November 1, 2017

Dear Representative:

As National President of the National Treasury Employees Union, representing over 150,000 federal employees in 31 different agencies, I am writing to express NTEU's views on two bills affecting federal employees under consideration by the Committee on Oversight and Government Reform.

H.R. 4182, the Ensuring a Qualified Civil Service Act of 2017 or the EQUALS Act of 2017

NTEU **OPPOSES this bill** which would drastically extend the probationary period for individuals hired into the competitive service from one year to two years, reflecting changes in policy based on a handful of individual instances of concern that would--and can be--much better handled by improved management than by changing the law. With respect to any position that requires formal training, the two-year time period would begin <u>after</u> the required formal training. Given how limited an employee's due process rights and a labor organization's representational abilities are during the probationary period, NTEU believes that the current one year is the proper time period for agency management to assess and determine whether the individual is suitable for the position and capable of performing its duties. It is also important to recognize that the end of a probationary period does not mean that an employee cannot be disciplined or removed. It merely allows the employee to challenge such actions that are done without merit. Well trained managers can and do impose disciplinary and adverse actions that stand up to such challenges. NTEU has long supported Congress acting on legislation to require supervisory and managerial training for federal managers.

NTEU strongly opposes subjecting frontline federal employees—who are not tasked with managing agencies and long-term strategic responsibilities—to longer durations of assessment that preclude due process and collective bargaining rights. Congress—and this Committee in particular-- has long recognized and valued the importance of whistleblower protections for federal employees, activity which this legislation unquestionably would have a chilling effect on.

We also have significant outstanding questions about what constitutes "formal training" under the bill as training programs differ greatly by agency. NTEU represents a variety of employees who undergo long periods of significant training that occurs at multiple points in time (non-consecutive in nature) and where the employee is <u>already executing</u> the actual job in between training sessions. We are greatly concerned that the language in this bill could translate into 3 or 4 year—or even indefinite- probationary periods for some of the employees we represent,

even though that may not be the intent. At this time, it is unclear how agencies would categorize various types of training that some of our members undergo under this new definition. It is also important to note that for positions that require extensive training, these individuals are subject to ongoing evaluations by management during any period of training.

HR 4171, Extension of Telework Pilot at PTO

NTEU represents the trademark attorneys at the U.S. Patent and Trademark Office (PTO). The enhanced telework program has allowed employees to work and live in various communities across the nation, saving PTO office property costs and reducing employee turnover. We **SUPPORT** the bipartisan legislation for a short-term extension of the pilot, which we believe has been a success for both the PTO and employees. We believe, with the expiration of this new extension, that the agency will have the experience to be able to allow national telework while covering employee travel costs.

If you have any questions about these bills and our views, please do not hesitate to contact Jennifer Tyree, Deputy Director of Legislation, at 202-572-5522 or Jennifer.Tyree@nteu.org.

Sincerely,

Anthony M. Reardon
National President