The Honorable Kevin McCarthy
Republican Leader
H-204, The Capitol
Washington, D.C. 20515

Dear Leader McCarthy,

As you finalize an agreement to fund the federal government for Fiscal Year (FY) 2020, we write to urge you to support retaining Section 749 of the House-passed Financial Services and General Government Appropriations Act (H.R. 3351), which is critical to protecting the rights of federal workers and ensuring that the federal government can attract and retain the skilled employees needed to provide services that the American people rely on every single day.

Over the past two years, several federal agencies have ignored federal law and engaged in bad-faith bargaining—proposing to strike entire sections of their existing collective bargaining agreements (CBA) and then failing to discuss or negotiate over their new proposals with their worker representatives. Instead, they call for mediation, in some cases after only engaging in bargaining for one day, and then immediately push the matter to the Federal Services Impasses Panel (FSIP), with the authority to impose rather than negotiate contracts.

Under the imposed contracts, we have seen important employee benefits like telework and leave essentially become discretionary, meaning supervisors have the ability to disallow these benefits without consistency or justification, and employees are nearly powerless to object when treated unfairly.

As you know, federal law states that “the right of federal employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them safeguards the public interest, contributes to the effective conduct of public business, and facilitates and encourages the amicable settlement of disputes between employees and their employers involving conditions of employment.” (5 USC 7101 (a)). The current actions of several agencies to ignore their obligations under the law is concerning—not just because of the impact on employees, but also on the ability of federal agencies to retain skilled employees and achieve their missions.
Section 749 of H.R. 3351 simply reinforces current law by prohibiting agencies from implementing any new CBA that was not mutually agreed to by both the agency and its employees, or subject to binding arbitration.

Thank you for your consideration.

Sincerely,

CHRISTOPHER H. SMITH  
Member of Congress

DRIAN FITZPATRICK  
Member of Congress

PETER T. KING  
Member of Congress

DAVID B. MCKINLEY, P.E.  
Member of Congress

TOM COLE  
Member of Congress