



WHITE HOUSE TASK FORCE ON WORKER ORGANIZING AND EMPOWERMENT

REPORT TO THE PRESIDENT

VICE PRESIDENT KAMALA D. HARRIS, CHAIR

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THE WHITE HOUSE
WASHINGTON

Section 1: Our Mission to Empower Workers and Support Worker Organizing, Including Major Proposal Categories and Examples

The Biden-Harris Administration believes that increasing worker organizing and empowerment is critical to growing the middle class, building an economy that puts workers first, and strengthening our democracy. President Biden's commitment to those goals is why he issued Executive Order 14025 establishing the Task Force on Worker Organizing and Empowerment, and appointed Vice President Kamala Harris to serve as its Chair and Secretary of Labor Marty Walsh, a longtime trade union member and leader, to serve as its Vice Chair.

It is worth restating the charge given to the Task Force:

“The Task Force and its members shall identify executive branch policies, practices, and programs that could be used, consistent with applicable law, to promote my Administration’s policy of support for worker power, worker organizing, and collective bargaining.”

The range of “policies, practices and programs” that can be leveraged is significant. They include actions reflecting what we can do as *a model employer* in shaping the jobs of federal employees, engaging them in the workplace, and ensuring civil servants know and can access their labor rights. They also include actions reflecting the federal government’s role as a *policymaker*, by shaping how executive agencies make decisions about partners with whom they engage, the regulations and other policies they institute, and the information they share with workers seeking to learn more about their rights to organize and bargain collectively.

In keeping with the direction and guidance provided by Vice President Harris and Secretary Walsh, the Task Force has developed a set of recommendations that, when implemented, will promote worker organizing and collective bargaining for federal employees and for workers employed by public and private-sector employers. Additionally, recommendations have been made about ways to increase interested private sector workers’ access to information about their existing right to join and/or organize a union, and the legally-defined process of how to do so.

The recommendations were developed in collaboration with the over 20 executive agencies, departments, and White House offices that are members of the Task Force, and have been arrived at after careful review of the legal guidelines defining the Executive Branch’s authority.

The Role of Organized Labor

As the President has said, “unions built the middle class [and] lift up workers, both union and non-union.” At its core, it is our administration’s belief that unions benefit all of us.

Unions have fought for and helped win many aspects of our work lives many of us take for granted today, like the 40-hour work week and the weekend, as well as landmark programs like Medicare.



Unions continue their fight for higher wages, greater job security, safety and health protections, health insurance and retirement plans, and protections from discrimination and harassment for all workers. This includes those who have historically been held back, such as women, LGBT workers, Black and Latino workers, workers with disabilities, and older workers. Researchers have found that today’s union households earn up to 20% more [than non-union households](#), with an even greater union advantage for workers with less formal education and workers of color. Meanwhile, research has shown that growing economic inequality, growing pay gaps for women and workers of color, and declining voice in our democracy for working class Americans are all caused, in part, by the [declining percentage of workers represented by unions](#).

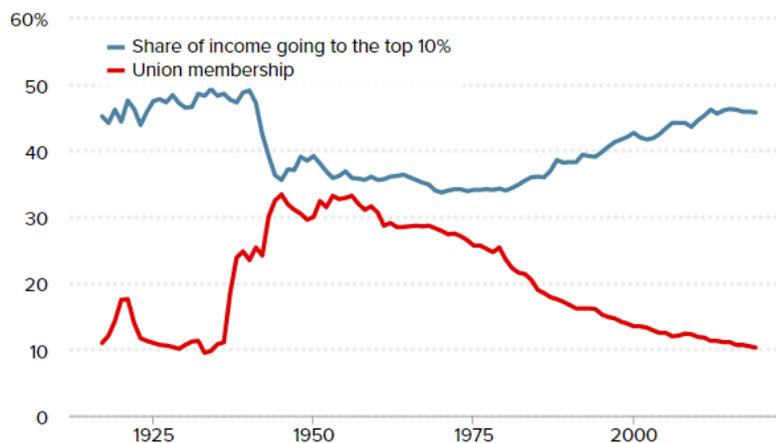


Chart Data

Source: Reproduced from Figure A in Heidi Shierholz, *Working People Have Been Thwarted in Their Efforts to Bargain for Better Wages by Attacks on Unions*, Economic Policy Institute, August 2019. ...

Figure 1: As union membership declines, income inequality increases

The Federal Government's Key Role

The National Labor Relations Act, enacted in 1935, noted that it is the policy of the United States to encourage the practice and procedure of collective bargaining, and to protect the exercise, by workers, of their full freedom of association. Unfortunately, the federal government has not always done its part to turn this policy into action. In fact, in some cases government has actively undermined worker organizing, unions, and collective bargaining—for example, when President Reagan fired 11,000 striking air traffic controllers in 1981 and tacitly encouraged private sector employers to follow his example.

While some past administrations have taken individual actions to empower workers and strengthen their rights, the Biden-Harris administration will be the first to take a comprehensive approach to doing so with the existing authority of the executive branch. Our goal is not just to facilitate worker power through executive action - it is to model practices that can be followed by state and local governments, private-sector employers, and others.

President Biden and Vice President Harris recognize that urgent action is needed. Workers face increasing barriers to organizing and bargaining collectively with their employers, and in 2021, only 10.3% of the workforce was represented by a union, down from more than 30% in the 1950s. Yet, nearly [60 million American workers](#) say they would join a union if given the chance.

The Principles and Results of the Task Force's Work

To fulfill the Task Force's focus on executive authority, Executive Order 14025 directed us to make recommendations to the President within 180 days.

The Task Force began its work in late April with a clear understanding that it could not unilaterally reverse the trends discussed above. That is not its mandate. Rather, the job at hand was to assess the available tools and determine how to employ them to remove barriers to worker organizing and collective bargaining.

Throughout this process, the Task Force has been guided by a belief that it would need to consult a wide variety of stakeholders to carry out its unprecedented mission. Simply put, it needed help if it was going to succeed. Accordingly, in the course of its work, the Task Force met with dozens of unions, employers, worker advocacy organizations, academics, labor agency officials, business leaders, and other stakeholders and experts to gather information and suggestions.

In advance of this report's submission to the President in October, the Task Force's member agencies developed significant proposals and initiatives – nearly 70 recommendations that are contained in this report. The process, of course, looked different at each agency. While a few agencies have historically encouraged worker organizing, others came to this effort with less knowledge and experience, and thus had to learn the issues and possibilities in order to find ways to contribute. Yet, all participants demonstrated a commitment to fulfilling the mission of empowering workers.

Finally, it is important to acknowledge that the Task Force recommendations do not and cannot take the place of the robust legislative change that is needed to fix our labor laws.

Major Categories of Proposals and Examples

In collaboration with every member of the Task Force, the fourth section of this report includes nearly 70 recommendations to use the existing authorities of the Executive Branch to empower workers and to remove longstanding barriers to organizing.

These proposals address many of the obstacles workers face, including: difficulties gaining access to union organizers at their workplaces; threats and instances of retaliation by employers against workers exercising their rights; a lack of awareness of their rights to organize and bargain collectively; existing difficulties when workers try to secure help from federal agencies in protecting these rights; and more. In addition, unionized employers are undercut in the federal contracting and grants processes by non-union employers that pay workers lower wages and offer fewer benefits.

Bearing those facts in mind, the Task Force's recommendations are designed to:

- 1. Position the federal government as a model actor.** The federal government will promote broader labor-management engagement, as we know that such engagement helps to make the government more effective. The federal government will also provide greater access and information to unions seeking to represent and build membership among the federal workforce. Examples include:
 - The Office of Personnel Management will launch a set of strategies that will remove unnecessary barriers in federal workplaces that impede unions' ability to organize federal workers and increase their membership.
 - Four agencies, including the General Services Administration and the Department of Interior – will eliminate barriers to union organizers being able to talk with employees on federal property about the benefits of organizing a union. This will include both federal employees and private sector employees of federal contractors.

- 2. Use the federal government's authority to support worker empowerment by providing information, improving transparency, and making sure existing pro-worker services are delivered in a timely and helpful manner.** Examples include:
 - Four agencies – the Department of Labor, the Department of Defense, the Small Business Administration, and the Department of Health and Human Services – will act to expand awareness of workers' organizing rights and employers' responsibilities when workers are trying to organize.
 - The National Labor Relations Board, the Federal Mediation and Conciliation Service, the National Mediation Board, and the Federal Labor Relations Authority each has a role to play in the process by which workers vote to join a union and take the necessary steps to enter into an agreement with their employer. These agencies are strongly encouraged to work more closely together to facilitate worker organizing and collective bargaining.
 - The Department of Labor will become a resource center, providing materials on the advantages of union representation and collective bargaining. This information can be used

by other agencies, workers, and businesses looking to better communicate about and support worker organizing.

3. Use longstanding authority to leverage the federal government’s purchasing and spending power to support workers who are organizing and pro-worker employers. Examples include:

- Twelve agencies will attach preferences or otherwise encourage strong labor standards for recipients of federal grants and loans.
- Four agencies – the Department of Labor, the Office of Management and Budget, the Department of Defense, and the Department of Health and Human Services – will help ensure that federal contract dollars are not spent on anti-union campaigns and that the anti-union campaign activities by federal contractors are publicly disclosed.

Overall, the number and breadth of ideas presented to the Task Force is both inspiring and unprecedented, and they reflect a dedication that meets the mandate of this Task Force. Many of the most significant proposals the Task Force considered are included in this report as recommendations, but other equally significant proposals will require more investigation and collaboration between the Task Force and the relevant Executive Branch agencies before any recommendation can be made.

Therefore, the Task Force’s final recommendation is that the President direct the Task Force to continue this important work, and to submit a supplemental report, including a report on progress to date and additional recommendations, six months from the date of this report.

