

Winds of Change

We would like to welcome the eight new members to the Broadcasting Board of Governors: Chairman Walter Isaacson and Governors Victor Ashe, Michael Lynton, Susan McCue, Michael Meehan, Dennis Mulhaupt, Dana Perino and S. Enders Wimbush. AFGE Local 1812 is looking forward to working with you to create a positive dialogue on behalf of the nearly 850 bargaining unit employees we represent. President Obama, in Executive Order 13522, has laid out an ambitious agenda in creating Labor-Management Forums to improve the delivery of government services. That has been, despite what you may hear from anti-Union elements within the Agency, our goal. As one philosopher so aptly put it: Life is not about avoiding the storm, it's about learning to dance in the rain.

Still the Same

The results of the 2010 OPM government-wide employee survey have been released and the results for this Agency are the same. According to Ed O'Keefe and Joe Davidson of the Washington Post:

“Like two years ago, the Broadcasting Board of Governors was last in all categories...”

In the first Brown Bag meeting regarding the survey results, the discussion, at the direction of IBB Deputy Director Dan Austin, revolved around the Performance Appraisal Process. This was not a major issue according to the latest survey. In response to the question “My performance appraisal is a fair reflection of my performance” the government-wide percentage for a positive response was 68.4%. In this Agency the positive response rate was 66.1%. Not that great a difference. The meeting, with those in attendance being mostly managers and supervisors, soon degenerated into a complaint about how hard it was to remove employees using the PAR process. That says a lot about the problems in this Agency.

It appears that Agency management is determined to ignore the real problems. The category in which the Agency scored lowest was “leadership”. In response to questions such as “My organization's leaders maintain high standards of honesty and integrity”, the Agency's positive responses were more than 15 points lower than the government average and the

negative responses were more than 10 points higher. The failures of the Agency's leadership is where the focus needs to be placed.

The Partnership for Public Service uses the OPM survey to construct its “Best Places to Work” ratings. Those ratings are expected to be released this September.

We'll have more information on this subject as it becomes available.

Money for Nothing

When AFGE Local 1812 participated in the Agency Task Force on Money Awards we were shocked to learn how many management officials were given cash awards the previous year.

To recap management performance at this Agency (as measured by OPM's Human Capital Resources Surveys), this Agency's management was rated as dead last in the 2008 results. The previous two survey results were not much better.

How did it happen that when it came to award money, over 92% of Agency management received a cash award? The OPM surveys indicate the management here is failing but the awards system says that nearly all management officials are doing such a great job that they deserve an award. Something doesn't add up.

Could it really be that it is the 7.7% of all Agency management officials that did not receive a cash award who are responsible for all the mess? If so, they should be easy to locate and root out – there aren't that many of them.

All kidding aside, there is obviously a problem with the awards system when almost everyone in a management position gets a cash award while being rated as the worst management in all of the Federal government.

The Law Is The Law Except When The Agency Says It Isn't

Three years after a federal arbitrator had found that the Broadcasting Board of Governors violated the Negotiated Labor Management Agreement and the United States Information and Exchange Act of 1948 (Smith-Mundt), the same arbitrator has told the Agency what it must do to “make things right.” In a ruling dated June 15, 2010, Arbitrator George E. Marshall has ordered the Agency to open all vacancy announcements to U.S. citizens ONLY and, if no suitably qualified applicants are found, the vacancy announcement can then be advertised for U.S. citizens and non-U.S. citizens. The ruling said, in part, “If any U.S. citizens are deemed suitably qualified for a position (even if a non U.S. citizen is also qualified) ... the U.S. citizen must be hired.”

The ruling also orders the Agency to cease its misinterpretation and misapplication of Smith-Mundt and provide members of the bargaining unit – U.S. citizens - employment and promotional opportunities.

This case involves several employees who had said they were passed over for promotion in favor of non-U.S. citizens. The Smith-Mundt Act clearly states that practice is illegal.

For three years, AFGE Local 1812 has been trying to develop a remedy with the agency through negotiations however the Agency did not provide reasonable proposals.

If the Agency appeals - and we suspect they will – it speaks volumes about its commitment to the fair treatment of those of us who toil in the trenches everyday. We hope this time the Agency will stop its misinterpretation of the law and will stop its incessant denial of the obvious.

If you ask the Agency for an explanation, you'll hear nearly incomprehensible arguments such as this: we hired her/him and promoted her/him because we know s/he will eventually become a U.S. citizen. That makes as much sense as applying for a job to drive an 18-wheeler by promising a prospective employer that you'll eventually get your commercial driver's license. In the real world, such things do not happen.

