

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

627th FPRAC

JILL L. NELSON, Chair, Presiding

Thursday, September 19, 2019

Room 5526
Office of Personnel Management
Washington, D.C. 20415**ATTENDANCE:****Members/Alternates:**Management Members:Mark Allen, OPM
Christopher Lynch, DoD
Virginia Reynolds, Air Force
Gary Buck, Army
Sheila Willis, VALabor Members:Richard Loeb, AFGE(via phone)
Robert Shore, NAGE (via phone)
Travis Kielty, ACT**Staff Specialists and Visitors:**Jeanne Jacobson, Designated Federal Officer, OPM
Madeline Gonzalez, OPM
Erica Abiera, DoD
Karl Fendt, DoD
Mandy Laughlin, Army
Kendra Atiz, Navy
Leticia DavidQuintero, Navy
Alethea Smalls, VA
Andy Taylor, VA (via phone)
Daniel Whiteman, VA (via phone)
Lia Russell, Press**Recording Secretaries:**Mike Eicher, OPM
Ana Paunoiu, OPM

[Transcript prepared from digital audio produced by FPRAC.]

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P R O C E E D I N G

CHAIR NELSON: Good morning, everyone. This meeting will come to order.

This is the 627th meeting of the Federal Prevailing Rate Advisory Committee. It is now 10:03.

This meeting is being recorded, and a transcript will be provided to all members.

Let's start with introductions. My name is Jill Nelson. I'm Chair of the Committee. Why don't we go around the room and start here, something out of the ordinary.

MR. ALLEN: Mark Allen with OPM.

MR. LYNCH: Christopher Lynch, Department of Defense.

MS. REYNOLDS: Virginia Reynolds, Air Force.

MR. BUCK: Gary Buck, Department of Army.

MS. WILLIS: Sheila Willis, VA.

MR. KIELTY: Travis Kielty, Association of Civilian Technicians.

CHAIR NELSON: I'm going to do the phone. Those of you on the phone, would you like to introduce yourself?

MR. SHORE: Rob Shore with NAGE.

MR. LOEB: Richard Loeb with AFGE.

MR. TAYLOR: Andy Taylor with Department of VA.

CHAIR NELSON: Okay. Thank you, Andy.

MS. ATIZ: Kendra Atiz, Department of Navy.

MR. WHITEMAN: Daniel Whiteman with the VA.

MS. DAVIDQUINTERO: Leticia DavidQuintero, Department of Navy.

MS. LAUGHLIN: Mandy Laughlin, Department of Army.

MS. SMALLS: Alethea Smalls, VA.

MR. EICKER: Mike Eicker, OPM.

MS. ABIERA: Erica Abiera, DoD.

MR. FENDT: Karl Fendt, DoD.

MS. GONZALEZ: Madeline Gonzalez with OPM.

MS. PAUNOIU: Ana Paunoiu, OPM.

MS. JACOBSON: Jeanne Jacobson, OPM, Designated Federal Officer.

CHAIR NELSON: Please introduce yourself.

MS. RUSSELL: Lia Russell, Press.

CHAIR NELSON: Thank you.

I have no announcements this morning. Does anyone else have an announcement they'd like to make?

[No audible response.]

CHAIR NELSON: Okay. Seeing none and hearing none, we'll move on.

MR. ALLEN: I would note that we have an absence of a quorum for voting purposes. We have one for meeting, but if we make a motion to vote on anything, we won't be able to.

CHAIR NELSON: Thank you for noting that. I appreciate that. I was going to ask you to make that statement.

Let's review the minutes of the 626th meeting held on July 18th, 2019. OPM received no edits for the transcripts. Are there any edits offered today?

[No audible response.]

CHAIR NELSON: Seeing and hearing none, the Chair will entertain a motion to

accept the minutes for the 626th meeting.

MR. ALLEN: Move to accept the minutes.

CHAIR NELSON: Anyone second?

MR. KIELTY: Second.

CHAIR NELSON: I'll take that as consensus to accept those minutes. It seems like it was so long ago, doesn't it?

MR. LYNCH: It does, since we're missing August.

