



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES (AFGE) LOCAL 3313 AFFILIATED WITH AFL-CIO Local 3313 Membership Communication #2025-4 March 25, 2025



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Dear Bargaining Unit Employees,

We invite you to join us in welcoming back our probationary colleagues! Simply put, you were missed, and your desire to contribute to the well-being, quality of life, and safety of America's over 341 million citizens is honorable and worthy of praise. Konstantin Josef Jireček wrote a poem that read...

We, the unwilling, led by the unknowing, are doing the impossible for the ungrateful. We have done so much, for so long, with so little, we are now qualified to do anything with nothing.

What's On Our Minds
Probationary Employees
Psychological Warfare
Policy/Career – Schedule F
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Know your Bargaining Unit Status
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I find this poem timely. Despite recent court victories to reinstate some notable Americans who were unfairly released due to their probationary status, we still don't know what will happen when the courts begin rendering decisions on the appeals. Hope for the best but prepare for the worst. Civil servants are asked to do the impossible for those who have mischaracterized our dedication, effectiveness, and contributions to society. The attacks are relentless and include a threatened Reduction in Force (RIF), attacks on the existence of Unions, restricting Collective Bargaining, and plans to convert parts of the federal workforce into "at-will" employees. These constant attacks are a form of psychological warfare. Let's monitor each other because stress is real, and severe cases may result in post-traumatic stress disorder (PTSD).

Probationary Employees

As President of AFGE Local 3313, I would like to extend a warm welcome to our probationary colleagues. I would also like to say that our fight is not over. You are the Department's lifeblood. You represent a new generation of leaders needed to infuse new ideas, energy, and strength into an organization that desperately needs all that you bring. Please know that we grieve with you when things don't go right, and we fight for you when your rights are violated. The fight will not stop as we continue to consult with Legal Professionals to establish preventive measures to preclude a repeat of the unlawful mass firings that occurred on Valentine's Day 2025.

Given the ongoing uncertainties, I am discouraging probationary employees from paying Union membership dues until this situation improves. It is your right to join, and contrary to my earlier statement, we would love to have you. However, our precarious employment situation also means that our capacity to defend you upfront in terms of due process remains negligible. Through AFGE's efforts, a federal judge compelled the Administration to reconsider, resulting in the reinstatement of probationary employees. I want all probationary employees to know that the Union will fight for your rights for as long as it is able. After you complete your probationary term, I want you to become members so that we can stand strong in the face of adversity. For now, I am asking probationary employees not to complete membership forms or sign up via our E-Dues process. If you have any questions, please contact your Modal Vice President. At most agencies, notices to employees suggested the administrative leave designation would remain in place indefinitely or until the court order expired. For most employees, they

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also said they would receive back pay and have their full benefits restored. Please let us know if you are experiencing anything different.

Make Time for Self-Care

When we are bombarded with unfounded attacks upon our self-worth, we must take time for some self-reflection. Everyone can do a little better, so why not resolve to improve yourself? The enemy wants you to become discouraged and wilt away. Don't give in! An individual may experience stress as emotionally or physically harmful or even life-threatening and may affect mental, social, and/or spiritual well-being. An advantage of being in the office is we are not alone. If you see someone having a bad day and suspect they need something as simple as a smile, share one of yours. Stress¹ is real and should not be ignored. Federal employees can access free, confidential support for stress and fear through their agency's Employee Assistance Program (EAP)². EAPs offer counseling, referrals, and resources for a range of issues, including mental health concerns.

WHAT IS AN EAP?

- AN EAP IS A VOLUNTARY, WORK-BASED PROGRAM THAT PROVIDES CONFIDENTIAL AND FREE SERVICES TO EMPLOYEES FACING PERSONAL OR WORK-RELATED CHALLENGES.
- EAPs ADDRESS ISSUES LIKE STRESS, ANXIETY, GRIEF, FAMILY PROBLEMS, SUBSTANCE ABUSE, AND MENTAL HEALTH CONDITIONS.
- FEDERAL AGENCIES REQUIRE EMPLOYEES TO HAVE ACCESS TO AN EAP.

