

10/18/91

P.O. Box 76082, Washington D.C. 20013

Paul, I didn't retain a copy of the 4/17/91 letter to Sen. Glenn, but this

Hon. William L. Clay
U. S. House of Representatives
Washington, D.C. 20515-2501

is a copy of the text - I used the 2050 some text in letters to several people on the Hill. Bill Hering

Dear Mr. Chairman:

I am writing to ask your help in dealing with an attempt by the Environmental Protection Agency to essentially break our Union at EPA Headquarters in Washington.

Over the past several years NFFE Local 2050, representing professional employees at EPA Headquarters, has developed into an active advocate for Civil Service workers' rights and effective government. We have provided testimony to the Congress on how actions of the Administration have affected the ability of EPA workers to do their jobs of protecting the environment and public health. We have also provided some of the same kind of information to the public at large upon request. The Administration is now attempting to put an end to Local 2050 because of its effectiveness in this work.

The situation came to a head as Local 2050 officers sought relief for themselves and their supervisors from the uncertainties associated with use of official time by Union officers under the current contract with EPA. The Union proposed to amend the contract to remove the sources of uncertainty, which are centered on the issue of how much time Union official may use for representational work.

The 1988-89 outbreak of serious illnesses among EPA workers related to indoor air quality is but one of several events that resulted in the Union having 5-6 of its officers on virtually full-time union duty by FY 1991. The Union proposed to change the "reasonable time" provisions of the present contract to specific assignment of FTEs for some officers plus a time bank for steward use.

The Agency's response was to try to unilaterally change the existing use of time by the Union so that a major part of our representational work would have to be done on non-duty hours. According to EPA, we may no longer communicate with the bargaining unit in writing about matters that involve the duty to bargain, such as moves, reorganizations, etc; neither may employees tell the Union what they want in the way of bargaining, except on non-duty time or in "formal discussions", with management present. And we may no longer respond to the public when they ask about working conditions here, nor may we accept information from the public for our use in representational matters, according to EPA.

A specific case in point is the work the Union has done on carpet toxicity, which was a major element in the illness outbreak of 1988-89 at Waterside Mall. Among other more traditional activities, Local 2050 filed a citizen's petition under section 21 of the Toxic Substances Control Act, asking EPA to regulate carpet emissions based on injuries to its own workers and members of the public. EPA denied the petition, but convened a "carpet dialogue" involving Local 2050, EPA, the Carpet and Rug Institute, OSHA, NIST, NIOSH, CPSC, AFL-CIO, and a half dozen other industrial interests to look into the problem. I as Local 2050 President have been the Union's representative on the dialogue and have been using official time for the work, which amounts to a virtual full time job on top of my other union duties. I have been the principal point of contact for over a hundred inquiries from the public on what happened to EPA workers following their exposure to carpet emissions at Waterside Mall. From these public contacts has come vital information on the wide-spread nature of carpet toxicity problems and resulting illnesses, information that the Union has used to convince EPA to stop using one particular type of carpet and to provide better indoor air quality for its workers and alternative work space for those injured by the carpet.

EPA has stated in writing that I may no longer do this work on official time.

My work in this area has been clearly representational and, coincidentally, in the interest of the American public in general. This use of official time is authorized at 5 USC 7131(d) which states in part:

"Except as provided in the preceding subsections of this section-

(1) any employee representing an exclusive representative...shall be granted official time in any amount the agency and the exclusive representative agree to be reasonable, necessary, and in the public interest".

At no time during any of these well known and well publicized carpet-related activities did EPA management question my use of official time for them, until now; neither did EPA challenge the Union's well known use of written communications with its bargaining unit on moves, reorganizations, etc., until now. Thus, until the Union unwittingly opened the door for repressive action by requesting a change in the contract, EPA and the Union had in fact agreed to these uses of official time under the criteria of past practice and section 7131(d).

One might ask, "Why not let the processes of the Civil Service Reform Act run to resolve this problem"? The answer is that this is no ordinary dispute over official time, this is an attempt by the highest levels of EPA to break the Union. These sudden attempts at unilateral changes that would strangle us are not mandated by a low-level functionary; Assistant Administrator Grizzle met with House and Senate staff, as well as EPA employees,

in November, 1989 and confessed his sins of not listening to the Union when it advised him to remove toxic carpet and of keeping isolated from the Union. With that confession clearly in the minds of Mr. Grizzle's subordinates, it is inconceivable that they would undertake so drastic a set of actions as have been undertaken without Mr. Grizzle's full knowledge and approval.

The intercession on our behalf that I would like you to make is for you to inquire of Administrator Reilly why he has authorized these attempts at unilateral changes in the Union's use of official time if not to break the Union, and collaterally, why he is attempting to break the Union and under what authority he is making this attempt.

Thank you for the devotion you have shown over the years to Federal workers and for your consideration in this matter. I can be reached at 202-382-2383.

Sincerely,

/s/

J. William Hirzy
President

cc: Sheila Velazco