

United States Senate

WASHINGTON, DC 20510

February 27, 2020

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20502

Dear Mr. President:

We write to express our concern about the January 29, 2020, Memorandum for the Secretary of Defense regarding collective bargaining that was recently promulgated.

More than 700,000 Americans work civilian jobs for the Department of Defense. They are dedicated to the Department's mission and a part of the Department's successes. This new memorandum provides the Secretary of Defense and other department officials with the blanket authority to waive the collective bargaining rights of all of these employees when, in fact, labor organizations and collective bargaining in the civil service are in the public interest.

We all agree that the Department of Defense requires flexibility to respond to the challenges that our nation faces. However, collective bargaining is not only compatible with this needed flexibility, but also is a key component in preserving flexibility by giving employees a voice in the system and providing avenues for management to receive feedback.

A fair collective bargaining process is a cornerstone of American labor law and a right afforded to employees within the federal government. Any exemptions permitted by the process are not meant to be given widely to an entire Department as a sweeping declaration, but to be carefully considered. In fact, because of existing safeguards, no president has found it necessary to issue a blanket exemption of all Department of Defense employees from collective bargaining since enactment of the Civil Service Reform Act of 1978.

Instead, previous use of this authority has been as narrowly crafted as possible. Any attempts to broadly exempt agencies or subdivisions that have been operating successfully would run contrary to the intent of the authority and successful practice. Any future exemptions of new agencies or subdivisions should be consistent with prior uses of the exemption for national security purposes.

The Department of Defense has a history of working with labor unions that represent the interests of employees. We encourage the Department to continue this cooperation and to preserve longstanding protections for federal employees. Allowing any department or subcomponent to exempt itself for poorly defined reasons runs contrary to these protections.

We urge you to reconsider this new memorandum and work to protect the collective bargaining rights of federal employees, including those at the Department of Defense.

Sincerely,



Susan M. Collins
United States Senator



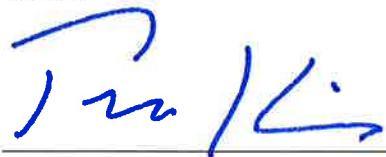
Mark R. Warner
United States Senator



Benjamin L. Cardin
United States Senator



Chris Van Hollen
United States Senator



Tim Kaine
United States Senator



Gary C. Peters
United States Senator