

# U.S. Sen. Johnson, Rep. Gowdy: Ask agencies for information on leave policies for campaign activities

Posted on Tuesday, Aug 22, 2017

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**WASHINGTON** — Sen. Ron Johnson (R-Wis.), chairman of the Senate Homeland Security and Governmental Affairs Committee, and Rep. Trey Gowdy (R-S.C.), chairman of the House Oversight and Government Reform Committee, sent a letter Monday to various government agencies asking for information related to federal employees using unpaid leave to participate in union-official political activity.

The letters come in the wake of investigative findings of the Office of Special Counsel in July 2017 which found the Postal Service violated the Hatch Act by granting leave requests for employees to campaign for union-endorsed candidates, even when local supervisors originally denied such requests. The Postal Service's watchdog, the Office of Inspector General, also investigated this matter and determined local supervisors felt pressured by the Postal Service's management to grant these "union business" leave requests despite operational needs. Chairman Johnson held a [hearing in July](#) regarding the Postal Service's violation of the Hatch Act.

**The letter was sent to the following agencies:**

[Department of Commerce](#)

[Department of Homeland Security](#)

[Department of Defense](#)

[Department of Justice](#)

[Department of Labor](#)

[Department of Transportation](#)

[Social Security Administration](#)

[Department of Treasury](#)

[Department of Agriculture](#)

[Department of Veterans Affairs](#)

The letter can be found [here](#) and below:

August 21, 2017

The Honorable Wilbur Ross

Secretary

U.S. Department of Commerce

1401 Constitution Avenue NW

Washington, DC 20230

Dear Secretary Ross:

We write to you regarding the Department of Commerce's (Commerce) policy of the use of union official Leave Without Pay (LWOP) for political campaign activity. The procedures by which federal employees request LWOP, and by which managers and supervisors consider these requests, are the product of negotiation between the agency and the employees' collective bargaining representative. Recent

investigations by independent watchdogs revealed that the U.S. Postal Service (USPS) violated internal policy and federal law in allowing some union members to take LWOP for union-official political activities.

The Office of Special Counsel (OSC), which exists to safeguard the merit system by protecting federal employees from prohibited personnel practices, concluded in July 2017 that the “USPS’s practice of facilitating [employee] releases for the union’s political activity resulted in an institutional bias in favor of [the union]’s endorsed political candidates, which the Hatch Act prohibits.” Specifically:

Only [employees] who wanted to campaign for the [union’s] endorsed candidates were given the opportunity to take several weeks of leave on short notice, over the objections of local supervisors who raised concerns about potential operational impact. Characterizing [the union campaign activity] as union business created this advantage, given the institutional mindset in favor of granting union official LWOP. Thus USPS, through [redacted] and its longstanding practice of honoring these kinds of requests, failed to administer its programs in a politically neutral manner in violation of the Hatch Act.

The OSC found that USPS released employees for union-related leave over objections from local Postmasters. One Postmaster gave USPS management ten specific reasons why the carriers could not be released from their positions for two months, including no advanced notice, reduced vacation hours for other employees, increased overtime costs at the office, late mail, and safety issues. According to the OSC, USPS’s “longstanding practice” of approving union official LWOP for political activities dates back to the 1990s.

The USPS Office of Inspector General (OIG) also investigated this conduct and determined “that supervisors and postmasters felt compelled to release [employees] and grant LWOP despite Postal Service policy to consider not only the needs of the employee, but operational impact.” USPS management disagreed with the OIG’s finding that the agency circumvented its LWOP policy. However, the OIG determined “the communications bypassed the intent of the policy to base the LWOP decision on the needs of the employee and the Postal Service and the cost to the Postal Service.”

The Senate Committee on Homeland Security and Governmental Affairs held a hearing on July 19, 2017, about the USPS’s conduct, in part, to help educate other federal agencies on how to avoid similar Hatch Act violations. To ensure federal

agencies are granting LWOP in a politically neutral manner, we respectfully request the following information:

1. Since 2008, information about the use of LWOP in the three months prior to a federal election, including:
  - a. The number of employees who requested LWOP;
  - b. The number of employees who were granted LWOP;
  - c. The number of employees who were denied LWOP;
  - d. The number of employees who were granted LWOP to participate in union-related political activities;
  - e. The number of employees who were granted LWOP to participate in political activity generally; and
  - f. The number of employees who were granted LWOP for political activities for durations of fourteen days or longer.
2. All agreements or memoranda of understanding between Commerce and any employee union referring or relating to employees' union-official leave for the period January 1, 2008, to the present.
3. All written policies, procedures, or guidance referring or relating to employee LWOP requests, including any material tailored to use of employee leave for union-official political activities or political activity generally for the period January 1, 2008, to the present.
4. All documents and communications referring or relating to the use of LWOP for employees to participate in union-related political activity for the period January 1, 2008, to the present.

If feasible, please provide state-by-state data for the requested information. Please provide this information as soon as possible but no later than 5:00 p.m. on September 11, 2017.

If you have any questions regarding this letter, please ask your staff to contact Courtney Allen of Chairman Johnson's Committee staff at [\(202\) 224-4751](tel:2022244751) or Kevin

Ortiz of Chairman Gowdy's Committee staff at [\(202\) 225-5074](tel:(202)225-5074). Thank you for your attention to this matter.

Sincerely,

Ron Johnson

Chairman

Committee on Homeland Security

and Governmental Affairs

U.S. Senate

Representatives

Trey Gowdy

Chairman

Committee on Oversight and

Government Reform

U.S House of

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