American Federation of Government Employees
Message to the Members (April 25, 2025)

OST / FTA / NHTSA / FMCSA / PHMSA

YOUR UNION THANKS YOU

Dear Bargaining Unit Employees (BUE),

To our Bargaining Unit friends who are embarking on administrative leave as a precursor to leaving the Department through the Federal Deferred Resignation Program (DRP). On behalf of AFGE Local 3313, thank you for raising your hand to serve the public, advance the mission, and fund the Union. Our nation owes its civil servants' a profound debt of gratitude for your years of dedicated service. The Union acknowledges the weight of your decision as it impacts your stress levels, career, work-relationships, family, and finances. Our local is strong because many of you answered the call to become paying members and help fund the Union's goal of defending due-process rights.

Please remember that dues-paying members are expected to remain a member until they leave the bargaining unit (new job, resign/retire), or are within 30 days of their union membership date. During Administrative leave, you remain a federal employee with full salary until 30 September. **Your Union is asking you to remain a paying member through 30 September.** That said, many BUEs are asking for out of cycle termination on the grounds that the Union can't help them anymore. Your small contribution adds up to thousands of dollars that fosters our garner expensive legal support in this time of constitutional crisis. Understandably, some will unwittingly turn their backs on the Union, as they assume the threat has passed. The truth is, if anything untoward should transpire like the Federal government reneging on some part of the DRP deal, then you will want an adequately funded Union to correct that problem. Remember that your colleagues who did not take the deal will be facing the uncertainty of RIFs and other tactics to threaten their livelihood. Your resolve ensures we have the means to deal with these issues.

Lest I remind you that the Union created weekends and instituted protections to your civil liberties in a world that exploited labor. The Union secured the return of wrongfully fired and dedicated probationary employees with backpay, fought for every pay-raise you have ever received, and aggressively issued multiple legal actions against the current administration to fight for a fair and equitable future. Collectively, the Union and your colleagues are depending on you to stay the course by not cancelling your E-Dues.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES LOCAL 3313 OFFICERS

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Eugene Johnson

VICE PRESIDENTS (VP)

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Jennifer Rodes* (VP for OST)

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Cynthia Cox-Grollman (VP for FTA)

SECRETARY-TREASURER

Jennifer Rodes*

*Denotes Past AFGE 3313 President

Inside This Issue

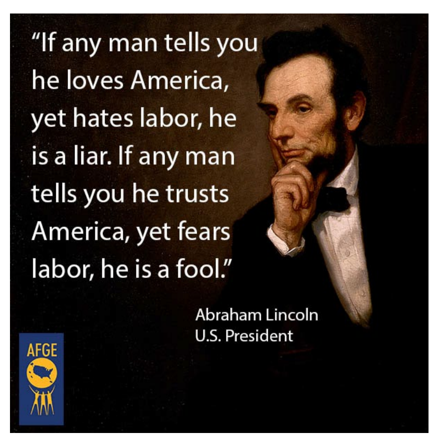
Farewell Note to AFGE Local 3313 Executive Vice President Gary Shoemaker

The photo shows Gary Shoemaker proudly displaying his many Combined Federal Campaign (CFC) award pins – a testament to a man who cares about others. After nearly 45 years of dedicated service, Gary Shoemaker, with no regrets, accepted the DOT Deferred Retirement Program (DRP). Gary worked for the Department of the AirForce, with time spent in the Pentagon. He shared many humorous escapades involving General Officers and other high-ranking decision makers. He did so to get a laugh, but more importantly they were windows into the soul of his adopted leadership style. He was especially proud of working for the Department of Transportation because of its safety mission, but equally because he followed in his Father's footsteps by working in the same agency! Gary was passionate and always focused on fairness and equity for all while serving as the Union's Executive Vice President for nearly a decade. As President, I have grown dependent upon Gary's energy and musing contemplation. After 22 years in the Air Force and nearly 20 years in the Civil Service, I can say without fear of successful contradiction affirm that no person has made a greater impression on my life than Gary Shoemaker. We are at our core the same; but at the expense of sounding contradictory, we are very different. We both have backgrounds borne from our experiences in the Pentagon/Air Force and we uphold the belief that leadership techniques we learned from those sources were instrumental in shaping our mutual way of thinking. We both have backgrounds in financial management and budget, we both believe in the equity and justice, we believe that working together towards a goal is crucial to ensure an optimal outcome, and we loved working on program evaluations and brainstorming ways to improve the Federal Motor Carrier Safety Administration (FMCSA) impact on safety. But we did differ; our politics are quite different, our patience to stay on topic long after the parties have agreed are quite different, our willingness to challenge the status quo using "good cop/bad cop routine" were different. Gary always sought the best outcome for FMCSA and/or the bargaining unit employees.

