

Union files unfair labor practice charge against GAO chief

By Brittany R. Ballenstedt bballenstedt@govexec.com
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A federal labor union on Thursday filed an unfair labor practice charge against the head of the Government Accountability Office, claiming he has made inappropriate statements interfering with employees' rights to unionize.

The [charge](#), delivered to Comptroller General David M. Walker by the International Federation of Professional and Technical Engineers, stems from comments the GAO head allegedly has made during agency meetings and to the media.

"Walker has made remarks regarding IFPTE and its efforts to assist employees of GAO in their organizing activities, which violate the requirement that management, especially the comptroller general as head of the agency, maintain strict neutrality during a union organizing campaign," the union stated in the charge.

GAO spokesman Paul Anderson said Friday that Walker had received the letter and is reviewing it. We "look forward to discussing this matter with them in due course," he said.

On May 8, IFPTE filed a representation petition with the GAO Personnel Appeals Board's Office of General Counsel to hold a union election. The push to unionize is partly a response to a new personnel system, under which 308 senior analysts did not receive pay raises last year. Walker has said the decision to deny the employees the pay hike was based on a 2004 market-based compensation study that determined many analysts were overpaid relative to workers with comparable skills and experience at other agencies and outside government.

Earlier this month, Walker [announced](#) that GAO had hired private law firm Venable LLP to help in responding to the organization effort. GAO also contended that 461 out of the 1,386 employees who filed cards petitioning for the election are in supervisory positions and thereby are ineligible to join unions under labor law.

In Thursday's charge, IFPTE referred to two recent employee team meetings during which Walker made comments that the union alleges are a breach of his legal obligation to remain neutral. At the meetings, Walker told employees that having a union could seriously affect decision-making within the agency and could dramatically slow the agency down. He also allegedly told employees that "the people who want a union are the vocal minority in GAO."

But the bulk of IFPTE's complaint stems from a ["Union Update"](#) circulated to GAO employees by agency management on Tuesday. IFPTE said that the memo withholds important information, including that providing the context for a statement that the union refused to accept an offer by GAO management to hold an election in July. IFPTE argued that the memo leaves out the fact that GAO's offer required the union to waive the right of supervisors in a certain pay range (Band IIB) to be represented.

Under GAO's labor-management relations system, unfair labor practice charges must be filed directly to the person being charged. IFPTE and Walker have 30 days to attempt an informal resolution of the charges, and if no agreement is reached, IFPTE can forward the allegations to the Personnel Appeals Board's Office of General Counsel. If the counsel discovers that an unfair labor practice occurred, the parties will have a hearing before the PAB to settle the matter.

Meanwhile, lawmakers discussed the unionization effort on the House floor Friday during consideration of the fiscal 2008 legislative branch appropriations bill. Reps. Danny Davis, D-Ill., and Debbie Wasserman-Schultz, D-Fla., criticized what they characterized as Walker's attempts to slow down the unionization process and his decision to "use taxpayer dollars to hire outside counsel."

Davis, who chairs a House Oversight and Government Reform subcommittee on the federal workforce, said his subcommittee could not find validity in the 2004 compensation study GAO used to make pay determinations last year. He said Walker had no authority to deny employees increases.

House Majority Leader Steny Hoyer, D-Md., said in a statement Friday that he is "particularly concerned" with GAO's decision to challenge the eligibility of one-third of the employees covered by the union petition. Hoyer argued that if the 461 employees are supervisors, GAO would have a one-to-three ratio of supervisors to nonsupervisors -- one of the smallest ratios in any public or private organization.

"I am deeply concerned that GAO's challenge is an attempt to delay balloting until the end of the year -- one that will entail a considerable expenditure of resources that will only distract the agency from carrying out critical investigatory and oversight work for the U.S. Congress," Hoyer said.

Wasserman-Schultz, who chairs the House Appropriations subcommittee on the legislative branch, said the subcommittee is closely monitoring the unionization effort. "We are requiring GAO management to submit weekly reports on the process," she said.

ROLL CALL

Union Charges Walker With Using Unfair Labor Tactics

BYLINE: Elizabeth Brotherton, Roll Call Staff
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The union seeking to represent employees at the Government Accountability Office filed an unfair labor practice charge against Comptroller General David Walker last week, arguing that the agency chief has violated labor laws by not remaining neutral during the campaign.

