



# INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS AFL-CIO & CLC

501 3<sup>rd</sup> Street, NW, Suite 701, Washington, DC 20001  
202-239-4880 • FAX 202-239-4881 • [www.ifpte.org](http://www.ifpte.org)

**PAUL SHEARON**  
President

**MATTHEW S. BIGGS**  
Secretary-Treasurer

## AREA VICE PRESIDENTS

**Gerald Newsome**  
EXECUTIVE VICE PRESIDENT  
ATLANTIC

**Mazen Alsabe**  
NORTHEAST

**Rhonda Cockrell**  
SPEEA

**Joel Funfar**  
SPEEA

**Laurence Griffin**  
WESTERN

**Gay Henson**  
EASTERN FEDERAL

**Misty Hughes-Newman**  
CANADIAN

**John Mader**  
WESTERN

**Sean P. McBride**  
ATLANTIC

**Ryan Rule**  
SPEEA

**Dr. Leland S. Stone**  
WESTERN FEDERAL

**Scott Travers**  
CANADIAN

**Gus Vallejo**  
WESTERN

**Tina Zellmer**  
MIDWESTERN

## 2020 IFPTE Issue Brief

116<sup>th</sup> Congress

## Preserve Federal Employee Due Process and Collective Bargaining Rights

**IFPTE 2020 Legislative Request:** IFPTE calls on lawmakers to reject all attempts to eviscerate the already fragile due-process protections of federal workers and their Unions. In that regard, IFPTE requests the following legislative items:

- Include language identical to Section 749 of the House passed FY20 Financial Services appropriations bill (HR 3551), in both the Senate and House FSGG bills, respectively, to block the ability of the Federal Services Impasses Panel (FSIP) to unilaterally impose draconian contracts on federal unions;
- Include language in the Senate and House FY21 Commerce, Justice, Science, AND/OR FSGG appropriation measures denying the expenditure of funds towards the consideration of and/or promulgation of the elimination of the National Association of Immigration Judges (NAIJ)/IFPTE Judicial Council II, as the exclusive bargaining representative of federal Immigration Judges;
- Include language in the FY21 CJS bill that is identical to Sec. 218 of the House passed FY20 CJS bill that reads as follows: “None of the funds made available by this Act may be used by the Executive Office of Immigration Review to implement case performance numeric metrics that linked to performance evaluations for individual immigration rights”;
- Include language in the FY21 FSGG bill that defunds the ability of agencies to implement Executive Orders (EOs) 13836, 13837 & 13839;
- Passing free standing bills such as S. 3146 to block the ability of the Federal Services Impasses Panel’s (FSIP) to unilaterally impose harmful contracts on unions.

### Overview:

- **Due process protections for federal workers (EOs 13836, 13839)** –These EOs signed by President Trump on May 25<sup>th</sup>, 2018 direct agencies to reopen collective bargaining agreements and impose unfavorable terms on federal workers, while encouraging agencies to adopt policies that erode fairness concepts such as progressive discipline, performance improvement plans, seniority, and grievance filings for performance appraisals. The result of the EOs will be to frustrate the ability of labor and management to collaborate to the benefit of the employees and the taxpayers and will instead foster a work environment ripe for distrust and inefficiency. Given that judicial resolution will take too long to prevent serious and potentially irreparable harm at many federal Agencies, IFPTE urges legislation to overturn all three EOs.
- Continued -

- **Official Time (EO 13837):** By law, federal employee unions are required to provide representation for all employees in units that have elected union representation, even those who choose not to pay dues. Federal employee unions are also forbidden from collecting any fair-share payments or fees from non-members for the services, which the union must provide by law. In exchange for the legal obligation to provide the same services to all employees regardless of whether they pay dues or not, the Civil Service Reform Act of 1978 establishes a right to use Official Time to perform these official mandated representational duties, with Agencies and Unions instructed to negotiate over the appropriate use of Official Time. Under this law, federal employees who serve as union representatives are permitted to use Official Time to engage in negotiations and to perform other representational activities on duty status on behalf of the employees they represent in an effort to increase the efficiency and effectiveness of the federal workforce. Indeed, the law provides that the amount of Official Time that may be used is limited to that which the labor organization and employing agency agree is reasonable, necessary, and in the public interest. As pointed out in a Congressional Research Service report, “(a)ny activities performed by an employee relating to the internal business of the labor organization must be performed while in a non-duty status”. Thus, the argument that Official Time is taxpayer funded Union time is false and malicious, designed to deceive the public.

**Conclusion:**

- **True Intent of the Executive Orders:** The overall intention of the Executive Orders is aimed specifically at, (1) the eventual elimination of collective bargaining rights for federal workers, and (2) to transform the federal government into an ‘at-will’ employer where workers have little to no due process protections and, with the exception of discrimination, can be fired for any reason at all. This is clear at the Executive Office of Immigration Review (EOIR), where the collective bargaining rights of the National Association of Immigration Judges (NAIJ, IFPTE Judicial Council 1) has been targeted by the Department of Justice for elimination. This is also true at the Social Security Administration (SSA), an agency that has refused to bargain in good-faith with its unions, including the Association of Administrative Law Judges (AALJ), IFPTE Judicial Council I, in an effort to allow the anti-union FSIP to impose a management crafted contract upon the union. Without Congress’ intervention these EOs will result in the dismantling of the long-standing Merit System principals and due process protections that have made our federal government the shining example around the world.