



October 4, 2024

Honorable Bernie Sanders
Chair
Senate Committee on Health, Education, Labor and Pensions
U.S. Senate
Washington, DC 20510

Daryl Laurie
President
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Dear Senator Sanders:

The National Council of Field Labor Locals, AFGE, AFL-CIO, is the union which represents U.S. Department of Labor (DOL) employees outside of the Washington, DC metropolitan area. Our members defend American workers' rights as OSHA Compliance Officers, Wage and Hour Investigators, Mine Inspectors, Employee Benefit Auditors, and more. Now we need your help defending our rights.

President Biden has taken a firm position in favor of labor, collective bargaining, and the federal workforce. Acting Secretary of Labor Julie Su has been the public face of this effort, recently supporting flight attendants at American Airlines and culinary workers at The Venetian Hotel as they secured important victories. Unfortunately, these same commitments are not apparent in the Department of Labor's negotiations with its own staff.

The National Council of Field Labor Locals (NCFL) has been negotiating with DOL over our future telework posture since November 2023. Despite best efforts no agreement was forthcoming, so the parties sought the assistance of the Federal Services Impasses Panel (FSIP). The parties met with FSIP representatives hearing on August 12th at the end of which they agreed to exchange briefs before a decision was issued. After weeks of bargaining, mediation with a Federal Mediation and Conciliation Service (FMCS) mediator, and an 11-hour long hearing with an Impasses Panel member, the Department suddenly announced that they did not believe there was any obligation to negotiate and withdrew their proposals which were on the table.

This breach of good faith bargaining principles was so egregious that the Chairman of the Impasses Panel, Martin Malin, was compelled to issue a stunning rebuke of the Department's behavior (emphasis added by Chairman Malin):

“Despite dismissing the case, the Panel takes a moment to address concerns regarding the Agency's actions in this dispute. The Agency's negotiability argument was formally raised in its post hearing brief on August 26, 2024 -over *eighty days after the Union first sought the assistance of the Panel*. In those eighty days the Panel and its representatives devoted significant resources to seeking resolution via investigation, caucuses, and mediation. The Agency never indicated an intent to raise a negotiability argument other than in its August 8th statement mentioned above that it walked back the next day. The Agency's post-hoc decision to raise this argument has resulted in an ineffective and inefficient expenditure of taxpayer funded resources that cannot be justified considering the results, i.e., a straightforward dismissal. To be sure, the Agency has every right to challenge the negotiability of proposals before it. But it should take care to exercise that right with a concomitant degree of responsibility in the future.”

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This is a remarkable indictment of DOL's negotiation tactics. By withdrawing from the process, the case is no longer within the Impasses Panel's jurisdiction and must be addressed by the Federal Labor Relations Authority (FLRA) through a separate, lengthy legal process. There is no justification for DOL's negotiators withdrawing *after* the impasse hearing had already taken place. Furthermore, there is no justification for the waste of time and taxpayer resources their bad faith delay tactics have caused.

To be clear, there is no indication that Acting Secretary Su is personally to blame. However, by their actions the Department of Labor has done President Biden, DOL's employees, their unions, and the workers they serve and protect a great disservice.

We respectfully request that you ask Acting Secretary Su to honor President Biden's commitment to collective bargaining in the federal sector by directing her negotiators to end any further delay tactics and to prevent any unilateral changes of working conditions while the union and DOL work through the remainder of the bargaining process. We are simply asking for you to urge the Department to bargain in good faith through the process.

If you have any questions or wish to discuss the matter further, please contact me at dlaurie1748@yahoo.com or 816-225-5930.

Sincerely,

Daryl Laurie
President
National Council of Field Labor Locals, AFGE, AFL-CIO