

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TREASURY EMPLOYEES UNION  
800 K Street N.W., Suite 1000  
Washington, D.C. 20001,

Plaintiff,

v.

DONALD J. TRUMP,  
President of the United States  
1600 Pennsylvania Avenue N.W.  
Washington, D.C. 20500, *et al.*,

Defendants.

Case No. 1:25-cv-00935 (PLF)

**PLAINTIFF NTEU'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiff National Treasury Employees Union (NTEU) moves for summary judgment.

NTEU challenges Executive Order No. 14,251, *Exclusions from Labor-Management Relations Programs*, Section 2, which strips collective-bargaining rights from hundreds of thousands of federal employees across the government. That Order is contrary to the Federal Sector Labor-Management Relations Statute and is thus ultra vires. It also reflects retaliation for protected speech in violation of the First Amendment. There are no material facts in dispute.

For these reasons and the reasons set forth in the accompanying memorandum, NTEU requests that summary judgment be issued in its favor.

Respectfully submitted,

/s/ Julie M. Wilson

JULIE M. WILSON  
General Counsel  
D.C. Bar 482946

/s/ Paras N. Shah

PARAS N. SHAH  
Deputy General Counsel  
D.C. Bar 983881

/s/ Allison C. Giles

ALLISON C. GILES  
Assistant Counsel  
D.C. Bar 439705

/s/ Jessica Horne

JESSICA HORNE  
Assistant Counsel  
D.C. Bar 1029732

/s/ Kathryn W. Bailey

KATHRYN W. BAILEY  
Assistant Counsel  
D.C. Bar 1643256

NATIONAL TREASURY EMPLOYEES UNION  
800 K Street N.W., Suite 1000  
Washington, D.C. 20001  
(202) 572-5500  
julie.wilson@nteu.org  
paras.shah@nteu.org  
allie.giles@nteu.org  
jessica.horne@nteu.org  
kathryn.bailey@nteu.org

June 9, 2025

Counsel for Plaintiff NTEU



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TREASURY EMPLOYEES UNION  
800 K Street N.W., Suite 1000  
Washington, D.C. 20001,

Plaintiff,

v.

DONALD J. TRUMP,  
President of the United States  
1600 Pennsylvania Avenue N.W.  
Washington, D.C. 20500, *et al.*,

Defendants.

Case No. 1:25-cv-00935 (PLF)

**MEMORANDUM OF POINTS AND AUTHORITIES  
IN SUPPORT OF PLAINTIFF NTEU'S  
MOTION FOR SUMMARY JUDGMENT**

## **TABLE OF CONTENTS**

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES .....	ii
INTRODUCTION .....	1
BACKGROUND .....	2
I. Congress’s Broad Grant of Collective-Bargaining Rights to Federal Workers .....	2
II. The President’s Sweeping Executive Order Cancelling Statutory Collective-Bargaining Rights.....	3
III. The Administration’s Admitted Motivations Behind the Executive Order .....	4
IV. Procedural History .....	5
LEGAL STANDARD.....	7
ARGUMENT .....	7
I. The Executive Order’s Sweeping and Politically Motivated Exemptions, Individually and Collectively, Are Ultra Vires (Counts 1 and 2).....	7
A. Judicial Review and the Presumption of Regularity.....	8
B. The Merits of NTEU’s Ultra Vires Claims .....	9
II. The Executive Order Is First Amendment Retaliation, as the White House Fact Sheet Effectively Concedes (Count 3).....	18
III. NTEU Will Continue to Suffer Harm Absent Injunctive Relief. ....	23
A. The Executive Order Is Harming NTEU’s Bargaining Power.....	23
B. The Executive Order Is Causing NTEU Ongoing Financial Harm. ....	26
C. The Executive Order Is Exacting First Amendment Retaliation. ....	27
CONCLUSION.....	27

## TABLE OF AUTHORITIES

### Cases

<i>Am. Forest Res. Council v. United States</i> , 77 F.4th 787 (D.C. Cir. 2023).....	9
<i>Aref v. Lynch</i> , 833 F.3d 242 (D.C. Cir. 2016) .....	18
<i>Bureau of Alcohol, Tobacco &amp; Firearms v. FLRA</i> , 464 U.S. 89 (1983). ....	2, 17
<i>Chamber of Com. v. Reich</i> , 74 F.3d 1322 (D.C. Cir. 1996) .....	9
<i>City of Ketchikan v. Cape Fox Corp.</i> , 85 F.3d 1381 (9th Cir. 1996) .....	11
<i>Cole v. Young</i> , 351 U.S. 536 (1956) .....	11–12
<i>Connelly v. Cty. of Rockland</i> , 61 F.4th 322 (2d Cir. 2023) .....	19
<i>Delligatti v. United States</i> , 145 S. Ct. 797 (2025).....	11
<i>Dep’t of Treasury v. NTEU Ch. 73</i> , No. 25-cv-49, 2025 U.S. Dist. LEXIS 95533 (E.D. Ky. May 20, 2025).....	21, 22
<i>Eng v. Cooley</i> , 552 F.3d 1062 (9th Cir. 2009). ....	20
<i>Feliciano v. DOT</i> , 145 S. Ct. 1284 (2025).....	17
<i>Holcomb v. Powell</i> , 433 F.3d 889 (D.C. Cir. 2006).....	7
<i>Hous. Cmty. Coll. Sys. v. Wilson</i> , 595 U.S. 468 (2022) .....	19
<i>In re Aiken Cty.</i> , 725 F.3d 255 (D.C. Cir. 2013) .....	17
<i>Legal Servs. Corp. v. Velazquez</i> , 531 U.S. 533 (2001) .....	19
<i>Local Union No. 5741, United Mine Workers v. NLRB</i> , 865 F.2d 733 (6th Cir. 1989) .....	26
<i>McDonald v. Smith</i> , 472 U.S. 479 (1985).....	19
<i>Nat’l Ass’n of Postal Supervisors v. USPS</i> , 26 F.4th 960 (D.C. Cir. 2022) .....	10
<i>Nieves v. Bartlett</i> , 587 U.S. 391 (2019). ....	20
<i>NTEU v. Trump</i> , No. 25-0935, 2025 U.S. Dist. LEXIS 80268 (D.D.C. Apr. 28, 2025) .....	passim

<i>NTEU v. Trump</i> , No. 25-5157, 2025 U.S. App. LEXIS 11952 (D.C. Cir. May 16, 2025).....	3, 6, 7
<i>OPM v. FLRA</i> , 864 F.2d 165 (D.C. Cir. 1988).....	3, 12
<i>Perkins Coie LLP v. U.S. Dep’t of Justice</i> , No. 25-716, 2025 U.S. Dist. LEXIS 84475 (D.D.C. May 2, 2025) .....	27
<i>Wilmer Cutler Picking Hale &amp; Dorr v. Exec. Off. of the President</i> , No. 25-917, 2025 U.S. Dist. LEXIS 100078 (D.D.C. May 27, 2025) .....	22
<i>Youngstown Sheet &amp; Tube Co. v. Sawyer</i> , 343 U.S. 579 (1952) .....	17

## Statutes

5 U.S.C. § 7101, <i>et seq.</i> .....	2
5 U.S.C. § 7101(a) .....	2, 3, 8, 10, 17
5 U.S.C. § 7103(a)(3) .....	3
5 U.S.C. § 7103(b)(1) .....	passim
5 U.S.C. § 7114(a). .....	3, 23
5 U.S.C. § 7115(a) .....	25, 26

## Other Authorities

124 Cong. Rec. H9637 (daily ed. Sept. 13, 1978) (statement of Rep. Clay). .....	2–3, 17
Executive Order No. 14,251, <i>Exclusions from Federal Labor-Management Relations Programs</i> , 90 Fed. Reg. 14553 (Mar. 27, 2025).....	passim
<i>Primary</i> , Merriam Webster, <a href="https://www.merriam-webster.com/dictionary/primary">https://www.merriam-webster.com/dictionary/primary</a> (last visited June 6, 2025).....	11

## Rules

Fed. R. Civ. P. 56(a) .....	7
-----------------------------	---

## INTRODUCTION

Less than two months ago, this Court preliminarily enjoined Section 2 of Executive Order No. 14,251, *Exclusions from Federal Labor-Management Relations Programs*, 90 Fed. Reg. 14,553 (Mar. 27, 2025) (the Executive Order), as it applies to twelve agencies where Plaintiff National Treasury Employees Union (NTEU) represents federal workers. NTEU now moves for summary judgment that the Executive Order is unlawful.

The Executive Order strips collective-bargaining rights from federal workers in over thirty agencies or subdivisions. *NTEU v. Trump*, No. 25-0935, 2025 U.S. Dist. LEXIS 80268, at \*2 (D.D.C. Apr. 28, 2025). In all, it takes about two-thirds of federal workers outside the coverage of the Federal Service Labor-Management Relations Statute of 1978 (the Statute). *Id.* For NTEU, that means “65.9% of all NTEU-represented employees, or approximately 104,278 employees.” *Id.* at \*46. The one dozen NTEU-represented agencies that the Executive Order exempts from the Statute are refusing to bargain with or to engage with NTEU—all while federal workers are under unprecedented attack and facing large-scale reductions-in-force. *Id.* at \*32, \*48–49.

This Court correctly concluded that there is “clear evidence” that the Executive Order’s sweeping use of a narrow national-security exemption to undo the bulk of the Statute’s coverage was driven by extra-statutory motivations unrelated to national security. *Id.* at \*23. Those motivations, the White House Fact Sheet on the Executive Order makes clear, included exacting political retribution against

“hostile” federal-sector unions that have challenged the President’s agenda and making federal workers easier to fire. *Id.* at \*8, \*25.

Congress passed the Statute to codify federal labor relations and to safeguard it from the whims of any President; to promote collective bargaining; and to strengthen federal labor unions. *See* 5 U.S.C. § 7101(a); *Bureau of Alcohol, Tobacco & Firearms v. FLRA*, 464 U.S. 89, 107 (1983). It cannot follow that Congress also provided for unchecked Executive discretion to dismantle that same statutory system, including as a way to punish union dissent.

This Court should confirm what it indicated two months ago and rule that the Executive Order’s exclusions are ultra vires. It should likewise hold that those exclusions violate the First Amendment.

## **BACKGROUND**

### **I. Congress’s Broad Grant of Collective-Bargaining Rights to Federal Workers**

“In passing the Civil Service Reform Act, Congress unquestionably intended to strengthen the position of federal unions and to make the collective-bargaining process a more effective instrument of the public interest than it had been under the Executive Order regime.” *Bureau of Alcohol, Tobacco & Firearms*, 464 U.S. at 107.

As Title VII of the Act, Congress enacted the Statute, 5 U.S.C. § 7101, *et seq.* Congress intended the Statute to replace the existing Executive Order regime governing collective bargaining with a “statutory Federal labor-management program which cannot be universally altered by any President.” 124 Cong. Rec.

H9637 (daily ed. Sept. 13, 1978) (statement of Rep. Clay).<sup>1</sup>

The Statute rests on Congress’s finding that “the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them . . . safeguards the public interest.” 5 U.S.C. § 7101(a). The Statute assigns federal-sector unions the job of “act[ing] for” and “negotiat[ing] collective-bargaining agreements covering” all employees in the bargaining units that they are elected to represent. *Id.* § 7114(a).

Congress excluded some agencies from the Statute, like the Federal Bureau of Investigation. *Id.* § 7103(a)(3). The Statute gives the President narrow grounds to exclude additional agencies if he determines that an agency or subdivision has a “primary function [of] intelligence, counterintelligence, investigative, or national security work,” and the Statute cannot be applied “in a manner consistent with national security requirements and considerations.” *Id.* § 7103(b)(1).

## **II. The President’s Sweeping Executive Order Cancelling Statutory Collective-Bargaining Rights**

Before the Executive Order at issue, no President had used Section 7103(b)(1)’s narrow national-security exemption to exclude an entire Cabinet-level agency from the Statute—let alone multiple Cabinet-level agencies. *NTEU v. Trump*, No. 25-5157, 2025 U.S. App. LEXIS 11952, at \*8 (D.C. Cir. May 16, 2025) (Childs, J., dissenting). This Executive Order, though, strips collective-bargaining

---

<sup>1</sup> This Court has relied on statements from “major players in the legislation, such as Representative Clay.” *OPM v. FLRA*, 864 F.2d 165, 169 (D.C. Cir. 1988).

rights from about two-thirds of federal workers, including 65.9% of the workers that NTEU represents. *NTEU*, 2025 U.S. Dist. LEXIS 80268, at \*2, \*46.

The Office of Personnel Management (OPM) issued guidance explaining that excluded agencies “are no longer subject to the collective-bargaining requirements of [chapter 71]” and that the unions representing bargaining-unit employees at those agencies have “los[t] their status” as the exclusive representative for those employees. Plaintiff’s Statement of Material Facts Not in Dispute (Facts) ¶¶ 8–9.

NTEU represents eleven federal agencies that the Executive Order excludes from the Statute’s coverage entirely and another agency that the Order excludes in part. *Id.* ¶ 30. NTEU has represented several of the bargaining units that the Executive Order excludes from the Statute’s coverage for decades and some since the Statute’s inception in 1978. *Id.* ¶¶ 32, 34, 48, 53.

### **III. The Administration’s Admitted Motivations Behind the Executive Order**

The Administration issued a Fact Sheet and OPM Guidance on the same night as the Executive Order. Each discusses the Executive Order’s impetus: facilitating mass firings of federal employees and exacting political vengeance.

**A.** The OPM Guidance acknowledges the larger context: the President’s direction to agencies “to prepare large-scale reductions in force.” Facts ¶ 12. Now, with the Executive Order’s issuance, OPM advises agencies to “[d]isregard [c]ontractual [reduction-in-force] [a]rticles” and “prepare large-scale reductions in force” as the “President has directed.” *Id.* According to OPM, “Agency [collective-



bargaining agreements] often create procedural impediments” to removing underperforming employees. *Id.* ¶ 10.

**B.** The White House Fact Sheet reveals an additional motivation for the Executive Order: political retribution against “hostile Federal unions.” *Id.* ¶ 14. The Fact Sheet states that “[c]ertain Federal unions have declared war on President Trump’s agenda.” *Id.* ¶ 15. NTEU is one of the “Federal unions” that has fought back against President Trump’s agenda. NTEU has initiated litigation against several Administration initiatives that it believes are unlawful. *Id.* ¶¶ 103–106.

The Executive Order targets a dozen different collective-bargaining relationships that NTEU has with federal agencies and departments. *Id.* ¶¶ 30, 115. That includes NTEU’s largest bargaining unit: the IRS. *Id.* ¶ 34.

#### **IV. Procedural History**

On March 31, NTEU filed a lawsuit alleging that the Executive Order’s exemptions of its bargaining units from the Statute, individually and collectively, were ultra vires because they exceeded the President’s authority under the Statute; and that the exemptions reflected First Amendment retaliation for NTEU’s litigation against the Administration. *NTEU*, 2025 U.S. Dist. LEXIS 80268, at \*10. NTEU then moved for a preliminary injunction against the Executive Order, Section 2, and OPM’s implementing guidance. *Id.* at \*11.

In a decision issued on April 28, this Court held that the White House’s own words and actions defeated the presumption of regularity and allowed for judicial review of NTEU’s ultra vires claims. *Id.* at \*22–33. The Court found “clear evidence”

that the President’s sweeping use of the national-security exemption was “retaliatory” and aimed to “punish unions for the ‘war’ they have ‘declared [] on President Trump’s agenda”; served to facilitate “unrelated policy objectives” like “mak[ing] federal employees easier to fire”; and “b[ore] no relation to the [statutory] criteria” for the national-security exemption. *Id.* at \*27–33, \*35. The evidence likewise showed that the President’s exemptions were based on a “disagreement with Congress’s decision to extend collective bargaining rights to the federal workforce broadly, rather than a determination that such rights cannot be applied in a ‘manner consistent with national security requirements and considerations.’” *Id.* at \*26 (quoting 5 U.S.C. § 7103(b)(1)(B)).

This Court concluded that NTEU would likely succeed in proving its ultra vires claims (*id.* at \*33–45 (abstaining from evaluating First Amendment claim)); that it had shown irreparable harm given the damage to its bargaining power and the financial losses that threatened its very existence (*id.* at \*45–55); and that the equities favored preliminary relief (*id.* at \*55–58). The Court thus preliminarily enjoined Section 2 of the Executive Order as it applies to eleven NTEU-represented agencies that the Order exempts from the Statute entirely and another NTEU-represented agency that the Order exempts in part. *Id.* at \*6–7.

On April 30, the government appealed this Court’s ruling. It then asked the D.C. Circuit for an immediate administrative stay of the ruling and a stay pending appeal. *NTEU*, 2025 U.S. App. LEXIS 11952, at \*8. The D.C. Circuit did not grant

an administrative stay, but on May 16 granted a stay pending appeal in a divided decision that was based solely on the equitable factors. *Id.* at \*2 n.1.

### **LEGAL STANDARD**

Summary judgment is appropriate “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). “The mere existence of *some* alleged factual dispute between the parties’ will not defeat summary judgment; ‘the requirement is that there be no *genuine* issue of *material* fact.’” *Holcomb v. Powell*, 433 F.3d 889, 895 (D.C. Cir. 2006) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247–48 (1986)). “A fact is ‘material’ if a dispute over it might affect the outcome of a suit under governing law . . . An issue is ‘genuine’ if ‘the evidence is such that a reasonable jury could return a verdict for the nonmoving party.’” *Id.* (quoting *Anderson*, 477 F.3d at 248).

### **ARGUMENT**

#### **I. The Executive Order’s Sweeping and Politically Motivated Exemptions, Individually and Collectively, Are Ultra Vires (Counts 1 and 2).**

This Court found “clear evidence” in the government’s own statements and actions showing that political vengeance and policy objectives unrelated to national security prompted the Executive Order’s unprecedented use of the Statute’s narrow national-security exemption. *See NTEU*, 2025 U.S. Dist. LEXIS 80268, at \*23. This evidence shows that the President’s use of the narrow-security exemption is ultra vires. *See id.* at \*34. A contrary conclusion would mean that there is no national-

security exemption that the President could make—no matter how outlandish or pretextual—that would exceed his authority under the Statute.

### **A. Judicial Review and the Presumption of Regularity**

Typical arguments against judicial review—a concern with probing presidential motivations or second-guessing national-security decisions—are inapplicable where the White House explicitly states the President’s improper motivations for his national-security decisions. Consistent with D.C. Circuit precedent, this Court previously held that, in this unique circumstance, the White House’s own words and actions defeated the presumption of regularity and allowed for judicial review of NTEU’s ultra vires claims. *See NTEU*, 2025 U.S. Dist. LEXIS 80268, at \*18–33.

This Court previously found “clear evidence that ‘the President was indifferent to the purposes and requirements of the [Statute], or acted deliberately in contravention of them.’” *Id.* at \*23 (quoting *AFGE v. Reagan*, 870 F.2d 723, 728 (D.C. Cir. 1989)). Specifically, the Court made the following findings, among others:

- “The scope of the Executive Order – covering two-thirds of the federal workforce – and the Fact Sheet’s characterization of unions and collective bargaining rights . . . as ‘dangerous’ stand in stark contrast to” Congress’s findings in Section 7101(a)(1) of the Statute. *Id.* at \*24.
- The White House Fact Sheet’s justifications for the Executive Order are “better understood as a disagreement with Congress’s decision to extend collective bargaining rights to the federal workforce broadly, rather than a determination that such rights cannot be applied in a ‘manner consistent with national security requirements and considerations.’” *Id.* at \*26 (quoting 5 U.S.C. § 7103(b)(1)(B)).
- The White House Fact Sheet’s statements regarding “hostile Federal unions . . . bear no relation to the criteria established by Congress in Section 7103(b)(1).” *Id.* at \*28. They instead “reflect President Trump’s

frustration with the unions’ representational activity and exercise of their First Amendment rights . . . and the impact those activities have had on his policy directives.” *Id.*

- “[T]hese statements in the Fact Sheet appear to be in direct response to the number of lawsuits and grievances NTEU has filed against the Trump Administration in the last several months.” *Id.*
- “[C]ertain inclusions and exclusions from the Executive Order reflect a preference for unions that have a ‘constructive relationship’ with the President. For example, the President’s decision to allow ‘police officers, security guards, [and] firefighters’ to retain their collective bargaining rights, but to remove such rights from employees of the Federal Bureau of Prisons – whose employees are represented by a union that has been critical of the President and his Administration – suggests that the President’s relationship with particular unions was a factor in determining which agencies and subdivisions were included in the Executive Order.” *Id.* at \*29–30.
- “The language used in the Fact Sheet coupled with the focus on ‘constructive partnership[s] as opposed to ‘mass obstruction’ undercuts the presumption that the President considered and abided by the statutory language in Section 7103(b)(1).” *Id.* at \*30. “Furthermore, it suggests a retaliatory motive to punish unions for the ‘war’ they have ‘declared [] on President Trump’s agenda.” *Id.*
- There “is strong evidence that the President’s invocation of Section 7103(b)(1) was to remove the barriers created by the [Statute] to his unrelated policy objectives,” *i.e.*, “mak[ing] federal employees easier to fire.” *Id.* at \*31–33.

## **B. The Merits of NTEU’s Ultra Vires Claims**

“The Congress can and often does cabin the discretion it grants the President, and it remains the responsibility of the judiciary to ensure that the President acts within those limits.” *Am. Forest Res. Council v. United States*, 77 F.4th 787, 796 (D.C. Cir. 2023). Thus, “[w]hen an executive acts ultra vires, courts are normally available to reestablish the limits on his authority.” *Chamber of Com. v. Reich*, 74 F.3d 1322, 1328 (D.C. Cir. 1996) (quoting *Dart v. United States*, 848 F.2d 217, 224 (D.C. Cir. 1988)).

Congress’s findings in Section 7101(a) of the Statute that “labor organizations and collective bargaining in the civil service are in the public interest,” and the criteria in Section 7103(b)(1) on which the President must base his statutory exclusions, place the kinds of “clear limits” on the President’s statutory authority that form the basis of ultra vires review. *See Nat’l Ass’n of Postal Supervisors v. USPS*, 26 F.4th 960, 970–71 (D.C. Cir. 2022) (holding that Congress’s explicit “policy” in the Postal Act “place[d] clear limits” on agency’s discretion and formed the basis for an ultra vires claim).

And indeed, as this Court’s factual findings show, the President exceeded these limits. The sheer scope of the exemptions (three-quarters of unionized workers); the President’s heavy reliance on extra-statutory criteria (a desire for political retribution and an easier path to firing employees); and the lack of any credible arguments regarding the statutory criteria show that NTEU should prevail on its ultra vires claims.

1. Under Section 7103(b)(1), a President may exclude “any agency or subdivision” from the Statute’s coverage if “the agency or subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work” *and* if the Statute “cannot be applied to that agency or subdivision in a manner consistent with national security requirements and considerations.”<sup>2</sup>

---

<sup>2</sup> As relevant to the several NTEU-represented Treasury subdivisions that the Executive Order exempts—the Internal Revenue Service, the IRS Office of Chief Counsel, the Bureau of Fiscal Service, the Office of the Comptroller of the Currency, the Alcohol and Tobacco Tax and Trade Bureau, and Treasury’s Departmental Offices—the plain text of Section 7103(b)(1) requires that the statutory criteria be

As a threshold matter, the Statute does not define “a primary function,” as that phrase is used in “a primary function . . . [of] national security work.” 5 U.S.C. § 7103(b)(1). In the absence of that definition, the dictionary definition of “primary” should govern. *See Delligatti v. United States*, 145 S. Ct. 797, 810 (2025) (explaining that “when the meaning of” a statutory term “is not clear, the ordinary meaning of the term . . . is one of the most important factors we can consider”); *Primary*, Merriam Webster, <https://www.merriam-webster.com/dictionary/primary> (last visited June 6, 2025) (defining primary as “first in order of time” or “of first rank, importance, or value”).

Consistent with this approach, the Ninth Circuit has construed “a primary place of business” in a way that is instructive here. *See City of Ketchikan v. Cape Fox Corp.*, 85 F.3d 1381, 1383–84 (9th Cir. 1996). “Despite the use of ‘a,’ the word ‘primary’ connotes a single leading location”—or, here, function. *Id.* at 1384 (citing dictionary definitions of “primary” as “[f]irst; principal; chief; leading,” and “first in importance; chief; principal; main”). As the Ninth Circuit explained, “[t]o read the statute otherwise would change the meaning of ‘primary’ to merely ‘significant.’” *Id.* The same would be true here.

As another preliminary matter, the Statute does not define “national security work.” Given that absence, the Supreme Court’s definition of “national security” in

---

applied to each “subdivision” as opposed to Treasury as a whole. The Executive Order does not exempt the entirety of Treasury because it leaves the Bureau of Engraving and Printing within the Statute’s coverage. Exec. Order No. 14,251 § 2. Because the Executive Order exempts various subdivisions of Treasury, those subdivisions must likewise be the focus of the statutory analysis.

*Cole v. Young*, 351 U.S. 536, 544 (1956), should govern here. In that case, the Court evaluated a statute that allowed agencies to summarily suspend and terminate employees “whenever [they] shall determine such termination necessary or advisable in the interest of the national security of the United States.” *Id.* at 541.

The Court held that the statutory context—federal worker protections—called for a “narrow meaning” of “national security” that included “only those activities of the Government that are directly concerned with the protection of the Nation from internal subversion or foreign aggression, and not those which contribute to the strength of the Nation only through their impact on the general welfare.” *Id.* at 544. Adopting the government’s “indefinite and virtually unlimited meaning” for national security, the Court cautioned, would result in the underlying statute—which was “an exception to the general personnel laws”—being “utilized effectively to supersede those laws.” *Id.* at 547.

That is the situation here too. If this Court accepts Defendants’ view of “national security work,” then *every federal agency* is at risk for being exempted from the Statute. That would “impute to Congress a purpose to paralyze with one hand what it sought to promote with the other.” *OPM*, 864 F.2d at 168.

2. None of the agencies or subdivisions at issue plausibly meet either requirement of 5 U.S.C. § 7103(b)(1). As this Court previously concluded, “the President applied an overly broad interpretation of the term ‘primary function’ or wrote the term out of the statute entirely” and likewise “applied an overly broad interpretation of ‘national security’ when invoking Section 7103(b)(1), thereby



making the President’s Executive Order ultra vires.” *NTEU*, 2025 U.S. Dist. LEXIS 80268, at \*39, \*45.

The government’s own publications provide the “primary function” for the relevant agencies and subdivisions, none of which pertain to “national security work.” 5 U.S.C. § 7103(b)(1). And continuing these agencies and subdivisions’ coverage under the Statute—which in many cases goes back for decades—is consistent with “national security considerations.” *Id.*<sup>3</sup>

- The IRS is the revenue service for the federal government, responsible for collecting federal taxes and administering the Internal Revenue Code. Facts ¶ 36. NTEU has represented bargaining-unit workers at the IRS since before Congress enacted the Statute. *See id.* ¶¶ 31, 34.
- The IRS Office of Chief Counsel provides legal guidance and interpretive advice to the IRS, to Treasury, and to taxpayers; and coordinates the IRS’s position in litigation. *Id.* ¶ 38. NTEU has represented bargaining-unit workers at the IRS Office of Chief Counsel since March 1987. *Id.* ¶ 39.
- The relevant Health and Human Services (HHS) components that the Executive Order excludes from the Statute are: the Office of the Secretary,

---

<sup>3</sup> NTEU-represented employees in each of these agencies or agency components received and accepted offers to participate in this Administration’s “deferred resignation program.” Facts ¶ 204. But that program was not available to employees in “positions related to . . . national security.” *Id.* ¶ 205. Thus, the government’s untenable position is that these employees do not have a nexus to national security for purposes of the deferred resignation program—but must nonetheless be entirely excluded from the Statute through Section 7103(b)(1)’s national security exemption.

the Food and Drug Administration, the Administration for Strategic Preparedness and Response, the Centers for Disease Control and Prevention, and the Office of Refugee Resettlement in the Administration for Children and Families. *Id.* ¶ 42. These components administer social service programs, civil rights and healthcare programs, and programs that assure food and drug safety and efficacy. *Id.* ¶¶ 43–47. NTEU has represented bargaining-unit workers at HHS since November 1978. *Id.* ¶ 48.

- The Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite, and cable across the nation. *Id.* ¶ 51. NTEU has represented bargaining-unit workers at the FCC since July 1978. *Id.* ¶ 53.
- The Department of Energy (DOE) is responsible for ensuring that the United States has access to reliable, affordable, and cleaner sources of energy. *Id.* ¶ 56. Its work includes advancing energy technologies, managing the nation’s energy resources, and addressing environmental impacts from past energy-related activities. *Id.* NTEU has represented bargaining-unit workers at DOE since January 1979. *Id.* ¶ 58.
- The Bureau of the Fiscal Service (BFS) functions primarily to manage the government’s accounting and federal centralized payment systems, and to reduce public debt. *Id.* ¶ 61. NTEU has represented bargaining-unit workers at BFS since April 1985. *Id.* ¶ 63.

- The Environmental Protection Agency (EPA) ensures compliance with and the fair administration of environmental laws and acts to conserve natural resources. *Id.* ¶ 66. NTEU has represented bargaining-unit workers at EPA since April 1998. *Id.* ¶ 68.
- Treasury’s Departmental Offices guide Treasury’s policies. *Id.* ¶ 71. NTEU represents employees who provide logistical support, such as assuring adequate supplies, equipment, and mail services; distribute mail; and perform building repairs. *Id.* ¶ 72. NTEU has represented bargaining-unit workers at Treasury’s Departmental Offices since May 2002. *Id.*
- The Office of the Comptroller of the Currency (OCC) ensures that national banks and federal savings associations operate in a safe and sound manner and provide fair access to financial services. *Id.* ¶ 75. NTEU has represented bargaining-unit workers at OCC since November 2002. *Id.* ¶ 77.
- The Alcohol and Tobacco Tax and Trade Bureau (TTB) collects taxes on alcohol, tobacco, firearms, and ammunition; ensures the integrity of alcohol products; ensures that only qualified businesses enter the alcohol and tobacco industries; and prevents unfair and unlawful market activity for alcohol and tobacco products. *Id.* ¶ 80. NTEU has represented bargaining-unit workers at TTB since October 2003. *Id.* ¶ 82.
- The Bureau of Land Management (BLM) sustains the health, diversity, and productivity of public lands for the use and enjoyment of the public. *Id.* ¶ 85.

NTEU has represented bargaining-unit workers at BLM since February 2021. *Id.* ¶ 87.

- The Department of Justice’s (DOJ) Environment and Natural Resources Division is responsible for bringing cases against those who violate the nation’s environmental laws and defending the federal government in litigation arising under a broad range of environmental statutes. *Id.* ¶ 92. Those in DOJ’s Civil Rights Division work to uphold the civil and constitutional rights of all persons in the United States and enforce federal statutes prohibiting discrimination. *Id.* ¶ 93. NTEU has represented bargaining-unit workers at DOJ since January 2025. *Id.* ¶ 95.

3. The Executive Order’s exemptions of the agencies and subdivisions listed above are ultra vires not only individually but also collectively. The Executive Order’s attempt to largely nullify the Statute through its narrow national-security exemption conflicts with Congress’s intent in enacting the Statute. Congress intended to facilitate and strengthen collective bargaining and to guard against a President materially altering collective bargaining. The Executive Order’s sweeping exclusions of agencies and agency components from the Statute’s coverage, collectively, exceed the President’s authority and are ultra vires.

The Executive Order’s far-reaching use of the Statute’s narrow national-security exemption is unprecedented. Before this Executive Order, no President had ever used Section 7103(b)(1) to exempt an entire Cabinet-level agency from the Statute. But this Executive Order exempts *six*—nearly one-half of all Cabinet-level

agencies. *See* Exec. Order No. 14,251 § 2. It excludes from the Statute some two-thirds of the federal workforce and three-fourths of workers who are currently represented by unions. Facts ¶ 4.

Congress enacted the Statute to facilitate and to strengthen collective bargaining in the federal sector (*Bureau of Alcohol, Tobacco & Firearms*, 464 U.S. at 107), codifying its finding that collective bargaining “safeguards the public interest” in the Statute’s initial section (5 U.S.C. § 7101(a)). Congress’s explicit aim with the Statute was to create a “statutory Federal labor-management program which cannot be universally altered by any President.” 124 Cong. Rec. H9637 (daily ed. Sept. 13, 1978) (statement of Rep. Clay). This “[c]ontext plays a vital role when interpreting [the Statute].” *Feliciano v. DOT*, 145 S. Ct. 1284, 1293 (2025).

The President’s use of the Statute’s narrow national-security exemption to undo the bulk of the Statute’s coverage is plainly at odds with Congress’s expressed intent. “When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb . . .” *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637 (1952) (Jackson, J., concurring).

The President “may not decline to follow a statutory mandate . . . simply because of policy objections.” *In re Aiken Cty.*, 725 F.3d 255, 259 (D.C. Cir. 2013) (Kavanaugh, J.). Yet, here, the Executive Order’s national-security exemptions collectively reflect “disagreement with Congress’s decision to extend collective bargaining rights to the federal workforce broadly,” instead of an analysis of Section 7103(b)(1)’s criteria. *NTEU*, 2025 U.S. Dist. LEXIS 80268, at \*26.

The President’s policy view that “hostile Federal unions . . . obstruct agency management” cannot excuse his Administration’s compliance with the Statute. Facts ¶ 14. Nor can it justify an Executive Order that blows a hole through the Statute by undoing two-thirds of its coverage—with potentially more to come, as the Order foreshadows. *See* Exec. Order No. 14,251 § 7 (requiring agency-head reports on additional exclusions from the Statute). That is the opposite of what Congress intended when it sought to stabilize federal-sector collective bargaining through federal statute.

## **II. The Executive Order Is First Amendment Retaliation, as the White House Fact Sheet Effectively Concedes (Count 3).**

The Executive Order is textbook First Amendment retaliation against NTEU and other unions that have stood up to the President. While the White House Fact Sheet proclaims that “President Trump supports constructive partnerships with unions who work with him,” the Executive Order shows that unions that challenge this Administration’s actions will be hurt. Facts ¶ 15. NTEU’s protected activity triggered an Executive Order that threatens its existence. *Id.* ¶¶ 103–107, 126.

For its First Amendment retaliation claim, NTEU must show that (1) it “engaged in conduct protected under the First Amendment”; (2) the government “took some retaliatory action sufficient to deter a person of ordinary firmness in [NTEU’s] position from speaking again”; and (3) “a causal link between the exercise of a constitutional right and the adverse action taken.” *Aref v. Lynch*, 833 F.3d 242, 258 (D.C. Cir. 2016) (quoting *Banks v. York*, 515 F. Supp. 2d 89, 111 (D.D.C. 2007)). NTEU makes that showing here.

1. NTEU’s litigation against the Trump Administration’s actions, described in more detail below, is protected speech and petitioning activity. *See, e.g., Legal Servs. Corp. v. Velazquez*, 531 U.S. 533, 542–49 (2001) (providing that “advocacy by [an] attorney to the courts” is “speech and expression” that enjoys First Amendment protection); *McDonald v. Smith*, 472 U.S. 479, 484 (1985) (holding that “filing a complaint in court is a form of petitioning activity” that the First Amendment protects).

2. The Executive Order, moreover, “constitutes a sufficiently adverse action” against NTEU “to give rise to an actionable First Amendment claim.” *Hous. Cmty. Coll. Sys. v. Wilson*, 595 U.S. 468, 477 (2022). The Executive Order plainly punishes NTEU for its legal challenges to this Administration’s actions by cancelling, as relevant here, twelve of NTEU’s collective-bargaining relationships, including NTEU’s largest and oldest one at the IRS. Facts ¶ 34. The Order eliminates NTEU’s ability to serve as the exclusive bargaining representative for about two-thirds of its membership, and it cuts off more than half of NTEU’s dues revenue. *Id.* ¶¶ 115, 119.

Particularly given the President’s mandate to agency heads to recommend even broader exclusions from the Statute (*see* Exec. Order No. 14,251 § 7), the Executive Order “would deter a similarly situated individual of ordinary firmness from exercising his or her constitutional rights.” *Connelly v. Cty. of Rockland*, 61 F.4th 322, 325 (2d Cir. 2023) (quoting *Dillon v. Morano*, 497 F.3d 247, 254 (2d Cir. 2007)). It is reasonable to believe that NTEU’s protected activity might lead to

more of its agencies being excluded from the Statute. *See* Exec. Order No. 14,251 § 7.

3. The “adverse action” here—the exclusion of the NTEU-represented agencies from the Statute through a national-security exemption that could not conceivably apply to them—“would not have been taken absent the retaliatory motive.” *Nieves v. Bartlett*, 587 U.S. 391, 399 (2019). The IRS, for example, does not plausibly have a “primary function” of national security or intelligence work (*see* 5 U.S.C. § 7103(b)(1)); but the IRS is NTEU’s largest bargaining unit, so the Executive Order excludes it from the Statute.

The Executive Order retaliates against NTEU for its litigation against this Administration, which “strikes at the heart of the First Amendment.” *Eng v. Cooley*, 552 F.3d 1062, 1069 (9th Cir. 2009). This Court found “clear evidence [that] the White House Fact Sheet reflects retaliatory motive towards certain unions” like NTEU. *NTEU*, 2025 U.S. Dist. LEXIS 80268, at \*27. The White House Fact Sheet on the Executive Order proclaims the Order’s retaliatory motive. To justify the Executive Order, the Fact Sheet states that “[c]ertain Federal unions have declared war on President Trump’s agenda.” Facts ¶ 14. It further states that the Civil Service Reform Act, of which the Statute is one part, “enables hostile Federal unions to obstruct agency management.” *Id.*

“[T]hese statements in the Fact Sheet appear to be in direct response to the number of lawsuits and grievances NTEU has filed against the Trump Administration in the last several months.” *NTEU*, 2025 U.S. Dist. LEXIS 80268, at



\*28. Before this lawsuit, NTEU filed four other federal district court lawsuits challenging the Trump Administration's execution of high-priority policy objectives. That included legal challenges to the Executive Order reviving the Schedule F Executive Order from the President's first term, the Administration's attacks on the CFPB, and the Administration's efforts to get rid of a substantial portion of the federal workforce. Facts ¶¶ 103–06. NTEU also filed dozens of grievances in response to the Trump Administration's actions against federal workers. *Id.* ¶ 107. This protected activity spurred the Executive Order's exclusions of NTEU-represented agencies from the Statute.

And a preemptive lawsuit that the Department of Justice filed against NTEU on the morning after the Executive Order issued shows the aggressiveness with which the Executive Branch is targeting NTEU. The Administration sued an NTEU chapter in the Eastern District of Kentucky seeking a declaratory judgment that the Department of Treasury may rely on the Executive Order to terminate the IRS's collective-bargaining agreement with NTEU. *See generally* Compl., *Dep't of Treasury v. NTEU Ch. 73*, No. 25-cv-49 (E.D. Ky. Mar. 28, 2025).

The lawsuit against NTEU shows a government on the attack. The Administration sued NTEU to solidify loss of its largest bargaining unit as promptly as possible. In other words, the Administration went on offense and picked the target that would hurt NTEU the most. There is no other plausible explanation for the lawsuit's scope; it makes no mention of the other eleven NTEU collective-bargaining agreements that the Executive Order affects.

The language of the government’s complaint leaves no doubt that retaliatory animus is the driver: It mimics the Fact Sheet’s language, referring to NTEU as a “hostile union” and alleges that NTEU plans to use its collective-bargaining agreement to “prevent changes to agency operations” and “interfere with the President’s ability to oversee the Executive Branch.” *Id.* ¶¶ 30, 54. The government’s complaint also specifically calls out NTEU’s National President. It provides a link to a letter that NTEU’s National President wrote to the IRS, which the government characterizes as “confirm[ing] the union ‘vehemently opposes’ any reductions in force and plans to use [a] contract provision to resist this administration policy.” *Id.* ¶ 54.<sup>4</sup>

The Administration’s lawsuit in Kentucky is on all fours with the Fact Sheet’s indication that hostile unions like NTEU will be hurt, while unions that collaborate with the President will not be. *See id.* ¶¶ 14–15. The Executive Order itself backs up those statements with whom it keeps within the Statute’s coverage and whom it excludes. *NTEU*, 2025 U.S. Dist. LEXIS 80268, at \*29–30 (describing the Order’s gerrymandering). This retaliation against NTEU for its litigation plainly violates the First Amendment. *See Wilmer Cutler Picking Hale & Dorr v. Exec. Off. of the President*, No. 25-917, 2025 U.S. Dist. LEXIS 100078, at \*47 (D.D.C. May 27, 2025) (“The Order shouts through a bullhorn: If you take on causes disfavored by President Trump, you will be punished!”).

---

<sup>4</sup> On May 20, the lawsuit was dismissed for lack of standing. *Dep’t of Treasury v. NTEU Ch. 73*, No. 25-cv-49, 2025 U.S. Dist. LEXIS 95533 (E.D. Ky. May 20, 2025). The government has not indicated if it will appeal that ruling.

### III. NTEU Will Continue to Suffer Harm Absent Injunctive Relief.

#### A. The Executive Order Is Harming NTEU's Bargaining Power.

The injunctive relief that NTEU requests is needed because the Executive Order is causing NTEU to suffer a loss of bargaining power and influence in agency workplaces. The Executive Order substantially reduces the number of employees that NTEU represents. At the end of 2024, NTEU represented approximately 158,144 employees in its various agencies. Facts ¶ 115. The Executive Order takes away about 104,278 of those employees. *Id.* The Executive Order thus cuts the number of NTEU-represented employees by over 65%. *Id.*<sup>5</sup> As the OPM Guidance confirms, the agency employers of these employees “are no longer subject to the collective-bargaining requirements of [chapter 71]” and NTEU has “los[t] [its] status” as their exclusive representative. *Id.* ¶ 9.

The Executive Order has thus led to agencies disregarding a dozen of its collective-bargaining agreements. *Id.* ¶¶ 130–204. After the Executive Order issued, excluded agencies stopped bargaining with NTEU on changes to conditions of employment—including the impending reductions-in-force—and stopped participating in the grievance-arbitration process. *Id.* NTEU members in these agencies have cancelled their membership explicitly because of the Executive Order. *Id.* ¶ 121 (“President Trump demolished the union several weeks ago . . . Please see the attached form, SF-1188 to end my participation in NTEU.”).

---

<sup>5</sup> Federal-sector unions are required to represent all employees in their bargaining units, not just the employees who voluntarily choose to join a union and pay dues. 5 U.S.C. § 7114(a). Accordingly, NTEU represents almost 160,000 employees of whom about 91,000 are dues-paying members. The Executive Order slashes both.

Defendants previously raised the false premise that agencies are honoring their collective-bargaining agreements with NTEU. *See* Defs.’ Opp’n to Pl.’s Mot. for Prelim. Inj. at 6, Dkt. 26. Defendants’ representation to this Court was based on an April 8 “Frequently Asked Questions” document that OPM issued, which offers a suggestion that “[a]gencies should not terminate any collective bargaining agreements[.]” *Id.* These FAQs were hurriedly issued to aid the government in litigation after NTEU filed suit and filed its motion for preliminary relief. Despite the FAQs’ suggestion, agencies have utterly rejected their collective-bargaining obligations with NTEU. Before and after those FAQs issued, agencies refused to meet with NTEU, to bargain with NTEU, or to honor contractual obligations (for example, the withholding of dues payments via payroll deduction for members). *See* Facts ¶¶ 130–204.

While this Court’s preliminary injunction led to agency compliance with some contractual obligations for a brief period, agencies’ noncompliance resumed after the D.C. Circuit’s May 16 stay of that emergency relief. *Id.* ¶ 124. Since the stay issued, every exempted agency or subdivision with a collective-bargaining agreement with NTEU has either stopped processing dues payments via payroll deduction or notified NTEU that it will imminently stop those payments, in violation of its respective agreement. *Id.* (noting that nine agency defendants have stopped processing dues payments and that dues payments will cease for two other

agencies).<sup>6</sup> And agencies have again stopped complying with their other contractual obligations—for example, refusing to bargain with NTEU, refusing to process grievances, and even evicting local union leaders from their union offices at agency workplaces. *Id.* ¶¶ 130–204.

Recent communications from the IRS and FDA are emblematic of the current state of affairs across NTEU-represented agencies now excluded from the Statute.

As the IRS explained to NTEU and to an arbitrator on May 20:

Our office has been instructed to refrain from participating in any activities related to collective bargaining, including having any substantive contact with the union. Substantive contact is basically anything more than notifying the union that we are not to have contact.

*Id.* ¶ 138. FDA sent a similar notification to NTEU on June 3:

FDA is not recognizing labor relations with (NTEU/AFGE) in adherence to the presidential Executive Order . . . FDA will cease to recognize all labor organizations and will not participate in any labor related activities . . .

*Id.* ¶ 153.

The narrow injunctive relief that NTEU has requested is thus necessary to stop the ongoing implementation of the unlawful Executive Order.

---

<sup>6</sup> The twelfth and final agency defendant representing NTEU workers, DOJ, has simply refused to discuss processing employee requests for dues deductions from their paychecks since NTEU organized its workers earlier this year. Facts ¶¶ 202–203. NTEU and DOJ do not yet have a collective-bargaining agreement (Facts ¶ 201), but Section 7115(a) requires DOJ to process dues payments that its employees wish to make via payroll deductions.

**B. The Executive Order Is Causing NTEU Ongoing Financial Harm.**

Injunctive relief is also appropriate considering the ongoing financial harm that the unlawful Executive Order is causing to NTEU. “Dues payments of union members are the economic lifeblood of a labor organization . . .” *Local Union No. 5741, United Mine Workers v. NLRB*, 865 F.2d 733, 738 (6th Cir. 1989) (cleaned up). The Executive Order eliminates 58,692 of NTEU’s dues-paying members. Facts ¶ 123. The vast majority of NTEU members—approximately 94%—pay their dues through payroll deductions. *Id.* ¶ 122.

NTEU lost over \$2 million before this Court’s preliminary injunction because the agency defendants stopped processing dues payments to NTEU through payroll deductions, as 5 U.S.C. § 7115(a) and their collective-bargaining agreements require. *Id.* ¶ 125. And by the time the agency defendants complied with the preliminary injunction, NTEU’s losses exceeded \$3 million. *Id.* Since the D.C. Circuit’s stay of the preliminary injunction, the agency defendants have once again stopped processing dues via payroll deduction. *Id.* ¶ 124. If those losses continue, NTEU will lose over half of its annual revenue. *See NTEU*, 2025 U.S. Dist. LEXIS 80268, at \*55.

While the government has previously argued that NTEU could ask members in agencies that it no longer represents for financial support, it cannot contest that the Executive Order takes away the apparatus that Congress created in 5 U.S.C. § 7115(a) and on which NTEU relies for virtually all its dues payments. *See NTEU*, 2025 U.S. Dist. LEXIS 80268, at \*53–54. Nor can the government contest that the

Executive Order takes away the basic reason that NTEU members pay dues at all: to support their exclusive representative, which is entitled to collectively bargain on their behalf and with which their employers must engage. *See id.*; *cf. Perkins Coie LLP v. U.S. Dep't of Justice*, No. 25-716, 2025 U.S. Dist. LEXIS 84475, at \*38 n.20 (D.D.C. May 2, 2025) (noting that executive order took away the reason clients hired firm: *i.e.*, it “hamper[ed] the effectiveness of [the firm’s] representation of clients”).

**C. The Executive Order Is Exacting First Amendment Retaliation.**

The exclusion of NTEU’s agencies reflects First Amendment retaliation (see *supra* at 18–22), which injunctive relief would remedy. Additionally, if the government is not stopped from its retaliatory use of the Statute’s national-security exemption, additional national-security exemptions targeting NTEU’s agencies are substantially likely to come. *See* Exec. Order No. 14,251 § 7 (mandating that the head of each agency still within the Statute’s coverage submit a report to the President “identify[ing] any agency subdivisions” that should be excluded from the Statute through Section 7103(b)(1)).

**CONCLUSION**

For the foregoing reasons, Plaintiff requests that this Court grant its motion for summary judgment and order the relief described in its proposed order.

Respectfully submitted,

/s/ Julie M. Wilson

JULIE M. WILSON

General Counsel

D.C. Bar 482946

/s/ Paras N. Shah

PARAS N. SHAH

Deputy General Counsel

D.C. Bar 983881

/s/ Allison C. Giles

ALLISON C. GILES

Assistant Counsel

D.C. Bar 439705

/s/ Jessica Horne

JESSICA HORNE

Assistant Counsel

D.C. Bar 1029732

/s/ Kathryn W. Bailey

KATHRYN W. BAILEY

Assistant Counsel

D.C. Bar 1643256

NATIONAL TREASURY EMPLOYEES UNION

800 K Street N.W., Suite 1000

Washington, D.C. 20001

(202) 572-5500

julie.wilson@nteu.org

paras.shah@nteu.org

allie.giles@nteu.org

jessica.horne@nteu.org

kathryn.bailey@nteu.org

June 9, 2025

Counsel for Plaintiff NTEU



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NATIONAL TREASURY EMPLOYEES UNION  
800 K Street N.W., Suite 1000  
Washington, D.C. 20001,

Plaintiff,

v.

DONALD J. TRUMP,  
President of the United States  
1600 Pennsylvania Avenue N.W.  
Washington, D.C. 20500, *et al.*,

Defendants.

Case No. 1:25-cv-00935 (PLF)

**PLAINTIFF'S STATEMENT OF MATERIAL FACTS NOT IN DISPUTE**

*Executive Order No. 14,251 and Accompanying Guidance*

1. On the evening of March 27, 2025, President Donald J. Trump issued an executive order titled *Exclusions from Federal Labor-Management Relations Programs*. Exec. Order No. 14,251, 90 Fed. Reg. 14,553 (Mar. 27, 2025) (the Executive Order).

2. In Section 1 of the Order, the President determined that the agencies and agency subdivisions set forth in Section 2 of the Order “have as a primary function intelligence, counterintelligence, investigative, or national security work,” and that “Chapter 71 of title 5, United States Code, cannot be applied to these agencies and agency subdivisions in a manner consistent with national security requirements and considerations.” *Id.* § 1.

