



## AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

**Joseph P. Flynn**  
*National Secretary-Treasurer*

**J. David Cox, Sr.**  
*National President*

**Augusta Y. Thomas**  
*NVP for Women & Fair Practices*

February 11, 2018

Dear Representative:

On behalf of the federal workers at the Department of Labor (DOL) represented by the American Federation of Government Employees, AFL-CIO (AFGE), I write to state our union's strong opposition to HR 4703, the Department of Labor Accountability Act, introduced by Representatives Lloyd Smucker (R-PA). The Department of Labor Accountability Act is unnecessary in pursuit of government accountability and is bad policy. The legislation directly harms the public by damaging the administration of programs hardworking men and women rely on to ensure their wages are paid as due and their workplaces are safe from life-threatening conditions. AFGE strongly urges you to oppose the Department of Labor Accountability Act.

DOL employees promote the safety and health of U.S. workers, ensure they are paid for work performed, and track the data used to compile economic indicators. DOL employees administer the Family and Medical Leave Act ensuring workers' ability to take leave for medical or family reasons. Occupational Safety and Health Administration employees monitor workplace health and safety violations preventing injury and illnesses to workers. DOL employees enforce the Federal Labor Standards Act and ensure that the pensions of retirees are protected. The Office of Workers' Compensation Program provides medical and compensation benefits to federal workers injured while serving the public, including Federal Bureau of Investigation agents wounded in the line of duty. From paycheck to pension, DOL employees safeguard the workplace and earnings of every U.S. worker.

The Department of Labor Accountability Act of 2017 follows the terrible precedent set by the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017, Pub. L. 115-41 by making it easier to fire federal civil servants. Despite the legislations' titles, both the DOL Accountability Act and the VA Accountability and Whistleblower Protection Act have no connection between depriving civil servants of due process procedures and agency accountability. The Department of Labor Accountability Act lowers the burden of proof required to terminate a DOL employee from a preponderance of the evidence to merely substantial evidence. DOL employees could be fired even if most of the evidence is in the employee's favor. As a result, the DOL Accountability Act limits the entire disciplinary timetable for non-Senior Executive Service employees to 15 days from notice of a proposed removal, demotion, or suspension to the final agency decision. The Department of Labor Accountability Act deprives DOL employees of the time necessary to respond to proposed actions whether appealing disciplinary actions to the Merit Systems Protection Board (MSPB) or grieving personnel actions through collective bargaining agreements. The bill supersedes provisions in the union's contract to erode the integrity of the entire collective bargaining process. The DOL Labor Accountability Act requires that MSPB decisions are issued within 180 days of notice of the employee's appeal. The MSPB must provide an explanation to Congress for each appeal over 180 days without a decision. The bill is a startling waste of taxpayer dollars and will have a detrimental effect on the agency's workforce as they try to focus on their important work.




Employees would be deprived of remedies such as back pay ordered by an Administrative Law Judge until their appeal is decided by the Federal Circuit. The DOL Accountability could subject employees to the loss of earned pensions for offenses unrelated to their duties if the reason they were convicted "influenced" their employment. In addition, DOL could clawback bonuses, awards, and relocation expenses even though there is no connection between the pension, award, or relocation expenses and the offense that is the basis of the charges if the reason they were convicted "influenced" their employment. The cumulative effect of these provisions is harshly unfair and designed to harm DOL employees, rather than assist in any form of agency accountability.

The women and men who comprise the DOL workforce are highly educated professional staff, including trained investigators, auditors, economists, and statisticians. These dedicated civil servants work to ensure that economic data is available, workplaces remain safe, injured workers are not reduced to poverty, and fair wages are paid for fair work. The DOL Accountability Act is a direct attack on these federal workers for no reason other than the crusade of a minority in Congress to deprive any federal worker of workplace fairness. Again, on behalf of the workers we represent at DOL and within the Federal government, AFGE strongly urges that you oppose HR 4703, the DOL Accountability Act.

Thank you for considering our views and please feel free to contact Charity Wilson ([wilsoc@afge.org](mailto:wilsoc@afge.org)) at 202-639-6440 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T.S. Kahn".

Thomas S. Kahn  
Legislative Director