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Dear House / Senate Member

The U.S. Court of Appeals for the D.C. Circuit overturned, on jurisdictional grounds, a lower court ruling blocking the implementation of three controversial Trump Workforce Executive Orders taking aim at federal employee unions.

In its ruling issued on July 16, 2019, the three-judge panel stated in overruling the lower court decision that the suit lacked judicial jurisdiction and that federal employees and their representatives can only seek relief from the court after going through the administrative process, namely the Federal Labor Relations Authority. This decision condemns the federal workforce to a fate dictating that workers must sit back and watch their rights being trampled upon by overzealous agency management personnel, as unions are now forced to address contract and statute violations by filing Unfair Labor Practice charges with the FLRA, an agency filled with partisan appointees, devoid of a general counsel, and plagued with huge case backlogs.

The appeals court overturned an August 2018-decision from the District of Columbia federal district court, which invalidated nine key provisions of the President's three Federal Workforce Executive Orders, 13836, 13837 and 13838, that conflicted with the original intent of Congress when passing the Civil Service Reform Act and Federal Labor-Management Relations Statute in 1978.

Those provisions include:

- The imposition of a 25% cap on the use of official time,
- The prohibition against employees' right to petition and communicate with Congress,
- The ban on the use of official time by union representatives to prepare and present grievances,
- The one hour per bargaining unit employee formula to be applied to set an aggregate cap on the use of official time,
- The limitations placed on unions' use of agency facilities, such as office space and computers,
- The exclusion of challenges to performance ratings and incentive pay from the scope of the negotiated grievance procedure,
- The limitation of performance improvement periods to 30 days, with agencies alone having the discretion to apply longer periods,
- The direction to agencies to press for the exclusion of removals from the scope of the negotiated grievance procedure, and
- The prohibition against bargaining over "permissive" subjects.

The Metal Trades Department, AFL-CIO, and its 17 International Union Affiliates seeks your support in pursuing legislative remedies to block and reverse these destructive executive orders. The days of disrespecting the federal workforce by this Administration must come to an end.

Regards,

Jimmy Hart
President