This Agency lives in a world where the law simply does not apply, except when it wants it to. All the while, it punishes the “little people” for not respecting and obeying the law.

Agency management demands respect. If it wants it, it should stop cherry-picking which laws it chooses to obey and which ones it applies with an even hand.

At a time when the unemployment rate in this country has hovered near the 10 percent level for months, it's nice to know that an arbitrator is standing up for the rights of citizens.

It's Not Worth Doing

If It's Not Done Right

Whether in the public or private sector, change is a difficult thing. Invariably, it creates tension and insecurity, or exacerbates existing insecurities among employees. It's a challenge for managers, and the “rank and file”. The methods managers use to clearly communicate objectives, and the reactions of those who are being asked to implement the changes, can determine whether the venture succeeds, or fails, or falls somewhere in between.

And so it is in the various “entities” under the BBG. For a long time now employees of one of those organizations, VOA, have been on standby on the runway leading to a long-promised reorganization. For more than a year, the management of the IBB and VOA beneath it has pledged repeatedly, in response to questions raised by employees, that the final act is still to come.

A major focus of the reorganization, as has been obvious for several years, is the transformation of VOA into a deliverer of news and feature programming using multiple platforms. This has impacted language services, some of which (Russian to cite one major example) have been turned into Internet delivery operations.

VOA's Central News Division has struggled to meet growing demands of language services, growing out of the review process. In the main newsroom on the first floor of the Cohen building, two major changes have been underway.

A new Managing Editor for Online Operations has been busy attempting to transform the VOA web site, based on frequent assessments of metrics that rate certain news stories based on their popularity among users (or readers) of the VOA site. There is no mystery to this.

It's specifically aimed, as one VOA manager put it, at “driving traffic to the site.”

VOA's English broadcast operations, which it is now abundantly clear was deliberately targeted in recent years for elimination, have been injected with some new life with the advent of a regional “hub” system. Much of this might be viewed as good news. But it usually pays to look a bit farther beneath the surface. In recent weeks, two long-time VOA employees – one a veteran English newscaster, the other a four-decade veteran broadcaster and correspondent – issued farewell notes to colleagues.

For those who were not on the receiving end of these messages, here's an excerpt from one of those notes:

“Some of the reasons I'm leaving are professional: I have watched with dismay over recent years as the VOA was hollowed out and its voice muffled. The siren call of ‘new technologies’ is sounded although some of those technologies serve to narrow user horizons to existing biases rather than expand them as is the promise of radio. All these considerations have informed my decision to retire. But,

ultimately, the [per]suasive reason was this: the experience and abilities of the professional staff of the VOA no longer seem valued. And so, when what you bring to the table is not well received, it's time to take it elsewhere."

The other departing VOA employee had this piece of advice to those remaining: "Don't let the bullies get you down". Considering the turbulent history of management-employee relations in this place, it may be easy (and predictable) for managers here to dismiss such comments. "It was time for them to leave" is one reaction heard in the wake of these notes. "They were just emotional after so many years" another suggested.

To other ears, and based on information making its way out of what on surface might appear a happy ongoing transformational process with bright-eyed enthusiastic workers focused like a laser on the new multimedia future, departing messages such as these point to a working environment that for some has become hostile, in important respects.

Apart from the examples cited above, it seems there are legitimate reasons to be concerned about the willingness, or even any basic interest, that BBG and IBB management have to address specific concerns that have been voiced repeatedly over at least the past year by some long-time employees in VOA's central news division, as the reorganization moves ahead (whenever it actually does formally begin).

Where the working environment is concerned, it appears that some of those attempting to voice concerns have been labeled by management as complainers, assessed as troublemakers resistant to the process of change pointed to earlier in this commentary.

In the case of Central News, those raising concerns about, among other things, a metrics-driven overhaul of VOA's web site, include individuals with extensive proven experience as analysts and correspondents, have apparently been placed in the middle of a bull's eye.

For the purpose of this commentary, we will leave aside the specifics but will observe that they have to do with concerns about quality, consistency, and news judgment regarding material on the VOA web site, questions about work load and work flow growing from new demands placed on employees, training issues, and other questions that should be of concern in an organization whose charter contains the words "accurate, objective and comprehensive."

Recently, management took a group of employees to a retreat/workshop in South Carolina, an event (at a reported \$1700 cost per person) that was billed, as an emailed invitation put it, as an opportunity for some employees to become "evangelists" for the reorganization. There should be concern about the extent to which conversations in this week-long retreat may have focused on how to deal with employees already labeled as malcontents.