Gary has a HUGE heart, that places no regard for how his actions might come back on himself because if he believed it was right, then it was the right thing to do --- no matter the cost. No one could research and eviscerate statute or case law to arrive at an appropriate argument to defend the defenseless. Whether you agreed with him or not, no one could argue that his intentions were not pure. We can all take a page from the book of Shoemaker where we will discover that integrity, resolve, dedication, family, and empathy are cornerstones of a good life. To know Gary is like taking a magic carpet ride that at once catapults you into the air of his past experiences – as you hover gracefully above -- you find yourself looking down and observing a love for rescuing greyhounds, rearing horses, playing the trumpet for the square (concert) and jazz bands, playing a lead character in theater plays like the Titanic, promoting family life, defending his second amendment rights, and for those lucky enough to partake…his love for the culinary arts. Gary shall forever be my right-hand man. He is the guy I turn to for everything – whether its work, the union, professional development, geospatial matters (he enjoyed showing aerial shots of places we might have been discussing) – it did not matter what the "problem" was, if you spoke up loud enough for him to hear, then like a doting father-figure -- Gary was there offering a helping hand. In a world where "different" is under attack, and what is right is no longer clear, we find ourselves at a crossroads.

Blessings, Your Friend for Life,

Eugene "Gene" Johnson
AFGE Local 3313 President



Your Union Needs You (E-Dues)

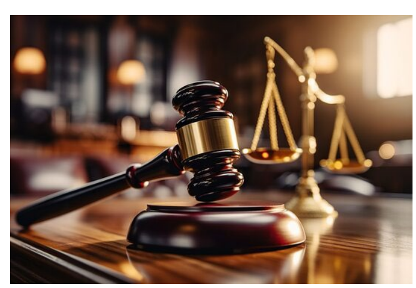
Recently, hundreds of bargaining unit employees were told that the agency had unilaterally discontinued union dues allotments. In response, we are asking all AFGE 3313 bargaining unit employees to cancel their dues allotment and sign up with the AFGE E-dues alternative. The road ahead will be tenuous, and the best way to ensure success is to take the agency to court or to arbitration when they violate your rights while hiding behind the skirt of illegal Executive orders. Legal action tends to be expensive, so we need maximum membership to ensure we have the means to succeed. We desperately need your membership, if you want the authority to telework back, remote work back, access to due process, protection of your remaining benefits, then we need your membership. Everyone's small contribution adds up to a significant capability for justice and employee rights. Go here to learn more: How-to Join | AFGE LOCAL 3313!

Federal Workers Brace, as RIF Storm Approaches

Our Union continues to brace for a storm that forecasters fear aimed directly at the Federal workforce. AFGE is calling on Congress to protect Federal employees in the face of hurricane-force winds designed to destroy employee freedom to join a union, cripple the union, and the rights to address and resolve sexual harassment, racial discrimination, retaliation against whistleblowers, workplace health/safety, and reasonable accommodations for workers with disabilities. In the Department of Transportation, the bargaining unit employees assigned to the Office of the Chief Information Office were unilaterally removed from the union's protection due to a 27 March Executive Order that stripped the union's role in providing exclusive representation to IT personnel because they were being designated as having National Security as its primary role. You may have seen reports that a judge has ruled against this action, but we await the corrective/restorative actions from OPM. The DRP may appeal to older employees planning to retire in the next year or so, but the "deal" comes with the ominous statement that those that did not take the DRP might not have a job following RIF proceedings rumored to start in May. The Union stands ready to help.

