

This letter was sent to Administrator Johnson on June 16, 2008 as part of a series of exchanges between the Union Coalition and the Administrator:

June 16, 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 misunderstanding, disregard, or 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 continuous after OARM solicited our initial thoughts. Moreover, 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?

It appears that under your administration, EPA unions are invited only to comment or provide input into the priorities that have already been 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 National Partnership Council (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 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 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 pre-decisional 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 on-going 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.

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:

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;

Pre-decisional 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 dismissal of Coalition advice on policy matters; Library closures and pathetic proposals to reopen them; In-house legal resource used against employees and to support managers; and

Agenda items proposed by Unions are commonly ignored.

We look forward to your response and hope that we can work together toward a truly Stronger EPA for the benefit of our collective bargaining unit members.

Fraternally yours,

Signed By 22 EPA Union Presidents/Vice Presidents