

FEDERAL WORKERS ALLIANCE

COLLECTIVELY REPRESENTING OVER 300,000 FEDERAL WORKERS

NEWS RELEASE

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Thirteen Unions File Lawsuit Saying Trump Executive Orders Violated the Rights of Congress and Federal Workers

“This is a democracy and not a monarchy”

WASHINGTON – A coalition of 13 unions, the Federal Workers Alliance (FWA), representing 300,000 federal workers employed in hundreds of occupations ranging from teachers in Department of Defense Dependent Schools, to Immigration Judges, to NASA rocket scientists, to welders at naval shipyards sued the Trump administration today for violating the rights of government workers to be represented by unions in their workplaces. The suit was filed in the U.S. District Court of the District Columbia.

“This is a democracy and not a monarchy with a king who can unilaterally eliminate the rights of Congress and federal workers,” said Paul Shearon, who serves as secretary treasurer of the International Federation of Professional and Technical Engineers.

On May 25, the Friday before Memorial Day, Donald Trump signed three executive orders that the Federal Workers Alliance contends violated the due process and collective bargaining rights of workers employed by the federal government. “Donald Trump did not have the authority to issue these executive orders because the power to do so was not granted to him by either Congress or by the Constitution,” said Sarah Suszczyk, National Association of Government Employees and FWA Co-chair.

The unions’ lawsuit specifically addresses:

- Several sections of Executive Order 13836 (concerning time sent representing workers by union officials) usurp Congress’s legislative authority. The same executive order prohibits representatives from using official time to “prepare or pursue grievances (including arbitration of grievances) brought against an agency,” but allows it for employees working on their own behalf. Treating a union and its representatives differently from individual employees encroaches on a union’s right to take collective action.
- Executive Order 13837 (concerning due process rights) violates rules related to collective bargaining delegated to the Federal Labor Relations Authority, not the President.

- Executive Order 13839 (concerning merit principles) is an attempt to exclude matters from the negotiated grievance procedure, such as removals based on misconduct and incentive awards. Trump exceeded his authority by interfering with rights granted by Congress to unions and federal agencies to decide which matters are and are not subject to the negotiated grievance procedure, not the President.

President Trump has made it clear that he believes he is above the law,” said Randy Erwin, National Federation of Federal Employees’ national president and FWA Co-chair. “Trump seeks nothing more than the full authority to fire anyone who disagrees with him or challenges his ideology. By limiting the rightful authority of unions to lawfully represent their members, he gets closer to instilling a culture of fear and intimidation in the Executive Branch.”

The coalition is concerned that as systematic protections—such as representation, due process, and the right to communicate with Congress—are eroded for federal employees, whistleblowers and other workers will fall prey to political corruption and extortion.

“These protections were put in place to ensure that the men and women, who defend our borders and care for our veterans, have a voice in a workplace that is free from political influence,” said Erwin.

Two other unions representing federal workers, the American Federation of Government Employees and the National Treasury Employees Union, also have filed lawsuits citing violations of the First Amendment and other grounds.

The 13 unions that are party to the Federal Workers Alliance lawsuit are:

Federal Education Association/National Education Association (FEA/NEA)
International Association of Machinists and Aerospace Workers (IAMAW)
International Brotherhood of Teamsters (IBT)
International Federation of Professional and Technical Engineers, AFL-CIO (IFPTE)
Marine Engineers’ Beneficial Association, AFL-CIO (MEBA)
Metal Trades Department, AFL-CIO (MTD)
National Association of Government Employees, SEIU (NAGE)
National Federation of Federal Employees, IAMAW, AFL-CIO (NFFE)
National Labor Relations Board Professional Association (NLRBPA)
National Labor Relations Board Union (NLRBU)
National Weather Service Employees Organization (NWSEO)
Patent Office Professional Association (POPA)
Seafarers International Union/NMU, AFL-CIO (SIU)

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