IBB and Central News management have been telling employees for months that "reorganization" is just around the corner. Now, managers are calling employees to meetings

designed to convey what it is hoped will come out of all of this, with the latest target for implementation being Labor Day. Meanwhile, management's response to those raising reasonable questions about how key aspects will work in practice, and their impact on the news product, has often been dismissive, at times condescending.

In an organization that scored the lowest in employee satisfaction in the Federal Human Capital Survey, there is good reason for IBB managers and their BBG overseers – including the incoming board – to pay attention to those who are raising important issues, as bothersome as these may be to those charged with ensuring that the new media wave does a thorough job of sweeping everyone along in its path.

Some VOA managers seem to appreciate the importance of this. Not all corporate memory is bad, and can helpfully inform the process of change.

Unfortunately, others seem determined to simply march forward, continuing to label some of the most professional and productive employees the agency has as rebels, about whom the easiest observation some managers would make is as it was for those who recently spoke out on departure with as much candor as they could, "It's time for them to leave."

Whistling In The Dark

Most of us labor under the assumption that the Federal Whistleblowers Protection Act provides real protection and anonymity to federal employees who spot fraud or wrongdoing by management. That is not exactly the case according to the National Whistleblowers Center (NWC) in Washington. During a presentation to the AFGE Local 1812 Executive Board, Richard Renner, the Legal Director of the Center, cited several rather large loopholes in the laws which do not provide the legal protection we all thought we had.

AFGE Local 1812 continues to strongly urge employees to be on the lookout for managers who waste taxpayers' money or seek to circumvent the legal framework in which they operate such as violating employee rights.

AFGE Local 1812 offers this suggestion: Instead of filing a complaint with the Agency's Office of General Counsel or the State Department's Inspector General, check out this website for further information and advice on how to be a whistleblower without fear of reprisals, such as losing your job. The website is: www.whistleblowers.org.

In addition, there are currently two bills in Congress to strengthen whistleblower protections. The House bill is H.R. 1507 and the Senate version is S.372. The NWC supports the House version of the bill and has determined that the Senate version has many problems. The NWC would like you to contact your Representative and Senators and let them know you support the House version. AFGE Local 1812 fully supports you doing so. **DO NOT DO THIS ON GOVERNMENT TIME OR USING GOVERNMENT EQUIPMENT.**

Morale Morass

Part of the problem with morale in this Agency is the cruelty, the downright inhumanity, of those meting out discipline. The extreme harshness of some disciplinary measures affects almost everyone of us worker bees. Removing people – human beings with families, mortgages, car payments – for a single offense of time and attendance irregularities or for making long distance personal telephone calls is, for lack of better words, uncalled for. Discipline yes. But insisting on the nuclear option of removal borders on the pathological.

When we hear about these transgressions and subsequent removals a lot of us rationalize it by saying that the employee shouldn't have committed the offense. It's true they shouldn't have but no one is perfect. Everyone has committed some infraction of the rules along the way whether management officials choose to exploit it or not. You'd have to be Superman to escape their clutches once they decide to go after you. As the saying goes "there but for the grace of God...".

Consider the telephone abuse issue. It wasn't that long ago that management would show the bill to employees and if the call was a personal one, give the employee the opportunity to pay it back. It wasn't even considered for disciplinary action. Now, however, they won't even accept your money, at least not until they have thrown you out of work. The goal is not to recoup any loss to the taxpayers but to fire the employee. Many times management even waives any requirement to repay – just so long as the employee agrees to go quietly.

Most of the time management waits months to spring their trap. They compile pages and pages of documents, spend hours upon hours constructing their charges, and then triumphantly present it to the employee and declare him or her unfit for government service and parade them out of the building using personnel from the Office of Security. Wouldn't it make more sense to warn them right away and at least act as if you are being a good steward of taxpayers' money? There are cases in which an employee, maybe even a GS-13 or GS-14 employee, has sifted through mountains of data, comparing sign-in / sign-out records to the electronic badge in / badge out records and then charged employees with 2,3, or 5 minute discrepancies. Even though none of the clocks are synchronized and the electronic badge in / badge out clock is notoriously inaccurate. These employees must be able to find a better way to spend their time.

If after a warning an employee continues to commit the same offense then yes, removal may be warranted. But who is served by allowing the behavior to continue for the sole purpose of allowing expenses to be rung up just to support a case for removal? Is it for the purpose of adding a notch in some Labor Relations Specialist's gun?

