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Reforming bureaucracy current news

In the first two months of 2020, medical professionals at the Department of Veterans Affairs saw troubling reports of a new coronavirus outbreak in China and began raising concerns internally. We have nurses and doctors who try to sound the alarm about COVID-19 well before entering the public consciousness, said Suzanne Summerlin, deputy general counsel for the National Federation of Federal Employees. They said: "We need more [personal protective equipment], we need to set up checkpoints and triage areas, we need a way to deal with this. And how are we going to treat it if someone contracts this on the job or off the job?" But when the coronavirus takes place in the United States and the pandemic accelerates, there is a muzzle in doctors and nurses, he said. That so-called muzzle traces back to a series of decisions that began three years earlier by the Trump administration to undermine the power of federal employee unions. In 2017, Trump issued an executive order dissolving labor management boards across the administration, eliminating key forums for frontline employees to collaborate and raising workplace issues with management. And in 2018, VA Secretary Robert Wilkie unilaterally ended official time for doctors and other medical professionals, effectively forcing union employees to perform their representation duties outside of business hours. As of mid-July, more than 39,000 federal employees and military service members had tested positive for the coronavirus, including 3,128 VA employees. Forty-one VA workers have died from symptoms associated with the virus. Labor representatives say these numbers could be much lower if the administration heeds and acts on the warnings of frontline employees, provides adequate personal protective equipment to important workers and moves faster to maximize telework. Reducing the influence of unions is just one part of President Trump's bold agenda to reshape the federal bureaucracy. The government has also pushed to merge agencies and move headquarters outside the Beltway, reskill employees in automatable jobs for more productive jobs, align benefits more closely with the private sector and make it easier to hire and fire public servants. The president relies heavily on loyal political appointees and trusted family members to execute his priorities, often marginalizing government scientists and experts in the process, and routinely filling senior vacancies with acting officials who exercise less independence and authority than permanent officials. We know that the public is frustrated with the perceived inability of the government to provide quality services to the American people, Margaret Weichert told 50,000 federal listening session in Kansas City in March 2018, just three weeks after he became Trump's deputy managing director in the Office of Management and Budget. Weichert, who left the administration earlier this year, spearheaded the president's management and aggressively pushed for reforms during his three-year tenure, which included simultaneous service as acting director of the Office of Staffing Management, an agency he tried but failed to eliminate. The coronavirus pandemic may have proved the biggest test of how well government management reforms work, and the results - like many of Trump's predecessors who have tried to overhaul the administration - are mixed. While the president's indifference and indifference to career federal employees he sees as a state in hindering the agency's ability to respond to viruses, his focus on deregulation has accelerated vaccine development and supported the creation of rapid and large-scale potential treatments and expanded telehealth services. Whatever the merits of Trump's management agenda, one thing seems clear to observers: he will likely pursue his goals even more aggressively in his second term, and he will likely forge ahead with or without the support of career federal employees, Congress or other regulatory agencies. Trump believes he alone, often through the power of death letters alone, can solve certain problems, writes Cliff Simms, a former White House communications aide, in *Team of Vipers: My 500 Extraordinary Days in the Trump White House* (January 2019). Layered on top of that is his belief that all life is negotiating, and... zero-sum game. Layered on top of that is his belief that personal relationships are paramount... And layered on top of that is his belief that creating chaos gives him an advantage, because he is more comfortable in chaos than anyone else. Weakening Unions Officials at OMB did not respond to repeated requests for comment about the administration's second-term priorities, but the president's actions over the past three and a half years offer reliable guidance for what

the future might hold for federal employees if Trump wins re-election, observers and experts say. During Trump's first term, the federal government has moved away from the Obama administration's model of collaborating with labor groups to confrontational views on labor management relationships -- an approach common among Republican presidents, labor experts Marick Masters, Robert Albright and Raymond Gibney noted in a recent paper analyzing federal labor management relationships during the last four presidencies. Trump has gone further than his GOP predecessors recently, however, in changing the landscape of collective bargaining through executive power. We know that the public is frustrated with the perceived inability of the government to provide quality services to the American people. In addition to disbanding the collaborative workforce management board, the president signed three executive orders aimed at more influence of federal trade unions. The order, ordered by a federal judge until the U.S. Court of Appeals for the D.C. Circuit ruled in July 2019 that the judge did not have jurisdiction to hear the case, sought