



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

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January 5, 2017

Dear Representative,

As President of the International Federation of Professional and Technical Engineers (IFPTE), I am writing regarding a Dear Colleague being circulated in the House from Rep. Todd Rokita (R-IN, 4) asking for co-sponsors for his so-called Promote Accountability and Government Efficiency (PAGE) Act. Contrary to its title, this legislation will not promote accountability and will not create more efficiency in the federal government. IFPTE asks that you not cosponsor the bill and instead oppose its key provisions.

The PAGE Act is filled with provisions that are crudely crafted and that would undermine critical safeguards meant to protect the taxpayer. They would not only fail to achieve the beneficial goals promised, but instead would generate adverse consequences opposite to those stated as the intention. Its net effect would be to stifle the civil service protections provided to federal employees that allow them to perform their duties unhampered by partisan politics or by other corrupting influences.

IFPTE has particular concerns with the provisions of the PAGE Act that would make Agency bureaucrats less accountable. In particular, the proposed attacks on due process in Sections 2, 3, and 4 are un-American and egregiously harmful to the taxpayer. Section 2 would eliminate civil service protections for newly hired federal workers by designating them 'at-will' employees. Section 3 would allow managers to immediately suspend employees without any warning. Section 4 would limit the appeals rights of federal workers. Specifically:

- Section 2 would destroy a century-old tradition of a professional civil service serving the people, not a particular administration, a workforce in service to the nation, immune from the vagueries of graft and politics. Section 2 would allow any supervisor to fire a hard-working and devoted public servant merely for not voting like them, or not agreeing with them, or not doctoring the books or scientific data as ordered by them. Section 2 would be a catastrophe for the American people by creating a pool of millions of patronage jobs for the political party in control of the Executive Branch to sell to the highest bidder.
- Section 3 would give carte blanche to Agency bureaucrats to financially cripple any employee without accountability. This would foster an environment that stifles whistleblowers or reformers from speaking up.
- Section 4 would undermine the appeal rights of falsely accused workers and whistleblowers, further compounding the harm caused by actions under Sections 3 and 4 by making improper actions irreversible.

These three sections together ignore the fact that due process is not only a core American value enshrined in our nation's founding documents, it is an essential component of good governance. We must reinforce, not diminish, the due-process safeguards of the civil service so that the taxpayer may rest assured that ultimately the truly culpable are properly identified, the correct remediation is taken, and the appropriate justice is dispensed. Instead, this bill would only help entrenched and corrupt bureaucrats cover their tracks by allowing them to scapegoat the innocent or, worse, frame a subordinate whistleblower for trying to expose inefficiencies or wrongdoing. Sections 2, 3, and 4 would only serve to compound any incompetence and/or malfeasance that may be occurring.

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Accountability in the federal government can only be achieved if the lowest ranking employee is protected from an unchecked and arbitrary authority when speaking truth to power and exposing waste, fraud, or abuse. Efficiency in the federal government can only be achieved if the lowest ranking employee can propose reforms without fear of being summarily suspended or fired for embarrassing the superiors responsible for the inefficiency in the first place.

IFPTE is also concerned about the PAGE Act's proposal to undermine the representational rights of civil servants. Section 8 would eliminate the use of official time for representational duties that efficiently and effectively manage 5 U.S.C.'s statutory protections.

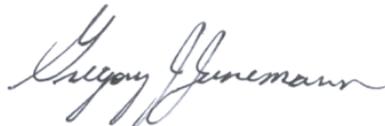
Federal unions are legally required to provide full representation to all members of a bargaining unit, whether or not the worker elects to pay voluntary union dues. Unions are also prevented by law from collecting any other fees from non-dues payers for the services that they seek from the union. Unions are already prohibited by current law from using either official time for Union business or for political activities. In exchange for being compelled to provide representation to dues payers and non-dues payers alike, the Civil Service Reform Act of 1978 permits federal unions and management to bargain official time arrangements to the mutual benefit of labor and management. Where those arrangements have been bargained and agreed-upon by management, locally elected union representatives may use official time to fulfill its statutory representational obligations; to represent rank-and-file workers in negotiations to improve their workplace conditions resulting in greater efficiency and productivity, and; to provide an independent pathway for critical information and viewpoints from rank-and-file employees to reach the attention of Congressional committees so as to assist in their oversight responsibilities. Official time is thus used exclusively for agency-related business whereby the perspective and wisdom of rank-and-file employees can be better harnessed for the benefit of the government. It is already illegal to use official time for union business (i.e., recruiting, organizing, etc.) or for political activities. The contention that taxpayer money is currently used for union business is misleading and flat out wrong.

Furthermore, the use of official time creates considerable cost savings to the taxpayer. Collective bargaining is a proven method for achieving greater productivity and harmony in the workplace. Union representation for employees working their way through administrative procedures is a cost-effective process for administrating and adjudicating agency disputes equitably and cost-effectively, instead of having the government needlessly end up paying costly third-party attorney's fees and court costs. The minimal cost of official time has reaped huge savings and benefits for the taxpayer. Doing away with it would be fiscally irresponsible and would decrease efficiency and accountability as mid-level Agency bureaucrats could then act without any Legislative or even Executive Branch oversight. Having to answer to a Union Steward or Negotiator (who can raise issues more easily to higher authorities) keeps Agency managers more honest and prevents arbitrary and capricious -- and ultimately unaccountable -- abuse of the administrative authority of managers.

In sum, the PAGE Act would violate our core American due-process values, undermine and ultimately corrupt our independent and professional civil-servant workforce, result in greater costs to taxpayers, invite obfuscation by entrenched mid-level bureaucrats along with the scapegoating of the rank and file, and create an environment that is ripe for corruption and immune from accountability. IFPTE respectfully asks that you oppose it.

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

Sincerely,



Gregory J. Junemann
President