The EAP is a voluntary, work-based program that provides confidential and free services to employees facing personal or work-related challenges. EAPs address a wide range of issues, including stress, anxiety, grief, family problems, substance abuse, and mental health conditions. Federal agencies require employees to have access to an EAP. Counseling services provide employees with the opportunity to speak with a licensed clinician or counselor 24/7 regarding a range of professional or personal topics that may impact their well-being. Providers work with employees to provide referrals to in-network support for long-term assistance, short-term counseling, and confidential counseling. EAP may help employees navigate workplace tensions and challenging dynamics. EAPs can provide financial assistance and resources to federal employees facing hardship during government shutdowns. An OPM slide-deck on EAP can be found [here](#)³.

If you need help, contact your agency's Human Resources office to find information on EAP, or access EAP services by calling 1-800-222-0364 (TTY 1-888-262-7848). The '988' Lifeline is also an excellent public resource, accessible via phone, text, or online chat.

Policy/Career – Schedule F

By now, you have heard of "Schedule F." It is now known as "Schedule Policy/Career," a new category of federal employees established near the end of the first Trump administration, rescinded by President Biden before it was implemented, and then reinstituted on the first day of President Trump's second term. Several lawsuits are challenging the "Schedule Policy/Career" initiative. The National Treasury Employees Union, the American Federation of Government Employees (AFGE), and the American Federation of State, County, and Municipal Employees (AFSCME) have filed lawsuits. Ordinarily, the United States has 60 days to respond to a complaint. Under that schedule, a response is due in March. Most federal government employees fall into two categories: competitive service and excepted service. Employees can find their

¹ Stress is a biological response triggered by a perceived threat or a major challenge. When this happens, chemicals and hormones surge through the body, triggering the fight-or-flight response to fight the stressor or run from it.

² § 120.115 Employee Assistance Program (EAP). (a) The employer shall provide an EAP for employees.

³ <https://www.opm.gov/policy-data-oversight/worklife/awareness-communication-materials/brochures/eap.pdf>



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competitive status on their SF-50, box 34. Competitive service employees (See 5 U.S.C. § 2102) have various job protections and rights, particularly after they complete their probationary period. The excepted service hiring is not governed by competitive hiring requirements (See 5 U.S.C. § 2103). Before Trump's executive order, the excepted service was divided into five categories: schedules A, B, C, D, and E (See 5 C.F.R. § 6.2). Employees in Schedule C of the excepted service are essentially at-will employees and may be terminated without cause. Historically, this category has been reserved for political, noncareer positions. (Unlike employees in Schedule C, employees in Schedules A, B, D, and E of the excepted service are generally protected from termination without cause.) Schedule F constitutes a new category of excepted service employees designed to strip job protections from career positions, treating them like Schedule C employees.

Most positions should not fall under Schedule F; however, if your position is of a confidential, policy-determining, policy-making, or policy-advocating character,⁴ you might fall under Schedule Policy/Career (Schedule F) according to the executive order. The executive order⁴ lists various job functions that could place an employee in this new schedule, but it does not mandate that everyone performing these activities be placed in it. In a memo⁵ published on January 27, 2025, OPM listed the following job categories that support placement in Schedule Policy/Career:

- Substantive participation in the advocacy or development of policy or regulations.
- Directly reporting to a Presidential Appointee.
- Supervises attorneys.
- Conducting collective bargaining negotiations on the Agency's behalf.
- Supervising Policy/Career employees.
- Functions statutorily described as important policy-making or policy-determining functions.
- Authority to bind the agency to a position, policy, or course of action with little to no higher-level review.
- Delegated authority to make decisions committed by law to the discretion of the agency head.
- Substantive participation and authority in agency grantmaking to include drafting funding announcements, evaluation of grant applications, or recommending or selecting grant recipients.
- Advocating for policies of functions typically undertaken by an agency office of legislative affairs or intergovernmental affairs, or by presenting program resource requirements to examiners from the Office of Management and Budget in preparation of the annual President's Budget Request
- Advocating for agency or administration policies on social media or before the news media.
- Positions entailing policy-making, policy-determining, or policy-advocating duties.

Departments were asked to compile "petitions" of names and positions they feel should be included on the Schedule Policy/Career by April 20, 2025. If you become aware that your name and position have been added to the Schedule Policy/Career petition, please contact Local 3313 leadership.

