



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

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May 19, 2009

The Honorable Joseph Lieberman
Chairman, Homeland Security and Governmental Affairs Committee
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Lieberman:

On behalf of the 600,000 federal workers represented by the American Federation of Government Employees, AFL-CIO (AFGE), I urge you to oppose S. 629, the Part-Time Reemployment of Annuitants Act of 2009. If enacted, S. 629 would simultaneously violate veterans' preference, deny career development opportunities for federal workers, and institute a non-competitive hiring system open to corruption and abuse. At the same time, it fails utterly to address the legitimate and valid hiring issues facing the federal government. While it appears that Senator Collins will offer a substitute amendment making small changes to the original bill, the substitute does not address our concerns, which are outlined below.

The hiring authority in S. 629 allows federal agencies to avoid competition for jobs and veteran's preference. Managers would have complete discretion to hire annuitants of their choice, without any regard to veteran's preference, or any objective, competitive criteria. This lack of hiring standards violates all merit system hiring principles. Under this legislation, there would be nothing to prevent the rehiring of a less qualified non-veteran annuitant over a more qualified veteran annuitant. Likewise, there is nothing to prevent continuous rehiring of annuitants rather than the hiring of new, permanent employees to replace retirees.

There is no evidence of a need on the part of agencies for this hiring authority. We know of no OPM denials of agencies' applications for waivers of dual compensation restrictions. Indeed, OPM has an excellent record of providing speedy, efficient, and positive responses to these applications.

S. 629 creates a large-scale, non-competitive hiring authority when there is simply no need to provide such exceptional authority. If any agency has had a



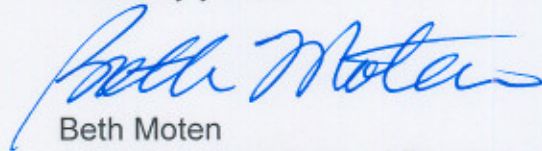
verifiable problem with OPM's exercise of its waiver authority, the most prudent course would be to fix the alleged problem with OPM. There is simply no rationale to proceed with the creation of a new federal workforce that has been selected non-competitively. The rehired annuitant workforce would have an enormous competitive advantage over regular federal workers because agencies bear no costs for annuitants' non-salary benefits. This cost-savings is likely to provide a strong incentive for federal agencies to bypass, for example, a veteran who is a qualified, experienced federal worker in favor of a reemployed annuitant.

Agency hiring needs are mostly foreseeable, yet S. 629 places no obligations on agencies to prepare for their future hiring needs by training and promoting qualified, incumbent workers or working to recruit new workers. OPM Director John Berry has already embarked on a review of federal government hiring that has the potential to balance agency needs with basic fairness in competition and opportunity for federal workers. S. 629 is unnecessary, unfair to federal workers, and it violates veterans' preference.

AFGE is eager to work with both Congress and OPM to create solutions to legitimate concerns with the federal hiring process. However, AFGE opposes S. 629, including the Collins' substitute, because there is no legitimate need for the extraordinary hiring authority it creates, and because it fails to protect federal workers and veterans.

Thank you for your consideration of AFGE's views. If you have any questions, please contact Charity Wilson on my staff at 202-639-6440.

Sincerely yours,



Beth Moten
Legislative and Political Director

cc: HSGAC Members