to make it civil servants, limit the scope of collective bargaining, increase the pace of contract negotiations and limit official time. The White House is simultaneously limiting the ability of unions to fight unfair labor practices by piling up the Federal Service Impasses Panel, which hears collective bargaining disputes, with members sympathetic to management and unsuccessfully nominating a general counsel of the Federal Labor Relations Authority. This vacancy means that unions must use to file internal complaints to reach the FLRA for adjudication, a process that first requires arbitration and, in many cases, takes at least a year. Employees should expect to see the agency continue to test limits in collective bargaining negotiations if Trump wins a second term, said Robert Shea, principal for strategy at Grant Thornton and a former associate director in the Office of Management and Budget during the George W. Bush administration. There are some exceptions of course, such as in law enforcement and immigration, but in general there will continue to be a deterioration in [labor management] relationships. Robert Tobias, director of the Chief Executive Leadership Program at American University and former national president of the National Treasury Employees Union, said he expects Trump to revive a George W. Bush-era initiative to tinker with collective bargaining if he is re-elected. After the September 11, 2001, terrorist attacks, the Bush administration sought to expand the definition of national security to exempt some federal jobs from collective bargaining rules and reduce the scope of the issue on which unions can negotiate. Already, Trump in January authorized the Secretary of Defense to block a portion of the Pentagon's workforce from uniting to allow maximum flexibility to respond to threats to carry out its mission of protecting the American people. Defence Minister Mark Esper has said he is not asking for a new authority and is awaiting staff recommendations on how or whether to use it. But Tobias anticipates that Defense leaders will use power during Trump's second term, and the president could extend that same authority to other department heads. The president has the authority to determine who should submit to collective bargaining, so occasionally [Cabinet] secretaries show that they would rather not have to deal with employee representatives, and I think they would take a fairly aggressive stance to use [national security] language to eliminate those represented by unions, Tobias said. The ultimate goal is to reduce the effectiveness of federal employees and labor groups to represent people collectively. If you go after reducing the number of people who can participate in collectively, then of course he can pursue their ability to have dues withheld from their salaries. Executive Action, and the Limits the Trump Administration has increasingly adept at instituting his policy vision through executive action, said Don Kettl, Professor Sid Richardson at the University of Texas, Austin Lyndon B. Johnson School of Public Affairs. They just don't like them —they see unions as part and parcel of the 'inner state' Democrats, and they'll do everything possible to undermine the role and power of unions, Kettl said. This administration is increasingly getting its feet under it in figuring out how to use the prerogatives that come along with the presidency to reshape policy, and so these efforts through executive orders, executive decisions and other policy changes, things are coming through much sooner now. Now that they've basically figured out how to play the game effectively, they'll play it even more. One area where executive action is likely to continue to prove unproductive is reducing the salaries and benefits of federal workers. While Trump supports and signs significant new benefits legislation for federal employees - 12 weeks of paid parental leave - his administration has consistently pushed for a pay freeze or minimum increase, as well as a series of cuts to federal pension programs and other non-salary benefits to bring them in line with the private sector. There's only one problem: Congress. Lawmakers often ignore requests for benefit cuts and override presidential salary recommendations, and this is likely to remain the case unless Republicans regain a majority in the House during Trump's second term. Now that they've basically figured out how to play the game effectively, they'll play it even more. The fate of other major Trump administration proposals—incorporating most of the functions of the Office of Staffing Management into the General Services Administration and moving opm policy stores to the President's Executive Office —is also still unclear due to lukewarm reception from lawmakers from both parties. Congress requires officials to temporarily halt the plan pending the results of an independent study by the National Academy of Public Administration scheduled for release in March 2021. Shea said that while she believes the original OPM-GSA merger proposal was a good faith effort to improve federal human resources, she suspects the plan will lose steam in a second Trump term, regardless of napa's findings. I think the energy behind the reorganization was flowing from Margaret Weichert, she said. Efforts to merge OPM and the GSA failed in large part because the administration was unable to articulate 'why' sufficiently to get congressional support, and the opposition was bipartisan. So, unless the administration is willing to make the case in terms of what benefits will result from I think they're going to have a harder time in the second administration to take some ambitious ideas. Kettl said that although he believes there is still enthusiasm in the administration for the OPM-GSA merger even after Weichert's departure earlier this year, it was there is unlikely to be much progress on the proposal during Trump's second term. It's clear that the administration hasn't