

June 12, 2008

Stephen L. Johnson, Administrator

U.S. Environmental Protection Agency Ariel Rios Building (1101A) 1200 Pennsylvania Avenue,  
N.W. Washington, DC 20460

Dear Administrator Johnson:

Your letter to EPA's unions dated May 28, 2008, emphasizes management's assertion that the Union is just another voice providing input. You note that a key to the success of your efforts is assuring that all EPA staff, including the unions, have a voice in "...what we do and how we do it." Mr. Johnson, there is a big difference between recognizing the right to freedom of speech and a clear acknowledgement of the Union's Statutory Right under 5 U.S.C. 7101 et seq. The views expressed by Union representatives have a unique weight due to the legal rights and standing that Unions have to bargain over working conditions. These legal rights were accorded by Congress in recognition that "...the statutory protection of the right of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them safeguards the public interest, contributes to the effective conduct of public business..." Actions under your administration have reflected a disregard and defiance of the Federal Service Labor Management Relations Statute.

You note that building a stronger EPA is one of your four core priorities and that "... unions have been involved in shaping the efforts of the work groups currently under way." But did you know that EPA's unions were first invited to participate in the Stronger EPA work groups after the work groups had already drafted their recommendations and then only after EPA's unions appealed to Lek Kadeli to permit our involvement? We appreciate Mr. Kadeli's efforts to include us, even at that late date, but our involvement should have been consistent after OARM solicited our initial thoughts. Why did OARM, the home of both the labor relations office and the Stronger EPA initiative, decide not to invite our participation at the outset of the work group process?

Under your administration, EPA unions are invited only to comment or provide input into the priorities you have already set. Your administration often neglects to invite EPA unions for their input on issues impacting employees. And it appears to us that when our input is sought, you only seek validation and ignore comments that would impact your schedule for implementing a change in workplace conditions at EPA.

We will not attend the NPC meeting planned for June 2008 because you have not demonstrated that EPA values its unions as true partners. Since EPA's Unions view the monthly labor management calls as an extension of the NPC meetings, we will also not participate in those calls. The biggest reason for our decision to suspend union involvement in partnership with management through the NPC is the fact that your letter reflects the continuing dismissal of the Union's collective bargaining role. Without a commitment that EPA will abide by its statutory obligations, "partnership" is a sham. OARM currently has three policies in draft final that significantly impact working conditions of our membership, yet we have not been afforded official notification of these policies, briefings, or the opportunity to negotiate. Any of these policies would have been good candidates for the predecisional involvement process that we are requesting you to engage in with us as part of our NPC activities. They are: the Emergency Telework Policy Revision, which is in review as a final draft; the Volunteer Telework policy Revision, which is in the comment review stage; and the Pandemic and Emergency Human Capital Reference Guide, which is a final draft in review. The Unions were not solicited for comments on any of these draft documents. When individual Unions discovered the existence of these ongoing policy documents, our attempts to be briefed on these issues were ignored.

It is a challenge to adequately represent our membership, and uphold our legal duties of

representation if we are stonewalled by an Agency that prefers to obfuscate rather than collaborate. The employees of this agency are best served by the later, yet repeatedly receive the former. We need to change the lexicon and develop a true partnership for the good of a genuinely “stronger EPA”. Mr. Johnson, we would like to work with EPA in a true partnership in the manner defined and expected by Congress and we would like to lay the ground work now for an improved relationship between organized labor and management in the next administration. We welcome the opportunity to talk with Lek Kadeli, Susie Hazen, and Russ Wright about our issues. But some of these issues have already been identified in our original communication with you on February 29, 2008. We call on you to respond to our issues as outlined in our original February 2008 letter. For your convenience, we have outlined in slightly more detail in the following bulleted points:

- Labor and Employee Relations Office problems;
- Performance and Recognition System (“PARS”) design implementation, and administration issues;
- Good faith compliance with Agency obligations with the Unions under PARS;
- Predecisional Involvement (“PDI”);
- Good faith bargaining;
- Good faith response to information requests under the Statute;
- Senior management avoiding unions on contentious issues;
- Adjudication process for Principles of Scientific Integrity;
- EPA dismisses Coalition advice on policy matters;
- Library closures and pathetic proposals to reopen them;
- Inhouse legal resource used against employees and to support managers; and
- Agenda items proposed by Unions are commonly ignored.

Fraternally yours,

/s/ \_

Mark Coryell, President AFGE Local 3907/National Vehicle & Fuel Emissions Laboratory CoChair of NPC/Ann Arbor, MI

/s/ \_

Charles Orzechoskie, President AFGE National Council of EPA Locals #238/ Chicago, IL

/s/ \_

Steven Roy, Executive Vice President, AFGE Council 238/ Seattle, WA

/s/ \_

Amy LeFeat Acting President, AFGE Local 1110/U.S. EPA Region 10, Seattle, WA

/s/ \_

Patrick Chan, President NTEU Chapter 295/U.S. EPA Region 9 San Francisco, CA

/s/ \_

Wendell Smith, President ESC EPA – Unit /U.S. EPA Region 9 San Francisco, CA

/s/ \_

Larry Penley, President NTEU Chapter 279/ Cincinnati, OH

U.S. EPA Office of R & D Laboratory

/s/

Andrew Grange, Ph.D., President NAGE Local R12135/ORD NERL Las Vegas, NV

/s/ \_

Lesley Mills, President NAGE Local R1240/Narragansett, RI ORD NHEERL Atlantic Ecology Div.

/s/ \_

Geraldine Cripe, President NAIL Local 9/ Gulf Breeze, FL National HEER Laboratory

/s/ \_

John C. Anderson, President NTEU Chapter 294/U.S. EPA Region 7 Kansas City, KS

/s/ \_

Steve Shapiro, President AFGE Local 3331/U.S. EPA HQ's Washington, DC

/s/ \_

Henry G. Burrell, President AFGE Local 3428/U.S. EPA Region 1 Boston, MA

/s/ \_

Paul Sacker, President AFGE Local 3911/U.S. EPA Region 2 New York City, NY

/s/ \_

Alan Hollis, President AFGE Local 3631/U.S. EPA Region 3 Philadelphia, PA

NAGE Local R555/U.S. EPA Region 4 Atlanta, GA

/s/ \_

John J. O'Grady, President AFGE Local 704/U.S. EPA Region 5 Chicago, IL

/s/ \_

Paul Scoggins, President AFGE Local 1003/U.S. EPA Region 6 Dallas, TX

/s/ \_

Dave Christenson, President AFGE Local 3607/U.S. EPA Region 8 Denver, CO

/s/ \_

Silvia Saracco, President AFGE Local 3347/U.S. EPA Research Triangle Park/RTP, NC

/s/ \_

David Walters, President AFGE Local 2900/Robert S. Kerr Research Laboratory/Ada, OK