People make mistakes. But if you're one of the muckety-mucks it really doesn't matter. Just like the bankers and financiers who took down the world's economy – no

discipline is warranted. Just the opposite. Bonuses using taxpayer's money is what is expected.

Think about those responsible here for the half billion dollar government payout – the largest government settlement in history – as a result of the sexual discrimination Hartman case. Was anyone responsible for that debacle thrown out of work? How about the waste of money involved in the Global Writer decision? That one reportedly cost about a million dollars in taxpayers' money. Was the responsible person or persons escorted out of the building? Or how about those responsible for violating the Smith/Mundt Act by allowing the hiring of non-U.S. citizens despite the presence of qualified U.S. citizens? Anyone frog marched out for that? The double standard and hypocrisy are unseemly.

Everyone deserves a second chance. When management believes someone is doing something wrong, tell them right away and give them the opportunity to correct their behavior. It is not fair or decent to sneak around compiling documentation with the goal being not to correct conduct but to remove the employee. Everyone would be better served by preventing the waste of taxpayers' money and putting a stop to improper conduct immediately. Everyone, that is, except those who take some sort of perverse pleasure in removing people from employment.

Language Skills = More Pay

California Representative Michael Honda, who is the Chairman of the Congressional Asian Pacific American Caucus, had sponsored a bill that sought to reward bilingual federal workers. The bill would add a 5 percent increase to the pay of those employees who use their bilingual skills at work.

Although the bill has been tied to the immigration debate – a hot button issue – we at the Voice of America can see the necessity for such a bill. At our agency, employees who have to work using bilingual skills generally are actually paid less. AFGE Local 1812 has been pushing management for several years just to recognize the need to pay employees in the language services on par with those in the English services, let alone paying them more. But the agency has made very little progress on this front.

The Agency practice is a remnant of a bygone era when employees of the language services were only authorized to translate material produced by the Central News Division. Sometime in the past, management decided that they would require language service employees to not only translate material but to produce their own material as well. They were not paid accordingly.

Not only should language service employees who produce their own material be paid equally but their extra skill should be rewarded.

A bill that rewards the use of extra language skills at work should be passed and this agency should be required to adjust

language service grade levels and to also apply a 5 percent language skill differential.

Another Lawsuit for Harassment?

In 2000, the U.S. taxpayer was mandated by the gross mistakes of VOA management to pay \$508 million dollars to settle a sex discrimination suit brought by 1,100 VOA women. That was a landmark case and at the time, the largest settlement in federal government history.

One would think that after such a large settlement, the VOA would have gone out of its way to amend its ways. Unfortunately, that may not be the case since this past April, the Agency was sued for \$150 million dollars by lawyer Larry Klayman, the founder of Judicial Watch, who alleges that his client, a female employee of the Persian News Network, was the victim of sexual harassment and retaliation.

While the Agency, in the wake of the latest lawsuit, has reaffirmed its very strong commitment to its equal-employment-opportunity programs and its policy of zero tolerance for sexual harassment, we have to wonder whether that policy is really taken seriously at all levels.

What AFGE Local 1812 has heard from members in the past 10 years, since the landmark case *Hartman v. Albright* was decided, is depressing: services where women are confronted with unsurmountable glass ceilings, where not a single woman has been placed on a managerial track; services where foreign-born women are talked down to, as if they were "mentally challenged"; services where women who protest against harassment are repeatedly and viciously retaliated against.

The Agency may have a strong policy in favor of equal-employment-opportunity programs, but the new lawsuit seems to underline that on the ground, the reality is otherwise.

Union Suspects Witness Tampering

AFGE Local 1812 has sent letters to both the Justice Department and the FBI complaining that Agency officials are tampering with witnesses.

Last year, an employee complained to the Office of Civil Rights that she had been sexually harassed. Earlier this year, the OCR began an investigation into the matter.

Some colleagues of the complainant stepped forward and provided testimony that supported her claims. Some became clients of the same attorney representing the original complainant.

Almost immediately after providing supporting testimony, one of the employees was called in for an interview with the

Office of Employee and Labor Relations. The Agency claimed it was conducting a parallel "administrative investigation". The Agency diminished the number of assignments given to a contract employee who provided supportive testimony in the OCR investigation and began an investigation of two long-time employees, regarding a story that had been edited and aired, claiming that the story was not balanced.

There seems to be a trend here. In January 2009, the Union filed a grievance involving two employees of a Language Service who had provided testimony in an EEO complaint that was supportive of the complainant's charges. Both employees received disciplinary letters ten days after the Agency was forced to respond to the complainant's case in District Court. Is this the means by which Agency management will reduce EEO complaints in the Agency?