Section 2: The Biden-Harris Administration's Commitment to Workers

While the Task Force worked over the past several months to develop, recommend and then begin to implement the recommendations in this report, worker empowerment has been at the heart of President Biden's and Vice President Harris's agenda since their very first days in office. That is reflected in the Executive Orders issued to date. For example:

- On January 22, 2021 the President signed an executive order repealing the prior administration's harmful actions to limit the collective bargaining power of federal employee unions and remove protections from career civil servants. And just days later, on January 25, the President signed an executive order strengthening Buy American provisions to ensure American taxpayer dollars create well-paid, union jobs in the United States and give our workers and companies the tools they need to compete globally for decades to come.
- On April 27, 2021 the President signed an executive order promoting economy and efficiency in federal contracting by raising the hourly minimum wage for federal contractors to \$15 starting in 2022, indexing it to inflation, extending it to workers with disabilities, and eliminating the tipped minimum wage by 2024. That wage increase went into effect on January 30 – raising wages immediately for approximately 70,000 federal workers to \$15, with an additional 300,000 federal contractors beginning to see raises over the course of this year.
- On November 28, 2021, the President signed an executive order to improve the efficiency of federal contracting by reducing job turnover when government service contracts change hands, keeping experienced workers on the job. The executive order also furthers the Biden-Harris Administration's equity goals, given that service contract workers are disproportionately women and people of color.
- The Office of the United States Trade Representative (USTR) is pursuing worker-centered trade policy—ensuring that unjust labor rights suppression abroad does not turn into unfair competition for workers in the United States, including by its recent use of the US-Mexico-Canada Trade Agreement's Rapid Response Mechanism to ensure that Mexico addressed labor rights violations.
- The Department of Veterans Affairs (VA) restored “official time” for their union representatives, which allows union representatives to perform those roles during the work day, so they can effectively represent those who serve our nation's veterans every day.
- The Department of Energy (DOE) established a new Office of Energy Jobs in its Office of Policy to promote a department-wide, union-jobs-oriented approach to all of DOE's activities and planning.
- The Federal Labor Relations Authority voluntarily recognized its staff union—after the prior administration unilaterally withdrew recognition—ensuring that their employees could once again advocate for their needs without having to go through another burdensome and unnecessary election.
- The Department of Labor withdrew a rule proposed under the last administration which would

have exacerbated the pervasive problem of employers misclassifying employees as independent contractors, leaving them unprotected by laws like those guaranteeing the minimum wage and overtime, and even their rights to organize and bargain collectively.

Worker empowerment is also at the core of how we talk about building our economy, demonstrated by the President's, Vice President's, and Cabinet members' frequent advocacy for workers' rights, including the right to a free and fair choice to join a union and to demand respect for workers' rights. Perhaps most notably, the President and Vice President made strong public statements of support for worker rights in February 2021. As the President said in his video message, "the choice of forming a union is the worker's choice, full stop...there should be no intimidation, no coercion, no threats, and no anti-union propaganda" when workers are deciding whether to organize a union. In the words of the Vice President: "I support union workers and those working to unionize, in Alabama and across America."

"This is the most pro-union statement from a president in United States history."

- Stuart Appelbaum, president of Retail, Wholesale and Department Store Union, which is organizing to represent workers in Bessemer, Alabama

Worker empowerment has guided the development of our policies and how we prioritize them in Congress—starting with our vocal, consistent call for Congress to pass the Richard L. Trumka Protecting the Right to Organize (PRO) Act and the Public Service Freedom to Negotiate Act. These bills would ensure more private-sector workers and many more public-sector workers nationwide have a genuine right to organize and bargain collectively. On the first day of the administration, the President proposed the American Rescue Plan (ARP), which he signed into law in March 2021. The ARP included rapid relief for working class people, including 161 million direct checks (stimulus payments), support for parents, unemployment insurance, and a robust response to bring COVID-19 under control. In addition, the ARP included targeted relief, including \$350 billion in emergency funding for state, local, and territorial governments to ensure they could keep front-line public workers—many of them union members—on the job while distributing the vaccine, scaling testing, reopening schools, and maintaining other vital services. It also helped restore the hard-earned pensions of millions of workers and retirees and helped hard-hit public transit agencies avoid layoffs and service reductions, which disproportionately harm not only the unionized workers who operate our transit systems, but also the workers who depend on public transportation.

Congress also passed the bipartisan Infrastructure Investment and Jobs Act (BIL), a once-in-a-generation investment in our nation's infrastructure and competitiveness. The BIL will rebuild America's roads, bridges and rails, expand access to clean drinking water, ensure every American has access to high-speed internet, tackle the climate crisis, advance environmental justice, and help ease inflationary pressures and strengthen supply chains by making long overdue improvements for our nation's ports, airports, rail, and roads. These investments will drive the creation of good-paying union jobs and grow the economy sustainably and equitably so that Americans will be better off for decades to come. Over 90% of BIL construction investments will be covered by prevailing wage protections that ensure the workers who build and fix our highways, rail lines, ports, water lines, and other critical infrastructure get fair wages and benefits, and wages in local economies are not driven down by cutthroat competition.

This work has been guided, too, by workers' voices, many of whom the Vice President and Secretary of Labor Marty Walsh have met in their travels across the country. For example, in Pittsburgh in June of 2021, Vice President Harris and Secretary Walsh met with groups of workers who are organizing their workplaces across the country, and heard stories not just about the barriers and intimidation these workers faced, but also of their successes. In July, the Vice President visited the Carpenters International Training Center in Nevada—where she heard from union member Amber McCoy about how the Carpenters' Union had improved her life: by bringing women into the trades through an apprenticeship, the union allowed her to climb into the middle class, buy her own home, and support her children as a single mother who formerly experienced homelessness. In August, Secretary Walsh, along with newly-elected AFL-CIO President Liz Shuler, hosted a public roundtable of workers involved in organizing campaigns across the country—in healthcare, higher education, food delivery, restaurant service, construction, and social services—to publicly highlight the reasons why workers are organizing to win better pay, benefits, and dignity and fairness on the job.

Section 3: Understanding History and Meeting the Moment

Part 1: Understanding History

In order to understand what work must be done, it's crucial to understand how we arrived at the low union density and disempowerment of workers that exists today.

Union density isn't low because Americans don't like unions. Today, 68% of Americans approve of labor unions—the highest level on record since 1965, and support for unions among young workers is even higher. Polls show that more and more workers – a full 52 percent of non-union workers -- want to join unions. This gap between the percentage of workers who want a union and the percentage of workers who have a union is part of the reason for this Task Force and this report.

Historical trends help tell the story of how and why union density rises and falls. National policy changes enabled significant gains in private-sector union density rates in the 1930s and 1940s before those rates started backsliding in the 1950s. This increase first rose with the 1935 passage of the National Labor Relations Act (NLRA), which created the National Labor Relations Board (NLRB). The Act facilitated a significant increase in union density, from 15% to over 30% of the workforce by the 1950s. This occurred despite the fact that the NLRA suffered from significant shortcomings, including the exclusion of domestic and agricultural workers from its protections. At the time of the passage of the NLRA, almost half of Black men and almost 90% of Black women worked as either domestic workers or in agriculture, two industries that were deliberately carved out of the Act's protections and remain so today.

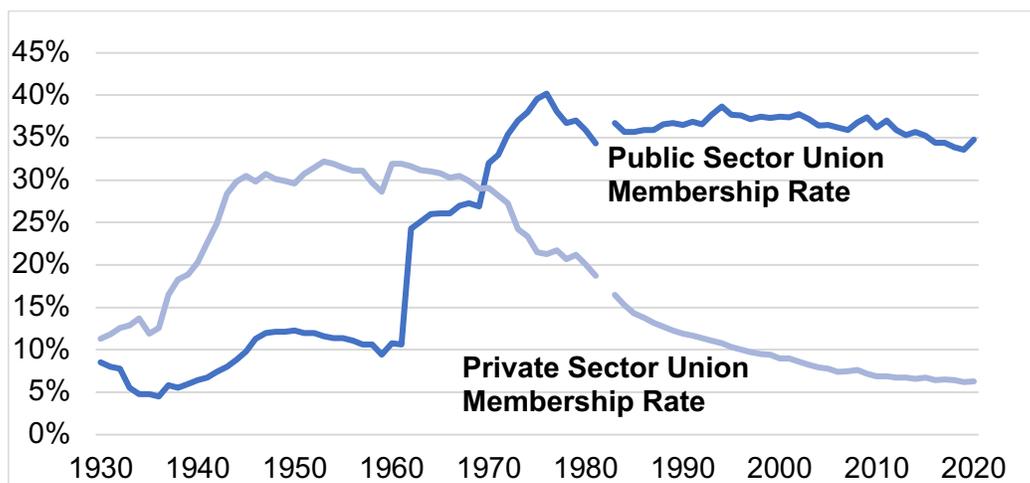


Figure 2: Public and Private Sector Union Membership Rates, 1930-2020

Public-sector workers saw significant increases in union membership in the 1960s and 1970s. States began passing public-sector collective bargaining laws, President Kennedy signed an executive order authorizing federal-sector collective bargaining, and the courts recognized public employees' First Amendment right to organize. Although rates of public-sector union membership remain higher than those in the private sector, both sectors have faced significant challenges. In some states, concerted

attacks on public-sector unions have significantly eroded the rights of public workers in those states to collectively bargain. In other states, government workers have always lacked collective bargaining rights.

Just as policy change enabled gains in union density, so too did differing policy decisions drive subsequent declines, whether directly in shaping our labor laws, or indirectly in shaping the trajectory of trends like globalization, automation, and the decline of manufacturing. Importantly, this means that reversing this trend is in our power, too. For example, in the 1970s, most of our peer countries saw the reach of unions grow, even as it declined dramatically in the United States. This disparity occurred in part because in the United States, the government failed to fully use its authority to promote collective bargaining, and failed to update labor law in the face of economic and technological change, which incentivized employment practices that disfavored workers.

For example, a critical factor in declining union density was the Labor Management Relations Act of 1947, known as the Taft-Hartley Act, which was enacted over President Truman's veto. Taft-Hartley affirmed that employers could engage in anti-union tactics and schemes that the NLRB had previously found illegal, including forced-attendance "captive audience" meetings in which employers lobby their employees to oppose unions.