3. Section 2 of the Order lists the agencies and agency subdivisions that the President determined should be excluded from the federal labor-management relations program. *Id.* § 2.

4. The Order's exclusion of the agencies and agency subdivisions listed in Section 2 from the federal labor-management relations program strips collecting bargaining rights from "roughly 67 percent of the entire federal workforce and for 75 percent of workers who are already in a union." Hassan Ali Kanu, *Trump Moves to Strip Unionization Rights from Most Federal Workers*, Politico (Mar. 28, 2025, 11:04 AM), [www.politico.com/news/2025/03/28/union-rights-federal-workers-donald-trump-00257010](https://www.politico.com/news/2025/03/28/union-rights-federal-workers-donald-trump-00257010).

5. Section 2 of the Executive Order also provides,

Notwithstanding the forgoing, nothing in this section shall exempt from the coverage of Chapter 71 of title 5, United States Code:

(a) the immediate, local employing offices of any agency police officers, security guards, or firefighters, provided that this exclusion does not apply to the Bureau of Prisons;

(b) subdivisions of the United States Marshals Service not listed in section 1-209 of this order; or

(c) any subdivisions of the Departments of Defense or Veterans Affairs for which the applicable Secretary has issued an order suspending the application of this section pursuant to section 4. . . .

Exec. Order No. 14,251 § 2.

6. The American Federation of Government Employees (AFGE) represents employees of the Bureau of Prisons. *About Us*, Am. Fed'n of Gov't Emps., <https://perma.cc/G8HU-324F> (last visited June 6, 2025).

7. Section 7 of the Executive Order directs “the head of each agency with employees covered by Chapter 71 of title 5, United States Code” to “submit a report to the President that identifies any agency subdivisions” not already excluded from Chapter 71’s provisions “(a) that have as a primary function intelligence, counterintelligence, investigative, or national security work” and “(b) for which the agency head believes the provisions of Chapter 71 . . . cannot be applied to such subdivision in a manner consistent with national security requirements and considerations.” Exec. Order No. 14,251 § 7.

8. The same night that the Executive Order issued, Charles Ezell, Acting Director of the Office of Personnel Management (OPM), issued a memorandum to heads of departments and agencies providing guidance on implementing the Executive Order. Charles Ezell, *Guidance on Executive Order Exclusions from Federal Labor-Management Programs*, OPM (Mar. 27, 2025), <https://perma.cc/Z2ZJ-Y8U7> (OPM Guidance).

9. According to the OPM Guidance, the agencies excluded from the provisions of the Federal Service Labor-Management Relations Statute (the Statute) through the Executive Order “are no longer subject to the collective bargaining requirements of chapter 71,” and the unions representing bargaining-unit employees at those agencies have “los[t] their status” as the exclusive representatives for those employees. *Id.* at 3.

10. The first section of the OPM Guidance is titled “Performance Accountability” and states that “[s]hortly after taking office the President issued

multiple directives to facilitate the separation of underperforming employees.” *Id.* According to OPM, “[a]gency CBAs often create procedural impediments to separating poor performers beyond those required by statute or regulation.” *Id.*

11. The OPM Guidance states that to implement the Executive Order, “agencies should cease participating in grievance procedures after terminating their [collective bargaining agreements (CBAs)]. To the extent that covered agencies and subdivisions are litigating grievances before an arbitrator when they terminate their CBAs, they should discontinue participation in such proceedings upon termination.” *Id.* at 5.

12. Under the heading “Disregard Contractual RIF Articles,” the OPM Guidance observes that “[t]he President has directed agencies to prepare large-scale reductions in force (RIFs).” *Id.* The OPM Guidance instructs that “[a]fter terminating their CBAs, covered agencies and subdivisions should conduct RIFs consistent with applicable statutory and regulatory requirements, but without regard to provisions in terminated CBAs that go beyond those requirements.” *Id.*

13. Also on the same night that the Executive Order issued, the White House issued a Fact Sheet about the Executive Order. *Fact Sheet: President Donald J. Trump Exempts Agencies with National Security Missions from Federal Collective Bargaining Requirements* (Mar. 27, 2025), <https://perma.cc/26AL-73TZ> (Fact Sheet).

14. The Fact Sheet indicates that the Civil Service Reform Act, of which the Statute is one part, “enables hostile Federal unions to obstruct agency

management.” *Id.* The Fact Sheet states, “This is dangerous in agencies with national security responsibilities[.]” *Id.*

15. The Fact Sheet states that “[c]ertain Federal unions have declared war on President Trump’s agenda.” *Id.* To support this claim, the Fact Sheet notes that “[t]he largest Federal union describes itself as ‘fighting back’ against Trump. It is widely filing grievances to block Trump policies.” *Id.* The Fact Sheet continues, “President Trump supports constructive partnerships with unions who work with him; he will not tolerate mass obstruction that jeopardizes his ability to manage agencies with vital national security missions.” *Id.*

16. On April 8, 2025, the Chief Human Capital Officers Council (CHCOC), an interagency forum led by the OPM Director, shared with agencies, including the Defendant agencies, a Frequently Asked Questions (FAQs) document about implementing the Executive Order. Declaration of Daniel Kaspar (Kaspar Decl.) (June 6, 2025) ¶ 7, Ex. 3.

17. The FAQs state that “[a]gencies should not terminate any CBAs until the conclusion of litigation or further guidance from OPM directing such termination.” *Id.* at 1.

18. The FAQs state that “[a]gencies should not file any decertification petitions [to decertify bargaining units of covered agencies or subdivisions] until litigation regarding [the Executive Order] has been resolved.” *Id.*

19. The FAQs give the following answer to the question, “Should agencies amend current filings with the FLRA for exceptions to arbitration awards where an arbitrator ordered relief for a bargaining unit covered under Exclusions?”:

Agencies should ask the FLRA to hold these cases in abeyance pending the outcome of litigation, where practicable. . . . If the FLRA does not suspend deadlines or hold cases in abeyance agencies should take the position that the union lacks standing as it is not recognized as a result of [the Executive Order].

*Id.*

20. The FAQs state that each agency and agency subdivision covered by the Executive Order “is no longer subject to provisions of the Federal Service Labor-Management Relations Statute (FSLMRS) per the [Executive Order] and, therefore, the union [representing employees of that agency or agency subdivision] no longer has standing to file [an unfair labor practice] charge.” *Id.*

21. The FAQs advise agencies that are currently bargaining with unions that they “should suspend such negotiations until the conclusion of litigation.” *Id.* at 3.

22. CHCOC issued updated FAQs on April 22, 2025. Kaspar Decl. ¶ 7, Ex. 4.

23. The updated FAQs give the following advice to covered agencies about official time and union office space:

Agencies and subdivisions covered by [the Executive Order] must reclaim any agency space, furniture, equipment (e.g., computers, phones), and other resources previously utilized by labor unions for representational activities and repurpose those resources for agency business only. Employees of covered agencies and subdivisions who were previously authorized to use taxpayer-funded union time are no longer

permitted use of such time and should only be conducting agency-assigned work during their scheduled duty time. Supervisors should not approve any time and attendance records that include requests for and use of taxpayer-funded union time. . . .

*Id.* at 4.

24. The updated FAQs give this advice to covered agencies if an arbitration is already scheduled under the negotiated grievance procedure with the union:

The agency should request that the arbitrator hold the case in abeyance pending the outcome of litigation regarding [the Executive Order]. If unable to delay the hearing, the agency should take the position that in accordance with [the Executive Order], the union is no longer the exclusive representative and there is no jurisdiction before the arbitrator.

*Id.*

25. The updated FAQs tell covered agencies to handle impending changes in conditions of employment, and union inquiries regarding those changes, as follows:

An agency or subdivision covered by [the Executive Order], can implement the change without completing negotiations. Agencies may respond to a demand to bargain by a labor union by acknowledging receipt and informing the union that it will hold in abeyance their request pending the outcome of litigation over Executive Order 14251.

*Id.* at 5.

26. The updated FAQs direct that if an agency “receives a grievance from the union for an individual or unit that is no longer recognized in accordance with [the Executive Order],” the agency “should acknowledge receipt, inform the union that the grievance is being held in abeyance pending litigation for [the Executive Order], and provide a date the agency plans to update them.” *Id.*

27. The updated FAQs tell covered agencies not to respond to unions' information requests under 5 U.S.C. § 7114(b)(4) and to instead "hold the request[s] in abeyance pending the outcome of the litigation." *Id.* at 6.

28. The updated FAQs advise that "[i]f an excluded employee asks about continuing union dues, the agency should inform the employee that union dues allotments through a government payroll provider are not authorized at this time and that if they wish to continue paying union dues nonetheless, they may contact their union." *Id.*

29. The updated FAQs also give these instructions about union dues allotments:

In taking steps to implement [the Executive Order], agencies may pause the collection of union dues allotments for those agencies or subdivisions identified in Exclusions while litigation is ongoing. However, agency payroll providers should not unilaterally terminate all union dues allotments without first consulting with their customer agencies. Instead, agency payroll providers should contact their customer agencies to identify which labor unions and employees are excluded from collective bargaining by Exclusions and limit the termination of dues allotments to those unions and employees.

*Id.* at 6–7.

*NTEU and the Agencies Listed in the Executive Order*  
*Where NTEU Represents Employees*

30. Plaintiff National Treasury Employees Union (NTEU) is a labor union that, immediately before the Executive Order, represented nearly 160,000 federal government employees in thirty-seven agencies and departments. Kaspar Decl.

¶ 114. NTEU represents eleven federal agencies that the Executive Order excludes



from the Statute's coverage entirely and another agency that the Order excludes in part. *Id.* ¶¶ 9, 10.

31. NTEU was founded in 1938 to represent a group of Internal Revenue Service revenue collectors. *Id.* ¶ 15.

32. NTEU has represented additional employees at additional agencies over the intervening years, and its role expanded when collective bargaining was extended to the federal sector by Executive Order 10988 by President Kennedy on January 17, 1962, and by law when Congress enacted the Statute in 1978. *See* Pub. L. No. 95-454. Kaspar Decl. ¶ 16.

### **Internal Revenue Service**

33. NTEU represents approximately 76,892 bargaining-unit employees at the Internal Revenue Service (IRS). *Id.* ¶ 17.

34. The IRS is NTEU's largest and oldest bargaining unit. *Id.* ¶ 17. For the nearly half-century that the Statute has been in place, the IRS has fallen within the Statute's coverage and had a collective-bargaining agreement with NTEU. *Id.* ¶ 29.

35. As part of the Department of Treasury, the IRS is one of the agencies excluded from the provisions of the Statute under Section 2 of the Executive Order. Exec. Order No. 14,251 § 2.

36. The IRS is the revenue service for the federal government, responsible for collecting federal taxes and administering the Internal Revenue Code. *See The agency, its mission and statutory authority*, IRS, <https://perma.cc/MYL8-LPMN> (last updated Mar. 25, 2025); *see also* Kaspar Decl. ¶ 17. NTEU-represented employees at

the IRS provide tax assistance to taxpayers, conduct taxpayer audits, and collect overdue tax revenue. *Id.*

37. The IRS and NTEU agreed that their current collective-bargaining agreement would last until September 2027. *Id.* ¶ 43(a).

### **IRS Office of Chief Counsel**

38. The IRS Office of Chief Counsel is responsible for providing legal guidance and interpretive advice to the IRS, to Treasury, and to taxpayers; and coordinating the IRS's position in litigation. *See Internal Revenue Manual* 1.1.6.1 (June 18, 2015), <https://perma.cc/HE27-3BX9>. NTEU represents employees at the IRS Office of Chief Counsel who perform those functions. Kaspar Decl. ¶ 18.

39. NTEU has represented bargaining-unit workers at the IRS Office of Chief Counsel since March 1987. *Id.* ¶ 30. During that period, the IRS Office of Chief Counsel has fallen within the Statute's coverage and had a collective-bargaining agreement with NTEU. *Id.*

40. As part of the Department of Treasury, the IRS Office of Chief Counsel is one of the agencies excluded from the provisions of the Statute under Section 2 of the Executive Order. Exec. Order No. 14,251 § 2.

41. IRS Office of Chief Counsel and NTEU agreed that their current collective-bargaining agreement would last until January 2029. Kaspar Decl. ¶ 43(b).

### Department of Health and Human Services

42. NTEU represents employees in the following agencies or subdivisions of the Department of Health and Human Services (HHS) that the Executive Order excludes from the Statute: the Office of the Secretary, the Food and Drug Administration (FDA), the Administration for Strategic Preparedness and Response (ASPR), the Centers for Disease Control and Prevention (CDC), and the Office of Refugee Resettlement (ORR) in the Administration for Children and Families. *Id.* ¶ 19; Exec. Order No. 14,251 § 2. NTEU-represented employees at those agencies and subdivisions within HHS provide guidance and assistance on HHS’s priorities; oversee state administration of HHS’s programs; and inspect food and drugs. Kaspar Decl. ¶ 19.

43. The Office of the Secretary “administers and oversees the organization, its programs, and its activities.” *HHS Agencies & Offices*, HHS, <https://perma.cc/LU7H-ZW3G> (last reviewed Apr. 15, 2025).

44. The FDA “ensures that food is safe, pure, and wholesome; human and animal drugs, biological products, and medical devices are safe and effective; and electronic products that emit radiation are safe.” *Id.*

45. ASPR “leads the nation’s medical and public health preparedness for, response to, and recovery from disasters and public health emergencies.” *Id.*

46. CDC “protects the public health of the nation by providing leadership and direction in the prevention and control of diseases and other preventable conditions, and responding to public health emergencies.” *Id.*

47. ORR’s mission is “to promote the health, well-being, and stability of refugees, unaccompanied alien children, and other eligible individuals and families, through culturally responsive, trauma-informed, and strengths-based services.” *Office of Refugee Resettlement*, HHS, <https://perma.cc/SH7G-855M>.

48. NTEU has represented bargaining-unit workers at HHS since November 1978. Kaspar Decl. ¶ 31. During that period, HHS has fallen within the Statute’s coverage and had a collective-bargaining agreement with NTEU. *Id.*

49. HHS and NTEU agreed that their current collective-bargaining agreement would last until July 2028 and then further extended its duration to July 2029. *Id.* ¶ 43(c).

### **Federal Communications Commission**

50. Section 2 of the Executive Order lists the Federal Communications Commission (FCC) as an agency excluded from the Statute. Exec. Order 14,251 § 2.

51. FCC regulates interstate and international communications by radio, television, wire, satellite, and cable across the nation. *See What We Do*, FCC, <https://perma.cc/XG8B-5M56> (last visited June 5, 2025).

52. NTEU represents employees at FCC who review and act on license applications for radio, enforce FCC rules regarding construction and operation of communications systems, and respond to consumer inquiries. Kaspar Decl. ¶ 23. Their work promotes connectivity, ensures a competitive market, and protects consumers in wide ranging ways, including robocall enforcement. *Id.*

53. NTEU has represented bargaining-unit workers at the FCC since July 1978. *Id.* ¶ 32. During that period, the FCC has fallen within the Statute’s coverage and had a collective-bargaining agreement with NTEU. *Id.*

54. FCC and NTEU agreed that their current collective-bargaining agreement would last until March 2030. *Id.* ¶ 43(f).

### **Department of Energy**

55. Section 2 of the Executive Order lists the Department of Energy (DOE), except for the Federal Energy Regulatory Commission, as an agency excluded from the Statute. Exec. Order 14,251 § 2.

56. DOE is responsible for ensuring that the United States has access to reliable, affordable, and cleaner sources of energy. *About the Office of Energy Efficiency and Renewable Energy*, DOE, <https://perma.cc/W65V-N8DZ> (last visited June 5, 2025). Its work includes advancing energy technologies, managing the nation’s energy resources, and addressing environmental impacts from past energy-related activities. *Mission*, DOE, <https://perma.cc/UF3R-Y42Q> (last visited June 5, 2025).

57. NTEU-represented employees at DOE evaluate the effectiveness and efficiency of DOE programs and provide information and advice to DOE management on its programs and operations. Kaspar Decl. ¶ 27.

58. NTEU has represented bargaining-unit workers at DOE since January 1979. *Id.* ¶ 33. During that period, DOE has fallen within the Statute’s coverage and had a collective-bargaining agreement with NTEU. *Id.*

59. DOE and NTEU agreed that their current collective-bargaining agreement would last until January 2026. *Id.* ¶ 43(d).

### **Bureau of the Fiscal Service**

60. As part of the Department of Treasury, the Bureau of the Fiscal Service (BFS) is one of the agencies or agency subdivisions that Section 2 of the Executive Order excludes from the Statute. Exec. Order 14,251 § 2.

61. BFS manages the government's accounting and federal centralized payment systems as well as the public debt. *See About Us*, BFS, <https://perma.cc/Z3KP-4DH4> (last modified Jan. 23, 2025).

62. NTEU-represented employees at BFS work to ensure that Americans receive their federal government payments on time. Kaspar Decl. ¶ 20.

63. NTEU has represented bargaining-unit workers at BFS since April 1985. *Id.* ¶ 34. During that period, BFS has fallen within the Statute's coverage and had a collective-bargaining agreement with NTEU. *Id.*

64. BFS and NTEU agreed that their current collective-bargaining agreement would last until August 2025. *Id.* ¶ 43(k).

### **Environmental Protection Agency**

65. Section 2 of the Executive Order lists the Environmental Protection Agency (EPA) as an agency excluded from the Statute. Exec. Order 14,251 § 2.

66. EPA ensures compliance with and the fair administration of environmental laws and acts to conserve natural resources. *See Our Mission and What We Do*, EPA, <https://perma.cc/4JCG-GL3E> (last updated Feb. 28, 2025).

67. NTEU-represented employees at EPA conduct studies and research on environmental issues; develop and enforce environmental regulations; and provide technical assistance. Kaspar Decl. ¶ 22.

68. NTEU has represented bargaining-unit workers at EPA since April 1998. *Id.* ¶ 35. During that period, the EPA has fallen within the Statute’s coverage and had a collective-bargaining agreement with NTEU without any adverse effect on national security interests. *Id.*

69. EPA and NTEU agreed that their current collective-bargaining agreement would last until December 2028. *Id.* ¶ 43(e).

### **Treasury’s Departmental Offices**

70. As part of the Department of Treasury, Treasury’s Departmental Offices are among the agencies and agency subdivisions that Section 2 of the Executive Order excludes from the Statute. Exec. Order 14,251 § 2.

71. Treasury’s Departmental Offices “are primarily responsible for the formulation of policy and management of the Department as a whole.” *Organization and Functions*, U.S. Dep’t of the Treasury, <https://perma.cc/K6D5-4NVY> (last visited June 5, 2025).

72. NTEU has represented bargaining-unit workers at Treasury’s Departmental Offices since May 2002. Kaspar Decl. ¶ 36. NTEU-represented employees provide logistical support, such as assuring adequate supplies, equipment, and mail services; distribute mail; and perform building repairs. *Id.*

During that period, Treasury's departmental offices have fallen within the Statute's coverage and had a collective-bargaining agreement with NTEU. *Id.*

73. Treasury Departmental Offices and NTEU's 2009 CBA provided for an initial three-year term until June 2012 and annual automatic renewal each year thereafter until either party provides notice of its contrary intent. The CBA has automatically renewed each year since 2012. For 2025, neither party gave notice so the CBA will renew again on June 14. Thus, the CBA will remain in effect at least until June 2026. *Id.* ¶ 43(h).

### **Office of the Comptroller of the Currency**

74. A bureau within the Treasury, the Office of the Comptroller of the Currency (OCC) is excluded from the Statute under Section 2 of the Executive Order. Exec. Order 14,251 § 2.

75. OCC ensures that national banks and federal savings associations operate in a safe and sound manner and provide fair access to financial services. *What We Do*, OCC, <https://perma.cc/TNC5-TRJS> (last visited June 5, 2025).

76. NTEU-represented employees at OCC examine banks to ensure they are complying with banking rules and regulations that protect consumers. Kaspar Decl. ¶ 25.

77. NTEU has represented bargaining-unit workers at OCC since November 2002. *Id.* ¶ 37. During that period, OCC has fallen within the Statute's coverage and had a collective-bargaining agreement with NTEU. *Id.*



78. NTEU and OCC agreed that their current collective-bargaining agreement would last at least until 2028. *Id.* ¶ 43(g).

### **Alcohol and Tobacco Tax and Trade Bureau**

79. A bureau under Treasury, the Alcohol and Tobacco Tax and Trade Bureau (TTB) is excluded from the Statute under Section 2 of the Executive Order. Exec. Order 14,251 § 2.

80. TTB collects taxes on alcohol, tobacco, firearms, and ammunition; ensures the integrity of alcohol products; ensures that only qualified businesses enter the alcohol and tobacco industries; and prevents unfair and unlawful market activity for alcohol and tobacco products. *About TTB*, TTB, <https://perma.cc/2LXK-HSY8> (last updated Feb. 3, 2021).

81. NTEU-represented employees at TTB review applications for permits for beer, wine, and spirits producers and manufacturers and investigate those entities for product integrity, tax collection, and compliance. Kaspar Decl. ¶ 26.

82. NTEU has represented bargaining-unit workers at TTB since October 2003. *Id.* ¶ 38. During that period, TTB has fallen within the Statute's coverage and had a collective-bargaining agreement with NTEU. *Id.*

83. TTB and NTEU agreed that their current collective-bargaining agreement would last until January 2027. *Id.* ¶ 43(i).

### **Bureau of Land Management**

84. Section 2 of the Executive Order lists the Bureau of Land Management (BLM) as one of the agencies or agency subdivisions excluded from the Statute. Exec. Order 14,251 § 2.

85. BLM sustains the health, diversity, and productivity of public lands for the use and enjoyment of the public. *Our Mission*, BLM, <https://perma.cc/QXY8-Z42H> (last visited June 5, 2025).

86. NTEU represents employees at BLM who manage public lands for various purposes, including energy development, livestock grazing, recreation, and resource conservation; and maintain natural, cultural, and historic resources. Kaspar Decl. ¶ 21.

87. NTEU has represented bargaining-unit workers at BLM since February 2021. *Id.* ¶ 39. During that period, BLM has fallen within the Statute's coverage and had a collective-bargaining agreement with NTEU. *Id.*

88. BLM has three different collective-bargaining agreements with NTEU, each covering a different portion of the agency. *Id.* ¶ 43(j).

89. For one part of BLM, NTEU and BLM agreed that an interim collective-bargaining agreement would last until a comprehensive collective-bargaining agreement became effective. *Id.* For a second part of BLM, the parties agreed that the collective-bargaining agreement would last until January 2028. *Id.* For a third part of BLM, the parties agreed that the collective-bargaining agreement would last until February 2030. *Id.*

### Department of Justice

90. Section 2 of the Executive Order lists the Department of Justice (DOJ) as one of the agencies excluded from the Statute. Exec. Order 14,251 § 2.

91. NTEU represents employees in two divisions of DOJ: the Civil Rights Division and the Environment and Natural Resources Division. Kaspar Decl. ¶ 89.

92. The Environment and Natural Resources Division is responsible for bringing cases against those who violate the nation's environmental laws and defending the federal government in litigation arising under a broad range of environmental statutes. *Environment and National Resources Division*, Env't & Natural Res. Div., DOJ, <https://perma.cc/X9AW-UTXC> (last visited June 5, 2025).

93. The Civil Rights Division works to uphold the civil and constitutional rights of all persons in the United States and enforce federal statutes prohibiting discrimination. *Our Work*, C.R. Div., DOJ, <https://perma.cc/94KK-HWQ4> (last updated Mar. 12, 2025).

94. NTEU-represented employees in these DOJ divisions are attorneys who enforce the laws that their division is charged with upholding. Kaspar Decl. ¶ 28.

95. NTEU has represented bargaining-unit workers at DOJ since January 2025, but the parties do not yet have a written CBA. *Id.* ¶ 40. During that period, DOJ has fallen within the Statute's coverage. *Id.*

*Agencies' Statutory and Contractual Obligations to  
Withhold and Remit Member Dues to NTEU*

96. Federal law requires that “[i]f an agency has received from an employee in an appropriate unit a written assignment which authorizes the agency to deduct from the pay of the employee amounts for the payment of regular and periodic dues of the exclusive representative of the unit, the agency shall honor the assignment and make an appropriate allotment pursuant to the assignment.” 5 U.S.C. § 7115(a).

97. In addition, every collective-bargaining agreement that NTEU has with the agencies named as defendants in this action has a provision requiring the agencies to process payroll deductions for dues if the employee so requests. Kaspar Decl. ¶ 46.

98. Payroll for federal employees is processed by different agencies. Many are processed by the National Finance Center (NFC) within the U.S. Department of Agriculture. *Id.* ¶ 47. NTEU-represented agencies that use NFC include the FCC and the Department of Treasury (including the IRS, IRS Office of Chief Counsel, BFS, TTB, Office of the Comptroller of the Currency, and Departmental Offices). *Id.*

99. Other agencies have payroll processed by the Interior Business Center (IBC) within the U.S. Department of Interior. *Id.* ¶ 48. NTEU-represented agencies that use IBC include BLM and EPA. *Id.*

100. Other agencies have payroll processed by the Defense Finance Accounting Service (DFAS) within the U.S. Department of Defense. *Id.* ¶ 49. NTEU-represented agencies that use DFAS include DOE and HHS. *Id.*

101. Payroll periods in the federal government are generally every two weeks, although they are numbered differently if employees are paid through different agencies. *Id.* ¶ 50. For example, the two-week pay period of March 9, 2025 through March 22, 2025 is Pay Period 5 for NFC-paid employees and is Pay Period 7 for IBC-paid employees. *Id.*

102. Federal employees are typically paid on or around the second Thursday after the end of a pay period. *Id.* ¶ 51. For example, for the pay period running from March 9, 2025 through March 22, 2025, employees would typically receive their pay (after any withholdings are taken out) on or about April 2 or 3, 2025. *Id.* If the employee elected to have dues withheld and remitted to NTEU, NTEU would typically receive those dues on or about April 1, 2025. *Id.*

*NTEU's Actions Against the Trump Administration*

103. On January 20, 2025, NTEU filed a lawsuit against President Trump and others in his administration challenging Executive Order No. 14,171, titled *Restoring Accountability to Policy Influencing Positions Within the Federal Workforce*. *NTEU v. Trump*, No. 25-cv-170 (D.D.C. filed Jan. 20, 2025).

104. On February 9, 2025, NTEU filed a lawsuit against the Acting Director of the Consumer Financial Protection Bureau (CFPB) challenging the CFPB's disclosure of employees' personal information to Elon Musk and the Department of Government Efficiency. *NTEU v. Vought*, No. 25-cv-380 (D.D.C. filed Feb. 9, 2025).

105. On February 9, 2025, NTEU filed another lawsuit against the Acting Director of the CFPB challenging the Trump Administration's efforts to dismantle that agency. *NTEU v. Vought*, No. 25-cv-381 (D.D.C. filed Feb. 9, 2025).

106. On February 12, 2025, NTEU and a coalition of other federal-sector unions filed a lawsuit against President Trump and others in his administration challenging Executive Order No. 14,210, the mass firing of probationary employees, and the deferred resignation program. *NTEU v. Trump*, 25-cv-420 (D.D.C. filed Feb. 12, 2025).

107. NTEU has also filed dozens of grievances in response to the Trump Administration's actions against federal workers. Kaspar Decl. ¶ 12.

*The Executive Order's Aftermath*

108. The Executive Order is affecting how the Federal Labor Relations Authority (FLRA) is handling labor-relations matters. For example, NTEU has multiple petitions pending before the FLRA regarding whether various contract provisions are negotiable or not. For agencies covered by the Executive Order, the FLRA has issued a series of show cause orders stating:

On March 27, 2025, President Donald J. Trump amended Executive Order 12,171 (1979), pursuant to 5 U.S.C. § 7103(b)(1) and 22 U.S.C. § 4103(b), to exclude certain agencies and agency subdivisions from the coverage of the Federal Service Labor-Management Relations Statute (the Statute). Accordingly, the Authority directs the Union to show cause why the Authority should not dismiss this matter for lack of jurisdiction.

Kaspar Decl. ¶ 111, Ex. 45. These show cause orders cite Authority precedent regarding the dismissal of cases involving agency components excluded from coverage under the Statute. *Id.*

109. The FLRA has also paused an unfair labor practice proceeding brought by NTEU against BLM because of the Executive Order. *Id.* ¶ 112, Ex. 46.

110. Arbitrators have paused action on lawfully filed grievances because of the Executive Order. *Id.* ¶ 110.

111. Arbitrator Stephen E. Alpern informed NTEU on April 3, 2025 that he was staying further proceedings in a grievance about the validity of the applicable BLM–NTEU CBA because “the Agency raises the contention that [pursuant to] an Executive Order 14251 (90 FR 14553, March 27, 2025), the President excluded the Agency from the provisions of Chapter 7[1] of title 5, United States Code.” Kaspar Decl. ¶ 110, Ex. 44.

112. The largest federal-sector union, AFGE, has announced it is laying off half its staff nationwide because of the effect of this Administration’s actions on its finances. *Id.* ¶ 136.

113. NTEU regularly tells arbitrators, courts, members of Congress, and the public that it represents more than 150,000 employees in thirty-seven federal agencies and departments across the government. *Id.* ¶ 117.

114. The Executive Order substantially reduced the number of employees that NTEU represented. *Id.* ¶ 115.

115. At the end of December 2024, NTEU represented 158,144 employees. *Id.* ¶ 116. Taken together, the number of employees whom NTEU represents and who are in agencies covered by the Executive Order is 104,278. *Id.* This means that

the Executive Order has cut the number of NTEU-represented employees by two-thirds (65.9%). *Id.*

116. The Executive Order requires termination of twelve of NTEU's collective-bargaining agreements. *Id.* ¶ 44. Because a small portion of HHS is not covered by the Executive Order, a small portion of NTEU's collective-bargaining agreement with HHS will still exist. *Id.*

117. NTEU staff frequently bargain with agencies over changes in employment conditions. *Id.* ¶ 126. To initiate bargaining over such changes, NTEU is required to notify the agency within a certain timeframe (often 30 days or less) after NTEU first receives notice of the change. *Id.* So, if agencies covered by the Executive Order refuse to collectively bargain with NTEU, NTEU will lose that bargaining opportunity not just in the short term but forever. *Id.* ¶ 127.

118. If agencies had simply refused to engage in bargaining during the COVID-19 outbreak, for example, NTEU would have missed its chance to advocate for its members on issues like telework and the availability of personal protective equipment. *Id.* ¶ 128.

119. Without dues from agencies covered by the Executive Order, NTEU's annual dues revenue will fall by about \$25 million. *Id.* ¶ 132. This is more than half of NTEU's total revenue stream. *Id.*

120. Some NTEU members in agencies listed in the Executive Order cancelled their membership because of the Executive Order. *Id.* ¶ 121.



121. For example, an NTEU member within the FDA told HHS on April 28, 2025 that “President Trump demolished the union several weeks ago . . . Please see the attached form, SF-1188 to end my participation in NTEU.” *Id.* ¶ 121, Ex. 47.

122. Of the nearly 160,000 employees whom NTEU represented before the Executive Order was issued, approximately 91,000 voluntarily joined NTEU and paid dues. *Id.* ¶ 129. The vast majority of those—94%—took advantage of the option to have their employer agencies deduct dues from their paychecks automatically and remit the dues to NTEU. *Id.*

123. In the NTEU-represented agencies and agency components that the Executive Order excludes from the Statute, NTEU has approximately 58,692 dues-paying members. *Id.* ¶ 130.

124. EPA, BLM, FCC, IRS, IRS Office of Chief Counsel, BFS, TTB, OCC, and Treasury Departmental Offices ceased dues withholding before the District Court entered its preliminary injunction. *Id.* ¶¶ 53, 54, 131. Those agencies have again ceased dues withholding since the court of appeals stayed the preliminary injunction. *Id.* ¶ 57. In addition, agencies that did not cut off dues withholding before the preliminary injunction, including DOE and the components of HHS excluded from the Statute’s coverage by the Executive Order, have announced that they will cease these deductions following the D.C. Circuit stay of the injunction. *Id.* ¶¶ 58, 131.

125. On May 30, 2025, NTEU learned that DFAS would stop collecting and remitting union dues starting with the pay period ending on May 31. *Id.* ¶ 58.

NTEU lost over \$2 million in dues revenue before this Court’s preliminary injunction order went into effect. *Id.* ¶¶ 55–56. As of May 4, 2025, NTEU had lost at least \$3 million in dues revenue it would have received if the Executive Order had not gone into effect. *Id.* ¶ 133.

126. As of June 2, 2025, NTEU had lost more than \$4 million in expected dues revenue from agencies’ failure to withhold and remit NTEU dues—as requested by member employees—based on the Executive Order. *Id.* ¶ 134. It will continue to lose more than \$1 million in dues revenue per two-week pay period while the Executive Order remains in effect. *Id.* This loss of dues from automatic withholding from such a large percentage of NTEU’s membership threatens NTEU’s very existence. *Id.* ¶ 135.

127. IBC stated in a March 28, 2025 email that “[a]s a result of Executive Order ‘Exclusions from Federal Labor-Management Relations Programs’ published March 27, 2025, the Interior Business Center (IBC) was directed to remove all union deductions from the Pay Period 25-07 calculate file.” *Id.* ¶ 53, Ex. 5.

128. Updating an earlier notice, NFC stated in an April 9, 2025 notice that it was providing additional information “regarding halting union dues deductions” and was taking action “to ensure the termination of future union deductions[.]” *Id.* ¶ 54, Ex. 6.

*Agencies’ Implementation of the Executive Order*

129. Every affected agency employing NTEU-represented workers has failed to comply with its statutory and/or contractual collective-bargaining obligations in at least one respect on account of the Executive Order. *Id.* ¶ 59. These

instances of noncompliance with collective-bargaining obligations include dues-withholding stoppages; evictions from union offices; and refusals to grant official time, bargain with NTEU, and proceed with grievances and arbitrations. *Id.*

### **Internal Revenue Service**

130. An IRS representative told NTEU staff on April 2, 2025, that “[d]ue to the Executive Order on Thursday, we are currently in a holding pattern in terms of grievances.” *Id.* ¶ 60, Ex. 7.

131. Article 42 of the IRS–NTEU CBA requires the agency to process grievances consistent with the procedures specified therein. *Id.* ¶ 60.

132. On April 4, 2025, the IRS distributed a notice to employees stating that “[t]he IRS has begun implementing a Reduction in Force (RIF) that will result in staffing cuts across multiple offices and job categories.” *Id.* ¶ 61, Ex. 8. The IRS began this process without following the RIF provisions in Article 19 of the IRS–NTEU collective-bargaining agreement, such as required advance notice to NTEU’s President. *Id.* ¶ 61.

133. Notices to IRS employees affected by the RIF stated:

Collective bargaining agreements required additional steps before proceeding with a RIF, including extended negotiation periods and waiting periods. However, President Trump signed an executive order entitled “Exclusions from Federal Labor-Management Relations Programs.” Application of the national security exemption from collective-bargaining requirements under this executive order and resulting guidance from the Office of Personnel Management eliminates non-statutory delays in executing a RIF.

*Id.* ¶ 62, Ex. 9.

134. IRS failed to withhold NTEU dues from members' paychecks for NFC Pay Period 9, the first affected pay period following the D.C. Circuit's stay of the District Court's preliminary injunction. *Id.* ¶ 65.

135. The agency is required to withhold dues under 5 U.S.C. § 7115(a) and Article 10 of the IRS–NTEU collective-bargaining agreement. *Id.*

136. On April 10, 2025, the IRS Office of Chief Counsel acting on IRS's behalf informed NTEU by email that its representatives could not proceed with scheduling an arbitration hearing because they were "awaiting further guidance on the Executive Order relating to the CBA." *Id.* ¶ 63, Ex. 10.

137. Article 43 of the IRS–NTEU collective-bargaining agreement requires the agency to participate in arbitration consistent with the procedures specified therein. *Id.* ¶ 63.

138. On May 21, 2025, a representative of the IRS Office of Chief Counsel acting on IRS's behalf informed two arbitrators in separate emails that the agency "ha[d] been instructed to refrain from participating in any activities related to collective bargaining, including having any substantive contact with the union. Substantive contact is basically anything more than notifying the union that we are not to have contact." *Id.* ¶ 64, Exs. 11, 12. The agency's failure to engage in any substantive contact with NTEU conflicts with several provisions of the IRS–NTEU CBA (e.g., Articles 8, 23, 25, 27, 30), as well as the Statute.

### **IRS Office of Chief Counsel**

139. The Office of Chief Counsel failed to withhold NTEU dues from members' paychecks for NFC Pay Period 9. *Id.* ¶ 67.

140. The agency is required to withhold dues under 5 U.S.C. § 7115(a) and Article 41 of the Office of Chief Counsel–NTEU collective-bargaining agreement. *Id.* ¶ 66.

### **Department of Health and Human Services**

141. Management at the Food and Drug Administration (FDA) told NTEU on March 31, 2025 that “[u]ntil further notice, the FDA is ending labor relation [sic] meetings with the exclusive representatives of (NTEU/AFGE) in adherence to the above referenced presidential Executive Order.” *Id.* ¶ 95, Ex. 30.

142. On April 8, 2025, FDA told NTEU that NTEU representatives would not be allowed to participate in formal meetings with employees, stating that “to comply with EO 14251, *Exclusions from Federal Labor-Management Relations Programs* . . . management participating in this meeting will not be engaging with NTEU. . . .” *Id.* ¶ 96, Ex. 31.

143. The agency's refusal to allow union representatives to participate conflicts with Articles 5 and 7 of the HHS–NTEU CBA. *Id.* ¶ 96.

144. On April 9, 2025, the FDA rescinded its previous approval of NTEU's presence at a meeting between management and an employee, again citing the Executive Order. *Id.* ¶ 97, Ex. 32.

145. On May 27, 2025, an HHS representative emailed an arbitrator and NTEU to request that the arbitrator hold the arbitration before him “in abeyance pending the outcome of litigation regarding E.O. 14251.” *Id.* ¶ 98, Ex. 33. An HHS representative emailed another arbitrator on May 29, 2025, with the same request to hold the arbitration in abeyance. *Id.*

146. HHS’s failure to participate in the arbitration conflicts with Article 46 of the HHS–NTEU CBA. *Id.* ¶ 98.

147. On May 29, 2025, an HHS representative emailed this response to an NTEU staff member’s request for official time for HHS union representatives and stewards to attend NTEU’s 2025 Virtual National Training Conference:

Please be advised that pursuant to Executive Order 14251 and its implementation within HHS, employees assigned to the following organizations have been excluded from coverage under the Federal Service Labor-Management Relations Statute and, therefore, are not eligible for union representation or the use of Tax-Payer Funded Union Time for union-related activities:

- Office of the Secretary
- Office of the General Counsel
- Office of the Chief Information Officer (OCIO)
- Food and Drug Administration (FDA)
- Centers for Disease Control and Prevention (CDC)
- Administration for Strategic Preparedness and Response (ASPR)
- National Institute of Allergy and Infectious Diseases (NIAID), NIH
- Office of Refugee Resettlement (ORR), ACF

As such, HHS will approve the use of Tax-Payer Funded Union Time only for union representatives and stewards who are not employed by these excluded components and are otherwise eligible under applicable law and the parties’ CBA.

*Id.* ¶ 99, Ex. 34.

148. Article 10 of the HHS–NTEU CBA requires HHS to grant official time for union representatives and stewards to attend labor-relations training provided by the union. *Id.* ¶ 99.

149. On May 30, 2025, DFAS informed FDA employees that “[p]ursuant to [the Executive Order], the collection and remittance of union dues from your payroll deduction has been stopped” and would be reflected starting with the pay period ending on May 31. *Id.* ¶ 100, Ex. 35.

150. HHS is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 8 of its CBA with NTEU. *Id.* ¶ 100.

151. On June 2, 2025, HHS asked an arbitrator to hold an arbitration in abeyance pending resolution of the Executive Order litigation. *Id.* ¶ 101, Ex. 36. The arbitrator partially granted the request, canceled a hearing that was scheduled for June 10, 2025, and asked the parties to report on the status of the litigation in three months. *Id.*

152. HHS’s failure to participate in the arbitration conflicts with Article 46 of the HHS–NTEU CBA. *Id.* ¶ 101.

153. On June 3, 2025, an FDA representative sent an email to NTEU chapter leaders stating that FDA is not recognizing NTEU because of the Executive Order, as follows:

The Agency maintains its position that until further notice, FDA is not recognizing labor relations with (NTEU/AFGE) in adherence to the presidential Executive Order, the temporary restraining order [sic], ongoing litigation on the Exclusions (EO) Executive Order, and or any other applicable order or guidance that may apply. Now that the

injunction has been stayed, the Agency is permitted to take implementation actions consistent with EO 14251 and OPM guidance.

As a result, agencies are no longer to acknowledge the union. FDA will cease to recognize all labor organizations and will not participate in any labor related activities to include the following. Please be advised, the list below is not exhaustive.

- FDA is no longer subject to collective-bargaining requirement[s] of chapter 71 of part III, subpart F of title 5 (5 U.S.C. §§ 7101-7135).
- FDA is no longer required to collectively bargain with Federal unions.
- FDA understands because the statutory authority underlying the original recognition of the relevant unions no longer applies, unions lose their status as the “exclusive[ly] recogni[zed]” labor organizations for employees of the agencies and agency subdivisions covered by Exclusions.
- FDA arbitrations that are currently in litigation with an arbitrator will discontinue proceedings.
- FDA will cease participating in grievance procedures.
- FDA will cease participating in further grievance arbitration proceedings following termination of CBA’s.
- FDA will cease responding to union request [sic] for information.
- FDA will cease to acknowledge union official [sic] for meetings.
- FDA will cease to send out union notification.

*Id.* ¶ 102, Ex. 37. FDA’s failure to participate in the listed activities conflicts with, at a minimum, Articles 5 and 7 (meetings); Article 45 (grievance procedures; requests for information); and Article 46 (arbitration) of the HHS–NTEU CBA, along with 5 U.S.C. § 7114(b)(4) (requests for information). *Id.* ¶ 102.

### **Federal Communications Commission**

154. FCC stopped deducting dues payments from NTEU members’ paychecks pursuant to NFC’s termination of dues-withholding reflected in its April 9 notice. *Id.* ¶ 93, Ex. 6.



155. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 44 of its CBA with NTEU. *Id.* ¶ 93.

156. FCC failed to withhold NTEU dues from members' paychecks for NFC Pay Period 9. *Id.* ¶ 94.

### **Department of Energy**

157. On April 14, 2025, a DOE representative responded to an NTEU request to discuss return-to-office procedures as follows: "To NTEU's request to meet, the DOE is currently evaluating the impact of EO 14251 on such meetings and is therefore unavailable to meet at this time." *Id.* ¶ 84, Ex. 23.

158. The agency's refusal to discuss this change in employees' conditions of employment conflicts with Article 13 of the DOE–NTEU CBA. *Id.* ¶ 84.

159. On May 22, 2025, DOE informed NTEU via email that "processing is suspended, and [] grievances are being held in abeyance pending litigation [over the Executive Order]." *Id.* ¶ 85, Ex. 24.

160. The agency's failure to process grievances and participate in the negotiated grievance procedure conflicts with Articles 11 and 12 of the DOE–NTEU CBA. *Id.* ¶ 85.

161. On May 27, 2025, DOE informed NTEU in separate emails that processing of requests for information and the processing of grievances would be "held in abeyance" because of the Executive Order litigation. *Id.* ¶ 86, Ex. 25.

162. DOE is required to respond to requests for information under 5 U.S.C. § 7114(b)(4) and several articles of the DOE–NTEU CBA, including Articles 13, 24, and 43. *Id.* ¶ 86.

163. On May 29, 2025, DOE informed NTEU via email that it would not process an official-time request for NTEU training. *Id.* ¶ 87, Ex. 26.

164. Article 7 of the DOE–NTEU CBA requires the agency to grant NTEU representatives official time to attend training consistent with the terms set forth therein. *Id.* ¶ 87.

165. On May 30, NTEU learned that DOE’s payroll processor DFAS would stop withholding and remitting NTEU dues as of the pay period ending on May 31, 2025. *Id.* ¶¶ 88, 100, Ex. 35.

166. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 9 of its CBA with NTEU. *Id.*

### **Bureau of the Fiscal Service**

167. BFS stopped deducting dues payments from NTEU members’ paychecks pursuant to NFC’s termination of dues-withholding reflected in its April 9 notice. *Id.* ¶ 68, Ex. 6.

168. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 11 of the BFS–NTEU collective-bargaining agreement. *Id.* ¶ 68.

169. On May 28, 2025, BFS emailed NTEU directing its attention to a notice entitled “Union Office Space, Union Time.” The notice asserted that as of “June 4, 2025, [B]FS will reclaim any agency space, furniture . . . and other

resources previously utilized by NTEU for representational activities.” *Id.* ¶ 69, Ex.

13. The notice further stated that “effective June 4, 2025, previously authorized [official time] is no longer permitted and all NTEU representatives should only be conducting agency-assigned work during their scheduled duty time.” *Id.*

170. Article 6 of the BFS–NTEU collective-bargaining agreement requires BFS to provide NTEU with office space, furniture, and other resources. *Id.* ¶ 69.

171. Article 9 of the BFS–NTEU collective-bargaining agreement requires BFS to grant official time to NTEU representatives for union activities. *Id.*

172. On May 29, 2025, NTEU received an email from a BFS representative stating that the agency was “no longer able to process union dues elections effective Pay Period 09 and forward. Any union dues elections that were already processed will be automatically cancelled by the National Finance Center and the employee will not have those dues withheld from their pay.” *Id.* ¶ 70, Ex. 14.

173. In a June 2, 2025 email, BFS told NTEU that it would not participate in bargaining, citing the Executive Order. *Id.* ¶ 71, Ex. 15.

### **Environmental Protection Agency**

174. EPA stopped deducting dues payments from NTEU members’ paychecks pursuant to IBC’s termination of dues-withholding reflected in its March 28 email. *Id.* ¶ 91, Ex. 5.

175. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 27 of its collective-bargaining agreement with NTEU. *Id.* ¶ 91.

176. On May 22, 2025, an EPA representative sent an email to union leaders noting that “EPA’s payroll provider has again ceased dues collections.” *Id.* ¶ 92, Ex. 29.

### **Treasury’s Departmental Offices**

177. The Departmental Offices stopped deducting dues payments from NTEU members’ paychecks pursuant to NFC’s termination of dues-withholding reflected in its April 9 notice. *Id.* ¶ 72; *see also id.* Ex. 6.

178. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 36 of its collective-bargaining agreement with NTEU. *Id.* ¶ 72.

179. On May 27, 2025, a Departmental Offices representative informed an NTEU staff member that, as summarized by the NTEU staff member, the agency was “being told to stop recognizing [NTEU] again so he won’t be able to bargain, process grievances, etc.” *Id.* ¶ 73, Ex. 16.

180. The agency’s failure to bargain or process grievances and its refusal to recognize NTEU are inconsistent with several provisions of the parties’ CBA (e.g., Articles 29 & 35) as well as the Statute. *Id.* ¶ 73.

181. The Departmental Offices failed to withhold NTEU dues from members’ paychecks for NFC Pay Period 9, the first affected pay period following the D.C. Circuit’s stay of the District Court’s preliminary injunction. *Id.* ¶ 74.

### **Office of the Comptroller of the Currency**

182. OCC stopped deducting dues payments from NTEU members’ paychecks pursuant to NFC’s termination of dues-withholding reflected in its April

9 notice. *Id.* ¶ 80; *see also id.* Ex. 6. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 33 of its collective-bargaining agreement with NTEU. *Id.* ¶ 80.

183. On April 1, 2025, an OCC representative emailed an NTEU staff member to cancel a grievance meeting because of the Executive Order. *Id.* ¶ 81, Ex. 21. Article 27 of the OCC–NTEU collective-bargaining agreement requires OCC to participate in this meeting unless it is mutually waived. *Id.* ¶ 81. OCC’s cancellation was unilateral, as NTEU did not agree to waive the meeting. *Id.*

184. OCC told NTEU in an April 29, 2025 email that “we are not allowed to approve official time for NTEU purposes.” *Id.* ¶ 82, Ex. 22.

185. Article 6 of the OCC–NTEU collective-bargaining agreement requires OCC to grant official time to employees as detailed therein. *Id.* ¶ 82.

186. OCC failed to withhold NTEU dues from members’ paychecks for NFC Pay Period 9. *Id.* ¶ 83.

### **Alcohol and Tobacco Tax and Trade Bureau**

187. TTB told NTEU on April 11, 2025 that pursuant to the Executive Order, NFC “will be halting union deductions for covered Treasury Bureaus[.]” The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 37 of its CBA with NTEU. *Id.* ¶ 75, Ex. 17.

188. TTB told NTEU by email on April 14, 2025 that as a result of the Executive Order, “TTB has suspended (until further notice) all proceedings under the CBA including but not limited to: grievances under the Negotiated Grievance

Process (NGP), Partnership Council, midterm bargaining, and Requests for Information, etc.” *Id.* ¶ 76, Ex. 18.

189. The agency’s failure to engage in these activities conflicts with several provisions of the TTB–NTEU collective-bargaining agreement (e.g., Articles 4, 34, and 39) as well as the Statute. *Id.* ¶ 76.

190. On May 21, 2025, an NTEU staff member reported to the staff member’s supervisors that a chapter leader employed by TTB “was informed by TTB over the phone that, per Treasury, they are cutting off collective bargaining again as of today. TTB stated they will not be providing anything in writing.” *Id.* ¶ 77, Ex. 19.

191. TTB told NTEU by email dated June 2, 2025 that because of the Executive Order, it was “placing all Union grievances and Requests for Information on hold.” *Id.* ¶ 78, Ex. 20

192. TTB failed to withhold NTEU dues from members’ paychecks for NFC Pay Period 9. *Id.* ¶ 79.

193. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 37 of its collective-bargaining agreement with NTEU. *Id.*

### **Bureau of Land Management**

194. BLM stated in an April 2, 2025, email that “[d]ue to the issuance of Executive Order and OPM Guidance: Exclusions From Federal Labor-Management Relations Programs . . . [w]e will be postponing the CBA negotiations scheduled for April 3rd.” *Id.* ¶ 103, Ex. 38.