CHAIR NELSON: Okay. We're going to move on to Old Business, and we have several people on the telephone that are related to New Business. But their letters kind of overlap here with the Old Business with NAGE, and the March 9th, 2016, request to reexamine the placement of wage grade employees in Shawnee County.

We have received additionally two letters from Andy Taylor and Daniel Whiteman under the New Business. Those are two of the individuals on the telephone today with us.

So I don't know. Mark, do you want to discuss some of this first?

MR. SHORE: Jill, this is Rob.

I was going to ask Andy to speak about his letter, but I did want to note that both letters that NAGE submitted are from supervisors. They're not even bargaining unit employees, but that these supervisors are obviously in favor of NAGE's request.

So I will turn it over to Andy, if he'd briefly would like to explain the reason for his letter, and if anybody has any questions for him as well, he can answer those.

CHAIR NELSON: Thanks, Rob.

Andy?

MR. TAYLOR: Well, good morning, everyone. This is Andy Taylor. I'm the maintenance supervisor at the Topeka VA Medical Center, and I just want to thank you for allowing myself and Dan Whiteman to listen in on this meeting and kind of input our thoughts.

Basically, the facts are, as the maintenance supervisor, we are having a hard time trying to maintain retention at our facility. We maintain over a million square feet of building, and one of the problems that we have is, number one, it's a pretty lengthy process to get new employees acclimated to this facility. We're looking at easily 2 to 3 years to get somebody completely trained and familiarized with this facility so that they can work effectively and safely.

However, when employees do get hired, after a very lengthy process, eventually some will go and apply for jobs in Leavenworth, 60 miles away, for more money. What that does is it really puts a damper on our operations, and it's a strain on being able to serve our veterans and do it effectively.

One of the things that I'm an advocate for is to try to prevent that from happening anymore, to keep quality, qualified employees here as opposed to moving to Leavenworth for more money.

We've had instances in the past where some employees just to get their highest rate for retirement, they would move, travel to Leavenworth just to get their highest rate and then retire. I mean, retention has been a big strain on our department as well as Dan Whiteman's, who is another supervisor, and so we would just like this to get resolved in a timely fashion. I know it's kind of been going on for many years now, and we're just not seeing any forward momentum on this. And we're continuing to strain in our operations.

CHAIR NELSON: Thank you.

Does anyone have any questions for Andy Taylor?

[No audible response.]

CHAIR NELSON: No? Okay.

And we have Danny Whiteman. Would you like to speak also?

MR. WHITEMAN: Yes. I will echo some of the sentiments that Andy has. First off, thank you for allowing me the time to visit with you folks. I do appreciate that.

I've worked here for going on 15 years and thoroughly enjoyed working here, and I have personally no desire to go to Leavenworth for employment. I like my campus here, and it's closer for me.

However, it really is an injustice to the Topeka folks for the amount of time that we send our people, when we're short on manpower anyway, to go over to Leavenworth, assist their folks with some of the projects that they do, but they get paid at the Topeka rate.

The other thing that really bothers me as a supervisor, as Andy mentioned, retention of good, quality employees, it's dire. My counterpart in Leavenworth, who is actually a good friend of mine, has actively attempted to poach my best qualified employees, and he was up front told me. He didn't do it behind my back, but he has taken this wage disparity and weaponized it in his favor. And he can, and I don't blame him for doing it because he needs good people.

Unfortunately—and it's not just my department that is seeing this—I've seen several of the engineering shops that have lost highly skilled, highly qualified, desirable employees to go work over in Leavenworth because of this difference in wage. Truthfully, I don't blame the employees when you're talking up to, what we figure, 15 percent increase in yearly wages. You know, those folks would be foolish to stay here.

But we're here to serve our veterans and do the best that we can, but our hands are

tied behind our back because of this wage disparity. And as Andy said, this has been going on for a number of years. I think it's been going on longer than five. Maybe not, but I know. Like I said, I've been here. This is going on my 15th year. It's been up for consideration, it seems like, forever.

