

Congress of the United States
Washington, DC 20515

July 15, 2015

The Honorable Mac Thornberry
Chairman
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable John McCain
Chairman
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Adam Smith
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Jack Reed
Ranking Member
Senate Armed Service Committee
228 Russell Senate Office Building
Washington, DC 20510

Dear Chairmen and Ranking Members:

We are writing to urge you to strike sections 1101, 1102, and 1103 of the Senate version of the National Defense Authorization Act (NDAA) for fiscal year 2016 from the final conference agreement. These provisions would negatively affect Department of Defense civilian employees by undermining veterans' preference, merit systems principles, and due process rights.

Section 1101

Section 1101 of the Senate version would extend the probationary period for civilian employees and senior executives from one year to two years, and it would allow military departments to extend the probationary period indefinitely.

For the vast majority of civilian employees, a one year probationary period provides ample time for managers to evaluate the ability of employees to perform the jobs they were hired to do. If managers have difficulty evaluating the work of employees during the current one year probationary period, the solution is to focus on training managers to develop appropriate performance standards and to properly monitor employee performance rather than extending the current probationary period, in some cases indefinitely.

Since employees have fewer civil service protections during the probationary period, an extension of this period to two years or longer would undermine merit system principles and due process rights on which the federal civil service is based. The provision also would make it easier for managers to retaliate against whistleblowers during the longer probationary period, and

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it could hurt the Department's recruitment and retention of efforts as candidates may seek employment at other agencies.

Section 1102

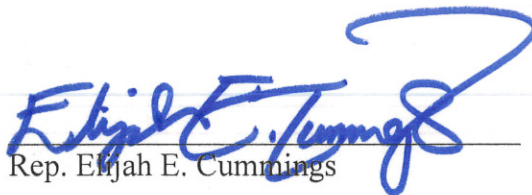
Section 1102 would delay step increases for employees within their grades whose work quality is unacceptable. This provision is unnecessary since current law already allows agencies to deny or delay the award of step increases in such cases.

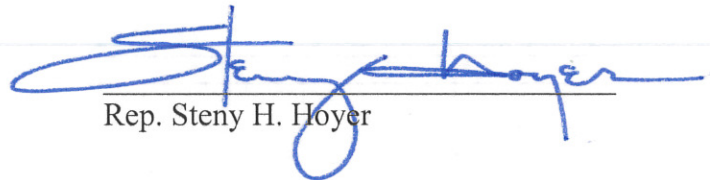
Section 1103


Section 1103 would make performance the only factor agencies must consider when conducting Reductions in Force. Current law requires agencies to consider the following four factors: tenure, veterans' status, length of service, and performance ratings. We believe all four of these factors are important and should be preserved.

Given these concerns, we respectfully request that the conference committee exclude these provisions from any conference agreement on the NDAA. Thank you for your consideration.

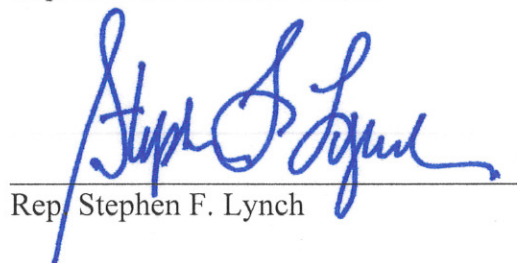
Sincerely,

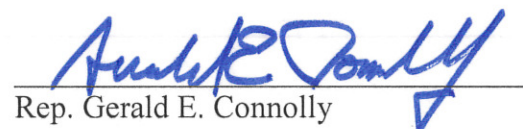

Rep. Elijah E. Cummings


Rep. Steny H. Hoyer


Rep. Eleanor Holmes Norton


Rep. William Lacy Clay


Rep. Stephen F. Lynch


Rep. Gerald E. Connolly

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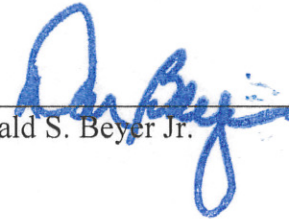
Rep. Chris Van Hollen



Rep. C.A. Dutch Ruppersberger



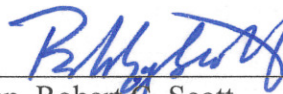
Rep. John Sarbanes



Rep. Donald S. Beyer Jr.



Rep. John K. Delaney



Rep. Robert C. Scott

cc: The Honorable Jason Chaffetz, Chairman
House Oversight and Government Reform Committee