

FEDERAL WORKERS ALLIANCE

COLLECTIVELY REPRESENTING OVER 550,000 FEDERAL AND POSTAL WORKERS

June 23, 2023

The Honorable Gary Peters
Chairman, HSGAC
United States Senate
Washington D.C. 20510

The Honorable Rand Paul
Ranking Member, HSGAC
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman and Ranking Member Paul:

The Federal Workers Alliance, which comprises the undersigned labor organizations representing over 550,000 Federal and Postal employees, write to urge the Homeland Security and Government Affairs Committee to promptly hold a hearing on the President's **nomination of Suzanne Summerlin as General Counsel of the Federal Labor Relations Authority.**

As you know, the Authority has been without a confirmed General Counsel since January 20, 2017. During the last five years, there have been two Acting General Counsels. There was no Acting General Counsel for over three years. Earlier this year, the Government Accountability Office determined that the continued service of the current Acting General Counsel violates the Vacancies Act. *Violation of the Time Limit Imposed by the Federal Vacancies Reform Act of 1998: General Counsel, Federal Labor Relations Authority*, B-334563 (February 8, 2023). Over 3,000 unfair labor practice charges are filed every year, and over 100 of these charges result in the issuance of unfair labor practice complaints. However, only the General Counsel, or someone acting in the place of the General Counsel, given the authority under the Federal Service Labor-Management Relations Statute to authorize the issuance of unfair labor practice complaints. 5 U.S.C. §§ 7104(f)(2)(B), 7118(a)(1); *see also Clark v. FLRA*, 782 F.2d 701, 704 (D.C. Cir. 2015); *Turgeon v. FLRA*, 677 F.2d 937, 940 (D.C. Cir. 1982). Therefore, prompt confirmation of Ms. Summerlin is essential to ensure that unfair labor practice complaints are issued by someone with legal authority to do so.

Ms. Summerlin will bring to the Authority her board and extensive experience in federal sector labor law, having advocated before the Authority on behalf of a wide range of civilian employees at more than thirty agencies, including U.S. Forest Service wildland firefighters, Department of State passport processors, General Services Administration contract administrators, Veterans Administration medical professionals, Transportation Security Administration security screeners, and Army Corps of Engineers employees. Ms. Summerlin currently serves as Deputy General Counsel and Deputy Executive Director of one of the FWA's member unions, the Federal Education Association, which represents educators who serve our military families stateside and overseas. Previously, Ms. Summerlin served as Associate General Counsel of another FWA union, the National Federation of Federal Employees, which is the federal sector affiliate of the International Association of Machinists and Aerospace Workers. She was also Peggy Browning

Fund Fellow at the American Federation of Government Employees within the AFL-CIO. She has also negotiated collective bargaining agreements on behalf of doctors and nurses at the Department of Veterans Affairs, and educators serving in Europe and Asia with the Department of Defense Education Activity.

President Biden could not have nominated someone with more dedication to enforcing the Federal Service Labor-Management Relations Statute or to ensuring Federal employees' collective bargaining rights are protected – which is the essential role of the Authority's General Counsel. We urge the Homeland Security and Government Affairs Committee to expeditiously hold a hearing on this nomination, and to move forward quickly with the confirmation process so that, after more than five years, the FLRA finally has a confirmed General Counsel.

If you have any questions, contact FWA legislative co-chairs Faraz Kahn at fkhan@ifpte.org or Steve Lenkart at slenkart@nffe.org.

Sincerely,

American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers, AFL-CIO (AFT)
Antilles Consolidated Education Association (ACEA)
Federal Education Association/National Education Association (FEA/NEA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAMAW)
International Brotherhood of Electrical Workers (IBEW)
International Federation of Professional and Technical Engineers (IFPTE)
International Organization of Masters, Mates and Pilots (MM&P)
Metal Trades Department, AFL-CIO (MTD)
National Association of Government Employees, SEIU (NAGE)
National Federation of Federal Employees (NFFE)
National Weather Service Employees Organization (NWSEO)
Overseas Federation of Teachers, AFT, AFL-CIO
Printing Packaging Production Workers Union of North America
Professional Aviation Safety Specialists, AFL-CIO (PASS)
Patent Office Professional Association (POPA)
Seafarers International Union/NMU (SIU)
Service Employees International Union (SEIU)
SPORT Air Traffic Controllers Organization (SATCO)
United Power Trades Organization (UPTO)