



## 2022 Legislative Priority: Confirm the Nominees to the FLRA

**Background:** Chairman Ernest DuBester has been nominated by President Biden to another term as Chairman of the Federal Labor Relations Authority (FLRA). Kurt Rumsfeld has been nominated to serve as the General Counsel of the FLRA. Both have had their nominations held up by the Senate Homeland Security and Governmental Affairs Committee. Chairman DuBester was approved by the Committee in 2021, but the Senate did not act on the nomination, so President Biden had to refresh the nomination.

**Current Status:** Chairman DuBester's holdover status ends with the 117th Congress on January 3, 2023. The FLRA remains hobbled by a lack of a General Counsel.

**Impact:** If Chairman DuBester is not confirmed by the end of the Congress, the FLRA will lose its majority of good-faith members. Member Colleen Duffy Kiko is partially responsible (along with her fellow Trump appointee, former Member James Abbott) for some of the most egregious, anti-worker, unsupported, and indefensible decisions in the history of the FLRA. Her record has been characterized as full of "unprecedented bias," and her decisions as "specious," "arbitrary and capricious," "unreasoned and unreasonable," and "simply incorrect." Allowing the FLRA to lose its third member is endorsing a return to the Trump-era chaotic rejection of the concepts of precedent, rule of law, equity, and fairness.

### Requested Actions:

- Send a letter to the Inspector General of the FLRA, requesting that the politically-motivated investigation requested by Senator Portman be concluded as soon as possible, so that Senator Portman will not be able to hide his obstructionism behind unfounded allegations against Chairman DuBester.
- Send a letter to Leader Schumer to demand that Ernest DuBester and Kurt Rumsfeld's nominations be discharged from committee, and brought to the Senate floor for a vote.
- Vote to confirm Ernest DuBester and Kurt Rumsfeld when the nominations reach the floor of the Senate.