



Eric Bunn Sr.
National Secretary-Treasurer

Dr. Everett B. Kelley
National President

Jeremy A. Lannan
NVP for Women & Fair Practices

August 13, 2020

Andrew Wheeler, Administrator
Office of the Administrator
U.S. Environmental Protection Agency, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Administrator Wheeler,

It has come to my attention that you recently falsely disparaged AFGE to hundreds of employees in Region 8 during a staff meeting. Subsequently, you repeated some of these lies last week in a press release following the signing of our most recent collective bargaining agreement.

I was extremely disappointed to hear of this behavior, especially after our union's efforts to turn over a new leaf and move forward at EPA. I hoped that the virtual signing ceremony celebrating our new collective bargaining agreement, which you decided not to attend at the last minute, would offer us the opportunity to jointly set a new tone for labor-management relations at the agency. Obviously, you are more interested in spreading falsehoods than moving forward constructively and in good faith.

I want to clearly and unequivocally state that AFGE did not ever "trade" a widespread telework benefit for employees for one benefitting only union representatives during our recent contract negotiations. During bargaining, AFGE offered any number of enhanced telework proposals which were all completely rejected by the agency. During mediation in May, AFGE offered several suggestions/proposals about how telework should be handled as we move through the danger and uncertainty around returning employees to the workplace. Your representatives refused to even discuss the ongoing challenges the pandemic presented about the need to have more flexibility regarding telework. After several hundred employees emailed you directly asking the agency bargaining team to hear the concerns around returning to the workplace in a pandemic, your team came back to bargaining mediation with a "take it or leave it" offer and a continuing refusal to discuss the concerns and issues raised by our union regarding the pandemic and telework. Since the agency's "take it or leave it" offer did not address anything related to rectifying employee issues and concerns in a pandemic and the agency negotiators refused to have any discussion or modify its offer in any way to address pandemic concerns, the union refused the "take it or leave it" offer. I note also that your "take it or leave it" offer would have required the union to acquiesce to your agency's illegal conduct, which is now the subject of the three unfair labor practice charges that arose from your agency's actions during contract negotiations.

Moreover, even though you attempted to slander AFGE to EPA employees, there is only one party here that has been found by a neutral third party to have violated the law – you and the Environmental Protection Agency. You were found to have unlawfully imposed a contract on AFGE-represented employees in July 2019. Perhaps these recent lies and attempts to disparage the union to the employees we represent are attempts on your part to distract from your own unlawful conduct. Or



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perhaps it is an attempt to curry political favor with the most blatantly union busting Administration in the history of this country. Regardless of your motivation, I want to be clear that we will not stand by and have these lies and misrepresentations go unchallenged. That is why we have filed a new unfair labor practice charge in addition to the three charges that are already pending with the Federal Labor Relations Authority over your misconduct and the misconduct of Acting Deputy Administrator Doug Benevento regarding your false statements and interference with the union's rights under the law.

I regret that AFGE's attempts to deal with you and the agency in good faith have been met with lies and further misconduct on the part of you and other agency officials. Make no mistake though, AFGE will aggressively defend our rights, our union, and the rights of the employees who we represent.

In Solidarity,

A handwritten signature in black ink that reads "Everett B. Kelley". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Everett B. Kelley
National President

cc: Nicole Patterson
Acting Director Labor Relations Division