



MAJORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,  
*Chairwoman*

JOE WILSON, SOUTH CAROLINA  
GLENN THOMPSON, PENNSYLVANIA  
TIM WALBERG, MICHIGAN  
GLENN GROTHMAN, WISCONSIN  
ELISE M. STEFANIK, NEW YORK  
RICK W. ALLEN, GEORGIA  
JIM BANKS, INDIANA  
JAMES COMER, KENTUCKY  
LLOYD SMUCKER, PENNSYLVANIA  
BURGESS OWENS, UTAH  
BOB GOOD, VIRGINIA  
LISA C. MCCLAIN, MICHIGAN  
MARY E. MILLER, ILLINOIS  
MICHELLE STEEL, CALIFORNIA  
RON ESTES, KANSAS  
JULIA LETLOW, LOUISIANA  
KEVIN KILEY, CALIFORNIA  
AARON BEAN, FLORIDA  
ERIC BURLISON, MISSOURI  
NATHANIEL MORAN, TEXAS  
LORI CHAVEZ-DEREMER, OREGON  
BRANDON WILLIAMS, NEW YORK  
ERIN HOUGHIN, INDIANA  
MICHAEL RULLI, OHIO

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,  
*Ranking Member*

RAÚL M. GRUJALVA, ARIZONA  
JOE COURTNEY, CONNECTICUT  
GREGORIO KILILI CAMACHO SABLÁN,  
NORTHERN MARIANA ISLANDS  
FREDERICA S. WILSON, FLORIDA  
SUZANNE BONAMICI, OREGON  
MARK TAKANO, CALIFORNIA  
ALMA S. ADAMS, NORTH CAROLINA  
MARK DESAULNIER, CALIFORNIA  
DONALD NORCROSS, NEW JERSEY  
PRAMILA JAYAPAL, WASHINGTON  
SUSAN WILD, PENNSYLVANIA  
LUCY MCBATH, GEORGIA  
JAHANA HAYES, CONNECTICUT  
ILHAN OMAR, MINNESOTA  
HALEY M. STEVENS, MICHIGAN  
TERESA LEGER FERNÁNDEZ,  
NEW MEXICO  
KATHY E. MANNING, NORTH CAROLINA  
FRANK J. MRVAN, INDIANA  
JAMAAL BOWMAN, NEW YORK

COMMITTEE ON  
EDUCATION AND THE WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

October 9, 2024

The Honorable Julie A. Su  
Acting Secretary  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Dear Acting Secretary Su:

The Committee on Education and the Workforce (Committee) is investigating the Biden-Harris administration's continued attempts to put the interests of bureaucrats and federal labor unions ahead of taxpayers. For Fiscal Year (FY) 2024, Congress provided the Department of Labor (DOL) \$13.7 billion in discretionary spending with the expectation that this funding would be used to fulfill the agency's mission on behalf of the American public.<sup>1</sup> Unfortunately, this has not been the case. DOL uses significant amounts of taxpayers' money to promote the interests of federal employee unions that represent DOL employees instead of to implement programs that would benefit the American people. Accordingly, on behalf of U.S. taxpayers, the Committee requests information about these activities.

DOL's mission is to "foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights."<sup>2</sup> However, instead of applying that mission to all U.S. workers, the Biden-Harris administration has sought to do favors for its political allies. Time and again, the Biden-Harris administration has promoted one-sided policies for the benefit of union bosses.<sup>3</sup>

---

<sup>1</sup> Further Consolidated Appropriations Act, 2024, Pub. L. No. 118-47, div. D, tit. I (2024).

<sup>2</sup> DOL, ABOUT US,

<https://www.dol.gov/general/aboutdol#:~:text=Our%20Mission,work%2Drelated%20benefits%20and%20rights.>

<sup>3</sup> See, e.g., WHITE HOUSE TASK FORCE ON WORKER ORGANIZING AND EMPOWERMENT, REPORT TO THE PRESIDENT (Feb. 7, 2022),

<https://www.whitehouse.gov/wp-content/uploads/2022/02/White-House-Task-Force-on-Worker-Organizing-and-Empowerment-Report.pdf>.

Following the wishes of federal labor unions, DOL has failed to return its employees to full-time, in-person work, as was the case before March 2020.<sup>4</sup> The Biden-Harris administration has also covered up the practice of “official time,” which permits federal employees to engage in union activities during work hours instead of focusing on the public service they were hired to do. Despite previous Republican and Democrat administrations publicly reporting on the time federal employees spend performing union duties, the Biden-Harris administration’s Office of Personnel Management has failed to release such a report and has removed past reports from its website.<sup>5</sup> Further, the Biden-Harris administration actively encourages the federal workforce to promote union interests at the expense of fulfilling their agency’s obligations.<sup>6</sup>

Collective bargaining between federal agencies and unions representing federal employees was codified with the passage of Title VII of the *Civil Service Reform Act of 1978*, commonly referred to as the “Federal Service Labor-Management Relations Statute” (FSLMRS).<sup>7</sup> When enacted, the FSLMRS reflected Congress’s determination that collective bargaining would be an effective and efficient way to manage federal employees and conduct agency operations. However, time has shown that collective bargaining comes with significant costs to the taxpayer. These agreements also impose costs on federal agencies that must contend with workplace restrictions, which inevitably impact how nimble they can be in accomplishing their mission. To complicate matters further, collective bargaining agreements are multi-year, comprehensive, and often inflexible contracts that bind both federal agencies and employees in the performance of their duties for years at a time.