Taft-Hartley's assault on union organizing and collective bargaining was made worse by several Supreme Court decisions. For example, a 1974 ruling held that employers could refuse to recognize a union when a majority of workers signed authorization cards for the union and, instead, demand an NLRB election. The delay associated with an election often allowed the employer to run an anti-union campaign that turned workers who had supported the union away from organizing and their co-workers. As for public-sector unions, in 2018 the Court overruled long-standing precedent to hold that public-sector unions could not collect fees for representation ("fair-share fees") from non-members even though the union is obligated by law to represent them at the bargaining table and in grievances against their employers. Like so-called "right to work" laws undermining private-sector unions and federal sector unions, this Supreme Court decision allows non-members to "free ride" on the services unions provide that are paid for by their co-workers.

In addition to the Federal government's failure to act, growing employer resistance to worker organizing and collective bargaining contributed to the decline in union density. A network of think tanks and lobbyists pushing anti-union legislation and propaganda, in both the private and public sectors, led the anti-labor movement. And knowing that private-sector labor laws lacked effective enforcement tools, like tough monetary penalties or other sanctions, employers began to feel more comfortable hiring aggressive anti-union consultants to dissuade workers from organizing a union with their co-workers. Some employers became more aggressive, for instance by firing union organizers and supporters, knowing they could defeat a union organizing drive with little risk of suffering a meaningful punishment. And while an employer chooses to run an anti-union campaign, non-employee union organizers, in most instances, have no right to communicate to workers on an employer's property - even in the parking lot - and can only communicate to potential voters off-site and outside of working-hours.

The result: ever since private-sector density reached its peak in the mid-1950s, it has since continued to decline steadily into the 21st century. Most significantly, the percentage of private-sector employees who belong to a union has slowly and steadily declined from 16.8% in 1983 to just 6.1% in 2021.

Part 2: Meeting the Moment

Americans every day come together to do what they can't do alone—to ensure their voices are heard and their interests heeded. When workers and worker power are at the center of our public debate, our country benefits. At the launch of the Task Force, the Vice President noted that our "bottom line is that we believe when workers organize, our economy gets stronger." As Secretary Walsh noted, because of unions, millions of families across the country entered—and continue to enter—the middle class, just as his family did when he and his father joined the Building Trades as laborers. The pathway once taken by Secretary Walsh, unfortunately, has narrowed significantly.

Yet in last two years, the COVID-19 pandemic focused new attention on the lives and challenges of working people. For example, the pandemic highlighted a difference between workers who could stay home and those who had to leave their homes for work. The workers who kept us safe, kept our transit lines operating, and kept our grocery stores stocked often lack the protection a union could give them.

The economic and social importance of essential work [contrasted](#) sharply with the poor working conditions and grave risks these workers often faced. The pandemic also brought attention to the crucial protections unions can offer workers, including job security, paid leave, personal protective equipment, and a formal say in their own working conditions. As one illustration, the union density rate actually *increased* from 2019 to 2020 largely because union members were less likely to be laid off from their jobs during the pandemic than were non-union workers – demonstrating how unions help workers win job security. As the economy has begun to recover and employers' demand for workers has increased workers' bargaining power, some workers have begun to [reconsider](#) their options, looking beyond the low-paying, poor-quality jobs that put their health at risk.

As a result, the pandemic has bolstered interest in labor representation. Public approval of unions as [tracked](#) by Gallup has reached its highest point since 1965, with 68% of Americans approving of labor unions. As summarized in Figure 3, the number of non-union workers saying that they would vote for a union at their job if one were available to them, has grown significantly over time, from one-third of respondents in the 1970s, 1980s, and 1990s to over half of all workers in recent years. Support for a union in their workplace rises to 74% for workers aged 18 to 24, 75% for Hispanic workers, 80% for Black workers, and 82% for Black women workers (the highest of any race and gender group).

If all these workers had the union representation that they say they want, union membership would be four to five times higher than it is right now.

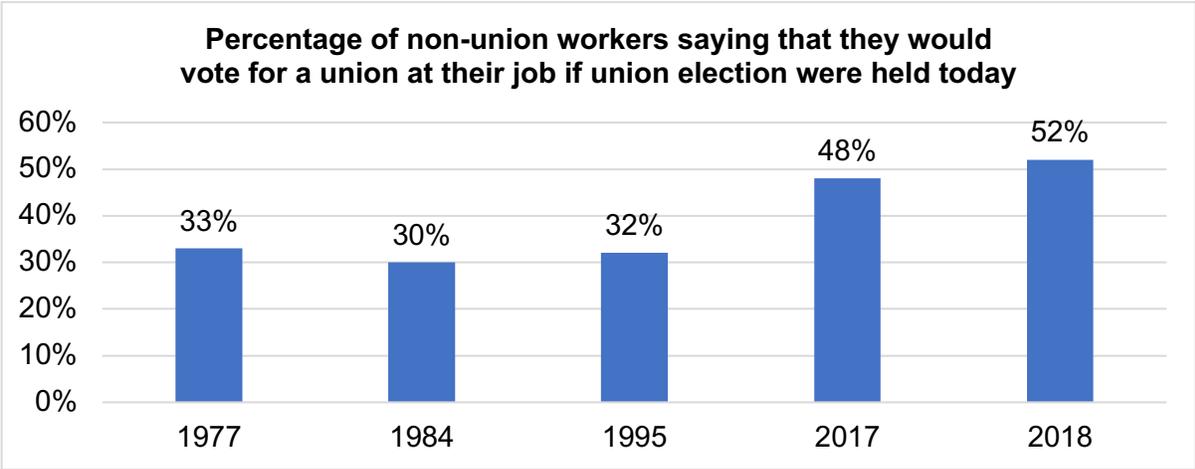


Figure 3: Support for Joining Unions Among Non-Union Workers

Today, we face a unique moment when all of these factors have converged to create real opportunities for worker organizing, particularly of workers who have not traditionally had access to unions in the past. To take advantage of these opportunities, this increased interest in unions must be met by corresponding and responsive changes in government policy and practices, such as those contemplated by the recommendations in this report.

However, our work also serves as a reminder that existing law is heavily tilted against the rights and needs of working people. We need new laws today, just as we did in the 1930s. That is why President Biden and Vice President Harris strongly support passage of the PRO Act, which would rebuild workers' organizing and bargaining rights in the private sector after decades of erosion. Among other things, it would curb the anti-union, anti-worker excesses of the Taft-Hartley Act enacted in 1947. The President and Vice President also support the [Public Service Freedom to Negotiate Act](#) to expand public-sector worker collective bargaining rights for state and local government employees.

In addition to these two bills, President Biden and Vice President Harris have endorsed several other important proposals that would expand labor rights for more workers, especially workers of color, women, and immigrants. These include guaranteeing labor rights to farmworkers and domestic workers—two segments of the labor force [excluded](#) from the protections of the National Labor Relations Act. The [National Domestic Workers' Bill of Rights](#), which Vice President Harris championed in the Senate and the President has endorsed, would expand federal labor law to domestic workers and create a new wage and standards board for regulating working conditions in the sector.

Strong worker organization can result, once again, in a stronger economy and democracy.

Recent organizing drives—like the national movement for a \$15 minimum wage—illustrate the promise of the current moment for worker organizing and worker power. This is especially true when workers are able to deploy creative new forms of collective action, reach new communities who have not traditionally been represented in the labor movement, build common cause between the labor movement and other movements for economic and social justice, and urge governments to improve laws, policies, and practices.

President Biden and Vice President Harris know that we will need revived worker power to meet the challenges we face in the coming months and years. Whether it is fighting COVID-19; advancing social and economic equity for underserved communities; tackling climate change and building a modern, sustainable economy; or protecting our democracy, we need a vibrant labor movement.

Section 4: Full List of Recommended Executive Actions

Recommendation Text as Submitted to the President on October 23, 2021

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Federal Employees: Making the Federal Government a Model Employer

Overview: The federal government is the largest employer in the United States, with more than 2.1 million non-postal employees. (Postal employees are covered by a separate labor relations statute). More than 1.2 million non-postal federal employees are represented by unions in over 2,000 bargaining units. However, only approximately 33 percent of bargaining unit employees are dues-paying union members, meaning that fewer than 20 percent of federal employees overall are union members. More than 835,000 federal employees work in a bargaining unit and benefit from union representation, but are not dues-paying members. There are more than 300,000 federal workers who are eligible to be represented by a union but are not. The federal government should be a model employer that facilitates its own employees joining or organizing a union, if that is what employees choose to do. Also, when federal employees organize a union, they should have an effective voice in workplace issues through their union and federal management should work closely with these unions to solve workplace issues in a manner that advances agencies' missions and produces high-performance workplaces.

[Implement a Suite of Strategies to Empower Workers to Organize in the Federal Sector and Remove Unnecessary Obstacles to Organizing](#)

Recommendation: Instruct OPM to proceed with implementing its ten initiatives to empower workers to organize in the federal sector and remove unnecessary obstacles to organizing. Further recommendations involving individual agency executive action related to these strategies are noted below.

Background: The Office of Personnel Management (OPM), in partnership with the National Economic Council (NEC) and the Office of Management and Budget (OMB), has developed a comprehensive strategy to meet the goals of this Task Force that includes the following ten initiatives:

1. **Facilitating exposure to unions during the hiring process for job applicants and onboarding process for new employees.** OPM should issue guidance to agencies (a) encouraging them to include information about whether a position is in a bargaining unit and the relevant union in every job opportunity announcement; and (b) encouraging agencies to offer their unions more opportunities to communicate with new hires during onboarding.
2. **Enhancing communications with federal bargaining unit employees concerning their right to union representation and ways employees can engage with their union.** Not all federal employees may realize they are included in a bargaining unit or know how to contact their union representative since this information is not provided regularly. OPM should release guidance encouraging agencies to periodically inform bargaining unit employees of their legal rights under federal labor law, including their right to join a union, and provide contact information for the union's designated representative.
3. **Increasing unions' access and ability to communicate with employees.** Federal sector unions have reported increasing difficulty in communicating with federal employees for a number of reasons. OPM should release guidance to agencies recommending different methods agencies could employ to facilitate union communications with employees, including providing unions with bargaining unit employee names and work email addresses and access to physical and electronic bulletin boards (e.g., an agency intranet).

