

GEORGE P. RADANOVICH
19TH DISTRICT, CALIFORNIA

COMMITTEE ON BUDGET
WORKING GROUP:
ECONOMIC AND REGULATORY REFORM
COMMITTEE ON RESOURCES
SUBCOMMITTEES:
WATER AND POWER RESOURCES
NATIONAL PARKS, FORESTS AND LANDS
ENDANGERED SPECIES ACT TASK FORCE



U.S. House of Representatives
Washington, DC 20515-0519

313 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0519
(202) 225-4540
FAX: (202) 225-3402

2377 WEST SHAW, SUITE 105
FRESNO, CA 93711
(209) 248-0800
FAX: (209) 248-0169

OFFICE OF COMPLIANCE

July 2, 1996

JUL 08 1996

Mr. Glen Nager
Chair, Board of Directors
Office of Compliance
Room LA 200
John Adams Building
110 Second Street, S.E.
Washington, D.C. 20540-1999

Dear Sir:

Thank you very much for the opportunity to review and comment on the proposed rules relating to Labor-Management issues and their applicability to the House of Representatives, as it applies to personal offices of Members of this House. I have not completed a line by line analysis of the proposed rules, and am confident that some other management oriented organization will review and comment in detail concerning the specific procedural and recognition sections of the rule. I have in my prior career developed such rules, and am familiar with their substance and application.

However, in a very practical sense, the details of such rules and regulations are not as important as the overall statement being made by having such rules apply to members' personal offices. In my opinion, there is no room for union organization within the personal offices of members of Congress. The reason there is no room for such organization is both a physical reality - there is not sufficient privacy in crowded personal offices to conduct confidential business outside of the involvement of basically all the staff - and a practical reality: employees who must meet a "political compatibility" test to obtain and retain employment cannot then have an intermediary represent them (and their views) to their employer.

The "political compatibility" test makes personal office employees effectively "at-will". "At-will" employees have a direct and personal relationship with the employer upon which their employment depends. "At-will" status is inconsistent with representation in the employer-employee relationship. If nothing else, what if (as may be the case in some offices) union participation is a politically incompatible act? Such logical absurdity makes the rule upon which it relies unenforceable and in fact a nullity.

When a comprehensive labor agreement is negotiated between employers and employees, in a very real sense (and in fact in the language of bargaining) the employee becomes a "union employee", which is to say, subject to the rules that the union negotiates rather than the rules of

Mr. Glen Nager
July 2, 1996
Page 2

the employer. Can union employees then be asked to carry out the interests of their employer, the Member of Congress, rather than those of the Union? How about when they are inconsistent with the position of the union - say in the repeal of the Davis-Bacon Act? Are Members then subject to the participation of unions and union representatives in the deliberation that leads to taking such a policy position?

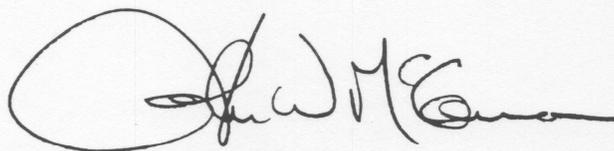
Members of executive agencies of the federal government are able to organize in unions in order to conduct their employer-employee relations. However, this executive agency authorization *excludes* the White House, where employees of the Executive Office of the President are not able to be represented by an employee organization. The reason the White House is excluded is because having union represented employees involved in the policy formulation that is conducted at the White House is a potential conflict in the development of policy - a conflict between the President and his staff is inappropriate, and that is acknowledged in the regulatory scheme. Similarly, such a conflict in the personal office of the members - where the policy formulation job is *the job* of the office - is inappropriate.

There are many practical considerations, as well. I do not believe that the Office of Compliance wants each office bargaining as to hours, wages and working conditions; however, each Member does not want some central bureaucracy negotiating on his or her behalf. The level of knowledge, ability and willingness of each office to participate in bargaining issues, or to administer the results, varies substantially, and I would not want to delegate the legal obligations of an employment agreement to 435 members. I can see a whole new level of bureaucratic administration as a part of the House of Representatives as a result of such regulations.

Please be aware that this office, for one, objects to the potential for union organization in personal offices of members of the House of Representatives.

Thank you very much for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "John Wm. McCamman". The signature is fluid and cursive, with a large initial "J" and "M".

John Wm. McCamman
Chief of Staff