that we are adamantly opposed to this reorganization. We are confident that this change will hurt BLM's ability to perform HR and IT functions. This initiative is very similar to the changes the U.S. Forest Service made a few years ago to

centralize IT and HR functions to Albuquerque, New Mexico. By many accounts, Forest Service's reorganization has been a disaster, yet BLM is intent on going down that same road. A reorganization of the IT and HR functions at BLM will be damaging to the agency and promises to be a tremendous waste of tax-payers' dollars. BLM is going to lose immeasurable institutional knowledge and talent as a result of this reorganization.

In addition to the problems I have already discussed, the process that has been developed using USAjobs.gov has become a tremendous source of frustration for supervisors and HR specialists, as well as applicants who want to work for the Bureau. Most non-federal applicants, as well as current BLM employees, have found this system to be overly burdensome and give up after being aggravated by the software system. In a recent job application for a realty specialist, there were over 80 questions that had to be answered in addition to submitting a comprehensive resume within the structure of this system. This is hurting the agency's ability to recruit the talent it needs to carry out its mission.

### **Employee Performance Appraisal Plans and Awards**

In 2005, the Office of Personnel Management (OPM) required BLM to switch back to a five level performance appraisal system from a pass/fail system. The handbook is clear and concise, describing a comprehensive system to develop critical elements, how to measure or quantify the level of performance, and the proper procedures for rating employees. However, implementation of this system has been very problematic.

Our union has reviewed a myriad of performance appraisals throughout the state of California. When reviewing these appraisals we have discovered that typically everything that is listed in the position description is listed in either one or two critical elements, while the quantifiable measurements are ambiguous and subjective. Favored employees of course, get glowing reviews and non-favored employees are saddled with having to defend themselves against vague, subjective, and indefensible measurements. BLM needs to do a better job of creating appraisals that accurately describe the critical elements and performance standards of employees' duties. Until these performance appraisals are done properly, BLM employees will continue to experience great frustration in the performance appraisal process and eventually become disengaged.

The system would work well if the agency would implement a structure for annual oversight and make a commitment to adequately train all BLM employees. I believe this change would lead to tremendous improvements in morale, performance and accountability. All too often, we find government agencies are blaming the inadequacies of a system on the structure of the system, when the real problem is the lack of training, oversight, and accountability.

There is no oversight on appraisals within each state or within the agency. There is no consistency from employee to employee, office to office, or state to state, in both how they are written and how employees are rated. I recently had the opportunity to discuss this issue with a realty specialist from New Mexico BLM. This realty specialist had only one critical element on which to be rated, and that was "safety." It stands to reason that a GS-11 realty specialist would

have at least one critical element having to do with something other than safety. This example shows that BLM is not following OPM guidance in determining critical elements.

Likewise, the awards system at BLM is highly flawed. There is little attempt by BLM to conduct oversight to ensure consistency. Management officials in the state offices do not review performance appraisals and ratings for quality or consistency and awards may or may not be tied to them. Some offices give token awards to everyone. The only person that we know of that reviews the appraisals and awards in the state of California office is a human resource specialist whose only objective is to make sure the documents were received. There needs to be more fairness and accountability in the distribution of awards and it should have a nexus to performance.

### **Alternative Pay Systems**

We have been closely monitoring so-called pay-for-performance systems that have been developed and implemented at other agencies. We think it would be a very bad idea for the Department of Interior to attempt a move to a subjective pay system like ones that have been developed at the Department of Defense and elsewhere. These alternative pay systems have had a poor record of success in the federal sector, and in my opinion, the BLM lacks many of the prerequisites for a fair, transparent, and effective merit pay system. The only way a pay-for-performance system would work in the federal sector is if there was a fair, objective, and consistent appraisal system; real accountability demanded from managers; a true 360-degree performance review of each and every employee, including top management officials; and a significant increase in funding to support the pay system. All of these requirements are a tall order to achieve in BLM. Increased funding is particularly difficult with constant pressure to contain the expense of government services.

### **New Technology**

The effects of the newly implemented software for government travel (GovTrip) and the new Financial Business Management System (FBMS) system, has been problematic. BLM is unable to pull reports, pay vendors, reconcile accounts, transfer funds, or process travel authorizations and vouchers in a timely manner. Travel vouchers that once took approximately one hour, now take several hours or even days, depending on the availability of the software system. The software is not user friendly and we have heard many complaints from users at all levels, including management officials. This is affecting all BLM employees across the agency.

