

FEDERAL WORKERS ALLIANCE

COLLECTIVELY REPRESENTING OVER 300,000 FEDERAL WORKERS

October 29, 2020

Hon. Nita Lowey, Chair
Appropriations Committee
U.S. House of Representatives
H-307 The Capitol
Washington, DC 20515

Hon. Patrick Leahy, Ranking Member
Appropriations Committee
United States Senate
S-146A The Capitol
Washington, DC 20510

Dear Chairwoman Lowey and Ranking Member Leahy,

The undersigned unions of the Federal Workers Alliance (FWA) thank each of you for your long-standing support of the federal workforce. We are writing today to ask for your urgent response to the latest in a long list of harmful policies undermining the federal workforce implemented by the Trump Administration. In particular, we ask that you include in the next Fiscal Year 2021 (FY 21) Continuing Resolution or Omnibus appropriations bill, language that is consistent with the recently introduced *Saving the Civil Service Act* which would defund implementation of Executive Order 13957 (EO 13957).

Despite the fact that we are just days away from the presidential election, President Trump signed EO 13957 last Wednesday intending to eviscerate the federal government's merit system principals, open the door to the politicization of the federal workforce, strip hundreds of thousands of federal workers of their due process rights, and give agencies carte blanche to dismantle collective bargaining units. Like all the other harmful policies undertaken by this administration undermining the federal workforce, this has been done so unilaterally and without the consent of Congress.

Since taking office, the President has strategically hired key political personnel at the Office of Management and Budget (OMB) and elsewhere who have spent careers previously outside of government arguing that lawmakers should dismantle worker due process rights, and indeed our apolitical federal civil service. Because this draconian approach has been soundly rejected in bipartisan fashion on Capitol Hill, the Trump Administration has turned to Executive Orders. This latest order is perhaps the most dangerous and comes on top of several others that are intended to radically change our federal workforce.

If allowed to stand, EO 13957 will do the following:

- Create a new excepted service designation for federal workers called Schedule F to embed and hide political operatives within the ranks of career employees by allowing them to stay longer than a presidential administration;
- Allow agencies across the government wide latitude in identifying hundreds of thousands of current rank and file federal workers to be shifted from their current competitive service designation, to the at-will, excepted Schedule F designation where they can be fired without any due process protections;
- Opens the door for widespread union-busting across the federal government by allowing the Federal Labor Relations Authority (FLRA) to determine the feasibility of allowing Schedule F at-will employees to remain in collective bargaining units.

Federal agencies have up to 90 days to identify federal workers who can be shifted to the Schedule F at-will employment designation, allowing them to act on this Executive Order as early as one day after submitting the recommendations to the Office of Personnel Management (OPM). Sadly, it seems clear that the timeline is intended for agencies to move on this prior to a potential change in administration.

This is a transparent attempt to burrow political operatives into the ranks of career civil service well after President Trump leaves office. If allowed to stand, this new policy would set a dangerous precedent and send the clear message to all federal workers that in order to retain their jobs they must show loyalty to whoever may be sitting in the Oval Office. This Executive Order is so bad that Dr. Ron Sanders, appointed by President Trump as Chair of the Federal Salary Council, and life-long Republican, resigned his position earlier this week in disgust, calling EO 13957, “nothing more than a smokescreen for what is clearly an attempt to require the political loyalty of those who advise the President, or failing that, to enable their removal with little if any due process.”

Please do not allow this President to wreak such havoc on our federal civil service. We ask that you include language in the next CR or Omnibus spending bill to defund implementation of EO 13957.

If you have any questions, please contact FWA legislative co-chairs Matt Biggs at (202) 239-4880 or Steve Lenkart at (202) 216-4458.

Sincerely,

American Federation of State, County, and Municipal Employees (AFSCME)
American Federation of Teachers, AFL-CIO (AFT)
Antilles Consolidated Education Association (ACEA)
Federal Education Association/National Education Association (FEA/NEA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAMAW)
International Brotherhood of Electrical Workers (IBEW)
International Brotherhood of Teamsters (IBT)
International Federation of Professional and Technical Engineers (IFPTE)
International Organization of Masters, Mates and Pilots (MM&P)
Marine Engineers’ Beneficial Association (MEBA)
Metal Trades Department, AFL-CIO (MTD)
National Association of Government Employees, SEIU (NAGE)
National Federation of Federal Employees (NFFE)
National Treasury Employees Union (NTEU)
National Nurses United (NNU)
National Weather Service Employees Organization (NWSEO)
Overseas Federation of Teachers, AFT, AFL-CIO
Professional Aviation Safety Specialists (PASS)
Patent Office Professional Association (POPA)
Seafarers International Union/NMU (SIU)
Service Employees International Union (SEIU)
Sheet Metal, Air, Rail and Transportation Workers (SMART)
SPORT Air Traffic Controllers Organization (SATCO)
United Power Trades Organization (UPTO)
National Postal Mail Handlers Union (NPMHU)
National Air Traffic Controllers Association (NATCA)
Department for Professional Employees (DPE), AFL-CIO