195. On April 8, 2025, BLM stated in an email that it would not bargain with NTEU over the agency's offering of a deferred resignation program because "[c]onsistent with Executive Order 14251, 'Exclusions from Federal Labor-Management Relations Programs,' which was issued on March 27, 2025, the BLM is excluded from Chapter 71 of Title 5. . . ." *Id.* ¶ 104, Ex. 39. The agency's refusal to bargain is inconsistent with all three of the BLM–NTEU agreements. *Id.* ¶ 104.

196. On April 11, 2025, BLM told NTEU by email that it would be postponing a scheduled Labor Management Relations Committee meeting scheduled for April 14 because of the Executive Order. *Id.* ¶ 105, Ex. 40.

197. BLM failed to withhold NTEU dues from members' paychecks for IBC Pay Period 11. *Id.* ¶ 106. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and each of its agreements with NTEU. *Id.*

198. On May 22, 2025, the president of one of NTEU's BLM chapters informed NTEU staff that earnings statements for the pay period ending on May 17, 2025 (Pay Period 11) did not show dues withholdings. *Id.* ¶ 197, Ex. 41. The chapter president observed that "since the [Exclusions] EO" was issued, the only pay period for which "dues have been withheld was [Pay Period 10]." *Id.*

199. On May 28, 2025, BLM refused a bargaining-unit employee's request to have a union representative join her in a meeting concerning a reasonable-accommodation process: "Due to the current STAY of the preliminary injunction in place, we cannot add union representative[s] to our calls." *Id.* ¶ 108, Ex. 42. BLM's

refusal to allow a union representative to join the meeting conflicts with Article 5 of the applicable collective-bargaining agreement with NTEU. *Id.* ¶ 108.

200. On May 29, 2025, BLM asked NTEU if it still wished to bargain the following month. BLM informed NTEU that “to be in compliance with EO 14251 ‘Exclusions from Federal Labor Management Relations Programs,’ official time will be granted for [bargaining-unit employee] fire personnel only on the CBA team.” *Id.* ¶ 109, Ex. 43. The agency’s failure to grant official time to every member of the bargaining team is inconsistent with Paragraph 4 of the applicable interim agreement. *Id.* ¶ 109.

### **Department of Justice**

201. NTEU has been the exclusive representative of bargaining-unit employees in DOJ’s Environment and Natural Resources (ENRD) and Civil Rights (CRT) Divisions since January 2025, but the parties do not yet have a written collective-bargaining agreement. *Id.* ¶ 89.

202. Despite NTEU’s repeated requests to initiate dues withholding, DOJ has refused to engage with NTEU regarding either bargaining unit. *Id.*

203. NTEU most recently reiterated its request that DOJ meet with NTEU to discuss dues-withholding for each bargaining unit on May 12, 2025. *Id.* ¶ 90, Exs. 27, 28.

#### *The Deferred Resignation Program’s Unavailability to Employees in Positions Related to National Security*

204. On January 28, 2025, the Administration, via a “Fork in the Road” email, offered employees a “deferred resignation program.” *Id.* ¶ 41. NTEU-



represented employees in each of the agencies or agency components at issue received that offer, and some NTEU-represented employees in each of the agencies or agency components at issue here accepted that offer and had their applications processed. *Id.*

205. The administration’s deferred resignation program was not available to employees in “positions related to . . . national security.” OPM, *Guidance Regarding Deferred Resignation Program* (Jan. 28, 2025) at 3, <https://perma.cc/ZZZ4-N2NZ>. *Id.* ¶ 42.

Respectfully submitted,

/s/ Julie M. Wilson

JULIE M. WILSON

General Counsel

D.C. Bar 482946

/s/ Paras N. Shah

PARAS N. SHAH

Deputy General Counsel

D.C. Bar 983881

/s/ Allison C. Giles

ALLISON C. GILES

Assistant Counsel

D.C. Bar 439705

/s/ Jessica Horne

JESSICA HORNE

Assistant Counsel

D.C. Bar 1029732

/s/ Kathryn W. Bailey

KATHRYN W. BAILEY

Assistant Counsel

D.C. Bar 1643256

NATIONAL TREASURY EMPLOYEES UNION

800 K Street N.W., Suite 1000

Washington, D.C. 20001

(202) 572-5500

julie.wilson@nteu.org

paras.shah@nteu.org

allie.giles@nteu.org

jessica.horne@nteu.org

kathryn.bailey@nteu.org

June 9, 2025

Counsel for Plaintiff NTEU

DECLARATION OF DANIEL KASPAR

I, Daniel Kaspar, hereby declare as follows:

1. I currently serve as Director of Field Operations at the National Treasury Employees Union (NTEU). I have worked for NTEU since 2011.

2. As Director of Field Operations, I am responsible for overseeing NTEU's field offices across the nation. Representatives in each field office serve as chapters' and often members' first line of contact with NTEU on a day-to-day basis. By virtue of my job duties, I am familiar with the agencies where NTEU-represented employees work as well as the duties those employees perform. I am also familiar with the collective-bargaining agreements (CBAs) that we have negotiated with our agencies.

The Executive Order and OPM Guidance

3. I reviewed Executive Order No. 14,251, *Exclusions from Labor-Management Relations Program* (March 27, 2025) (the Executive Order) soon after it was issued.

4. I reviewed the Fact Sheet the White House issued the evening of March 27, 2025, entitled "Fact Sheet: President Donald J. Trump Exempts Agencies with National Security Missions from Federal Collective Bargaining Requirements," further explaining the Executive Order. A true and correct copy of the Fact Sheet is attached hereto as Exhibit 1.

5. I also reviewed the guidance that the Office of Personnel Management (OPM) issued on March 27, 2025, entitled "Guidance on Executive Order *Exclusions*

*from Federal Labor Management Relations Programs*” (OPM Guidance). A true and correct copy of the OPM Guidance is attached hereto as Exhibit 2.

6. On April 8, 2025, the Chief Human Capital Officers Council (CHCOC), an interagency forum led by the OPM Director, shared with agencies, including the Defendant agencies, a Frequently Asked Questions (FAQs) document about implementing the Executive Order. A true and correct copy of the April 8 FAQs is attached hereto as Exhibit 3.

7. CHCOC issued updated FAQs on April 22, 2025, which I received the following day. A true and correct copy of the April 22 FAQs is attached hereto as Exhibit 4.

8. The Executive Order, section 2, excludes the following agencies where NTEU represents employees as the exclusive bargaining unit representative from the 1978 Federal Service Labor-Management Relations Statute (the Statute):

- Department of Treasury, Internal Revenue Service (IRS), IRS Office of Chief Counsel, Bureau of Fiscal Service (BFS), Departmental Offices, Alcohol and Tobacco Trade and Tax Bureau (TTB), Office of Comptroller of the Currency (OCC);
- Department of Energy (DOE);
- Department of Justice (DOJ), Civil Rights Division and Environment and Natural Resources Division;
- Environmental Protection Agency (EPA);
- Federal Communications Commission (FCC);

- Department of Health and Human Services (HHS), the Office of the Secretary, the Food and Drug Administration, the Administration for Strategic Preparedness and Response, the Centers for Disease Control and Prevention, and the Office of Refugee Resettlement within the Administration of Children and Families; and
- Department of the Interior, Bureau of Land Management (BLM).

9. In all, NTEU represents employees at eleven federal agencies that the Executive Order completely excludes from the Statute's coverage, which includes six subdivisions of the Department of the Treasury.

10. NTEU represents one additional agency—HHS—that the Executive Order excludes in part from the Statute's coverage. Some of the HHS components NTEU represents do not fall within the Executive Order's coverage.

#### **The President's Motivations for the Executive Order**

11. It is my belief, based on the language of the Executive Order, the OPM Guidance, and the White House's Fact Sheet on the Executive Order that the President's motivations for the mass exclusion of agencies from the Statute's coverage are animus against federal-sector unions and a desire to make federal employees easier to fire.

12. NTEU has actively opposed President's Trump's agenda, which has targeted the federal workforce, by filing several lawsuits and dozens of grievances against wrongful administration actions. NTEU will continue to advocate for the federal workforce as long as the Administration continues to act unlawfully to harm federal-sector unions and the employees they represent. I am fearful that additional



NTEU action, whether in the courts or in other areas, will lead to further retribution against it, including having more of its agencies and agency components excluded from the Statute.

13. My understanding based on the language of the Executive Order, news reports, information from other unions and NTEU's own data, is that the Executive Order will have the effect of excluding approximately two-thirds of the federal workforce overall, and three-quarters of those employees who have union representation. *See, e.g., Hassan Ali Kanu, Trump Moves to Strip Unionization Rights from Most Federal Workers*, Politico (Mar. 28, 2025, 11:04 AM), [www.politico.com/news/2025/03/28/union-rights-federal-workers-donald-trump-00257010](https://www.politico.com/news/2025/03/28/union-rights-federal-workers-donald-trump-00257010).

#### NTEU History

14. NTEU has represented employees in federal agencies for nearly a century.

15. NTEU was founded in 1938 to represent a group of Internal Revenue Service revenue collectors.

16. NTEU expanded its representation to additional agencies when collective bargaining was extended to the federal sector by Executive Order 10988 in 1962, and then when Congress enacted the Statute in 1978. *See* Pub.L. No. 95-454.

#### Agency Missions and Duties of Employees

17. NTEU represents approximately 76,892 bargaining unit employees at the IRS, which is the largest and oldest bargaining unit that NTEU represents.

NTEU has represented workers at the IRS in some capacity since 1938. It has been the exclusive representative of IRS bargaining-unit employees since the Statute went into effect in 1978. IRS employs more dues-paying NTEU members than any other federal agency. The IRS does not primarily perform national security, investigative, or intelligence work. The IRS is the revenue service for the federal government, responsible for collecting federal taxes and administering the Internal Revenue Code. NTEU-represented employees at IRS do not primarily perform national security, investigative, or intelligence work. They provide tax assistance to taxpayers, conduct taxpayer audits, and collect overdue tax revenue.

18. The IRS Office of Chief Counsel does not primarily perform national security, investigative, or intelligence work. NTEU-represented employees at the Office of Chief Counsel do not primarily perform national security, investigative, or intelligence work. They provide legal guidance and interpretive advice to the IRS, to Treasury, and to taxpayers; and coordinate the IRS's position in litigation.

19. The HHS components that the Executive Order excludes from the Statute and that NTEU represents—the Office of the Secretary, the Food and Drug Administration, the Administration for Strategic Preparedness and Response, the Centers for Disease Control and Prevention, and the Office of Refugee Resettlement, Administration for Children and Families—do not primarily perform national security, investigative, or intelligence work. Those components administer social service programs, civil rights and healthcare programs, and programs that assure food and drug safety and efficacy. NTEU-represented employees at those

components of HHS do not primarily perform national security, investigative, or intelligence work. They provide guidance and assistance on HHS's priorities; oversee state administration of HHS's programs; and inspect food and drugs.

20. BFS does not primarily perform national security, investigative, or intelligence work. BFS functions primarily to manage the government's accounting and federal centralized payment systems, and to reduce public debt. NTEU-represented employees at BFS do not primarily perform national security, investigative, or intelligence work. They ensure that Americans receive their federal government payments on time.

21. BLM does not primarily perform national security, investigative, or intelligence work. BLM's primary function is to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations. NTEU-represented employees at BLM do not primarily perform national security, investigative, or intelligence work. They manage public lands for various purposes, including energy development, livestock grazing, recreation, and resource conservation; and maintain natural, cultural, and historic resources.

22. EPA does not primarily perform national security, investigative, or intelligence work. EPA ensures compliance with and the fair administration of environmental laws, and acts to conserve natural resources. NTEU-represented employees at EPA do not primarily perform national security, investigative, or intelligence work. They conduct studies and research on environmental issues; develop and enforce environmental regulations; and provide technical assistance.



23. FCC does not primarily perform national security, investigative, or intelligence work. FCC regulates interstate and international communications by radio, television, wire, satellite, and cable across the nation. NTEU represents employees at FCC who review and act on license applications for radio, enforce FCC rules regarding construction and operation of communications systems, and respond to consumer inquiries. Their work promotes connectivity, ensures a competitive market, and protects consumers in wide ranging ways, including robocall enforcement. NTEU-represented employees at FCC do not primarily perform national security, investigative, or intelligence work.

24. Treasury's Departmental Offices do not primarily perform national security, investigative, or intelligence work. These offices guide Treasury's policies. NTEU-represented employees at Treasury's Departmental Offices do not primarily perform national security, investigative, or intelligence work. They are non-professional employees who provide logistical and mission support, such as assuring adequate supplies, equipment, and mail services; distributing mail; and performing building repairs.

25. OCC does not primarily perform national security, investigative, or intelligence work. OCC ensures that national banks and federal savings associations operate in a safe and sound manner and provide fair access to financial services. NTEU-represented employees at OCC do not primarily perform national security, investigative, or intelligence work. They examine banks to ensure they are complying with banking rules and regulations that protect consumers.

26. TTB does not primarily perform national security, investigative, or intelligence work. TTB collects taxes on alcohol, tobacco, firearms, and ammunition; ensures the integrity of alcohol products; ensures that only qualified businesses enter the alcohol and tobacco industries; and prevents unfair and unlawful market activity for alcohol and tobacco products. NTEU-represented employees at TTB do not primarily perform national security, investigative, or intelligence work. They are responsible for reviewing applications for permits for beer, wine, and spirits producers and manufacturers; and investigating those entities for product integrity, tax collection, and compliance.

27. DOE does not primarily perform national security, investigative, or intelligence work. DOE is responsible for ensuring that the United States has access to reliable, affordable, and cleaner sources of energy. Its work includes advancing energy technologies, managing the nation's energy resources, and addressing environmental impacts from past energy-related activities. NTEU-represented employees at DOE do not primarily perform national security, investigative, or intelligence work. They evaluate the effectiveness and efficiency of DOE programs and provide information and advice to DOE management on the agency's programs and operations.

28. The DOJ components that the Executive Order excludes from the Statute and that NTEU represents—the Environment and Natural Resources Division and the Civil Rights Division—do not primarily perform national security, investigative, or intelligence work. The Environment and Natural Resources

Division is responsible for bringing cases against those who violate the nation's environmental laws as well as defending the federal government in litigation arising under a broad range of environmental statutes. Those in the Civil Rights Division work to uphold the civil and constitutional rights of all persons in the United States and enforce federal statutes prohibiting discrimination. NTEU-represented employees in these two DOJ divisions do not primarily perform national security, investigative, or intelligence work. They are attorneys who enforce the laws that their division is charged with upholding.

**NTEU's Collective Bargaining Has Not Adversely Affected National Security**

29. For the nearly half-century that the Statute has been in place, the IRS has fallen within the Statute's coverage and had a CBA with NTEU without any adverse effect on national security interests.

30. NTEU has represented bargaining unit workers at the IRS Office of Chief Counsel since March 1987. During that period, the IRS Office of Chief Counsel has fallen within the Statute's coverage and had a CBA with NTEU without any adverse effect on national security interests.

31. NTEU has represented bargaining unit workers at HHS since November 1978. During that period, HHS has fallen within the Statute's coverage and had a CBA with NTEU without any adverse effect on national security interests.

32. NTEU has represented bargaining unit workers at the FCC since July 1978. During that period, the FCC has fallen within the Statute's coverage and had a CBA with NTEU without any adverse effect on national security interests.

33. NTEU has represented bargaining unit workers at DOE since January 1979. During that period, DOE has fallen within the Statute's coverage and had a CBA with NTEU without any adverse effect on national security interests.

34. NTEU has represented bargaining unit workers at BFS since April 1985. During that period, BFS has fallen within the Statute's coverage and had a CBA with NTEU without any adverse effect on national security interests.

35. NTEU has represented bargaining unit workers at the EPA since April 1998. During that period, the EPA has fallen within the Statute's coverage and had a CBA with NTEU without any adverse effect on national security interests.

36. NTEU has represented bargaining unit workers at Treasury's Departmental Offices since May 2002. During that period, Treasury's Departmental Offices have fallen within the Statute's coverage and had a CBA with NTEU without any adverse effect on national security interests.

37. NTEU has represented bargaining unit workers at OCC since November 2002. During that period, OCC has fallen within the Statute's coverage and had a CBA with NTEU without any adverse effect on national security interests.



38. NTEU has represented bargaining unit workers at TTB since October 2003. During that period, TTB has fallen within the Statute's coverage and had a CBA with NTEU without any adverse effect on national security interests.

39. NTEU has represented bargaining unit workers at BLM since February 2021. During that period, BLM has fallen within the Statute's coverage and had multiple CBAs with NTEU without any adverse effect on national security interests. BLM has three different CBAs with NTEU, each covering a different portion of the agency.

40. NTEU has represented bargaining unit workers at DOJ since January 2025. During that period, DOJ has fallen within the Statute's coverage without any adverse effect on national security interests. NTEU and DOJ have not yet negotiated a CBA, but the Statute's obligations still apply to DOJ.

#### **The Administration's Deferred Resignation Program**

41. On January 28, 2025, the Administration, via a "Fork in the Road" email, offered employees a "deferred resignation program." NTEU-represented employees in each of the agencies or agency components at issue received that offer, and some NTEU-represented employees in each of the agencies or agency components at issue here accepted that offer and had their applications processed.

42. The administration's deferred resignation program was not available to employees in "positions related to . . . national security." *See* OPM, *Guidance Regarding Deferred Resignation Program* (Jan. 28, 2025) at 3, <https://perma.cc/EKP4-4H6Y>.

NTEU and Agency Collective-Bargaining Agreements

43. NTEU has CBAs with eleven agencies covered by the Executive Order.
- a. IRS and NTEU's CBA provides that the contract will last until September 2027, and will continue to apply until the parties sign a new agreement.
  - b. IRS Office of Chief Counsel and NTEU's CBA is set to expire in January 2029, but states that it will automatically renew each year until either party declares its intent to negotiate a new agreement. The CBA also provides that it will continue to apply until a new agreement is implemented.
  - c. HHS and NTEU's CBA states that it will expire in July 2028. The parties subsequently executed a one-year extension of the agreement's term until July of 2029. The CBA further states that it will automatically renew on an annual basis until either party declares its intent to negotiate a new agreement. The terms also provide that the CBA will remain in effect until a new one goes into effect.
  - d. DOE and NTEU's CBA was originally set to expire in January 2025 but automatically renewed until January 2026 per its terms. The CBA will continue to automatically renew each year until either party declares its contrary intent.
  - e. EPA and NTEU's CBA is set to expire in December 2028. The agreement provides that it will then automatically renew on an

annual basis until either party declares its contrary intent. The CBA further states that it will remain in effect until a new agreement is approved.

- f. FCC and NTEU's CBA provides that it will expire in March 2030. The agreement states that it will then renew automatically every two years unless a party declares its intent to renegotiate the CBA. During negotiations, the agreement will remain in effect with limited exceptions until a new CBA is implemented.
- g. OCC and NTEU's CBA provides that it will expire in February 2028. The agreement further states that it will automatically renew on an annual basis until either party declares its contrary intent.
- h. Treasury Departmental Offices and NTEU's 2009 CBA provided for an initial three-year term until June 2012 and annual automatic renewal each year thereafter until either party provides notice of its contrary intent. The CBA has automatically renewed each year since 2012. For 2025, neither party gave notice so the CBA will renew again on June 14. Thus, the CBA will remain in effect at least until June 2026.
- i. TTB and NTEU's CBA provides that it will last until January 2027. The agreement provides that it will then automatically renew on an annual basis until either party declares its contrary intent. The

CBA further states that it will remain in effect during negotiations until a new agreement is approved.

- j. BLM and NTEU have separate CBAs for each of NTEU's three bargaining units at the agency:
- For BLM's New Mexico State Office (NTEU Chapter 340), NTEU and BLM's interim CBA provides that it will last until a comprehensive CBA becomes effective.
  - For BLM Headquarters (NTEU Chapter 341), BLM and NTEU's CBA provides that it will last until January 2028. The agreement further states that it will automatically renew on an annual basis until either party declares its contrary intent.
  - For BLM's Northwest Oregon District Offices (NTEU Chapter 342), BLM and NTEU's CBA provides that it will last until February 2030. The agreement provides that it will then automatically renew on an annual basis until either party declares its contrary intent. The CBA further states that it will remain in effect during negotiations until a new agreement is approved.
- k. BFS and NTEU's CBA originally provided that it would last until August 2018 and automatically renew on annual basis thereafter, unless either party declared its contrary intent. The CBA has



automatically renewed each year since 2018. Its current term lasts until August 2025.

44. The Executive Order will lead to the termination of twelve of these CBAs (a small portion of HHS is not covered by the Executive Order and so a small portion of that agreement will still exist).

**Agencies' Statutory and Contractual Obligations to Withhold and Remit Member Dues to NTEU**

45. Federal law requires that “[i]f an agency has received from an employee in an appropriate unit a written assignment which authorizes the agency to deduct from the pay of the employee amounts for the payment of regular and periodic dues of the exclusive representative of the unit, the agency *shall* honor the assignment and make an appropriate allotment pursuant to the assignment.” 5 U.S.C. § 7115(a) (emphasis added).

46. In addition, every CBA that NTEU has with the agencies named as defendants in this action has a provision requiring the agencies to process payroll deductions for dues if the employee so requests.

47. Payroll for federal employees is processed by different agencies. Many are processed by the National Finance Center (NFC) within the U.S. Department of Agriculture. NTEU-represented agencies that use NFC include the Federal Communications Commission and the Department of Treasury (including the IRS, IRS Office of Chief Counsel, BFS, TTB, OCC, and Departmental Offices).

48. Other agencies have payroll processed by the Interior Business Center (IBC) within the U.S. Department of Interior. NTEU-represented agencies that use IBC include BLM and EPA.

49. Other agencies have payroll processed by the Defense Finance Accounting Service (DFAS) within the U.S. Department of Defense. NTEU-represented agencies that use DFAS include DOE and HHS.

50. Payroll periods in the federal government are generally every two weeks, although they are numbered differently if employees are paid through different agencies. For example, the two-week pay period of March 9, 2025 through March 22, 2025 is pay period 5 for NFC paid employees, and is pay period 7 for IBC-paid employees.

51. Federal employees are typically paid on or around the second Thursday after the end of a pay period. For example, for the pay period running from March 9, 2025—March 22, 2025, employees would typically receive their pay (after any withholdings are taken out) on or about April 2 or 3, 2025. If the employee elected to have dues withheld and remitted to NTEU, NTEU would typically receive those dues on or about April 1, 2025.

52. Agencies stopped payroll deductions for dues payments from NTEU members to NTEU between the issuance of the Executive Order and the District Court's April 25 preliminary injunction. Agencies that had stopped payroll deductions of dues payments resumed them while the injunction was in effect.

53. IBC stated in a March 28, 2025 email that “[a]s a result of Executive Order ‘Exclusions from Federal Labor-Management Relations Programs’ published March 27, 2025, the Interior Business Center (IBC) was directed to remove all union deductions from the Pay Period 25-07 calculate file.” IBC’s actions cut off dues withholding at EPA and BLM. A true and correct copy of IBC’s March 28 email is attached hereto as Exhibit 5.

54. Updating an earlier notice, NFC stated in an April 9, 2025 notice that it was providing additional information “regarding halting union dues deductions” and was taking action “to ensure the termination of future union deductions[.]” NFC’s actions cut off dues withholding for the following NTEU-represented agencies: FCC, IRS, IRS Office of Chief Counsel, BFS, TTB, OCC, and the Treasury Departmental Offices. A true and correct copy of NFC’s April 9 notice is attached hereto as Exhibit 6.

55. At the end of pay period March 9, 2025—March 22, 2025, NTEU lost more than a million dollars in dues that it otherwise would have received, if agencies had not halted automatic dues withholding.

56. At the end of pay period March 23, 2025—April 6, 2025, NTEU again lost more than a million dollars in dues that it otherwise would have received, if agencies had not halted automatic dues withholding.

57. Agencies have again ceased payroll deductions for dues payments from NTEU members to NTEU following the D.C. Circuit stay of the District Court’s preliminary injunction on May 16, 2025. For agencies whose payroll processor is

NFC (FCC, the IRS, IRS Office of Chief Counsel, BFS, TTB, OCC, and the Treasury Departmental Offices), these latest dues stoppages were first reflected for Pay Period 9. For agencies whose payroll processor is IBC (EPA and BLM), the latest dues stoppages took effect for Pay Period 11.

58. On May 30, 2025, I learned that DFAS would stop collecting and remitting union dues starting with the pay period ending on May 31. DFAS's actions will cut off dues withholding at DOE and the components of HHS excluded from the Statute's coverage by the Executive Order.

**Agencies' Failure to Comply with the Statute and Collective-Bargaining Agreements Because of the Executive Order**

59. Every agency defendant employing NTEU-represented workers has failed to comply with its statutory or contractual collective-bargaining obligations (or both) in at least one respect on account of the Executive Order. These instances of noncompliance with collective-bargaining obligations include dues-withholding stoppages; evictions from union offices; and refusals to grant official time, bargain with NTEU, and proceed with grievances and arbitrations.

**Internal Revenue Service (IRS)**

60. An IRS representative told NTEU staff on April 2, 2025, that "[d]ue to the Executive Order on Thursday, we are currently in a holding pattern in terms of grievances." A true and correct copy of this email is attached as Exhibit 7. Article 42 of the IRS–NTEU CBA requires the agency to process grievances consistent with the procedures specified therein.



61. On April 4, 2025, the IRS distributed a notice to employees stating that “[t]he IRS has begun implementing a Reduction in Force (RIF) that will result in staffing cuts across multiple offices and job categories.” A true and correct copy of this notice is attached hereto as Exhibit 8. The IRS began this process without following the RIF provisions in Article 19 of the IRS–NTEU CBA, such as required advance notice to NTEU’s President.

62. The IRS simultaneously sent additional notices to employees affected by the RIF. These notices explicitly disavowed any obligation to bargain. The notices stated:

Collective bargaining agreements required additional steps before proceeding with a RIF, including extended negotiation periods and waiting periods. However, President Trump signed an executive order entitled “Exclusions from Federal Labor-Management Relations Programs.” Application of the national security exemption from collective-bargaining requirements under this executive order and resulting guidance from the Office of Personnel Management eliminates non-statutory delays in executing a RIF.

A true and correct copy of one such notice is attached hereto as Exhibit 9.

63. On April 10, 2025, the IRS Office of Chief Counsel acting on IRS’s behalf informed NTEU by email that its representatives could not proceed with scheduling an arbitration hearing because they were “awaiting further guidance on the Executive Order relating to the CBA.” A true and correct copy of the April 10 email is attached hereto as Exhibit 10. Article 43 of the IRS–NTEU CBA requires the agency to participate in arbitration consistent with the procedures specified therein.

64. On May 21, 2025, a representative of the IRS Office of Chief Counsel acting on IRS's behalf informed two arbitrators in separate emails that the agency "ha[d] been instructed to refrain from participating in any activities related to collective bargaining, including having any substantive contact with the union. Substantive contact is basically anything more than notifying the union that we are not to have contact." True and correct copies of the two May 21 emails are attached hereto as Exhibits 11 and 12. The agency's failure to engage in any substantive contact with NTEU conflicts with several provisions of the IRS–NTEU CBA (e.g., Articles 8, 23, 25, 27, 30), as well as the Statute.

65. IRS failed to withhold NTEU dues from members' paychecks for NFC Pay Period 9, the first affected pay period following the D.C. Circuit's stay of the District Court's preliminary injunction. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 10 of the IRS–NTEU CBA.

#### **IRS Office of Chief Counsel (Chief Counsel)**

66. Chief Counsel stopped deducting dues payments from NTEU members' paychecks pursuant to NFC's termination of dues-withholding reflected in its April 9 notice. *See* Ex. 6. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 41 of the Chief Counsel–NTEU CBA.

67. Chief Counsel failed to withhold NTEU dues from members' paychecks for NFC Pay Period 9.

### Bureau of Fiscal Service (BFS)

68. BFS stopped deducting dues payments from NTEU members' paychecks pursuant to NFC's termination of dues-withholding reflected in its April 9 notice. *See* Ex. 6. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 11 of the BFS–NTEU CBA.

69. On May 28, 2025, BFS emailed NTEU directing its attention to a notice entitled “Union Office Space, Union Time.” The notice asserted that as of “June 4, 2025, [B]FS will reclaim any agency space, furniture . . . and other resources previously utilized by NTEU for representational activities.” The notice further stated that “effective June 4, 2025, previously authorized [official time] is no longer permitted and all NTEU representatives should only be conducting agency-assigned work during their scheduled duty time.” (emphasis original). True and correct copies of the May 28 email and notice are attached hereto as Exhibit 13. These actions are inconsistent with Articles 6 and 9 of the BFS–NTEU CBA, which require BFS to provide NTEU with office space, furniture, and other resources, and to grant official time to NTEU representatives for union activities, respectively.

70. On May 29, 2025, NTEU received an email from a BFS representative stating that the agency was “no longer able to process union dues elections effective Pay Period 09 and forward. Any union dues elections that were already processed will be automatically cancelled by the National Finance Center and the employee will not have those dues withheld from their pay.” A true and correct copy of the May 29 email is attached hereto as Exhibit 14.

71. In a June 2, 2025, email, BFS told NTEU that it would not participate in bargaining, citing the Executive Order. A true and correct copy of the June 2 email is attached hereto as Exhibit 15.

### **Treasury's Departmental Offices**

72. The Departmental Offices stopped deducting dues payments from NTEU members' paychecks pursuant to NFC's termination of dues-withholding reflected in its April 9 notice. *See* Ex. 6. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 36 of its CBA with NTEU.

73. On May 27, 2025, a Departmental Offices representative informed an NTEU staff member that, as summarized by the NTEU staff member, the agency was "being told to stop recognizing [NTEU] again so he won't be able to bargain, process grievances, etc." A true and correct copy of a contemporaneous email from the NTEU staff member to her supervisor is attached hereto as Exhibit 16. The agency's failure to engage in these activities and its refusal to recognize NTEU are inconsistent with several provisions of the parties' CBA (e.g., Articles 29 & 35) as well as the Statute.

74. The Departmental Offices failed to withhold NTEU dues from members' paychecks for NFC Pay Period 9, the first affected pay period following the D.C. Circuit's stay of the District Court's preliminary injunction.

### **Alcohol and Tobacco Trade and Tax Bureau (TTB)**

75. TTB told NTEU on April 11, 2025 that pursuant to the Executive Order, NFC "will be halting union deductions for covered Treasury Bureaus[.]" A



true and correct copy of the April 11 email is attached hereto as Exhibit 17. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 37 of its CBA with NTEU.

76. TTB told NTEU by email on April 14, 2025 that as a result of the Executive Order, “TTB has suspended (until further notice) all proceedings under the CBA including but not limited to: grievances under the Negotiated Grievance Process (NGP), Partnership Council, midterm bargaining, and Requests for Information, etc.” A true and correct copy of the April 14 email is attached hereto as Exhibit 18. The agency’s failure to engage in these activities conflicts with several provisions of the TTB–NTEU CBA (e.g., Articles 4, 34, and 39) as well as the Statute.

77. On May 21, 2025, an NTEU staff member reported to me and his direct supervisor that a chapter leader employed by TTB “was informed by TTB over the phone that, per Treasury, they are cutting off collective bargaining again as of today. TTB stated they will not be providing anything in writing.” A true and correct copy of the staff member’s May 21 email is attached hereto as Exhibit 19.

78. TTB told NTEU by email dated June 2, 2025 that because of the Executive Order, it was “placing all Union grievances and Requests for Information on hold.” A true and correct copy of the June 2 email is attached hereto as Exhibit 20.

79. TTB failed to withhold NTEU dues from members' paychecks for NFC Pay Period 9. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 37 of its CBA with NTEU.

**Office of the Comptroller of the Currency (OCC)**

80. OCC stopped deducting dues payments from NTEU members' paychecks pursuant to NFC's termination of dues-withholding reflected in its April 9 notice. *See* Ex. 6. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 33 of its CBA with NTEU.

81. On April 1, 2025, an OCC representative emailed an NTEU staff member to cancel a grievance meeting because of the Executive Order. A true and correct copy of the April 1 email is attached hereto as Exhibit 21. Article 27 of the OCC–NTEU CBA requires OCC to participate in this meeting unless it is mutually waived. OCC's cancellation was unilateral, as NTEU did not agree to waive the meeting.

82. OCC told NTEU in an April 29, 2025 email that "we are not allowed to approve official time for NTEU purposes." A true and correct copy of the April 29 email is attached hereto as Exhibit 22. Article 6 of the OCC–NTEU CBA requires OCC to grant official time to employees as detailed therein.

83. OCC failed to withhold NTEU dues from members' paychecks for NFC Pay Period 9.

**Department of Energy (DOE)**

84. On April 14, 2025, a DOE representative responded to an NTEU request to discuss return-to-office procedures as follows: “To NTEU’s request to meet, the DOE is currently evaluating the impact of EO 14251 on such meetings and is therefore unavailable to meet at this time.” A true and correct copy of the April 14 response is attached hereto as Exhibit 23. The agency’s refusal to discuss this change in employees’ conditions of employment conflicts with Article 13 of the DOE–NTEU CBA.

85. On May 22, 2025, DOE informed NTEU via email that “processing is suspended, and [] grievances are being held in abeyance pending litigation [over the Executive Order].” A true and correct copy of the May 22 email is attached hereto as Exhibit 24. The agency’s failure to process grievances and participate in the negotiated grievance procedure conflicts with Articles 11 and 12 of the DOE–NTEU CBA.

86. On May 27, 2025, DOE informed NTEU in separate emails that processing of requests for information and the processing of grievances would be “held in abeyance” because of the Executive Order litigation. True and correct copies of both May 27 emails are attached hereto as Exhibit 25. DOE is required to respond to requests for information under 5 U.S.C. § 7114(b)(4) and several articles of the DOE–NTEU CBA, including Articles 13, 24, and 43.

87. On May 29, 2025, DOE informed NTEU via email that it would not process an official-time request for NTEU training, citing the Executive Order. A

true and correct copy of the May 29 email is attached hereto as Exhibit 26. Article 7 of the DOE–NTEU CBA requires the agency to grant NTEU representatives official time to attend training consistent with the terms set forth therein.

88. On May 30, I learned that DOE’s payroll processor DFAS would stop withholding and remitting NTEU dues as of the pay period ending on May 31, 2025. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 9 of its CBA with NTEU.

### **Department of Justice (DOJ)**

89. NTEU has been the exclusive representative of bargaining unit employees in DOJ’s Environment and Natural Resources (ENRD) and Civil Rights (CRT) Divisions since January 2025. Despite NTEU’s repeated requests to initiate dues withholding as required under the Statute, DOJ has refused to engage with NTEU regarding either bargaining unit. *See* 5 U.S.C. § 7115(a).

90. I most recently reiterated my request that DOJ meet with us to discuss dues-withholding for each bargaining unit on May 12, 2025. True and correct copies of both email chains are attached hereto as Exhibit 27 (ENRD) and Exhibit 28 (CRT).

### **Environmental Protection Agency (EPA)**

91. EPA stopped deducting dues payments from NTEU members’ paychecks pursuant to IBC’s termination of dues-withholding reflected in its March 28 email. *See* Ex. 5. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 27 of its CBA with NTEU.



92. On May 22, 2025, an EPA representative sent an email to union leaders noting that “EPA’s payroll provider has again ceased dues collections.” A true and correct copy of the email is attached as Exhibit 29.

### **Federal Communications Commission (FCC)**

93. FCC stopped deducting dues payments from NTEU members’ paychecks pursuant to NFC’s termination of dues-withholding reflected in its April 9 notice. *See* Ex. 6. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 44 of its CBA with NTEU.

94. FCC failed to withhold NTEU dues from members’ paychecks for NFC Pay Period 9.

### **Department of Health and Human Services (HHS)**

95. Management at the Food and Drug Administration (FDA) told NTEU on March 31, 2025 that “[u]ntil further notice, the FDA is ending labor relation [sic] meetings with the exclusive representatives of (NTEU/AFGE) in adherence to the above referenced presidential Executive Order.” A true and correct copy of FDA’s March 31 email is attached hereto as Exhibit 30. FDA is covered by NTEU’s collective-bargaining agreement with HHS.

96. On April 8, 2025, FDA told NTEU that NTEU representatives would not be allowed to participate in formal meetings with employees, stating that “to comply with EO 14251, *Exclusions from Federal Labor-Management Relations Programs* . . . management participating in this meeting will not be engaging with NTEU. . . .” A true and correct copy of FDA’s April 8 email is attached hereto as

Exhibit 31. The agency's refusal to allow union representatives to participate conflicts with Articles 5 and 7 of the HHS–NTEU CBA.

97. On April 9, 2025, FDA rescinded its previous approval of NTEU's presence at a meeting between management and an employee, again citing the Executive Order. A true and correct copy of FDA's April 9 email is attached hereto as Exhibit 32.

98. On May 27, 2025, an HHS representative emailed an arbitrator and NTEU to request that the arbitrator hold the arbitration before him "in abeyance pending the outcome of litigation regarding E.O. 14251." An HHS representative emailed another arbitrator on May 29, 2025 with the same request to hold the arbitration in abeyance. True and correct copies of HHS's May 27 and May 29 emails are attached hereto as Exhibit 33. HHS's failure to participate in the arbitration conflicts with Article 46 of the HHS–NTEU CBA.

99. On May 29, 2025, an HHS representative emailed this response to an NTEU staff member's request for official time for HHS union representatives and stewards to attend NTEU's 2025 Virtual National Training Conference:

Please be advised that pursuant to Executive Order 14251 and its implementation within HHS, employees assigned to the following organizations have been excluded from coverage under the Federal Service Labor-Management Relations Statute and, therefore, are not eligible for union representation or the use of Tax-Payer Funded Union Time for union-related activities:

- Office of the Secretary
- Office of the General Counsel
- Office of the Chief Information Officer (OCIO)
- Food and Drug Administration (FDA)
- Centers for Disease Control and Prevention (CDC)
- Administration for Strategic Preparedness and Response (ASPR)

- National Institute of Allergy and Infectious Diseases (NIAID), NIH
- Office of Refugee Resettlement (ORR), ACF

As such, HHS will approve the use of Tax-Payer Funded Union Time only for union representatives and stewards who are not employed by these excluded components and are otherwise eligible under applicable law and the parties' CBA.

A true and correct copy of HHS's May 29 email is attached hereto as Exhibit 34.

Article 10 of the HHS–NTEU CBA requires HHS to grant official time for union representatives and stewards to attend labor-relations training provided by the union.

100. On May 30, 2025, DFAS informed FDA employees that “[p]ursuant to [the Executive Order], the collection and remittance of union dues from your payroll deduction has been stopped” and would be reflected starting with the pay period ending on May 31. A true and correct copy of one such notice is attached hereto as Exhibit 35. HHS is required to withhold these dues under 5 U.S.C. § 7115(a) and Article 8 of its CBA with NTEU.

101. On June 2, 2025, HHS asked an arbitrator to hold an arbitration in abeyance pending resolution of the Executive Order litigation. The arbitrator partially granted the request, canceled a hearing that was scheduled for June 10, 2025, and asked the parties to report on the status of the litigation in three months. A true and correct copy of the email exchange is attached as Exhibit 36. HHS's failure to participate in the arbitration conflicts with Article 46 of the HHS–NTEU CBA.



102. On June 3, 2025, an FDA representative sent an email to NTEU chapter leaders stating that FDA is not recognizing NTEU because of the Executive Order, as follows:

The Agency maintains its position that until further notice, FDA is not recognizing labor relations with (NTEU/AFGE) in adherence to the presidential Executive Order, the temporary restraining order [sic], ongoing litigation on the Exclusions (EO) Executive Order, and or any other applicable order or guidance that may apply. Now that the injunction has been stayed, the Agency is permitted to take implementation actions consistent with EO 14251 and OPM guidance.

As a result, agencies are no longer to acknowledge the union. FDA will cease to recognize all labor organizations and will not participate in any labor related activities to include the following. Please be advised, the list below is not exhaustive.

- FDA is no longer subject to collective-bargaining requirement[s] of chapter 71 of part III, subpart F of title 5 (5 U.S.C. §§ 7101-7135).
- FDA is no longer required to collectively bargain with Federal unions.
- FDA understands because the statutory authority underlying the original recognition of the relevant unions no longer applies, unions lose their status as the “exclusive[ly] recogni[zed]” labor organizations for employees of the agencies and agency subdivisions covered by Exclusions.
- FDA arbitrations that are currently in litigation with an arbitrator will discontinue proceedings.
- FDA will cease participating in grievance procedures.
- FDA will cease participating in further grievance arbitration proceedings following termination of CBA’s.
- FDA will cease responding to union request [sic] for information.
- FDA will cease to acknowledge union official [sic] for meetings.
- FDA will cease to send out union notification.

A true and correct copy of the email is attached as Exhibit 37. FDA’s failure to participate in the listed activities conflicts with, at a minimum, Articles 5 and 7 (meetings); Article 45 (grievance procedures; requests for information); and Article



46 (arbitration) of the HHS–NTEU CBA, along with 5 U.S.C. § 7114(b)(4) (requests for information).

### **Bureau of Land Management (BLM)**

103. BLM stated in an April 2, 2025, email that “[d]ue to the issuance of Executive Order and OPM Guidance: Exclusions From Federal Labor-Management Relations Programs . . . [w]e will be postponing the CBA negotiations scheduled for April 3rd.” A true and correct copy of the April 2 email is attached hereto as Exhibit 38.

104. On April 8, 2025, BLM stated in an email that it would not bargain with NTEU over the agency’s offering of a deferred resignation program because “[c]onsistent with Executive Order 14251, ‘Exclusions from Federal Labor-Management Relations Programs,’ which was issued on March 27, 2025, the BLM is excluded from Chapter 71 of Title 5. . . .” A true and correct copy of the April 8 email is attached hereto as Exhibit 39. The agency’s refusal to bargain is inconsistent with all three of the BLM–NTEU agreements.

105. On April 11, 2025, BLM told NTEU by email that it would be postponing a scheduled Labor Management Relations Committee meeting scheduled for April 14 because of the Executive Order. A true and correct copy of the April 11 email is attached hereto as Exhibit 40.

106. BLM failed to withhold NTEU dues from members’ paychecks for IBC Pay Period 11. The agency is required to withhold these dues under 5 U.S.C. § 7115(a) and each of its agreements with NTEU.

107. On May 22, 2025, the president of one of NTEU's BLM chapters informed NTEU staff that earnings statements for the pay period ending on May 17, 2025 (Pay Period 11) did not show dues withholdings. The chapter president observed that "since the [Exclusions] EO" was issued, the only pay period for which "dues have been withheld was [Pay Period 10]." A true and correct copy of the chapter president's May 22 email is attached hereto as Exhibit 41.

108. On May 28, 2025, BLM refused a bargaining-unit employee's request to have a union representative join her in a meeting concerning a reasonable-accommodation process: "Due to the current STAY of the preliminary injunction in place, we cannot add union representative[s] to our calls." A true and correct copy of BLM's May 28 email is attached hereto as Exhibit 42. BLM's refusal to allow a union representative to join the meeting conflicts with Article 5 of the applicable CBA with NTEU.

109. On May 29, 2025, BLM asked NTEU if it still wished to bargain the following month. BLM informed NTEU that "to be in compliance with EO 14251 'Exclusions from Federal Labor Management Relations Programs,' official time will be granted for [bargaining-unit employee] fire personnel only on the CBA team." A true and correct copy of BLM's May 29 email is attached hereto as Exhibit 43. The agency's failure to grant official time to every member of the bargaining team is inconsistent with Paragraph 4 of the applicable interim agreement.

**The Federal Labor Relations Authority and Arbitrators Have Halted Proceedings Because of the Executive Order**

110. Arbitrators have paused action on lawfully filed grievances because of the Executive Order, which harms NTEU's ability to carry out its mission of fighting for employee and union rights through grievances. For example, Arbitrator Stephen E. Alpern informed NTEU on April 3, 2025 that he was staying further proceedings in a grievance about the validity of the applicable BLM–NTEU CBA because “the Agency raises the contention that [pursuant to] an Executive Order 14251 (90 FR 14553, March 27, 2025), the President excluded the Agency from the provisions of Chapter 7[1] of title 5, United States Code.” A true and correct copy of Arbitrator Alpern's April 3 email is attached hereto as Exhibit 44.

111. The Executive Order is affecting how the Federal Labor Relations Authority (FLRA) is handling labor relations matters. For example, NTEU has multiple petitions pending before the FLRA regarding whether various contract provisions are negotiable or not. For agencies covered by the Executive Order, the FLRA has issued a series of show cause orders stating:

On March 27, 2025, President Donald J. Trump amended Executive Order 12,171 (1979), pursuant to 5 U.S.C. § 7103(b)(1) and 22 U.S.C. § 4103(b), to exclude certain agencies and agency subdivisions from the coverage of the Federal Service Labor-Management Relations Statute (the Statute). Accordingly, the Authority directs the Union to show cause why the Authority should not dismiss this matter for lack of jurisdiction.

These show cause orders cite Authority precedent regarding the dismissal of cases involving agency components excluded from coverage under the Statute. A true and correct copy of one such order is attached hereto as Exhibit 45.

112. The FLRA has also paused an unfair labor practice proceeding brought by NTEU against BLM because of the Executive Order. A true and correct copy of the FLRA's notice is attached hereto as Exhibit 46.

**The Executive Order Is Diminishing NTEU's Bargaining Power**

113. The Executive Order has harmed NTEU in many ways.

114. Immediately before the Executive Order was issued, NTEU represented almost 160,000 federal government employees across thirty-seven agencies and departments.

115. The Executive Order substantially reduced the number of employees that NTEU represented.

116. At the end of December 2024, NTEU represented 158,144 employees. Taken together, the number of employees whom NTEU represents and who are in agencies covered by the Executive Order is 104,278. This means that the Executive Order has cut the number of NTEU-represented employees by 65.9%.

117. NTEU's clout and influence is tied to the number of employees that it represents. For example, NTEU regularly tells arbitrators, courts, members of Congress, and the public that it represents more than 150,000 employees in thirty-seven federal agencies and departments across the government.

118. In my opinion, NTEU's clout and influence are rapidly diminishing because it represents substantially fewer employees at substantially fewer agencies. This trend will continue if the Executive Order remains in effect.

119. I anticipate that, moving forward, NTEU will have less influence at the bargaining table with agencies not covered by the Executive Order because



those agencies are aware that NTEU represents many fewer employees than it did previously.

120. I anticipate that if the Executive Order remains in effect, it will be more difficult for NTEU to persuade employees to join NTEU and become dues-paying members because potential new members are aware that NTEU represents many fewer employees than it did previously. I believe the Executive Order will also cause existing NTEU members to leave NTEU and cause new employees in NTEU bargaining units not to join.

121. The loss of existing members because of the Executive Order has already begun. For example, an NTEU member within the FDA told HHS on April 28, 2025 that she wished “to end [her] participation in NTEU” because of the Executive Order, which excludes FDA from the Statute. A true and correct copy of the member’s April 28 email is attached hereto as Exhibit 47.

122. I anticipate that if the Executive Order remains in effect, NTEU will have less influence in advocating for employees’ interests before Congress because NTEU will represent many fewer employees (and Congressional constituents) than it did previously.

123. OPM has stated that in implementing the Executive Order, agencies should cease participating in grievance procedures and should cease collective bargaining with federal unions who represent employees at affected agencies. *See* Ex. 2 at 3, 5.

124. NTEU is of less value to employees in the agencies covered by Executive Order now that it can no longer participate in grievance procedures against those agencies.

125. NTEU is of less value to employees in the agencies covered by Executive Order now that it can no longer participate in any collective bargaining that would benefit them.

126. Separate from bargaining term agreements, NTEU staff frequently bargain with agencies over changes in employment conditions. To initiate bargaining over such changes, NTEU is required to notify the agency within a certain timeframe (often 30 days or less) after NTEU first receives notice of the change.

127. If agencies covered by the Executive Order refuse to collectively bargain with NTEU, NTEU will lose that bargaining opportunity not just in the short term but forever.

128. If agencies had simply refused to engage in bargaining during the COVID-19 outbreak, for example, NTEU would have missed its chance to advocate for its members on issues like telework and the availability of personal protective equipment.

#### **The Executive Order's Ongoing Financial Harm to NTEU**

129. Of the nearly 160,000 employees whom NTEU represented before the Executive Order was issued, approximately 91,000 voluntarily joined NTEU and paid dues. The vast majority of those—94%—took advantage of the option to have

their employer agencies deduct dues from their paychecks automatically and remit the dues to NTEU.

130. In the NTEU-represented agencies and agency components that the Executive Order excludes from the Statute, NTEU has approximately 58,692 dues-paying members.

131. OPM Guidance instructs agencies to cut off automatic dues withholding for agencies covered by the Executive Order. Ex. 2 at 6. Most of the agency defendants followed those instructions and ceased dues withholding before the District Court entered its preliminary injunction. Those agencies have again ceased dues withholding since the court of appeals stayed the preliminary injunction. In addition, agencies who did not cut off dues withholding before the preliminary injunction have announced that they will cease these deductions following the D.C. Circuit stay of the injunction. *See, e.g.*, Ex. 35 (May 30 DFAS email).

132. Without dues from agencies covered by the Executive Order, NTEU's annual dues revenue will fall by about \$25 million. This is more than half of NTEU's total revenue stream.

133. As of May 4, 2025, NTEU had lost at least \$3 million in dues revenue it would have received if the Executive Order had not gone into effect.

134. As of June 2, 2025, NTEU had lost more than \$4 million in expected dues revenue from agencies' failure to withhold and remit NTEU dues—as requested by member employees—based on the Executive Order. It will continue to

lose more than \$1 million in dues revenue per two-week pay period while the Executive Order remains in effect.

135. This loss of dues from automatic withholding from such a large percentage of our membership threatens NTEU's very existence.

