

NFFE News



NFFE Decries New FLRA Decisions Undercutting Workers' Rights

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In the past several weeks, the Federal Labor Relations Authority has continued its unabated assault on federal workers' rights. NFFE National President Randy Erwin is denouncing the recent FLRA decisions which overturn decades of precedents. Collectively, these decisions seek to eliminate the ability of federal unions to negotiate with agencies.

The FLRA decisions state:

1 – **“Greater than De Minimis” Standard** –

The first of the rulings amended the standard for whether a policy change triggers a duty to bargain over the implementation of the change and its impact on employees from “greater than de minimis” to “substantial;”

2 – **Zipper Clauses** – The second ruling states that federal labor law “neither requires nor prohibits midterm bargaining.” This ruling makes zipper clauses mandatory subjects of bargaining. Zipper clauses limit negotiations during the term of a union contract; and

3 – **Renewed Contracts** -The third ruling states that when an expiring union contract is renewed indefinitely, while parties negotiate on a new contract, the renewed contract is effectively a new agreement that is subject to agency head review and implementation of new governmentwide rules and regulations.

These three rulings, the result of requests from the Trump Administration, passed 2-to-1 along party partisan lines. The rulings hamper the ability of unions to negotiate on issues that did not come up during term contract negotiations. The majority stated that it needed to raise the standard for whether management must negotiate over implementation of a policy change, “because the de minimis standard had negatively impacted labor-management relations,” and, “has been drained of any determinative meaning.”

Ernest DuBester, the lone Democrat appointee at the FLRA, strongly dissented from the decision, arguing it goes against Congressional intent and established legal precedent. He added that “the de minimis standard was put in place precisely because federal managers already have broader rights compared to their private-sector counterparts.”

“These decisions are regrettable and a further indication of the Trump Administration’s hostility to federal government employees,” President Erwin said. “While this is truly a setback, we will continue to fight back and hope to have a more favorable audience in the new year.”



FLRA Rulings Biased Against Fair Bargaining for Feds