And I'm not in this for me. I really don't care that much about my wage, whether it would increase or not. I'm looking out for my campus and the people that we serve, and I'm asking you folks to come to the table with us, understand our situation, and understand what we're trying to do is in the best interest of our campus.

So, with that, I'll certainly entertain any questions you have.

MR. ALLEN: This is Mark Allen with OPM.

You have indicated that there are some retention problems. As a percentage of the wage grade workforce, how many people leave each year to go work at Leavenworth, and how many go to work in the private sector around Topeka? How often does that happen?

MR. TAYLOR: Mark, this is Andy Taylor.

So we've just recently—the WG employees have met with their current union rep, and they're working together to get statistical data put together, but right now, off the top of our heads, we don't have that exact figure. But I can assure you, just in the past 2 years, we've lost probably a half a dozen employees from various wage grade positions to Leavenworth, and there's actually four positions opened up in Leavenworth right now that three employees from this facility have already applied for, and some have even been moved to the next level for consideration.

So it's not going away. The amount of job opportunities that come open in Leavenworth, you're always going to have people apply for positions from Topeka at a

Leavenworth location. Whether they get selected or not is a different matter, but they're constantly pursuing the path of more money.

Just currently, though, there are three that I know of that are pursuing a Leavenworth position at this time.

MR. WHITEMAN: And I'm going to jump back in here and add a little bit as well. I can tell you from the last tractor operator position that I had, there was easily double the number of applicants for the Leavenworth position that opened at the same time.

The other thing that kind of astounds me, but I respect their honesty—and I mentioned this in my letter—is that I've actually had candidates during the interviewing process ask the question, "If I get hired on here in Topeka doing this job, would that open the door for me to go to Leavenworth?" and I've asked them. I said, "Are you thinking of doing a different job?" "No. I just know they make more pay over there."

So we kind of serve as the recruiting and training ground for Leavenworth. So that hurts us as well.

MR. SHORE: Mark, this is Rob.

I'd note that in the Director's letter that we had that I asked Madeline to circulate again from November 2018 at 622-VA-1, the Director noted that there were also recruitment issues for eight announcements. There were 110 applicants at Topeka, and for eight announcements at Leavenworth, there were 229 applicants at Leavenworth. So it's not just retention; it's recruitment as well.

MR. ALLEN: There was actually a second part to my question, and that was whether people leave to go work in the private sector.

MR. TAYLOR: I'm sorry. What was the second part of your question?

MR. ALLEN: If anybody left to go work in a private sector job lately from the VA Medical Center in Topeka, or is it really a matter of people going to another VA facility in a different wage area?

MR. TAYLOR: They're mostly staying within the government.

MR. WHITEMAN: I can tell you from my perspective—this is Dan again, by the way. I am honestly not aware of a single individual that has gone private sector, and that goes across all the shops that I'm familiar with. That's not to say that no one has, but if there is, I'm not familiar with that. I know of several that have gone to Leavenworth, and then there's been a couple that have gone on to Kansas City. Everybody pretty well stays in government employment.

CHAIR NELSON: Thank you. Any more questions for them?

[No response.]

CHAIR NELSON: Thank you, Andy and Daniel, for speaking with us today. We really appreciate being able to hear from you.

MR. TAYLOR: Thank you for having us.

MR. WHITEMAN: Yes. Thanks for letting us provide you with some input and the situation. I hope you'll continue to work with us and get us some resolution.

CHAIR NELSON: When you get the statistics, the data, it will probably be helpful.

MR. ALLEN: Yeah. Rob, you can send those to Madeline once you have further information on that.

MR. TAYLOR: And if I may add one more thing before we go, one of the things that we have also noticed quite a bit is morale amongst the employees pertaining to this issue.

I'm just presenting what we see day to day as supervisors. Morale of this whole disparity has really gotten down to the employees, and it does affect day-to-day operations.

We are considered one hospital, Eastern Kansas Healthcare System, Topeka and Leavenworth, and one of the things that has been brought up multiple times by our employees are the fact that the GS employees in Topeka are on Kansas City locality wage rate, and that took place—I can't remember—a year or two ago. However, no compensation, no locality was given to the WG employees at that time as well.