Labor Unions file lawsuit Challenging the Administration's Illegal Actions.

Labor unions representing federal government workers across the country are suing the Trump administration over the president's attempt to override the law through executive order and strip more than one million federal government employees of their union rights.



The AFGE led lawsuit, filed in the U.S. District Court for the Northern District of California, alleges that Trump's executive order is a retaliatory attempt to punish federal employee unions that have been engaging in constitutionally protected speech. Unions have repeatedly scored court victories after suing in opposition to actions taken by the Trump administration targeting federal workers. The lawsuit alleges that the Trump administration overbroadly applied the national security exemption to eliminate collective bargaining rights for over a million workers whose primary functions are not related to national security. Those employees work at agencies and departments like the Department of Veterans Affairs, Environmental Protection Agency, Food Safety and Inspection Service, and several others. The lawsuit was filed by Bredhoff and Kaiser. Other plaintiffs joining AFGE in the lawsuit are the American Federation of State, County, and Municipal Employees (AFSCME), National Association of Government Employees (NAGE-SEIU), National Federation of Federal Employees (NFFE-IAM), National Nurses United (NNU), and Service Employees International Union (SEIU), who collectively represent more than 950,000 federal employees.

Judge Restores Federal Worker Labor Pacts in Blow to Trump (2)

Where we are in the Fight for Telework.

Several AFGE 3313 Operating Administrations have initiated grievances concerning telework. Each case is different, but the common denominator is what's in the CBA. FMCSA has a grievance prepared to initiate arbitration. PHMSA, NHTSA and OST issued Unfair Labor Practices (ULP) challenging that the agency failed to bargain in good faith on the matter of returning to in office work. Both the ULPs and the arbitrations shall be decided by independent decision-makers independent of the Federal government.

Dealing with a Reduction in Force (RIF)

On February 28th, the Union issued a message to members that included a discussion on RIF by focusing on OPM direction, regulatory imperative (Title 5, CFR part 351) which identifies the four factors in releasing employees, basic things to do, RIF-related benefits, and a brief discussion on severance pay. 5 U.S.C. § 7106 (a)(1) titled, "management rights", gives the Agency, among other things, the right to determine the mission, budget, organization, number of employees, and internal security practices of the agency. The Union has no say when it comes to these matters, however, when such conditions change, the Union has the right to 'bargain' the implementation. Your bargained rights are reflected in your Operating Agency's unique CBA. So, while a Union has no right to prevent a RIF from happening, the statute requires that the Union receive 60 days advance notification to allow time to bargain. If the agency fails to respond to a 'Demand to Bargain' or negotiates in bad faith, the Union may appeal to the FLRA or initiate arbitration. A RIF is the elimination of positions (or agencies). The process requires input from the agencies and Congress. An agency must use the RIF regulations before separating or demoting an employee because of an organizational reason such as reorganization, a lack of work, shortage of funds, insufficient personnel ceiling. Please refer to the Workforce Reshaping Operations Handbook | OPM and its Appendices for specific operational procedures designed to ensure that reshaping efforts comply with merit system laws and regulations.

While the law does not say specific circumstances when and why a RIF would occur, the President's personal view on the function of an agency is not likely a valid reason. Let us assume there is a legitimate reason for the RIF. Employees should familiarize themselves with the RIF language resident in your Operating Administration's CBA. The Union should be allowed to bargain over activities that consider attrition and not filing open positions, requesting OPM approval for the Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Program (VSIP). The Agency must follow the protocols outlined in 5 U.S.C. Chapter 35 which most importantly includes the development of a 'Retention Register.' The register groups and ranks employees for being retained and rehired by considering factors including tenure, veterans' preference, and performance ratings, which then determines the order that individuals could be released or reassigned. A consequence of a RIF may include an employee getting bumped from a position by somebody previously employed in that position, or (retreated) being placed into a position at a lower pay grade or being dismissed from Federal Service.

