

## Comments by NFFE National President Randy Erwin on Press Call on 6/13/2018

I am Randy Erwin, National President of the National Federation of Federal Employees, often referred to as NFFE. Established in 1917, we are America's first federal employee union. We represent 110,000 federal employees national-wide, and we are affiliated with the Machinists Union and the AFL-CIO.

I thank you all for being on the call.

Today, 13 unions, including NFFE, filed litigation suing President Trump and the Office of Personnel Management (OPM) in response to three executive orders issued by President Trump on May 25, 2018 – executive orders - #13836, #13837, and #13839. The lawsuit was filed in the U.S. District Court for the District of Columbia at approximately 1:00 PM [June 13, 2018].

The 13 unions are as follows, in alphabetical order:

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 of North America, AFL-CIO (SIU)

In the suit, the unions assert President Trump exceeded his authority when issuing the executive orders. The unions are seeking an injunction from the Court to block implementation of President Trump's directives.

Collectively, these executive orders, if implemented, would wreck the system of collective bargaining in the federal sector, eliminate meaningful due process for federal employees that is essential to American democracy, and make it all but impossible for federal employee unions to offer federal workers the representation that unions in the federal sector are required by law to provide.

It is clear to us that President Trump is attempting to exceed his authority in issuing these Executive Orders targeting federal employees and their unions. This President has a way of taking action first and figuring out if it was legal later. We believe his executive orders violate the law in many areas, and we are asking the courts to step in block Trump's unauthorized directives.

Here are some of our specific claims in this litigation:

**First**, concerning all three Executive Orders: Donald Trump does not have the authority to issue the three Executive Orders he signed on May 25, 2018 because the power to do so was not granted to him by law or by the Constitution.

**Second**, concerning Executive Order 13837 dealing with official time: Several sections of this Executive Order run contrary to established law, overriding Congress's legislative authority.

**Third**, concerning Executive Order 13839 dealing with due process: This Executive Order radically restricts the amount of time that a federal employee may have to improve their performance record before being fired. Such timelines are supposed to be set through the bargaining process between employees and agencies, not imposed arbitrarily by the President.

**Fourth**, concerning Executive Order 13839 dealing with merit principles: This Executive Order seeks to exclude matters from the negotiated grievance procedure, such as removals and incentive awards. Trump is exceeding his authority as Congress granted unions and agencies the right to decide which matters are and are not subject to the negotiated grievance procedure through collective bargaining, not the President.

**Fifth**, concerning Executive Order 13837 dealing with official time: This Executive Order attempts to rewrite the law by interfering with federal employees' right to petition Congress.

**Sixth and finally**, concerning Executive Order 13837 dealing with official time: This Executive Order prohibits employee 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 the union and its representatives differently from individual employees encroaches on the union's fundamental right to take collective action.

I want to express my sincere thanks to all the unions named in this lawsuit for standing shoulder-to-shoulder in defense of federal employees across the country, nearly one-third of whom are veterans, and 85% of whom live and work outside the DC metropolitan area.

Today, we are demonstrating that many in the Labor Movement are united in opposing President Trump's ploy to undermine unions in this country by breaking the way labor-management relations occurs in the federal government.

Together, these Executive Orders issued by President Trump represent the front line of the assault on unions and working people in this country. We view an attack on one as an attack on all. We will stop at nothing to resist these mean-spirited and unauthorized executive orders.