

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 2, 2020

The Honorable Colleen Duffy Kiko
Chairman
Federal Labor Relations Authority
1400 K Street, N.W.
Washington, D.C. 20424

Dear Chairman Kiko:

We are writing to urge the Federal Labor Relations Authority (FLRA) to withdraw a rule it proposed on March 19, 2020, to change when federal employees may revoke the dues they have committed to contribute to federal employee unions.¹ This proposal would break with nearly 40 years of labor-management relations precedent, jeopardize the financial stability of federal employee unions, and endanger protections for federal employees across the country.

In a decision issued in 1981, *U.S. Army, U.S. Army Materiel Development & Readiness Command, Warren, Michigan*, 7 FLRA 194, the FLRA limited to yearly intervals when federal employees could revoke their previous commitments to pay dues to federal unions. After evaluating the legislative history and language of the Federal Service Labor-Management Relations Statute, the FLRA concluded that this annual provision “is intended to provide a more effective form of union security than previously existed.”²

Allowing federal employees to opt-out of automatic payments at yearly intervals provides the financial stability for unions to plan for their finances and carry out their obligations under federal law to foster sustained stability in labor-management relations.³ Both Republican and Democratic Administrations have complied with this precedent for decades because it supports the stability of federal employee unions, which in turn protects workplace fairness, safety, effectiveness and efficiency.

The FLRA’s new proposal would contradict Congressional intent and endanger union solvency by authorizing the cancellation of dues deductions at any time after the first year that

¹ Federal Labor Relations Authority, *Miscellaneous and General Requirements*, 85 Fed. Reg. 15742 (Mar. 19, 2020) (proposed rule with request for comments) (online at www.govinfo.gov/content/pkg/FR-2020-03-19/pdf/2020-05681.pdf).

² 7 FLRA 194 (1981).

³ *Id.*

federal employees elect to contribute dues from their paychecks. The proposed rule would jeopardize the financial ability of federal employee unions to fulfill their statutory duty to represent all employees, regardless of whether they pay dues.⁴ As a result, this proposal would endanger federal employees working on behalf of the American people—including first responders and health care providers working to combat the coronavirus crisis.

Traditionally, the FLRA has denied requests to issue precedent-setting policy statements, choosing instead to weigh in only on specific questions regarding applications of the statute in the context of actual disputes between labor unions and federal agencies. For these reasons, we urge you to withdraw this proposed rule immediately and reinstate the precedent that has governed these issues for decades.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Gerald E. Connolly
Chairman
Subcommittee on Government Operations

cc: The Honorable Jody Hice, Ranking Member
Subcommittee on Government Operations

⁴ 5 U.S.C. § 7114(a)(1).