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Comment on Proposed Revision to OMB Circular A-76

I propose modification of material in Appendix B, Public-Private Competition, to reduce the government's loss of expertise in private sector operations as a result of competitions and to ensure that principles of compassionate conservatism are upheld in the commercialization process.

After the events of September 11, 2001, many private sector firms experienced loss of business and, subsequently, terminated employees. Skilled, hard-working employees suddenly found themselves looking for employment despite, in many cases, years of dedicated and productive work with their employers. Some of those who lost jobs were subsequently hired by the federal government to bring their expertise in efficient business practices and their consumer (i.e., non-governmental) perspective to their federal agencies. With little time in their federal positions, they will not have sufficient opportunity to implement their knowledge to create more effective governmental functioning before their functions are scheduled for commercial competition. In effect, they may have been hired to improve government and then subjected to competition before they have had a fair chance to implement their skills.

Appendix B, Section B.3.a. (Designations and Responsibilities, Human Resource Adviser, Employee and Labor Relations Requirements) describes the process for dealing with adversely affected federal employees, and placement entitlements will be handled in accordance with 5 USC Part 351 (Reduction -in-Force procedures). Because the above mentioned group of employees will have little time on the job, they will have no protection, despite their value to the federal government. Without protections, their skills will be lost to the government, and they will be subjected to another loss of a job - again, due to no fault of their own.

Therefore, in order to (1) improve government functioning by giving federal employees hired because they lost jobs as a consequence of September 11 a reasonable opportunity to transform the government as they were hired to do, and (2) give federal agencies the needed flexibility to exercise compassion and sound judgment in deciding whether or not to continue the employment of those employees, I propose the following:

Appendix B, Section B.3.a. should be modified so that any federal employee hired from the private sector after September 11, 2001 who can demonstrate to the satisfaction of his or her federal agency that federal employment was sought subsequent to and related to September 11 events can be retained, at the agency's discretion, as a federal employee regardless of usual Reduction -in-Force procedures.

The result of this change would be that the agency would have discretion to retain productive employees with the skills and business acumen the agency needs, and the principle of compassionate conservatism would be upheld.