

FEDERAL WORKERS ALLIANCE

19 UNIONS COLLECTIVELY REPRESENTING 300,000 FEDERAL EMPLOYEES

May 31, 2017

DRAFT

U.S. House of Representatives
Washington, DC 20515

Re: Opposition to H.R. 1461

Dear Representative:

We, the undersigned unions of the Federal Workers Alliance (FWA), collectively representing more than 300,000 federal workers, urge you to **VOTE NO on the Veterans, Employees, and Taxpayers Protection Act of 2017 (H.R. 1461)**. This legislation does not help veterans or taxpayers. Rather, it serves only to weaken federal employee unions. Unfortunately, in the process, H.R. 1461 treats our nation's veterans like political pawns, placing them at greater risk when undergoing or seeking health care and other services from the Department of Veterans Affairs (VA).

In addition to veterans who seek services from the VA, this bill also negatively impacts the 120,000 veterans who work at the VA (nearly 1/3 of the workforce) by limiting their ability to report safety problems, discrimination, abuses of resources and deficiencies in services. By taking the voice of VA veterans out of veterans' care, H.R. 1461 shamefully eradicates the most important in-house resource available.

In summary, this bill targets federal employees and the unions that represent them by significantly restricting the amount of official time that democratically-elected local union representatives can use. If this bill is passed in its original or amended form, it will place a general arbitrary cap on official time as low as 25%. In addition, the bill bans direct care providers and senior level professionals (with a base salary of \$100,000) from serving in official time capacities, effectively depleting the program of the institutional knowledge that provides benefit to the VA. To make matters worse, union officials would be forbidden from using official time to contact members of Congress—even if the outreach is used to represent and protect whistleblowers.

It is crucial to understand the truth about official time:

- **Official time is not “union time.”** Activities such as political action, political fundraising, and internal union business like membership organizing are already prohibited. When these activities do take place, union officials and members are required to be on their personal time or on leave.
- Official time is used to address important workplace concerns, including issues regarding safety, efficiency, mission effectiveness, employee engagement, and supporting management in the implementation of new initiatives.
- Official time is used to advise employees and to represent them in personnel matters, often saving the agency time and money by avoiding costly litigation.

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- Official time is carefully tracked by agency representatives to ensure it is used prudently and only to benefit the workforce and agency mission. Union representatives can only use the amount of official time that agencies and unions agree is necessary and in the public interest.

This legislation also arbitrarily extends probationary periods for new hires at the VA from 12 months to 24 months. This would unfairly extend at-will employment status, which means no due process rights to protect them from potential management violations. One full year is plenty of time for an authentic manager to observe performance and act on poor performers—an additional 6 months is wholly unnecessary. Extending probationary periods and limiting appeal rights will not resolve any issues around patient care. If employees are forced to serve an extended probationary period, while at the same time having little to no appeal rights, it will obstruct whistleblowing and hinder medical staff recruitment and retention, ultimately lowering the standard of care for our nation's veterans.

Furthermore, H.R. 1461 allows VA employees to revoke their union membership at any time. This is simply a punitive measure against labor unions themselves, as it otherwise serves no legitimate purpose. Currently, when employees voluntarily join the union, they are agreeing to a one year term of membership. If enacted, this provision allows employees to join and leave the union whenever it benefits them. This provision is designed to drain union resources and make it unable to fulfill their legal requirement to represent and arbitrate on behalf of its members. This legal requirement, along with the one year membership obligation, was mandated in the Civil Service Reform Act in exchange for forfeiture of the right to strike within the federal government. Unions rely on membership dues to cover costs related to representation such as arbitrators, attorneys' fees and court costs. Again, there is no legitimate justification for this provision and it is beneath the dignity of the Congress.

This legislation is not only harmful to the veterans who seek health and medical care at the VA, but it hurts the many veterans who are employees at the VA and provide care and perform administrative duties to keep the quality of veteran care as high as possible. Look at the source of this legislation and vote with your conscience. Every vote for this legislation is a vote against veterans and the professionals who assist veterans every day.

Please vote NO on H.R. 1461, the deceptively named Veterans, Employees, and Taxpayers Protection Act of 2017. For further information, contact the FWA legislative department at (202) 216-4458.

Sincerely,

American Federation of State, County and Municipal Employees (AFSCME)

American Federation of Teachers (AFT)

Federal Education Association/National Education Association (FEA/NEA)

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International Association of Fire Fighters (IAFF)

International Association of Machinists and Aerospace Workers (IAMAW)

International Brotherhood of Electrical Workers (IBEW)

International Federation of Professional and Technical Engineers (IFPTE)

Metal Trades Department, AFL-CIO (MTD)

National Association of Government Employees, SEIU

National Education Association (NEA)

National Federation of Federal Employees (NFFE)

Professional Aviation Safety Specialists (PASS)

Seafarers International Union/NMU (SIU)

Service Employees International Union (SEIU)

Sheet Metal, Air, Rail and Transportation Workers (SMART)

Union Power Trades Organization (UPTO)