given up on him, but it's unclear how to do it, given the positions of both sides on the Hill, Kettl said. [The fact] simply is if you read federal regulations that have to do with the role of OPM, one of the things that shows its complexity is if you do an 'OPM' search in the [US] Code, you'll find well north of 600 mentions or more. You can't just wave a stick and move it out of existence. Potential threats to Merit System/White House officials who want more centralized control of federal labor policies may have found a way to achieve that goal without winning over Congress, Kettl said. The seemingly small inclusion in a recent executive order to overhaul federal hiring could signal a new path forward for the administration. The order, which requires agencies to use skill assessments and interviews with subject matter experts to evaluate job candidates, rather than relying solely on educational attainment, also says OPM directors should consult with OMB directors and the head of the White House Domestic Policy Council when reviewing job classifications and qualification standards. This is the first time in recent memory that [the policy council] has had an explicit role in personnel policy, Kettl said. The language in the order amounts to an explicit request that [the board] engage in a policy review. A lot always happens implicitly behind the scenes, but this is an explicit mention. It also signifies a relationship between [the council] and a set of outside conservative think tanks that have worked very hard for a long time on an aggressive personnel agenda for pay, benefits and jobs in the federal government. The idea that the Trump White House Domestic Policy Council could have greater influence during his second term is particularly concerning for union officials and government experts who fear civil service politicization. A recently published memo written by the president's special assistant for domestic policy James Sherk in 2017 serves as a roadmap for many of the Trump administration's federal personnel policies, including an executive order cracking down on unions. The document also advocates one unreviewed proposal: using the Constitutional option, a legal theory that the president has the power through Article II to lay off any federal employee for any reason. This implies civil service laws and union contracts impede that authority unconstitutional, Sherk wrote. If so, the president could issue an executive order outlining an efficient new process for laying off federal employees. It will quick removal of poor players. Such action, if successful, could overturn the Civil Service Reform Act 1978, and potentially even Pendleton 1883 1883 and tear up the principles of the merit system that provide the basis for almost all federal employment law. I started to get a little nauseous just talking about it, Shea said. This president and government have not smoothed out traditional institutional barriers or boundaries. But this one is sacred. The principles of the merit system are simple, elegant, sacred values underlying our democracy, and I do not mean dramatic, but the protection of civil servants, who are national heroes, against political interference, including unfair discipline or termination, would probably be under threat if there were a second term in this government. The principles of the merit system are simple, elegant, sacred values underlying our democracy, and I do not mean dramatic, but the protection of civil servants, who are national heroes, against political interference, including unfair discipline or termination, would probably be under threat if there were a second term in this government. The National Federation of Federal Employees' Summerlin denounced the underlying legal theory as in no way supported by American jurisprudence, but said he also feared the plan could come to fruition. These ideas they cling to are so insufficient, so intellectually bankrupt that any law professor who sees it will soon fail, he said. This is bad law writing, this is a bad legal theory... But it's really scary. They appoint a lot of [judges] with less trial experience than I have, and this position has a lifetime term and salary protection. I have to compete with them for the rest of my career. Kettl said efforts to disarm federal employees about the protections of the Civil Service Reform Act seem unlikely to succeed, but also said it would be a logical conclusion from an administration that has been more concerned with personal loyalty to the president than the agency's mission. It's a disconnection that has been laid bare during the coronavirus pandemic, as career federal employees like National Institute of Allergy and Infectious Diseases Director Dr. Anthony Fauci and White House Corona Virus Task Force Coordinator Dr. Deborah Birx have fallen in and out of the president's support based on their views on pandemics on any given day. Senior people in the nation's public health system, who have had positions for decades of tremendous power and influence but are now under harsh political attack because of political differences with the administration, are right to the core of this, Kettl said. We are due a new debate about what the merit system is, what can be achieved and how it should work. Attacks on Oversight, President's high-profile penchant for loyalty can be seen in purge from career federal employees deemed disloyal, the dismissal of the inspector general at the State Department and in the intelligence community, and the disposal of vaccines turned whistleblower Dr. Rick Bright. Such shootings have continued without congressional intervention. Although lawmakers asked Trump for more details on why he dismissed the State Department's IG, they have not taken concrete steps to prevent such dismissals. There have been very few consequences for the president's attacks on... independent oversight mechanisms are due to a lack of a unified response from Congress, said Liz Hempowicz, director