

April 9, 2007

The Honorable Tom Harkin  
Chairman, Senate Appropriations  
Subcommittee on Labor, Health  
and Human Services, Education,  
and Related Agencies  
131 Hart Senate Office Building  
Washington, DC 20510

The Honorable Dave Obey  
Chairman, House Appropriations  
Subcommittee on Labor, Health  
and Human Services, Education,  
and Related Agencies  
B-300 Rayburn House Office Building  
Washington, DC 20515

**In Re: Stopping DoL's Aggressive "Competitive Sourcing" Effort To Review Inherently Governmental Jobs for Privatization.**

We urge you to include language in the FY08 funding measure that would prevent the Department of Labor (DoL) from continuing its aggressive effort to review for privatization work performed by federal employees:

We are particularly concerned about the types of services that DoL management has been and continues to review for privatization.

1. *mine safety instructors* (who instruct both the public sector and the private sector about mine safety and health);
2. *industrial scientists* ("provides expert level technical expertise to Academy personnel, others in the Agency and in industry...participates as the toxicological and epidemiological expert in the drafting and review of proposed or draft rules and regulatory developments");
3. *paralegals and legal assistants* who work for the Benefits Review Board, Office of Administrative Law Judges, and Arbitration Review Board ("researches, analyzes, and determines appropriate actions on appeals and motions which (1) involve novel and unresolved issues; (2) require extensive legal research and application and citation of case law, legislative amendments, legal opinions and interpretations, regulations...guidelines are extremely numerous and continually changing as case law evolves and legislation is amended...");
4. *wage specialists* who are responsible for enforcing the Fair Labor Standards Act and the Service Contract Act;
5. *chemists, physical science technicians, and physical scientists* who are responsible for conducting sophisticated tests on samples collected in the field so they can be analyzed for compliance with OSHA regulations;
7. *training instructors, instructional systems specialists, and safety and occupational health specialists* who are responsible for teaching and developing workplace safety programs as well as "providing highly technical, complex information relating to the identification and elimination of occupational conditions affecting the safety of personnel"; and
8. *industrial hygienists* who review "highly technical inquiries and problem cases concerning occupational health training, especially those involving controversial issues".

DoL officials even have an outstanding solicitation for "program support services" which includes, among other responsibilities, making departmental policy and then explaining that policy to the public.

All of this work is clearly inappropriate for contractor performance. It should always be performed by reliable and experienced federal employees. That the in-house workforce has won the vast majority of the privatization reviews conducted since FY04 misses the point. This work never should have been reviewed for privatization in the first place.

DoL exists in order to make the American workplace safer, healthier, and more fair. Privatization reviews of work that reasonable people would easily agree should be performed by federal employees do not promote DoL's mission. In fact, such morale-killing, productivity-sapping bureaucratic exercises distract from and even undermine DoL's mission.

Given the costs and controversies associated with the A-76 circular, one would think that the impressive record compiled by federal employees would have caused DoL officials to use privatization reviews far less often. DoL officials, however, plan to review significantly larger numbers of federal employees for privatization in the coming years. In FY10, for example, 1,343 DoL employees are scheduled to be reviewed for privatization, which would be almost twice as many as those reviewed in any previous year.

The vitality and reliability of the Department of Labor is of the utmost importance to the labor movement. That the performance of such inherently public services is seriously being considered for outsourcing is highly objectionable. That precious departmental resources have been and continue to be wasted on this Administration's war against the civil service workforce is just as egregious. The undersigned unions deeply appreciate your courageous opposition to privatization and your unyielding support for the important services performed by DoL employees. Therefore, we strongly urge you to eliminate all funding for privatization reviews at DoL in the FY08 Labor-HHS-Education Appropriations Bill.

Sincerely,

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO  
AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO  
AMERICAN FEDERATION OF TEACHERS, AFL-CIO  
DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO  
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO  
INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO  
INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, AFL-CIO  
NATIONAL FEDERATION OF FEDERAL EMPLOYEES, AFL-CIO  
PROFESSIONAL AIRWAYS SYSTEMS SPECIALISTS, AFL-CIO  
SERVICE EMPLOYEES INTERNATIONAL UNION  
TRANSPORT WORKERS UNION, AFL-CIO  
UNITED AUTO WORKERS, AFL-CIO