

National Active & Retired Federal Employees Association

President's Message – September 14 Meeting

By Pat Meyers

I hope all of you have been enjoying the summer and I look forward to seeing you this fall at our monthly meetings. We have some exciting times ahead. Meeting space has been confirmed at the new **Lubber Run Community Center, located at 300 N. Park Drive in Arlington for the 2nd Wednesday of each month.** The Beech Room is reserved for our meetings which will begin with a social (light refreshments) at 12:00 p.m. followed by our program/speaker at 12:30 p.m. A short business meeting will follow the program. The Center has free inside parking off Park Drive for up to 4 hours and usually limited street parking is available as well.

For our **initial meeting on September 14th**, we're so pleased to have Camden Doran, a Long-term Care (LTC) Ombudsman Volunteer Specialist with Virginia's LTC Ombudsman Program as our speaker. Her **presentation will focus on the mission of the Virginia LTC Ombudsman Program**, especially the role of its volunteers. Many of us have or know friends and relatives living in assisted living facilities or nursing homes who may have need of an individual to advocate for them if the need arises. Check out our Legislative Chair's article on SB 40 later in this newsletter to see the importance of an advocate and join us on September 14. Bring your questions!

For those who were not at the June luncheon and may not be aware, Chapter 7 will celebrate its 75th anniversary in November. We were chartered on November 25, 1947 and have a long, proud history in NARFE. We are planning a combined anniversary/holiday celebration on December 8, 2022, so SAVE THE DATE. We hope to have some of our state legislators, NARFE officials and other local chapters join us as well. See basic details elsewhere in this newsletter. We welcome ideas and especially your help in planning for this event since there is a lot to do. Please let me or any officer know by the September meeting if you can volunteer a bit of time for this momentous occasion. Also let us know if you have any pictures or other memorabilia from the past for possible display purposes.

Vienna-Oakton Chapter Meeting – Virginia NARFE State Legislation Plan

Kathy Arpa, President of Chapter 1116, would like to invite you to join the NARFE members of Chapter 1116 (Vienna-Oakton) at their **September 13th Meeting** at the Vienna Community Center, 120 Cherry Street, Vienna, VA 22180. Their guest speaker will be Deborah Fisk, VFN State Legislation Chair. Debbie will be traveling from the Richmond area to discuss the 2023 Virginia State Legislation Plan and other issues involving NARFE. Please RSVP to Kathy at mkarpa@hotmail.com or 703-205-9041 if you plan to attend.

Membership Report

By Nancy Palmerino

We welcome Gerald Fauss as a new chapter member and are saddened to report the passing of Joan Burroughs, Bernardo Guiliani, John Sprott and Susan Williams. We currently have 322 Chapter members and an additional 465 National members in our chapter area for a total of 787 Chapter and National members.

Alzheimer's Report

By Nancy Palmerino

Congratulations to Bonnie Franklin who won \$30 as a result of the 50/50 raffle for Alzheimer's research at our June luncheon. We received a total of \$181.59 in contributions, which, in addition to the raffle, came from checks, the Change for Alzheimer's jar and piggy banks placed on each table.

We will not have a raffle for Alzheimer's research at our September meeting, but we will have a Change for Alzheimer's jar on the sign-in table where you can contribute the loose change that's been weighing down your pocket or purse. Paper money and checks will be accepted also. In order to prevent that loose change from piling up in the future, we will have piggy banks available for you to take home, fill and bring back to future meetings.

SAVE THE DATE!

What: Chapter 7's 75th Anniversary Celebration

When: Thursday, December 8, 2022, 11:30 a.m.

Where: The Italian Cafe, 7161 Lee Highway (S. Washington St), Falls Church, VA

Further details will be provided in the next newsletter and at the fall meetings.

Legislative Corner

By Ed Weiler

The "Public Service Reform Act" (HR 8550): Existential Threat to the Civil Service, Or Formula for Reasonable Balance between Employee Fairness and Organizational Effectiveness?

At first blush the opening salvo of *HR 8550* comes across as a shot to the heart of what is commonly thought to underpin our modern Civil Service---i.e., protection from arbitrary firing. Section 2(a) declares that any employee in the executive branch of the Government shall be considered "at-will," and as such: "...may be subject to any adverse personnel action (up to and including removal) for good cause, bad cause, or no cause at all...." Lawd have Mercy!