136. The largest federal-sector labor union, the American Federation of Government Employees, has laid off half of its workforce because "President Donald Trump's executive actions have rapidly weakened the organization's finances." Ryan J. Foley, *Largest federal employee union, a leading Trump opponent, to lay off more than half of staff*, Associated Press (updated Apr. 24, 2025), <https://apnews.com/article/afge-federal-union-trump-cuts-layoffs-downsizing-53c0a1491cc5af65278fbd16b8cfb6b5>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 6, 2025.



Daniel Kaspar



# Exhibit 1

*The* WHITE HOUSE

FACT SHEETS

Fact Sheet: President Donald J. Trump Exempts Agencies with National  
Security Missions from Federal Collective Bargaining Requirements

The White House

March 27, 2025

**PROTECTING OUR NATIONAL SECURITY:** Today, President Donald J. Trump signed an Executive Order using authority granted by the Civil Service Reform Act of 1978 (CSRA) to end collective bargaining with Federal unions in the following agencies with national security missions:

- **National Defense.** Department of Defense, Department of Veterans Affairs (VA), the National Science Foundation (NSF), and Coast Guard.
  - VA serves as the backstop healthcare provider for wounded troops in wartime.
  - NSF-funded research supports military and cybersecurity breakthroughs.
- **Border Security.** Department of Homeland Security (DHS) leadership components, U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, the Department of Justice's (DOJ) Executive Office of Immigration Review, and the Office of Refugee Resettlement within the Department of Health and Human Services (HHS).
- **Foreign Relations.** Department of State, U.S. Agency for International Development, Department of Commerce's International Trade Administration, and U.S. International Trade Commission.
  - President Trump has demonstrated how trade policy is a national security tool.
- **Energy Security.** Department of Energy, Nuclear Regulatory Commission, Environmental Protection Agency, and Department of Interior units that govern

domestic energy production.

- The same Congress that passed the CSRA declared that energy insecurity threatens national security.
- **Pandemic Preparedness, Prevention, and Response.** Within HHS, the Secretary's Office, Office of General Counsel, Centers for Disease Control and Prevention, Administration for Strategic Preparedness and Response, Food and Drug Administration, and National Institute of Allergy and Infectious Diseases. In the Department of Agriculture, the Office of General Counsel, Food Safety and Inspection Service, and Animal and Plant Health Inspection Service.
  - COVID-19 and the recent bird flu have demonstrated how foreign pandemics affect national security.
  - VA is also a backstop healthcare provider during national emergencies, and served this role during COVID-19.
- **Cybersecurity.** The Office of the Chief Information Officer in each cabinet-level department, as well as DHS's Cybersecurity and Infrastructure Security Agency, the Federal Communications Commission (FCC), and the General Services Administration (GSA).
  - The FCC protects the reliability and security of America's telecommunications networks.
  - GSA provides cybersecurity related services to agencies and ensures they do not use compromised telecommunications products.
- **Economic Defense.** Department of Treasury.
  - The Federal Labor Relations Authority (FLRA) defines national security to include protecting America's economic and productive strength. The Treasury Department collects the taxes that fund the government and ensures the stable operations of the financial system.
- **Public Safety.** Most components of the Department of Justice as well as the Federal Emergency Management Agency.
- **Law Enforcement Unaffected.** Police and firefighters will continue to collectively bargain.

**ENSURING THAT AGENCIES OPERATE EFFECTIVELY:** The CSRA enables hostile Federal unions to obstruct agency management. This is dangerous in agencies with national security responsibilities:

- Agencies cannot modify policies in collective bargaining agreements (CBAs) until they expire.
  - The outgoing Biden Administration renegotiated many agencies' CBAs to last through President Trump's second term.
- Agencies cannot make most contractually permissible changes until after finishing "midterm" union bargaining.
  - For example, the FLRA ruled that ICE could not modify cybersecurity policies without giving its union an opportunity to negotiate, and then completing midterm bargaining.
- Unions used these powers to block the implementation of the VA Accountability Act; the Biden Administration had to offer reinstatement and backpay to over 4,000 unionized employees that the VA had removed for poor performance or misconduct.

**SAFEGUARDING AMERICAN INTERESTS:** President Trump is taking action to ensure that agencies vital to national security can execute their missions without delay and protect the American people. The President needs a responsive and accountable civil service to protect our national security.

- Certain Federal unions have declared war on President Trump's agenda.
  - The largest Federal union describes itself as "fighting back" against Trump. It is widely filing grievances to block Trump policies.
  - For example, VA's unions have filed 70 national and local grievances over President Trump's policies since the inauguration—an average of over one a day.
- Protecting America's national security is a core constitutional duty, and President Trump refuses to let union obstruction interfere with his efforts to protect Americans and our national interests.
- President Trump supports constructive partnerships with unions who work with him; he will not tolerate mass obstruction that jeopardizes his ability to manage

agencies with vital national security missions.

NEWS

ADMINISTRATION

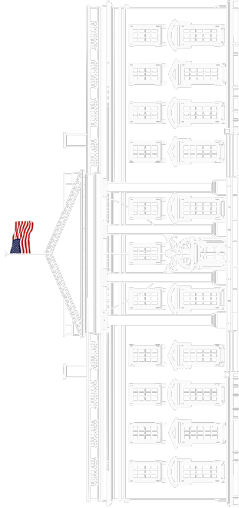
ISSUES

CONTACT

VISIT

GALLERY

EOP



THE WHITE HOUSE

1600 Pennsylvania Ave NW  
Washington, DC 20500

WH.GOV

Copyright

Privacy

Style Guide

# Exhibit 2



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

## MEMORANDUM

**TO:** Heads and Acting Heads of Departments and Agencies

**FROM:** Charles Ezell, Acting Director, U.S. Office of Personnel Management

**DATE:** March 27, 2025

**RE:** Guidance on Executive Order *Exclusions from Federal Labor-Management Programs*

---

On March 27, 2025, President Trump signed an executive order entitled *Exclusions from Federal Labor-Management Relations Programs (Exclusions)*. This order invoked the President's authority under 5 U.S.C. § 7103(b)(1) and 22 U.S.C. § 4103(b) to exempt agencies and agency subdivisions from the provisions of the Federal Service Labor-Management Relations Statute and the Foreign Service Labor-Management Relations Statute (individually and collectively, the FSLMRS).<sup>1</sup> The President's Executive Order directs that the FSLMRS will no longer apply to the following agencies and agency subdivisions (collectively, the "covered agencies and subdivisions"):

- The Department of Defense;
- The Department of State;
- The Department of the Treasury, except the Bureau of Engraving and Printing;
- The Department of Veterans Affairs (VA);
- The Department of Justice, except certain components of the U.S. Marshals Service;
- Subdivisions of the Department of Homeland Security:
  - Departmental Headquarters components;
  - U.S. Citizenship and Immigration Services;
  - Immigration and Customs Enforcement;
  - U.S. Coast Guard;
  - The Cybersecurity and Infrastructure Security Agency; and
  - The Federal Emergency Management Agency;

---

<sup>1</sup> These provisions are codified in chapter 71 of title 5, United States Code, and subchapter X of chapter 52 of title 22, United States Code.



- Subdivisions of the Department of Health and Human Services:
  - Office of the Secretary;
  - Office of the General Counsel;
  - Food and Drug Administration;
  - Centers for Disease Control and Prevention;
  - The Administration for Strategic Preparedness and Response;
  - The National Institute for Allergy and Infectious Diseases, National Institutes of Health; and
  - Office of Refugee Resettlement, Administration for Children and Families.
- The Department of Energy, except the Federal Energy Regulatory Commission;
- Subdivisions of the Department of the Interior:
  - Office of the Secretary;
  - Bureau of Land Management;
  - Bureau of Safety and Environmental Enforcement;
  - Bureau of Ocean Energy Management;
- Subdivisions of the Department of Agriculture:
  - The Food Safety and Inspection Service;
  - The Animal and Plant Health Inspection Service;
- The International Trade Administration within the Department of Commerce;
- The Environmental Protection Agency;
- The U.S. Agency for International Development;
- The Nuclear Regulatory Commission;
- The National Science Foundation;
- The International Trade Commission;
- The Federal Communications Commission;
- The General Services Administration; and
- The Office of the Chief Information Officer (CIO) in each Executive department, as well as the CIO offices for the U.S. Office of Personnel Management (OPM) and the Social Security Administration, and any other agency or subdivision that has information

resources management duties as the agency or subdivision's primary duty.<sup>2</sup>

By operation of 5 U.S.C. § 7103(b) and *Exclusions*, covered agencies and subdivisions are no longer subject to the collective-bargaining requirements of chapter 71 of part III, subpart F of title 5 (5 U.S.C. §§ 7101-7135). Consequently, those agencies and subdivisions are no longer required to collectively bargain with Federal unions. Also, because the statutory authority underlying the original recognition of the relevant unions no longer applies, unions lose their status as the "exclusive[ly] recogni[zed]" labor organizations for employees of the agencies and agency subdivisions covered by *Exclusions*.<sup>3</sup>

Agencies should consult with their General Counsels as to how to implement the President's directive in *Exclusions*. Agencies should also begin to consider and implement the changes described below and any others that agencies deem necessary, consistent with the President's national security determination. OPM highlights some common provisions of agency CBAs that may be inconsistent with the President's policies and management priorities.

## **I. Performance Accountability**

Merit system principles codified at 5 U.S.C. § 2301(6) direct agencies to separate employees who cannot or will not improve their performance to meet required standards. This often does not occur. When asked what happens to poor performers in their work unit, a plurality of Federal employees respond that they "remain in the work unit and continue to underperform."<sup>4</sup> Only a quarter of agency supervisors report that they are confident they could remove a seriously underperforming employee.<sup>5</sup>

Strengthening performance accountability in the Federal workforce is a high priority of President Trump and his Administration. The President believes that he must be able to effectively supervise Federal employees to take care that the law is faithfully executed and to protect America's national security. Shortly after taking office the President issued multiple directives to facilitate the separation of underperforming employees.<sup>6</sup>

Agency CBAs often create procedural impediments to separating poor performers beyond those required by statute or regulation. Covered agencies and subdivisions should seek to bring

---

<sup>2</sup> The Executive Order excludes the immediate employing offices of police and firefighters. It also provides a process for the Secretaries of Defense and Veterans Affairs to retain collective bargaining in subdivisions of their agencies if they certify that doing so does not impair national security.

<sup>3</sup> Cf. 5 U.S.C. § 7111(a) ("An agency shall accord exclusive recognition to a labor organization if the organization has been selected as the representative . . ."), *id.* § 7114(a)(1) (authorizing the exclusively recognized labor organization to "negotiate collective bargaining agreements covering[] all employees in the unit.")

<sup>4</sup> <https://www.opm.gov/fevs/reports/opm-fevs-dashboard/>.

<sup>5</sup> U.S. Merit Systems Protection Board, *Remedying Unacceptable Employee Performance in the Federal Civil Service* (June 18, 2019), at p. 15.

<sup>6</sup> See Executive Order 14171 of Jan. 20, 2025 (*Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce*); Memorandum of January 20, 2025 (*Restoring Accountability for Career Senior Executives*); Executive Order 4211 of Feb. 12, 2025 (*One Voice for America's Foreign Relations*).

their policies into alignment with the specific Administration priorities below.

#### **A. Limit PIPs to 30 Days.**

The Civil Service Reform Act (CSRA) requires agencies to provide underperforming employees with an opportunity to demonstrate acceptable performance before dismissing them under chapter 43 of title 5, United States Code.<sup>7</sup> These opportunity periods are commonly known as Performance Improvement Periods (PIPs). Executive Order 13839 of May 25, 2018, (*Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles*) generally standardized PIPs at 30 days. Executive Order 14003 of January 22, 2021 (*Protecting the Federal Workforce*) rescinded Executive Order 13839 and directed agencies to reverse policies effectuated under it. Under this directive, agencies increased PIPs from 30 days to 60 to 120 days. However, Executive Order 14171 of January 20, 2025 (*Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce*) revoked Executive Order 14003 and directed agencies to reverse disciplinary and unacceptable-performance policies effectuated pursuant to it.

Prior OPM guidance has explained that Executive Order 14171 now requires agencies to return to the policies of Executive Order 13839.<sup>8</sup> Agencies are accordingly required to, consistent with applicable law, return PIPs to 30 days. Where a CBA requires PIPs of more than 30 days, agencies must generally wait until such CBAs expire or otherwise terminate before shortening PIPs.<sup>9</sup> After covered agencies and subdivisions terminate CBAs that require PIPs of more than 30 days, they should take prompt action to reduce PIPs for former bargaining unit employees to no more than 30 days.

#### **B. Use Chapters 43 and 75 for Performance-Based Removals.**

Covered agencies and subdivisions are required to revert their discipline and unacceptable performance policies to those set in the first Trump Administration under Executive Order 13839. This includes the directive to use the procedures of chapter 75 of title 5, United States Code, in addition to chapter 43 (discussed above), to separate employees for unacceptable performance in appropriate cases.<sup>10</sup>

Chapter 75 actions do not require a PIP but bear a higher burden of proof than chapter 43 actions. Many agency CBAs functionally prohibit using chapter 75 procedures by requiring PIPs for all performance-based separations. Covered agencies and subdivisions that have terminated their CBAs should thereafter use chapter 75 procedures to separate underperforming employees without PIPs in appropriate cases. Agencies may continue to use chapter 43 procedures in appropriate cases.

#### **C. VA Should Resume Use of Section 714.**

---

<sup>7</sup> 5 U.S.C. 4202(c)(6).

<sup>8</sup> OPM, [Guidance on Revocation of Executive Order 14003](#) (Feb. 7, 2025).

<sup>9</sup> 5 U.S.C. 7116(a)(7).

<sup>10</sup> See section 2(h) of Executive Order 13839.

In 38 U.S.C. § 714, Congress gave VA special authority to remove some employees for poor performance without a PIP and with a lower burden of proof than chapter 43 actions. The Biden Administration discontinued use of section 714 authority after an arbitrator held that VA could not renegotiate its CBA to eliminate contractual PIPs. VA should, upon termination of its CBA, consider whether to resume use of section 714 authority in appropriate cases. Where facts and circumstances warrant, VA should cease providing covered employees with PIPs before separating them for poor performance under section 714.

#### **D. Discontinue Grievance Participation.**

In keeping with the provisions of the FSLMRS, CBAs provide for binding arbitration of union grievances, including disputes over whether personnel actions were justified.<sup>11</sup> To implement *Exclusions*, agencies should cease participating in grievance procedures after terminating their CBAs. To the extent that covered agencies and subdivisions are litigating grievances before an arbitrator when they terminate their CBAs, they should discontinue participation in such proceedings upon termination. Agencies can and should compensate arbitrators for work performed prior to the termination of the CBA, but not for any work performed thereafter. Agencies should not participate in further grievance arbitration proceedings following termination of their CBAs.

### **II. Effective and Efficient Government**

It is the policy of the President and his Administration to eliminate waste, bloat, and insularity within agencies and operate them more efficiently. Covered agencies and subdivisions should therefore take the following actions after terminating their CBAs.

#### **A. Disregard Contractual RIF Articles.**

The President has directed agencies to prepare large-scale reductions in force (RIFs).<sup>12</sup> OPM previously provided guidance about agency collective bargaining obligations when undertaking RIFs.<sup>13</sup> Covered agencies and subdivisions that terminate their CBAs are advised that this guidance will no longer apply. After terminating their CBAs, covered agencies and subdivisions should conduct RIFs consistent with applicable statutory and regulatory requirements, but without regard to provisions in terminated CBAs that go beyond those requirements.

#### **B. Return to In-Person Work.**

The President considers returning agency employees to in-person work necessary for effective and efficient agency operations. The President issued a memorandum generally requiring

---

<sup>11</sup> 5 U.S.C. § 7121.

<sup>12</sup> OPM, [Guidance on Agency RIF and Reorganization Plans Requested by Implementing The President's "Department of Government Efficiency" Workforce Optimization Initiative](#) (February 26, 2025).

<sup>13</sup> OPM, [Guidance on Collective Bargaining in Connection with Reductions in Force](#) (March 12, 2025).

in-person work on the first day of his Administration.<sup>14</sup> OPM guidance has explained that substantive telework levels and the substantive determination of which positions are eligible for telework or remote work are non-negotiable management rights.<sup>15</sup> However, agency CBAs sometimes impose procedural restrictions on agency return to work policies that do not violate non-negotiable management rights. Upon termination of these CBAs, covered agencies and subdivisions should swiftly implement the President's directives in *Return to In-Person Work*.

### **C. Use Agency Resources for Agency Business.**

The FSLMRS permits unions to negotiate to allow agency employees to perform union representational work instead of agency business during their official duty hours.<sup>16</sup> Contractual authorization for "taxpayer-funded union time" terminates when agency CBAs are terminated. Additionally, employees no longer have representational activities to conduct once their agency or subdivision has been excluded from the FSLMRS coverage. *Exclusions* requires agencies to promptly return such employees to performing solely agency business. Upon termination of any CBAs that require taxpayer-funded union time, agencies should reassign employees on union time to duties that solely include agency business.

Many agency CBAs similarly provide Federal unions with free use of agency resources (such as office space) or commit the agency to cover certain union expenses (such as the cost of travel and per diems). Following termination of CBAs that require such subsidies, covered agencies and subdivisions should promptly discontinue them and use agency resources only for agency business.

### **D. End Allotments Through Agency Payroll Systems.**

The FSLMRS requires agencies to deduct union dues from employees' pay upon request.<sup>17</sup> Agency resources are expended to set up those payroll deductions and process payments, and many agency CBAs contractually commit agencies to making such allotments according to specified procedures. When a covered agency terminates its CBAs, those contractual commitments no longer apply, and the covered agency should terminate allotments except where required by statute. Agency employees may make other arrangements for dues payments if they wish to do so. However, agency resources ordinarily should not be expended to facilitate payment of union dues.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, Human Resources Directors, and Chiefs of Staff

---

<sup>14</sup> Memorandum of January 20, 2025 ([Return to In-Person Work](#)).

<sup>15</sup> OPM, [Guidance on Collective Bargaining Obligations in Connection with Return to In-Person Work](#) (February 3, 2025).

<sup>16</sup> 5 U.S.C. 7131(d), 22 U.S.C. 4118(d)(4).

<sup>17</sup> 5 U.S.C. 7115, 22 U.S.C. 4118(a).

# Exhibit 3

## Frequently Asked Questions

### Executive Order 14251: “Exclusions from Federal Labor-Management Relations Programs”

**Q1:** What do agencies need to do to terminate applicable CBAs?

**A1:** Agencies should not terminate any CBAs until the conclusion of litigation or further guidance from OPM directing such termination. Agencies should review relevant case law and consult with their General Counsels regarding next steps with any existing CBAs. See *Department of Labor*, 70 FLRA 27 (FLRA 2016).

**Q2:** Should agencies decertify bargaining units of covered agencies or subdivisions?

**A2:** Agencies should not file any decertification petitions until litigation regarding *Exclusions* has been resolved. **Only after the litigation is final and the Administration has assessed the implications of its outcome** should agencies consider filing Federal Labor Relations Authority (FLRA) petitions to clarify that bargaining units include only those positions not exempted from collective-bargaining requirements under *Exclusions*. Agencies should consult their General Counsels for updates on the litigation, and before taking steps to file a decertification petition in compliance with the *Exclusions* order.

**Q3:** Should agencies amend current filings with the FLRA for exceptions to arbitration awards where an arbitrator ordered relief for a bargaining unit covered under *Exclusions*?

**A3:** Agencies should ask the FLRA to hold these cases in abeyance pending the outcome of litigation, where practicable. In cases with pending deadlines for submissions, agencies should ask the FLRA to suspend or extend those deadlines until the conclusion of the litigation. If the FLRA does not suspend deadlines or hold cases in abeyance agencies should take the position that the union lacks standing as it is not recognized as a result of *Exclusions*.

**Q4:** In any ongoing proceedings in which an agency is asked to submit a statement of position regarding an unfair labor practice charge under investigation by the FLRA, should agencies submit a statement?

**A4:** Yes. However, agencies should raise to the appropriate FLRA regional office that the relevant agency or agency subdivision is no longer subject to provisions of the Federal Service Labor-Management Relations Statute (FSLMRS) per the *Exclusions* order and, therefore, the union no longer has standing to file a charge or the FLRA to issue a complaint.

**Q5:** Should agencies and agency subdivisions covered by *Exclusions* continue to participate in the FLRA’s Collaboration and Alternative Dispute Resolution Office (CADRO) with labor unions representing police officers, security guards, and firefighters? What about bargaining units comprised of other occupations?

**A5:** Agencies may continue collective bargaining activities, including dispute resolution efforts with CADRO and other third-party proceedings with unions representing police officers, security guards, and firefighters, provided that these unions continue to be recognized consistent with



*Exclusions*. However, for matters involving a dispute for any unit that represents positions now excluded under Executive Order 12171, as amended, agencies should continue those dispute resolution activities only if they are doing so independently of any requirements of a CBA and not relying on any provisions of Chapter 71 to compel their participation.

**Q6:** Should agencies change the bargaining unit status codes on employees' SF-50s?

**A6:** Not at this time. Agencies should wait until litigation is resolved before doing so.

**Q7:** What is meant by the term "subdivision?"

**A7:** The term "subdivision" refers to any organization, office, or component that is subordinate to an agency or department head, as well as any division within those organizations, offices, or components.

**Q8:** What is meant by Section 2 of Executive Order 14251 (*Exclusions*) where it states: "the immediate, local employing offices of any agency police officers, security guards, or firefighters..."

**A8:** This means an agency or subdivision that directly supervises and employs such employees at the local level. Although this category will generally include purely the law enforcement officers in question, in some cases this may also include the administrative staff who support law enforcement operations.

**Q9:** What actions should agencies take regarding bargaining units that represent both (i) employees in positions *not* subject to exclusion (e.g., police officers, security guards, firefighters) and (ii) agency employees now *excluded* under the President's new directive?

**A9:** Agencies should preserve the rights of employees not excluded from collective bargaining including continuing to participate in third-party procedures (e.g., arbitrations) that are focused solely on conditions of employment, contractual and statutory obligations, or other matters limited to these employees. For employees no longer included in a bargaining unit, agencies should follow the direction provided in this guidance. If agencies need further guidance, please contact OPM at [awr@opm.gov](mailto:awr@opm.gov).

**Q10:** If an employee is no longer permitted to join or form a labor organization under the FSLMRS, can he or she strike against the Government while serving as a federal employee?

**A10:** Under 5 U.S.C. § 7311, employee strikes against the Government of the United States are prohibited for all Federal employees, irrespective of whether they are in a bargaining unit.

**Q11:** Can grievances initially filed under a negotiated grievance process (5 U.S.C. 7121) be transitioned to an administrative grievance process?

**A11:** Yes, provided the matter is not excluded by the agency's administrative grievance procedure and the grievant timely requests a transition to the administrative grievance procedure.

**Q12:** Are unions ineligible as employee representatives under the FSLMRS permitted to establish

consultative relationships with agencies pursuant to 5 C.F.R. Part 251?

**A12:** OPM's regulations "[provide] a framework for consulting and communicating with **non-labor organizations** representing Federal employees and with other organizations on matters related to agency operations and personnel management." A union is a "labor organization," as defined in 5 U.S.C. 7103(a)(4), and is therefore, not covered by 5 C.F.R. Part 251 whether they represent bargaining unit employees at an agency or not.

**Q13:** With announcement of the new Executive Order, *Exclusions*, are covered agencies still required to submit data to OPM regarding taxpayer-funded union time (TFUT), collective bargaining costs, and other labor relations data points?

**A13:** Yes. Please continue to collect and timely submit agency labor relations data as requested, even if the agency or subdivision therein is now exempted from the provisions of the FSLMRS.

**Q14:** What should we do with agreements that are pending Agency Head Review (AHR) and cover newly excluded agencies, subdivisions, or partial groups?

**A14:** Agencies should exercise their agency head authority under 5 U.S.C. § 7114(c) to disapprove any agreement currently undergoing review for units that are no longer recognized within a covered agency or subdivision. Agencies should cite to *Exclusions* or, if applicable, the presidential memorandum [Limiting Lame-Duck Collective Bargaining Agreements That Improperly Attempt to Constrain the New President](#), as their basis for disapproval. For agreements that include positions not subject to exclusion from collective bargaining (e.g., police officers, security guards, firefighters), agencies should conduct AHR as they normally would. Lastly, for agreements that include a mix of excluded and included units, agencies should continue AHR and include a note that the agreement only covers those not excluded by Executive Order 14251 and that the agreement has no applicability to other employees.

**Q15:** For agencies that are currently bargaining with unions, are there any concerns with solidifying and executing agreements such as tentative agreements or memoranda of understandings or agreements (MOUs or MOAs)?

**A15:** Agencies should suspend such negotiations until the conclusion of litigation.

**Q16:** In Section 2 of *Exclusions*, 1-419 states: "The following agencies or subdivisions of each Executive department listed in section 101 of title 5, United States Code, the Social Security Administration, and the Office of Personnel Management: (a) Office of the Chief Information Officer (OCIO); (b) any other agency or subdivision that has information resources management duties as the agency or subdivision's primary duty." Does this apply to all OCIO offices within an agency not listed in *Exclusions*?

**A16:** This provision applies only to CIO offices in the Executive Departments (see 5 U.S.C. 101), OPM, and the Social Security Administration, as well as the subordinate agencies and offices under those Departments/agencies.

**Q17:** What does information resources management mean as used in Section 2 of *Exclusions*?

**A17:** The Paperwork Reduction Act defines “information resources management” at 44 U.S.C. § 3502(7), as “the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public.”

# Exhibit 4

## Frequently Asked Questions

### Executive Order 14251: “Exclusions from Federal Labor-Management Relations Programs”

**Q1:** What do agencies need to do to terminate applicable CBAs?

**A1:** Agencies should not terminate any CBAs until the conclusion of litigation or further guidance from OPM directing such termination. Agencies should review relevant case law and consult with their General Counsels regarding next steps with any existing CBAs. See *Department of Labor*, 70 FLRA 27 (FLRA 2016).

**Q2:** Should agencies decertify bargaining units of covered agencies or subdivisions?

**A2: No**, agencies should not file any decertification petitions until litigation regarding *Exclusions* has been resolved. **Only after the litigation is final and the Administration has assessed the implications of its outcome** should agencies consider filing Federal Labor Relations Authority (FLRA) petitions. Upon the conclusion of the litigation as conveyed by the White House Counsel’s Office and OPM, agencies may file decertification clarifying that bargaining units include only those positions not exempted from collective-bargaining requirements under *Exclusions*. Agencies should consult their General Counsels for updates on the litigation, and before taking steps to file a decertification petition in compliance with the *Exclusions* order.

**Q3:** Should agencies amend current filings for exceptions to arbitration awards where an arbitrator ordered relief for a bargaining unit covered under *Exclusions*?

**A3:** Agencies should ask the FLRA to hold these cases in abeyance pending the outcome of litigation, where practicable. In cases with pending deadlines for submissions, agencies should ask the FLRA to suspend or extend those deadlines until the conclusion of the litigation. If the FLRA does not suspend deadlines or hold cases in abeyance agencies should take the position that the union lacks standing as it is not recognized as a result of *Exclusions*.

**Q4:** In any ongoing proceedings in which an agency is asked to submit a statement of position regarding an unfair labor practice charge under investigation by the FLRA, should agencies submit a statement?

**A4:** Yes. The statement should mention, and agencies should identify for the appropriate FLRA regional office, the Administration’s position that the relevant agency or agency subdivision is no longer subject to provisions of the Federal Service Labor-Management Relations Statute (FSLMRS) per the *Exclusions* order. Under that position, the union no longer has standing to file a charge or the FLRA to issue a complaint.

**Q5:** Should agencies and agency subdivisions covered by *Exclusions* continue to participate in the FLRA’s Collaboration and Alternative Dispute Resolution Office (CADRO) with labor unions representing police officers, security guards, and firefighters? What about bargaining units comprised of other occupations?

**A5:** Agencies may continue collective bargaining activities, including dispute resolution efforts with CADRO and other third-party proceedings with unions representing police officers, security

guards, and firefighters, provided that these unions continue to be recognized consistent with *Exclusions*. However, for matters involving a dispute for any unit that represents positions now excluded under Executive Order 12171, as amended, agencies should continue those dispute resolution activities only if they are doing so independently of any requirements of a CBA and not relying on any provisions of Chapter 71 to compel their participation.

**Q6:** Should agencies change the bargaining unit status codes on employees' SF-50s?

**A6:** Not at this time. Agencies should wait until litigation is resolved before doing so.

**Q7:** What is meant by the term "subdivision?"

**A7:** The term "subdivision" refers to any organization, office, or component that is subordinate to an agency or department head, as well as any division within those organizations, offices, or components.

**Q8:** What is meant by Section 2 of Executive Order 14251 (*Exclusions*) where it states: "the immediate, local employing offices of any agency police officers, security guards, or firefighters..."

**A8:** This means an agency or subdivision that directly supervises and employs such employees at the local level. Although this category will generally include purely the law enforcement officers in question, in some cases this may also include the administrative staff who support law enforcement operations.

**Q9:** What actions should agencies take regarding bargaining units that represent both (i) employees in positions *not* subject to exclusion (e.g., police officers, security guards, firefighters) and (ii) agency employees now *excluded* under the President's new directive?

**A9:** Agencies should preserve the rights of employees not excluded from collective bargaining including by continuing to participate in third-party procedures (e.g., arbitrations) that are focused solely on conditions of employment, contractual and statutory obligations, or other matters limited to these employees. For employees no longer included in a bargaining unit, agencies should follow the direction provided in this guidance. If agencies need further guidance, please contact OPM at [awr@opm.gov](mailto:awr@opm.gov).

**Q10:** If an employee is no longer permitted to join or form a labor organization under the FSLMRS, may he or she strike against the Government while serving as a federal employee?

**A10:** Under 5 U.S.C. § 7311, employee strikes against the Government of the United States are prohibited for all Federal employees, irrespective of whether they are in a bargaining unit.

**Q11:** Can grievances initially filed under a negotiated grievance process (5 U.S.C. 7121) be transitioned to an administrative grievance process?

**A11:** Yes. Agencies may transfer a grievance initially filed under a negotiated grievance procedure to its internal administrative grievance procedure provided the matter is not excluded by the agency's administrative grievance procedure and the grievant timely requests to transition to the administrative grievance procedure.

**Q12:** Are unions ineligible as employee representatives under the FSLMRS permitted to establish consultative relationships with agencies pursuant to 5 C.F.R. Part 251?

**A12:** OPM's regulations "[provide] a framework for consulting and communicating with **non-labor organizations** representing Federal employees and with other organizations on matters related to agency operations and personnel management." *See* 5 C.F.R. Part 251 (emphasis added). A union is a "labor organization," as defined in 5 U.S.C. 7103(a)(4), and is therefore, not covered by 5 C.F.R. Part 251 whether they represent bargaining unit employees at an agency or not.

**Q13:** With announcement of the new Executive Order, *Exclusions*, are covered agencies still required to submit data to OPM regarding taxpayer-funded union time (TFUT), collective bargaining costs, and other labor relations data points?

**A13:** Yes. Please continue to collect and timely submit agency labor relations data as requested, even if the agency or subdivision therein is now exempted from the provisions of the FSLMRS.

**Q14:** What should we do with agreements that are pending Agency Head Review (AHR) and cover newly excluded agencies, subdivisions, or partial groups?

**A14:** Agencies should exercise their agency head authority under 5 U.S.C. § 7114(c) to disapprove any agreement currently undergoing review for units that are no longer recognized within a covered agency or subdivision. Agencies should cite to *Exclusions* or, if applicable, the presidential memorandum [Limiting Lame-Duck Collective Bargaining Agreements That Improperly Attempt to Constrain the New President](#), as their basis for disapproval. For agreements that include positions not subject to exclusion from collective bargaining (e.g., police officers, security guards, firefighters), agencies should conduct AHR as they normally would. Lastly, for agreements that include a mix of excluded and included units, agencies should continue AHR and include a note that the agreement only covers those not excluded by Executive Order 14251 and that the agreement has no applicability to other employees.

**Q15:** For agencies that are currently bargaining with unions, are there any concerns with solidifying and executing agreements such as tentative agreements or memoranda of understandings or agreements (MOUs or MOAs)?

**A15:** Agencies should suspend such negotiations until the conclusion of litigation, meaning bargaining sessions should be placed on hold along with implementation of changes to conditions of employment that were being bargained. Where agencies need only execute an agreement through a ministerial act (e.g., signing an agreement), agencies may proceed to do so provided that any such agreement is consistent with the policy priorities of the Trump Administration.

**Q16:** In Section 2 of *Exclusions*, 1-419 states: "The following agencies or subdivisions of each Executive department listed in section 101 of title 5, United States Code, the Social Security Administration, and the Office of Personnel Management: (a) Office of the Chief Information Officer (OCIO). (b) any other agency or subdivision that has information resources management duties as the agency or subdivision's primary duty." Does this apply to all OCIO offices within an agency not listed in *Exclusions*?

**A16:** This provision applies only to CIO offices in the Executive Departments (*see* 5 U.S.C. 101), OPM, and the Social Security Administration, as well as the subordinate agencies and offices



under those Departments/agencies.

**Q17:** What does information resources management mean as used in Section 2 of *Exclusions*?

**A17:** The Paperwork Reduction Act defines “information resources management” at 44 U.S.C. § 3502(7), as “the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public.”

---

#### April 22, 2025 Additional Questions and Answers

---

**Q18:** How should agencies handle union time and office space provided to union representatives who are no longer in a recognized unit?

**A18:** Agencies and subdivisions covered by *Exclusions* must reclaim any agency space, furniture, equipment (e.g., computers, phones), and other resources previously utilized by labor unions for representational activities and repurpose those resources for agency business only. Employees of covered agencies and subdivisions who were previously authorized to use taxpayer-funded union time are no longer permitted use of such time and should only be conducting agency-assigned work during their scheduled duty time. Supervisors should not approve any time and attendance records that include requests for and use of taxpayer-funded union time. For agencies and subdivisions not subject to exclusion from collective bargaining, agencies can allow for use of union time and office space as they normally would.

**Q19:** What if an arbitration is already scheduled for an agency or subdivision now excluded under Executive Order 14251?

**A19:** The agency should request that the arbitrator hold the case in abeyance pending the outcome of litigation regarding *Exclusions*. If unable to delay the hearing, the agency should take the position that in accordance with *Exclusions*, the union is no longer the exclusive representative and there is no jurisdiction before the arbitrator.

**Q20:** How does *Exclusions* impact unions’ consultation rights under the FSLMRS?

**A20:** The FSLMRS grants labor unions consultation rights under 5 U.S.C. §§ 7113 and 7117(d) on substantive changes to conditions of employment at the national, subnational, and government-wide basis, respectively. Agencies should assess and determine whether labor unions meet the requirements under 5 C.F.R. Part 2426 and take appropriate action with the appropriate FLRA Regional Office where it believes labor unions no longer meet the eligibility criteria for consultation rights. Before taking action, agencies should consult their General Counsel and coordinate with the Department of Justice.

**Q21:** Section 7 of *Exclusions* requires all agency heads with employees covered by Chapter 71, to identify any agency subdivisions with a primary function of intelligence, counterintelligence, investigative, or national security work, that are not covered by Executive Order 12171, as amended. Does this only apply to agencies defined in 5 U.S.C. 101?

**A21:** Section 7 is not limited to those agencies defined under 5 U.S.C. 101 or those listed in *Exclusions*. Rather, every agency head should review their respective missions and identify any

subdivisions with a primary function of intelligence, counterintelligence, investigative, or national security work.

**Q22:** Some employees no longer have union dues or other fees deducted from their government paychecks for union-provided benefits/insurance (e.g., dental, vision, etc.). Is this cessation of payroll deductions considered a life-changing event that would allow employees to opt into federal benefits coverage?

**A22:** Employees should consult with the union or insurance provider from whom they were receiving benefits (i.e., non-FEDVIP plans) regarding coverage questions. If confirmed to have lost coverage, this would be considered a Qualifying Life Event that allows enrollment in a FEDVIP plan outside of Open Season. The individual has from 31 days before to 60 days after the event to enroll. More information is available here: [Dental and Vision | BENEFEDS](#).

**Q23:** May agencies communicate with unions representing employees who are still recognized under Executive Order 14251 (e.g., police officers, security guards, firefighters) or otherwise still recognized under 5 U.S.C. 71?

**A23:** Yes. Unions who have bargaining unit employees that are not excluded under the Executive Order, maintain recognition under Chapter 71 of Title 5, U.S. Code. Therefore, normal labor-management communication and engagement should continue.

**Q24:** How should an agency handle an impending change in conditions of employment for employees now excluded by the Executive Order? How should an agency respond to a union inquiry regarding a change in conditions of employment?

**A24:** An agency or subdivision covered by *Exclusions*, can implement the change without completing negotiations. Agencies may respond to a demand to bargain by a labor union by acknowledging receipt and informing the union that it will hold in abeyance their request pending the outcome of litigation over Executive Order 14251.

**Q25:** What should an agency do if it receives a grievance from the union for an individual or unit that is no longer recognized in accordance with *Exclusions*?

**A25:** For units that are no longer recognized within a covered agency or subdivision, agencies should acknowledge receipt, inform the union that the grievance is being held in abeyance pending litigation for *Exclusions*, and provide a date the agency plans to update them. For grievances that include positions not subject to exclusion from collective bargaining (e.g., police officers, security guards, firefighters), agencies should conduct their negotiated grievance procedures as they normally would.

**Q26:** Should an agency continue to allow union representation in Weingarten meetings and formal discussions with employees excluded under Executive Order 14251?

**A26:** No. Agencies should continue to invite unions to formal discussions and honor requests for Weingarten meeting representation only for employees not excluded from collective bargaining under Executive Order 14251.

**Q27:** If a CBA is set to rollover for units no longer recognized, but the agreement has also not

been terminated, what do we do?

**A27:** In this circumstance, the agency may notify the union that it is terminating the CBA and that any negotiations regarding a successor agreement are being held in abeyance due to *Exclusions* and associated litigation.

**Q28:** If an agency notified a union prior to *Exclusions* that it was terminating a labor-management forum and the union requests to negotiate, how should the agency respond?

**A28:** On March 27, 2025, OPM issued guidance requiring agencies to abolish labor-management forums, committees, and councils at the agency-wide and organizational levels. Many of these forums were established under Executive Order 14119, which was rescinded under Executive Order 14236 in March 2025. The guidance also noted that where the establishment or use of labor-management forums, committees, and councils are incorporated into the terms of any CBA, agencies should seek to renegotiate those terms at the earliest practicable juncture consistent with the policies of this Administration. If a unit that is no longer recognized under *Exclusions* seeks to negotiate over the termination of a forum, the agency should deny the request to bargain since the unit is no longer recognized.

**Q29:** The agency has received unsolicited messages from unions requesting consideration under Section 4 of *Exclusions*, which requires the Departments of Defense and Veterans Affairs to submit any suspensions of *Exclusions* application to the Federal Register within 15 days of the order. How should the agency respond?

**A29:** The agency should acknowledge receipt only and not make any statements regarding the substance of the communication.

**Q30:** Are all OCIOs or equivalents excluded from collective bargaining?

**A30:** Executive Order 14251 excludes the OCIO in “agencies or subdivisions of each Executive department listed in section 101 of title 5, United States Code,” and in the Social Security Administration and OPM.

**Q31:** Should agencies respond to union Requests for Information (RFIs) from units that are now excluded in accordance with the *Exclusions* order?

**A31:** If the RFI is filed as a request under 5 U.S.C. 7114(b)(4), agencies should hold the request in abeyance pending the outcome of the litigation.

**Q32:** How should agencies respond to questions regarding union dues?

**A32:** If an excluded employee asks about continuing union dues, the agency should inform the employee that union dues allotments through a government payroll provider are not authorized at this time and that if they wish to continue paying union dues nonetheless, they may contact their union.

**Q33:** How should agencies handle union dues allotments?

**A33:** In taking steps to implement *Exclusions*, agencies may pause the collection of union dues

allotments for those agencies or subdivisions identified in *Exclusions* while litigation is ongoing. However, agency payroll providers should not unilaterally terminate all union dues allotments without first consulting with their customer agencies. Instead, agency payroll providers should contact their customer agencies to identify which labor unions and employees are excluded from collective bargaining by *Exclusions* and limit the termination of dues allotments to those unions and employees.

# Exhibit 5

**From:** Kate Sylvester <kate.sylvester@NTEU.ORG>

**Sent:** Monday, March 31, 2025 10:00 AM

**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>

**Cc:** Peyton Diotalevi <peyton.diotalevi@nteu.org>; [REDACTED]

**Subject:** Fw: URGENT: Union Deduction Impacts from a Recent Executive Order

[REDACTED]

---

**From:** IBC User Group <[IBC-User-Group@updates.ibc.doi.gov](mailto:IBC-User-Group@updates.ibc.doi.gov)>

**Sent:** Friday, March 28, 2025 3:35 PM

**To:** Shea, Kathleen M <[kshea@blm.gov](mailto:kshea@blm.gov)>

**Subject:** URGENT: Union Deduction Impacts from a Recent Executive Order



# Interior Business Center

## Human Resources Directorate

### MEMORANDUM

**DATE:** Friday, March 28, 2025

**TO:** All User Group Representatives

**FROM:** Keith O'Neill, Associate Director HRD

**SUBJECT:** URGENT: Union Deduction Impacts from a Recent Executive Order

#### **PLEASE SHARE THIS MESSAGE WITH YOUR APPROPRIATE AUDIENCES.**

Valued Customers,

As a result of Executive Order "[Exclusions from Federal Labor-Management Relations Programs](#)" published March 27, 2025, the Interior Business Center (IBC) was directed to remove all union deductions from the Pay Period 25-07 calculate file.

#### **Who does this affect?**

This applies to employees only within Pay Processing Groups 1 and 4.

#### **What is the impact to employees?**

- Employees will see union deductions on their Leave and Earnings statement Pay Period 25-07.
- Employees will get dues amount returned in a future pay period.

#### **Does this require any agency action?**

At this time, no further actions are required.

#### **Union Reports - It is important to note:**

- The union reports will display deductions.
- However, it's crucial to understand that the corresponding funds have **not yet been deposited**.



For employee questions or concerns, please contact the Customer Support Center at [CSC\\_IT\\_Services\\_Helpdesk@ios.doi.gov](mailto:CSC_IT_Services_Helpdesk@ios.doi.gov) or 1-866-367-1272.

Regards,

Keith O'Neill  
Associate Director  
Human Resources Directorate  
Interior Business Center  
U.S. Department of the Interior  
[www.doi.gov/IBC](http://www.doi.gov/IBC)

## Resources:

- [IBC Customer Central](#)

For User Group distribution list changes, [email Lorraine Manzanares](#). All requests should come from a Primary Agency User Group Representative.

Stay Connected with the Interior Business Center



# Exhibit 6

**From:** Langdon Ryan C <[Ryan.C.Langdon@irs.gov](mailto:Ryan.C.Langdon@irs.gov)>  
**Sent:** Thursday, April 10, 2025 1:51 PM  
**Subject:** FW: Update: Executive Order Stopping Union Dues Payroll Deductions

Hello,

We received your 1188 request, please refer to the below email and attached form.

Thanks,

**Ryan Langdon**  
**HUMAN RESOURCES ASSISTANT**  
**IRS, Human Capital Office**  
**HR Shared Services: Payroll Operations Center 1 Section 2**  
**Human Resources Shared Services (HRSS)**  
Phone: (267) 466-2536  
Email : [Ryan.C.Langdon@IRS.Gov](mailto:Ryan.C.Langdon@IRS.Gov)  
TOD: 6:00 AM – 2:30 PM, M-F (EST)  
Payroll Documents – Fax: (855) 207-0459



FYI

**From:** \*HRSS NFChelpdesk

**Sent:** Thursday, April 10, 2025 7:15 AM

**Subject:** [EXT] Update: Executive Order Stopping Union Dues Payroll Deductions

Please review CAPPS notification below and share with your staff if applicable.

## National Finance Center CAPPS Notification

### Update: Executive Order Stopping Union Dues Payroll Deductions

April 9, 2025

Reference Number: NFC-1744117663

Dear Customer,

This is an update to the notice issued on April 4, 2025, titled "Follow-Up Executive Order Regarding Union Dues," to provide additional information regarding halting union dues deductions for specific Agencies and occupational series (0081, 0082, 0083, and 0085).

The National Finance Center (NFC) will take following actions in Pay Period (PP) 06 processing:

- Implement system changes in the Personnel Edit Subsystem Edit Messages (PINE) application to ensure the termination of future union deductions and elections within the designated Agencies and occupational series.
- Union deductions will be prevented for the affected employees using deactivation code "90" to stop deductions.
- Reimbursements for ineligible union deductions that occurred during PP05 will occur for affected employees. Employees will see this reimbursement in the remarks field on their Earnings and Leave Statement (E&L)

Attached in this notice, you will find a listing of the of the Department/Agencies affected by the Executive Order. In addition, your Client Management Representative will be providing a separate spreadsheet containing the impacted employees in the specified occupational series, Department/Agency.

**NOTE:** No action is required on the part of the Agency.

Authorized Agency representatives with questions concerning this notification should contact the NFC Contact Center at 1-855-632-4468 or submit a request in the ServiceNow Customer Service Portal using the following links:

- For Federated Users – <https://nfcbsm.servicenowservices.com>
- For Non-Federated Users
  - Customer Service Management Portal View (Designated CMB POC)  
<https://nfcbsm.servicenowservices.com/csm>
  - Current Service Portal View (all other users)  
[https://nfcbsm.servicenowservices.com/sp\\_ess](https://nfcbsm.servicenowservices.com/sp_ess)

Attachments:


Agency List - Cancelled Union Dues

- [Agency List - Cancelled Union Dues.pdf](#)

# Exhibit 7

---

**From:** Ken Moffett <[ken.moffett@NTEU.ORG](mailto:ken.moffett@NTEU.ORG)>  
**Sent:** Wednesday, April 2, 2025 11:15 AM  
**To:** Doreen Greenwald <[doreen.greenwald@NTEU.ORG](mailto:doreen.greenwald@NTEU.ORG)>; Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>  
**Cc:** Ken Moffett <[ken.moffett@NTEU.ORG](mailto:ken.moffett@NTEU.ORG)>  
**Subject:** FW: [EXT] Re: National Grievance and Unfair Labor Practice Charge — Unilateral Implementation of SB/SE Exam High-Income/High-Wealth Work Project in Violation of the 2022 National Agreement and 5 U.S.C. § 7116(a) (1), (5), and (8)



---

**From:** Jack Jarrett <[jack.jarrett@NTEU.ORG](mailto:jack.jarrett@NTEU.ORG)>  
**Sent:** Wednesday, April 2, 2025 11:08 AM  
**To:** Ken Moffett <[ken.moffett@NTEU.ORG](mailto:ken.moffett@NTEU.ORG)>; Ryan Soon <[ryan.soon@NTEU.ORG](mailto:ryan.soon@NTEU.ORG)>; Rani Rolston <[rani.rolston@NTEU.ORG](mailto:rani.rolston@NTEU.ORG)>  
**Subject:** Fw: [EXT] Re: National Grievance and Unfair Labor Practice Charge — Unilateral Implementation of SB/SE Exam High-Income/High-Wealth Work Project in Violation of the 2022 National Agreement and 5 U.S.C. § 7116(a) (1), (5), and (8)



---

**From:** Johnson Heather L  
**Sent:** Wednesday, April 2, 2025 11:04 AM  
**To:** Jack Jarrett  
**Cc:** Stratton Christopher R; McCrimmon Sharrean J  
**Subject:** RE: [EXT] Re: National Grievance and Unfair Labor Practice Charge — Unilateral Implementation of SB/SE Exam High-Income/High-Wealth Work Project in Violation of the 2022 National Agreement and 5 U.S.C. § 7116(a)(1), (5), and (8)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Due to the Executive Order on Thursday, we are currently in a holding pattern in terms of grievances. So, we cannot address the "Project A" grievance until we get direction from the Secretary.

However, for this particular matter, I did speak to the Business unit. Due to the upheaval that the service is currently facing, they have abandoned this initiative for now. I hope this gives you some clarity while we wait.

Thanks!

---

**From:** Jack Jarrett <[jack.jarrett@NTEU.ORG](mailto:jack.jarrett@NTEU.ORG)>  
**Sent:** Monday, March 31, 2025 8:26 AM  
**To:** Johnson Heather L <[Heather.L.Johnson2@irs.gov](mailto:Heather.L.Johnson2@irs.gov)>  
**Cc:** Stratton Christopher R <[Christopher.R.Stratton@irs.gov](mailto:Christopher.R.Stratton@irs.gov)>; McCrimmon Sharrean J <[Sharrean.J.McCrimmon@irs.gov](mailto:Sharrean.J.McCrimmon@irs.gov)>  
**Subject:** [EXT] Re: National Grievance and Unfair Labor Practice Charge — Unilateral Implementation of SB/SE Exam High-Income/High-Wealth Work Project in Violation of the 2022 National Agreement and 5 U.S.C. § 7116(a)(1), (5), and (8)

No problem. Just let me know when works.

---

**From:** Johnson Heather L <[Heather.L.Johnson2@irs.gov](mailto:Heather.L.Johnson2@irs.gov)>

**Sent:** Monday, March 31, 2025 8:02 AM

**To:** Jack Jarrett <[jack.jarrett@NTEU.ORG](mailto:jack.jarrett@NTEU.ORG)>

**Cc:** Stratton Christopher R <[Christopher.R.Stratton@irs.gov](mailto:Christopher.R.Stratton@irs.gov)>; McCrimmon Sharrean J <[Sharrean.J.McCrimmon@irs.gov](mailto:Sharrean.J.McCrimmon@irs.gov)>

**Subject:** National Grievance and Unfair Labor Practice Charge — Unilateral Implementation of SB/SE Exam High-Income/High-Wealth Work Project in Violation of the 2022 National Agreement and 5 U.S.C. § 7116(a)(1), (5), and (8)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hi Jack,

I'm not sure if you received acknowledgement from LRSN of receipt of the above referenced grievance. I will work on this and reach out to you regarding a grievance meeting.

I apologize for the delayed response.

Thanks!