Agency Recommendation: The **General Services Administration** is already planning to examine opportunities to increase unions' access to federal employees working in GSA-controlled buildings and to promote the benefits of union representation and collective bargaining to GSA employees. In addition, GSA should be directed to implement its plan to update its Labor-Management Relations (LMR) InSite web pages to incorporate a collaborative labor-management relations approach, add information about GSA union representatives, and develop educational materials, such as a labor history video, to be distributed around Labor Day each year.

Agency Recommendation: The **Department of Agriculture** should be instructed to consider bargaining during the term of its collective bargaining agreement or otherwise reach an agreement to allow the union greater access to firefighter employees by allowing the union to use government email to contact those employees outside of work hours. Currently, union organizers are contractually prohibited from using government email to engage prospective union members. The U.S. Forest Service (USFS) employs 30,000 employees, of which 10,000 are firefighters. USFS firefighters are traditionally underpaid and lack access to healthcare and other benefits, particularly during the off-season. Allowing the union greater access to USFS firefighters would eliminate a barrier to the union building its membership.

4. **Streamlining the process to become a dues-paying member by improving dues processing and forms.** There is no consistent way for federal employees to access the forms that allow them to become dues-paying union members, and the forms are both hard to use and hard to find. OPM should update dues forms and provide guidance to agencies on making dues forms more readily available and easier to use and process.
5. **Developing guidance and labor relations materials for agencies to use in trainings for managers and supervisors regarding unfair labor practices and neutrality in union organizing campaigns.** OPM should develop guidance to agencies outlining statutory requirements for managers and supervisors regarding union and employee rights under the law. OPM should also develop labor relations training materials, which can be made available to agencies to incorporate into supervisor training.
6. **Increasing data transparency on union membership rates across the federal government.** A lack of government-wide data on union membership makes it difficult to build accountability across different parts of the federal government, assess progress, and identify where there are opportunities for improvement. OPM has undertaken and should continue and refresh its comprehensive data collection effort on union density rates across the federal sector and within each agency.
7. **Launching a government-wide messaging campaign to amplify and publicize Task Force efforts to federal employees.** This Task Force presents a unique opportunity to create a whole-of-government communications strategy to amplify the administration's commitment to empower and inform federal workers of their rights, including their right to join a union, as well as to highlight the benefits that unions can provide.

Agency Recommendation: The **Department of Education** should be directed to consider issuing an annual statement and sharing it with the relevant unions to reinforce the Department's commitment to worker organizing and collective bargaining. This would mirror similar activity at other agencies. For example, a small group of agency leaders at the Department of Veterans Affairs have already issued statements of support related to EO 14003 in the past few months.

8. **Engaging agencies to share best practices and support implementation of federal sector strategies.** OPM should engage the agencies' Chief Human Capital Officers (CHCOs) and labor relations staff to review the new guidance and share best practices for implementation.
9. **Removing unnecessary barriers and obstacles which impede unions from increasing bargaining unit coverage for the more than 300,000 federal workers who are eligible to organize but are not currently in a bargaining unit.** OPM should engage with the agencies with the largest shares of these 300,000 employees to assess opportunities for unions to expand coverage consistent with applicable law, improve data transparency on bargaining unit eligibility in all agencies, and develop guidance and fact sheets on how eligible employees can form or join unions.
10. **Addressing whether non-bargaining unit positions are correctly excluded from bargaining unit coverage.** OPM should work with agencies and provide guidance to help them review and, if necessary, correct the bargaining unit status of federal sector positions.

Agency Recommendation: The **Department of Health and Human Services** has begun to prioritize preventing improper classification of bargaining unit employees. HHS plans to perform a comprehensive review of the bargaining unit classifications for all its 20 bargaining units Department-wide. As part of this process, HHS plans to develop job aids and training materials to standardize interpretation of bargaining unit exclusions and application to positions. In addition, HHS plans to establish a Community of Practice to provide an opportunity for continued coordination, as well as leveraging of best practices Department-wide.

Agency Recommendation: The **Department of Defense** also plans to conduct a detailed review of the bargaining unit status codes of employees in positions who are eligible to be included in a certified bargaining unit to assess whether any employees are in positions that may have inadvertently been miscoded or excluded. Upon completion of this review, the Department will analyze any employees that remain in this category for trends or potential barriers. Finally, the Department will undertake educational efforts to ensure labor relations practitioners understand bargaining unit status terminology and criteria, and that they are able to provide sound guidance on this topic.

Reinstitute Labor Management Forums

Recommendation: Take the following three actions to institutionalize labor-management forums and pre-decisional involvement across the executive branch:

1. Immediately repeal EO 13812, issued in 2017 by the prior administration, which removed any requirement to establish labor-management forums and discouraged their use.
2. Strongly encourage agencies, through a Presidential Memorandum or other suitable mechanism, to establish labor-management forums and engage in pre-decisional involvement (PDI) on workplace matters at appropriate levels, in coordination with OPM, and direct OPM to provide agencies and unions with technical assistance and guidance and encourage them to collaborate with the Federal Labor Relations Authority and Federal Mediation and Conciliation Service in identifying such assistance.
3. Direct OPM to work with OMB, White House Counsel's Office, federal sector unions, and member agencies of the Task Force on Worker Organizing to determine a path forward to institutionalize labor-

management forums, PDI of unions in agency decision-making, and labor-management cooperation in the federal sector, including through a new potential Executive Order.

Background: During the Obama-Biden administration, EO 13522 recognized that federal employees and union representatives are an essential source of front-line ideas and information about how to deliver government services. It directed agencies to establish labor-management forums to allow agencies and unions to work collaboratively to deliver the highest quality services to the American public. EO 13522 was rescinded on September 29, 2017. On May 18, 2021, OPM issued guidance related to EO 13812, acknowledging that EO 13812 was still in effect but reminding agencies that they were not prohibited from establishing labor-management forums or engaging in PDI. The **Department of Homeland Security** has already begun the process to establish labor-management forums at the department and component levels.

[Expand Collective Bargaining Rights for the Transportation Security Administration’s Screening Workforce](#)

Recommendation: Instruct the Department of Homeland Security (DHS) to issue a Determination that expands the scope of national-level bargaining for the Transportation Security Administration (TSA) screening workforce.

Background: TSA’s screening-workforce employees are largely excluded from the personnel systems and collective bargaining rights available to nearly all other non-military federal employees. Instead, the TSA Administrator can issue a Determination that governs, among other things, the scope of collective bargaining for TSA’s screening employees. On June 3, 2021, Secretary Mayorkas directed DHS’s TSA to develop a new Determination that expands the scope of national-level bargaining for the screening workforce. This change would empower TSA employees and encourage union membership. After the Determination is issued, TSA and the American Federation of Government Employees (AFGE) will begin negotiating a new collective bargaining agreement.

[Identify a Long-Term Solution to Creating a Robust Wildland Firefighter Workforce](#)

Recommendation: Instruct the Office of Management and Budget, Department of Agriculture, Department of the Interior, and Office of Personnel Management to ensure that their existing effort to identify a long-term solution to creating a robust wildland firefighter workforce considers opportunities to increase union density.

Background: Unions that represent firefighters have a hard time recruiting and retaining members because of the U.S. Forest Service’s hybrid workforce, inclusive of both “permanent” and “seasonal” firefighters. Establishing a long-term solution to the creation of a robust wildland firefighter workforce would improve their ability to carry out their mission year-round while likely increasing union density and allowing firefighters to earn a reliable income and year-round benefits, such as health care and retirement.

Federal Contractors’ Employees: Ensuring Union Access to Employees

Overview: Workers frequently learn about their rights to organize and bargain collectively, and how to exercise those rights, from union organizers. These organizers work with employees who support forming a union in their workplace to educate co-workers and to discuss the important issues that might cause them to choose a union. In addition, after employees have chosen a union to represent them, union staff provide a host of services that require regular interaction with everyone in the workplace. For these reasons, it is vital for union organizers and selected other union staff to be able to gain access to the places where employees work. Some of these workplaces are on federal property, including military

bases, national parks, and federal buildings around the country. As long as it can be done consistent with safety, security, order, and contract operations, the federal government should facilitate access to these workplaces.

Standardize Guidelines for Union Organizer Access to Military Bases and Installations

Recommendation: Instruct the Department of Defense (DOD) to review existing guidance, consider developing consistent policies and best practices, and consider issuing standardized guidance across the Department to ensure union organizers can access bases and installations. The DOD should consider implementing standardized guidelines ensuring that union organizers can have access to employees – including employees of private-sector contractors – on its bases and installations in a manner that does not interfere with safety, security, order, or contract operations. DOD should also reiterate current federal policy protections for organizing activity related to union access on DOD property and highlight relatively recent processes and procedures that have improved and standardized the access process.

Strengthen Labor Provisions in National Park Service Concessions Contracts

Recommendation: Instruct the Department of the Interior to update and strengthen concessions contracting guidance, such as guidance used by the National Park Service, to clearly communicate allowable labor practices, including access to the contract workforce for the purpose of union organizing. DOI should explore methods to encourage pro-labor practices by the private-sector contractors that help it carry out its mission, including providing clarifying language in National Park Service (NPS) concessions contracts and concession contract policy. DOI should also explore ways to reinforce that unions have access to, and may communicate with, workers employed under these kinds of contracts, such as workers staffing lodges and other facilities in national parks.

Ensure Union Organizer Access to Private-Sector Contractors' Employees on Federal Property

Recommendation: Instruct the General Services Administration's Office of Government-wide Policy and the Office of Management and Budget to consider revising the Federal Management Regulation (FMR) to make clear that worker organizing and collective bargaining among employees of contractors working in federal government facilities are not covered or restricted by the general prohibition on soliciting, posting, and distributing materials under the jurisdiction, custody or control of GSA.

