

Trump threatens pay freeze for federal workers

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1 September 2018

In a letter to Congress Thursday, President Trump announced plans to implement an across-the-board pay freeze on the United States federal government's two million employees starting in January should Congress fail to pass a budget in the New Year. Trump, citing budget concerns, told lawmakers, "We must maintain efforts to put our Nation on a fiscally sustainable course, and Federal agency budgets cannot sustain such increases."

According to Trump's letter, "Under current law, locality pay increases averaging 25.70 percent, costing \$25 billion, would go into effect in January 2019, in addition to a 2.1 percent across-the-board increase for the base General Schedule." The cynicism of such remarks is highlighted by the recent \$1.5 trillion-worth in tax cuts that Trump awarded to the wealthiest Americans last December. According to the Office of Management and Budget, Trump's tax windfall has produced a record federal deficit of over \$1 trillion less than a year after its passage in Congress.

Congressional Democrats and politicians in the Washington, D.C. metropolitan region, which houses over 15 percent of the nation's federal workforce, denounced the president's plans.

While the US House of Representatives has passed a budget that ignores federal worker pay, the US Senate has announced a budget that includes a minor pay rise of 1.9 percent. With the House and Senate budget proposals in conflict, any resulting raise will have to be negotiated between the two, with the White House now weighing in on the side of the House.

"President Trump's plan to freeze wages for these patriotic workers next year ignores the fact that they are worse off today financially than they were at the start of the decade," said American Federation of Government Employees (AFGE) national president J. David Cox Sr.

Cox and other union bureaucrats have endorsed the Senate bill's limited raise, even as the AFGE president noted that federal workers have lost over \$200 billion in total income since 2011.

In past attacks on federal workers, including a three-year pay freeze from 2011 through 2013 under Obama, federal unions have issued similar impotent protests, all the while pushing their vast resources into getting Democrats elected.

Trump's continuing declaration of war against government workers comes just days after a federal judge struck down several executive orders issued by the president in late spring that would have severely restricted the rights of federal employees in government unions. On May 25, Trump issued the orders in accordance with his vows during the 2016 election to "reduce the federal workforce through attrition" and in his 2018 State of the Union address in which he promised to "empower every cabinet secretary with the authority to reward good [federal] workers—and to remove Federal employees" who allegedly "fail the American people."

Trump's orders sought to fatally weaken employee rights laid out in a 1978 law, the Federal Service Labor-Management Relations Statute (FSLMRS). The FSLMRS gave federal workers the right to unionize; however, the law prevents negotiations over wages and hours, and prevents federal workers from striking. Thus, federal workers, through their unions, are allowed to only bargain over "personnel practices." Trump's order sought to significantly curtail the "personnel practices" that could be subject to bargaining and attempted to undermine, as Judge Ketanji Brown Jackson stated in her opinion, "the right of federal workers *to have a say* with respect to the terms and conditions under which they will be

working.”

Last Saturday’s decision overturned the most pernicious parts of the orders, including Trump’s grant of sole authority to government managers to determine how long an employee should have to improve alleged deficient performance before being terminated. Trump’s order called for a 30-day period for employees to improve performance, while current union contracts generally have timeframes of 60-120 days.

Trump’s order specifically barred government agencies from bargaining with unions over the length of time available to an employee to “demonstrate acceptable performance.” In finding that this violated the FSLMRS, the judge stated it “effectively silences workers with respect to one of the most important rights relating to performance-based employment actions.” In addition, Judge Jackson overturned a provision in the orders that sought to remove from any collectively bargained grievance-arbitration procedure disputes over either performance evaluations or performance-based monetary awards.

Jackson’s decision also overturned numerous restrictions on the rights of union officers to engage in union matters during paid working hours, a right explicitly afforded in the FSLMRS. Trump’s order flatly prohibited the use of such “official time” by employees in order to prepare employee grievances and required “management approval” before any official time could be used. The order also restricted the use of “official time,” in the aggregate, to one hour per union member employed with the government agency.

Finally, the decision overturned portions of the orders that sought to significantly restrict the timeframe and procedures for bargaining between government agencies and federal employee unions. The order on collective bargaining provided that agencies could only devote a limited period of time for reaching an agreement (four to six months). If no agreement was reached in this timeframe, the order called for the agencies to cut off further negotiations and to refer unresolved negotiations to mediation and, ultimately, the Federal Service Impasse Panel for resolution. Trump’s order also sought to restrict bargaining to the exchange of “written proposals,” rather than any face-to-face meetings between management and unions.

Judge Jackson found both the timeframe restrictions

and the requirement that bargaining be done only through the exchange of written proposals to violate the FSLMRS’s requirement that federal agencies bargain in “good faith.”

As with the court orders requiring the federal government to unite separated immigrant families, there are strong indications that the Trump administration is ignoring Saturday’s order. Judge Jackson’s decision prohibited “the President’s subordinates from implementing or giving effect to” the orders that she found unlawful. Neither the White House nor the Office of Management and Budget have said they will comply with the Judge’s decision.

Further, according to emails provided by the AFGE to the *Washington Post*, Social Security Administration officials in Chicago and Dallas still consider Trump’s orders binding. “The agency is currently evaluating the judge’s ruling on the executive orders,” said a labor and employee relations supervisor in Chicago. “We will not make any changes until that evaluation is complete.”

Mark Hinkle, a Social Security spokesman, said that “in consultation with the Department of Justice, we will continue under our current arrangements with our unions.” The AFGE also informed the *Washington Post* that the Department of Veterans Affairs has instructed local managers not to comply with the ruling pending further guidance.

Given that the Department of Justice has informed the Social Security Administration to ignore Saturday’s ruling, it is highly likely other agencies across the government have been told to continue the enforcement of Trump’s now-illegal executive orders.



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