

United States Senate

WASHINGTON, DC 20510

June 20, 2018

The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

We write with serious concerns about the Executive Orders issued on May 25, 2018, affecting hundreds of thousands of federal workers. We believe that the orders diminish the lawful rights and protections of federal employees in the workplace and threaten efforts to build good labor-management relations. Moreover, these orders could be used to undermine agency obligations, including due process, duty to bargain, and fair and effective representation of employees.

More than two million federal employees, one-third of whom are veterans, work every day to support our military service men and women and their families, safeguard our food and water, support rural infrastructure, and provide veterans the care they have earned. Like all who hold office in government, federal employees take an oath to serve their fellow citizens and defend the Constitution of the United States, and they deserve our respect and support.

The Executive Orders issued on May 25 undermine federal employees' legal right to fair representation in the workplace and diminish their trust in the government that they serve. These orders exclude federal workers' representatives from engaging in good faith negotiation efforts, enable agencies to ignore the rights of employees, and actively undermine the ability of employees to be protected from any discriminatory or unfair practices by agency management officials. These Executive Orders will have a detrimental impact on the morale of the workforce, do not promote efficiency of service, and are not in the public interest. In addition, we are particularly concerned that agencies will use these Executive Orders as an excuse to improperly abrogate existing collective bargaining agreements.

We support any effort to gain efficiencies in the federal government, while also reducing waste, fraud, and abuse. The federal workforce should be held accountable, based on clear and objective measures, for its performance, as it endeavors to serve the American public. Managers should be held accountable for meeting performance standards and establishing clear criteria to evaluate employees' performance based on an open dialogue with employees. Both employees and supervisors should have the necessary training, resources, and good working relationship to execute the mission of their organization at the highest level of performance. This is why we believe that the imposition of time limits and other significant restrictions on the statutory responsibility of employees to conduct representational duties, known as official time, could lead to less accountable management and greater inefficiencies at a higher cost for addressing workplace disputes.

We have supported efforts to ensure that accountability actions do not languish at an agency. However, no effort to address timeliness of due process should eliminate the ability of employees to receive assistance and advice from their union representative during that process, nor eliminate the requirement that the agency maintain consistency in its proposed actions. However, these Executive Orders do just the opposite, and eliminate the rights of employees to appeal entire categories of decisions and undermines the merit system principles that govern our civil service.

We expect the Administration to uphold the merit system principles, to promote good working relations between employees and managers, and to respect employees' statutory and contractual rights. We request that you direct agency and department heads to cease and desist from taking any actions that would abrogate their responsibilities under existing law and collective bargaining agreements, and encourage you to rescind these Executive Orders. We welcome the opportunity to engage in a constructive process with Executive Branch leadership to craft effective and fair policies that will enhance our federal workforce and improve the services that it provides to the American people.


Sincerely,



Jon Tester
Ranking Member
Senate Veterans Affairs Committee



Claire McCaskill
Ranking Member
Senate Homeland Security and
Governmental Affairs Committee



Heidi Heitkamp
Ranking Member
Senate Subcommittee on Regulatory Affairs
and Federal Management