

March 17, 2010

Hon. Barbara Boxer, Chair  
Committee on the Environment  
& Public Works  
United States Senate  
410 Dirksen Office Building  
Washington, DC 20510

Hon. Eddie Bernice Johnson, Chair  
Subcommittee on Water Resources  
& Environment  
U.S. House of Representatives  
B-376 Rayburn House Office Building  
Washington, DC 20515

Hon. Daniel Akaka, Chair  
Subcommittee on the Federal  
Workforce  
United States Senate  
605 Hart Office Building  
Washington, DC 20510

Hon. Stephen Lynch, Chair  
Subcommittee on the Federal  
Workforce  
U.S. House of Representatives  
B349A Rayburn House Office Building  
Washington, DC 20515

Dear Chairpersons Boxer, Johnson, Akaka & Lynch,

We, the undersigned unions, are writing regarding an issue impacting our members employed at the Tennessee Valley Authority (TVA). As the Chairpersons of the respective House and Senate committees having jurisdiction over concerns involving both the TVA and federal employees, we are asking for your direct intervention to rectify this issue.

While there are obviously unions at the TVA, as is evidenced by our representing TVA workers, the ability of these workers to collectively bargain is solely dependent on the decision of management. So, unlike just about every other federal worker (TVA workers are Federal Employees), TVA workers capacity to form unions and collectively bargain is not governed by the Federal Labor Relations Act (FLRA). Nor do the workers at the TVA fall under the National Labor Relations Act (NLRA), which allows for collective bargaining for federal sector employees in unique situations, such as those employed at the United States Postal Service (USPS). In fact, there is no law at all that allows TVA workers the statutorily protected right to collective bargaining and resolve labor disputes. Obviously, this is a huge inconsistency in U.S. labor law that screams for Congressional action.

The history leading to this disparity in labor law can be traced back to 1933 when Congress passed the *Tennessee Valley Authority Act of 1933*, formally establishing the TVA. Concerning labor/management relations, this act gave the Secretary of Labor responsibility for resolving TVA's blue-collar wage disputes. This act also required the TVA to pay blue-collar employees no less than prevailing rates for similar work in the vicinity. However, to this day, it does not give workers, blue-collar and white-collar alike, the legally protected right to join and form unions. That is solely at the discretion of management.

Despite the lack of legally protected collective bargaining rights, workers at the TVA over the years have successfully convinced management to recognize unions through recognition clauses in the various contracts. However, TVA has made it clear to some unions that they intend to not renew union recognition clauses when they are up for renewal, which in some cases is as early as 2012. In other words, TVA management can unilaterally decide whether or not workers can have a union. For those unions not currently being considered by the TVA for non-recognition, such an action would set an alarming precedent that would likely mark the beginning of the end of unions at the TVA.

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Sadly the current management at TVA has used this inequality in American labor law as an opportunity to attempt to obtain concessions from TVA unions by threatening to cancel bargaining agreements. It is our view that regardless of the state of labor/management relations, whether they are good or bad, management should not have the ability to decide on a union's existence. While this may be acceptable practice in places like China, it should not be here in the United States.

It is our understanding that the Congress may be considering drafting legislation in 2010 aimed at raising the TVA debt ceiling. Our unions believe that this would be an ideal legislative vehicle to attach language granting TVA workers collective bargaining rights. On the other hand, if there is not a TVA debt ceiling bill considered by Congress this year, we request that a bill be introduced and moved through the Congress that grants TVA workers legally protected collective bargaining rights. Congress should correct this injustice by granting TVA workers full and meaningful collective bargaining identical to those justifiably enjoyed by USPS workers.

We thank you for your consideration. Should you have any questions please contact IFPTE Legislative Director Matt Biggs at (202) 239-4880.

AFL-CIO  
International Brotherhood of Teamsters (IBT)  
International Federation of Professional & Technical Engineers (IFPTE), AFL-CIO  
Laborers International Union of North America (LiUNA)