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## **Congressional Leaders Outraged by White House Order Impacting ATF; Kelley Vows to Pursue All Options**

**Washington, D.C.**—Even as key congressional leaders expressed their outrage—one called it “a power grab by the executive branch,”—employees of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) were being notified by their agency the White House stripped from them workplace rights they have enjoyed for more than 30 years without incident or negative impact on the public.

President Colleen M. Kelley of the National Treasury Employees Union (NTEU), which represents ATF employees, called the issuance at this late stage of the administration of an executive order revoking long-held collective bargaining rights, “a gratuitous slap in the face that makes these employees feel both betrayed and insulted.” She stressed again the vow she made yesterday that NTEU will pursue all options to overturn this anti-union act.

The president, using his statutory authority to exclude from collective bargaining certain federal employees, had signed an executive order, dated Nov. 26 and released late Monday, on the subject essentially to reflect reorganizations and restructuring in a number of federal departments—Justice, Energy, Homeland Security, Transportation and Treasury. Most of the agencies and subdivisions excluded from coverage had previously been exempted.

In what should have been a routine action, he used the order to expand the numbers of those employees excluded from such rights to cover, for the first time, more than 1,500 employees in ATF, the largest single group impacted by the order. That drew the anger of House Majority Leader Steny Hoyer (D-Md.), who stated, “Without reasonable justification the unprecedented action to strip away those rights amounts to a power grab by the executive branch to undermine the rights of federal employees and workers throughout the country.” He added that “any attempts to unjustly diminish rights or benefits will be met with firm opposition.”

His concern was echoed by Sen. Daniel Akaka (D-Hawaii), chairman of the Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management and the Federal Workforce, who said that such a step would harm employee morale and potentially undermine rather

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## Hoyer, Akaka Join Kelley Criticism of Executive Order—Add One

than strengthen national security. Sen. Akaka stated, “I am concerned with President Bush’s decision to revoke federal employees’ collective bargaining rights under the guise of national security, especially less than six weeks before President Obama will be sworn in. Unionized workers have served proudly and bravely in a range of national and homeland security positions and they should be permitted to continue to do so. Revoking collective bargaining rights will harm employee morale, potentially undermining rather than strengthening national security.”

The White House, as well as ATF leadership in its message to employees, claimed that ATF employees could not continue to have collective bargaining rights due to national security concerns; the statutory language says a department subdivision may be excluded from rights under the law if it has as a primary function intelligence, counter-intelligence, investigative or national security work—and the provisions of the law allowing for collective bargaining cannot be applied in a manner consistent with national security requirements and considerations.

President Kelley attacked use of that language in this instance. “We strongly believe the provisions of the labor-management relations statute can be applied to ATF in a manner consistent with national security requirements and considerations—as they have been for some 30 years, including the last seven years and ten months of the Bush administration.”

The NTEU leader said the union has already informed key members of Congress and the Obama transition team. The NTEU leader said she also believes that members of Congress will request an explanation from the White House in the near future and she will work with the new Congress and president to overturn this.

Earlier this year, NTEU signed a new labor agreement with ATF, which was approved at the highest levels of the agency, providing a number of mutually-beneficial programs, including flexible work schedules, voluntary reassignments, access to government vehicles and an improved safety plan.

“There is no reason to believe that having the right to bargain over telework or safety improvements in any way impacts their ability to enforce laws dealing with the sale of alcohol, tobacco or firearms,” Kelley said. Most NTEU-represented employees at ATF are Industry Operations Investigators, dealing largely with licensing and compliance issues.

As the largest independent federal union, NTEU represents 150,000 employees in 31 agencies and departments.