Heather L. Johnson, M. Div. J.D.

Labor Relations Specialist

Labor Relations Strategy & Negotiations (LRSN)

Labor/Employee Relations & Negotiations (LERN)

1<sup>st</sup> Friday Short (8:00am - 4:30pm); 2<sup>nd</sup> Friday off

2888 Woodcock Blvd.

Atlanta, Georgia 30341

(470) 719-6749

# Exhibit 8

---

**From:** Doreen Greenwald <doreen.greenwald@NTEU.ORG>  
**Sent:** Friday, April 4, 2025 4:17 PM  
**To:** [REDACTED]  
**Subject:** FW: Reduction in Force (RIF) process is beginning

[REDACTED]

---

**From:** \*IRS Human Capital Officer <[irs.human.capital.officer@irs.gov](mailto:irs.human.capital.officer@irs.gov)>  
**Sent:** Friday, April 4, 2025 4:01 PM  
**To:** &&Employees All <[employees.all@irs.gov](mailto:employees.all@irs.gov)>  
**Subject:** Reduction in Force (RIF) process is beginning

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

The IRS has begun implementing a Reduction in Force (RIF) that will result in staffing cuts across multiple offices and job categories. This action is being taken to increase the efficiency and effectiveness of the IRS in accordance with agency priorities and the Workforce Optimization Initiative outlined in a recent [Executive Order](#).

Today, the IRS initiated a RIF for the Office of Civil Rights and Compliance (formerly the Office of Equity, Diversity and Inclusion). This calendar year to date, approximately 5% of this office left through the Deferred Resignation Program and attrition. An additional 75% of the office will be reduced through a RIF. The remaining employees in the OCRC will move under the Office of Chief Counsel to continue to carry out its statutory responsibilities. None of the reductions were made today based on individual performance. The reductions were made in accordance with statute.

#### **What to expect**

- The RIF will be implemented in phases. **This message is only notification that the IRS has begun the RIF process and does not serve as your official notification.** Each office will receive direct communication when their phase begins.

- **Individual RIF notices** will be issued to impacted employees at least 30-60 days prior to the effective date of any personnel action, as required by the Office of Personnel Management (OPM) guidelines.
- **Personnel reassignments including relocations** will stop effective April 4, 2025. With limited exceptions, all actions with an effective date after April 4, 2025, will be canceled. If you are currently on a detail or temporary promotion, it will not be canceled. Detailed information on exceptions is included in the [FAQs](#).
- We have received approval to offer **VERA (Voluntary Early Retirement Authority) and VSIP (Voluntary Separation Incentive Payment)**. More information, including the specific dates and FAQs, will be shared with you next week.

**Action you need to take:**

- **Upload a current resume to HRConnect by April 14, 2025** using [these instructions \(.docx\)](#). HCO will use your resume to determine qualifications during a RIF. If you choose not to upload a resume and are impacted by RIF, the Human Capital Office will use your current position description to determine qualifications. No resumes will be accepted outside of the HRConnect upload feature. If you cannot access HRConnect, you can work with your supervisor.
- **Training:** View the new [Reduction in Force \(RIF\) Briefing - Understanding the Process, Your Rights, and Benefits Course 85139 in ITM](#).

**What resources are available:**

- [Workforce Updates page](#), including [RIF Q&A](#), with new information added as available.
- [Employee Assistance Program \(EAP\)](#), with confidential counseling and support services available.
- Resume resources:
  - [USAJOBS Help Center - What should I include in my resume?](#)
  - [iManage - Resume Writing](#)
- Additional guidance on the RIF process is available through OPM:
  - [Guidance on Agency RIF and Reorganization Plans Requested by Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative \(.pdf\)](#)
  - [Workforce Reshaping Operations Handbook \(.pdf\)](#)

We remain committed to sharing information as soon as it becomes available and ensuring all employees have access to resources and support.

Thank you for your continued professionalism and commitment to supporting our mission.

# Exhibit 9



DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
WASHINGTON, DC 20224

April 4, 2025

MEMORANDUM FOR [REDACTED]

FROM

Melanie Krause

Acting Commissioner, Internal Revenue Service

Subject:

Reduction in Force Notice – Change to Lower Grade

This memorandum constitutes your official Reduction in Force (RIF) Change to Lower Grade (CLG) notice.

The Internal Revenue Service has determined it is necessary to abolish some positions in the Office of Civil Rights and Compliance, formerly known as the Office of Equity, Diversity, and Inclusion, to further workforce shaping efforts in accordance with the [“Agency RIF and Reorganization Plans Requested by Implementing The President’s “Department of Government Efficiency” Workforce Optimization Initiative”](#) guidance. Collective bargaining agreements required additional steps before proceeding with a RIF, including extended negotiation periods and waiting periods. However, President Trump signed an executive order entitled “Exclusions from Federal Labor-Management Relations Programs.” Application of the national security exemption from collective-bargaining requirements under this executive order and resulting guidance from the Office of Personnel Management eliminates non-statutory delays in executing a RIF.

To conduct the RIF, retention registers were prepared which list employees in retention standing order by civil service tenure group and subgroup, veterans’ preference, performance ratings, and length of Federal service. The following information was used to determine your retention standing as of the RIF effective date: 6/3/2025.

Position of Record: Management & Program Anal, GS-0343-13

Competitive Area: Office of Civil Rights and Compliance, formerly known as the Office of Equity, Diversity, and Inclusion

Competitive Level: GS-0343-13-2480

Tenure Group: 1

Sub-Group: AD

Type of Service: COMPETITIVE

Service Computation Date (RIF): 8/13/2010

Performance Rating: RATING 1 DATE: 03/31/2023 | RATING 1 SCORE: EXCEEDS FULLY SUCCESSFUL OR EXCEEDED

RATING 2 DATE: 02/28/2022 | RATING 2 SCORE: EXCEEDS FULLY SUCCESSFUL OR EXCEEDED

RATING 3 DATE: 02/28/2021 | RATING 3 SCORE: EXCEEDS FULLY SUCCESSFUL OR EXCEEDED

RATING 4 DATE: NO DATE | RATING 4 SCORE: NO RATING



Attachment

Adjusted Service Computation Date (RIF): 8/13/1994

In accordance with RIF procedures specified in Title 5, Code of Federal Regulations, Part 351, you were released from your competitive level but are being offered a CLG to the following position:

Position: GS-0260-12  
Position Description Number: S927840027  
Location: OFC OF CIVIL RIGHTS AND COMPL  
EQUAL EMPLOYMENT OPPORTUNITY  
EEO - TERRITORY 2

This offer of continuing employment is the best offer available.

If you accept this offer:

- You must sign and email the attached Offer Reply Form to [hco.ta.workforce.shaping@irs.gov](mailto:hco.ta.workforce.shaping@irs.gov) within five (5) workdays of receipt of this notice.
- Your CLG will be effective the pay period immediately following the RIF effective date of: 6/3/2025.

If you decline or fail to respond to this offer within five (5) workdays, it will be considered a declination of the position offered to you in this notice. Consequently, you will be separated by RIF procedures on 6/3/2025.

If you are separated by the RIF because you declined a reasonable offer (defined as not more than two grade or pay levels below your current position), you will not be eligible for severance pay, or discontinued service retirement (even if you previously met the criteria for these entitlements).

- If you are RIF separated:
  - You will be eligible for the IRS Career Transition Assistance Plan (CTAP), registration on the Treasury Department's Reemployment Priority List (RPL), and special selection priority under the Interagency Career Transition Assistance Plan (ICTAP)
  - You may be eligible for benefits available to you under the Workforce Investment Act (WIA) of 1998

This RIF action does not reflect in any way upon your performance or conduct. The Internal Revenue Service sincerely appreciates the contributions you have made during your employment and regrets that you have been personally affected by this reduction in force.

### **Appeal and Grievance Rights**

#### Merit Systems Protection Board

If you are separated by RIF procedures and you believe your rights have been violated, you may appeal the RIF action to the Merit Systems Protection Board, [MSPB's e-Appeal Online website](#). Your appeal must be submitted and must be filed any time during the 30-calendar day period beginning the day after the effective date of the RIF. Your appeal must contain the

## Attachment

information outlined in the attached extract of the MSPB regulations. You may access a complete copy of the MSPB regulations at [www.mspb.gov](http://www.mspb.gov). If you fail to file your appeal within the applicable time limit, the MSPB may dismiss it as untimely filed, unless you can show good cause for the delay. If you file your appeal untimely, the judge will provide you with an opportunity to show why your appeal should not be dismissed as untimely.

Equal Employment Opportunity Commission (EEOC)

If you seek to allege that this RIF action was taken against you based in whole or in part on discrimination because of race, color, religion, sex, age, national origin, or physical or mental disability, you may either (1) join your claim of discrimination with your appeal filed with the Merit Systems Protection Board; or (2) pursue an action under Part 1614 of the EEOC regulations. You may also access the U.S. Equal Employment Opportunity Commission (EEOC) website at [www.eeoc.gov](http://www.eeoc.gov) for additional and further detailed information on the Federal sector EEO process. You may also file with MSPB as noted above and raise discrimination as an affirmative defense. However, you may not proceed through both forums; you must elect one or the other. Whichever action is filed first will be considered an election to proceed in that forum. An election to proceed before the MSPB is determined as of the date the appeal is filed; and an election to proceed under Part 1614 is determined as of the date a complaint of discrimination is filed.

Office of Special Counsel

You may also seek corrective action before the U.S. Office of Special Counsel (OSC). Visit the OSC e-filing system web site at [www.osc.gov](http://www.osc.gov), to access the online application. However, if you do so, you will be limited to whether the agency took one or more covered personnel actions against you in retaliation for making protected whistleblowing disclosures. If you choose to file an action with OSC, you will be foregoing your right to otherwise challenge the basis for this personnel action.

If you have questions after reviewing this letter and the attached material, or you are considering resigning, please submit a ticket via [IRworks](http://IRworks) or contact the Employee Resource Center (ERC) at 1-866-743-5748 or via the online chat box at [https://connect.irs.gov/system/web/custom/vascripts/erc\\_launch\\_va.html](https://connect.irs.gov/system/web/custom/vascripts/erc_launch_va.html), and tell them you received a RIF notice.

The following attachments can be found on <https://www.irs.gov/newsroom/irs-employee-emergency-news>

- RIF Notice Package - Quick Reference Guide
- RIF Information Sheet
- Benefits/Entitlements
- OPM RIF Regulations (5 CFR, Part 351)
- MSPB Abbreviated Regulations and Appeal Form

Attachment -Offer Reply Form

Attachment

**OFFER REPLY FORM**

**PLEASE COMPLETE AND EMAIL THIS FORM WITHIN 5 WORKDAYS TO:**

[hco.ta.workforce.shaping@irs.gov](mailto:hco.ta.workforce.shaping@irs.gov)

**THIS FORM MUST BE RECEIVED NO LATER THAN CLOSE OF BUSINESS ON THE 5TH WORKDAY FROM THE DATE OF RECEIPT OF THE RIF NOTICE. (The notice receipt date is not included in the 5 workdays.)**

**FAILURE TO RETURN THIS FORM WITHIN 5 WORKDAYS WILL BE CONSIDERED A DECLINATION.**

-----  
Name: \_\_\_\_\_

Present Organization and Post of Duty:

Management & Program Anal, GS-0343-13  
INTERNAL REVENUE SERVICE OFC OF CIVIL RIGHTS AND COMPL DIVERSITY &  
INCLUSION DIVISION DIV,STRATEGY&PROACT RES SVCS SEC

Position Offered in RIF Notice:

GS-0260-12  
Position Description Number: S927840027  
OFC OF CIVIL RIGHTS AND COMPL  
EQUAL EMPLOYMENT OPPORTUNITY  
EEO - TERRITORY 2

Please check one:

\_\_\_\_\_ **I ACCEPT** the position offered above.

\_\_\_\_\_ **I DECLINE** the position offered above. I understand that, because of this declination, I will be separated from the Federal Service by RIF procedures on 6/3/2025, and that if this was a reasonable offer (defined as not more than two grade or pay levels below your current position), I will not be eligible for severance pay or discontinued service retirement (even if I previously met the criteria for these entitlements).

Employee Signature\*: \_\_\_\_\_ Date: \_\_\_\_\_

\*Electronic or hand signatures are acceptable

# Exhibit 10

**From:** Gretchen Paulig <gretchen.paulig@NTEU.ORG>

**Sent:** Thursday, April 10, 2025 4:59 PM

**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>; Julie Lenggenhager <julie.lenggenhager@NTEU.ORG>

**Subject:** FW: [EXT] RE: Rescheduled Arbitration - V. Robinson

---

**From:** Elizabeth Reyes <elizabeth.reyes@NTEU.ORG>

**Sent:** Thursday, April 10, 2025 3:52 PM

**To:** Gretchen Paulig <gretchen.paulig@NTEU.ORG>

**Subject:** FW: [EXT] RE: Rescheduled Arbitration - V. Robinson

---

**From:** Bugaj Jennifer E <[Jennifer.E.Bugaj@IRSCOUNSEL.TREAS.GOV](mailto:Jennifer.E.Bugaj@IRSCOUNSEL.TREAS.GOV)>

**Sent:** Thursday, April 10, 2025 3:28 PM

**To:** Elizabeth Reyes <[elizabeth.reyes@NTEU.ORG](mailto:elizabeth.reyes@NTEU.ORG)>

**Subject:** RE: [EXT] RE: Rescheduled Arbitration - V. Robinson

---

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hi Elizabeth,

We are currently awaiting further guidance on the Executive Order relating to the CBA. For this reason, I cannot make arrangements regarding this hearing at this time, nor commit to travel plans or location for this hearing until Department of the Treasury provides final guidance on the collective bargaining

agreement. I will get back to you once there is an update on that; hopefully there will be a resolution soon.

Thank you,

**Jennifer E. Bugaj**

Senior Counsel (GLS)

Office of Chief Counsel (IRS) – Chicago

Ph: 312.292.2281

---

# Exhibit 11



---

**From:** Rice Jessica B <Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV>  
**Sent:** Wednesday, May 21, 2025 3:05 PM  
**To:** hoy68@gmail.com <hoya68@gmail.com>; Anna Gnadt <anna.gnadt@NTEU.ORG>; arbitrator@alpern.us <arbitrator@alpern.us>  
**Cc:** Morelli Amy E <Amy.E.Morelli@irsounsel.treas.gov>  
**Subject:** RE: [EXT] RE: Arbitration Assignment - NTEU Chapter 50 & IRS Guard Removal (2024-13947-G)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Arbitrator Alpern,

As I'm sure you are aware, there is ongoing litigation regarding the President's recent Executive Order concerning collective bargaining rights for federal employees. Our office has been instructed to refrain from participating in any activities related to collective bargaining, including having any substantive contact with the union. Substantive contact is basically anything more than notifying the union that we are not to have contact. We will let you know if that changes.

Jessica Rice, Senior Counsel  
Office of Chief Counsel, IRS

General Legal Services-Atlanta  
desk – 470.639.2157  
cell – 470.796.0755  
fax – 855.627.3525  
[Jessica.Rice@IRSCounsel.Treas.Gov](mailto:Jessica.Rice@IRSCounsel.Treas.Gov)

---

**From:** hoya68@gmail.com <hoya68@gmail.com>  
**Sent:** Wednesday, May 21, 2025 2:41 PM  
**To:** 'Anna Gnad' <anna.gnad@NTEU.ORG>; arbitrator@alpern.us  
**Cc:** Morelli Amy E <Amy.E.Morelli@irscounsel.treas.gov>; Rice Jessica B <Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV>  
**Subject:** [EXT] RE: Arbitration Assignment - NTEU Chapter 50 & IRS Guard Removal (2024-13947-G)

Counsel:

May I please have a response to my inquiry?

Thank you.

Stephen E. Alpern  
Arbitrator

[www.alpern.us](http://www.alpern.us)

---

**From:** [hoya68@gmail.com](mailto:hoya68@gmail.com) <[hoya68@gmail.com](mailto:hoya68@gmail.com)>  
**Sent:** Tuesday, March 11, 2025 10:13 AM  
**To:** 'Anna Gnad' <[anna.gnad@NTEU.ORG](mailto:anna.gnad@NTEU.ORG)>; [arbitrator@alpern.us](mailto:arbitrator@alpern.us)  
**Cc:** 'Morelli Amy E' <[Amy.E.Morelli@irscounsel.treas.gov](mailto:Amy.E.Morelli@irscounsel.treas.gov)>; 'Rice Jessica B' <[Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV](mailto:Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV)>  
**Subject:** RE: Arbitration Assignment - NTEU Chapter 50 & IRS Guard Removal (2024-13947-G)

Counsel:

Have the parties agreed on a date for the hearing in this matter?

Stephen E. Alpern  
Arbitrator

[www.alpern.us](http://www.alpern.us)

---

**From:** [hoya68@gmail.com](mailto:hoya68@gmail.com) <[hoya68@gmail.com](mailto:hoya68@gmail.com)>  
**Sent:** Wednesday, December 18, 2024 4:23 PM  
**To:** 'Anna GnadT' <[anna.gnadt@NTEU.ORG](mailto:anna.gnadt@NTEU.ORG)>; 'arbitrator@alpern.us' <[arbitrator@alpern.us](mailto:arbitrator@alpern.us)>  
**Cc:** 'Morelli Amy E' <[Amy.E.Morelli@irscounsel.treas.gov](mailto:Amy.E.Morelli@irscounsel.treas.gov)>; 'Rice Jessica B' <[Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV](mailto:Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV)>  
**Subject:** RE: Arbitration Assignment - NTEU Chapter 50 & IRS Guard Removal (2024-13947-G)

Ms. GnadT:

Thank you for the notification of my selection. My fee structure and cancellation policies are as follows:

**PER DIEM FEE:** \$1,800.00      **DOCKETING FEE:** None

**CANCELLATION FEE:** (See below)

**Grievance Arbitration:** The fee is \$1,800.00 per day for hearing, and for research and preparation of the opinion and award. A hearing day is any portion of a day up to eight hours. Time for research and preparation is prorated on a half-day basis. The arbitrator reserves the right to bill on an interim basis in protracted cases.

**Interest Arbitration, Fact-finding and Mediation:** \$1,800.00 per day, or portion thereof. Research and preparation is prorated at \$225.00 per hour.

**Travel Time:** Travel time not included in a hearing day is charged at the daily rate, and is prorated.

**Expenses:** Arbitrator charges actual cost of reasonable expenses, including airfare, car rental, meals and lodging. Automobile mileage is charged at the established IRS rate. Arbitrator charges actual expenses for copying, phone, and extraordinary clerical expenses.

**Cancellation Policy:** . Cancellations or postponements made within 14 days prior to a hearing will incur a fee of \$1800 for each scheduled hearing day, cancellations or postponements made more than 14 days

but less than 28 days prior to the scheduled hearing date will incur a fee of \$900 for each scheduled hearing date.

I have the following dates available in March and April: any dates in March, except March 4-7, 18-21, 25 and 27. All April dates are presently available except April 9. You should be aware that these dates have been offered to parties in other cases, as well.

I look forward to working with you, Ms. Morelli, and Ms. Rice.

Best regards,

Stephen E. Alpern  
Arbitrator

[www.alpern.us](http://www.alpern.us)

---

**From:** Anna Gnadl <[anna.gnadl@NTEU.ORG](mailto:anna.gnadl@NTEU.ORG)>

**Sent:** Wednesday, December 18, 2024 8:19 AM

**To:** [arbitrator@alpern.us](mailto:arbitrator@alpern.us); [hoya68@gmail.com](mailto:hoya68@gmail.com)

**Cc:** Morelli Amy E <[Amy.E.Morelli@irsounsel.treas.gov](mailto:Amy.E.Morelli@irsounsel.treas.gov)>; Rice Jessica B <[Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV](mailto:Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV)>

**Subject:** Arbitration Assignment - NTEU Chapter 50 & IRS Guard Removal (2024-13947-G)

Arbitrator Alpern,

You have been assigned to arbitrate the above matter. I represent NTEU Chapter 50, and Ms. Morelli and Ms. Rice represent the IRS. The parties will reach out after the holidays for next steps. Meanwhile, please provide us with your available hearing dates in or around March/April 2025, your fee schedule, and cancellation policy.

Thank you,

M. Anna Gnadl  
Assistant Counsel

## National Treasury Employees Union

Atlanta Field Office

3475 Lenox Rd. NE, Suite 690

Atlanta, GA 30326

(770) 674-6473 desk

(202) 560-3608 mobile

(202) 217-1534 Efax



**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an "undeliverable" message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

# Exhibit 12



---

**From:** Anna Gnadt <anna.gnadt@NTEU.ORG>  
**Sent:** Wednesday, May 21, 2025 1:21 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Cc:** Shellie Sewell <shellie.sewell@NTEU.ORG>  
**Subject:** Fw: [External] Fw: Invocation of Arbitration ALERTS 2024-16655 Mass CHA Health & Safety - Request for Hearing Dates

Dan,

  
see below RE: IRS.

Thanks,

M. Anna Gnadt  
Assistant Counsel  
**National Treasury Employees Union**  
Atlanta Field Office  
3475 Lenox Rd. NE, Suite 690  
Atlanta, GA 30326  
(770) 674-6473 desk  
(202) 560-3608 mobile  
(202) 217-1534 Efax







**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an "undeliverable" message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Rice Jessica B <Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV>  
**Sent:** Wednesday, May 21, 2025 12:28 PM  
**To:** Philip Anthony Laporte <plaporte@gsu.edu>; Anna Gnadt <anna.gnadt@NTEU.ORG>  
**Cc:** Nguyen Matthew T <Matthew.T.Nguyen@irscounsel.treas.gov>  
**Subject:** RE: [External] Fw: Invocation of Arbitration ALERTS 2024-16655 Mass CHA Health & Safety - Request for Hearing Dates

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Arbitrator LaPorte,

Our office has been instructed to refrain from participating in any activities related to collective bargaining, including having any substantive contact with the union. Substantive contact is basically anything more than notifying the union that we are not to have contact. We will let you know if that changes.

Jessica Rice, Senior Counsel  
Office of Chief Counsel, IRS  
General Legal Services-Atlanta  
desk – 470.639.2157  
cell – 470.796.0755  
fax – 855.627.3525

[Jessica.Rice@IRSCounsel.Treas.Gov](mailto:Jessica.Rice@IRSCounsel.Treas.Gov)

---

**From:** Philip Anthony Laporte <plaporte@gsu.edu>

**Sent:** Tuesday, May 20, 2025 4:17 PM

**To:** Anna Gnadt <anna.gnadt@NTEU.ORG>

**Cc:** Nguyen Matthew T <Matthew.T.Nguyen@irscounsel.treas.gov>; Rice Jessica B <Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV>

**Subject:** Re: [External] Fw: Invocation of Arbitration ALERTS 2024-16655 Mass CHA Health & Safety - Request for Hearing Dates

May 20, 2025

Dear Parties:

Thank you for your email regarding dates to schedule an arbitration hearing with the IRS and NTEU in Chattanooga, Tennessee. The dates of September 30, October 1, 2, 3, 2025, are currently available on my calendar to schedule consecutive days of hearings. Please consult with your respective clients and each other to determine if any of these dates prove mutually acceptable.

In the process of scheduling hearings with other federal agencies and unions, I have been cautioned about the recent Executive Order concerning collective bargaining rights for federal employees. Several federal agencies have requested that all hearings be postponed until challenges to the Executive Order have been fully litigated. Federal sector unions have been opposed to any delay in the hearing process. Please advise to your respective positions regarding this issue.

Thank you for your patience as we work through the scheduling process.

Sincerely,

Philip A. LaPorte, NAA

ARBITRATOR

[plaporte@gsu.edu](mailto:plaporte@gsu.edu)

404-316-6798

---

**From:** Anna Gnadt <[anna.gnadt@NTEU.ORG](mailto:anna.gnadt@NTEU.ORG)>

**Sent:** Tuesday, May 13, 2025 1:22 PM

**To:** Philip Anthony Laporte <[plaporte@gsu.edu](mailto:plaporte@gsu.edu)>

**Cc:** Nguyen Matthew T <[matthew.t.nguyen@irscounsel.treas.gov](mailto:matthew.t.nguyen@irscounsel.treas.gov)>; Rice Jessica B <[jessica.b.rice@irscounsel.treas.gov](mailto:jessica.b.rice@irscounsel.treas.gov)>

**Subject:** [External] Fw: Invocation of Arbitration ALERTS 2024-16655 Mass CHA Health & Safety - Request for Hearing Dates

You don't often get email from [anna.gnadt@nteu.org](mailto:anna.gnadt@nteu.org). [Learn why this is important](#)

Arbitrator LaPorte,

I previously notified you that you were selected to arbitrate the above matter between NTEU Chapter 39 and the IRS, and requested your available hearing dates. I do not see a response from you. If I missed it, please resend it to me.

Regards,

M. Anna Gnadt  
Assistant Counsel  
**National Treasury Employees Union**  
Atlanta Field Office  
3475 Lenox Rd. NE, Suite 690  
Atlanta, GA 30326  
(770) 674-6473 desk  
(202) 560-3608 mobile  
(202) 217-1534 Efax



**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will **NOT** receive an “undeliverable” message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Anna Gnad

**Sent:** Wednesday, April 9, 2025 7:48 AM

**To:** [plaporte@gsu.edu](mailto:plaporte@gsu.edu) <[plaporte@gsu.edu](mailto:plaporte@gsu.edu)>

**Cc:** [matthew.t.nguyen@irscounsel.treas.gov](mailto:matthew.t.nguyen@irscounsel.treas.gov) <[matthew.t.nguyen@irscounsel.treas.gov](mailto:matthew.t.nguyen@irscounsel.treas.gov)>; Rice Jessica B <[Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV](mailto:Jessica.B.Rice@IRSCOUNSEL.TREAS.GOV)>

**Subject:** FW: Invocation of Arbitration ALERTS 2024-16655 Mass CHA Health & Safety - Request for Hearing Dates

Arbitrator LaPorte,

I am counsel for NTEU Chapter 39 in the above matter. Please be advised that the parties have selected you to arbitrate this grievance. Mr. Nguyyen and Ms. Rice are counsel for the IRS and are copied above. At your convenience, please provide the parties with your available hearing dates through September 2025. NTEU is requesting a 3-day arbitration hearing on consecutive dates, preferably Tuesday-Thursday so that witnesses are not required to travel on the weekend. Please also provide a copy of your current fee schedule and cancellation policy.

Regards,

M. Anna Gnad

Assistant Counsel

**National Treasury Employees Union**

Atlanta Field Office

3475 Lenox Rd. NE, Suite 690

Atlanta, GA 30326

(770) 674-6473 desk

(202) 560-3608 mobile

(202) 217-1534 Efax





**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an "undeliverable" message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Shellie Sewell <[shellie.sewell@NTEU.ORG](mailto:shellie.sewell@NTEU.ORG)>  
**Sent:** Thursday, January 2, 2025 4:59 PM  
**To:** \*HCO Arbitrations <[hco.arbitrations@irs.gov](mailto:hco.arbitrations@irs.gov)>  
**Cc:** [GLSATLDocket@irscounsel.treas.gov](mailto:GLSATLDocket@irscounsel.treas.gov); Greene Andrew M <[andrew.m.greene@irscounsel.treas.gov](mailto:andrew.m.greene@irscounsel.treas.gov)>; Roger H. <[Roger.Hammons@irs.gov](mailto:Roger.Hammons@irs.gov)>; Anna Gnadt <[anna.gnadt@NTEU.ORG](mailto:anna.gnadt@NTEU.ORG)>; Cynthia Cerna <[cynthia.cerna@NTEU.ORG](mailto:cynthia.cerna@NTEU.ORG)>  
**Subject:** Invocation of Arbitration ALERTS 2024-16655 Mass CHA Health & Safety

Good afternoon:

Attached, please find the Union's invocation regarding the above-referenced case. As a courtesy, please also forward a copy to Marilyn Doss, Labor Relations Specialist.

Respectfully submitted,

**Shellie L. Sewell**  
National Counsel

**National Treasury Employees Union**  
Atlanta Field Office  
3475 Lenox Rd. NE, Suite 690  
Atlanta, GA 30326

(404) 728-1630

[www.nteu.org](http://www.nteu.org)

This email message and any attachments is intended only for the named recipient(s). It may contain information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law and may not be forwarded, disclosed or otherwise utilized without the express permission of the sender. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, do not review the contents, please notify the sender and then delete the message.

CAUTION: This email was sent from someone outside of the university. Do not click links or open attachments unless you recognize the sender and know the content is safe.

s61A4ef3l74X5Sa77QJi

# Exhibit 13



[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Gretchen Paulig <gretchen.paulig@NTEU.ORG>  
**Sent:** Wednesday, May 28, 2025 2:36 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>; Julie Lenggenhager <julie.lenggenhager@NTEU.ORG>  
**Cc:** Nick Vitolo <nick.vitolo@NTEU.ORG>  
**Subject:** FW: Notice of Union Office Space, Union Time

BFS taking back union office and all furniture and will no longer permit union time, citing the exclusions EO. So much for the government's promise to adhere to CBAs until litigation is complete.

Gretchen

---

**From:** NTEU Chapter 214 <NTEU.Chapter.214@fiscal.treasury.gov>  
**Sent:** Wednesday, May 28, 2025 1:33 PM  
**To:** Nick Vitolo <nick.vitolo@NTEU.ORG>; Gretchen Paulig <gretchen.paulig@NTEU.ORG>  
**Subject:** Fw: Notice of Union Office Space, Union Time

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

---

**From:** Labor & Employee Relations <[LaborAndEmployeeRelations@fiscal.treasury.gov](mailto:LaborAndEmployeeRelations@fiscal.treasury.gov)>  
**Sent:** Wednesday, May 28, 2025 10:30 AM  
**To:** Errick D. King <[Errick.King@fiscal.treasury.gov](mailto:Errick.King@fiscal.treasury.gov)>; Wayne A. Clements <[Wayne.Clements@fiscal.treasury.gov](mailto:Wayne.Clements@fiscal.treasury.gov)>; Victor M. Gavillan Jr. <[Victor.Gavillan@fiscal.treasury.gov](mailto:Victor.Gavillan@fiscal.treasury.gov)>;

NTEU Chapter 214 <[NTEU.Chapter.214@fiscal.treasury.gov](mailto:NTEU.Chapter.214@fiscal.treasury.gov)>; Kimberly Mack-Thomas  
<[Kimberly.Mack-Thomas@fiscal.treasury.gov](mailto:Kimberly.Mack-Thomas@fiscal.treasury.gov)>; Derrick D. Jackson Sr.  
<[Derrick.Jackson@fiscal.treasury.gov](mailto:Derrick.Jackson@fiscal.treasury.gov)>; Tavane L. Vineyard <[Tavane.Vineyard@fiscal.treasury.gov](mailto:Tavane.Vineyard@fiscal.treasury.gov)>  
**Cc:** Rani Rolston <[rani.rolston@NTEU.ORG](mailto:rani.rolston@NTEU.ORG)>; Ryan S. Collins <[Ryan.Collins@fiscal.treasury.gov](mailto:Ryan.Collins@fiscal.treasury.gov)>  
**Subject:** Notice of Union Office Space, Union Time

Good Morning,

Please see attached Notice as it relates to Union Office Space and Union Time.

Thanks,

**Gary L. Kimes**  
Human Resources Specialist  
Labor Relations and Performance Management Branch  
Human Capital Division  
Bureau of the Fiscal Service  
Department of the Treasury  
Desk: (304) 480-8274



## Union Office Space, Union Time

This message is being sent to all chapters of NTEU.

### **Summary**

On March 27, 2025, President Trump signed an executive order entitled Exclusions from Federal Labor-Management Relations Programs (Exclusions). This order invoked the President's authority under 5 U.S.C § 7103(b)(1) and 22 U.S.C. § 4103(b) to exempt agencies and agency subdivisions from the provisions of the Federal Service Labor-Management Relations Statute and the Foreign Service Labor-Management Relations Statute (individually and collectively, the FSLMRS).

Effective **June 4, 2025**, FS will reclaim any agency space, furniture, equipment (e.g., computers, phones), and other resources previously utilized by NTEU for representational activities. At this time, these resources will not be repurposed.

- NTEU must return the keys to the union dedicated office spaces located in each FS facility to the appropriate Facilities POC by **June 4, 2025**.
  - Metro 1/Liberty Center - return keys to Evan Dame and/or Krystal Reese
  - Third Street/Avery – return keys to Tommy Hart
  - Austin – return keys to Marco Salinas
  - Birmingham - return keys to Glenn Flowers
  - Philadelphia – return keys to Steve Kovacs
  - Kansas City - return keys to Susan Robinson

Please note, any files/filing cabinets/drawers, should they be locked, will remain locked, as well as the office spaces will not be reassigned, or otherwise used, and will remain locked, pending outcome of litigation.

- NTEU must return all nonstandard equipment such as iPhones. No later than **June 2, 2025**, submit a [Reclaim Asset](#) request and select "Pick Up" and please add your building and desk number to have your equipment picked up. While there are instructions within ESM to wipe the device, you are not required to wipe the device. In situations where printers/scanners are located in the union office, they will remain in the union office pending outcome of litigation.

Additionally, **effective June 4, 2025**, previously authorized taxpayer-funded union time is no longer permitted and all NTEU representatives should only be conducting agency-assigned work during their scheduled duty time.

Fiscal Service will direct your immediate supervisor to provide you with a workstation if you do not have one and provide you with sufficient work if you do not currently perform any work outside of union functions.

All National grievances are being held in abeyance pending litigation for *Exclusions*, and FS will provide updates when additional guidance is received.

If you have questions about this change or need clarification please contact [laborandemployeerelations@fiscal.treasury.gov](mailto:laborandemployeerelations@fiscal.treasury.gov)



Other questions or concerns should be directed to: [laborandemployeerelations@fiscal.treasury.gov](mailto:laborandemployeerelations@fiscal.treasury.gov)



Department of the Treasury | Bureau of the Fiscal Service

# Exhibit 14

[REDACTED]

---

[REDACTED]

**From:** Dan Kaspar <dan.kaspar@nteu.org>

**Date:** May 29, 2025 at 4:43:47 PM EDT

[REDACTED]

**Subject:** Fw: 2025-05-27: 1187s submitted for processing Batch 1 of 1

Daniel J. Kaspar (he/him)

Director of Field Operations & Organizing

National Treasury Employees Union

800 K Street, NW - Suite 1000

Washington, D.C. 20001

(202) 572-5500, ext. 6346

---

**From:** DO HR Processing <DOHRProcessing@fiscal.treasury.gov>

**Sent:** Thursday, May 29, 2025 9:27 AM

**To:** Talita Grayton <talita.grayton@nteu.org>

**Subject:** RE: 2025-05-27: 1187s submitted for processing Batch 1 of 1

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

\*\*\*CONTROLLED UNCLASSIFIED INFORMATION\*\*\*



Good Morning,

Pursuant to the executive order signed on March 27, 2025, Exclusions From Federal Labor-Management Relations Programs, ARC is no longer able to process union dues elections effective Pay Period 09 and forward. Any union dues elections that were already processed will be automatically cancelled by the National Finance Center and the employee will not have those dues withheld from their pay.

## Brady Smith

Human Resources Assistant  
Leave Administration Branch  
Administrative Resource Center  
Bureau of the Fiscal Service  
Help Desk: 304-480-8000 option 4

NOTE: Please be aware that if you email documents containing personally identifiable information (PII), the information may not be secure and your email may be intercepted or otherwise viewed against your wishes. ARC strongly encourages you not to use unsecured email as a means to communicate sensitive information to us. To help secure your data, please contact me and request that I send you an encrypted email message; you can then open and respond to the message and this will then encrypt your message and any attachments you send me.

---

**From:** Talita Grayton <[talita.grayton@nteu.org](mailto:talita.grayton@nteu.org)>  
**Sent:** Tuesday, May 27, 2025 9:28 AM  
**To:** DO HR Processing <[DOHRProcessing@fiscal.treasury.gov](mailto:DOHRProcessing@fiscal.treasury.gov)>  
**Subject:** 2025-05-27: 1187s submitted for processing Batch 1 of 1

**CAUTION:** This email has originated from an external entity. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Hello,

Please process the attached 1187(s). Please note that the accompanying zip



attachment is encrypted.

This is batch email 1 of 1.

If you have any questions or concerns, please feel free to reach out to me.

Thanks,

Talita

*Talita Grayton*

Operations Specialist  
National Treasury Employees Union  
800 K Street, NW, 10<sup>th</sup> Floor  
Washington, DC 20001  
202-572-5500, ext. 7023  
202-315-2515 (efax)

# Exhibit 15

**From:** [Dan Kaspar](#)  
**Subject:** Fw: Fiscal Service Counter to Chapter 202 First proposal for Liberty Center move to 9th St  
**Date:** Monday, June 2, 2025 3:36:29 PM  
**Attachments:** [~WRD0001.jpg](#)

---

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Sarah Riger <sarah.riger@NTEU.ORG>  
**Sent:** Monday, June 2, 2025 3:06 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Subject:** Fw: Fiscal Service Counter to Chapter 202 First proposal for Liberty Center move to 9th St

[REDACTED]

---

**From:** May Silverstein <may.silverstein@NTEU.ORG>  
**Sent:** Monday, June 2, 2025 2:10 PM  
**To:** Sarah Riger <sarah.riger@NTEU.ORG>  
**Subject:** Fw: Fiscal Service Counter to Chapter 202 First proposal for Liberty Center move to 9th St

[REDACTED]

---

**From:** Labor & Employee Relations <LaborAndEmployeeRelations@fiscal.treasury.gov>  
**Sent:** Monday, June 2, 2025 11:30 AM  
**To:** NTEU202 BFSHeadquarters [REDACTED]  
**Cc:** Errick D. King <Errick.King@fiscal.treasury.gov>; Kimberly R. Smith <Kimberly.Smith@fiscal.treasury.gov>; Rani Rolston <rani.rolston@NTEU.ORG>; May Silverstein <may.silverstein@NTEU.ORG>; Ryan S. Collins <Ryan.Collins@fiscal.treasury.gov>; Amanda R. Jackson <amanda.jackson@fiscal.treasury.gov>

**Subject:** RE: Fiscal Service Counter to Chapter 202 First proposal for Liberty Center move to 9th St

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Pursuant to Executive Order 14251 “Exclusions from Federal Labor-Management Relations Programs” and the Office of Personnel Management’s guidance, the Agency will hold your request in abeyance pending the outcome of litigation over Executive Order 14251. On April 25, 2025, the U.S. District Court, District of Columbia granted NTEU a preliminary injunction, which halted implementation of the EO and allowed the Agency to initially engage in bargaining over this matter. However, as of May 16, 2025, the U.S. Court of Appeals, D.C. Circuit issued a stay of the lower court’s ruling. Therefore, we will be resuming compliance with OPM’s guidance to hold these matters in abeyance pending the outcome of litigation over Executive Order 14251.”

Gary L. Kimes

Human Resources Specialist

Labor Relations and Performance Management Branch

Human Capital Division

Bureau of the Fiscal Service

Department of the Treasury

Desk: (304) 480-8274

---

**From:** NTEU202 BFSHeadquarters [REDACTED]

**Sent:** Friday, May 30, 2025 11:20 PM

**To:** Labor & Employee Relations <LaborAndEmployeeRelations@fiscal.treasury.gov>

**Cc:** Errick D. King <Errick.King@fiscal.treasury.gov>; Kimberly R. Smith <Kimberly.Smith@fiscal.treasury.gov>; Rani Rolston <rani.rolston@nteu.org>; May Silverstein <may.silverstein@nteu.org>; Ryan S. Collins <Ryan.Collins@fiscal.treasury.gov>; Amanda R. Jackson <amanda.jackson@fiscal.treasury.gov>

**Subject:** Re: Fiscal Service Counter to Chapter 202 First proposal for Liberty Center move to 9th St

**CAUTION:** This email has originated from an external entity. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Good morning Ryan and Gary

Do you have time to discuss a few of the items in the MOU, Monday or Tuesday

Errick

**Chapter 202**

National Treasury Employees Union  
(NTEU)



202-874-8941 President's Desk

202-438-1236 President's Cell Phone

[https://hyperlink.services.treasury.gov/?  
origin=www.nteu202.org](https://hyperlink.services.treasury.gov/?origin=www.nteu202.org)

---

# Exhibit 16

[REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Peyton Diotalevi <peyton.diotalevi@nteu.org>  
**Sent:** Tuesday, May 27, 2025 3:29 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>; Julie Lenggenhager <julie.lenggenhager@NTEU.ORG>  
**Subject:** Fw: Treasury DO & Exclusions EO

[REDACTED]

---

**From:** Dorit Radzin <dorit.radzin@NTEU.ORG>  
**Sent:** Tuesday, May 27, 2025 3:25 PM  
**To:** Peyton Diotalevi <peyton.diotalevi@nteu.org>  
**Subject:** Treasury DO & Exclusions EO

I just heard from Wenzler that they are being told to stop recognizing us again so he won't be able to bargain, process grievances, etc. He seemed open to continuing to do what we did before which was meet informally, share what could be shared, etc. and we talked about a status call next week when Erika's back in town. Sigh, I guess we'll see where things are in a couple days...

**Dorit Radzin (she/her)** | National Field Representative  
National Treasury Employees Union  
800 K Street NW, 10<sup>th</sup> Floor  
Washington, DC 20001  
Mobile: 202-913-6648 | Office: 202-572-5594



# Exhibit 17



---

**Fw: Executive Order Stopping Union Dues Payroll Deductions**

---

**From** Dan Kaspar <dan.kaspar@NTEU.ORG>

**Date** Mon 4/14/2025 2:38 PM

**To** Allie Giles <Allie.Giles@NTEU.ORG>

Get [Outlook for iOS](#)

---

**From:** William Igoe <william.igoe@NTEU.ORG>

**Sent:** Monday, April 14, 2025 2:36 PM

**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>

**Cc:** Michael McAuley <michael.mcauley@NTEU.ORG>

**Subject:** Executive Order Stopping Union Dues Payroll Deductions

---

**From:** Johnson, Andrea M. <[Andrea.Johnson@ttb.gov](mailto:Andrea.Johnson@ttb.gov)>

**Sent:** Friday, April 11, 2025 11:16 AM

**Cc:** All TTB SUPERVISORS <[ALLTTBSUPERVISORS@ttb.gov](mailto:ALLTTBSUPERVISORS@ttb.gov)>; Aderibigbe, Oyinlola <[Oyinlola.Aderibigbe@ttb.gov](mailto:Oyinlola.Aderibigbe@ttb.gov)>; Martinez, Kameron T. <[Kameron.Martinez@ttb.gov](mailto:Kameron.Martinez@ttb.gov)>; Johnson, Andrea M. <[Andrea.Johnson@ttb.gov](mailto:Andrea.Johnson@ttb.gov)>

**Subject:** Executive Order Stopping Union Dues Payroll Deductions

---

Good day,

**\*\*This message applies only to those TTB employees coded as bargaining unit. Supervisors are copied for context.\*\***

Pursuant to the executive order signed on March 27, 2025, [Exclusions From Federal Labor-Management Relations Programs](#), the National Finance Center (NFC) will be halting union dues deductions for covered Treasury Bureaus, to include TTB, as outlined in the executive order effective pay period 6 (March 23, 2025 through April 5, 2025) and beyond. Any union dues elections that were being deducted from an employee's pay will automatically be cancelled by the National Finance Center.

Please direct any questions to your supervisor or [HR Business Partner](#).

Regards,  
Andrea Johnson  
Human Resources Specialist  
Alcohol and Tobacco Tax and Trade Bureau (TTB)  
Office: (202) 453-2166  
<https://www.ttb.gov/>



This message was secured by [Zix](#)<sup>®</sup>.

# Exhibit 18

From: William Igoe <william.igoe@NTEU.ORG>

Sent: Monday, April 14, 2025 2:41 PM

To: Dan Kaspar <dan.kaspar@NTEU.ORG>

Subject: FW: Grievance filed on behalf of NTEU and all Bargaining Unit employees impacted by the TTB elimination of telework and remote work options.

---

From: Trivers, Geoffrey A. <Geoffrey.Trivers@ttb.gov>

Sent: Monday, April 14, 2025 8:56 AM

To: William Igoe <william.igoe@NTEU.ORG>

Cc: Michael McAuley <michael.mcauley@NTEU.ORG>; Mary R. Ryan <mary.ryan@fiscal.treasury.gov>; Hodge, Marlo A. <Marlo.Hodge@ttb.gov>; Johnson, Andrea M. <Andrea.Johnson@ttb.gov>

Subject: RE: Grievance filed on behalf of NTEU and all Bargaining Unit employees impacted by the TTB elimination of telework and remote work options.

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Will

TTB does not intend to respond to the grievance request and the information request in the foreseeable future.

As a result of EO 14251, TTB has suspended (until further notice) all proceedings under the CBA including but not limited to: grievances under the Negotiated Grievance Process (NGP), Partnership Council, midterm bargaining, and Requests for Information, etc.

Please note that employees may transition NGP grievances to TTB's Administrative Grievance Process.

R  
Geoff

Geoffrey Trivers, DBA, SPHR, SHRM-SCP  
Human Resources Officer  
Alcohol and Tobacco Tax and Trade Bureau (TTB)  
202 306-5971 (mobile)

---

**From:** William Igoe <[william.igoe@NTEU.ORG](mailto:william.igoe@NTEU.ORG)>  
**Sent:** Friday, April 11, 2025 3:48 PM  
**To:** Johnson, Andrea M. <[Andrea.Johnson@ttb.gov](mailto:Andrea.Johnson@ttb.gov)>; Trivers, Geoffrey A. <[Geoffrey.Trivers@ttb.gov](mailto:Geoffrey.Trivers@ttb.gov)>  
**Cc:** Michael McAuley <[michael.mcauley@NTEU.ORG](mailto:michael.mcauley@NTEU.ORG)>; Mary R. Ryan <[mary.ryan@fiscal.treasury.gov](mailto:mary.ryan@fiscal.treasury.gov)>; Hodge, Marlo A. <[Marlo.Hodge@ttb.gov](mailto:Marlo.Hodge@ttb.gov)>  
**Subject:** [EXTERNAL]RE: Grievance filed on behalf of NTEU and all Bargaining Unit employees impacted by the TTB elimination of telework and remote work options.

**CAUTION:** This email has originated from an external entity. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Geoffrey and Andrea,

Please let me know if you intend to respond to the grievance request and the information request.

Thank you,

Will Igoe

---

**From:** Johnson, Andrea M. <[Andrea.Johnson@ttb.gov](mailto:Andrea.Johnson@ttb.gov)>  
**Sent:** Wednesday, March 19, 2025 11:10 AM  
**To:** William Igoe <[william.igoe@NTEU.ORG](mailto:william.igoe@NTEU.ORG)>; Trivers, Geoffrey A. <[Geoffrey.Trivers@ttb.gov](mailto:Geoffrey.Trivers@ttb.gov)>  
**Cc:** Michael McAuley <[michael.mcauley@NTEU.ORG](mailto:michael.mcauley@NTEU.ORG)>; Mary R. Ryan <[mary.ryan@fiscal.treasury.gov](mailto:mary.ryan@fiscal.treasury.gov)>; Hodge, Marlo A. <[Marlo.Hodge@ttb.gov](mailto:Marlo.Hodge@ttb.gov)>  
**Subject:** RE: Grievance filed on behalf of NTEU and all Bargaining Unit employees impacted by the TTB elimination of telework and remote work options.

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Thank you and no worries.

Regards,  
Andrea Johnson  
Human Resources Specialist  
Alcohol and Tobacco Tax and Trade Bureau (TTB)  
Office: (202) 453 2166  
<https://www.ttb.gov/>



---

**From:** William Igoe <[william.igoe@NTEU.ORG](mailto:william.igoe@NTEU.ORG)>

**Sent:** Wednesday, March 19, 2025 12:05 PM

**To:** Johnson, Andrea M. <[Andrea.Johnson@ttb.gov](mailto:Andrea.Johnson@ttb.gov)>; Trivers, Geoffrey A. <[Geoffrey.Trivers@ttb.gov](mailto:Geoffrey.Trivers@ttb.gov)>

**Cc:** Michael McAuley <[michael.mcauley@NTEU.ORG](mailto:michael.mcauley@NTEU.ORG)>; Mary R. Ryan <[mary.ryan@fiscal.treasury.gov](mailto:mary.ryan@fiscal.treasury.gov)>; Hodge, Marlo A. <[Marlo.Hodge@ttb.gov](mailto:Marlo.Hodge@ttb.gov)>

**Subject:** [EXTERNAL]RE: Grievance filed on behalf of NTEU and all Bargaining Unit employees impacted by the TTB elimination of telework and remote work options.

**CAUTION:** This email has originated from an external entity. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Attached is the grievance. I apologize for my mistake.

---

**From:** Johnson, Andrea M. <[Andrea.Johnson@ttb.gov](mailto:Andrea.Johnson@ttb.gov)>

**Sent:** Wednesday, March 19, 2025 10:44 AM

**To:** William Igoe <[william.igoe@NTEU.ORG](mailto:william.igoe@NTEU.ORG)>; Trivers, Geoffrey A. <[Geoffrey.Trivers@ttb.gov](mailto:Geoffrey.Trivers@ttb.gov)>

**Cc:** Michael McAuley <[michael.mcauley@NTEU.ORG](mailto:michael.mcauley@NTEU.ORG)>; Mary R. Ryan <[mary.ryan@fiscal.treasury.gov](mailto:mary.ryan@fiscal.treasury.gov)>; Hodge, Marlo A. <[Marlo.Hodge@ttb.gov](mailto:Marlo.Hodge@ttb.gov)>

**Subject:** RE: Grievance filed on behalf of NTEU and all Bargaining Unit employees impacted by the TTB elimination of telework and remote work options.

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hi William:

You provided us with the same document in both attachments. Can you please send us the grievance?

