

ENSURING WORKPLACE FAIRNESS

Starting in the 1800s, our nation purposely sought to replace the dysfunctional so-called "spoils system" with a merit-based, non-partisan civil service, and later granted both constitutional and statutory rights to ensure these goals. It is imperative that our nation uphold career civil servants who are charged with implementing complex federal programs on behalf of the American people with dedication and skill, regardless of changes in elected leadership. Proposals to eliminate or restrict due process rights for these employees would simply return the civil service to the spoils system driven by patronage and political favoritism rather than ability and merit. Maintaining current employee due process and requirements for independent reviews of agency personnel actions ensure a fair and transparent workplace, where frontline employees will not be afraid or unable to report and blow the whistle on waste or wrongdoing.

NTEU opposes proposals that seek to make all career employees "at-will" with no independent reviews or due process, as well as H.R. 559, legislation that weakens due process rights, sets unworkable time limits, and penalizes the employee when reviewing agencies do not act quickly enough. Under the existing performance management system and processes in place, supervisors and managers can already remove federal employees for a variety of reasons, including performance and misconduct. Legislation such as H.R. 3257 would remove the current safeguards for workers, and would also limit the ability of labor organizations to represent employees, including whistleblowers, and those who have been unfairly retaliated against. More training for federal managers and supervisors is a much better and effective way to achieve an effective performance management system across federal agencies than the abolishment of an independent civil service.

In previous Congresses, bills have been introduced to eliminate or restrict collective bargaining in the federal workplace. In the federal sector, there is no requirement that an individual join and pay dues to a union. However, federal unions are required to represent every individual in a bargaining unit, whether or not they choose to pay dues. Federal unions are prohibited from striking, and have much narrower collective bargaining rights than their private sector counterparts. Federal workers deserve a voice in their workplace, and NTEU opposes efforts to eliminate current rights and indirect efforts that aim to undermine our ability to effectively represent our members.

In September, the President disbanded the National Council on Federal Labor Management Relations by rescinding an executive order that promoted the creation of workplace forums to improve productivity and effectiveness of the federal government. NTEU strongly protested the move, stressing that these councils helped to transform what was too often adversarial labor-management relationships into problem-solving relationships. Senators Brian Schatz (D-HI), Sherrod Brown (D-OH), and Elizabeth Warren (D-MA), and Representatives Elijah Cummings (D-MD) and Don Young (R-AK) have introduced bills, S. 2340 and H.R.4878, that would re-instate the Council and require agency-level forums, ensuring a voice for frontline federal employees in the workplace.

NTEU urges:

- **Support for a professional, non-partisan civil service with employee due process and appeal rights to prevent politicization of the civil service and to protect whistleblowers.**
- **Opposition to anti-worker proposals seeking to eliminate or weaken collective bargaining rights for federal workers (H.R. 559 and H.R. 3257) or that fail to protect workers from arbitrary or unfair job actions.**
- **Support for S. 2340 and H.R. 4878, legislation to re-establish the National Council on Federal Labor Management Relations and agency-level forums to provide for common-sense collaboration.**