



NFFE News Story

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HOUSE COMMITTEE SEEKS TO STRIP FEDERAL EMPLOYEE DUE PROCESS PROTECTIONS

On Tuesday, the House Oversight and Government Reform Committee, chaired by Representative Jason Chaffetz, R-Utah, conducted a legislative markup hearing that had a slew of disastrous bills forced through by the GOP-led majority on the committee. While numerous pieces of legislation considered by the committee on Tuesday are cause for concern, one bill in particular appears to be the most deceptive Trojan horse.

Most of Tuesday's bills were simply regurgitated provisions from previously-failed bills. The most common threads were the 2014 Veterans Access, Choice and Accountability Act and last summer's H.R. 1994, the effort that sought to strip Department of Veterans Affairs (VA) employees of critical due process rights and eliminate essential whistleblower protections – a bill NFFE fought tooth-and-nail, and continues to fight in the Senate. Tuesday's legislation was simply aimed at expanding the currently VA-specific provisions government-wide.



The House Oversight Committee passed numerous bills to strip federal employee workplace protections

One of the most controversial bills discussed Tuesday was H.R. 4358. While on its face H.R. 4358 may not appear to have an effect on bargaining unit federal employees (the bill targets those in the Senior Executive Service [SES]), the bill merely serves as a vehicle to usher in drastic rollbacks of due process rights and whistleblower protections for all federal employees. The two primary elements of H.R. 4358 revolve around expedited employee discipline and expanding probationary periods. As with the Veterans Access, Choice and Accountability Act and H.R. 1994, expediting the employee discipline process is a subject that NFFE, some members of Congress, and administration officials are incredibly concerned about. In a hearing last summer, VA Deputy Assistant Secretary for the Office of Resource Management Human Resources and Administration, Cathy Mitrano, said that [H.R. 1994] may go too far and prevent employees from adequately defending themselves. Susan Grundmann, Chair of the MSPB, questioned the very constitutionality of such measures when discussing similar language for Senior Executive Service VA employees in 2014.

The second highly-controversial provision is the extension of probationary periods from one year to two – severely limiting disciplinary appeal rights (while H.R. 4358 applied to SES employees, the Committee also passed H.R. 3023, a bill extending probationary periods for all title V federal employees). Extending employee probationary periods would damage workplace accountability because potential whistleblowers would not have the essential protections necessary to expose abuse early in their careers. There is little, if any, evidence that suggests doubling the length of the probationary period for federal employees improves government performance.

While H.R. 4358 does not directly affect bargaining unit federal employees, it is simply a Trojan horse – as were the “accountability measures” of the Veterans Access, Choice and Accountability Act and H.R. 1994. Anti-federal employee members of Congress are attempt to sneak “accountability measures” into otherwise innocuous legislation as a means to undermine foundational workplace protections. NFFE will not fall for these Trojan horses, and we will fight any legislation that threatens the due process rights of our members.

“Proposals to expedite discipline and extend probationary periods for federal workers have nothing to do with seeking good government,” said NFFE National President William R. Dougan. “These proposals are about making workers feel vulnerable and laying the foundation for eliminating unions in the federal government. Anti-federal worker lawmakers have shown they will push legislation to eliminate rights for federal executives today, and they will propose eliminating the same rights for all federal workers tomorrow. NFFE will not stand for the whittling away of critical employee protections. We will fight this legislation tooth and nail.”