



James Hart, President

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March 16, 2021

The Honorable Nancy Pelosi
Speaker of the US House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Majority Leader of the US Senate
Washington, DC 20510

The Honorable Bobby Scott
Chair House Education
House Education and Labor Committee
Washington, DC 20515

The Honorable Patty Murray
Chair US Senate Committee
Health, Education & Pensions
Washington, DC 20510

RE: MTD Reinstatement Request of Obama Executive Order 13495 revoked by Trump

Dear Senators and Representatives:

I respectfully request your assistance on behalf of the Metal Trades Department, AFL-CIO and its 17 International Union affiliates in addressing an important matter that affects many American workers that depend upon employment with federal contractors that are awarded Service Contract Act contracts.

President Donald Trump signed an executive order on October 31, 2019, revoking the obligation of successor government service contract employers to offer their predecessor employers' employees the right of first refusal in positions for which they are qualified. "**Executive Order on Improving Federal Contractor Operations by Revoking Executive Order 13495**" provides no explanation for the revocation, but the reversal was likely influenced by the former Secretary of Labor, Eugene Scalia.

Executive Order 13495

Beginning in 2013, EO 13495, "**Non displacement of Qualified Workers under Service Contracts**," provided some protection (a right of first refusal for continued employment) to qualified service workers when a government contract was replaced with a new contract and successor contractor at the same location.

EO 13495 and its implementing regulations applied to any contract or subcontract for services entered into by the federal government or its contractors covered by the McNamara-O'Hara Service Contract Act (SCA). It required that qualified workers (non-exempt workers covered by the SCA's requirements) on a covered contract who stood to lose their jobs because of the completion or expiration of a contract be given a right of first refusal for employment with the successor contractor.

Metal Trades Department AFL-CIO
Request for Assistance
Support of Restoration of Executive Order #13495
Revoked by Trump

Generally, the successor contractor was prohibited from hiring any new employees under the successor contract until qualified workers performing the prior contract were provided the opportunity to accept a job with the successor. EO 13495 applied only to successor contracts for the performance of the same or similar services at the same location. However, EO 13495 required the predecessor contractor to provide written notice to eligible employees by a conspicuous workplace posting or with notices delivered to the employees individually.

Revocation by Trump / Requested Remedy

The revocation of the Obama executive order hurt workers by requiring the Labor Secretary and others to “promptly move to rescind any orders, rules, regulations, guidelines, programs, or policies implementing or enforcing Executive Order 13495.” Significantly, it immediately terminated any existing investigations or compliance actions based on EO 13495.

The Metal Trades Department, AFL-CIO respectfully requests that members of Congress assist us and advocate for reinstatement of the Obama era Executive Order 13495, or a viable alternative that provides for the non-displacement of qualified employees in the employ of a predecessor employer under the Service Contract Act, when a successor contractor assumes a Service Act Contract.

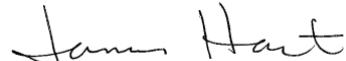
Your help in articulating your support, concern and the need with the White House for such an action may very well determine the economic fate of many of your respective constituents and the wages, benefits and conditions they work under and for.

The department has been diligently working the past few weeks with its allies in the labor and business community to lay the groundwork with the White House needed to affect this change and now needs your assistance in advancing and pushing this noble endeavor across the goal line.

Should you have any questions or concerns regarding this communication, please feel free to contact me at your convenience.

With warmest regards, I remain

Sincerely,



James Hart
President