



ORAL STATEMENT OF

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OF
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BEFORE

**THE HOUSE SUBCOMMITTEE ON THE FEDERAL WORKFORCE,
POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA**

REGARDING

**TEMPORARY EMPLOYEE PRACTICES: HOW LONG DOES
TEMPORARY LAST?**

JUNE 30, 2010

On behalf of the National Federation of Federal Employees (NFFE) and the 110,000 federal employees we represent, I thank the Subcommittee for holding this hearing. This critical issue has gone unaddressed since 1994, when James Hudson, a veteran and U.S. Park Service employee, died at the Lincoln Memorial, leaving his widow and seven children destitute. He had no life insurance because of his temporary status. After legislation was introduced to remedy this, Hudson's widow commented, "Something good has come out of the death of my husband. This legislation means no one else will have to go through what this family went through." The bill subsequently died in committee. Since then, we have seen MSPB's 1994 prediction come true: that continued use of "long-term temporary" employment has created a "permanent underclass in the federal workforce."

How long does temporary last in the federal government? For some employees of the U.S. Forest Service, temporary has lasted more than thirty years. We all would like to think that the federal government is a model employer, as well it should be. But thousands of employees hired into temporary positions receive no health insurance benefits, no life insurance benefits, no retirement benefits, no step increases, and no competitive standing for internal placement into career jobs.

Federal land management agencies in particular over-use temporary employment. Even though land management work occurs every year, a loophole in the regulations allows agencies to use an unlimited number of successive temporary appointments. Some agencies are using this loophole to the maximum extent: roughly 35-40% of the workforces of the Forest Service and National Park Service are hired as temps each season.

I brought with me today Joe Katz, of Dover, Idaho, who's sitting here. Joe has worked as a "temporary" employee of the Forest Service almost every year since 1975;

however, he remains a temporary worker to this day. He has been hired and terminated each year under a string of temporary appointments. Joe is a Marine who served his country honorably in Vietnam. He has held his current position in trails and recreation for 21 of the past 22 seasons, yet he still has no career position.

I also brought Lisa McKinney, of Hyampom, California, who's sitting there. She began working for the Forest Service as a firefighter in 1978, and has worked for the agency almost every season since then. She has performed the same regular and recurring work as a certified timber cruiser since 1995, yet she too has never received a career position.

Joe and Lisa exemplify the "boots on the ground" that actually get the agency's work done. Temporary employees like Joe and Lisa make invaluable contributions to the mission of the Forest Service. Many work for years, even decades, and never get a career seasonal appointment. Thousands of long-term temps work for five or more seasons. This is simply outrageous!

Long-term temps are only part of the story. Most temps move on to other employment within a few years, taking their experience and training with them. Because they are misclassified as temps, this huge retention problem goes unnoticed and unaddressed.

With high turnover, safety suffers. Recently, a long-term temporary employee who serves on a fire crew told me that 8 of the members on her 11-person crew were rookies. I can tell you from my personal experience as a firefighter: that is a recipe for disaster.

This is a tough problem. There is no way under current laws and regulations to re-designate jobs held for decades by long-term temps as the permanent seasonal career jobs they really are. A career job with *exactly the same duties* as the long-term temporary job is considered a new job. And, as MSPB noted in 1994, "legal and procedural barriers...

[prevent] the consideration of many temporary employees for [career] positions regardless of how well they have performed.” To avoid a purge, a “*pathway to permanence*” for long-term temps must be the first step in reform. It would be unjust and unwise to discard these dedicated public servants – and their knowledge and experience – after their many years of service.

If I only get one point across at this hearing, I hope it will be this: to make clear to this Subcommittee and federal agencies that a “pathway to permanence” must be put in place before reform can begin.

In closing, we propose enactment of legislation to:

- grant competitive standing to long-term temporary employees so they can compete for any career job, just like other federal employees may do,
- afford priority consideration to any long-term temporary employee whose job is converted to career status, and
- give long-term temporary employees creditable service time for their "temporary" service for certain purposes.

This proposal has no price tag. It has no mandate. It is consistent with the 1994 recommendations of OPM and the National Partnership Council. It would simply provide agencies with the tools to allow reform to begin. With this done, NFFE will commit to working with the agencies, OPM, MSPB, and Congress on the appropriate use of available employment authorities.