Not surprisingly, NARFE's advocacy staff was instantly all over this one. Within ten days of *HR 8550*'s introduction (7/28/2022), President, Ken Thomas fired off a letter to every House member outlining NARFE's strong opposition to the bill, stating that it, "...marks a distinct threat to the integrity of the federal civil service that every American relies on...." What did surprise me, however, was an article by Ms. Anita Blair (former chief human capital officer at DOD, and current fellow at the National Academy of Public Administrators), in which she characterized *HR 8550* as being helpful to, "...managers and the great majority of federal employees by setting standards for those employees who cannot or will not perform as required." (Note: This article, "Don't Fear the Public Service Reform Act," was picked up by NARFE's *Daily News Clips* on 8/8/22).

(continued on page 3)

So which is it: death knell for the Civil Service as we know it, or a useful tool for maintaining a basic level of employee performance? As is often the case, the devil is in the details. So grab your kneeling pad and get down with me into the weeds of the legislative text. For starters, the seemingly all-inclusive language of Section 2(a)—i.e., its reference to *any employee in the Executive Branch of Government*-- also provides for no less than 14 limiting circumstances, spelled out in 5 USC 2302(b), that explicitly prohibit an at-will removal. Examples of such limiting circumstances are: a refusal to obey an order to commit an illegal act, or to make a political contribution. On the other hand, as NARFE pointed out in its “Dear Representative Letter,” *HR 8550* would abolish the Merit Systems Protection Board, an independent agency charged with safeguarding the Federal merits system.

In further support of *HR 8550*, Blair also wrote: “Federal employees are protected from unlawful discrimination and retaliation, but not for removal for nonperformance. The President has the legal authority to remove nonperforming employees, but it is very difficult to do so, even with good cause (“A Better Way to Remove Bureaucrats for Cause, Letters to the Editor, *Wall Street Journal*, 8/9/22). Blair went on to state that *HR 8550* defines, “. . .a clear process to remove nonperforming employees, so they are no longer impeding efficiency and forcing others to do, or redo, their work.” While no self-respecting civil servant would ever defend nonperformance, in today’s politically polarized environment, one must nevertheless ask if *HR 8550* is only about good government, or might there be a broader political agenda at work?

For now, *HR 8550* is just a bill, with only five co-sponsors. Occasionally, however, a bill that seems to be going nowhere can be incorporated into another larger one that’s on the fast track. Since administrative bills of this nature are covered only sporadically in the mainstream press, you will need to stay tuned to both NARFE Newsline and NARFE’s legislative action alerts for any significant forward momentum.

New State Law (SB 40) Addressing Involuntary Discharges from Assisted Living Facilities (ALFs)

Effective July 31, 2022, *SB 40* mandated the Virginia Department of Social Services (VDSS) to adopt regulations addressing the involuntary discharge of residents from ALFs. No one likes to think about this kind of sticky situation; but when it occurs, whoever might be the responsible party for the evicted resident can be left in the lurch.

While the provisions of *SB 40* are too numerous to be covered in this space, some of the key take-aways are: (1) an involuntary discharge may be effected only under a limited number of specified circumstances; (2) written notice shall be provided 30 days in advance to the resident, the resident’s legal representative or contact person, VDSS, and the Virginia Long-Term Care Ombudsman; and (3) relocation assistance shall be provided by the discharging ALF.

As luck would have it, the speaker for Chapter 7’s upcoming September meeting is **Camden Doran** from the Virginia Long-Term Care Ombudsman Program. So come on down, and bring your questions.

Contact Information

President

Pat Meyers
703-578-3372

Legislative Chair

Edward Weiler
703-241-8798

Secretary

Nancy Palmerino
703-243-6546

Treasurer

Jim Hall
703-841-0360

Program Chair

Norbert Erickson
703-528-1168

Social Chair

Pat Meyers
703-578-3372

USPS Mail

P.O. Box 100971
Arlington, VA 22210

eMail

chapter7narfe@gmail.com

Your Elected Officials

United States Senate

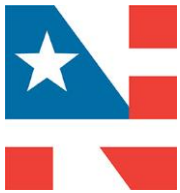
The Honorable Tim Kaine
B40C Dirksen Senate Office Building
Washington, DC 20510
202-224-4024
www.kaine.senate.gov

United States Senate

The Honorable Mark R. Warner
475 Russell Senate Office Building
Washington, DC 20510
202-224-2023
www.warner.senate.gov

United States House of Representatives (District 8)

The Honorable Donald S. Beyer, Jr.
431 Cannon House Office Building
Washington, DC 20515
202-225-4376
www.beyer.house.gov



NARFE
Arlington Chapter 7
P.O. Box 100971
Arlington, VA 22210