



UNDER SECRETARY OF THE ARMY
WASHINGTON

21 MAR 2000



CHALLENGE Number 2000-0120

[REDACTED]

President
National Federation of Federal Employees
Letterkenny Army Depot
Local 1442
Chambersburg, Pennsylvania 17201

Dear [REDACTED]:

This responds to your appeal of the February 23, 2000, decision of the Acting Assistant Deputy (Force Management, Manpower and Resources), denying your challenge to the 1999 FAIR Act inventory. I received your appeal on March 7, 2000.

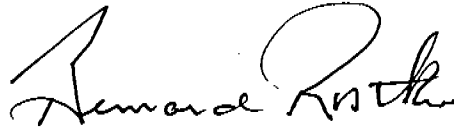
I am rejecting your appeal for the same reason your challenge was rejected. That is, you have not identified a function for inclusion or exclusion from the Army FAIR Act inventory.

Your appeal provides various administrative corrections to reason codes and function codes allegedly based on the Letterkenny Army Depot Table of Distribution and Allowances for FY99 as compared to the DOD FAIR list. The FAIR Act challenge and appeal process is limited to determining whether an activity or function is to be added to or deleted from the list, that is, whether a function is inherently Governmental or not. That determination is not dependent on the accuracy of any given list identifying specific positions with particular functions. Similarly, application of Office of Management and Budget Reason Codes (e.g. A-exempt, B-comparable) or DoD Manpower Mix Criteria Codes are not relevant to the Governmental nature determination. The compilation of the FAIR Act list is a labor intensive, iterative process. The inventory under appeal at the present time is a snapshot in time and reflects the first attempt to compile such an inventory. The inventory under appeal was submitted to the Department of Defense on June 15, 1999, and has since been updated and corrected in the latest submission to the Department of Defense on February 28, 2000.

Please note that the Army's FAIR Act determinations are only one step in pursuing a larger objective. The larger objective is to ensure that Army functions and activities are performed in a manner that is both cost-effective and in the best interests of the taxpayers. In this connection, the Army FAIR Act inventory will be reviewed in conjunction with the Army's larger, ongoing review of all functions for possible



reengineering, privatization, consolidation or other reinvention efforts. These reviews may lead to decisions to keep performance of some activities in-house based on risk assessment, national security considerations, or enlightened human resources management.

A handwritten signature in black ink, appearing to read "Bernard Rostker". The signature is written in a cursive style with a large, prominent initial "B".

Bernard Rostker