Regards,  
Andrea Johnson  
Human Resources Specialist  
Alcohol and Tobacco Tax and Trade Bureau (TTB)  
Office: (202) 453-2166  
<https://www.ttb.gov/>



---

**From:** William Igoe <[william.igoe@NTEU.ORG](mailto:william.igoe@NTEU.ORG)>

**Sent:** Wednesday, March 19, 2025 11:11 AM

**To:** Trivers, Geoffrey A. <[Geoffrey.Trivers@ttb.gov](mailto:Geoffrey.Trivers@ttb.gov)>; Johnson, Andrea M. <[Andrea.Johnson@ttb.gov](mailto:Andrea.Johnson@ttb.gov)>

**Cc:** Michael McAuley <[michael.mcauley@NTEU.ORG](mailto:michael.mcauley@NTEU.ORG)>; Mary R. Ryan <[mary.ryan@fiscal.treasury.gov](mailto:mary.ryan@fiscal.treasury.gov)>; Hodge, Marlo A. <[Marlo.Hodge@ttb.gov](mailto:Marlo.Hodge@ttb.gov)>

**Subject:** [EXTERNAL]Grievance filed on behalf of NTEU and all Bargaining Unit employees impacted by the TTB elimination of telework and remote work options.

**CAUTION:** This email has originated from an external entity. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Ms. Johnson, and Mr. Trivers,

NTEU hereby formally submits the attached grievance(s) on behalf of all affected employees, and NTEU. If you are not the appropriate point of contact to address this matter, kindly forward the grievance to the designated TTB official and ensure a copy is cc'd to this email address.

Also, NTEU would like this filing to be processed as one grievance for efficiency. If you disagree, the filing can instead be treated as two separate grievances, with the ULP (Unfair Labor Practice) issues processed independently. Let me know if you agree.

Sincerely,

William Igoe  
Assistant Counsel  
National Treasury Employees Union  
33 North LaSalle Street, Suite 1700  
Chicago, IL 60602  
(312) 451-1075 (Telephone)  
(312) 977-0693 (Facsimile)  
<https://www.nteu.org/join>





# Exhibit 19

**From:** [Dan Kaspar](#)  
**Subject:** Fw: TTB Collective Bargaining EO  
**Date:** Wednesday, May 21, 2025 6:02:52 PM  
**Attachments:** [Outlook-3jiocjuv.png](#)

---

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** William Igoe <william.igoe@NTEU.ORG>  
**Sent:** Wednesday, May 21, 2025 5:39 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>; Michael McAuley <michael.mcauley@NTEU.ORG>  
**Subject:** TTB Collective Bargaining EO

Dan and Mike,

Marlo was informed by TTB over the phone that, per Treasury, they are cutting off collective bargaining again as of today. TTB stated they will not be providing anything in writing. TTB said they have not gotten clarification on dues from Treasury yet.

Will

William Igoe  
Assistant Counsel  
National Treasury Employees Union  
33 North LaSalle Street, Suite 1700  
Chicago, IL 60602  
(312) 451-1075 (Telephone)  
(312) 977-0693 (Facsimile)  
<https://www.nteu.org/join>

# Exhibit 20

**From:** [Dan Kaspar](#)  
**Subject:** Fw: TTB stops processing grievances.  
**Date:** Monday, June 2, 2025 1:44:14 PM

---

**From:** William Igoe <william.igoe@NTEU.ORG>  
**Sent:** Monday, June 2, 2025 1:26 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>; Michael McAuley <michael.mcauley@NTEU.ORG>  
**Subject:** TTB stops processing grievances.

William Igoe  
Assistant Counsel  
National Treasury Employees Union  
33 North LaSalle Street, Suite 1700  
Chicago, IL 60602  
(312) 451-1075 (Telephone)  
(312) 977-0693 (Facsimile)

---

**From:** Trivers, Geoffrey A. <Geoffrey.Trivers@ttb.gov>  
**Sent:** Monday, June 2, 2025 8:38 AM  
**To:** William Igoe <william.igoe@NTEU.ORG>  
**Cc:** McMahon, Christina <Christina.McMahon@ttb.gov>; Yankey, Gina Renee <Gina.Yankey@ttb.gov>; Johnson, Andrea M. <Andrea.Johnson@ttb.gov>; Hodge, Marlo A. <Marlo.Hodge@ttb.gov>; Lalic, Nancy M. <Nancy.Lalic@ttb.gov>; Atkins, Robert H. <Robert.Atkins@ttb.gov>; Donart, Alexander C. <Alexander.Donart@ttb.gov>  
**Subject:** RE: Canceled: NTEU Meeting

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Will

Due to the U.S. Court of Appeals for the D.C. Circuit stay of the April preliminary injunction that blocked the administration's efforts to exclude the Department of the Treasury (except the Bureau of Engraving and Printing) from collective bargaining due to national security considerations, we are placing all Union grievances and Requests for Information on hold.

R

Geoff

Geoffrey Trivers, DBA, SPHR, SHRM-SCP  
Human Resources Officer  
Alcohol and Tobacco Tax and Trade Bureau (TTB)  
202 306-5971 (mobile)

---

**From:** William Igoe <william.igoe@NTEU.ORG>  
**Sent:** Thursday, May 29, 2025 1:38 PM  
**To:** Johnson, Andrea M. <Andrea.Johnson@ttb.gov>; Hodge, Marlo A. <Marlo.Hodge@ttb.gov>; Lalic, Nancy M. <Nancy.Lalic@ttb.gov>; Trivers, Geoffrey A. <Geoffrey.Trivers@ttb.gov>; Atkins, Robert H. <Robert.Atkins@ttb.gov>; Donart, Alexander C. <Alexander.Donart@ttb.gov>  
**Cc:** McMahon, Christina <Christina.McMahon@ttb.gov>; Yankey, Gina Renee <Gina.Yankey@ttb.gov>  
**Subject:** [EXTERNAL]Re: Canceled: NTEU Meeting

**CAUTION:** This email has originated from an external entity. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Andrea,

Since the agency has canceled the meeting, could you please update us on your current position regarding processing the grievance? I'm available to meet at your convenience.

Thanks,

Will Igoe

---

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good morning all:

Here is the proposed date for the NTEU meeting.

---

**Microsoft Teams** [Need help?](#)

[Join the meeting now](#)

# Exhibit 21

[REDACTED]

---

**From:** Dan Kaspar <dan.kaspar@NTEU.ORG>

**Sent:** Tuesday, April 1, 2025 5:55 PM

[REDACTED]  
[REDACTED]  
**Subject:** FW: CALL - Step One Discussion

[REDACTED]

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Steve Keller <steve.keller@NTEU.ORG>

**Sent:** Tuesday, April 1, 2025 5:54 PM

**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>

**Subject:** Fw: CALL - Step One Discussion

Stephen J. Keller  
Senior Counsel for Compensation  
National Treasury Employees Union  
202-572-5529

Sent from my iPhone

---

**From:** Pranio, Sara K <[Sara.Pranio@occ.treas.gov](mailto:Sara.Pranio@occ.treas.gov)>

**Sent:** Tuesday, April 1, 2025 4:56:22 PM

**To:** Steve Keller <[steve.keller@NTEU.ORG](mailto:steve.keller@NTEU.ORG)>

**Cc:** Coleman, Gregory <[Gregory.Coleman@occ.treas.gov](mailto:Gregory.Coleman@occ.treas.gov)>; Schroth, Lincoln  
<[Lincoln.Schroth@occ.treas.gov](mailto:Lincoln.Schroth@occ.treas.gov)>

**Subject:** RE: CALL - Step One Discussion

[REDACTED]

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Steve,

I am writing to you concerning the March 7, 2025, institutional/mass grievance relating to the cancellation of telework and remote work. The OCC is cancelling the Step One grievance meeting scheduled with Greg Coleman for tomorrow. As are aware, on March 27, 2025, President Trump issued Executive Order "Exclusions from Federal Labor-Management Relations Programs," which covers the OCC. The OCC is currently evaluating the impact of this executive order on its operations. I will be in further contact as soon as more information becomes available.

-- Sara

**Sara K. Pranio, Acting Director**

Workforce Relations and Performance Management (WRPM)  
Office of Human Capital

-----Original Appointment-----

**From:** Pranio, Sara K **On Behalf Of** Coleman, Gregory

**Sent:** Tuesday, March 25, 2025 1:11 PM

**To:** Steve Keller

**Subject:** FW: CALL - Step One Discussion

**When:** Wednesday, April 2, 2025 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

Good afternoon, Steve – Please see meeting information below. Thank you,

Sara Pranio

-----Original Appointment-----

**From:** Coleman, Gregory <[Gregory.Coleman@occ.treas.gov](mailto:Gregory.Coleman@occ.treas.gov)>

**Sent:** Monday, March 24, 2025 10:04 PM

**To:** Coleman, Gregory; Pranio, Sara K; Schroth, Lincoln

**Subject:** CALL - Step One Discussion

**When:** Wednesday, April 2, 2025 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

---

**Microsoft Teams** [Need help?](#)



## **Join the meeting now**

Meeting ID: 248 892 243 865

Passcode: PN9yu3Hq

---

## **Dial in by phone**

[+1 509-408-2149,,469652768#](#) United States, Liberty Lake

[Find a local number](#)

Phone conference ID: 469 652 768#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

---

# Exhibit 22

**From:** Anne Dasovic  
**Sent:** Wednesday, April 30, 2025 9:27 AM  
**To:** Dan Kaspar, Steve Keller  
**Subject:** Re: OCC NTC official time

**From:** Steve Keller <steve.keller@NTEU.ORG>  
**Sent:** Wednesday, April 30, 2025 8:42:51 AM  
**To:** Anne Dasovic <anne.dasovic@NTEU.ORG>; Dan Kaspar <dan.kaspar@NTEU.ORG>; Ken Moffett <ken.moffett@NTEU.ORG>  
**Subject:** Re: OCC NTC official time

---

**From:** Dan Kaspar <dan.kaspar@NTEU.ORG>

**Sent:** Tuesday, April 29, 2025 5:26:38 PM

**To:** Anne Dasovic <anne.dasovic@NTEU.ORG>; Steve Keller <steve.keller@NTEU.ORG>

**Subject:** Re: OCC NTC official time

Thanks, Anne. Adding it to my list/pile of non-compliance issues.

See you both next week in San Diego

Get [Outlook for iOS](#)

---

**From:** Anne Dasovic <anne.dasovic@NTEU.ORG>

**Sent:** Tuesday, April 29, 2025 5:02:53 PM

**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>; Steve Keller <steve.keller@NTEU.ORG>

**Subject:** OCC NTC official time

FYI, an OCC Ch 300 steward had his approved NTC official time revoked today based on 'updated guidance' and told he can use annual leave. Manager said:

*"I just received updated guidance for approving NTEU official time, which includes your attendance at the NTEU Conference next week....Based on where these rulings currently stand, we are not allowed to approve official time for NTEU purposes. If you would like to still attend the NTEU Conference next week, you will need to take annual leave to do so. Please let me know what you decide."*

Other OCC Ch 300 stewards have not been told this. Steward's official time was originally approved 3/20/25 and rescinded 4/29/25. Scroll down to see the full message from the manager.

---

**From:** Jordan, Daniel

**Sent:** Tuesday, April 29, 2025 12:52 PM

**To:** O'Brien, Neal J; Allende, Niko; Flick, Natalie; Jordan, Daniel; Klosterhoff, Jeffrey; Longworth, Danielle L; Mills, William; Noll, Bruce E

**Cc:** Anne Dasovic

**Subject:** RE: Week of May 6

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

---

For those of you who signed up for the NTEU training conference, have you received a similar message from your manager?

Let me know so we can discuss how to proceed.

Thanks

Dan

---

**From:** O'Brien, Neal J <Neal.O'Brien@occ.treas.gov>  
**Sent:** Tuesday, April 29, 2025 12:08 PM  
**To:** Jordan, Daniel <Daniel.Jordan@occ.treas.gov>  
**Subject:** FW: Week of May 6

Hi Dan:

I just got this, what is everyone else doing?

Thanks

Neal

---

**From:** Reiber, Kara <[Kara.Reiber@occ.treas.gov](mailto:Kara.Reiber@occ.treas.gov)>  
**Sent:** Tuesday, April 29, 2025 12:02 PM  
**To:** O'Brien, Neal J <[Neal.O'Brien@occ.treas.gov](mailto:Neal.O'Brien@occ.treas.gov)>  
**Cc:** Eguiguren, Lolita <[Lolita.Eguiguren@occ.treas.gov](mailto:Lolita.Eguiguren@occ.treas.gov)>  
**Subject:** RE: Week of May 6

Hi Neal,

I just received updated guidance for approving NTEU official time, which includes your attendance at the NTEU Conference next week. As you may be aware, Treasury issued guidance directing all bureaus, including the OCC, to pause all approval of official NTEU time in response to an Executive Order. There was a federal judge that later issued a preliminary injunction on the same Executive Order. Based on where these rulings currently stand, we are not allowed to approve official time for NTEU purposes. If you would like to still attend the NTEU Conference next week, you will need to take annual leave to do so. Please let me know what you decide.

Lolita – FYI for while I’m out next week.

Thanks,  
~Kara

---

**From:** O'Brien, Neal J <[Neal.O'Brien@occ.treas.gov](mailto:Neal.O'Brien@occ.treas.gov)>

**Sent:** Thursday, March 20, 2025 7:07 PM  
**To:** Reiber, Kara <[Kara.Reiber@occ.treas.gov](mailto:Kara.Reiber@occ.treas.gov)>  
**Subject:** RE: Week of May 6

Thanks Kara.

---

**From:** Reiber, Kara <[Kara.Reiber@occ.treas.gov](mailto:Kara.Reiber@occ.treas.gov)>  
**Sent:** Thursday, March 20, 2025 5:47 PM  
**To:** O'Brien, Neal J <[Neal.OBrien@occ.treas.gov](mailto:Neal.OBrien@occ.treas.gov)>  
**Subject:** RE: Week of May 6

Hi Neal,

As long as you can get your Intrust planning complete and there is no cost to the OCC, I approve you to attend the NTEU training.

Thanks,  
~Kara

---

**From:** O'Brien, Neal J <[Neal.OBrien@occ.treas.gov](mailto:Neal.OBrien@occ.treas.gov)>  
**Sent:** Thursday, March 20, 2025 3:18 PM  
**To:** Reiber, Kara <[Kara.Reiber@occ.treas.gov](mailto:Kara.Reiber@occ.treas.gov)>  
**Subject:** Week of May 6

Hi Kara:

Is it possible for me to attend the NTEU Training Conference in San Diego for four days (Mon-Thur) the week of May 6? I am scheduled to preplan the Intrust exam that week, but there is a three-week gap between that week and the actual exam start. There would be no charges to the agency as NTEU picks up all the charges. I have never had the opportunity to attend training with them and Dan Jordan thinks it would be great if I could attend.

Thanks

Neal

# Exhibit 23

**From:** [Dan Kaspar](#)  
**Subject:** Fwd: Return to In Person Work: DOE HQ Bargaining Unit Employees  
**Date:** Monday, April 21, 2025 12:46:59 PM  
**Attachments:** [Outlook-i0ucsjv3.png](#)  
[image001.png](#)

---

[REDACTED]

[REDACTED]

**From:** Aliza Chesler <aliza.chesler@nteu.org>  
**Date:** April 21, 2025 at 12:44:45 PM EDT  
**To:** Dan Kaspar <dan.kaspar@nteu.org>  
**Cc:** Kate Sylvester <kate.sylvester@nteu.org>, Naomi Demsas <naomi.demsas@nteu.org>, Ryan Soon <ryan.soon@nteu.org>  
**Subject:** Fw: Return to In Person Work: DOE HQ Bargaining Unit Employees

[REDACTED]

Thanks,  
Aliza  
(she/her/hers)





**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an "undeliverable" message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Joerger, Jessica <jessica.joerger@hq.doe.gov>  
**Sent:** Monday, April 14, 2025 12:28 PM  
**To:** [REDACTED]@nuclear.energy.gov>  
**Cc:** [REDACTED]@ee.doe.gov>; Crane, Tom  
<Tom.Crane@hq.doe.gov>; Aliza Chesler <aliza.chesler@NTEU.ORG>; Labor Relations  
Operations Division <LROD@hq.doe.gov>  
**Subject:** RE: Return to In Person Work: DOE HQ Bargaining Unit Employees

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

[REDACTED]

To NTEU's request for the DOE's telework policy, it is still being revised, so there is no document to email. To NTEU's request to meet, the DOE is currently evaluating the impact of EO 14251 on such meetings and is therefore unavailable to meet at this time.

Thank you,  
Jessica



**U.S. DEPARTMENT  
of ENERGY**

[Follow us on social media](#)

**Jessica D.  
Joerger**  
*Labor Relations  
Specialist*

Office of Policy,  
Labor, &  
Employee  
Relations

**OFFICE**  
240.457.7128

**NOTICE:** This message, and any attachment, contains information that may be confidential or protected by privilege from disclosure and is intended only for the individual or entity named above. No one else may disclose, copy, distribute or use the contents of this message for any purpose. Unauthorized use, dissemination or duplication is strictly prohibited and may be unlawful. If you receive this message in error, please immediately delete the message and any attachments and notify the sender.

---

**From:** [REDACTED]@nuclear.energy.gov>  
**Sent:** Sunday, April 13, 2025 10:21 PM  
**To:** Joerger, Jessica <jessica.joerger@hq.doe.gov>; Labor Relations Operations Division <LROD@hq.doe.gov>  
**Cc:** [REDACTED]@ee.doe.gov>; Crane, Tom <Tom.Crane@hq.doe.gov>; Aliza Chesler <aliza.chesler@nteu.org>  
**Subject:** Fw: Return to In Person Work: DOE HQ Bargaining Unit Employees

Jessica

In accordance with OPM "[Guidance on Presidential Memorandum Return to In-Person Work](#)", and as you have stated, "This memorandum required Federal agencies to revise their telework policies and advise OPM of the date that the agency will be in full compliance with the Presidential Memorandum."

I cannot locate DOE's revised telework policy; therefore, can you email a copy to us? Additionally, we would like to meet to discuss DOE's plan/procedure for bringing Remote all US employees back into the workplace

---

**From:** Joerger, Jessica  
**Sent:** Friday, April 11, 2025 4:43 PM  
**To:** [REDACTED]  
**Cc:** Labor Relations Operations Division  
**Subject:** Return to In Person Work: DOE HQ Bargaining Unit Employees

Good afternoon,

This message serves as a courtesy notice to let NTEU Chapters 213 and 228 know of the DOE's Return to In-Person Work plan in accordance with the Acting Chief Human Capital Officer (CHCO) memo issued on February 27, 2025. In the CHCO Memo, the DOE requires employees to work in-person at their assigned DOE facility on a full-time basis consistent with their approved work schedule, unless excused due to a disability, qualifying medical condition, or other compelling reason certified by the Secretary and the employee's supervisor. This CHCO memo advised that a date for initiating in-person work for bargaining unit employees would be provided at a later time. To that end, the attached Chief Human Capital Office message announces the return to in-person work for bargaining unit employees.

This direction is based on the [“Return to In-Person Work” Presidential Memorandum](#) dated January 20, 2025, and subsequent OPM guidance of January 22, 2025, [“Guidance on Presidential Memorandum Return to In-Person Work.”](#) This memorandum required Federal agencies to revise their telework policies and advise OPM of the date that the agency will be in full compliance with the Presidential Memorandum.

**Bargaining Unit Employees with Telework Agreements:** These employees must return to full-time in-person work at their assigned DOE facility by April 28, 2025, in accordance with their approved work schedule. Existing routine telework agreements will be terminated on April 27, 2025. Bargaining unit employees in this category will receive notice of their updated status on or about April 21, 2025.

**Bargaining Unit Employees Remote (Restricted) or Remote (All U.S.) Agreements with a duty station within 50 Miles of their assigned DOE facility:** These employees must return to full-time in-person work at their assigned DOE facility by May 5, 2025, in accordance with their approved work schedule. Existing remote (All U.S. and Restricted) work agreements will be terminated on May 4, 2025. Bargaining unit employees in these categories will receive notice of their updated status on or about April 28, 2025.

For mission and business-related reasons, the 2021 DOE HQ—NTEU CBA, Article 47, Section 47.03(F) permits the DOE to “amend, alter, adjust, change, remove, or suspend an individual Employee’s or group of Employees’ participation in the telework program.” In accordance with the DOE HQ-NTEU Memorandum of Understanding Concerning Implementation of the Telework/Remote Work Program, effected on March 1, 2022, this also applies to remote work agreements, as the term “Telework” as used in the CBA includes, where applicable, “Remote Work” (both “All U.S.” and “Restricted”).

If you have questions, please contact me.

Thank you,

Jessica

[<image001.png>](#)

[\*Follow us on social media\*](#)

**Jessica D. Joerger**

*Labor Relations Specialist*

Office of Policy, Labor, &  
Employee Relations

**OFFICE 240.457.7128**

**NOTICE:** This message, and any attachment, contains information that may be confidential or protected by privilege from disclosure and is intended only for the individual or entity named above. No one else may disclose, copy, distribute or use the contents of this message for any purpose. Unauthorized use, dissemination or duplication is strictly prohibited and may be unlawful. If you receive this message in error, please immediately delete the message and any attachments and notify the sender.

# Exhibit 24



Thanks,  
Aliza  
(she/her/hers)

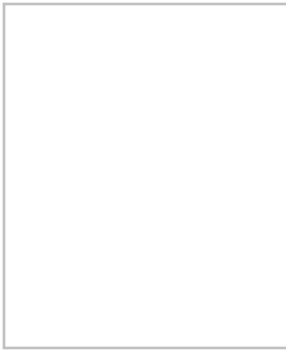
Email from DOE not engaging in with NTEU due to EO 14,251

**From:** Aliza Chesler <aliza.chesler@NTEU.ORG>  
**Sent:** Wednesday, May 28, 2025 9:23:20 AM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Subject:** Fw: DOE: Responses to National Grievances and Official Time Inquiries

**Subject:** Fw: DOE: Responses to National Grievances and Official Time Inquiries

**From:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Sent:** Wednesday, May 28, 2025 9:58 AM

**Subject:** Fw: DOE: Responses to National Grievances and Official Time Inquiries  
**Date:** Wednesday, May 28, 2025 10:01:35 AM  
**Attachments:** image001.png  
image002.png  
National Grievance re Violation and Repudiation of Article 47.02L of the CBA and 5 U.S.C. §§ 7114 and 7116(a) (1) (5) and (8) (003).pdf  
National Grievance re Failure to Bargain Changes to RA Review Process. Final.pdf  
Outlook-01mpserz.png



**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an "undeliverable" message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Joerger, Jessica <jessica.joerger@hq.doe.gov>  
**Sent:** Thursday, May 22, 2025 3:26 PM  
**To:** Aliza Chesler <aliza.chesler@NTEU.ORG>; [REDACTED]  
[REDACTED]@nuclear.energy.gov; [REDACTED]@ee.doe.gov>  
**Cc:** Crane, Tom <Tom.Crane@hq.doe.gov>; Ryan Soon <ryan.soon@NTEU.ORG>; Labor Relations Operations Division <LROD@hq.doe.gov>  
**Subject:** RE: DOE: Responses to National Grievances and Official Time Inquiries

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

DOE acknowledges the responses for the attached institutional grievances regarding medical telework and the reasonable accommodation policy are due on May 27, 2025. However, processing is suspended, and the grievances are being held in abeyance pending litigation on Executive Order 14251, *Exclusions from Labor-Management Relations Program*.

Thank you,  
Jessica





[Follow us on social media](#)

**Jessica D. Joerger**  
*Labor Relations Specialist*

Office of Policy, Labor, &  
Employee Relations  
**OFFICE 240.457.7128**

**NOTICE:** This message, and any attachment, contains information that may be confidential or protected by privilege from disclosure and is intended only for the individual or entity named above. No one else may disclose, copy, distribute or use the contents of this message for any purpose. Unauthorized use, dissemination or duplication is strictly prohibited and may be unlawful. If you receive this message in error, please immediately delete the message and any attachments and notify the sender.

---

**From:** Aliza Chesler <aliza.chesler@NTEU.ORG>

**Sent:** Thursday, May 1, 2025 10:28 AM

**To:** Crane, Tom <Tom.Crane@hq.doe.gov>

**Cc:** Ryan Soon <ryan.soon@NTEU.ORG>; Joerger, Jessica <jessica.joerger@hq.doe.gov>; [REDACTED]  
[REDACTED]@nuclear.energy.gov; [REDACTED]@ee.doe.gov

**Subject:** [EXTERNAL] Re: DOE: Responses to National Grievances and Official Time Inquiries

Good Morning Tom:

As I stated in my email below from Monday, DOE held in abeyance grievance meetings and grievance responses. In response to the three National Grievances that were filed between March 27, 2025 and April 25, 2025, you replied that processing of the grievance was suspended as DOE evaluated the impact of EO 14,251. Pursuant to the Preliminary Injunction granted on April 25, 2025, the suspension of the processing of the National Grievances should be lifted, and we should resume normal proceedings under the CBA.

In regard to the National Grievances on Termination and Repudiation of Medical Telework and Failure to Bargain and Unilateral Implementation of Reasonable Accommodation Policy, I sent an email on April 3, 2025, attached for reference, foregoing a step meeting and stating the resolution NTEU is seeking. Those National Grievances were filed on March 31, 2025. Since processing was suspended between March 27 and April 25 due to EO 14,251, April 25 should begin the timelines. Pursuant to Article 11, Section 11.08 C, a response is due within 30 calendar days of April 25, 2025, which is May 25, 2025. May 25 is a Sunday and May 26 is a federal holiday. **The responses are due May 27, 2025.**

We would like to hold a step meeting for the National Grievance filed over DOE's failure to bargain and repudiation of Telework. Pursuant to Article 11, Section 11.08C, a step meeting should be held within 15 calendar days of receipt of the grievance. Given the



suspension of processing due to EO 14,251, receipt of the grievance will be considered April 25, 2025. May 10, 2025, which is a Saturday, is 15 calendar days from April 25. The step meeting should be held **no later than May 12, 2025**. I can meet for a step meeting on this matter May 5, 6, or 7 at anytime. If none of these days work for you, I can provide further availability.

Please let me know when we can hold a step meeting for the National Grievance over Telework, attached for reference.

Thanks,  
Aliza  
(she/her/hers)



**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an "undeliverable" message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Crane, Tom

**Sent:** Thursday, May 1, 2025 9:53 AM

**To:** Aliza Chesler

**Cc:** Ryan Soon; Joerger, Jessica

**Subject:** RE: DOE: Responses to National Grievances and Official Time Inquiries

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good morning –

In each instance between the issuance of EO 14251 on March 27 and the preliminary injunction on April 25, you state the DOE failed to hold or canceled various meetings and refused to follow the Statute or CBA. In actuality, DOE acknowledged NTEU's requests/grievances and advised EO 14251 (Exclusions) was being evaluated and therefore, processing of these matters was suspended at the time. At no point did DOE repudiate the CBA or fail to appropriately follow the Administration's directions or instructions.

Given these circumstances, DOE recommends NTEU withdraw the LR issues filed between March 28 and April 25, 2025. In exchange, NTEU will have 15 calendar days (the typically grievance window) to re-file or amend the grievances if it so chooses. This approach will allow NTEU and DOE HQ to move forward and provide NTEU an opportunity to review the current situation so it can decide how to best pursue its concerns.

Please let me know if that is agreeable to you.



[Learn more on HCnet](#)  
[Contact the HR Hotline](#)

**Tom Crane**

Director

Labor Relations Division -  
Policy, Labor & Employee  
Relations (OPLER-LRD)  
Office of the Chief Human  
Capital Officer  
Tel: 240.255.8374  
[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)

---

**From:** Aliza Chesler <[aliza.chesler@NTEU.ORG](mailto:aliza.chesler@NTEU.ORG)>

**Sent:** Monday, April 28, 2025 12:47 PM

**To:** Labor Relations Operations Division <[LROD@hq.doe.gov](mailto:LROD@hq.doe.gov)>; Crane, Tom  
<[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)>

**Cc:** Ryan Soon <[ryan.soon@NTEU.ORG](mailto:ryan.soon@NTEU.ORG)>

**Subject:** [EXTERNAL] DOE: Responses to National Grievances and Official Time Inquiries

Hello Tom,

On Friday, April 25, the D.C. District Court issued an order finding that the March 27 Executive Order, "Exclusions from Federal Labor-Management Relations Programs" is unlawful as applied to the Defendant agencies with employees represented by NTEU. The Court also held that OPM's implementing guidance for the executive order is unlawful, and enjoined agencies - including DOE - from implementing the executive order or OPM guidance.

DOE has postponed/held in abeyance or canceled grievance meetings, briefings, bargaining sessions, etc., and/or otherwise refused to follow the federal labor statute, collective bargaining agreements, MOUs, etc., with NTEU.

In the past month since the Exclusions EO, DOE has failed to hold grievance meetings, or issue grievance responses to several National Grievances filed by NTEU including:]

- Termination and Repudiation of Medical Telework
- Failure to Bargain and Unilateral Implementation of Reasonable Accommodation Policy
- Failure to Bargain, Repudiation, and ULP of Telework

DOE denied a request for a briefing over Return to In-Person Work, citing the EO 14,251, and denied official time requests for union-sponsored training.

We request that the DOE immediately reverse these actions and inactions and abide by the 2021 Collective Bargaining Agreement. We look forward to working with you in quickly resuming our labor-management relationship as required under the law.

Thank you for your prompt attention to this matter.

Aliza  
(she/her/hers)







March 31, 2025

**VIA E-MAIL**

Mr. Tom Crane  
Director, Labor Relations Division  
Office of Policy, Labor & Employee Relations (OPLER-LRD)  
Office of the Chief Human Capital Officer (HC)  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

**RE: National Grievance – Violation and Repudiation of Article 47.02L of the CBA, and 5 U.S.C. §§ 7114 and 7116(a)(1), (5), and (8).**

Dear Mr. Crane:

The National Treasury Employees Union (“NTEU”), pursuant to Article 11 of the Collective Bargaining Agreement (“CBA”) between NTEU and Department of Energy Headquarters (“DOE”), hereby files this continuing national grievance on behalf of its institutional rights and all bargaining-unit employees impacted by the allegations described below. Because the violations NTEU alleges are continuing each day and/or week, the grievance and requested remedies are continuing in nature.

**Statement of the Grievance**

Article 47.02L contains the provisions for employees to be eligible for medical telework. 47.02L states:

Employees may participate in telework for medical reasons or to care for a family member with a serious health condition, as that term is defined in the Family and Medical Leave Act. In addition to meeting the above conditions, DOE may require that medical documentation be provided in accordance with the procedures specified in Article 27, Section 27.03. Telework granted as a reasonable accommodation is governed by reasonable accommodation procedures and not this article.

On March 14, 2025, DOE sent out an email to employees stating that DOE employees could no longer participate in medical telework. This is in direct violation of 47.02.L, which states that NTEU bargaining unit employees may participate in medical telework.

Mr. Tom Crane, DOE  
March 31, 2025  
Page 2

DOE's unilateral termination of medical telework, a negotiated right of NTEU bargaining unit employees, constitutes a breach of Article 47.02.L of the CBA. The termination of medical telework also constitutes a repudiation of Article 47, which is an unfair labor practice under the Federal Service Labor-Management Relations Statute (the "Statute"), specifically 5 U.S.C. § 7116(a)(1), (5), and (8). Moreover, to the extent that DOE claims the "Return-to-In-Person Work" Presidential Memorandum dated January 20, 2025, has the effect of a government-wide rule or regulation, the directive is an unfair labor practice under 5 U.S.C. § 7116(a)(7), which states that it is an unfair labor practice to enforce rules or regulations that conflict with any preexisting applicable collective bargaining agreement.

**Requested Remedy**

To remedy the foregoing violations, NTEU requests that DOE:

1. Immediately cease and desist from violating the parties' CBA and the Statute;
2. Immediately restore the *status quo ante*
3. Issue an electronic notice to all employees, drafted by NTEU, stating that DOE violated the Statute by unilaterally implementing changes to the parties' CBA;
4. Provide make whole relief to every adversely affected bargaining unit employee, including back-pay if applicable; and
5. Grant NTEU all other appropriate remedies to which it is entitled under the law, including attorney's fees and costs under the Back Pay Act.

NTEU requests a meeting pursuant to Article 11.08C of the 2021 CBA within fifteen (15) calendar days of this filing. Our representative in this matter will be Aliza Chesler, Assistant Counsel, who may be reached via e-mail at [aliza.chesler@nteu.org](mailto:aliza.chesler@nteu.org)

Sincerely,



Doreen P. Greenwald  
National President

cc: Ken Moffett, Director of Negotiations, NTEU  
Ryan Soon, Deputy Director of Negotiations, NTEU  
Aliza Chesler, National Negotiator, NTEU





March 31, 2025

**VIA E-MAIL**

Mr. Tom Crane  
Director, Labor Relations Division  
Office of Policy, Labor & Employee Relations (OPLER-LRD)  
Office of the Chief Human Capital Officer (HC)  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

**RE: National Grievance – Failure to Bargain and the Unilateral Implementation of Reasonable Accommodation Policy in violation of Article 32.06 of the CBA, Repudiation of Articles 13 and 32.06 and 5 U.S.C. §§ 7114 and 7116(a)(1), (5), and (8).**

Dear Mr. Crane:

The National Treasury Employees Union (“NTEU”), pursuant to Article 11 of the Collective Bargaining Agreement (“CBA”) between NTEU and Department of Energy Headquarters (“DOE”), hereby files this continuing national grievance on behalf of its institutional rights and all bargaining-unit employees impacted by the allegations described below.

**Statement of the Grievance**

Article 13 of the CBA contains the procedures that the parties agreed to follow when proposing a change to conditions of employment that impacts bargaining unit employees. This includes providing notice to NTEU at the national level prior to implementing the change, and the option for NTEU to exercise its right to bargain pursuant to Article 13. In relevant parts, Article 13 states:

Where DOE wishes to implement a change to the conditions of employment of bargaining unit Employees, even if a protected management right, DOE has a duty to notify NTEU and the Parties have a mutual duty to bargain in good faith to the extent required by law. Section 13.01.B.

Unless otherwise provided for by law (e.g., emergencies pursuant to 5 U.S.C. § 7106(a)(2)(D)) or this Agreement (e.g., Section 13.01.E below), DOE will not implement any proposed changes to conditions of employment until the Parties have fulfilled their bargaining obligation under this Agreement, to include third-party proceedings in Section 13.04 below. Section 13.01.D

At least fourteen (14) calendar days prior to the proposed implementation date of changes to Employees’ conditions of employment, DOE will provide written notice of the proposed change(s) to NTEU. Where DOE’s change affects only one NTEU

Mr. Tom Crane, DOE  
March 31, 2025  
Page 2

Chapter, it will notify the applicable Chapter President in writing. Where such changes are Headquarters-wide, or impact both NTEU Chapters, DOE will notify both NTEU Chapter Presidents in writing. This notice will include sufficient information for NTEU to understand the need for and impact of the requested change.  
Section 13.02.B

Article 32.06 of the CBA contains the procedures that the parties agreed to follow when an employee seeks a reasonable accommodation. Article 32.06A states:

Employees may request reasonable accommodation in accordance with federal law and Agency procedures. DOE shall timely process all requests for reasonable accommodation in accordance with this Agreement, law, rule, and regulation. Reasonable accommodation may include, but is not limited to that provided under law, regulations, and Equal Employment Opportunity Commission (EEOC) guidance.

Policy Memorandum #100C ("PM #100C") is DOE's policy for Reasonable Accommodation and Personal Assistance Services. PM #100C, Section A8 in relevant parts states:

Generally, the [Deciding Management Official (DMO)] is normally the first-level supervisor, and the second-level supervisor is normally the reconsideration Deciding Management Official. However, there may be circumstances that require the appointment of DMOs and/or Reconsideration DMOs who are not the first-level or second-level Supervisor. The decision to appoint a DMO or Reconsideration DMO is at the discretion of the LRAC, in consultation with the Office of General Counsel (GC).

On April 24, 2024, DOE sent notice to NTEU that DOE was issuing PM #100C, to update and modify the reasonable accommodation procedures. At NTEU's request, a briefing was held on May 15, 2024. Based on the information and assurances provided at the meeting, NTEU did not oppose the changes presented and elected not to submit proposals. Thereafter, the policy was implemented. On or about March 14, 2025, NTEU learned that DOE established a "Tiger Team" responsible for reviewing and deciding Reasonable Accommodation requests, changing the agreed upon policy that the DMO would generally be the employee's first line supervisor. NTEU was not provided notice of the change or the opportunity to bargain in advance of implementation, in accordance with Article 13 of the CBA.

DOE's failure to provide NTEU with notice and the opportunity to bargain over the abovementioned changes in conditions of employment is a violation of Article 13 of the CBA and constitutes bad-faith bargaining, which is an Unfair Labor Practice in violation of 5 U.S.C. §§ 7114 and 7116(a)(1), (5), and (8). In addition, DOE's unilateral implementation of changes to the Reasonable Accommodation requests policy violates Articles 13 and 32.06 of the CBA. Finally, DOE's failure to bargain over changes to PM #100C constitutes a repudiation of the Articles 13 and 32 of the CBA, which is an Unfair Labor Practice in violation of 5 U.S.C. § 7116(a)(1) and (5).

Mr. Tom Crane, DOE

March 31, 2025

Page 3

**Requested Remedy**

To remedy the foregoing violations, NTEU requests that DOE:

1. Immediately cease and desist from violating the parties' CBA, and the Statute, as outlined in greater detail above;
2. Immediately restore the *status quo ante* to include:
  - a. a cease and desist from any practices or procedures not outlined in PM #100C; and
  - b. review all reasonable accommodation requests in accordance with PM #100C;
3. Post and email all employees a notice drafted by NTEU identifying that DOE engaged in violations of the parties' CBA, and the Statute and its remedial efforts;
4. Provide make whole relief to every adversely affected bargaining unit employee, including back-pay; and
5. Grant NTEU all other appropriate remedies to which it is entitled under the law, including attorney's fees and costs under the Back Pay Act.

NTEU requests a meeting pursuant to Article 11.08C of the 2021 CBA within fifteen (15) calendar days of this filing. Our representative in this matter will be Aliza Chesler, Assistant Counsel, who may be reached via e-mail at [aliza.chesler@nteu.org](mailto:aliza.chesler@nteu.org)

Sincerely,



Doreen P. Greenwald  
National President

cc: Ken Moffett, Director of Negotiations, NTEU  
Ryan Soon, Deputy Director of Negotiations, NTEU  
Aliza Chesler, National Negotiator, NTEU



# Exhibit 25

**From:** [Dan Kaspar](#)  
**Subject:** Fw: DOE: Request for Information re DRP Data  
**Date:** Wednesday, May 28, 2025 11:09:14 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Outlook-dixbf31g.png](#)

---

[REDACTED]

---

**From:** Aliza Chesler <aliza.chesler@NTEU.ORG>  
**Sent:** Wednesday, May 28, 2025 9:22:56 AM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Subject:** Fw: DOE: Request for Information re DRP Data

[REDACTED]

Thanks,  
Aliza  
(she/her/hers)



CAUTION: Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an “undeliverable” message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Crane, Tom <Tom.Crane@hq.doe.gov>  
**Sent:** Tuesday, May 27, 2025 8:24 AM  
**To:** Aliza Chesler <aliza.chesler@NTEU.ORG>; Joerger, Jessica <jessica.joerger@hq.doe.gov>  
**Cc:** [REDACTED]@nuclear.energy.gov; [REDACTED]  
[REDACTED]@ee.doe.gov; Naomi Demsas <naomi.demsas@NTEU.ORG>; Kate Sylvester <kate.sylvester@NTEU.ORG>  
**Subject:** RE: DOE: Request for Information re DRP Data

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hello Aliza –

Processing of this RFI is being held in abeyance pending litigation on Executive Order 14251, *Exclusions from Federal Labor-Management Relations Programs*.

Regards,  
Tom



[Learn more on HCnet](#)  
[Contact the HR Hotline](#)

**Tom Crane**  
Director

Labor Relations Division -  
Policy, Labor & Employee  
Relations (OPLER-LRD)  
Office of the Chief Human  
Capital Officer  
Tel: 240.255.8374  
[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)

---

**From:** Crane, Tom  
**Sent:** Tuesday, May 13, 2025 8:47 AM  
**To:** Aliza Chesler <aliza.chesler@NTEU.ORG>; Joerger, Jessica <jessica.joerger@hq.doe.gov>  
**Cc:** [REDACTED]@nuclear.energy.gov; [REDACTED]

[REDACTED]@EE.DOE.Gov>; Demsas, Naomi <naomi.demsas@nteu.org>; Kate Sylvester <kate.sylvester@NTEU.ORG>

**Subject:** RE: DOE: Request for Information re DRP Data

Good morning, Aliza –

NTEU's RFI has been received. Jessica will serve as the LRD POC.



[Learn more on HCnet](#)  
[Contact the HR Hotline](#)

**Tom Crane**  
Director

Labor Relations Division -  
Policy, Labor & Employee  
Relations (OPLER-LRD)  
Office of the Chief Human  
Capital Officer  
Tel: 240.255.8374  
[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)

---

**From:** Aliza Chesler <[aliza.chesler@NTEU.ORG](mailto:aliza.chesler@NTEU.ORG)>

**Sent:** Monday, May 12, 2025 4:25 PM

**To:** Crane, Tom <[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)>; Joerger, Jessica <[jessica.joerger@hq.doe.gov](mailto:jessica.joerger@hq.doe.gov)>

**Cc:** [REDACTED] <[\[REDACTED\]@nuclear.energy.gov](mailto:[REDACTED]@nuclear.energy.gov)>; [REDACTED] <[\[REDACTED\]@ee.doe.gov](mailto:[REDACTED]@ee.doe.gov)>; Demsas, Naomi <[naomi.demsas@nteu.org](mailto:naomi.demsas@nteu.org)>; Kate Sylvester <[kate.sylvester@NTEU.ORG](mailto:kate.sylvester@NTEU.ORG)>



**Subject:** [EXTERNAL] DOE: Request for Information re DRP Data

Good Afternoon:

Please see attached Request for Information.

Aliza  
(she/her/hers)




**From:** [Dan Kaspar](#)  
   
**Subject:** Fw: National Grievance and Unfair Labor Practice Charge — Agency's Violations of the Parties' 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5), (7) and (8)  
**Date:** Wednesday, May 28, 2025 11:08:25 AM  
**Attachments:** [image001.png](#)  
[image003.jpg](#)  
[image004.png](#)  
[Outlook-rc04nfzo.png](#)

---

Get [Outlook for iOS](#)

---

**From:** Aliza Chesler <aliza.chesler@NTEU.ORG>  
**Sent:** Wednesday, May 28, 2025 9:22:47 AM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Subject:** Fw: National Grievance and Unfair Labor Practice Charge — Agency's Violations of the Parties' 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5), (7) and (8)



Thanks,  
Aliza  
(she/her/hers)



**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you

need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an “undeliverable” message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Crane, Tom <Tom.Crane@hq.doe.gov>

**Sent:** Tuesday, May 27, 2025 8:00 AM

**To:** Joerger, Jessica <jessica.joerger@hq.doe.gov>; Aliza Chesler <aliza.chesler@NTEU.ORG>

**Cc:** Ryan Soon <ryan.soon@NTEU.ORG>

**Subject:** RE: National Grievance and Unfair Labor Practice Charge — Agency’s Violations of the Parties’ 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5), (7) and (8)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hi Aliza,

Processing of this grievance is being held in abeyance pending litigation on Executive Order 14251, *Exclusions from Federal Labor-Management Relations Programs*.



[Learn more on HCnet](#)  
[Contact the HR Hotline](#)

**Tom Crane**

Director

Labor Relations Division -  
 Policy, Labor & Employee  
 Relations (OPLER-LRD)  
 Office of the Chief Human  
 Capital Officer  
 Tel: 240.255.8374  
[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)

---

**From:** Joerger, Jessica <jessica.joerger@hq.doe.gov>

**Sent:** Friday, May 9, 2025 7:56 AM

**To:** Aliza Chesler <aliza.chesler@NTEU.ORG>

**Cc:** Crane, Tom <Tom.Crane@hq.doe.gov>; Ryan Soon <ryan.soon@NTEU.ORG>

**Subject:** RE: National Grievance and Unfair Labor Practice Charge — Agency’s Violations of the Parties’ 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5),

(7) and (8)

Good morning Aliza,

A calendar invite for 9am on Tuesday, May 13, 2025, was just sent.

Thank you,  
Jessica



[Follow us on social media](#)

**Jessica D. Joerger**  
*Labor Relations Specialist*

Office of Policy, Labor, &  
Employee Relations  
**OFFICE 240.457.7128**

**NOTICE:** This message, and any attachment, contains information that may be confidential or protected by privilege from disclosure and is intended only for the individual or entity named above. No one else may disclose, copy, distribute or use the contents of this message for any purpose. Unauthorized use, dissemination or duplication is strictly prohibited and may be unlawful. If you receive this message in error, please immediately delete the message and any attachments and notify the sender.

---

**From:** Aliza Chesler <[aliza.chesler@NTEU.ORG](mailto:aliza.chesler@NTEU.ORG)>

**Sent:** Thursday, May 8, 2025 12:57 PM

**To:** Joerger, Jessica <[jessica.joerger@hq.doe.gov](mailto:jessica.joerger@hq.doe.gov)>

**Cc:** Crane, Tom <[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)>; Ryan Soon <[ryan.soon@NTEU.ORG](mailto:ryan.soon@NTEU.ORG)>

**Subject:** [EXTERNAL] Re: National Grievance and Unfair Labor Practice Charge — Agency's Violations of the Parties' 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5), (7) and (8)

We are available during the 9-10:30 time frame

Thanks,  
Aliza  
(she/her/hers)

**Image removed by sender.**







**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an "undeliverable" message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Joerger, Jessica <[jessica.joerger@hq.doe.gov](mailto:jessica.joerger@hq.doe.gov)>

**Sent:** Thursday, May 8, 2025 12:04 PM

**To:** Aliza Chesler <[aliza.chesler@NTEU.ORG](mailto:aliza.chesler@NTEU.ORG)>

**Cc:** Crane, Tom <[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)>; Ryan Soon <[ryan.soon@NTEU.ORG](mailto:ryan.soon@NTEU.ORG)>

**Subject:** RE: National Grievance and Unfair Labor Practice Charge — Agency's Violations of the Parties' 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5), (7) and (8)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good afternoon Aliza,

The DOE is available for the institutional grievance meeting regarding Return to In Person Work of NTEU BUEs on **Tuesday, May 13, 2025**, from:

- 9am to 10:30am
- 12pm to 4pm



Please let me know if there is 30-minute slot during either of those timeframes that NTEU is available, and a meeting invite will be sent.

Thank you,  
Jessica



[Follow us on social media](#)

**Jessica D. Joerger**  
*Labor Relations Specialist*

Office of Policy, Labor, &  
Employee Relations  
**OFFICE 240.457.7128**

**NOTICE:** This message, and any attachment, contains information that may be confidential or protected by privilege from disclosure and is intended only for the individual or entity named above. No one else may disclose, copy, distribute or use the contents of this message for any purpose. Unauthorized use, dissemination or duplication is strictly prohibited and may be unlawful. If you receive this message in error, please immediately delete the message and any attachments and notify the sender.

---

**From:** Aliza Chesler <[aliza.chesler@NTEU.ORG](mailto:aliza.chesler@NTEU.ORG)>

**Sent:** Monday, May 5, 2025 1:26 PM

**To:** Joerger, Jessica <[jessica.joerger@hq.doe.gov](mailto:jessica.joerger@hq.doe.gov)>

**Cc:** Crane, Tom <[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)>; Ryan Soon <[ryan.soon@NTEU.ORG](mailto:ryan.soon@NTEU.ORG)>

**Subject:** [EXTERNAL] Re: National Grievance and Unfair Labor Practice Charge — Agency's Violations of the Parties' 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5), (7) and (8)

Good Afternoon:

NTEU is not withdrawing the National Grievance and we are repeating our request to have a step meeting. Please let me know DOE's availability

Thanks,  
Aliza  
(she/her/hers)





**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an "undeliverable" message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Joerger, Jessica <[jessica.joerger@hq.doe.gov](mailto:jessica.joerger@hq.doe.gov)>

**Sent:** Monday, May 5, 2025 10:02 AM

**To:** Aliza Chesler <[aliza.chesler@NTEU.ORG](mailto:aliza.chesler@NTEU.ORG)>

**Cc:** Crane, Tom <[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)>; Ryan Soon <[ryan.soon@NTEU.ORG](mailto:ryan.soon@NTEU.ORG)>;

[REDACTED] <[\[REDACTED\]@nuclear.energy.gov](mailto:[REDACTED]@nuclear.energy.gov)>; [REDACTED]

[REDACTED] <[\[REDACTED\]@ee.doe.gov](mailto:[REDACTED]@ee.doe.gov)>

**Subject:** RE: National Grievance and Unfair Labor Practice Charge — Agency's Violations of the Parties' 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5), (7) and (8)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good morning Aliza,

With the DOE's temporary pause of the return to in-person work for bargaining unit employees, NTEU's requested remedies to resolve the grievance on the matter (attached) are partially granted.

With that, please confirm if NTEU would either:

1. Withdraw its grievance, or,
2. Waive the grievance meeting

If NTEU chooses not to withdraw the grievance, but is amenable to waiving the grievance meeting, DOE will provide a written response within the appropriate timeframe in accordance with Article 11, Section 11.08(C).

Thank you,  
Jessica



[Follow us on social media](#)

**Jessica D. Joerger**  
*Labor Relations Specialist*

Office of Policy, Labor, &  
Employee Relations  
**OFFICE 240.457.7128**

**NOTICE:** This message, and any attachment, contains information that may be confidential or protected by privilege from disclosure and is intended only for the individual or entity named above. No one else may disclose, copy, distribute or use the contents of this message for any purpose. Unauthorized use, dissemination or duplication is strictly prohibited and may be unlawful. If you receive this message in error, please immediately delete the message and any attachments and notify the sender.