The first step in filing such a complaint is to issue a letter to the accused, which the union did on June 21. Walker has 30 days from then to respond. If he and officials with the International Federation of Professional and Technical Engineers cannot come to an informal resolution within that time, the matter will be forwarded to the GAO Personnel Appeals Board's Office of General Counsel for further action.

"We request that you review the allegations, and to prevent any future violations we urge you to cease any activity related to those described herein," IFPTE President Gregory Junemann wrote. "Further, we trust that you will instruct all other Agency officials that such improper conduct will not be permitted."

GAO officials declined to comment on specifics of the complaint Friday, but they did release a statement: "We are in receipt of the IFPTE's letter of June 21, 2007. We are reviewing the letter and look forward to discussing this matter with them in due course."

A majority of the GAO's 1,500 analysts filed petitions in May to hold a union authorizing election, which was expected to take place this summer. But it has been delayed as the agency and IFPTE officials dispute whether approximately 360 employees involved in the effort are eligible to organize.

The GAO argues that because those workers serve in supervisory roles, they cannot join the union. IFPTE officials have said the analysts' supervisory tasks are minimal and they are eligible to organize.

"In the modern work environment, people work in teams, and somebody is a member of a team, and somebody is a leader of a team," said Paul Shearon, secretary-treasurer of the IFPTE. "That doesn't necessarily make them a supervisor."

Union officials also criticized the GAO for hiring the outside firm Venable to assist with the unionization process, a move they argue is costly, unnecessary and part of an effort to quash the organizing campaign. The agency has maintained it did not have counsel on staff who specialize in similar union matters.

In its June 21 complaint, the union cites four separate incidents in which, it argues, the comptroller general violated a requirement that GAO management "maintain strict neutrality during a union organizing campaign."

Shearon said Friday that the union decided to file the complaint after months of dispute with Walker over comments and actions he has made.

"We believe in being fair about stuff, and certainly nobody's perfect," Shearon said. "But when you see somebody repeating a behavior, at some point, you have to say, 'My gosh.'"

Shearon added: "We knew that he has a bit of a reputation of being somewhat of a maverick, but this goes beyond what we've anticipated from him."

The first charge refers to a Jan. 23 article published on govexec.com in which Walker said the union effort came from a "handful of employees" and he would present the pros and cons of unionization to his staff.

The June 21 complaint isn't the first time those comments have been an issue.

IFPTE attorneys sent Walker a letter in January referring to the article, accusing him of interfering in unionization efforts by making those comments. Walker fired back in a February letter, which stated his comments were appropriate and in line with labor law.

Other incidents cited by the IFPTE complaint include a May 9 quarterly Health Care Team meeting in which Walker said a union could slow the decision-making process at the agency and said employees who think the workplace is not fair "do not understand the situation"; a June 6 staff meeting, where Walker said only a vocal minority is seeking a union and labor law prevents him from helping employees unilaterally; and a June 19 memo to staff titled "Union Update," which outlines the unionization process thus far.

While the agency is legally allowed to provide some information about the unionization election process to staff, the June 19 memo, posted to the GAO's intranet, goes beyond that and is riddled with factual errors, the IFPTE argues.

"The agency is not permitted to provide periodic self-serving, spinning of facts related to the ongoing procedures of the union organization process, and then send these to a captive audience via intranet," the complaint reads.

The unfair-labor-practices charge wasn't the only heat Walker felt last week.

While debating the legislative branch appropriations bill on the House floor Friday, several Members criticized Walker for his response to the unionization effort.

Rep. Danny Davis (D-Ill.), who chairs the Oversight and Governmental Reform subcommittee on the federal workforce, postal service and the District of Columbia, said the GAO work force has been "severely disrupted" and called Walker's decision to hire outside counsel "unfortunate."

Rep. Debbie Wasserman Schultz (D-Fla.), chairwoman of the Appropriations subcommittee on the legislative branch, echoed those comments.

"This action is unnecessary, costly and will likely delay" union proceedings, she said.

Del. Eleanor Holmes Norton (D-D.C.) called the unionization effort "a revolution" by GAO employees and urged the House to investigate the use of outside counsel in the case.

"If we allow taxpayer funds to be used that way, then it seems to me we need to be called to account," Norton said.

Appropriations subcommittee on the legislative branch ranking member Zach Wamp (R-Tenn.) came to Walker's aid, saying the comptroller general has promised to allow the workers to unionize if they choose.

Wamp also argued that it is not uncommon for government agencies to hire outside counsel to assist on a variety of matters.

"Even the House has," Wamp said.

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