So morale is at a low because of this, and it does affect productivity. It does affect emotions. It does affect a larger array of factors.

So I just wanted you to keep that in mind because it's hard for you to see what we see, and I just thought I'd share that with you because that is a part of addressing this issue with our employees, trying to work through this disparity.

So I just wanted you to know that. I just wanted you to kind of get a feel for what we are dealing with here because of this. With that being said, maybe keep that in mind. As Dan said, as soon as we the WG employees can go visit with their union representative, they will work diligently to try to get some statistical data for you.

CHAIR NELSON: Thank you. Appreciate that, and again, thank you for participating today and allowing us to hear what you had to say.

MR. TAYLOR: Okay. Thanks for having us.

MR. WHITEMAN: Thank you.

CHAIR NELSON: Sure.

MR. SHORE: This is Rob again.

I know we don't have a quorum to vote. So I'm not going to ask for a vote, but I

would ask that when we do get to that point that we move this along, I know this matter goes back, I think, 2 or 3 years. So I think that from my discussion with Andy and Daniel, obviously they want to have the same wages. But at some regard, they also just want closure on the issue to know what's going to happen, so they can at least be up front with their employees and so we can be up front with our members as well, if this is or isn't going to go through. I just would ask that when we do have a quorum, we move it along and get to a vote.

MR. ALLEN: Rob, I would note for the record here that we're not just talking about VA employees in Shawnee County. We're also talking about DOD, Air Force, Army, and Interior. DOD, Air Force, and Army are represented in the room. I think we should not lose sight of the fact we're not just talking about a VA medical center and some of the recruitment and retention issues there. There are broader issues that the members of the committee should be looking at.

MR. LYNCH: Mark, quick question. Have we received any special salary requests from VA for positions in Topeka?

MR. ALLEN: No. I don't recall seeing any.

MR. LYNCH: Thanks.

CHAIR NELSON: Okay. Thank you.

Well, Rob, as you said, I guess we'll be deferring this one to the next meeting since that's kind of where we're at with folks today.

MR. SHORE: Yeah, I understand that, and I believe that the majority of the other employees who would be affected by this are AFGE. And in my discussions with Jacque, we've talked about that aspect. My recollection was AFGE was in favor as long as the move puts them in the same or a higher wage area, which I don't think that was in the—I'm not sure if that was

shutting that whole campus together, but I know that I looked at it. If it wasn't, my recollection was that they would be moved to a slightly higher or the same wage area.

MR. ALLEN: Yes. The matter you're thinking about there, Rob, is there are other employees in the wage area. The people I was referring to were actually in Shawnee County, and they're represented by the Association of Civilian Technicians. There's a National Guard base apparently.

MR. SHORE: Okay.

MR. ALLEN: So that's where the 131 Air Force and 89 Army employees are.

MR. SHORE: Okay.

CHAIR NELSON: Okay. So I think the important thing is to just get the data collected and statistics and get those to Madeline so that they will have those to review over. Okay?

Thank you, Rob.

We will move on to the definition of Pitt County. Richard?

We've deferred it the last couple meetings at Jacque's request due to AFGE's president's inability to be able to attend to speak on the item. Are we deferring this one again, Richard?

MR. LOEB: I think we'll have to.

CHAIR NELSON: Thank you.

MR. ALLEN: That is, unless we have consensus.

MR. LOEB: Thank you.

MR. ALLEN: Do we have consensus on it?

MR. LOEB: Ha ha ha ha.

[Laughter.]

CHAIR NELSON: Okay. Let's go on to letter (c). Letter from AFGE dated September 6, 2018, requesting FPRAC to review a proposal to not allow Federal Wage System boundaries to split General Schedule locality pay areas and a proposal to redefine Monroe County, PA from Scranton-Wilkes-Barre, PA wage area to New York, NY wage area.

At the June meeting, AFGE requested a new cost estimate for this proposal, and Jacque agreed to put the request in writing.

Mark, can you tell us if you've received Jacque's written request yet? And if so, do you have an update as to the status of the study?