---

**From:** Aliza Chesler <[aliza.chesler@NTEU.ORG](mailto:aliza.chesler@NTEU.ORG)>

**Sent:** Wednesday, April 30, 2025 10:17 AM

**To:** Crane, Tom <[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)>; Joerger, Jessica <[jessica.joerger@hq.doe.gov](mailto:jessica.joerger@hq.doe.gov)>

**Cc:** Ryan Soon <[ryan.soon@NTEU.ORG](mailto:ryan.soon@NTEU.ORG)>; [REDACTED] <[\[REDACTED\]@nuclear.energy.gov](mailto:[REDACTED]@nuclear.energy.gov)>;  
[REDACTED] <[\[REDACTED\]@ee.doe.gov](mailto:[REDACTED]@ee.doe.gov)>

**Subject:** [EXTERNAL] Re: National Grievance and Unfair Labor Practice Charge — Agency's Violations of the Parties' 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5), (7) and (8)

Good Morning:

I am following up on this National Grievance as the response we received upon filing referenced EO 14,251 which has been enjoined from implementation pursuant to a Preliminary Injunction. Please advise when we can hold a step meeting on this matter.

Thanks,  
Aliza



(she/her/hers)



**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an "undeliverable" message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Crane, Tom <[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)>

**Sent:** Monday, April 21, 2025 4:18 PM

**To:** Aliza Chesler <[aliza.chesler@NTEU.ORG](mailto:aliza.chesler@NTEU.ORG)>

**Cc:** Ryan Soon <[ryan.soon@NTEU.ORG](mailto:ryan.soon@NTEU.ORG)>

**Subject:** RE: National Grievance and Unfair Labor Practice Charge — Agency's Violations of the Parties' 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5), (7) and (8)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hello Aliza,

DOE acknowledges receipt of NTEU's grievance filed in response to DOE HQ's return to in-person work announcement, issued on April 11. Please note that processing of NTEU's grievance is paused at this time as DOE evaluates the impact of EO 14251.

On a procedural note, NTEU's grievance was submitted to my email address directly. Because I was on leave last week, the grievance was not viewed until today. Any grievances submitted in the future should be submitted to LROD ([LROD@hq.doe.gov](mailto:LROD@hq.doe.gov)) which is staffed on all work days.

Respectfully,  
Tom



[Learn more on HCnet](#)  
[Contact the HR Hotline](#)

**Tom Crane**  
Director

Labor Relations Division -  
Policy, Labor & Employee  
Relations (OPLER-LRD)  
Office of the Chief Human  
Capital Officer  
Tel: 240.255.8374  
[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)

---

**From:** National President <[Nationalpresident@nteu.org](mailto:Nationalpresident@nteu.org)>

**Sent:** Friday, April 18, 2025 7:14 AM

**To:** Crane, Tom <[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)>

**Cc:** Ken Moffett <[ken.moffett@NTEU.ORG](mailto:ken.moffett@NTEU.ORG)>; Ryan Soon <[ryan.soon@NTEU.ORG](mailto:ryan.soon@NTEU.ORG)>; Aliza Chesler <[aliza.chesler@NTEU.ORG](mailto:aliza.chesler@NTEU.ORG)>

**Subject:** [EXTERNAL] National Grievance and Unfair Labor Practice Charge — Agency's Violations of the Parties' 2021 Collective Bargaining Agreement, Remote Work MOU, and 5 U.S.C. § 7116(a)(1), (5), (7) and (8)

Dear Mr. Crane:

Please find the attached National Grievance regarding the above subject matter. NTEU requests a meeting pursuant to Article 11, Section 11.08C of the CBA within fifteen (15) calendar days of this filing. NTEU's representative in this matter will be Aliza Chesler, National Negotiator. Please contact her to

schedule a meeting at [aliza.chesler@nteu.org](mailto:aliza.chesler@nteu.org).

Sincerely,

Doreen P. Greenwald  
National President

\*\*\*\*\*

This message does not originate from a known Department of Energy email system.  
Use caution if this message contains attachments, links or requests for information.

\*\*\*\*\*

\*\*\*\*\*

This message does not originate from a known Department of Energy email system.  
Use caution if this message contains attachments, links or requests for information.

\*\*\*\*\*

\*\*\*\*\*

This message does not originate from a known Department of Energy email system.  
Use caution if this message contains attachments, links or requests for information.

\*\*\*\*\*

\*\*\*\*\*

This message does not originate from a known Department of Energy email system.  
Use caution if this message contains attachments, links or requests for information.

\*\*\*\*\*

# Exhibit 26

**From:** [Dan Kaspar](#)  
**Subject:** Fw: DOE: Official Time for NTEU Virtual Training Conference  
**Date:** Friday, May 30, 2025 9:52:57 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Outlook-mcp2di4s.png](#)

---

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Aliza Chesler <aliza.chesler@NTEU.ORG>  
**Sent:** Friday, May 30, 2025 9:36 AM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Subject:** Fw: DOE: Official Time for NTEU Virtual Training Conference

See below email from DOE refusing to process OT request due to the EO

Thanks,  
Aliza  
(she/her/hers)





**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together exceed 35 MB in size. The sender will NOT receive an "undeliverable" message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Crane, Tom <Tom.Crane@hq.doe.gov>  
**Sent:** Thursday, May 29, 2025 3:59 PM  
**To:** Aliza Chesler <aliza.chesler@NTEU.ORG>  
**Cc:** Ryan Soon <ryan.soon@NTEU.ORG>; Joerger, Jessica <jessica.joerger@hq.doe.gov>  
**Subject:** RE: DOE: Official Time for NTEU Virtual Training Conference

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Aliza -

Your request for official time to attend NTEU's virtual training conference is received. At this time, we are unable to process your request, pending the outcome of litigation on EO 14251.

Regards,  
Tom



[Learn more on HCnet](#)  
[Contact the HR Hotline](#)

**Tom Crane**  
Director

Labor Relations Division -  
Policy, Labor & Employee  
Relations (OPLER-LRD)  
Office of the Chief Human  
Capital Officer  
Tel: 240.255.8374  
[Tom.Crane@hq.doe.gov](mailto:Tom.Crane@hq.doe.gov)

**From:** Aliza Chesler <aliza.chesler@NTEU.ORG>

**Sent:** Wednesday, May 28, 2025 1:55 PM

**To:** Labor Relations Operations Division <LROD@hq.doe.gov>; Crane, Tom <Tom.Crane@hq.doe.gov>; Joerger, Jessica <jessica.joerger@hq.doe.gov>

**Cc:** Ryan Soon <ryan.soon@NTEU.ORG>

**Subject:** [EXTERNAL] Re: DOE: Official Time for NTEU Virtual Training Conference

Good Afternoon:

I am following up on my request below with the course description and schedule for 2025 Virtual Training Conference. Sorry if the attachments to the previous email caused confusion.

Thanks,  
Aliza  
(she/her/hers)



**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency's email and/or internet policy if you need instructions on how to encrypt/redact information.

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments contain information from the National Treasury Employees Union and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged communications or work product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof. Thank you for your prompt attention to this matter.

**FILES LARGER THAN 35 MB:** The NTEU e-mail system cannot accept messages and attachments which together

exceed 35 MB in size. The sender will NOT receive an “undeliverable” message. Therefore, if sending large files, please break up the attachments and send them in several e-mail messages instead.

---

**From:** Aliza Chesler

**Sent:** Wednesday, May 28, 2025 1:37 PM

**To:** Labor Relations Operations Division <[lrod@hq.doe.gov](mailto:lrod@hq.doe.gov)>; Crane, Tom <[tom.crane@hq.doe.gov](mailto:tom.crane@hq.doe.gov)>; Joerger, Jessica <[jessica.joerger@hq.doe.gov](mailto:jessica.joerger@hq.doe.gov)>

**Cc:** Ryan Soon <[ryan.soon@NTEU.ORG](mailto:ryan.soon@NTEU.ORG)>

**Subject:** DOE: Official Time for NTEU Virtual Training Conference

Good Afternoon Tom:

NTEU is having a Virtual Training Conference in June, course descriptions and schedule attached. Could you please confirm that union representatives planning to attend the Virtual Training Conferences will still have their official time approved in accordance with Article 7, Section 7.04 of the CBA? Union representatives will request the time from their managers, this email is to confirm that the Virtual Training Conference is an approved use of time under Article 7, Section 7.04C.

Aliza

(she/her/hers)



**CAUTION:** Please do not send any documents and/or information to me via email which contains personally identifiable information (PII) such as social security numbers, address, or other such PII unless the document/information is encrypted and/or redacted. Please refer to your Agency’s email and/or internet policy if you need instructions on how to encrypt/redact information.

# Exhibit 27

[REDACTED]

---

[REDACTED]

**From:** Dan Kaspar <dan.kaspar@nteu.org>  
**Date:** June 2, 2025 at 9:10:10 PM EDT  
[REDACTED]  
**Subject:** Fw: NTEU Chapter 345 SF-1187s and Dues

[REDACTED]

[REDACTED]

---

**From:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Sent:** Monday, May 12, 2025 1:47 PM  
**To:** Johnson, Robyn (ENRD) <Robyn.Johnson@usdoj.gov>  
**Cc:** Mark Gray <mark.gray@NTEU.ORG>; Bennett, Nardia (ENRD) <Nardia.Bennett@usdoj.gov>  
**Subject:** Re: NTEU Chapter 345 SF-1187s and Dues

Hello Robyn,

I'm reaching out to follow up on the below. Please let me know when you're available for a meeting.

Regards,  
Dan

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Sent:** Friday, March 7, 2025 11:39 AM

**To:** Johnson, Robyn (ENRD) <Robyn.Johnson@usdoj.gov>  
**Cc:** Mark Gray <mark.gray@NTEU.ORG>; Bennett, Nardia (ENRD) <Nardia.Bennett@usdoj.gov>  
**Subject:** RE: NTEU Chapter 345 SF-1187s and Dues

Hi Robyn,

Following up on this.

Thanks,  
Dan

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Johnson, Robyn (ENRD) <Robyn.Johnson@usdoj.gov>  
**Sent:** Tuesday, February 25, 2025 1:53 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>; Mark Gray <mark.gray@NTEU.ORG>; Bennett, Nardia (ENRD) <Nardia.Bennett@usdoj.gov>  
**Subject:** Re: NTEU Chapter 345 SF-1187s and Dues

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Dan and Mark  
Sorry we are no longer available tomorrow afternoon. We will follow up with you shortly.

Regards,



(202) 532-3191 (c)

"Click here to access [Service Portal](#) for your benefit changes, military deposit, or retirement needs"

---

**From:** Johnson, Robyn (ENRD) <[Robyn.Johnson@usdoj.gov](mailto:Robyn.Johnson@usdoj.gov)>

**Sent:** Monday, February 24, 2025 3:04 PM

**To:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>; Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>; Bennett, Nardia (ENRD) <[Nardia.Bennett@usdoj.gov](mailto:Nardia.Bennett@usdoj.gov)>

**Subject:** Re: NTEU Chapter 345 SF-1187s and Dues

Are you all available on Wednesday at 1pm or later?

Sorry for the late response.

Regards,



(202) 532-3191 (c)

"Click here to access [Service Portal](#) for your benefit changes, military deposit, or retirement needs"

---

**From:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>

**Sent:** Thursday, February 20, 2025 3:36 PM

**To:** Johnson, Robyn (ENRD) <[Robyn.Johnson@usdoj.gov](mailto:Robyn.Johnson@usdoj.gov)>; Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>; Bennett, Nardia (ENRD) <[Nardia.Bennett@usdoj.gov](mailto:Nardia.Bennett@usdoj.gov)>

**Subject:** [EXTERNAL] RE: NTEU Chapter 345 SF-1187s and Dues

Thank you, Robyn. Mark and I have meetings on Monday until 3 p.m. ET. Do you have any availability after that time?

Daniel J. Kaspar (he/him)

Director of Field Operations & Organizing

National Treasury Employees Union

800 K Street, NW - Suite 1000

Washington, D.C. 20001

(202) 572-5500, ext. 6346

---

**From:** Johnson, Robyn (ENRD) <[Robyn.Johnson@usdoj.gov](mailto:Robyn.Johnson@usdoj.gov)>

**Sent:** Thursday, February 20, 2025 2:26 PM

**To:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>; Bennett, Nardia (ENRD) <[Nardia.Bennett@usdoj.gov](mailto:Nardia.Bennett@usdoj.gov)>

**Cc:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>

**Subject:** Re: NTEU Chapter 345 SF-1187s and Dues

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.



Thanks for this Mark and Dan

Are you available on Monday at 2p EST?

Regards,



(202) 532-3191 (c)

"Click here to access [Service Portal](#) for your benefit changes, military deposit, or retirement needs"

---

**From:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>

**Sent:** Thursday, February 20, 2025 10:33 AM

**To:** Johnson, Robyn (ENRD) <[Robyn.Johnson@usdoj.gov](mailto:Robyn.Johnson@usdoj.gov)>; Bennett, Nardia (ENRD) <[Nardia.Bennett@usdoj.gov](mailto:Nardia.Bennett@usdoj.gov)>

**Cc:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>; Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>

**Subject:** [EXTERNAL] FW: NTEU Chapter 345 SF-1187s and Dues

Good Morning;

Following up on Dan's email below, I wanted to forward you some information regarding the NTEU dues formula. As background, I have attached a brief description of how dues are calculated, the percentage table for the GS pay scale, and a document that addresses the structure of the dues files we typically receive from payroll processing centers.

NTEU has a two-part dues structure – National dues and Chapter dues. These amounts are calculated and withheld as a single withholding each pay period.

NTEU National dues are a percentage of an employee's base pay on a biweekly basis. The biweekly base pay is multiplied by the percentage multiplier that corresponds to the employee's grade and step on the GS pay scale (attached).

The NTEU chapter dues can be either a fixed dollar amount per employee per pay period, or a percentage of the National dues per employee per pay period. Once calculated, the National dues and chapter dues are added together and withheld as a single withholding. Dues are transmitted to the NTEU National office at the end of each pay period. Once we process each dues file, we send each chapter their dues amounts each pay period.

We can walk through this process in more detail and respond to questions once we have a time set aside for a discussion.

Best,  
Mark

---

**From:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>  
**Sent:** Wednesday, February 19, 2025 9:00 AM  
**To:** Johnson, Robyn (ENRD) <[Robyn.Johnson@usdoj.gov](mailto:Robyn.Johnson@usdoj.gov)>; Bennett, Nardia (ENRD) <[Nardia.Bennett@usdoj.gov](mailto:Nardia.Bennett@usdoj.gov)>  
**Cc:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>  
**Subject:** RE: NTEU Chapter 345 SF-1187s and Dues

Thank you, Robyn. I'll await some suggested times from you to have an opening conversation. I have some openings throughout tomorrow, if that works for you.

We will send over some standard information in advance that talks about our dues formula.

Regards,  
Dan

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Johnson, Robyn (ENRD) <[Robyn.Johnson@usdoj.gov](mailto:Robyn.Johnson@usdoj.gov)>  
**Sent:** Tuesday, February 18, 2025 9:22 AM  
**To:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>; Bennett, Nardia (ENRD) <[Nardia.Bennett@usdoj.gov](mailto:Nardia.Bennett@usdoj.gov)>  
**Cc:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>  
**Subject:** Re: NTEU Chapter 345 SF-1187s and Dues

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hello Dan.

We are still in the process of having the new Bargaining Unit Status code recognized in our systems.

I will follow up with you when you are in a position to have dues withdrawn.

I can meet with you later this week.

I will send some suggested times.

If you have information you can share with us in advance, that would be helpful.

Thanks.

Regards,



(202) 532-3191 (c)

"Click here to access [Service Portal](#) for your benefit changes, military deposit, or retirement needs"

---

**From:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>

**Sent:** Monday, February 17, 2025 7:19 PM

**To:** Johnson, Robyn (ENRD) <[Robyn.Johnson@usdoj.gov](mailto:Robyn.Johnson@usdoj.gov)>; Bennett, Nardia (ENRD) <[Nardia.Bennett@usdoj.gov](mailto:Nardia.Bennett@usdoj.gov)>

**Cc:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>

**Subject:** [EXTERNAL] Re: NTEU Chapter 345 SF-1187s and Dues

Hello Robyn and Nardia,

I'm following up on my email below. Please let me know a good time when we speak this week.

Regards,

Dan

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>

**Sent:** Tuesday, February 4, 2025 8:55 AM

**To:** [robyn.johnson@usdoj.gov](mailto:robyn.johnson@usdoj.gov) <[robyn.johnson@usdoj.gov](mailto:robyn.johnson@usdoj.gov)>;  
[nardia.bennett@usdoj.gov](mailto:nardia.bennett@usdoj.gov) <[nardia.bennett@usdoj.gov](mailto:nardia.bennett@usdoj.gov)>

**Cc:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>

**Subject:** NTEU Chapter 345 SF-1187s and Dues

Hello Robyn and Nardia,

My name is Dan Kaspar, and I am the Director of Field Operations & Organizing at NTEU. I have copied my colleague, Mark Gray, on this email. Mark is the Director of Operations and Administration at NTEU.

It's my understanding that you would be the contact for us to work with to get dues withholding set up at DOJ ENRD. Mark and I are very much looking forward to working with you on that.

We were hoping to set up a call with you (and whoever else you deem appropriate) to introduce ourselves and discuss some of the details, including explaining our dues formula and asking you for whatever assistance you will need from us. Do you have any availability later this week?

Regards,  
Dan

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

# Exhibit 28

[REDACTED]

[REDACTED]

**From:** Dan Kaspar <dan.kaspar@nteu.org>

**Date:** June 2, 2025 at 9:08:52 PM EDT

[REDACTED]

**Subject:** Re: [EXTERNAL] RE: NTEU Chapter 346 (DOJ CRT) SF-1187s and Dues

[REDACTED]

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Dan Kaspar <dan.kaspar@NTEU.ORG>

**Sent:** Monday, May 12, 2025 1:41 PM

**To:** Rittgers, Darlene (CRT) <Darlene.Rittgers@usdoj.gov>

**Cc:** Mark Gray <mark.gray@NTEU.ORG>; Isa, John (CRT) <john.isa@usdoj.gov>

**Subject:** RE: [EXTERNAL] RE: NTEU Chapter 346 (DOJ CRT) SF-1187s and Dues

Hello Darlene,

I'm reaching out to follow up on the below. Please let me know when you're available for a meeting.

Regards,

Dan

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000

Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>  
**Sent:** Friday, March 7, 2025 11:42 AM  
**To:** Rittgers, Darlene (CRT) <[Darlene.Rittgers@usdoj.gov](mailto:Darlene.Rittgers@usdoj.gov)>  
**Cc:** Embrey, Diana (CRT) <[Diana.Embrey@usdoj.gov](mailto:Diana.Embrey@usdoj.gov)>; Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>; Isa, John (CRT) <[John.Isa@usdoj.gov](mailto:John.Isa@usdoj.gov)>  
**Subject:** RE: [EXTERNAL] RE: NTEU Chapter 346 (DOJ CRT) SF-1187s and Dues

Hi Darlene,

I'm waiting to hear back from ENRD still. They had to postpone our last meeting time. Is there a date next week that would work for you to meet with us? Once we nail down our date/time, I can work with ENRD to see if we can loop them in as well.

Regards,  
Dan

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Rittgers, Darlene (CRT) <[Darlene.Rittgers@usdoj.gov](mailto:Darlene.Rittgers@usdoj.gov)>  
**Sent:** Friday, February 21, 2025 5:03 PM  
**To:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>  
**Cc:** Embrey, Diana (CRT) <[Diana.Embrey@usdoj.gov](mailto:Diana.Embrey@usdoj.gov)>; Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>; Isa, John (CRT) <[John.Isa@usdoj.gov](mailto:John.Isa@usdoj.gov)>  
**Subject:** Re: [EXTERNAL] RE: NTEU Chapter 346 (DOJ CRT) SF-1187s and Dues

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hi Dan,

I'm not sure I can make Monday work but please let me know if you all meet another day and I'll do my best to join. After meeting with them (if Monday happens), you may not need to talk to me because we'll follow the same



exact process as ENRD.

Have a great weekend!

Darlene.

On Feb 21, 2025, at 4:49 PM, Dan Kaspar

<[dan.kaspar@nteu.org](mailto:dan.kaspar@nteu.org)> wrote:

Hi Darlene – no issues on our end in terms of including ENRD, especially if it's more efficient for all of us that way. Do you know Robyn Johnson and Nardia Bennett? Mark and I were trading availability with them to meet next week on Monday afternoon (after 3 p.m. ET).

Regards,

Dan

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Rittgers, Darlene (CRT) <[Darlene.Rittgers@usdoj.gov](mailto:Darlene.Rittgers@usdoj.gov)>

**Sent:** Friday, February 21, 2025 10:16 AM

**To:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>; Embrey, Diana (CRT) <[Diana.Embrey@usdoj.gov](mailto:Diana.Embrey@usdoj.gov)>

**Cc:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>; Isa, John (CRT) <[John.Isa@usdoj.gov](mailto:John.Isa@usdoj.gov)>

**Subject:** RE: NTEU Chapter 346 (DOJ CRT) SF-1187s and Dues

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hi Dan,

Next week definitely works better. Can we include ENRD in this? I'm almost positive the set up to process dues is going to have to be at our headquarters, since the litigating components have limited

authority when it comes to payroll. I have my team doing some research, but whatever applies to us will certainly apply to ENRD.

Thanks much!  
Darlene.

---

**From:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>  
**Sent:** Thursday, February 20, 2025 3:44 PM  
**To:** Embrey, Diana (CRT) <[Diana.Embrey@usdoj.gov](mailto:Diana.Embrey@usdoj.gov)>  
**Cc:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>; Rittgers, Darlene (CRT) <[Darlene.Rittgers@usdoj.gov](mailto:Darlene.Rittgers@usdoj.gov)>; Isa, John (CRT) <[John.Isa@usdoj.gov](mailto:John.Isa@usdoj.gov)>  
**Subject:** [EXTERNAL] Re: NTEU Chapter 346 (DOJ CRT) SF-1187s and Dues

Thank you, Diana. Nice to meet you, Darlene and John. We'll wait to hear from you regarding your availability. Maybe early next week works better.

Looking forward to working with you all.  
Dan

Get [Outlook for iOS](#)

---

**From:** Embrey, Diana (CRT) <[Diana.Embrey@usdoj.gov](mailto:Diana.Embrey@usdoj.gov)>  
**Sent:** Thursday, February 20, 2025 10:23 AM  
**To:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>  
**Cc:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>; Rittgers, Darlene (CRT) <[Darlene.Rittgers@usdoj.gov](mailto:Darlene.Rittgers@usdoj.gov)>; Isa, John (CRT) <[John.Isa@usdoj.gov](mailto:John.Isa@usdoj.gov)>  
**Subject:** RE: NTEU Chapter 346 (DOJ CRT) SF-1187s and Dues

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hi Dan –

I'm adding CRT's HR Officer, Darlene Rittgers, as her team handles dues withholdings. I'm also adding John Isa on my team who works on union issues.

Diana

---

**From:** Dan Kaspar <[dan.kaspar@NTEU.ORG](mailto:dan.kaspar@NTEU.ORG)>  
**Sent:** Thursday, February 20, 2025 8:30 AM  
**To:** Embrey, Diana (CRT) <[Diana.Embrey@usdoj.gov](mailto:Diana.Embrey@usdoj.gov)>  
**Cc:** Mark Gray <[mark.gray@NTEU.ORG](mailto:mark.gray@NTEU.ORG)>  
**Subject:** [EXTERNAL] NTEU Chapter 346 (DOJ CRT) SF-1187s and Dues

Hello Diana,

My name is Dan Kaspar, and I am the Director of Field Operations & Organizing at NTEU. I have copied my colleague, Mark Gray, on this email. Mark is the Director of Operations and Administration at NTEU.

It's my understanding that you would be the contact for us to work with to get dues withholding set up at DOJ CRT. Mark and I are very much looking forward to working with you on that.

We were hoping to set up a call with you (and whoever else you deem appropriate) to introduce ourselves and discuss some of the details, including explaining our dues formula and asking you for whatever assistance you will need from us. Do you have any availability later this week or next?

Regards,  
Dan

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

# Exhibit 29

**From:** [Dan Kaspar](#)  
**Subject:** Fw: Union Dues  
**Date:** Tuesday, June 3, 2025 11:48:47 AM  
**Attachments:** [image001.png](#)  
[image001.png](#)

---

**From:** Coomber, Robert <coomber.robert@epa.gov>  
**Sent:** Thursday, May 22, 2025 6:00:28 PM  
**To:** AFGE President <president@afgec238.org>; Davis, Zakiya <Davis.Zakiya@epa.gov>; Jacobs, Sara <Jacobs.Sara@epa.gov>; John Campbell-Orde <john.campbell-orde@NTEU.ORG>; Joyce Howell <joycehowell@afge3631.org>; Mills, Lesley <Mills.Lesley@epa.gov>; Oliver, Leah <Oliver.Leah@epa.gov>  
**Subject:** Union Dues

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hi Union Leaders,

On May 16 the [D.C. Court of Appeals](#) determined that,

Here, the Union can seek to recover missing dues in subsequent Federal Labor Relations Authority proceedings if the Union ultimately prevails in . . . litigation. . . .

Moreover, it is speculative that the Union will suffer a significant financial injury in the interim. To start, the Union will continue collecting dues from some 54,000 employees who are not covered by the Executive Order. See National Treasury Employees Union v. Trump, No. 25-cv-0935, 2025 WL 1218044, at \*17 (D.D.C. Apr. 28, 2025) (“the Executive Order covers 65.9% of all NTEU-represented employees, or approximately 104,278 employees”). In addition, nothing prevents Union members covered by the Executive Order from voluntarily paying the dues they owe; that is, after all, how most other voluntary membership organizations collect dues. Cf. Alachua County Education Association v. Rubottom, No. 23-cv-111, 2023 WL 7132968, at \*3 (N.D. Fla. Sept. 22, 2023) (noting that after one public employer “ceased deducting membership dues from payroll,” “about half of dues-paying members . . . transitioned to paying dues via another method,” and after another public employer did so, “60% of members . . . signed up to pay dues through [an] alternative payment method”).

As a result, we were informed that EPA’s payroll provider has again ceased dues collections.

We have no additional information at this time.

Bob

**Bob Coomber**

Senior Labor Advisor

**Office of Mission Support**

U.S. Environmental Protection Agency

**Office:** (202) 564-0955

**Mobile:** (202) 236-4965

**Email:** [coomber.robert@epa.gov](mailto:coomber.robert@epa.gov)



*They can because we do!*

*Please note that I sent this at a time that was convenient for me without expectation for a response outside of business hours. If you receive this email outside of your normal working hours, please know that I do not expect a response until you are back at work during your normal hours.*

# Exhibit 30



**From:** Doug Sanders <doug.sanders@NTEU.ORG>  
**Sent:** Wednesday, April 9, 2025 1:30 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Cc:** Kathryn Huth <kathryn.huth@NTEU.ORG>  
**Subject:** FW: NTEU 254: Request for briefing on proposed offices moves for Article 6, Section 5(B) Notice at CDER-St. Louis (week of 3/31/2025)

**Douglas L. Sanders**  
**Assistant Counsel and National Field Representative**  
National Treasury Employees Union, Denver Field Office  
1355 S. Colorado Blvd., Ste. C-210  
Denver, CO 80222  
303/295-6301 x6413

This email message and any attachments is intended only for the named recipient(s). It may contain information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law and may not be forwarded, disclosed or otherwise utilized without the express permission of the sender. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, do not review the contents, please notify the sender and then delete the message.

**From:** Rogers, Stephanie <Stephanie.Rogers@fda.hhs.gov>  
**Sent:** Wednesday, April 9, 2025 11:19 AM  
**To:** Doug Sanders <doug.sanders@NTEU.ORG>

**Subject:** FW: NTEU 254: Request for briefing on proposed offices moves for Article 6, Section 5(B) Notice at CDER-St. Louis (week of 3/31/2025)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.



**Stephanie Rogers**

Chapter President NTEU 254

U.S. Food and Drug Administration

T: 303-236-9638

[Stephanie.Rogers@fda.hhs.gov](mailto:Stephanie.Rogers@fda.hhs.gov)



---

**From:** Cabrera, Naomi <[Naomi.Cabrera@fda.hhs.gov](mailto:Naomi.Cabrera@fda.hhs.gov)>

**Sent:** Monday, March 31, 2025 9:34 AM

**To:** Smith, Anjanette P <[Anjanette.Smith@fda.hhs.gov](mailto:Anjanette.Smith@fda.hhs.gov)>

**Cc:** Rodriguez, Jason <[Jason.Rodriguez@fda.hhs.gov](mailto:Jason.Rodriguez@fda.hhs.gov)>; Rivas, Elaine M <[Elaine.Rivas@fda.hhs.gov](mailto:Elaine.Rivas@fda.hhs.gov)>; Rogers, Stephanie <[Stephanie.Rogers@fda.hhs.gov](mailto:Stephanie.Rogers@fda.hhs.gov)>; Stubbs, Latrecia <[Latrecia.Stubbs@fda.hhs.gov](mailto:Latrecia.Stubbs@fda.hhs.gov)>

**Subject:** RE: NTEU 254: Request for briefing on proposed offices moves for Article 6, Section 5(B) Notice at CDER-St. Louis (week of 3/31/2025)

Good morning,

Please see correction (highlighted) to the guidance below:

On March 27, 2025, President Trump signed an executive order entitled *Exclusions from Federal Labor-Management Relations Programs (Exclusions)*. This order invoked the President's authority under 5 U.S.C § 7103(b)(1) and 22 U.S.C. § 4103(b) to exempt agencies and agency subdivisions from the provisions of the Federal Service Labor-Management Relations Statute and the Foreign Service Labor-Management Relations Statute (individually and collectively, the FSLMRS).

Until further notice, the FDA is postponing any scheduled labor relation meetings currently.

Very Respectfully,

**Naomi Cabrera,**

Labor Relations Specialist

Division of Employee and Labor Relations (DELR)

Office of Human Capital Management (OHCM)

Office of Operations (OO)

Office of the Commissioner (OC)

U.S. Food and Drug Administration (FDA)

email: [naomi.cabrera@fda.hhs.gov](mailto:naomi.cabrera@fda.hhs.gov)

**Confidentiality Note:** This e-mail is intended only for the person or entity to which it is addressed, and may contain information that is privileged, confidential, or otherwise protected from disclosure. Dissemination, distribution, or copying of this e-mail or the information herein by anyone other than the intended recipient is prohibited. If you have received this e-mail in error, please notify the sender by reply e-mail, phone, or fax, and destroy the original message and all copies.

---

**From:** Cabrera, Naomi  
**Sent:** Monday, March 31, 2025 9:02 AM  
**To:** Smith, Anjanette P <[Anjanette.Smith@fda.hhs.gov](mailto:Anjanette.Smith@fda.hhs.gov)>  
**Cc:** Rodriguez, Jason <[Jason.Rodriguez@fda.hhs.gov](mailto:Jason.Rodriguez@fda.hhs.gov)>; Rivas, Elaine M <[Elaine.Rivas@fda.hhs.gov](mailto:Elaine.Rivas@fda.hhs.gov)>; Rogers, Stephanie <[Stephanie.Rogers@fda.hhs.gov](mailto:Stephanie.Rogers@fda.hhs.gov)>; Stubbs, Latrecia <[Latrecia.Stubbs@fda.hhs.gov](mailto:Latrecia.Stubbs@fda.hhs.gov)>  
**Subject:** RE: NTEU 254: Request for briefing on proposed offices moves for Article 6, Section 5(B) Notice at CDER-St. Louis (week of 3/31/2025)

Good morning,

On March 27, 2025, President Trump signed an executive order entitled *Exclusions from Federal Labor-Management Relations Programs (Exclusions)*. This order invoked the President's authority under 5 U.S.C § 7103(b)(1) and 22 U.S.C. § 4103(b) to exempt agencies and agency subdivisions from the provisions of the Federal Service Labor-Management Relations Statute and the Foreign Service Labor-Management Relations Statute (individually and collectively, the FSLMRS).

Until further notice, the FDA is ending labor relation meetings with the exclusive representatives of (NTEU/AFGE) in adherence to the above referenced presidential Executive Order.

Very Respectfully,

**Naomi Cabrera,**  
Labor Relations Specialist  
Division of Employee and Labor Relations (DELR)  
Office of Human Capital Management (OHCM)  
Office of Operations (OO)  
Office of the Commissioner (OC)  
U.S. Food and Drug Administration (FDA)  
email: [naomi.cabrera@fda.hhs.gov](mailto:naomi.cabrera@fda.hhs.gov)

**Confidentiality Note:** This e-mail is intended only for the person or entity to which it is addressed, and may contain information that is privileged, confidential, or otherwise protected from disclosure. Dissemination, distribution, or copying of this e-mail or the information herein by anyone other than the intended recipient is prohibited. If you have received this e-mail in error, please notify the sender by reply e-mail, phone, or fax, and destroy the original message and all copies.

---

# Exhibit 31

---

**From:** Chism, Shovaughn <Shovaughn.Chism@fda.hhs.gov>  
**Sent:** Tuesday, April 8, 2025 2:54 PM  
**To:** Haueter, Courtney <Courtney.Haueter@fda.hhs.gov>; Lee, Anthony W <AnthonyW.Lee@fda.hhs.gov>; Robinson, Helen <Helen.Robinson@fda.hhs.gov>  
**Cc:** Alexandridis, Apostolos <Apostol.Alexandridis@fda.hhs.gov>; Raffell, Cheryl <Cheryl.Raffell@fda.hhs.gov>  
**Subject:** RE: NTEU Rep for OS All Hands

Hi Courtney,

I have included our chapter leadership (Anthony and Helen) for their awareness. This is deeply troubling to hear and know that this violates Article 7 of our 2023 CBA that cannot be voided by an EO. This will damage leaderships remaining credibility and trust they have had with OS staff at a time when it is needed most.

[@Lee, Anthony W](#) and [@Robinson, Helen](#), please add anything you'd like in this email chain.

Shovaughn Chism, MSW  
*Regulatory Information Specialist/Union Steward NTEU 282*  
DRSI-CSC | CTP-OS | FDA

Office line: (240) 402-9049

Email: [shovaughn.chism@fda.hhs.gov](mailto:shovaughn.chism@fda.hhs.gov)

*Accelerate the transition to a healthier America*



---

**From:** Haueter, Courtney <[Courtney.Haueter@fda.hhs.gov](mailto:Courtney.Haueter@fda.hhs.gov)>

**Sent:** Tuesday, April 8, 2025 2:50 PM

**To:** Chism, Shovaughn <[Shovaughn.Chism@fda.hhs.gov](mailto:Shovaughn.Chism@fda.hhs.gov)>

**Cc:** Alexandridis, Apostolos <[Apostol.Alexandridis@fda.hhs.gov](mailto:Apostol.Alexandridis@fda.hhs.gov)>; Raffell, Cheryl <[Cheryl.Raffell@fda.hhs.gov](mailto:Cheryl.Raffell@fda.hhs.gov)>

**Subject:** RE: NTEU Rep for OS All Hands

Hi Sho,

Cheri shared your email with me.

Unfortunately, to comply with EO 14251, *Exclusions from Federal Labor-Management Relations Programs* (attached for ease of reference), management participating in this meeting will not be engaging with NTEU on the topics covered during the meeting.

Thank you for all you do,

Courtney

# Exhibit 32



**From:** Doug Sanders <doug.sanders@NTEU.ORG>  
**Sent:** Thursday, April 10, 2025 4:45 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Cc:** Kathryn Huth <kathryn.huth@NTEU.ORG>  
**Subject:** FW: NTEU 254: BUE denied union representation during meeting with supervisor.

**Douglas L. Sanders**  
**Assistant Counsel and National Field Representative**  
National Treasury Employees Union, Denver Field Office  
1355 S. Colorado Blvd., Ste. C-210  
Denver, CO 80222  
303/295-6301 x6413

This email message and any attachments is intended only for the named recipient(s). It may contain information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law and may not be forwarded, disclosed or otherwise utilized without the express permission of the sender. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, do not review the contents, please notify the sender and then delete the message.

**From:** Rogers, Stephanie <Stephanie.Rogers@fda.hhs.gov>  
**Sent:** Thursday, April 10, 2025 9:22 AM  
**To:** Doug Sanders <doug.sanders@NTEU.ORG>  
**Subject:** FW: NTEU 254: BUE denied union representation during meeting with supervisor.

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.



**Stephanie Rogers**

Chapter President NTEU 254

**U.S. Food and Drug Administration**

T: 303-236-9638

[Stephanie.Rogers@fda.hhs.gov](mailto:Stephanie.Rogers@fda.hhs.gov)



---

**From:** Smith, Anjanette P <[Anjanette.Smith@fda.hhs.gov](mailto:Anjanette.Smith@fda.hhs.gov)>  
**Sent:** Thursday, April 10, 2025 9:21 AM  
**To:** Rogers, Stephanie <[Stephanie.Rogers@fda.hhs.gov](mailto:Stephanie.Rogers@fda.hhs.gov)>; Stubbs, Latrecia <[Latrecia.Stubbs@fda.hhs.gov](mailto:Latrecia.Stubbs@fda.hhs.gov)>  
**Subject:** NTEU 254: BUE denied union representation during meeting with supervisor.

Good morning Stephanie and Latrecia,

The BUE requested Union representation during a 1 to 1 meeting with the supervisor, and the supervisor agreed. Later, the supervisor rescinded because of guidance on revocation of EO 14119 and “*cease the use of pre-decisional involvement of labor unions and employees in agency matters*”. Though CBA Article 5, section 4 retains the right of the supervisor to meet an employee without Union representation, I am concerned that this guidance may lead to the denial of union representation during Article 7 meetings.

Respectfully,  
Anjanette Smith  
NTEU Chapter 254 Representative  
Food and Drug Administration  
St. Louis, MO  
Phone: 314-539-3858  
[Anjanette.Smith@fda.hhs.gov](mailto:Anjanette.Smith@fda.hhs.gov)

---

**From:** [REDACTED] <[REDACTED]@fda.hhs.gov>  
**Sent:** Wednesday, April 9, 2025 4:01 PM  
**To:** Smith, Anjanette P <[Anjanette.Smith@fda.hhs.gov](mailto:Anjanette.Smith@fda.hhs.gov)>  
**Subject:** FW: meetings and NTEU

Hi Anjanette,

[REDACTED]

Thank you,  
[REDACTED]

---

**From:** Hines, Michelle J <[Michelle.Hines@fda.hhs.gov](mailto:Michelle.Hines@fda.hhs.gov)>

**Sent:** Wednesday, April 9, 2025 3:42 PM

**To:** [REDACTED] <[\[REDACTED\]@fda.hhs.gov](mailto:[REDACTED]@fda.hhs.gov)>

**Subject:** RE: meetings and NTEU

Good afternoon [REDACTED],

After further consideration, I am rescinding my approval of your request to have NTEU present during our meeting tomorrow and any future 1:1s/team meetings. It is not my current practice to have anyone from the union present during our 1:1s or my team meetings.

Thank you in advance,

**Michelle J. Hines, Branch Chief**

**OBMI/DBMI3/BMIB3**

# Exhibit 33

[REDACTED]

---

**From:** Dan Kaspar <dan.kaspar@NTEU.ORG>

**Sent:** Wednesday, May 28, 2025 8:03 AM

[REDACTED]

**Subject:** Fw: Removal/Accommodation removal (M. Rogers Arbitration Hearing)

[REDACTED]

---

**From:** Sarah Riger <sarah.riger@NTEU.ORG>

**Sent:** Tuesday, May 27, 2025 3:43 PM

**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>

**Subject:** Fw: Removal/Accommodation removal (M. Rogers Arbitration Hearing)

[REDACTED]

---

**From:** Ballance, Christina (OS/ASA/IO) <Christina.Ballance@hhs.gov>

**Sent:** Tuesday, May 27, 2025 3:38 PM

**To:** Alexis Thomas <alexis.thomas@NTEU.ORG>; LAURENCE Evans <lmearb@comcast.net>; Sarah Riger <sarah.riger@NTEU.ORG>; Nagy, Thomas (OS/IOS) <Thomas.Nagy@hhs.gov>; Williamson, David (FDA/OC) <David.Williamson@fda.hhs.gov>; Pantiel, Lanetta (FDA/OC) <Lanetta.Pantiel@fda.hhs.gov>; Sosa, Carolina (OS/ASA/IO) <Carolina.Sosa@hhs.gov>

**Subject:** RE: Removal/Accommodation removal (M. Rogers Arbitration Hearing)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Happy Tuesday to all,

Since the last time we spoke, the temporary restraining order on the Exclusions EO was stayed by the U.S. Circuit Court for DC.

Therefore, in light of Executive Order 14251 and the pending litigation associated with the issuance of the aforementioned executive order, the Department of Health and Human Services and the Food and Drug Administration request that the arbitration before you be held in abeyance pending the outcome of litigation regarding E.O. 14251.

Christina

**Christina V. Ballance**

Executive Director, National Labor and Employee Relations Office

Office of Human Resources

Mobile: (202) 436-6485



---

**From:** Alexis Thomas <[alexis.thomas@NTEU.ORG](mailto:alexis.thomas@NTEU.ORG)>

**Sent:** Tuesday, May 27, 2025 3:00 PM

**To:** LAURENCE Evans <[lmearb@comcast.net](mailto:lmearb@comcast.net)>; Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>; Sarah Riger <[sarah.riger@NTEU.ORG](mailto:sarah.riger@NTEU.ORG)>; Nagy, Thomas (OS/IOS) <[Thomas.Nagy@hhs.gov](mailto:Thomas.Nagy@hhs.gov)>; Williamson, David (FDA/OC) <[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>; Pantiel, Lanetta (FDA/OC) <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; Sosa, Carolina (OS/ASA/IO) <[Carolina.Sosa@hhs.gov](mailto:Carolina.Sosa@hhs.gov)>

**Subject:** Re: Removal/Accommodation removal (M. Rogers Arbitration Hearing)

Dear Arbitration Evans,

NTEU confirms its availability for Friday, July 25.

If the Agency changes its position and will propose to not move forward with the July 25 arbitration hearing date, could the Agency please let us know as soon as possible, especially for the welfare of the grievant.

Thank you,

Alexis

---

**From:** LAURENCE Evans <[lmearb@comcast.net](mailto:lmearb@comcast.net)>

**Sent:** Saturday, May 17, 2025 4:22 PM

**To:** Alexis Thomas <[alexis.thomas@NTEU.ORG](mailto:alexis.thomas@NTEU.ORG)>; Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>; Sarah Riger <[sarah.riger@NTEU.ORG](mailto:sarah.riger@NTEU.ORG)>; Nagy, Thomas (OS/IOS) <[Thomas.Nagy@hhs.gov](mailto:Thomas.Nagy@hhs.gov)>; Williamson, David (FDA/OC) <[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>; Pantiel, Lanetta (FDA/OC) <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; Sosa, Carolina (OS/ASA/IO) <[Carolina.Sosa@hhs.gov](mailto:Carolina.Sosa@hhs.gov)>

**Subject:** Removal/Accommodation removal

**Caution:** This message originated from outside of the organization. Do Not Click



links or Open attachments unless you recognize the sender and know the content is safe.



I have reviewed the parties' recent May 15 email (which showed up today) and July 25, friday is fine with me, if acceptable to both sides. Closer in time please provide details about parking and access to facility.

I trust the Agency has funding for my fees and expenses.

Thanks,

Laurence Evans  
Arbitrator  
National Academy of Arbitrators



**From:** [Dan Kaspar](#)  
   
**Subject:** Fw: NTEU Chapter 254 - Villarreal removal  
**Date:** Thursday, May 29, 2025 5:55:47 PM  
**Attachments:** [image001.png](#)

---

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Doug Sanders <doug.sanders@NTEU.ORG>  
**Sent:** Thursday, May 29, 2025 12:53 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Subject:** FW: NTEU Chapter 254 - Villarreal removal




**Douglas L. Sanders**  
**Assistant Counsel and National Field Representative**  
National Treasury Employees Union, Denver Field Office  
1355 S. Colorado Blvd., Ste. C-210  
Denver, CO 80222  
303/295-6301 x6413

This email message and any attachments is intended only for the named recipient(s). It may contain information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law and may not be forwarded, disclosed or otherwise utilized without the express permission of the sender. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, do not review the contents, please notify the sender and then delete the message.

---

**From:** Ballance, Christina (OS/ASA/IO) <Christina.Ballance@hhs.gov>  
**Sent:** Thursday, May 29, 2025 10:49 AM

**To:** dlh@hargroveadr.com

**Cc:** NLRO (OS/ASA/OHR/WRD) <NLRO@hhs.gov>; Doug Sanders <doug.sanders@NTEU.ORG>; Pantiel, Lanetta (FDA/OC) <Lanetta.Pantiel@fda.hhs.gov>; Williamson, David (FDA/OC) <David.Williamson@fda.hhs.gov>; Ortega-Napoli, Michael (OS/ASA/IO) <Michael.Ortega-napoli@hhs.gov>

**Subject:** FW: NTEU Chapter 254 - Villarreal removal

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Dear Arbitrator Hargrove,

The D.C. Circuit Court has stayed the temporary restraining order on Executive Order 14251. Therefore, the Department of Health and Human Services and the Food and Drug Administration request that the arbitration before you be held in abeyance pending the outcome of litigation regarding E.O. 14251.

Thanks,

Christina

**Christina V. Ballance**

Executive Director, National Labor and Employee Relations Office

Office of Human Resources

Mobile: (202) 436-6485



---

**From:** [dlh@hargroveadr.com](mailto:dlh@hargroveadr.com) <[dlh@hargroveadr.com](mailto:dlh@hargroveadr.com)>

**Sent:** Thursday, May 15, 2025 3:26 PM

**To:** Ortega-Napoli, Michael (OS/ASA/IO) <[Michael.Ortega-napoli@hhs.gov](mailto:Michael.Ortega-napoli@hhs.gov)>; Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>

**Cc:** NLRO (OS/ASA/OHR/WRD) <[NLRO@hhs.gov](mailto:NLRO@hhs.gov)>; Doug Sanders <[doug.sanders@NTEU.ORG](mailto:doug.sanders@NTEU.ORG)>; Pantiel, Lanetta (FDA/OC) <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; Williamson, David (FDA/OC) <[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>

**Subject:** Re: NTEU Chapter 254 - Villarreal removal

Thank you for the update.

Best Regards,

Danielle L. Hargrove  
Mediator\*Arbitrator  
DLH ADR Solutions PLLC  
8350 N Central Expressway, Suite 1900  
PMB#2021  
Dallas, TX 75206  
210-313-8811  
[dlh@hargroveadr.com](mailto:dlh@hargroveadr.com)  
[www.hargroveadr.com](http://www.hargroveadr.com)

Need to set up a call/mediation/arbitration?

Click here: <https://hargroveadr.as.me/>

CONFIDENTIALITY NOTICE: The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system. Thank You.

---

**From:** Ortega-Napoli, Michael (OS/ASA/IO) <[Michael.Ortega-napoli@hhs.gov](mailto:Michael.Ortega-napoli@hhs.gov)>

**Sent:** Thursday, May 15, 2025 5:52 AM

**To:** [dlh@hargroveadr.com](mailto:dlh@hargroveadr.com) <[dlh@hargroveadr.com](mailto:dlh@hargroveadr.com)>; Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>

**Cc:** NLRO (OS/ASA/OHR/WRD) <[NLRO@hhs.gov](mailto:NLRO@hhs.gov)>; Doug Sanders <[doug.sanders@NTEU.ORG](mailto:doug.sanders@NTEU.ORG)>;

Pantiel, Lanetta (FDA/OC) <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; Williamson, David (FDA/OC) <[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>; Ortega-Napoli, Michael (OS/ASA/IO) <[Michael.Ortega-napoli@hhs.gov](mailto:Michael.Ortega-napoli@hhs.gov)>

**Subject:** RE: NTEU Chapter 254 - Villarreal removal

Good morning Arbitrator Hargrove,

The conference room has been reserved for June 26, 2025.

The address is:

U.S. Food and Drug Administration  
Lincoln-Juarez Bridge II, Admin. Bldg. II  
700 Zaragoza Street  
Laredo, Texas 78040

The local point of contact at that FDA location is Julianna Ramos, Supervisory Consumer Safety Officer. Her phone number is 956-721-4611.

Very respectfully,

Michael

**Michael C. Ortega-Napoli, MPA**  
U.S. Department of Health and Human Services  
Office of Human Resources (OHR)  
National Labor Employee Relations Office (NLERO)  
[Michael.Ortega-Napoli@hhs.gov](mailto:Michael.Ortega-Napoli@hhs.gov)  
WebEX: 202.240.3341  
Mobile: 301.542.3441

*This e-mail may contain information that constitutes intra-management communications, guidance, advice, counsel, and/or training provided for management officials or supervisors under 5 USC 7114(b)(4)(C) and is not to be made available or shared with either the union or bargaining unit employees. Further, this communication/message and any attachments are intended solely for the recipient. If you received this message in error or are otherwise not the named recipient, please notify me, delete the message and destroy any copies.*

---

**From:** [dlh@hargroveadr.com](mailto:dlh@hargroveadr.com) <[dlh@hargroveadr.com](mailto:dlh@hargroveadr.com)>

**Sent:** Wednesday, May 14, 2025 4:17 PM

**To:** Ortega-Napoli, Michael (OS/ASA/IO) <[Michael.Ortega-napoli@hhs.gov](mailto:Michael.Ortega-napoli@hhs.gov)>; Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>

**Cc:** NLRO (OS/ASA/OHR/WRD) <[NLRO@hhs.gov](mailto:NLRO@hhs.gov)>; Doug Sanders <[doug.sanders@NTEU.ORG](mailto:doug.sanders@NTEU.ORG)>; Pantiel, Lanetta (FDA/OC) <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; Williamson, David (FDA/OC)

<[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>

**Subject:** Re: NTEU Chapter 254 - Villarreal removal

Thank you for the update.

Danielle L. Hargrove  
Mediator\*Arbitrator  
DLH ADR Solutions PLLC  
8350 N Central Expressway, Suite 1900  
PMB#2021  
Dallas, TX 75206  
210-313-8811  
[dlh@hargroveadr.com](mailto:dlh@hargroveadr.com)  
[www.hargroveadr.com](http://www.hargroveadr.com)

Need to set up a call/mediation/arbitration?

Click here: <https://hargroveadr.as.me/>

CONFIDENTIALITY NOTICE: The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system. Thank You.