Further, good faith negotiation over a collective bargaining agreement requires discussion, sometimes over many meetings, between representatives of the federal agency and union. Each of these meetings often involves extensive travel and lodging for specialized staff members from both sides of the table. The federal government is required to pay for its own side, but under the FSLMRS, it is also responsible for covering as “official time” the time and expenses of any employees who are on the other side.<sup>8</sup> These negotiations can go on for years, sometimes without any resolution.

Moreover, federal agencies and unions negotiate over issues most taxpayers would consider a waste of time and attention. While it would be impossible to list all instances of negotiations

---

<sup>4</sup> Letter from Liz Watson, Asst. Sec’y of Lab., to Chairwoman Foxx (May 10, 2024) (on file with the Comm.) (“In September 2023, the Department announced a requirement that all senior executives, managers, supervisors, and Schedule C employees participating in telework to work in-person at their official duty station for at least five days per pay period. On November 28, 2023, the Department announced that all DOL employees participating in telework would be required to work in-person at their official duty station for at least five days per pay period. Implementation of the requirement for non-managerial employees is in process as negotiations with unions who represent employees are ongoing.”).

<sup>5</sup> Molly Weisner, *GOP Senators press for report on ‘official time’ use by federal unions*, *Fed. Times*, Dec. 14, 2023, <https://www.federaltimes.com/federal-oversight/congress/2023/12/14/gop-senators-press-for-report-on-official-time-use-by-federal-unions/>.

<sup>6</sup> Exec. Order No. 14,003, 86 Fed. Reg. 7231 (Jan. 22, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/22/executive-order-protecting-the-federal-workforce/>.

<sup>7</sup> 5 U.S.C. §§ 7101–7135.

<sup>8</sup> 5 U.S.C. § 7131(a).

over federal workplace minutia, examples include the addition of 14 inches in the height of cubicle desk panels (and “modesty panels” extending below the desk);<sup>9</sup> designated smoking areas on an otherwise tobacco-free campus;<sup>10</sup> and federal employees’ right to wear shorts, sweatpants, and spandex at work.<sup>11</sup>

Taxpayers deserve federal agencies that spend every ounce of their efforts to fulfill their missions as created by Congress. To assist the Committee in its investigation of DOL’s use of funding for advancing negotiations with federal unions, please provide information responsive to the following requests during FY 2021, FY 2022, and FY 2023 by no later than October 24, 2024:

1. The total compensation paid to DOL employees to negotiate collective bargaining agreements or to work with federal labor unions;
2. Travel and lodging expenses for DOL staff and union staff paid or reimbursed with tax dollars to negotiate collective bargaining agreements;
3. Expenses paid for retaining experts to assist in collective bargaining agreement negotiations;
4. Expenses paid for factfinders, mediators, and arbitrators to settle collective bargaining disputes;
5. Costs of administrative support and purchasing supplies for bargaining, monitoring, and administrating collectively bargained agreements;
6. Costs of acquiring and using technology for bargaining, monitoring, and administrating collectively bargained agreements;
7. The fair market value of DOL-controlled office space provided to labor unions;
8. Expenses paid for “official time,” as defined in this letter;
9. Hours DOL employees spend on official time;
10. The number of DOL employees who use official time;
11. The number of employees who spend more than 50 percent of their hours on official time; and
12. Penalties levied related to collective bargaining with labor unions, including but not limited to arbitration awards or monetary settlements provided to workers or unions because of unfair labor practices related to collective bargaining.

---

<sup>9</sup> DEP’T OF THE TREASURY, OFF. OF THE COMPTROLLER OF THE CURRENCY, 2018 FSIP 026 (Jul. 11, 2018).

<sup>10</sup> DEP’T OF DEF., 2017 FSIP 054 (Dec. 15, 2017).

<sup>11</sup> DEP’T OF THE AIR FORCE, 2019 FSIP 010 (Apr. 4, 2019).

The Honorable Julie A. Su

October 9, 2024

Page 4

The Committee has jurisdiction over the “organization, administration, and general management of the Department of Labor,” as set forth in House Rule X.<sup>12</sup> This includes actions taken by DOL management to allow federal employees to divert from the work they were hired to do on behalf of the taxpayer to spend official time instead working to promote the interests of a federal union. This request and any documents created as a result of this request will be deemed congressional documents and property of the Committee.

Your prompt attention to the Committee’s request is appreciated.

