



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

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May 1, 2013

Hon. Susan Grundmann, Chairman
U.S. Merit Systems Protections Board
1615 M Street, NW
Washington, DC 20419

Dear Chairman Grundmann,

As President of the International Federation of Professional and Technical Engineers (IFPTE), representing thousands of federal employees across the nation, I am writing regarding the ongoing threat of federal employee furloughs as they relate to sequestration.

As you know, extraordinary steps have been taken by Congress since the sequestration trigger went into effect and gave various government agencies the financial flexibility to avoid furloughs. The most recent example was last week when Congress overwhelmingly approved a bill (HR 1765) that allows the Federal Aviation Administration (FAA) to transfer monies totaling \$253 million from accounts within their budget into their salary account in order to prevent FAA employees from continuing to be furloughed. To the FAA's credit, it appears that the agency will use that flexibility to stop furloughing their employees.

Of particular interest to IFPTE is what Congress did in March when lawmakers came to an agreement on the FY13 spending bills. As a part of that agreement, lawmakers proactively transferred over \$10 billion from the Department of Defense (DoD) procurement and R&D account to the operation and maintenance (O&M) account, where the lion's share of the department's salary monies are housed. It is IFPTE's view that the reason for this shift was to allow the DoD to cover the \$5 billion in salary money needed to avoid any furloughs for civilian workers, while simultaneously giving the department an additional \$5 billion to cover the sequester hit to that account. It is this transfer flexibility, granted to DoD, that has caused the department to rethink their furlough plans.

Concurrent with Congressional actions, multiple Congressional lawmakers have sent letters to Defense Secretary Hagel questioning DoD's decision to implement across-the-board furloughs. These letters question DoD's furlough decision making because of the extra money approved by Congress and given that many of DoD's components have made it clear that furloughs are not necessary. Here are some examples of what lawmakers are saying:

- On April 23rd, a bipartisan group of 116 House members sent a letter to Secretary Hagel reminding him that Congress gave the DoD more than enough money to avoid furloughs, saying that the DoD funding bill "increases funding to the Department's Operation and Maintenance accounts from FY12 to FY13 by an amount that exceeds the anticipated savings from the actions imposed in the January 10 guidance."

- Continued -

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- On April 17th, Maine Senators Susan Collins and Angus King sent a letter to Secretary Hagel saying that, "it is our position that the most consistent and fair approach to furloughs would be to allow each DoD component to maximize its state of readiness."
- On April 18th, members of the Virginia Congressional delegation sent a letter to Secretary Hagel saying that, "we understand that the Navy, Marine Corps and Air Force may be able to complete the fiscal year without conducting any civilian furloughs. Additionally, we understand that approximately 180,000 of the estimated total DoD civilian workforce are paid for through Working Capital Funds (WCF)... WCF employees are paid through reimbursements from the Services and there are no direct savings in appropriated dollars to be rendered from furloughing these employees."

Despite the shift in monies to DoD's O&M account, the fact that many of the department's components have made it clear that they can sustain the sequester hit without imposing furloughs, and the clear belief by many in Congress that the DoD can avoid furloughing employees, it was reported yesterday that Secretary Hagel has decided to continue to move forward with the across-the-board furloughs of employees. IFPTE is obviously disappointed by this decision.

As you might imagine, if DoD moves forward in this manner many employees are likely to appeal their furloughs directly to you and your colleagues at the Merit Systems Protection Board (MSPB). It is IFPTE's view that—in light of the overwhelming evidence that supports a decision by DoD to, at the very least, allow the components themselves to determine whether or not they have the ability to avoid doing furloughs—the employees will have a very strong case. In this regard, IFPTE urges you and your colleagues to examine the DoD furlough policy, including the letters and legislative actions by Congress granting DoD funding flexibility, and issue a pre-emptive statement of opinion as to whether or not the department's workers could prevail at the MSPB if they experience a furlough. Not only would it save the MSPB from deciding thousands of cases that will likely come, it will also save the workers from enduring the pain of a furlough and the financial hardships and hassles of needlessly going through the MSPB process.

Thank you for your consideration. Should you have any questions, please feel free to contact Matt Biggs at (202) 239-4880.

Sincerely,



Gregory J. Junemann,
President