Adversely impacted employees may individually seek the appeal process through Merit Systems Protection Board (MSPB) if they believe they were wrongfully removed. That is why it is imperative to familiarize yourself with 5 U.S.C. Chapter 35, 5 C.F.R. Part 351, and Office of Personnel Management's policies and guidance to Federal agencies regarding RIFs to articulate any RIF-related violations made by the Administration.

5 C.F.R. Part 351, Subpart H— (Notice to Employee) (Notice period) states:

Each competing employee selected for release from a competitive level under this part is entitled to a specific written notice at least 60 full days before the effective date of release. (2) At the same time an agency issues a notice to an employee, it must give a written notice to the exclusive representative(s), as defined in 5 U.S.C. 7103(a)(16), of each affected employee.

Federal Workers Legal Defense Fund

The Federal Workers Legal Defense Network is recruiting attorneys to provide guidance to federal employees who fear losing their jobs. The network is fighting against illegal firings and other abuse of federal workers. The network directs federal employees who believe they were wrongfully terminated or have concerns about their rights to submit information and be matched with an available attorney. From there, respondents will be directed to contact the lawyer for an initial conversation and a potential consultation, both of which would be free. Here's some information:

- Federal workers in need of legal help may fill out the confidential form to connect with a lawyer.
- If you are a lawyer who can help our federal workers--Get trained and join the network to help federal workers understand their rights.
- You may share this link so as many people as possible find out about the network.
- Consider chipping in to support this endeavor. Your donation will help federal workers across the country get needed legal help.

In Solidarity

Eugene Johnson

AFGE Local 3313
President

Did You Know?

Assertion of Weingarten Rights

Under 5 USC 7114(a)(2)(B), agencies are not required to inform employees of their right to union representation if they inform their employees annually of their Weingarten rights as required under 5 USC 7114(a)(3). Recommend BUEs respond with the following statement if they believe they are entering a formal meeting that may include an investigation and possible discipline.

Weingarten Statement

I believe this discussion could lead to my being disciplined. I therefore request my AFGE representative, or officer be present to assist me at the meeting. I further request reasonable time to consult with my AFGE representative regarding the subject and purpose of the meeting. Please consider this a continuing request; without representation, I shall not participate in the discussion. I shall not consent to any searches or tests affecting my person, property, or effects without first consulting with my AFGE representative.

The Rehabilitation Act of 1973

Makes it illegal to discriminate based on disability in Federal jobs and in programs or contracts receiving Federal funds. The standards for determining employment discrimination under the Act are the same as those used in the Americans with Disabilities Act. Although the DOT's Office of Civil Rights has local jurisdiction, you can work through the Union to settle the matter as a reasonable accommodation in many cases.

The Union is Not Always Required to Represent Non-Members

The U.S. Court of Appeals and the Federal Labor Relations Authority (FLRA) ruled that the Union has no duty of fair representation in cases where employees have an appeal route provided by statute that does not require the Union's involvement. For example, employees may appeal suspensions of more than 14 days, demotions, and removals to the U.S. Merit Systems Protection Board without involvement of the Union. Likewise, employees can challenge illegal discrimination, denials of workers' compensation benefits, or retaliation for whistle blowing without the assistance of the Union. In these areas, employees are provided access to appeal mechanisms through statutes. Wherever employees have a statutory appeal option, AFGE's authority is not exclusive; therefore, AFGE is not legally required to provide representation. AFGE may exclude non-members from contract ratification votes.

In Solidarity

Eugene Johnson

AFGE Local 3313
President

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Visit our Website - http://www.afge-local3313.org/