



IBEW POLICY BRIEF

Chapter 15: Protecting Government Employees

Nearly every agency within the U.S. and Canadian governments relies on IBEW members to carry out their missions. Government sector members of the IBEW work across federal agencies, from the National Park Service and Department of Veterans Affairs to every military branch.

In addition to performing critical maintenance work on federal buildings and equipment, IBEW members work onboard ships, all types of government-owned transmission lines, navigational locks and dams, and in hydro- and steam-driven electric power generating plants, among others.

Recent Developments

President Biden's Actions to Help Public Employees

On January 22, 2021, President Biden signed an Executive Order that took several steps to protect the federal workforce. The executive order overturned a series of executive orders that sought to make it easier to:

- Fire federal workers
- Disrupt labor-management negotiations
- Restrict the scope of collective bargaining
- Attempt to eliminate collective bargaining, due process, and workplace representation rights for federal employees
- Provisions allowing federal employees to be hired and fired merely for political reasons
- Provisions banning the use of federal funds for diversity and inclusion training programs for federal employees and employees of federal contractors
- Restrictions on the use of official union time and access for union organizers in federal workplaces

In overturning these harmful policies, the Biden administration released a statement declaring that the federal government's policy is to:

- Protect, empower and rebuild the career federal workforce
- Encourage union organizing and collective bargaining
- Serve as a model employer



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Pending Priorities

Confirming FLRA Nominees

Confirmation of President Biden's Federal Labor Relations Authority (FLRA) Nominees

The FLRA facilitates the right of federal workers to form and join unions, bargain with agencies and resolve unfair labor practice complaints. A fully functioning FLRA is necessary for the effective and efficient administration of federal labor-management relations and ensures that workers' rights of federal employees are protected.

During the 2016-2020 administration, cabinet officials ignored the functions of the FLRA and decades of precedent. As a result, federal workers endured the imposition of unilateral contracts, unwarranted restrictions on union dues and official time, and rollbacks to their collective bargaining rights. In addition, the general counsel vacancy at the agency resulted in hundreds of unfair labor practice complaints languishing without adjudication. These actions hampered the ability of many federal workers to perform their duties in service to the public.

President Biden nominated Ernest Dubester and Susan Grundman as members of the FLRA and Kurt Rumsfeld as general counsel. The IBEW supports these nominations, which would bring a welcome return to the ability of the FLRA to provide stability and fairness in federal labor relations.

In May 2022, the senate voted 50-49 to confirm former MSPB Chairwoman Susan Tsui Grundmann as a Federal Labor Relations Authority member. Most recently, she worked as the executive director and chief operating officer of the Office of Congressional Workplace Rights, which oversees employee protections and labor relations in the legislative branch. In addition, Susan Grundman brings an extensive background in representing federal worker unions, serving as a member and Chair of the Merit Systems Protection Board. This vote finally switched control of the agency that governs collective bargaining at federal agencies.

Unfortunately, the IBEW is still awaiting several confirmations, including for Ernest Dubester. Nominated by four Presidents, Ernest Dubester (currently serving as Chair of the FLRA) has been confirmed by unanimous consent each time. He has served as an FLRA member since 2009 and served twice as Chair.

Kurt Rumsfeld currently serves as Chief Counsel to Chair DuBester and previously served as the Assistant General Counsel for Operations and Legal Policy for the FLRA's Office of the General Counsel. His responsibilities included providing legal administration of the FLRA's governing statute.

Each of these nominees is an asset to the mission of the FLRA. Congress cannot match President Biden's nominees' combination of experience and commitment to the federal workforce and public service. Therefore, the IBEW supports the confirmation of these three nominees, who will help to restore the FLRA to its original mission of promoting labor relations between federal workers and federal agencies.


The Public Service Freedom to Negotiate Act

The IBEW and AFL-CIO support enacting the Public Service Freedom to Negotiate Act. This legislation would give public sector employees the right to collectively join a union and bargain. This legislation became necessary after the U.S. Supreme Court ruled in 2008 on the case: Janus v. AFSCME. This ruling stripped public employee unions of their ability to collect fees for representation they are legally required to provide workers. In addition, the Public Service Freedom to Negotiate act would help level the playing field for essential workers. It gives this equity by establishing a minimum standard of collective bargaining rights that states and localities must provide.

The Public Service Freedom to Negotiate act would empower the FLRA to protect all government employees' rights in states that fail to offer fundamental collective bargaining rights. This protection includes state, territorial and local government employees. The Public Service Freedom to Negotiate act allows public sector employees to:

- Form, join or assist unions to bargain collectively and to join together to engage in other activities to improve their working conditions
- Have their union recognized by their public employer through democratic procedures
- Have a procedure for resolving impasses in collective bargaining
- Authorize the deduction of fees to support the union to the extent permitted by law

Chapter Resources

Hyperlink	URL	QR
The Public Service Freedom to Negotiate Act Resources:		
Representative Matt Cartwright Summary	https://cartwright.house.gov/uploadedfiles/sfna_section_by_section_summary.pdf	

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