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February 1, 2007

BY HAND-DELIVERY

David M. Walker, Comptroller General
Office of the Comptroller General
U.S. Government Accountability Office
441 G. St., NW, Rm 7100
Washington, DC 20548

Re: Union Organizing of GAO Employees: The Agency's Role

Dear Mr. Walker:

We represent the International Federation of Professional and Technical Engineers, AFL-CIO (IFPTE). It has come to our attention that you were recently reported to have made some disparaging and questionable statements about the IFPTE's current organizing campaign at the Government Accountability Office (GAO). (See Karen Rutzick, "GAO Employees Move Toward Vote on Union Representation," See www.govexec.com/dailyfed/0107/012307rl.htm; IFPTE Says It wants to Represent GAO Analysts; Walker Questions Viability of Union Campaign," Government Employee Relations Report, January 30, 2007). In addition, in the article in Government Employee Relations Report, after making several statements questioning whether the IFPTE was "way ahead of themselves" in the campaign, you reportedly stated that you "will present to employees [your] views on the advantages and disadvantages of unionization." These statements are troubling because they are blatantly in violation of the legal requirement of the Agency's, specifically the Comptroller General's, obligation under the law to remain neutral in an election campaign. Neither you nor any other Agency official is permitted to disparage the union or present management's views – pro or con – concerning the efforts by employees to associate with a labor organization.

The GAO, as is true of other federal agencies, is required to maintain strict neutrality during a union organizing campaign. Neither the agency nor its officials may disseminate information or make comments that could reasonably be interpreted by employees as reflecting either an anti-union or pro-union stance by the agency.

Pursuant to 31 U.S.C. § 732(e), the GAO's personnel management system "shall provide (1) a procedure that ensures each officer and employee of the General Accounting Office [Government Accountability Office] may form, join, or assist . . . an employee organization freely and without fear of penalty or reprisal; and (2) for a labor-management relations program consistent with Chapter 71 of title 5 [Civil Service Reform Act (CSRA)]." Consistent with the CSRA, specifically 5 U.S.C. § 7116 (a), GAO Order 2711.1 defines a management action which interferes with protected Union activities as an Unfair Labor Practice. It has long been established under Federal Labor Relations Authority (FLRA) precedent that the prohibition on interference with protected Union activities means that an Agency must remain neutral during a Union organizing campaign. See *e.g.*, *Dept. of Air Force, Air Force Plant Representative Office and NFFE Local 1958*, 5 FLRA 492, 501 (1981); *Dept. of Justice, INS and AFGE, National Border Patrol Council*, 9 FLRA 253, 259 (1982).

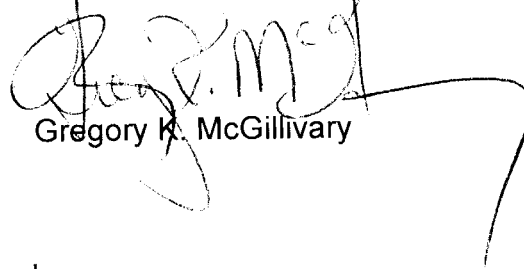
An agency official's comments questioning the need for a union at an agency constitute an unfair labor practice. In addition, if these types of comments are made during the time period of a union election campaign, they can upset the "laboratory conditions" necessary for a fair election and, if the union loses, constitute grounds for the election to be re-run. *E.g.*, *Dept. of Army, HQ and Army Field Artillery Center*, 29 FLRA 1110 (1987); *Antilles Consolidated Schools and National Maritime Union*, 4 A/SLMR 114 (1974).

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We trust that the GAO and its officials will discontinue their insinuations and comments suggesting GAO's opposition to its employees associating with labor organizations, and that GAO will follow its legal obligation to remain neutral during the period of the IFPTE's organizing drive and any future activities that result.

Sincerely,

WOODLEY & MCGILLIVARY



Gregory K. McGillivary

cc: Julia Akins Clark,
IFPTE General Counsel
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Anne M. Wagner, General Counsel
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