---

**From:** Ortega-Napoli, Michael (OS/ASA/IO) <[Michael.Ortega-napoli@hhs.gov](mailto:Michael.Ortega-napoli@hhs.gov)>

**Sent:** Wednesday, May 14, 2025 12:12 PM

**To:** [dlh@hargroveadr.com](mailto:dlh@hargroveadr.com) <[dlh@hargroveadr.com](mailto:dlh@hargroveadr.com)>; Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>

**Cc:** NLRO (OS/ASA/OHR/WRD) <[NLRO@hhs.gov](mailto:NLRO@hhs.gov)>; Doug Sanders <[doug.sanders@NTEU.ORG](mailto:doug.sanders@NTEU.ORG)>; Pantiel, Lanetta (FDA/OC) <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; Williamson, David (FDA/OC) <[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>; Ortega-Napoli, Michael (OS/ASA/IO) <[Michael.Ortega-napoli@hhs.gov](mailto:Michael.Ortega-napoli@hhs.gov)>

**Subject:** RE: NTEU Chapter 254 - Villarreal removal

Good afternoon Arbitrator Hargrove,

The FDA facility in Laredo, TX has a conference room that may be available for the hearing; however, I am currently awaiting confirmation from the FDA regarding our use of the space. Once I receive confirmation, I will promptly provide the full address and room number.

I am hopeful to have this information for you by tomorrow. Thank you for your patience.

Regards,

Michael

**Michael C. Ortega-Napoli, MPA**  
U.S. Department of Health and Human Services  
Office of Human Resources (OHR)  
National Labor Employee Relations Office (NLERO)  
[Michael.Ortega-Napoli@hhs.gov](mailto:Michael.Ortega-Napoli@hhs.gov)  
WebEX: 202.240.3341  
Mobile: 301.542.3441

*This e-mail may contain information that constitutes intra-management communications, guidance, advice, counsel, and/or training provided for management officials or supervisors under 5 USC 7114(b)(4)(C) and is not to be made available or shared with either the union or bargaining unit employees. Further, this communication/message and any attachments are intended solely for the recipient. If you received this message in error or are otherwise not the named recipient, please notify me, delete the message and destroy any copies.*

---

**From:** [dlh@hargroveadr.com](mailto:dlh@hargroveadr.com) <[dlh@hargroveadr.com](mailto:dlh@hargroveadr.com)>

**Sent:** Tuesday, May 6, 2025 2:12 PM

**To:** Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>

**Cc:** Ortega-Napoli, Michael (OS/ASA/IO) <[Michael.Ortega-napoli@hhs.gov](mailto:Michael.Ortega-napoli@hhs.gov)>; NLRO (OS/ASA/OHR/WRD) <[NLRO@hhs.gov](mailto:NLRO@hhs.gov)>; Doug Sanders <[doug.sanders@NTEU.ORG](mailto:doug.sanders@NTEU.ORG)>; Pantiel, Lanetta (FDA/OC) <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; Williamson, David (FDA/OC) <[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>

**Subject:** Re: NTEU Chapter 254 - Villarreal removal

Good afternoon. Thank you for your email.

I understand this matter is still set for hearing on June 26, 2025 in Laredo, Texas. Please provide the address for the hearing no later than May 15, 2025. Thank you.

Best Regards,

Danielle L. Hargrove  
Mediator\*Arbitrator  
DLH ADR Solutions PLLC  
8350 N Central Expressway, Suite 1900  
PMB#2021  
Dallas, TX 75206  
210-313-8811  
[dlh@hargroveadr.com](mailto:dlh@hargroveadr.com)  
[www.hargroveadr.com](http://www.hargroveadr.com)

Need to set up a call/mediation/arbitration?

Click here: <https://hargroveadr.as.me/>

CONFIDENTIALITY NOTICE: The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system. Thank You.

---

**From:** Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>

**Sent:** Tuesday, May 6, 2025 12:27 PM

**To:** [dlh@hargroveadr.com](mailto:dlh@hargroveadr.com) <[dlh@hargroveadr.com](mailto:dlh@hargroveadr.com)>



**Cc:** Ortega-Napoli, Michael (OS/ASA/IO) <[Michael.Ortega-napoli@hhs.gov](mailto:Michael.Ortega-napoli@hhs.gov)>; NLRO (OS/ASA/OHR/WRD) <[NLRO@hhs.gov](mailto:NLRO@hhs.gov)>; Doug Sanders <[doug.sanders@NTEU.ORG](mailto:doug.sanders@NTEU.ORG)>; Pantiel, Lanetta (FDA/OC) <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; Williamson, David (FDA/OC) <[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>  
**Subject:** FW: NTEU Chapter 254 - Villarreal removal

Happy Tuesday Arbitrator Hargrove,

HHS rescinds its previous email, below.

Thanks,  
Christina

Christina V. Ballance  
Executive Director, National Labor and Employee Relations Office  
Office of Human Resources  
U.S. Department of Health and Human Services

This email message and any attachments is intended only for the named recipient(s). It may contain information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law and may not be forwarded, disclosed or otherwise utilized without the express permission of the sender. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, do not review the contents, please notify the sender and then delete the message.

---

**From:** Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>  
**Sent:** Friday, April 25, 2025 12:53 PM  
**To:** [dlh@hargroveadr.com](mailto:dlh@hargroveadr.com)  
**Cc:** Nagy, Thomas (OS/IOS) <[Thomas.Nagy@hhs.gov](mailto:Thomas.Nagy@hhs.gov)>; Ortega-Napoli, Michael (OS/ASA/IO) <[Michael.Ortega-napoli@hhs.gov](mailto:Michael.Ortega-napoli@hhs.gov)>; NLRO (OS/ASA/OHR/WRD) <[NLRO@hhs.gov](mailto:NLRO@hhs.gov)>; Doug Sanders <[doug.sanders@NTEU.ORG](mailto:doug.sanders@NTEU.ORG)>; Pantiel, Lanetta (FDA/OC) <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; Williamson, David (FDA/OC) <[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>  
**Subject:** NTEU Chapter 254 - Villarreal removal

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Dear Arbitrator Hargrove,



On March 27, 2025, the President signed an Executive Order entitled “[\*Exclusions from Federal Labor-Management Relations Program\*](#)” (E.O. 14251). This order invoked the President’s authority under 5 U.S.C § 7103(b)(1) to exempt agencies and agency subdivisions from the provisions of the Federal Service Labor-Management Relations Statute (FSLMRS).

In light of Executive Order 14251 and the pending litigation associated with the issuance of the aforementioned executive order, the Department of Health and Human Services and the Food and Drug Administration request that the arbitration before you be held in abeyance pending the outcome of litigation regarding E.O. 14251.

Thanks,

Christina  
Christina V. Ballance  
Executive Director, National Labor and Employee Relations Office  
Office of Human Resources  
U.S. Department of Health and Human Services

# Exhibit 34

**From:** [Dan Kaspar](#)  
  
**Subject:** Fw: NTEU 2025 Virtual National Training Conference  
**Date:** Thursday, May 29, 2025 4:56:05 PM  
**Attachments:** [image002.jpg](#)  
[image001.png](#)

---

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Ortega-Napoli, Michael (OS/ASA/IO) <Michael.Ortega-napoli@hhs.gov>  
**Sent:** Thursday, May 29, 2025 1:56:43 PM  
**To:** Rocio Topete <rocio.topete@NTEU.ORG>  
**Cc:** Ballance, Christina (OS/ASA/IO) <Christina.Ballance@hhs.gov>; Wilson, Jennifer (OS/ASA/IO) (CTR) <Jennifer.Wilson@hhs.gov>; Ortega-Napoli, Michael (OS/ASA/IO) <Michael.Ortega-napoli@hhs.gov>; NLRO (OS/ASA/OHR/WRD) <NLRO@hhs.gov>  
**Subject:** RE: NTEU 2025 Virtual National Training Conference

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Rocio,

Thank you for your request dated May 28, 2025, regarding Tax-Payer Funded Union Time for Chapter representatives to attend the National Virtual Training Conference on June 4–5, 2025.

In accordance with Article 10, Section 7 of the parties' Consolidated Collective Bargaining Agreement, HHS has reviewed the request for 5.25 hours of Tax-Payer Funded Union Time per day (totaling 10.5 hours) for eligible representatives/stewards.

Please be advised that pursuant to Executive Order 14251 and its implementation within HHS, employees assigned to the following organizations have been excluded from coverage under the Federal Service Labor-Management Relations Statute and, therefore, are not eligible for union representation or the use of Tax-Payer Funded Union Time for union-related activities:

- Office of the Secretary
- Office of the General Counsel
- Office of the Chief Information Officer (OCIO)
- Food and Drug Administration (FDA)
- Centers for Disease Control and Prevention (CDC)

- Administration for Strategic Preparedness and Response (ASPR)
- National Institute of Allergy and Infectious Diseases (NIAID), NIH
- Office of Refugee Resettlement (ORR), ACF

As such, HHS will approve the use of Tax-Payer Funded Union Time only for union representatives and stewards who are not employed by these excluded components and are otherwise eligible under applicable law and the parties' CBA.

Please ensure that the request for Tax-Payer Funded Union Time is limited to qualifying bargaining unit employees and is submitted in accordance with agency procedures.

Upon receipt of the list of eligible participants, the Department will proceed with final processing and notification.

If you have any questions or require further clarification, please do not hesitate to contact me.

**Michael C. Ortega-Napoli**

Human Resources Specialist LR/ER

Office of Human Resources (OHR)/ National Labor and Employee Relations Office (NLERO)

Mobile: (646) 765-1122



---

**From:** Rocio Topete <[rocio.topete@NTEU.ORG](mailto:rocio.topete@NTEU.ORG)>

**Sent:** Wednesday, May 28, 2025 1:53 PM

**To:** Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>; NLRO (OS/ASA/OHR/WRD) <[NLRO@hhs.gov](mailto:NLRO@hhs.gov)>

**Subject:** NTEU 2025 Virtual National Training Conference

Dear Christina:

National NTEU hereby requests official time for Chapter representatives that have not attended an in person National Training Conference to attend the National Virtual National Training Conference June 4-5, 2025.

The specific schedules for each day of the training sessions, as well as the course descriptions are attached. Pursuant to Article 10, Section 7 of the parties' Consolidated CBA, NTEU requests five-and-a-quarter (5.25) hours of training for each of the two days, which totals ten-

and-a-half (10.5) hours of official time per representative/steward.

Attached is the conference agenda/training. I would appreciate it if you would provide your response as soon as possible so that NTEU may communicate to the bargaining unit concerning the approved time and employees can make informed decisions about whether to attend prior to the registration deadline.

Sincerely,

Rocio P. Topete  
National Negotiator  
National Treasury Employees Union  
800 K Street, NW  
Suite 1000  
Washington, DC 20001  
(202) 572-5516 x7013



This electronic transmission is intended only for the personal and confidential use of the recipient(s) designated above. It may constitute an attorney-client communication or attorney work product and therefore be legally privileged. If you are not the intended recipient of this communication (or an agent responsible for delivering it to the intended recipient), you are hereby notified that any review, disclosure, or use of the information contained herein or in any attached documents is **STRICTLY PROHIBITED**. If you have received this communication in error, please notify me by telephone immediately to arrange for its return.

# Exhibit 35



**From:** [Dan Kaspar](#)  
**Subject:** Fw: [EXTERNAL] Union Dues Cancellations  
**Date:** Friday, May 30, 2025 11:38:37 AM

---

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

-----Original Message-----

From: Weidlich, Iwona <Iwona.Weidlich@fda.hhs.gov>  
Sent: Friday, May 30, 2025 11:31 AM  
To: Lee, Anthony W <AnthonyW.Lee@fda.hhs.gov>  
Subject: FW: [EXTERNAL] Union Dues Cancellations

FYI

-----Original Message-----

From: DFAS-SmartDocs@mail.mil <DFAS-SmartDocs@mail.mil>  
Sent: Friday, May 30, 2025 11:27 AM  
To: Weidlich, Iwona <Iwona.Weidlich@fda.hhs.gov>  
Subject: [EXTERNAL] Union Dues Cancellations

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pursuant to President Trump's Executive Order: Exclusions from Federal Labor-Management Relations Programs signed on March 27, 2025 ([www.whitehouse.gov/presidential-actions/2025/03/exclusions-from-federal-labor-management-relations-programs/](https://www.whitehouse.gov/presidential-actions/2025/03/exclusions-from-federal-labor-management-relations-programs/)), the collection and remittance of union dues from your payroll deduction has been stopped. You will see this change reflected on your Leave and Earnings Statement with pay period ending May 31st.

If you have any questions, please reach out to your Human Resource Organization.

---

Delivered by Defense Finance and Accounting Service

# Exhibit 36

**From:** [Dan Kaspar](#)  
**Subject:** Fw: FW: HHS and NTEU Chapter 282, FDA HQ - Performance Based Removal (Lynekia Wiley)  
**Date:** Tuesday, June 3, 2025 10:12:34 AM  
**Attachments:** [image001.png](#)

---

[REDACTED]

Daniel J. Kaspar (he/him)  
Director of Field Operations & Organizing  
National Treasury Employees Union  
800 K Street, NW - Suite 1000  
Washington, D.C. 20001  
(202) 572-5500, ext. 6346

---

**From:** Sarah Riger <sarah.riger@NTEU.ORG>  
**Sent:** Tuesday, June 3, 2025 8:29 AM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Subject:** Fw: FW: HHS and NTEU Chapter 282, FDA HQ - Performance Based Removal (Lynekia Wiley)

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Sarah Espinosa <sarahmillerespino@gmail.com>  
**Sent:** Tuesday, June 3, 2025 8:08 AM  
**To:** Ballance, Christina (OS/ASA/IO) <Christina.Ballance@hhs.gov>  
**Cc:** NLRO (OS/ASA/OHR/WRD) <NLRO@hhs.gov>; Pantiel, Lanetta <Lanetta.Pantiel@fda.hhs.gov>; Williamson, David <David.Williamson@fda.hhs.gov>; Nagy, Thomas (OS/IOS) <Thomas.Nagy@hhs.gov>; Scott, Robin (OS/ASA/IO) <Robin.Scott@hhs.gov>; Sarah Riger <sarah.riger@NTEU.ORG>; Alexis Thomas <alexis.thomas@NTEU.ORG>  
**Subject:** Re: FW: HHS and NTEU Chapter 282, FDA HQ - Performance Based Removal (Lynekia Wiley)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Dear Attorney Ballance and Attorney Thomas:

Thank you for the further explanations of the parties' positions. Given the pending litigation, I will partially grant the Agency's request and hold this matter in abeyance as follows: absent an earlier resolution, the parties are directed to provide me with the status of the litigation and party positions again in three months, on or about September 3, 2025. At that time, I will determine if the case will continue to be held in abeyance or scheduled for hearing.

Per the collective bargaining agreement, the Agency is responsible for my cancellation fee for

the June 10, 2025 hearing. I will separately send an invoice to Attorney Ballance and ask that she connect me to the Agency personnel responsible for processing it.

Respectfully,

Sarah Espinosa  
Sarah Miller Espinosa, J.D.  
Arbitrator. Mediator. Ombuds.  
She/Her/Hers  
SME Dispute Resolution, LLC  
Member, National Academy of Arbitrators  
<https://smeresolution.com/>

*The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressees and may contain confidential or privileged information. If you are not the intended recipient, please contact Sarah Espinosa via email and please destroy the unintended message and any attachments.*

*Disclaimer: Sarah Miller Espinosa works exclusively as a neutral and does not provide legal representation or legal advice. Nothing in this email is intended to offer legal advice or otherwise form an attorney-client relationship.*

On Mon, Jun 2, 2025 at 5:59 PM Ballance, Christina (OS/ASA/IO)

<[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)> wrote:

Good afternoon Arbitrator Espinosa and all,

The Agency maintains its position that this arbitration be held in abeyance pending resolution of the Executive Order (EO) 14251 litigation. Now that the injunction has been stayed, the Agency is permitted to take implementation actions consistent with EO 14251 and OPM guidance without terminating CBAs or decertifying bargaining units. As such, the Agency has made the determination to uniformly hold impacted arbitrations in abeyance pending resolution of litigation.

The decision to hold arbitrations in abeyance does not constitute repudiation of the CBA. Rather it seeks orderly resolution of threshold legal issues that may materially affect the arbitration's scope, applicable legal standards, and ultimate outcome.

Christina

**Christina V. Ballance**

Executive Director, National Labor and Employee Relations Office  
Office of Human Resources  
Mobile: (202) 436-6485



---

**From:** Sarah Espinosa <[sarahmillerespinosa@gmail.com](mailto:sarahmillerespinosa@gmail.com)>

**Sent:** Monday, June 2, 2025 12:07 PM

**To:** Alexis Thomas <[alexis.thomas@nteu.org](mailto:alexis.thomas@nteu.org)>

**Cc:** Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>; NLRO (OS/ASA/OHR/WRD) <[NLRO@hhs.gov](mailto:NLRO@hhs.gov)>; Pantiel, Lanetta <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; Williamson, David <[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>; Nagy, Thomas (OS/IOS) <[Thomas.Nagy@hhs.gov](mailto:Thomas.Nagy@hhs.gov)>; Scott, Robin (OS/ASA/IO) <[Robin.Scott@hhs.gov](mailto:Robin.Scott@hhs.gov)>; Sarah Riger <[sarah.riger@nteu.org](mailto:sarah.riger@nteu.org)>

**Subject:** Re: HHS and NTEU Chapter 282, FDA HQ - Performance Based Removal (Lynekia Wiley)

Dear Ms. Balance,

Please provide the Agency's response to the Union's assertion that the Government specifically has not terminated or repudiated the collective bargaining agreement, particularly in light of the fact this grievance was appealed to arbitration and scheduled prior to the Executive Order. If the Agency would like its response considered prior to my determination on the Agency's request to hold this matter in abeyance, please respond no later than 5:00 PM tomorrow, June 3, 2025.

Thank you.

Respectfully,

Sarah Espinosa  
Sarah Miller Espinosa, J.D.  
Arbitrator. Mediator. Ombuds.  
She/Her/Hers  
SME Dispute Resolution, LLC  
Member, National Academy of Arbitrators  
<https://smeresolution.com/>

*The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressees and may contain confidential or privileged information. If you are not the intended recipient, please contact Sarah Espinosa via email and please destroy the unintended message and any attachments.*

*Disclaimer: Sarah Miller Espinosa works exclusively as a neutral and does not provide legal representation or legal advice. Nothing in this email is intended to offer legal advice or otherwise form an attorney-client relationship.*

On Mon, Jun 2, 2025 at 10:14 AM Alexis Thomas <[alexis.thomas@nteu.org](mailto:alexis.thomas@nteu.org)> wrote:

Dear Arbitrator Espinosa,

NTEU's position is that the Executive Order (EO) Ms. Ballance references is illegal, and NTEU has requested full en banc review from the D.C. Circuit. Even when staying Judge Friedman's preliminary injunction regarding the EO, the D.C. Circuit stated, "the Government directed agencies to refrain from terminating collective-bargaining agreements or decertifying bargaining units until after the litigation concludes" (*see* p. 2, *National Treasury Employees Union v. Donald J. Trump, President of the United States, et al.*, 1:25-cv-00935-PLF, filed on May 16, 2025). As the Agency has not repudiated the NTEU/HHS National Agreement, the Agency must abide by its terms, including attending

this arbitration hearing.

Lastly, it is worth noting that NTEU sent the Agency a request for information on May 23, with a deadline of May 29, which has not been produced. NTEU will request Arbitrator Espinosa to draw an adverse inference where applicable.

Thank you,  
Alexis

Alexis M. Thomas  
Assistant Counsel  
D.C. Field Office  
National Treasury Employees Union

---

**From:** Sarah Espinosa <[sarahmillerespinos@gmail.com](mailto:sarahmillerespinos@gmail.com)>  
**Sent:** Friday, May 30, 2025 9:23 AM  
**To:** Christina Ballance <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>  
**Cc:** Alexis Thomas <[alexis.thomas@NTEU.ORG](mailto:alexis.thomas@NTEU.ORG)>; NLRO <[NLRO@hhs.gov](mailto:NLRO@hhs.gov)>; Lanetta Pantiel <[Lanetta.Pantiel@fda.hhs.gov](mailto:Lanetta.Pantiel@fda.hhs.gov)>; David Williamson <[David.Williamson@fda.hhs.gov](mailto:David.Williamson@fda.hhs.gov)>; Thomas Nagy <[Thomas.Nagy@hhs.gov](mailto:Thomas.Nagy@hhs.gov)>; Robin Scott <[Robin.Scott@hhs.gov](mailto:Robin.Scott@hhs.gov)>  
**Subject:** Re: HHS and NTEU Chapter 282, FDA HQ - Performance Based Removal (Lyneka Wiley)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Dear All:

I write to acknowledge receipt of the Agency's request. If the Union would like to respond prior to my determination, please do so no later than 12:00 pm on Monday, June 2.

Thank you.

Respectfully,

Sarah Espinosa  
Sent from my iPhone

On May 29, 2025, at 12:55 PM, Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)> wrote:

Good day,

Since the last time we spoke, the temporary restraining order on the Exclusions EO was stayed by the U.S. Circuit Court for DC.

Therefore, in light of Executive Order 14251 and the pending litigation associated with the issuance of the aforementioned executive order, the Department of Health and Human Services and the Food and Drug Administration request that the arbitration before you be held in abeyance pending the outcome of litigation regarding E.O. 14251.

Christina

**Christina V. Ballance**

Executive Director, National Labor and Employee Relations Office  
Office of Human Resources  
Mobile: (202) 436-6485

<Picture (Device Independent Bitmap) 1.jpg>

# Exhibit 37



**From:** Dan Kaspar  
**Subject:** Fw: FDA Labor Relations  
**Date:** Tuesday, June 3, 2025 11:12:27 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)

---

[REDACTED]

[REDACTED]

---

**From:** Whitcomb, Kathleen <Kathleen.Whitcomb@fda.hhs.gov>  
**Sent:** Tuesday, June 3, 2025 10:36:38 AM  
**To:** Rocio Topete <rocio.topete@NTEU.ORG>  
**Cc:** Doreen Greenwald <doreen.greenwald@NTEU.ORG>; Kevin Goyette <kevin.goyette@NTEU.ORG>  
**Subject:** FW: FDA Labor Relations

**Kathleen E. Whitcomb**  
*Investigator, President NTEU Ch. 288*  
*ARIC Concord RP*  
**Office of Human Food Inspectorate East 1**  
**Office of Inspections and Investigations**  
**U.S. Food and Drug Administration**  
T: 301-837-4282  
F: 603-225-1457  
[kathleen.whitcomb@fda.hhs.gov](mailto:kathleen.whitcomb@fda.hhs.gov)



---

**From:** Williamson, David <David.Williamson@fda.hhs.gov>  
**Sent:** Tuesday, June 3, 2025 10:32 AM  
**To:** Collins, Samuel <Samuel.Collins@fda.hhs.gov>; Brandon S. Bruce [REDACTED]; Cooke, William <William.Cooke@fda.hhs.gov>; Rogers, Stephanie <Stephanie.Rogers@fda.hhs.gov>; Lee, Anthony W <AnthonyW.Lee@fda.hhs.gov>; Whitcomb, Kathleen <Kathleen.Whitcomb@fda.hhs.gov>; Seale, John <John.Seale@fda.hhs.gov>; Guiliani, Corey <Corey.Guiliani@fda.hhs.gov>; [REDACTED]; [REDACTED]; Robinson, Helen <Helen.Robinson@fda.hhs.gov>  
**Cc:** Pantiel, Lanetta <Lanetta.Pantiel@fda.hhs.gov>  
**Subject:** FDA Labor Relations

Good morning, Labor Partners,  
The Agency maintains its position that until further notice, FDA is not recognizing labor

relations with (NTEU/AFGE) in adherence to the presidential Executive Order, the temporary restraining order, ongoing litigation on the Exclusions (EO) Executive Order, and or any other applicable order or guidance that may apply. Now that the injunction has been stayed, the Agency is permitted to take implementation actions consistent with EO 14251 and OPM guidance.

As a result, agencies are no longer to acknowledge the union. FDA will cease to recognize all labor organizations and will not participate in any labor related activities to include the following. Please be advised, the list below is not exhaustive.

- FDA is no longer subject to collective-bargaining requirement of chapter 71 of part III, subpart F of title 5 (5 U.S.C. §§ 7101-7135).
- FDA is no longer required to collectively bargain with Federal unions.
- FDA understands because the statutory authority underlying the original recognition of the relevant unions no longer applies, unions lose their status as the “exclusive[ly] recogni[zed]” labor organizations for employees of the agencies and agency subdivisions covered by Exclusions.
- FDA arbitrations that are currently in litigation with an arbitrator will discontinue proceedings.
- FDA will cease participating in grievance procedures.
- FDA will cease participating in further grievance arbitration proceedings following termination of CBA’s.
- FDA will cease responding to union request for information.
- FDA will cease to acknowledge union official for meetings.
- FDA will cease to send out union notification.

Regards,

**David A. Williamson**

Labor Relations Branch Chief

Division of Employee and Labor Relations (DELR)

Office of Human Capital Management (OHCM)

Office of Operations (OO)

Office of the Commissioner (OC)

U.S. Food and Drug Administration (FDA)

10903 New Hampshire Ave,

Silver Springs, MD 20903 (HQ)

work cell (240)-672-2862

eFax number (301)-837-6293

[David.williamson@fda.hhs.gov](mailto:David.williamson@fda.hhs.gov)

# Exhibit 38

---

**From:** Arathi Premkumar <arathi.premkumar@NTEU.ORG>  
**Sent:** Wednesday, April 2, 2025 6:51 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Subject:** FW: CBA Negotiations: Postponement of April 3rd CBA Bargaining

---

**From:** Johnston, Lisa J <ljohnston@blm.gov>  
**Sent:** Wednesday, April 2, 2025 2:18 PM  
**To:** Leib, Lauren A <lleib@blm.gov>; Ken Moffett <ken.moffett@NTEU.ORG>; Arathi Premkumar <arathi.premkumar@NTEU.ORG>  
**Cc:** Hutcherson, Sheila K <shutcherson@blm.gov>; McNeer, Laura K <lmcneer@blm.gov>; Mishkin, Maximillian R <mmishkin@blm.gov>  
**Subject:** CBA Negotiations: Postponement of April 3rd CBA Bargaining

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good afternoon all,

Due to the issuance of Executive Order and OPM Guidance: Exclusions From Federal Labor-Management Relations Programs:

<https://www.whitehouse.gov/presidential-actions/2025/03/exclusions-from-federal-labor-management-relations-programs/>

<https://www.chcoc.gov/content/guidance-executive-order-exclusions-federal-labor-management-programs>

We will be postponing the CBA negotiations scheduled for April 3<sup>rd</sup>

**Lisa J Johnston**

**ER/LR Specialist  
New Mexico BLM  
(505) 709-7888**

# Exhibit 39

Sent: Tuesday, April 8, 2025 10:44 AM

To: [REDACTED]  
[REDACTED]

Cc: Peyton Diotalevi <peyton.diotalevi@nteu.org>; Dan Kaspar <dan.kaspar@NTEU.ORG>

Subject: Fw: Department's Deferred Resignation/Retirement Program - Open Period April 4, 2025 - April 9, 2025

[REDACTED]

---

From: McNeer, Laura K <lmcneer@blm.gov>

Sent: Tuesday, April 8, 2025 10:42 AM

To: Kate Sylvester <kate.sylvester@NTEU.ORG>

Cc: BLM\_Labor\_Relations\_Support <BLM\_Labor\_Relations\_Support@blm.gov>

Subject: RE: Department's Deferred Resignation/Retirement Program - Open Period April 4, 2025 - April 9, 2025

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good morning,

Consistent with Executive Order 14251, "Exclusions from Federal Labor-Management Relations Programs," which was issued on March 27, 2025, the BLM is excluded from Chapter 71 of Title 5 and will not bargain.

Thank You,



Laura McNeer  
Lead Human Resources Specialist (Labor/Employee Relations)  
Bureau of Land Management (Headquarters)  
Cell: 385-315-6498  
Email: [lmcneer@blm.gov](mailto:lmcneer@blm.gov)



# Exhibit 40

**From:** Arathi Premkumar <arathi.premkumar@NTEU.ORG>  
**Sent:** Friday, April 11, 2025 1:42 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Subject:** FW: April 14th LMRC meeting postponed

---

**From:** Johnston, Lisa J <ljohnston@blm.gov>  
**Sent:** Friday, April 11, 2025 9:32 AM  
**To:** Arathi Premkumar <arathi.premkumar@NTEU.ORG>; Leib, Lauren A <lleib@blm.gov>  
**Cc:** Hutcherson, Sheila K <shutcherson@blm.gov>; McNeer, Laura K <lmcneer@blm.gov>  
**Subject:** April 14th LMRC meeting postponed

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Good morning all,

Due to the issuance of Executive Order and OPM Guidance: Exclusions From Federal Labor-Management Relations Programs:

<https://www.whitehouse.gov/presidential-actions/2025/03/exclusions-from-federal-labor-management-relations-programs/>

<https://www.chcoc.gov/content/guidance-executive-order-exclusions-federal-labor-management-programs>

We will be postponing the April 14<sup>th</sup> LMRC meeting.

**Lisa J Johnston**

**ER/LR Specialist  
New Mexico BLM  
(505) 709-7888**

# Exhibit 41

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Kate Sylvester <kate.sylvester@NTEU.ORG>  
**Sent:** Thursday, May 22, 2025 9:34:08 AM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Cc:** Peyton Diotalevi <peyton.diotalevi@nteu.org>  
**Subject:** Fw: Dues Stopped... Again

[REDACTED]

---

**From:** Paulete, Francisca (Panchita ) <fpaulete@blm.gov>  
**Sent:** Thursday, May 22, 2025 9:33 AM  
**To:** Kate Sylvester <kate.sylvester@NTEU.ORG>  
**Cc:** Davidson, Zoe M <zdavidson@blm.gov>  
**Subject:** Dues Stopped... Again

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

FYI our ELSs for the PP ending 5/17/2025 (PP11) do not show dues withholdings again. So the only PP since the EO that dues have been withheld was PP10.



Panchita Paulete  
NTEU Chapter 341 - President  
BLM Headquarters Employees  
fpaulete@blm.gov  
541.844.6190

[NTEU Chapter 341 - BLM Headquarters Employees Union – SharePoint Home](https://www.nteu.org/)  
<https://www.nteu.org/>

*"Every advance in this half-century--Social Security, civil rights, Medicare, aid to education, one after another--came with the support and leadership of American Labor." – former President Jimmy Carter*

# Exhibit 42

**From:** [Dan Kaspar](#)  
**Subject:** Fw: CONFIDENTAL Private Meeting - RA Interactive Process with HR and SUPV  
**Date:** Thursday, May 29, 2025 1:43:46 PM  
**Attachments:** [image001.png](#)

---

Get [Outlook for iOS](#)

---

**From:** Kate Sylvester <kate.sylvester@NTEU.ORG>  
**Sent:** Thursday, May 29, 2025 1:22:54 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Cc:** Peyton Diotalevi <peyton.diotalevi@nteu.org>  
**Subject:** Fw: CONFIDENTAL Private Meeting - RA Interactive Process with HR and SUPV

[REDACTED]

---

**From:** Phillips, Jessica M <jmphillips@blm.gov>  
**Sent:** Thursday, May 29, 2025 10:26 AM  
**To:** Kate Sylvester <kate.sylvester@NTEU.ORG>  
**Cc:** Paulete, Francisca (Panchita ) <fpaulete@blm.gov>; Davidson, Zoe M <zdavidson@blm.gov>  
**Subject:** Fw: CONFIDENTAL Private Meeting - RA Interactive Process with HR and SUPV

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Still denying support in formal meetings for BUEs. See below.

*Jessica M Phillips*

Rangeland Management Specialist | Contract Officer Representative, Level 2  
NTEU Chapter 341 Union Steward

Bureau of Land Management  
Division of Forest, Rangeland, and Vegetation Resources (HQ-220)  
1387 South Vinnell Way | Boise, Idaho 83709 (Remote from Montana)  
Mobile: 406-490-5654  
Email: [jmphillips@blm.gov](mailto:jmphillips@blm.gov)

---

**From:** Anderson, Catherine <c1anderson@blm.gov>  
**Sent:** Thursday, May 29, 2025 8:22 AM  
**To:** Phillips, Jessica M <jmphillips@blm.gov>

**Subject:** FW: CONFIDENTAL Private Meeting - RA Interactive Process with HR and SUPV

---

**From:** Pulcini, Catalina R <cpulcini@blm.gov>

**Sent:** Wednesday, May 28, 2025 2:58 PM

**To:** Anderson, Catherine <c1anderson@blm.gov>

**Cc:** Song, Joanna C <jsong@blm.gov>; Oliver, Kevin E <koliver@blm.gov>

**Subject:** RE: CONFIDENTAL Private Meeting - RA Interactive Process with HR and SUPV

**Sensitivity:** Private

Good afternoon,

Due to the current STAY of the preliminary injunction in place, we cannot add union representative to our calls. You are welcome to consult with another employee or confidant outside the meeting.

V/R,

Catalina Pulcini

Human Resources Specialist

**BLM Team-Office of Human Capital**

Denver Federal Center, Bldg. 85 | Denver, CO 80225-0047

Phone: (303)236-0900 Email: [cpulcini@blm.gov](mailto:cpulcini@blm.gov)

---

**From:** Anderson, Catherine <[c1anderson@blm.gov](mailto:c1anderson@blm.gov)>

**Sent:** Wednesday, May 28, 2025 3:16 PM

**To:** Oliver, Kevin E <[koliver@blm.gov](mailto:koliver@blm.gov)>; Pulcini, Catalina R <[cpulcini@blm.gov](mailto:cpulcini@blm.gov)>

**Cc:** Phillips, Jessica M <[jmphilips@blm.gov](mailto:jmphilips@blm.gov)>

**Subject:** RE: CONFIDENTAL Private Meeting - RA Interactive Process with HR and SUPV

**Sensitivity:** Private

Thank you for this meeting request. I am requesting that Jessica Phillips, my union representative, be included on the call as well.

---

**Catherine Anderson**

Administrative Assistant



Division of Recreation and Visitor Services (HQ430)  
Bureau of Land Management – Western Headquarters



-----Original Appointment-----

**From:** Oliver, Kevin E <[koliver@blm.gov](mailto:koliver@blm.gov)>

**Sent:** Wednesday, May 28, 2025 10:15 AM

**To:** Oliver, Kevin E; Anderson, Catherine; Pulcini, Catalina R

**Subject:** CONFIDENTAL Private Meeting - RA Interactive Process with HR and SUPV

**When:** Thursday, May 29, 2025 10:00 AM-10:50 AM (UTC-07:00) Mountain Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Sensitivity:** Private

---

**Microsoft Teams** [Need help?](#)

[Join the meeting now](#)

Meeting ID: 263 809 358 598

Passcode: 3i2Wu9qU

---

For organizers: [Meeting options](#)

---

# Exhibit 43

**From:** [Dan Kaspar](#)  
**Subject:** Fw: CBA Bargaining June 10-12  
**Date:** Thursday, May 29, 2025 1:42:34 PM

---

Get [Outlook for iOS](#)

---

**From:** Arathi Premkumar <arathi.premkumar@NTEU.ORG>  
**Sent:** Thursday, May 29, 2025 1:39:47 PM  
**To:** Dan Kaspar <dan.kaspar@NTEU.ORG>  
**Cc:** Sarah Riger <sarah.riger@NTEU.ORG>  
**Subject:** FW: CBA Bargaining June 10-12

[REDACTED]

---

**From:** Johnston, Lisa J <ljohnston@blm.gov>  
**Sent:** Thursday, May 29, 2025 11:38 AM  
**To:** Aliza Chesler <aliza.chesler@NTEU.ORG>; Leib, Lauren A <lleib@blm.gov>  
**Cc:** Hutcherson, Sheila K <shutcherson@blm.gov>; Arathi Premkumar <arathi.premkumar@NTEU.ORG>; McNeer, Laura K <lmcneer@blm.gov>  
**Subject:** CBA Bargaining June 10-12

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hello,

Confirming NTEU Chapter 340 still wishes to engage in bargaining on June 10, 11,12?

As a reminder, to be in compliance with EO 14251 "Exclusions from Federal Labor Management Relations Programs," official time will be granted for BUE fire personnel only on the CBA team.

**Lisa J Johnston**

**ER/LR Specialist**  
**New Mexico BLM**  
**(505) 709-7888**

# Exhibit 44

Sent: Thursday, April 3, 2025 5:05 PM

To: Dan Kaspar <dan.kaspar@NTEU.ORG>

Cc: Peyton Diotalevi <peyton.diotalevi@nteu.org>

Subject: Fw: [EXTERNAL] Re: BLM and NTEU: CBA Repudiation Grievance

---

From: [hoya68@gmail.com](mailto:hoya68@gmail.com) <[hoya68@gmail.com](mailto:hoya68@gmail.com)>

Sent: Thursday, April 3, 2025 3:20 PM

To: 'Nolet, Joshua M' <[joshua.nolet@sol.doi.gov](mailto:joshua.nolet@sol.doi.gov)>; Kate Sylvester <[kate.sylvester@NTEU.ORG](mailto:kate.sylvester@NTEU.ORG)>;  
[arbitrator@alpern.us](mailto:arbitrator@alpern.us) <[arbitrator@alpern.us](mailto:arbitrator@alpern.us)>

Cc: 'BLM\_Labor\_Relations\_Support' <[BLM\\_Labor\\_Relations\\_Support@blm.gov](mailto:BLM_Labor_Relations_Support@blm.gov)>

Subject: RE: [EXTERNAL] Re: BLM and NTEU: CBA Repudiation Grievance

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Counsel:

I begin with the premise that I have some authority over this dispute. The authority derives from my appointment by the Federal Mediation and Conciliation ("FMCS").

Absent a withdrawal of that appointment by the FMCS, I am obligated to proceed. In the first instance, I must resolve whether I have jurisdiction over the dispute, recognizing that my determination is subject to review by the Federal Labor Relations Authority ("FLRA") and that its determination is not subject to judicial review unless this matter involves an unfair labor practice or if it involves a constitutional issue. See, *AFGE, HUD LOCALS COUNCIL 222, v. FLRA, et al.* (DC Cir No 22-5308 April 23, 2024).

Several issues are raised by the Agency challenging my jurisdiction. The Agency claims that the collective bargaining agreement was rejected by the designee of the Agency head with respect to several of its provisions. Presumably because of that rejection, the collective bargaining agreement never went into effect. In turn, the Union might argue that the rejection was of no effect because the agreement was previously reviewed and approved by the Acting Deputy Secretary of the Department of the Interior. These are issues which I have jurisdiction to resolve, as they are necessary to resolving whether the parties have a valid collective bargaining agreement.

However, the Agency raises the contention that an Executive Order 14251 (90 FR 14553, March 27, 2025), the President excluded the Agency from the provisions of Chapter 7 of title 5, United States Code. This exclusion would mean that the Agency has no authority to enter into a collective bargaining agreement. I would thus have no jurisdiction to resolve disputes between the parties. Whether the exclusion is constitutionally valid is beyond my competence and presumably the FLRA. Instead, this is a matter for resolution by the federal courts. I will stay further proceedings for sixty days. If the Union challenges the Executive Order insofar as it applies to the Agency, the stay shall remain in effect pending final judicial resolution. If the Union does not file a judicial action within that time frame, I will dismiss this action.

I request that the parties inform me of future developments.

Stephen E. Alpern  
Arbitrator

[www.alpern.us](http://www.alpern.us)

# Exhibit 45

**FEDERAL LABOR RELATIONS AUTHORITY  
WASHINGTON, D.C.**

---

**NATIONAL TREASURY EMPLOYEES UNION  
(Union)**

**and**

**UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C.  
(Agency)**

**0-NG-3731**

---

**ORDER TO SHOW CAUSE**

**April 4, 2025**

---

On March 27, 2025, President Donald J. Trump amended Executive Order 12,171 (1979), pursuant to 5 U.S.C. § 7103(b)(1) and 22 U.S.C. § 4103(b), to exclude certain agencies and agency subdivisions from the coverage of the Federal Service Labor-Management Relations Statute (the Statute).<sup>1</sup> Accordingly, the Authority directs the Union to show cause why the Authority should not dismiss this matter for lack of jurisdiction.<sup>2</sup> As described further below, the Agency may reply to the Union's response to this order.

The Union must file its response to this order with the Authority by **April 18, 2025**. The Union's response must also include a statement of service that complies with the Authority's Regulations showing that the Union served its response on all counsel of record or other designated representatives.<sup>3</sup>

The Union should direct its response to Erica Balkum, Chief, Office of Case Intake and Publication, Federal Labor Relations Authority, 1400 K Street NW, Suite 300, Washington, D.C. 20424-0001. The proper methods for filing documents with the Authority are set forth at § 2429.24(e) of the Authority's Regulations.<sup>4</sup> As outlined in the

---

<sup>1</sup> Exclusions from Federal Labor-Management Relations Programs, Exec. Order No. 14251 (Mar. 27, 2025), 90 Fed. Reg. 14553 (Apr. 3, 2025).

<sup>2</sup> See generally *U.S. Att'y's Off., S. Dist. of Tex., Hous., Tex.*, 57 FLRA 750 (2002) (where President amended Executive Order 12,171 to exclude additional entity from Statute's coverage, Authority ordered affected parties to brief whether Authority lacked jurisdiction over their cases).

<sup>3</sup> 5 C.F.R. § 2429.27(a), (c).

<sup>4</sup> *Id.* § 2429.24(e).



Authority's Regulations, the Union's response to the Authority must be filed by personal delivery, commercial delivery, first-class mail, or certified mail.<sup>5</sup>

The Union's failure to comply with this order by **April 18, 2025**, may result in dismissal of the Union's filing in this case.


If the Agency chooses to file a reply to the Union's response, then the reply must be filed with the Authority within ***fourteen days*** after service of the Union's response. The Agency's reply must also be filed in accordance with the Authority's Regulations, including the requirement to file a statement of service showing that the Agency served its reply on all counsel of record or other designated representatives.<sup>6</sup>

Requests for extensions of time must be in writing and received by the Authority not later than five days before the established time limit for filing.<sup>7</sup> The request must state the position of the other party and must be served on the other party.<sup>8</sup>

Because the Authority's jurisdiction over this matter is in question, ***the deadlines for any remaining filings in this case – except for responses or replies to this order – are temporarily suspended***. Except for responses or replies to this order, you are not required to submit any further filings in this case until the Authority notifies you otherwise.

Procedural questions regarding this case should be directed to the Office of Case Intake and Publication at (771) 444-5805.

For the Authority:

  
Erica Balkum, Chief  
Office of Case Intake and Publication

---

<sup>5</sup> *Id.*; see also *id.* § 2429.24(a) (“To file documents by personal delivery, *you must schedule an appointment at least one business day in advance* by calling [(771) 444-5805].” (emphasis added)).

<sup>6</sup> *Id.* §§ 2429.24(e); 2429.27(a), (c).

<sup>7</sup> *Id.* § 2429.23(a).

<sup>8</sup> *Id.*

**FEDERAL LABOR RELATIONS AUTHORITY  
WASHINGTON, D.C.**

---

**NATIONAL TREASURY EMPLOYEES UNION  
(Union)**

**and**

**UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C.  
(Agency)**

**0-NG-3731**

---

**STATEMENT OF SERVICE**

---

I hereby certify that copies of the Order of the Federal Labor Relations Authority in the subject proceeding have this day been served by the following methods:

**EMAIL**


Allison Giles  
Assistant Counsel  
NTEU  
800 K Street, N.W., Suite 1000  
Washington, DC 20001  
Allie.Giles@nteu.org

Christina Ballance  
Agency Head Review Officer  
Department of Health and Human Services  
200 Independence Ave., SW  
Washington, DC 20201  
Christina.Ballance@hhs.gov

Garrett Anderson  
Attorney Advisor  
1961 Stout St.  
Denver, CO 80205  
garrett.anderson@hhs.gov

Robert F. Kennedy, Jr.  
Secretary, HHS  
200 Independence Ave., SW  
Washington, DC 20201  
Christina.Ballance@hhs.gov

Dated: April 4, 2025  
WASHINGTON, D.C.

 (for)  
\_\_\_\_\_  
Belinda Stevenson  
Legal Assistant

# Exhibit 46



UNITED STATES OF AMERICA  
**FEDERAL LABOR RELATIONS AUTHORITY**  
**WASHINGTON REGIONAL OFFICE**

1400 K Street, NW, Third Floor  
Washington, DC 20424-0001  
(771) 444-5780 FAX: (202) 482-6724

April 3, 2025

**VIA EMAIL**

Kate Sylvester  
Assistant Counsel  
National Treasury Employees Union  
800 K St NW, Suite 1000  
Washington, DC 20001  
Kate.sylvester@nteu.org

Joshua Nolet  
Attorney-Advisor, Office of the Solicitor  
United States Department of the Interior  
1849 C Street, NW  
Washington DC 2024  
Joshua.Nolet@sol.doi.gov

Re: Bureau of Land Management and  
National Treasury Employees Union;  
Case No: WA-CA-24-0563

Dear Parties:

This Office docketed the above-captioned unfair labor practice (ULP) charge on September 26, 2024. The Agent assigned to investigate this charge is Sarah Kurfis, who can be reached at 771-444-5787 or skurfis@flra.gov

On March 27, 2025, President Trump issued an Executive Order titled *Exclusions from Federal Labor-Management Relations Programs*, which amended Executive Order 12171, dated November 19, 1979 (as amended), and excluded a number of Federal agencies from collective bargaining pursuant to Section 7103(b)(1) of the Federal Service Labor-Management Relations Statute.

Because the Executive Order impacts the processing of this ULP charge, processing of this charge will be deferred so as to afford the Office of the General Counsel time to reevaluate the case in view of the Executive Order and in view of cases pending before the Authority.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jessica Bartlett", with a stylized flourish at the end.

Jessica S. Bartlett  
Regional Director

# Exhibit 47



---

**Fw: HHS/NTEU, Please cancel my NTEU dues and provide a refund for the last 2 pay periods.**  
(b) U. S. FDA, HOU-RP)

---

**From** Dan Kaspar <dan.kaspar@NTEU.ORG>

**Date** Mon 4/28/2025 11:35 PM

**To** Paras Shah <paras.shah@nteu.org>; Allie Giles <Allie.Giles@NTEU.ORG>; Lindsay Dunn  
<lindsay.dunn@NTEU.ORG>

**Cc** Julie Wilson <julie.wilson@NTEU.ORG>

 1 attachment (84 KB)

SF1188 Cancel NTEU dues (b) 04 28 2025.pdf;

Get [Outlook for iOS](#)

---

**From:** (b) <(b)@fda.hhs.gov>

**Sent:** Monday, April 28, 2025 12:09:43 PM

**To:** Ballance, Christina (OS) <Christina.Ballance@hhs.gov>; NTEU BUES <NTEUBUE@hhs.gov>

**Cc:** Julie Lenggenhager <julie.lenggenhager@NTEU.ORG>; Peyton Diotalevi <peyton.diotalevi@nteu.org>

**Subject:** RE: HHS/NTEU, Please cancel my NTEU dues and provide a refund for the last 2 pay periods. (b)  
(b) U. S. FDA, HOU-RP)

**Caution:** This message originated from outside of the organization. Do Not Click links or Open attachments unless you recognize the sender and know the content is safe.

Hello,

It appears that union dues are still being taken out of my check.

As I recall, President Trump demolished the union several weeks ago (Friday, 03/28/2025).

Please return my \$29.25x 2 Pay Periods (\$58.50) and take no more deductions.

Please see the attached form, SF-1188 to end my participation in NTEU.

**Kind Regards,**





1445 North Loop West (Suite 500),  
Houston, TX 77008



[@fda.hhs.gov](mailto:@fda.hhs.gov)

---

**From:** Ballance, Christina (OS/ASA/IO) <[Christina.Ballance@hhs.gov](mailto:Christina.Ballance@hhs.gov)>

**Sent:** Monday, January 6, 2025 11:48 AM

**To:** NTEU BUES <[NTEUBUE@hhs.gov](mailto:NTEUBUE@hhs.gov)>

**Cc:** Julie A. Lenggenhager <[julie.lenggenhager@NTEU.ORG](mailto:julie.lenggenhager@NTEU.ORG)>; Peyton Diotalevi <[peyton.diotalevi@nteu.org](mailto:peyton.diotalevi@nteu.org)>;  
NLERO CORE MEMBERS <[NLEROCORE\\_MEMBERS@hhs.gov](mailto:NLEROCORE_MEMBERS@hhs.gov)>; Wilson, Jennifer (OS) <[Jennifer.Wilson@hhs.gov](mailto:Jennifer.Wilson@hhs.gov)>

**Subject:** HHS/NTEU Joint Article 25 Hours of Duty Training Sessions

The HHS/NTEU Joint Article 25 Alternative Work Schedule (AWS)/Hours of Duty Training videos have been published.

As you may recall, in August, HHS and NTEU were pleased to collaborate and offer a one-hour training session on Article 25, the AWS/Hours of Work. This mutually beneficial training was jointly presented by HHS and NTEU staff and covered the available schedule options, eligibility requirements, submitting and processing schedule requests, as well as reasons an employee's alternative work schedule could be suspended or terminated. This training is designed for all bargaining unit employees and those non-bargaining unit employees who supervise or otherwise need to know the contractual requirements.

The HHS/NTEU Joint Article 25 Training videos are available on the Department's internal YouTube channel; the transcripts for the training are linked to each training session.

We have linked one FDA session and one HHS session here:

HHS session #3: <https://youtu.be/p6cydzOILs>

FDA session #2: <https://youtu.be/-6R5dlxYOR0>

However, all four videos are available at: [Labor-Management Relations](#) | [HHS Intranet](#)

Thank you again for your participation and interest in our trainings!

Christina  
Christina V. Ballance (she/her)  
Executive Director, National Labor/Employee Relations Office  
U.S. Department of Health and Human Services  
Phone: 202-729-8773  
Cell: 202-436-6485

Scheduler: [Jennifer.Wilson@hhs.gov](mailto:Jennifer.Wilson@hhs.gov)