MR. ALLEN: I have not received a written request for that. I believe what we mentioned at the last meeting where this was discussed was that we had already provided a cost estimate for it, and I asked if there was anything additional that was needed for that. We'd be happy to take a look at it.

CHAIR NELSON: Yeah. And she said she would put it in writing, that she felt there were additional things.

MR. ALLEN: Yeah. We just haven't seen one as of yet, though.

CHAIR NELSON: Richard, we still haven't seen that.

MR. LOEB: I'm sorry. I couldn't quite hear you.

CHAIR NELSON: I said we still haven't seen—you told me that you were going to be doing the nagging.

MR. LOEB: Oh, I did the nagging.

CHAIR NELSON: Thank you. We still haven't seen the written request from Jacque as to what the additional—

MR. LOEB: My goal was to do the nagging.

CHAIR NELSON: Okay.

MR. LOEB: I mentioned it to Jacque, I assure you.

CHAIR NELSON: Thank you.

So I'm under the assumption we'll be deferring this one again. Is that—

MR. LOEB: Yes.

CHAIR NELSON: Yes. Okay.

Let's move on to letter (d). (d) is the definition of Columbia, MO Metropolitan Statistical Area. At our June meeting, Mark discussed this item, stated that Management's recommendation is to keep the metropolitan area whole, as stated in the regulations, and the best solution is to have Cooper and Howard Counties both added to the St. Louis wage area.

Jacque proposed that the counties be added to Kansas City.

During our July meeting, because there was no consensus, the committee agreed to defer this agenda item.

Mark, do you have an update on this for us?

MR. ALLEN: No. I have no further information on this. I may have mentioned at the last meeting that this one could be tabled if there was consensus of the committee to do that. We had taken this one up several years before and did not reach consensus on it, and there's not really to me a clear indication that we have a really good rationale for defining, redefining two counties into a different wage area in this case.

The real problem here is that Columbia is really equidistant from two separate wage areas. The regulatory criteria placed Columbia itself in the right wage area. What we're talking about in this case is two sort of outlying suburban and rural counties that are part of the

metropolitan area, but are they really part of the economic environment for the wage area that Columbia is in? Probably not.

So we did table this one before. I would not be upset if somebody asked me to table it again.

CHAIR NELSON: Is there a motion to table it?

MR. LYNCH: I have no objection to tabling it.

CHAIR NELSON: Rob? Richard? Any views towards tabling this?

[No audible response.]

CHAIR NELSON: Hello?

MR. LOEB: Yeah. Are you speaking with me?

CHAIR NELSON: Yes.

MR. LOEB: I want to confer with Jacque. I'm sorry.

CHAIR NELSON: Okay. So we'll defer this to next month and then maybe table it then. Okay. Thank you

MR. ALLEN: I would say, though, strictly speaking, if we are going by the regulatory criteria, we would be defining or redefining a wage area based on the Management recommendation. I think our opinion of that wouldn't be changed.

CHAIR NELSON: Okay. Thank you.

Well, we're moving on to the New Business, and we've already discussed (a) and (b), which are the letters from—and the discussions from Andy Taylor and Daniel Whiteman.

MS. GONZALEZ: Jill, what about the last item under Old Business?

CHAIR NELSON: Did I miss one?

MR. BUCK: Fort Smith.

CHAIR NELSON: Oh, gee. I did miss one completely. Fort Smith, yes. Thank you, guys, for pointing that out.

MR. ALLEN: There it is.

CHAIR NELSON: Yes.

MR. ALLEN: Definition of Fort Smith, AR. So this one really needs no changes except we will move Fort Chaffee, the Fort Chaffee portion of Franklin County to Tulsa.

CHAIR NELSON: Do you have any discussion or update on this one for us?

MR. ALLEN: No. I think we introduced it at the last meeting.

CHAIR NELSON: From what I remember is that, yeah, we did, and it was one where everyone wanted to kind of take time to review the materials and look over it. So do we have any discussion today on this?

MR. ALLEN: No. I think it makes sense to do it this way.

CHAIR NELSON: And this was one that Jacque wanted to hold off on until she had time to study it.

MR. ALLEN: That's right, yeah. We were talking about three employees? Three employees would be affected?

