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Bush's 'Competitive Sourcing' Worries Disabled Workers

Initiative May Put Employees With Special Needs At a Decided Disadvantage, Their Advocates Say

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David Goodman, a clerk at the National Institutes of Health in Bethesda, is caught between two conflicting federal policies, one that helped him get his federal job 14 years ago and another that soon may take it away.

Goodman, 34, has autism, a developmental disability that affects the brain and impairs a person's social skills and reasoning. He landed his job in NIH's Occupational Health and Safety Division in 1991 as a "Schedule A" appointee, the beneficiary of long-standing government policies that promote the employment of people with disabilities in federal agencies.

"It's a nice job. I like the people that work there. They are nice to me," said Goodman, who works from 8 a.m. to 4:15 p.m. every weekday and lives independently in an apartment in Rockville.

Last month, his family learned that Goodman is among tens of thousands of federal employees, the vast majority of them not disabled, whose agencies are evaluating whether their jobs could be performed better and more cheaply by a private contractor. It is all part of President Bush's "competitive sourcing" initiative, which requires civil servants across the government to prove they can do their work more efficiently than private contractors, or risk seeing the work outsourced.

The initiative has thrown a scare into many federal workers, who are anxious about whether they will be forced to go to work for a private contractor or find themselves with no job at all. But the policy is especially vexing for employees with disabilities and their advocates. They fear that a strict economic comparison puts such workers at a decided disadvantage because they often require more supervision and extra help, and therefore cost more to employ.

Advocates say Bush's focus on the bottom line ignores the fact that for decades, through various policies and laws, federal agencies have gone out of their way to hire members of certain populations, from veterans to disabled people to welfare mothers and students. The Rehabilitation Act of 1973, for instance, banned discrimination against disabled people in federal hiring and required agencies to develop plans to hire and promote more people with disabilities.

The competitive sourcing policy also flies in the face of more recent efforts under the Bush administration's New Freedom Initiative to promote opportunities for disabled people and better integrate them into the general workforce, the advocates say.

"I really think people with disabilities are getting the short end of the stick on this," said Susan G. Goodman, David Goodman's mother.

Timothy J. Wheelles, the federal manager in charge of competitive sourcing at NIH, said he agrees. The agency values the diversity of its workforce, he said, and many managers and colleagues are worried about what competitive sourcing will mean for employees such as Goodman.

Wheelles said he has tried -- unsuccessfully -- to find some loophole to safeguard Goodman's job and those of other workers with special needs. But nothing in Office of Management and Budget Circular A-76, the regulations that govern the job competitions, allows that, Wheelles said. And federal law requiring merit to be the governing principle in personnel matters prohibits giving disabled employees preferential treatment over other civil servants after they have been hired under special policies, he said.

"I personally have been looking at this issue for over a year," Wheelles said. "We looked to see, is there a rule, is there an option, is there some way to do this? And we were told, 'No.' . . . We've been talking with all the key players at all of the levels and trying to find a way that makes sense, that balances our need for a diverse workforce along with the need to meet the competitive sourcing requirements. And we haven't been able to do that."

David Safavian, the OMB official who oversees the competitive sourcing policy, said he could not comment on the specific circumstances of the NIH issue. But more broadly, "OMB takes the position that competitive sourcing managers should ensure that competitive sourcing plans take appropriate steps to provide meaningful job opportunities for people with disabilities. OMB believes that the goal of providing job opportunities to people with disabilities is consistent with our goal of improving program performance and decreasing costs for taxpayers."

"An agency might look at whether there are opportunities for relocation or retraining within the agency," Safavian said, or consider other options such as requiring a winning contractor to offer jobs to affected employees.

Goodman's duties at NIH include data entry, filing, photocopying documents, delivering mail and faxes and going out to get office supplies, his mother said. The job has helped him build relationships with co-workers and earn enough money to live independently. Some people with autism cannot function as well as Goodman has.

"Part of the success of this job has been his co-workers in his office, who have been with him for 14 years. For a person with autism, who he is with is as important as what he is

doing," Susan Goodman said. "It's very, very hard for people with disabilities to get the support they need to stay employed full-time. It just doesn't happen that often."

Her son does not understand that his job may be in jeopardy, she said.

Goodman and three other employees with special needs are among the 18 full-time administrative support workers whose jobs are under review for possible takeover by a contractor, Wheelles said. In all, 340 full-time positions at NIH are slated for such reviews this year, including those of food service workers, employees who operate and repair medical equipment, and others who work in information technology. Six to eight of those jobs are held by workers with special needs, he said.

Federal workers have been fairly successful in the competitions. About 30,168 positions government-wide were evaluated for contracting out over the past two years, and the in-house team triumphed about 90 percent of the time, according to OMB figures.

Wheelles also noted that top officials at the Department of Health and Human Services, NIH's parent agency, have said that employees whose jobs are shifted to the private sector can get new training and another federal job within the department, so no one will be thrown out of work.

That is still not good enough, said Rep. Chris Van Hollen (D-Md.), whose district includes the NIH. Two years ago, he intervened in a similar dispute over a job competition involving 21 mentally retarded cafeteria workers at the National Naval Medical Center. The Navy suspended the competition indefinitely after Van Hollen inquired about it and after The Washington Post began working on an article.

Van Hollen introduced legislation April 5 that would prohibit federal agencies engaged in competitive sourcing from terminating or transferring employees who obtained their jobs through special federal hiring preferences for the disabled. (The prohibition would not apply if the federal jobs in question were being moved to qualified nonprofit organizations that work on behalf of the disabled.) Van Hollen unsuccessfully sponsored similar legislation last year, but he said he remains optimistic it will draw bipartisan support.

Competitive sourcing "totally undermines another very important objective of our federal policy, which is to provide job opportunities for people with disabilities," Van Hollen said. "These are individuals who have proven themselves in the current positions. They have got the support of their fellow employees and have developed working relationships that are very important to their success in these jobs. You can't just have these individuals bouncing around from one job to another."