⁴ <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-accountability-to-policy-influencing-positions-within-the-federal-workforce/>

⁵ OPM Memo on Policy/Career



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Dress Policy - Pilot

As many of you are aware, a dress code policy has been proposed. To our knowledge, the Department has never had a dress code. The Union does not inherently disapprove of a structured dress code but rather opposes actions taken that are inconsistent with the law. Management cannot arbitrarily establish a policy that lacks a legal basis, even if it is deemed a “pilot.” One respected HR Labor professional suggested the authority could be found in 5 U.S.C. §7106(b)(1) (the section commonly referred to as “Management Rights.” The section states:

Nothing in this section shall preclude any agency and any labor organization from negotiating--(1) at the election of the agency, on the numbers, types, and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty, or on the technology, methods, and means of performing work.

The Manager stated the authority came from the final phrasing of “*means of performing work.*” This is where the Lawyers come in. I looked at a definition of the word *means* and found an action or system by which a result is brought about, a method. No matter how I stretch it, I fail to see how one can define the word *means* to include a type of dress. Given that jobs are at stake, the Union does not consider the DOT dress code “pilot” to be a fall-on-the-sword issue. However, the problem is, if our definitions are so different, then how can both parties reach a consensus? If we “allow” this, then we open the door to further violations until, at some point, the process is diminished, and we’d have no one to fight for our cause.

Each Modal Vice President has provided the Union’s concerns and, among other things, asked for clarification on the undefined terminology used throughout the pilot and clarity on implementation and enforcement. Bargaining Unit Employees should notify their Union representative if they experience any dress code problems.

Reduction in Force (RIF)

We discussed RIFs in [Membership Communication #3](#). That said, we know that the Continuing Resolution budget was passed, and RIF actions remain likely. No one seems willing to share the magnitude of a potential RIF on the Department of Transportation. It appears that DOGE is adopting a blend of approaches to achieve efficiencies, including renegotiating contracts and streamlining services. The 47th presidential administration has directed agencies to begin developing RIF and reorganization plans outlined in the “Department of Government Efficiency” Workforce Optimization Initiative Executive Order, issued on February 11. OPM’s directions to the Departments can be found [here](#).

The regulatory requirements governing RIF are contained in Title 5, Code of Federal Regulations, Part 351⁶. Federal agencies must follow the procedures contained in their specific [Collective Bargaining Agreements](#) and the Code of Federal Regulations when conducting a RIF⁷. OPM’s RIF regulations prioritize four factors in releasing employees:

By Martin Niemöller

*First, they came for the Communists,
And I did not speak out because I was not a
Communist.*

*Then they came for the Socialists
and I did not speak out because I was not a
Socialist.*

*Then they came for the trade unionists,
and I did not speak out because I was not a
trade unionist.*

*Then they came for the Jews, and I did not
speak out because I was not a Jew.*

*Then they came for me and there was no
one left to speak out for me.*

⁶ <https://www.ecfr.gov/current/title-5/chapter-I/subchapter-B/part-351>

⁷ <https://www.opm.gov/policy-data-oversight/workforce-restructuring/reductions-in-force-rif/>



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1. tenure of employment (e.g., type of appointment);
2. veterans' preference;
3. length of service; and
4. performance ratings.

During a RIF, an employee may be separated, downgraded, transferred to a different position, or left unchanged. Further information may be found in the [Workforce Reshaping Operations Handbook A Guide for Agency Management and Human Resource Offices](#).⁸

As of March 25th, the Department has not authorized any RIF-related programs like the Voluntary Early Retirement Authority (VERA), Discontinued Service Retirement (DSR), and Voluntary Separation Incentive Payments (VSIP). VSIP is a lump sum payment of up to \$25,000 to encourage employees to leave their jobs. If you accept the payment but then return to federal employment within five years – even as a contractor – you’ll have to repay the full amount of money you received from your first day on the job. Accepting VSIP could potentially harm your retirement savings and terminate your healthcare coverage. Help the Union help you by reviewing your respective [collective bargaining agreements](#) and familiarizing yourself with the protections, procedures, and policies involving RIF proceedings. If you feel that something is not going as it should, please let us know so that we can work together to resolve your situation.

Know your Bargaining Unit Employee (BUE) Status

[AFGE Local 3313's](#) BUEs should review box 37 of their SF-50 form to confirm their bargaining unit (BU) status. You are in a BU if block 37 contains any number other than 7777, or 8888. Stay informed with AFGE news alerts. You can sign up for updates with your personal contact information [here](#). (Membership offers more benefits compared to non-membership.) Visit this link to learn more: [AFGE | Join AFGE Today!](#)

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⁸ https://www.opm.gov/policy-data-oversight/workforce-restructuring/reductions-in-force-rif/workforce_resaping.pdf