Background: The Federal Management Regulation (FMR) generally prohibits soliciting, posting, and distributing materials on property under GSA jurisdiction, custody, or control. There are several exceptions, however, including one for the solicitation of labor organization membership or dues. Including a similar exception for labor organizations representing or seeking to represent private-sector contractors' employees working in GSA-controlled facilities would enable union organizers to access these employees. Each federal agency with independent landholding authority should similarly investigate the possibility of amending its applicable regulation consistent with GSA's actions.

All Employees: Facilitating First Contracts for Employees Who Organize a Union

Helping to Translate Worker Organizing into Collective Bargaining Agreements

Overview: Workers organize unions to improve their work lives: to increase wages and benefits, make their workplaces safer and healthier, secure leave for family and medical purposes, and to secure protections against discrimination, harassment, and unfair decisions. These improvements are delivered through collective bargaining between the employer and the union, and the collective bargaining agreements these negotiations produce. Without these agreements, workers are deprived of the benefits of their organizing. Federal agencies can and should be more proactive in urging and, in appropriate cases,

requiring, employers to participate in training and mediation services designed to assist the parties in reaching a first contract.

Recommendation 1: Instruct the Federal Acquisition Regulatory Council (FAR Council) to consider amending its regulations to require federal contractors that are notified by the National Labor Relations Board (NLRB) that their employees who work on a federal contract have been certified as represented by a union to notify the contracting agency within 48 hours with a copy to the union. These revised regulations also should urge all federal contractors to engage the Federal Mediation and Conciliation Service (FMCS) to help mediate negotiations to reach a first collective bargaining agreement with newly certified unions. Where needed to protect the government's interest in efficient and economical contracting, contracting agencies may decide to require their contractors to participate in training and mediation through the FMCS.

Recommendation 2: While acknowledging the independence of these agencies, encourage the NLRB, the FMCS, and the Federal Labor Relations Authority (FLRA) to improve their current practices to encourage and assist in reaching first collective bargaining agreements between employers and newly organized unions. These independent agencies should be strongly encouraged to take the following steps:

1. The NLRB should continue its practice of regularly notifying FMCS when new units are certified. It should provide these notifications weekly and should include all pertinent information.
2. The NLRB should develop a standard letter to send the employer and union for newly-certified units. The NLRB should copy FMCS on its communication to the parties.
3. When notified of a newly-organized unit, FMCS should promptly reach out to the employer and the union, introduce them to FMCS's services, offer to provide training in first contract negotiations, and offer FMCS's mediation services in reaching a first contract. FMCS also should develop materials describing these services and explaining the collective bargaining process, and make the materials readily available. FMCS also should track, gather and report on data about parties' use of FMCS services, and follow-up on its outreach.
4. The FLRA and the FMCS are strongly encouraged to continue and expand their collaborative efforts to train and assist federal sector parties in reaching initial collective bargaining agreements and resolving related disputes.

Background:

More than half of all new bargaining units do not have a first collective bargaining agreement within a year of workers voting to be represented by a union. Some employers stall bargaining to undermine support for the new union. This frustrates workers and undermines workers' right to organize and bargain collectively. In addition, the federal government as a purchaser of goods and services has an interest in its contractors reaching first collective bargaining agreements to promote stability and minimize disruption of services and goods procured by the federal government.

[Strengthen Existing FAR Provision Encouraging Conciliation/Mediation/Arbitration for a Labor Dispute that is Affecting or Threatens to Affect Contract Work](#)

Recommendation: Instruct the Department of Defense to provide added guidance highlighting regulations that address what the agency can do to maintain sound labor relations with industry and labor consistent with its acquisition responsibilities.

Background: Existing regulations encourage contracting agencies to notify the FMCS when a labor dispute is affecting or could affect agency acquisitions. Additional guidance would more strongly

emphasize the ability of DOD's components (the various DOD military services and defense agencies), while remaining impartial, to contact the agency responsible for conciliation/mediation/arbitration when there is an actual or potential labor dispute that could affect contract work, including a dispute over reaching an initial collective bargaining agreement when workers first organize.

Private-Sector Employees: Improving Transparency of Anti-Union Campaigns by Employers

Improve Reporting on Persuader Activity

Overview: In 75 to 80 percent of union organizing campaigns, employers hire third-party consultants to develop communications and campaign strategies designed to defeat the organizing drive. This is known as "persuader" activity. Workers, unions, corporate shareholders and others that own interests in companies, and the public should know about persuader activity because it shows the extent and cost of activities employers undertake to defeat workers' organizing efforts. Congress recognized the imbalance in information about employers' responses to worker organizing and required employers and their persuaders to file disclosure reports (known as LM-10, LM-20, and LM-21 reports) with the Labor Department's Office of Labor-Management Standards (OLMS). These reports and the information they provide, and the enforcement of the requirement to file disclosure reports, should be further improved.

Recommendation 1: Instruct the Department of Labor to review its rules and policies on persuader reporting and take all appropriate actions to strengthen its rules and enforcement to ensure maximum compliance and reporting of persuader activity.

Recommendation 2: Direct OLMS to consider proposing a revision to its rules to require disclosure on the LM-10 form as to whether the filer is a federal contractor (i.e., request the filer's unique entity identifier), whether the persuader activity relates to employees working on or in connection with the federal contract, and with which agency or agencies the employer contracts.

Recommendation 3: Instruct the Department of Labor and the Office of Federal Procurement Policy to develop a mechanism for ensuring that contracting agencies are aware of persuader reports filed by federal contractors, and for ensuring compliance with E.O. 13494.

Background:

Compliance with persuader reporting rules is uneven and there are significant shortcomings in the types of information required. OLMS should update guidance and enhance investigations to improve compliance. Further, Executive Order 13494, issued by President Obama in January 2009, disallows federal contractors' costs related to persuading employees regarding unionization (i.e., persuader costs), meaning that federal contract dollars cannot be used for this purpose. The FAR Council published regulations implementing this requirement. Yet, contracting agencies do not have sufficient information to effectively enforce the executive order. OLMS could provide that information if it required employers that are federal contractors to make that status clear on their disclosure reports and worked with the Office of Federal Procurement Policy (OFPP) to develop a mechanism for sharing this information with contracting agencies.

Promote Regulations on Unallowable Labor Relations Costs in the Defense Department

Recommendation: Instruct the Department of Defense to promulgate additional guidance to contracting officials about regulations holding that certain labor relations costs are "unallowable" and, therefore, cannot be paid with federal contracting funds.

Background: Regulations implementing Executive Order No. 13494 make unallowable costs relating to any activities undertaken to persuade employees to either exercise or not exercise their right to organize and bargain collectively. Further guidance should aim to increase awareness that these costs are expressly unrecoverable.

All Employees: Increasing Visibility, Support, Awareness, and Promotion of Collective Bargaining – Increasing Awareness of Workers’ Rights

Overview: [Research](#) shows that more than half of private sector workers want a union in their workplace. [Young workers, workers of color, and women](#) are especially interested in organizing and supportive of unions. Too often, however, workers are not aware of their rights and the procedures for enforcing their rights. Through broader education efforts, including more effective enforcement of existing regulations and expansion of existing efforts, federal agencies could significantly increase the number of workers who know their rights. As employees understand their rights to organize and bargain over a wide range of workplace issues, the likelihood of organizing may increase. Moreover, knowledge of workers’ basic statutory rights promotes stable labor management relations for federal contractors, thus promoting efficiency in federal contracting and reducing costs to the federal government.

In addition, visible support for the right of workers to organize sends a strong message to workers that the Biden-Harris administration supports and defends their right to a free and fair choice to organize or join a union. President Biden showed the power of the bully pulpit when he spoke out in late February about the importance of unions and of workers having a free choice about forming a union at their workplace. Other Executive Branch leaders can and should follow the President and Vice President’s example and speak out publicly and forcefully about workers’ choice about the benefits of unionization and the importance of a strong labor movement.

[Launch a Know Your Rights Initiative on the Rights to Organize and Collectively Bargain](#)

Recommendation 1: Instruct the Department of Labor to lead a coordinated, government-wide initiative to increase awareness among workers of their federally-protected rights to organize and bargain collectively with their employers, including using the workplace notice that Executive Order No. 13496 requires federal contractors to post. OFCCP should expand its efforts to ensure the poster is displayed as widely as possible. OFCCP should remind federal contractors of their obligations under E.O. 13496 and include information about the notice on its webpage, in its compliance checklist, and in information it sends to contractors. The Department of Labor should identify additional opportunities to distribute the notice through its other agencies with an emphasis on reaching young workers, women and workers of color. DOL should also work with other departments and agencies to include the poster requirement in compliance checklists utilized by contracting officials and other outreach initiatives.

Recommendation 2: Strongly encourage the NLRB, FLRA, FMCS, and NMB to prioritize expanded outreach at the national and regional level, particularly to young workers and underserved communities, and post updated, visible, and accessible materials on agency websites and social media platforms about workers’ organizing and bargaining rights.

Background:

In January 2009, President Barack Obama issued [Executive Order No. 13496](#) requiring federal contractors to post a notice (and make it available electronically where electronic notices are kept) informing employees of their rights under the National Labor Relations Act. The Labor Department’s Office of Federal Contract Compliance Programs (OFCCP) and Office of Labor-Management Standards (OLMS) enforce this requirement. Given the number of workers who are unaware of their organizing and

bargaining rights, greater efforts by the relevant agencies to increase compliance with the posting requirement will increase workers' knowledge and could lead more workers to exercise their rights.

The independent labor agencies (NLRB, FLRA, NMB, and FMCS) also have an important role to play in making workers aware of their rights. They can update and expand the information on their websites on worker organizing and bargaining rights. In addition, the agencies can broaden their outreach to young workers, underserved communities, immigrant workers, and others, about the organizing and bargaining rights protected by their agencies. The NLRB has already begun to expand this work through regional trainings, social media, embassy partnerships, and other outreach.

[Department of Defense Verification of Posting of Organizing and Bargaining Notice](#)

Recommendation: Instruct the Department of Defense to emphasize and verify that its contractors comply with regulations regarding notification of employee rights under the National Labor Relations Act.