Practically everyone at BLM has been negatively affected by the transition to these software programs. The acronyms used in the new FBMS are not user friendly and very little guidance and training has been provided. Employees have been forced to learn the software by soliciting help from someone else who has had training. It is inconvenient for an office to rely on just one person for this kind of expertise, which is often the case. Any one person could be out of the office for an extended period of time. BLM employees are in need of more training on the new software. This is not just a matter of employees not liking change. It has been extremely aggravating to all employees because they are unable to perform their duties.

## **Labor Relations**

Under the previous administration, California BLM management became almost completely unresponsive to union concerns. Under President Bush, a lot of the Clinton era Federal Labor Relations Authority (FLRA) guidance used to facilitate labor-management relations was disregarded, and it caused a lot of confusion about how to resolve labor-management disputes and how to handle unfair labor practices (ULPs). Not only was this action antagonistic toward labor unions, I believe the confusion caused by this move cost taxpayers millions of dollars in lost time and efficiency, as labor and management struggled to establish new terms for their relationship. This is particularly true within BLM where labor-management relations became extremely difficult and burdensome.

Management officials do not come to the table to negotiate collective bargaining agreements in California BLM. They delegate the task to labor relations specialists. They do this because the State Director and the Associate State Director do not seem to care about employees' concerns relating to working conditions and morale. Our current contract calls for quarterly meetings between the union and our State Director or his Associate to discuss problems. During the last eight years we have yet to meet with the State Director or his Associate.

Our union is hopeful that Congress and the new Administration will re-establish basic labor-management relations at BLM. We believe that a labor-management partnership council, like the one in place at the Forest Service, would be an effective way of bringing employee concerns to the attention of management and addressing them.

Some agencies have elected to retain their labor-management partnerships when both labor and management found it to be an effective avenue to address issues impacting labor relations. In contrast, BLM was very quick to terminate their state and national partnership councils when the opportunity arose. Employees within BLM have seen the lack of follow up on numerous issues that have been brought to the attention of management. There is serious disconnect between management and the employees of BLM that we would like to see resolved by reestablishing partnership councils.

### **Disparate Treatment between Managers and Rank and File Employees**

Our union has witnessed disparate treatment between managers and rank and file in many different areas. This disparity exists in the awards program, performance appraisals, training, accountability, discipline, and in the addressing of unethical behavior.

For example, a management official who was caught with inappropriate material on a BLM-issued computer was disciplined with a suspension, while rank and file employees would be, and have been, fired for virtually identical offenses. This unfairness has caused a lot of frustration among BLM employees.

Management officials and management-favored employees have often been allowed to violate agency policy regarding such things as: internet use and security; use of government vehicles; use of government equipment for personal use; improper reimbursement during official travel for

personal business; agency policy on pets; and fiscal accountability. Morale would be better at BLM if the same rules were applied to and enforced on everyone.

Management team meetings during lean times of budget are often held at resort locations, which are not well received by employees who have been told there is not enough money for their project, training, awards, office, field supplies, or to implement safety committees as per our collective bargaining agreement and the law. Disparate treatment between management and rank and file workers, at many different levels, is hurting morale at BLM.

### **Whistleblower Protection**

Our union believes that current whistle bower protections, as they have been enforced by the Office of Special Counsel, are inadequate to protect federal workers. Whether it is through stricter enforcement of existing whistleblower protections, or through legislation, we strongly support strengthening these key protections, which are such a critical element of government accountability. BLM employees are in desperate need of a Special Counsel that will protect employees who open themselves up to reprisal when coming forward with information on waste, frauds, and abuse. Until a better system is put in place to ensure accountability and protection from retaliation and adverse actions against whistleblowers, BLM workers will be reluctant to come forward. Inadequate whistleblower protection at BLM has hurt morale within the department.

### **Going Forward With Optimism**

Going forward, I and many other employees at BLM have a strong sense of optimism that our work environment will begin to see marked improvement. We strongly support the efforts of President Obama and Secretary Salazar to bring integrity and accountability back into the Department of Interior workforce. The agency will be well served by reevaluating the ethics regulations and removing politics and ideology from Bureau decision making. There are hundreds of talented and dedicated employees working throughout BLM who love their job and love their country. To most of us, working for the American people at an agency that allows us manage our country's natural resources, is very rewarding. I consider it a dream come true. We are surrounded by beautiful scenery and are charged with its protection. It is an honor of mine to come to work each day.

### **Conclusion**

In closing, I would like to thank you again for this opportunity to provide testimony. Employees at BLM have had a lot to say about morale but have lacked the venue to say it. It is a great relief to finally voice some of these concerns before such a distinguished panel. We commend this Subcommittee for asking BLM employees for their concerns and evaluation of employee morale at the department. I will be happy to respond to any questions you may have. I can be reached at [Elaine\\_Downing@ca.blm.gov](mailto:Elaine_Downing@ca.blm.gov).