CHAIR NELSON: There's three. Initially, it was like one step was at a lower pay, but once they got past, then pay was an increase for all those.

Any comments from Richard or Rob on this one?

MR. SHORE: This is Rob.

Nothing from me right now.

MR. LOEB: This is Richard. Nothing from me at this time.

CHAIR NELSON: Okay.

MR. ALLEN: I think we should be able to get that one wrapped up at the next meeting. I don't think it's controversial.

CHAIR NELSON: Yeah. That was kind of my thought. I think that they just haven't—

MR. ALLEN: It's a split installation. That's what it comes down to. It doesn't make sense to have people working at the same military base, paid in two separate wage schedules. I think we're also getting people more money with this one, right?

CHAIR NELSON: Yeah. This was one that was after the low end. It was an increase for everybody. It's just that first step or something where it started.

So shall we just defer this one, then, until the next meeting? Hopefully, we will have some votes. People will have looked at it, and we can possibly move this with consensus on the next one? What do you say, guys?

MR. KIELTY: Defer.

CHAIR NELSON: Defer?

MR. LOEB: Sounds good to me.

CHAIR NELSON: Okay. Thank you so much.

Okay. Now we're on to the New Business. I'm glad you guys pointed that one out because I managed to slip by it in my notes.

The letter from Steve Kester regarding the pay disparity between the FWS and GS employees at Tobyhanna Army Depot. Would anyone like to address that letter?

MR. ALLEN: This would be AFGE's?

MS. GONZALEZ: That would be AFGE.

CHAIR NELSON: Yes. This is AFGE's.

Richard?

MR. LOEB: Really, I am going to have to defer to Jacque. That's one she's been handling now for some years, as Mark knows.

CHAIR NELSON: Okay. So we'll defer this one until the next meeting, and hopefully, Jacque will be with us to address it.

Okay. We also received a letter from AFGE dated September 3rd, 2019, requesting FPRAC recommend redefining San Joaquin County, CA from the Stockton, CA wage area to the San Francisco, CA wage area.

Richard, do you have anything to say about this one?

MR. LOEB: I'm afraid not.

CHAIR NELSON: Mark, would you like to address it?

Go ahead.

MR. SHORE: Jill, this is Rob.

There is a similar issue that was brought to my attention, two employees that we represent out in California who also are concerned about not falling in the San Francisco wage area. So I'm hoping to have something on that. It's not the same county as the AFGE employees, but I know it's essentially a request to be moved into San Francisco.

So I am working on getting something for the next meeting that we may want to consider or look at kind of with the AFGE request as well.

CHAIR NELSON: Okay. Thank you.

MR. ALLEN: The request for studying San Joaquin County, we can take a look at that, as we have with other issues like this, but it really does seem to be driven not by a local prevailing rate principle but by the principle that AFGE has been pursuing that Federal Wage

System wage areas should be defined based on General Schedule locality pay area boundaries, and it's been a longstanding position of the Management members at this committee that that's not the right way to carry out the law for establishing pay levels according to local prevailing wage levels for Federal Wage System employees.

But having said that, we will take a look at it.

And, Rob, if you can tell us what the location is that you're concerned about, we'll take a look at that one as well.

MR. SHORE: Yeah. I believe it's Monterrey, but I will get the exact—or I know the employees are in Monterrey, California, but I will obtain county information for the next meeting.

CHAIR NELSON: Thank you. I appreciate that.

We're deferring letter (d) also until the next meeting, and hopefully, we'll have some more information on that by then.

So we're moving on. We've got the future meeting dates that are set forth in your agenda, and I believe we've now covered all of the items in our agenda for today. Is there a motion for adjournment?

MR. KIELTY: Motion for adjournment.

MR. ALLEN: And second.

CHAIR NELSON: All in favor of adjourning?

[Chorus of ayes.]

CHAIR NELSON: Any opposition?

[No audible response.]

CHAIR NELSON: No opposition.

The meeting is now adjourned. Thank you so much for attending, and thanks so much for the discussion. I appreciate that.

[End of recorded session.]