Background: The regulations implementing Executive Order 13496 require covered contractors to post a notice to employees of their rights to organize and bargain collectively. This action would add the posting of the notice to a checklist used to track compliance with contract requirements set out in the Defense Acquisition Regulation Supplement (DFARS) Procedures, Guidance and Information (PGI). An entry on this checklist would reinforce contractor compliance which, in turn, would improve awareness and distribution of information to federal contractor employees.

[Expand Worker.gov](#)

Recommendation: Instruct the Department of Labor to expand and improve the information available to workers on Worker.gov, including information regarding their rights to organize and bargain collectively, and make the information more widely available on other platforms.

Background: Worker.gov, launched at the end of the Obama-Biden administration, is a plain language website with information on workers' rights under key workplace laws, including the Fair Labor Standards Act, the Occupational Safety and Health Act, Title VII of the Civil Rights Act, and the National Labor Relations Act. Worker.gov offers one-stop-shopping for workers with questions about workplace issues and helps them understand their rights and identify the appropriate agency to assist them. It is available in English and Spanish and could be expanded to include more languages with additional resources. DOL is already working with the National Labor Relations Board to update and improve the information on Worker.gov relating to workers' organizing and collective bargaining rights. DOL also should work with communications and other experts on ensuring that know-your-rights materials are presented in ways and on platforms that workers, including young workers, typically access, and should share this learning with other labor agencies, including smaller labor agencies that may not have in-house capacity to undertake this work.

[Increase Awareness of Employee Rights Among Head Start Staff](#)

Recommendation: Instruct HHS to develop and implement a campaign targeted to increase awareness and knowledge among Head Start staff of their rights to organize and bargain collectively, and providers of their responsibilities under labor law and Head Start rules.

Background: The Department of Health and Human Services' Administration for Children and Families administers grant funding and oversight to 1,600 public and private non-profit and for-profit agencies that provide Head Start services to over a million children in local communities. HHS can increase awareness by issuing guidance to Head Start grantees reminding them of their obligation to remain neutral if

employees choose to organize and should include the information on labor rights created under Executive Order No. 13496 along with information about other relevant laws.

[Inform Farmworkers about their Right to Join a Union at USDA Farmworker Housing Facilities](#)

Recommendation: Instruct the Department of Agriculture’s Rural Housing Service to encourage its farm labor housing grantees to share information about the right to organize and bargain collectively. USDA will ensure its grantees do not discriminate against individuals based on their membership or participation in a labor union worker organizing or collective bargaining.

Background: USDA provides low-interest loans and need-based grants to develop affordable housing for year-round, migrant, seasonal, retired, or disabled domestic farm laborers. According to the Rural Housing Coalition, USDA finances an average of 600 units per year, a total of 37,000 to date. By encouraging grantees to share information about organizing rights, USDA can raise awareness of organizing rights among agricultural workers, who are among the most vulnerable workers and who stand to benefit greatly from unionization and collective bargaining.

[Connect Small Business Owners with Resources on Unionization](#)

Recommendation: Instruct the Small Business Administration to assemble a resource guide for small businesses, in partnership with the Department of Labor, the National Labor Relations Board, and the Federal Mediation and Conciliation Service, to inform small business employers of their obligation to respond legally and fairly to worker organizing and provide an overview of additional resources and trainings for employers.

Background: Many small businesses may not know how to respond legally and fairly to workers’ attempts to organize. Some unionization efforts might never gain traction because employers may unknowingly deny workers their right to organize. By taking steps to ensure more small businesses are aware of existing labor laws, more worker organizing efforts might ultimately be successful. SBA and its partners can identify materials or programs available to businesses whose employees are interested in forming a union to help ensure that employers respond legally and fairly to worker organizing. These resources may include Employer.gov. Once the available suite of resources has been identified, SBA should assemble a resource guide of existing materials and programs that it will disseminate to its appropriate customer-facing offices and resource partners that would allow them to share information and connect small businesses with programs or resources made available through other agencies or labor partners.

[Bully Pulpit and Bully Pulpit Resource Center](#)

Recommendation 1: All components of the Biden-Harris administration, including the President, Vice-President, and Cabinet, should talk about the importance of the federally-protected right of workers to organize and bargain, and the benefits to workers, employers, and communities of collective bargaining. The Labor Department should assist with these efforts. This could include public service announcements by the President, Vice President, Secretary of Labor, and other high-ranking officials and videos by these officials for labor agency websites.

Recommendation 2: Instruct the Department of Labor to create a resource center for workers, employers, the public, and other government agencies, on the benefits of unionization and labor-management partnerships to workers, employers, and communities, and, subject to available funds and authorities, to explore establishing a new office, center, or initiative to provide greater visibility to this activity.

DOL, in consultation with the National Labor Relations Board, the Federal Mediation and Conciliation Service, and other agencies, should develop materials on the rights to organize and collective bargaining,

including achievements of successful collective bargaining relationships, and identify opportunities to bring visibility to these relationships. DOL and other agencies should actively identify and pursue opportunities to raise awareness about worker organizing and collective bargaining, to promote the benefits of collective bargaining relationships, and to publicize the importance of unions to achieving economic fairness and racial and gender justice.

Department of Defense Promotion of Regulations on Allowability of Certain Labor Relations Costs Relating to Maintaining Satisfactory Labor Relations

Recommendation: Instruct the Department of Defense to promulgate additional guidance highlighting to contracting officials its regulations on the allowability of costs incurred in maintaining relations between contractors and their employees, including costs of shop stewards, labor management committees, employee publications, and other related activities.

Background: Regulations on labor relations costs makes recoverable under cost reimbursable contracts those costs associated with satisfactory relations between a contractor and its employees, including costs of shop stewards, labor management committees, employee publications, and other related activities. This action would provide DOD contracting personnel with more information about these rules. If they, in turn, make contractors more aware these costs are recoverable, they may be more willing to expend resources to improve labor relations. This would improve unions' ability to represent their members and potentially promoting organizing and collective bargaining.

Support for Emerging Labor-Management Partnerships

Recommendation: Encourage the Federal Mediation and Conciliation Service (FMCS) to explore ways of utilizing the joint labor-management grants program authorized in the Labor-Management Cooperation Act of 1978 to support emerging labor-management partnerships, including in new industries, and encourage FMCS to assist with the process of an employer voluntarily recognizing a union when the parties have agreed to that arrangement, and to publicize the availability of these services through FMCS.

Background: FMCS promotes labor-management partnerships and strengthening collective bargaining relationships, in part, through this labor-management grants program. These grants can support labor-management partnerships, including innovative partnerships in new industries, which would strengthen workers' collective voice and showcase the power of collective bargaining. In addition, FMCS can and should make its services available to conduct card-check verifications when employers and unions have agreed upon a voluntary recognition process, to help facilitate the union recognition process at a minimal cost to the parties.

Organize Informative Training or Listening Sessions at GSA

Recommendation: Instruct the General Services Administration to implement its union organizing and collective bargaining rights awareness session.

Background: GSA should facilitate informative training or listening sessions for federal contractors' employees about the benefits of collective bargaining and unions. GSA may use speakers from local unions, labor councils, and other labor organizations, and provide access to GSA's existing platforms such as Industry Day, fairs, and conferences, when possible.

All Employees: Reduce Administrative and Tax Burdens on Workers Joining Unions

Overview: Workers must overcome unnecessary administrative and tax-related obstacles to joining and remaining members of unions. Yet, there is no reason it should cost more or require more administrative effort to be a union member than it does to join another organization. Some barriers are unintentional and

can be easily removed or paths around them readily established.

[Eliminate Obstacles and Allow for Automatic Deductions from Payments to Medicaid Providers](#)

Recommendation: Direct the Department of Health and Human Services to prioritize the rulemaking on automatic deductions for benefits from Medicaid provider payments and timely proceed with reviewing the record and developing a final rule.

Background: Employers commonly allow for automatic payroll deductions for various benefits, such as health insurance premiums, union dues, and other benefits. This practice eases administrative burdens on employees by eliminating individual, manual payments. This impact is particularly felt in the home and community-based service provider industry, where many providers are considered individual practitioners, and not formally employed by the state or any agency. The Centers for Medicare and Medicaid Services (CMS) has issued a proposed rule that would clarify the permissibility of direct payment to third parties for the provision of health insurance, skills training, and other customary employee benefits. This proposed rule is intended to allow states to authorize automatic deduction of costs for benefits typically associated with employment from the home- and community-based service workers' paychecks, with the provider's consent to such deductions.

[Explore Potential Tax Levers to Remove Barriers to Worker Organizing](#)

Recommendation: Direct the Office of Tax Policy at the Treasury Department to review recent proposals to identify those that are relevant to, and could be used to advance, the Task Force's mission, and to identify and evaluate additional proposals to be included in next year's Green Book.

Background: Treasury's Office of Tax Policy helps develop tax proposals for consideration by Congress every year. The office should review and evaluate options for legislative tax proposals that could incentivize union participation and formation and other worker empowerment initiatives. In the past, OTP has reviewed proposals to make union dues eligible for a tax credit or an above-the-line deduction that a worker claims on an annual income tax return. It has also reviewed proposals to deny deductions for expenses paid or incurred by employers or other taxpayers to further activities that impede or inhibit workers' efforts to organize or participate in union organization. It has also considered the impact and benefits of permitting the Treasury Department to revise outdated worker classification rules so that firms cannot deem people to be contractors when they are actually employees (a long-standing legislative prohibition prevents revisions to these rules).

All Employees: Ensuring Effective Enforcement of Existing Laws

Overview: Workers in the U.S. should benefit from the protections of a long list of basic labor and employment laws ranging from minimum wage and occupational safety and health laws to laws prohibiting discrimination and harassment in the workplace to laws establishing and protecting the rights to organize and bargain collectively. While many employers voluntarily comply with these laws, federal agency enforcement of the laws is needed when other employers commit violations. So, the question of whether workers' rights under these laws are protected can depend upon the manner in which federal agencies administer and enforce the law. All federal agencies charged with these responsibilities should seek to improve their administration and enforcement of the law, including through closer cooperation and coordination, to protect workers' rights and ensure they have a free and fair choice to join a union.

