

2026 Legislative Priority: Restore the Federal Government's Status as a "Model Employer" by Restoring Access to Justice in Civil Service Protections

Issue Summary: Independent federal agencies such as the Federal Labor Relations Authority (FLRA), the Merit Systems Protection Board (MSPB), and the Office of Special Counsel (OSC) are cornerstones of the federal civil service system. They protect merit system principles, ensure fair labor relations, and provide employees with due process and whistleblower protection.

Despite their critical role, these agencies are frequently left **understaffed, underfunded, or paralyzed by political gridlock**, preventing them from fulfilling their statutory missions. When these institutions fail, federal employees are left without timely recourse, and confidence in the civil service system erodes, hurting the services every American relies upon.

Why This Matters

Independent Oversight Is Essential to a Merit-Based Civil Service

FLRA, MSPB, and OSC serve as neutral arbiters between federal employees, unions, and management. When these agencies cannot function effectively:

- Appeals and cases languish for years
- Employees are denied timely due process
- Labor-management disputes escalate rather than resolve

A system without functioning oversight is neither fair nor efficient.

Political Gridlock Has Real Consequences

Vacancies on boards and commissions—often caused by partisan stalemates—have resulted in:

- Loss of quorum and inability to issue decisions
- Growing case backlogs
- Inconsistent enforcement of federal workforce laws

These delays harm employees and agencies alike and undermine trust in government institutions.

Local 777, IFPTE, AFL-CIO represents over 250 employees of the U.S. Army Corps of Engineers in the Chicago, Pittsburgh, Sacramento Districts and the South Pacific Division. We work in Illinois, California, Pennsylvania, Indiana, Wisconsin, Utah, Arizona, and remotely nationwide, and plan, design, build, operate, and maintain Federal water resources infrastructure and environmental restorations, and protect our nation's aquatic resources and commercial navigation. Our members work in offices, on construction sites, at locks and dams, on government vessels, at flood control reservoirs, and at dredged material management and electric barrier facilities.

The views expressed are those of Local 777 only, and not of the Department of Defense or Department of the Army.

Underfunding Undermines Independence

Chronic underfunding forces these agencies to operate with limited staff and outdated systems, increasing backlogs and weakening enforcement. Financial instability also exposes independent agencies to political pressure, threatening their neutrality.

Access to the Federal Courts is an Essential Tool

When the administrative procedures related to civil service protections fail, basic fairness and justice require that employees must have some recourse. Providing private right of action in these cases; and allowing workers to bring these cases to court through their trusted union representatives will allow access to justice.

Requested Action:

- Create a Private Right of Action for **Whistleblower Reprisal**
 - Congressional Whistleblower Protection Act, *e.g.* S. 1154, 119th Congress
- Create a Private Right of Action for **delayed MSPB Appeals**
 - Fair Access to Swift and Timely Justice Act, *e.g.*, S. 2977, 119th Congress
- Create a Private Right of Action for **delayed FLRA actions** in federal court; give FLRA and federal courts the authority to provide equitable relief during the pendency of challenges to exclusions from the FSLMRS. (Suggested language enclosed)
- Give unions the right to use **non-lawyer representation** (remaining pro se) in federal courts related to workplace issues. (Suggested language enclosed)
- Give federal employees and their representatives **official time** to pursue **MSPB** appeals and related litigation. (Suggested language enclosed)
- Give federal employees' representatives who are also federal employees **official time** for defending proposed and final **disciplinary and adverse actions**. (Suggested language enclosed)

H. R. ----

To improve federal employee access to justice regarding civil service protections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

A BILL

To provide for parties to proceedings before the Federal Labor Relations Authority to seek injunctive relief from federal courts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Service Labor-Management Relations Statute Amendments Act of ----”.

SEC. 2. STANDING OF PARTIES TO SEEK DECLARATORY AND INJUNCTIVE RELIEF.

(a) Entitlement to Seek Relief.—Section 7123 of title 5, United States Code, is amended by inserting the following:

“(e) Parties to certain proceedings enumerated in (1) through (3) of this subsection may petition any United States district court within any district in which the challenged acts in the proceeding are alleged to have occurred or in which such person resides or transacts business for appropriate temporary relief (including a restraining order). Upon the filing of the petition, the court shall cause notice thereof to be served upon the person, and thereupon shall have jurisdiction to grant any declaratory, injunctive, or other temporary relief (including a temporary restraining order) it considers just and proper.

- (1) Representation petitions under section 7111 of this title,
- (2) Negotiability appeals under section 7117(c) of this title, or
- (3) Unfair Labor Practice proceedings under section 7118 of this title.”.

SEC. 3. UNIONS APPEARING PRO SE.

(a) Application to Labor Unions.— Section 1654 of title 28, United States Code, is amended by inserting— “Established labor organizations may appear personally through an officer if unrepresented by counsel, notwithstanding the corporate structure of the organization.”

SEC. 4. OFFICIAL TIME FOR MERIT SYSTEMS PROTECTION BOARD PROCEEDINGS.

(a) Official Time.— Paragraph (b) of section 1204 of title 5, United States Code, is amended by inserting— “(4) Federal employees serving as a designated representative of an Appellant shall be granted reasonable amounts of official time. This requirement is separate from but consistent with the Federal Service Labor Management Relations Statute (chapter 71 of this title) and regulations dealing with labor-management relations within the Federal Government.”

SEC. 5. OFFICIAL TIME FOR DISCIPLINARY PROCEEDINGS.

(a) Official Time in the Case of Discipline.— Section 7503 of title 5, United States Code, is amended by inserting— “(d) Federal employees serving as a designated representative of an employee as provided by subparagraph (b)(3) of this part shall be granted reasonable amounts of official time. This requirement is separate from but consistent with the Federal Service Labor Management Relations Statute (chapter 71 of this title) and regulations dealing with labor-management relations within the Federal Government.

(b) Official Time in the Case of Adverse Actions.— Section 7513 of title 5, United States Code, is amended by inserting— “(f) Federal employees serving as a designated representative of an employee as provided by subparagraph (b)(3) of this part shall be granted reasonable amounts of official time. This requirement is separate from but consistent with the Federal Service Labor Management Relations Statute (chapter 71 of this title) and regulations dealing with labor-management relations within the Federal Government.