of public policy at the watchdog group Project on Government Oversight. I think the president abolished it. The Trump administration has also failed to restore the Merit System Protection Council quorum so it can prosecute federal whistleblower cases, leaving employees trying to report perceived fraud, waste, or abuse without much resuscitating if they experience retaliation for speaking out. And it has not cooperated with a number of Democratic congressional requests for information to support the investigation or witnesses to testify at the hearing. While OMB Director Russell Vought said during his June confirmation hearing that the budget office is committed to spending transparency and will be as responsive as we possibly can to congressional requests, especially those related to overseeing economic aid efforts, responsive is not how many lawmakers, especially Democrats, would describe the White House. Trump's management style contributed to a high turnover in government, said Kathryn Dunn Tenpas, a senior nonresident fellow with Brookings Government Studies and a fellow and secretary of the Institute of Government. Tenpas calculated that as of August 24, the turnover rate among the 65 senior administration positions —Team A Trump —was 91%, significantly surpassing its five predecessors after a full term. I think what's unique about this administration is that the president himself tends to openly fire a lot of his senior staff and embarrass them, and he also often makes them look incompetent, Tenpas told the Government Executive. If there is a second term, that will not change. Meanwhile, Trump's hiring pool is shrinking because his campaign staff (a typical source of White House staff) is small to begin with, he refuses to hire anyone who spoke out against him before and doesn't trust officials from the George W. Bush era, Tenpas said. He churned through [personnel] very quickly and people outside with respected reputations and professions have seen how he handles and deals with his chief of staff, secretary of State, secretary of Homeland Security, attorney general ... [and] will make a calculation of 'Do I really want to take that risk?' I think what's unique about this administration is that the president himself tends to openly fire a lot of his senior staff and embarrass them, and he also often makes looks incompetent. In addition to high turnover, Trump has allowed an unprecedented number of vacancies to be unfilled or have filled several positions with acting officials whose legal standing is questionable. The Government Accountability Office in mid-August ruled that two top officials at the Department of Homeland Security were unlawfully appointed to their posts, though the department called the watchdog's findings unfounded. Trump later announced that he would nominate the department's acting secretary, Chad Wolf, for the job permanently. If Wolf is confirmed, it would give the department a permanent leader for the first time since April 2019. Tenpas anticipates that the administration's staffing problems will worsen during the second term: You'll probably get people who are less and less qualified for some of these really important jobs. He also said he was concerned that the departure of career staff could hamper the government's pandemic response, creating a love of institutional knowledge and experience in some critical areas. Lawrence Gostin, professor of global health at Georgetown Law and director of the O'Neill Institute for National and Global Health Law school, is even more direct. He expects the Centers for Disease Control and Prevention to lose all its independence and divinity if Trump is re-elected. A second term would be a near-disaster for American health and safety, he said. In addition, the president's reliance on family members, including his daughter Ivanka and son-in-law Jared Kushner, to fill the central advisory role has also created confusion and uneven results. One of the many tasks in Kushner's vast portfolio is Project Airbridge to secure medical supplies and equipment during pandemics. Putting [Kushner] in charge of the supply chain seems to have been quite a disaster, said Ciara Torres-Spelliscy, a law professor at Stetson University and a Brennan Center associate. He has no skills, he has no experience and of all that we can see in the public record he has not done an effective job of getting resources to people affected by the COVID-19 pandemic. The project ends at the end of June and while the government has touted its success in delivering N-95 respirators, face guards, gloves and other essential personal protective equipment to areas in the United States with the greatest need, critics say it's hard to tell how much supplies are actually delivered and whether they go where it's most needed. Our investigation found the 'Project Air Bridge'—like the Trump administration's broader response to the coronavirus—has been characterized by delays, incompetence, confusion, ethics questions, and secrecy at several federal agencies and in the White House. Senate Democrats said in a June 8 letter to Michael Horowitz, chairman of the Pandemic Response Accountability Committee—an agency whose oversight responsibilities Trump denied from the start. On March 23, as lawmakers were still debating the provisions of The Coronavirus, Aid and Economic Assistance Act, including how taxpayers will hold agencies and administration accountable for unprecedented spending, the president declared, I will be under scrutiny. When he signed the CARES Act into law four days later, he issued an accompanying signing statement objecting to several provisions of the law designed to ensure financial transparency. A few days later, Trump removed Glenn Fine, the Pentagon's acting inspector general, effectively preventing Fine, the highly respected IG, from assuming leadership of the Pandemic Response Accountability Committee. Fine had been scheduled to lead prac, but Trump's actions