Improve Coordination and Cooperation on Anti-Retaliation Enforcement

Overview: Workers too often face illegal retaliation when they exercise their workplace rights to minimum wages and overtime pay, to safe and healthy working conditions, to organize a union and bargain collectively, and to a workplace free from illegal discrimination. Illegal retaliation chills workers in the exercise of their rights. Claims involving retaliation against workers for exercising their right to organize a union or otherwise engage in protected concerted activity are within the jurisdiction of the National Labor Relations Board (NLRB). However, workers often file complaints with other agencies, including the Department of Labor (DOL), that involve activity protected under labor law. Better coordination and cooperation among the involved agencies would ensure more workers are protected from retaliation.

Recommendation: Instruct DOL to update and strengthen its Memoranda of Understanding with the National Labor Relations Board and make all necessary changes to ensure that workers - alleging retaliation when they are engaged in concerted activity - receive the full protection of the law. DOL and other relevant agencies should strengthen their coordinated efforts to make referrals to ensure that workers are protected against retaliation when they are involved in a labor dispute.

Background:

DOL should work with the NLRB to update and revitalize its Memoranda of Understanding (MOUs) regarding referral to the NLRB of retaliation complaints that allege activity that is potentially protected under the National Labor Relations Act (NLRA). DOL should track these referrals to obtain information on case outcomes. DOL also should consider anti-retaliation cross-training with the NLRB, including at the regional level, to improve coordination and effective enforcement.

Support Enforcement of Labor and Employment Standards

Recommendation: Consistent with Secretary Mayorkas's October 12, 2021 directive, instruct the Department of Homeland Security to develop and implement immigration enforcement policies that facilitate the important work of the Department of Labor (and other sister agencies) to protect organizing and collective bargaining rights and enforce wage, workplace safety, and other standards. As longer-term undertakings, DHS should be instructed to: (1) conduct a comprehensive Department-wide policy review to ensure that DHS policies support the enforcement of employment and labor standards, including the rights to organize and bargain collectively; and (2) develop component plans to ensure that victims of, and witnesses to, labor exploitation and unfair labor practices are unafraid to cooperate with law enforcement in its investigation and prosecution of unscrupulous employers.

Background: Worker power is undermined by the ability of companies to exploit vulnerable workers—in particular, unauthorized workers. Such exploitative employers drive down wages, discourage organizing, and create unsafe working conditions for all workers. Secretary Mayorkas's directive to DHS Components was intended to guard against these kinds of exploitation by: (1) halting mass-worksite operations (i.e., highly visible operations that result in the simultaneous arrest of hundreds of workers and have the effect of chilling worker cooperation in workplace-standards investigations); and (2) directing DHS Components to support DOL workplace-standards investigations by considering, on a case-by-case basis, the exercise of prosecutorial discretion for certain workers who are victims of or witnesses to workplace incidents.

Prevent and Address Worker Misclassification

Recommendation: Instruct the Department of Labor to continue to prioritize action to prevent and remedy the misclassification of workers as independent contractors, through (1) rigorous enforcement, (2) partnerships with other relevant federal and state agencies, such as the Internal Revenue Service and the

Department of Transportation, (3) guidance, rules and/or education for employers and workers, as needed, and (4) robust outreach to workers, employers, unions, and worker advocates.

Background: Misclassification of employees as independent contractors deprives workers of their rights under federal labor laws because independent contractors are not covered by most of those laws. In particular, the practice of misclassification undermines workers' organizing rights because employers that misclassify workers as independent contractors typically do not consider them to be employees under the National Labor Relations Act. DOL should continue to prioritize addressing the misclassification of employees as independent contractors through a range of strategies, potentially including strategic enforcement, strategic partnerships with other agencies (e.g., the Internal Revenue Service, the Department of Transportation, and state agencies), and guidance documents, research, and outreach/educational initiatives.

Strengthen Service Contract Act Compliance and Enforcement Efforts

Recommendation: Instruct the Department of Labor to continue to review its regulations and enforcement strategies and consider action to improve compliance with the Service Contract Act.

Background: The Service Contract Act requires that federal service contractors' employees receive prevailing wages, benefits, and other protections. SCA employers often pay relatively low wages, making the SCA wage and benefit protections extremely important to SCA workers. Greater compliance with the SCA will give unionized contractors a greater ability to compete for federal service contracts because their non-union competitors will not be able to slash wages and benefits to win bidding contests.

Davis Bacon Act Payroll Verification Automation

Recommendation: Instruct the General Services Administration to coordinate with the Department of Labor to investigate the feasibility of developing payroll certification "bots" to review and compare prevailing wages to actual weekly certified payroll data.

Background: GSA has already begun to consult with the Department of Labor on possibly obtaining data in a format that can be used for a robotic process "bot" to automate the Davis-Bacon and Related Acts (DBRA) payroll verification process. This initiative would allow more effective reviews of payroll certifications that are currently being performed manually. Automating the process, if possible, would cause more employees and their unions, when they are represented, to know whether they are receiving appropriate wages. Greater compliance with the DBRA laws will give unionized contractors a greater ability to compete for federal construction contracts because their non-union competitors pay sub-prevailing wages and benefits.

Review HUD's Practices for Monitoring and Enforcing Wage Rates Across HUD Grantees

Recommendation: Instruct the Department of Housing and Urban Development to review current policies around monitoring and enforcing compliance with statutes that set wage rates.

Background: HUD has authority to enforce wage rates in various sectors where HUD provides grant funding. HUD can review the agency's consistency in enforcing these rates with grantees and subcontractors. Better enforcement of these wage rates would provide an incentive to contractors to submit bids that account for appropriate wages and labor standards and, therefore, are more likely to include unionized building trades workforces. By examining the agency's clarity and consistency in the use of set wage rates, HUD can ensure the agency's practices are easier to understand for grantees and incentivize appropriate bidding.

Federal Contractors' and Grantees' Employees: Strong Labor Standards Applied to Federal Funding

Overview: The U.S. government spends hundreds of billions of dollars through a wide variety of grant programs and contracting. When permitted by the statutes that authorize and appropriate this spending, federal agencies may have the ability to add labor standards to these programs and procurement that both advance their mission and ensure they do not permit the creation of barriers to worker organizing and collective bargaining. Where permitted by law and consistent with agencies' missions, federal taxpayer dollars should be used to advance our national policy to encourage unions and collective bargaining. In many cases, facilitating worker organizing and collective bargaining will increase agencies' ability to carry out their missions.

Propose Job Quality Guidance

Recommendation: Direct the Domestic Policy Council, in coordination with the Department of Labor, the National Economic Council, and the Office of Management and Budget, and in consultation with relevant agencies, to develop a description of the characteristics defining a good-quality job and a list of job quality metrics that agencies can use to assess the effectiveness of their programs in advancing job quality. The DPC, DOL, NEC, and OMB should also actively explore ways of using the job quality matrix or other mechanisms to improve job quality for federal contractors.

Armed with the job-quality matrix, all agencies should be asked to identify grant programs and contracts where they can incorporate job quality elements. Agencies may then select key grant programs where piloting job quality criteria will have a wide reach and meaningful impact. DOL should, within the bounds of appropriations law and relevant programmatic laws, provide technical assistance.

In the spirit of this initiative, the **Department of Energy** has already convened senior leaders across the Department to identify opportunities to support the creation of quality jobs through procurement, loan guarantees through the DOE Loans Program Office, and financial assistance activities (including demonstration projects), based on impact and feasibility for implementation.

Strengthen Merit Staffing Requirements

Recommendation: Instruct OPM to evaluate ways to strengthen merit staffing requirements and rescind the previous administration's guidance which gave states broader ability to contract out work to non-unionized companies.

Background: OPM administers the Intergovernmental Personnel Act (IPA), which requires states that administer certain federally-funded and state-administered grant-in-aid programs to adhere to merit principles in their employment practices rather than political preferences in hiring staff to administer these programs. Merit staffing also supports worker organizing because merit staff are more likely to have collective bargaining rights. The previous administration weakened merit staffing requirements through guidance in 2019 and thereby gave states broader ability to contract out work to non-union companies. OPM should evaluate ways to strengthen merit staffing requirements, including through rescinding the 2019 OPM guidance and modifying its implementing regulations to advance merit-based staffing principles for federally-funded, state-administered, grant-in-aid programs.

Issue Guidance and Other Directives to Agencies to Ensure Financial Assistance Programs Empower Workers

Recommendation: Instruct OMB to work with stakeholders and agencies to 1) ensure financial assistance programs appropriately address job quality and worker empowerment issues, and 2) further explore and identify opportunities to update the Uniform Guidance to empower workers.

Background: OMB's efforts in response to this instruction could include, among other activities, training, workgroup sessions, and guidance to agencies and grantees. One longer term opportunity is for OMB, through a rigorous stakeholder and interagency process, to consider issuing updates to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly called "Uniform Guidance"), where appropriate, to ensure that federal financial assistance programs cannot be used to deny workers the right to organize; establish worker-empowering conditions on awardees; allow consideration of job, wage, and worker empowerment impacts as part of the application evaluation process; and ensure that grantees have the freedom to apply worker-empowering, high-road conditions, including local-hire and PLA obligations, on their subgrantees. These activities should maximize the efficiency and economic benefits of financial assistance programs and increase diversity and inclusion while also empowering workers.

Require Compensation Plans for Blue Collar Workers on Federal Service Contracts

Recommendation: Direct the National Economic Council to work with the Office of Federal Procurement Policy (OFPP) at the Office of Management and Budget (OMB) to consider the merits of issuing a regulation that would require compensation plans for skilled, blue collar workers, or other steps addressing compensation for workers, as part of the bid evaluation process for service contracts.