Sincerely,



Virginia Foxx  
Chairwoman

Enclosure

---

<sup>12</sup> RULES OF THE U.S. HOUSE OF REPRESENTATIVES, Rule X cl. 2(b)(1)(A) (118th Cong.) (2023); *see also* Rule X cl. 1(e) (outlining the Committee’s jurisdiction), [https://cha.house.gov/\\_cache/files/5/3/5361f9f8-24bc-4fbc-ac97-3d79fd689602/1F09ADA16E45C9E7B67F147DCF176D95.118-rules-01102023.pdf](https://cha.house.gov/_cache/files/5/3/5361f9f8-24bc-4fbc-ac97-3d79fd689602/1F09ADA16E45C9E7B67F147DCF176D95.118-rules-01102023.pdf).

## **Responding to Committee Document Requests**

1. The agency's response to questions and request(s) should be answered or provided in separate document and not included inside a narrative response.
2. In complying with this request, you should produce all responsive documents that are in your agency's possession, custody, or control, whether held by you or other past or present employees of the executive branch, or a representative acting on your behalf. Your response should also produce documents that you have a legal right to obtain, that the agency has a right to copy or to which you have access, or that you have placed in the temporary possession, custody, or control of any third party.
3. Records, documents, data or information that have been requested and/or are related to underlying requests should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee on Education and the Workforce (the "Committee").
4. If any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
5. The Committee's preference is to receive documents in electronic form (i.e., email, CD, memory stick, or thumb drive) in lieu of paper productions. To the extent responses are provided in paper form, any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to a request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued.
6. Regardless of format, documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Indicate the office or division and person from whose files each document was produced.
7. Regardless of format, documents produced to the Committee should include an index describing the contents of the production and a total page count for the entire production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents. Documents produced in electronic format should also be identified and indexed electronically.
8. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.

(c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

9. All documents shall be Bates-stamped sequentially and produced sequentially.
10. When you produce documents, you should individually identify the paragraph, question number or request number in the Committee's request to which the documents respond.
11. It shall not be a basis for refusal to produce documents that any other person or entity—either inside or outside of the executive branch—also possesses non-identical or identical copies of the same documents.
12. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), the agency's staff should consult with the Committee staff to determine the appropriate format in which to produce the information.
13. If compliance with any request cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation of why full compliance is not possible.
14. If the agency does not expect to produce all documents responsive to a request by the date requested, the agency's staff shall consult with the Committee as soon as it is known the agency cannot meet the deadline, but no later than 24 hours before the due date to explain:
  - (a) what will be provided by the due date;
  - (b) why the agency believes certain materials cannot be produced by the due date; and
  - (c) the agency's proposed timeline for providing any omitted information.
15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should:
  - (a) identify the document, including its date, author, subject, and recipients;
  - (b) explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party;
  - (c) state how the document was disposed of;
  - (d) identify the name, current address, and telephone number of the person who currently has possession, custody or control over the document;
  - (e) state the date of disposition; and

- (f) identify the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.
16. If any document responsive to this request cannot be located, identify the document and describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.
17. In the event that a document or portion of a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document or redaction:
- (a) Bates number(s);
  - (b) the privilege asserted and the grounds therefor;
  - (c) the type of document;
  - (d) the general subject matter;
  - (e) any other description necessary to identify the document;
  - (f) the date, author, and addressee; and
  - (g) the relationship of the author and addressee to each other.

If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced.

18. Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.
19. In complying with the request, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
20. Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials, for refusing to answer any deposition question, or for refusing to provide hearing testimony, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chair of the Committee, if authorized) has consented to recognize the assertion as valid.

21. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or other agency employees, or is otherwise apparent from the context of the request, you should produce all documents that would be responsive as if the date or other descriptive detail were correct.
22. The time period covered by this request is included in the attached request. To the extent a time period is not specified, produce relevant documents from January 20, 2021 to the present.
23. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery. Such submission shall include an explanation as to why the information was not produced originally.
24. If physical documents are to be delivered, two sets of documents should be delivered, one set to the Majority Staff in Room 2176 of the Rayburn House Office Building and one set to the Minority Staff in Room 2101 of the Rayburn House Office Building during Committee office hours (9am-5pm, unless other arrangements are made) and signed by members of the respective staffs upon delivery.
25. Upon completion of the document production, the agency's written response should include a written certification, signed by the Secretary or his or her designee, stating that:
  - (a) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
  - (b) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or



representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “documents in your possession, custody or control” means documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and/or documents that have been placed in the possession, custody, or control of any third party.
3. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email, regular mail, telexes, releases, or otherwise.
4. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
7. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflect s, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
8. The term “agency” means any department, independent establishment, or corporation of the federal government. For the purposes of responding to oversight requests, the Committee expects information to be provided from all sub-agencies of an agency and not just the information that is immediately available to the addressee or the addressee’s immediate sub-agency.
9. The term “privilege” includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.

10. The term “employee” means agent, borrowed employee, casual employee, consultant, de facto employee, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, contract employee, contractor, or any other type of service provider.
11. The term “Administration” means and refers to any department, agency, division, office, subdivision, entity, official, administrator, employee, attorney, agent, advisor, consultant, staff, or any other person acting on behalf or under the control or direction of the Executive Branch.
12. “You” or “your” means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, contractors, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the document request letter.