prevented him from taking that role because the law stipulates that only the IG can hold that position. Fine resigned in June. Trump's actions regardless, PRAC, the congressional oversight commission and the office of the Special Inspector General for Pandemic Recovery are all underway, and their oversight work will continue well into the next administration. Reducing Gov. John Yoo, a law professor at the University of California-Berkeley, an informal adviser to Trump and a controversial former top Justice Department official who gave legal reasons for the alleged torture of terrorists during the George W. Bush administration, said he believes managing the philosophy of a second term is that it continues to assert control over the federal bureaucracy and narrow the agency's reach. This is reflected in the administration's 2021 budget request released in February, seeking to change the size of the federal bureaucracy to eliminate programs deemed duplitive to focus on security priorities. This is also likely to be reflected in the ongoing pursuit of administrative deregulation. Trump sees [the regulations] as burdensome, uncomfortable or just a distraction, said Sally Katzen, a New York University Law professor and former administrator of the Office of Information and Regulatory Affairs during the Clinton administration. With four more years, I am sure he will strive to, and possibly successfully dismantle the many health, safety and environmental regulations that have benefited the American people greatly, from clean air and water, to safe food and medicine, to a healthy and well-educated workforce, to a competitive and transparent market. Shortly after his inauguration, Trump issued an executive order requiring agencies to slash two regulations for each new one issued. After a nearly three-year legal battle, a federal judge last December rejected a lawsuit challenging the order, allowing the administration to continue withholding. The government has used deregulation to accelerate infrastructure projects, create jobs, improve efficiencies for Medicare and Medicaid, and construction of a border wall between the United States and Mexico. Amit Narang, regulatory policy advocate at Public Citizen, noted that while the administration has been very in encouraging deregulation, it has not been as successful as defending the annulment of regulations in the courts. The new administration succeeded in 18 of the 107, or about 17%, of its regulatory-related court cases, according to a tracker by New York University's Institute for Policy Integrity. Historically, the average success rate among administrations has been 70%, said Bethany Davis Noll, director of litigation at New York University's Institute for Policy Integrity. Most of the second term could be focused essentially on repeating annulments found to be unlawful, Narang predicts. Whatever people think the second Trump administration will look like - good, bad or indifferent - it's going to become more deregulated. Thomas Schatz, president of the nonprofit Citizens Against Government Waste, told the Government Executive. If you want more regulation, you want higher taxes, [or] you want more government involvement in your life, then you don't want a second Trump administration. While Trump's deregulation agenda has been controversial, one area where the effort may prove critical is in the coronavirus response. Trump claimed in July that the administration had taken more than 740 actions to suspend regulations that would slow our response, to pandemics in areas like telemedicine and getting ventilators, in addition to accelerating vaccine development. The government also removed regulations to allow the VA to repatriate retiree experts to help with coronavirus efforts. I have ordered federal agencies to figure out how to make these health care reforms completely permanent, Trump said. In May, the government launched Operation Warp Speed, an ambitious public-private effort to develop, manufacture, and distribute 300 million doses of the vaccine for COVID-19 by January 2021. It would be an unprecedented achievement, if successful. By the end of August, the government had committed about \$12 billion to six candidates and HHS speculated that the four vaccines could be in large-scale trials by mid-September. Richard Hatchett, CEO of the Coalition for Epidemic Preparedness Innovations, told STAT News the initiative has the potential to have tremendous positive global consequences. They've invested ... many billions of dollars in funding basic work and clinical trials and vaccine development that will serve the needs of the world. They have invested more than the rest of the world in aggregate, he said. While many have praised the administration's ambitions and assumptions of financial risks in developing vaccines, Trump's boosters and giving one very soon, potentially on election day, has raised concerns that politics is driving the administration's efforts, not science. Trump's intervention was so alarming that rival vaccine developers in early September united to issue an unprecedented joint pledge to comply with safety standards, and on September 10, eight senior career public servants at the Food and Drug Administration published an op-ed in USA Today stating We will work with the agency's leadership to maintain the FDA's unwavering commitment to ensuring our decisions will continue to be guided by the best science. FDA Commissioner Dr. Stephen Hahn tweeted his approval of the op-ed and has repeatedly said that the decision will be based solely on scientific evidence, not political pressure. That such a statement would even be necessary is evidence of an unconventional Trump presidency. Whether Operation Warp Speed proves to be a calculated risk of smart or costly stupidity may not be known for some time, but according to the president who governs instinctively, it is not classified by precedent. Precedent.

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