In the current case, when the Union complained that these employees were being intimidated, Agency officials stated that they had the right to investigate potential misdeeds and to discipline employees.

The truth is that they do. There are very few restrictions placed on management officials and when management goes bad, there are not many options to seek redress. The assumption is that management officials will act properly but what happens when they don't? Employees must rely on arbitrators, the FLRA, the Office of Special Counsel, etc. to act. Many times they are reluctant to do so.

In the meantime the Agency placed the alleged sexual harasser on administrative leave while forcing the complainant to use up all her sick and annual leave. The complainant claims to be unable to work due to the emotional and physical fallout of her situation.

Re: Making a Sharp Point

(This letter was sent to Mr. Al Kamen and a copy was sent to the Ombudsman at the [Washington Post](#))

Dear Mr. Kamen,

Your gratuitous comments about Broadcasting Board of Governors (BBG) staffers taking to arming themselves (See "Making a Sharp Point" July 2nd) is a disservice to the Voice of America journalists who can be found day and night working rotating shifts to reach audiences throughout the world in dozens of languages.

AFGE Local 1812 is not aware of any employees having been the subject of disciplinary action for bringing knives into our headquarters building on Independence Avenue, SW. Rather, we suspect that the knives mentioned in the internal memo you allude to were most probably brought in for the purpose of preparing meals.

Many employees work straight 8 hour shifts, with the occasional short break, and eat at their desks. Even when

employees can escape for a longer period, their meal options are minimal, due to the closing of the Voice of America (VOA) cafeteria in mid afternoon and the extremely limited eatery choices available around the VOA.

Your comment that "We knew various expatriate factions who work in the building were often at each other's throats" is uninformed. Despite the various expatriate factions most employees treat each other with respect.

"This sounds scary", you add. Well, frankly, we have much graver concerns than the occasional confiscation of a Swiss army knife. We are deeply troubled that the latest Federal Employee Viewpoint Survey reflects, sadly, a continued lack of trust on the part of a large number of VOA employees in BBG and VOA leadership in areas like performance management, information-sharing, and basic job satisfaction. For an agency that has consistently ranked among the worst-rated in government these past several years, that is, indeed, truly scary.

Tim Shamble / President
AFGE Local 1812

No One Speaks for Us

A situation arose recently where staffers from a language service were told by management that AFGE Local 1812 had opposed a work shift that had been agreed to by the staffers along with their supervisor.

In fact, AFGE Local 1812 officers had done no such thing. They had not been approached by union members or VOA staffers, they had never approached Labor Relations about the matter and in fact, the work shift situation in the service was resolved by employees in concert with management without any input from the Union.

We regret that inaccurate information conveyed without our knowledge to VOA employees resulted in confusion, and in employees getting the impression that the Local was working against them, not with them.

This is why we wish to remind employees and Local members that NO ONE SPEAKS FOR US. If you are told that we have done or said something, please drop by or contact any of our officers -- your colleagues. We will be happy to sort out the confusion and prove, once again, that we work for you, not against you as some would have you believe.

AFGE Local 1812 Helps Raise Almost \$9,000 for CRC

AFGE Local 1812 was once again one of the sponsors of the Child Rescue Center 5K Run / 1 Mile Walk benefit held April 17, 2010 in Sterling, VA. AFGE Local 1812 has helped sponsor the race for the past four years. This year had the largest participation yet with 301 people taking part. Of those

301 people, 163 were runners and 139 were walkers. The event raised \$9,000 to date (more donations were expected to come in following the event.)

The Child Rescue Center (CRC) in Bo, Sierra Leone, provides food, shelter, clothing, health care, education and skills training for orphans, street children, and children and youth in extremely difficult socio-economic circumstances. CRC children have lost parents and families due to war, poverty and disease.

In Passing

It is with great sadness that we report the passing of Mike Doring, who died Saturday, July 10th. Mike was very helpful to the members of AFGE Local 1812 when he acted as an advisor. And as anyone who had him as an instructor for a course at the George Meany Center for Labor Studies can tell you, Mike was a great motivator for union leaders.

Mike will be remembered fondly by all those who were friends of the labor movement.

AFGE Local 1812 offers its News & Views as a corrective to the abuse of power by BBG, IBB, and VOA management.
AFGE Local 1812 welcomes responsible articles from any employee. Anonymous articles allow employees to freely express their views without fear of reprisal from management.
We reserve the right to edit all materials submitted but strive to preserve the voice of the author.
The opinions expressed in this newsletter do not necessarily reflect the views of the AFGE Local 1812 Executive Committee.

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