

United States Senate

December 13, 2018

The Honorable Alex M. Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Azar:

I write to urge the Department of Health and Human Services (HHS) to adhere to its obligation under the Federal Service Labor-Management Relations Statute and fully engage in good faith bargaining with the National Treasury Employees Union (NTEU), which represents thousands of HHS employees.

A committed, qualified workforce is critical to HHS' success as it works to fulfill its mission to enhance and protect the health and well-being of all Americans. The dedicated federal employees at HHS and throughout the Administration deserve full access to the collective bargaining rights provided to them by federal law, including the ability to negotiate in good faith for a safe and healthy workplace, fair representation, and acceptable leave policies.

I am concerned by reports that HHS is rushing to declare an impasse without first engaging in legally required good faith negotiations with its employees' union. As you know, HHS declared bargaining with NTEU to be at an impasse in July 2018 and sought assistance first from the Federal Mediation and Conciliation Service (FMCS) and later from the Federal Services Impasse Panel (FSIP). However, HHS' conduct makes clear it did not demonstrate sincere resolve to reach an agreement, withdrawing from initial discussions after one day and declaring an impasse after only discussing two out of the 34 open contract articles in abbreviated, expedited sessions. On November 15, FSIP asserted jurisdiction over most of the articles and directed HHS and NTEU to resume bargaining with FMCS assistance for 30 days.

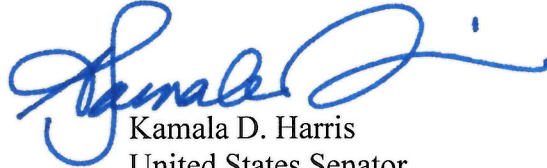
Because the two parties have not reached a true impasse, I urge HHS to bargain in good faith with NTEU to resolve these disagreements. I am deeply concerned that FMCS only plans to offer assistance for two weeks rather than the full 30 days directed by FSIP. Further, I am concerned that, during the first week of mediation, HHS proposed radical changes to articles affecting employee leave with no explanation. There are significant issues up for discussion that warrant thoughtful, good faith bargaining to ensure the success of both HHS and its employees.

HHS' actions throughout this process fit the Administration's disturbing pattern of hostility toward federal employees and the labor organizations that represent them. I understand your agency relied on the Executive Orders issued by the President on May 25—which aimed to make it easier for agencies across the federal government to fire their employees, re-open collective bargaining agreements and rush negotiations, and hinder unions' ability to represent

workers—to justify many of its rigid bargaining positions. Although the United States District Court for the District of Columbia invalidated key portions of these Executive Orders in August, HHS has continued to engage in unlawful, bad faith bargaining behavior in its interactions with NTEU.

The public servants who protect the health and well-being of the American people deserve to be treated fairly and equitably. As HHS wraps up the second week of FMCS meetings, the agency can still reverse course and bargain in good faith with NTEU to reach a fair and equitable contract. I urge you to do so. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kamala Harris", with a stylized flourish at the end.

Kamala D. Harris
United States Senator