Background: Currently, contracting officers are supposed to ask for compensation plans for professional service workers as a part of the bid evaluation process for service contracts. Compensation plans are designed to take into account wage growth for those workers, so that contracts are more likely to go to contractors who provide higher quality jobs and are better able to retain their workforce. It is unclear how effectively this requirement has been implemented, or how broadening its application to skilled, blue-collar workers would further policies that are designed to promote greater access to commercial service providers. The potential benefits and challenges of a regulatory change should be carefully examined along with other steps that might be taken in the source selection process to preserve wage standards and protect service employees' jobs and their roles in collective bargaining.

Davis-Bacon Regulatory Reform

Recommendation: Instruct the Department of Labor to continue to prioritize its review of its Davis-Bacon and Related Acts regulations and, if appropriate, propose improvements to ensure that contractors pay the required prevailing wage.

Background: Among other things, the Davis-Bacon program helps ensure that unionized contractors with high-road employment practices are not disadvantaged in the contract bidding process by requiring consistent wage standards on federal and federally-funded contracts and ensuring that contractors compete on the basis of quality and efficiency. The department has not undertaken a comprehensive review and updating of its regulations in a number of years and the administration of the program could be improved to ensure it best serves its intended purposes.

Provide Additional Program Guidance and Technical Assistance for Financial Assistance Programs

Recommendation: Direct the Treasury Department to 1) encourage jurisdictions to use federal funds for initiatives that strengthen worker skills and use union labor, and 2) investigate reporting mechanisms to examine the impact of this encouragement to the extent it is relevant to the type of financial assistance provided.

Background: Treasury implements a number of financial assistance programs. Treasury is largely not able to require the use of union labor or make funding for most projects contingent on use of union labor, project labor agreements, local hiring provisions, or other targeted preferential hiring provisions.

However, Treasury can encourage applicants (state and local governments) to use federal funds for initiatives that strengthen worker skills and require reporting on labor standards to gather information about their effectiveness. Treasury has already commenced requiring extensive reporting on wages and labor practices for some projects funded by the Coronavirus State and Local Fiscal Relief Funds (SLFRF) program. Treasury can issue additional statements, guidance, or technical assistance encouraging the use of SLFRF funding for worker support and employment programs that respond to the negative economic impacts of the pandemic and provide technical assistance and guidance to encourage best practices in these programs to enhance worker power. Treasury also administers the SIPPPRA program, which is a pay for results program to improve the effectiveness of social services. SIPPPRA will likely issue its second (and final) Notice of Funding Availability in early 2022 and could either encourage projects that promote union density to apply or prioritize such projects in awarding grants. With innovative project structuring, Treasury may be able to achieve measurable improvements in social challenges, federal savings, and increases in union density.

[Develop Guidance that Identifies Best Labor Practices and Recommendations Across State Revolving Fund Water Programs](#)

Recommendation: Instruct the Environmental Protection Agency to develop guidance that recommends registered apprenticeship programs, community benefit agreements, local hire provisions, and other responsible contracting and work conditions across State Revolving Fund water programs.

Background: Currently EPA supports grant programs for workforce development and works to ensure that Clean Water and Drinking Water State Revolving Fund (SRF) loan recipients comply with relevant Davis Bacon prevailing wage requirements for construction projects. While the state SRFs independently establish their own funding criteria, one important role for EPA is to provide guidance to the individual programs to assist them in contributing to national priorities along with achieving specific state program objectives. EPA, in partnership with the Task Force and the U.S. Department of Labor, should publish guidance that identifies best practices and recommendations applicable across state SRF programs to encourage high road labor practices, possibly including registered apprenticeship programs, community benefit agreements, local hire provisions, and other responsible contracting recommendations. EPA could recommend that projects include a project labor agreement to ensure that projects have the necessary supply of labor throughout the life of the project and to minimize the risk of labor disputes and disruptions that would jeopardize the timeliness and cost-effectiveness of the project. EPA could also recommend ensuring that workers on a project have the safety training, professional certifications, in-house training, or licensure needed to complete the project efficiently.

[Promote COVID Economic Injury Disaster Loan Program as a Tool to Re-Employ Unionized Workforces](#)

Recommendation: Instruct SBA to continue taking steps to make small businesses in highly unionized industries aware that 1) COVID EIDL loans are available until December 31, 2021, and 2) they can be used to pay wages.

Background: Congress created the COVID Economic Injury Disaster Loan (COVID EIDL) loan program as part of the CARES Act in March 2020. To date, SBA has approved more than \$270B in COVID EIDL loans to more than 3.8 million borrowers. SBA is taking steps to increase market awareness about the loan program and has recently made modifications to make COVID EIDL an even more beneficial loan product for small businesses before it expires on December 31, 2021. SBA has already been targeting outreach toward industries heavily impacted by the pandemic and has identified industries with highly unionized workforces. By making small businesses in highly unionized industries aware that COVID EIDL loans are available and can be used to pay wages, SBA can help eligible

businesses re-hire union workers at a competitive wage. SBA headquarters should hold industry-specific webinars in which it would present COVID EIDL as a tool to help employers re-hire workers at a competitive wage. Additionally, each of SBA's 68 District Offices should be given talking points about COVID EIDL as a re-employment tool.

Supporting Labor Rights in HHS's Grants Program

Recommendation: Direct the Department of Health and Human Services (HHS) to continue to implement a phased approach to identifying ways to incorporate into notices of funding opportunities a grantee's demonstration of its commitment to worker organizing, collective bargaining, and union engagement, to the maximum extent permitted by law.

Background: Multiple sub-components of HHS have substantial grant programs. HHS should seek to encourage and enhance worker organizing and collective bargaining through its grant programs, consistent with applicable law, with a phased approach across agencies. Initially, HHS should include language in HRSA's notice of funding opportunity (NOFO) announcements that encourages grant applicants to support worker organizing and collective bargaining rights and promote equality of bargaining power between employers and employees. HRSA has awarded more than \$2.5 billion through grants and other funding mechanisms in response to COVID-19, including expanding capacity to diagnose and treat COVID-19, increasing access to telehealth, and supporting telehealth services and training for health care providers. The inclusion of this language would therefore have significant reach in encouraging and supporting organizing and collective bargaining.

Include Labor-Management Collaboration as a Department of Education Competitive Grant Selection Criterion

Recommendation: Instruct the Department of Education to encourage labor-management collaboration in departmental competitive grant programs, where appropriate.

Background: The Department of Education selects applicants for funding in its competitive grant programs on scores provided by peer reviewers based on selection criteria. The Department should include within appropriate competitive grant programs, as part of the selection criteria, a factor that would award points on the extent to which applicants demonstrate labor-management collaboration. In addition to the program requirements set out in the relevant statute, the Department has the discretion to choose which factors, from a set of selection criteria, to apply to individual competitive grant programs. Specifically, the Department should include a factor that favorably weighs applications which have been developed through a labor-management partnership, that foster labor-management collaboration, or through other labor-related factors. This approach would have the effect of encouraging grantee labor-management collaboration within the competition. For example, the Teacher and School Leader Incentive Program requires applicants to consider union involvement given the performance pay aspect of the program and how that intersects with teacher contracts.

Incorporating Labor Standards into Transportation Discretionary Grant Programs

Recommendation: Instruct the Department of Transportation (DOT) to continue incorporating labor standards into discretionary grant criteria to help ensure DOT programs support good-paying jobs with the choice of a union and consider including union density as a grant award criterion.

Background: In 2021, the Department began to implement new labor standards in some of its 61 DOT grant programs. In issuing Notices of Funding Opportunities (NOFOs) and implementing guidance for grant programs, subject to statutory criteria, DOT often has the ability to adjust criteria for grant awards

in line with good-paying jobs and union density. For example, DOT has added criteria to 2021 notices of funding opportunity, including “long-term job creation by supporting good-paying jobs directly related to the project with the choice of a union, and supporting American industry through compliance with domestic preference laws, the use of project labor agreements, local hiring provisions, or other targeted preferential hiring requirements.” DOT has also included language noting that “[i]nfrastructure investment also provides opportunities for workers to find good-paying jobs with the choice to join a union and supports American industry through the application of domestic preference requirements” and that “[p]rojects that use project labor agreements and deploy local hiring provisions also contribute to economic vitality.” DOT provides billions of dollars in grants to State departments of transportation, other public entities (e.g., port authorities) and institutions to build transportation and infrastructure projects. Discretionary grant awards are based on a number of criteria established in statute, as well as NOFOs and guidance issued by DOT. DOT plans to consider updating guidance, consistent with statute, to encourage union density as a criterion of grant awards.

Update Innovation Principles and Reorient NETT Council

Recommendation: Instruct the Department of Transportation to issue a new set of principles on innovation, and reframe institutions such as the Non-Traditional and Emerging Transportation Technology (NETT) Council that screens emerging technologies, to focus on key priorities and ensure labor’s involvement in discussions of autonomous vehicles and automation in transit systems and trucking.

Background: The new principles should include a specific commitment related to empowering workers and strengthening good-paying jobs. They should also support expanded access to skills, training, and the choice of a union, particularly for incumbent workers and historically underserved communities, whenever possible. Announcing clear DOT principles would help align expectations among management and labor that emerging transportation technologies should and will be focused on centering workers. Automation is a significant concern for incumbent workers and their unions in the transportation sector, especially in areas such as rail and transit. Additionally, emerging innovations and transportation technologies (e.g., EV charging, electric vehicle construction, improved vehicle routing, accessibility for seniors, high-speed rail, etc.) provide opportunities to increase union density and challenges if they are developed in a way that does not encourage worker organizing and otherwise support workers. Giving labor a seat at the NETT Council table to offer feedback on emerging technologies would identify opportunities to increase union density in emerging industries – and prevent harmful disruptions.

Ensure that the Entities Providing Cafeteria Services Use Full-Time Workers

Recommendation: Direct the Department of Agriculture to explore options to use its purchasing power with subgrantees and their contractors to employ full-time workers in the school lunch and child nutrition programs.

Background: USDA’s Food and Nutrition Service (FNS) administers the nation’s domestic nutrition assistance programs. Using full-time employees would likely ensure uninterrupted service delivery of food services under administered school lunch and child nutrition programs. Using full-time employees would also likely increase union density because full-time employees are more likely to be unionized, and have other workplace protections, than part-time workers. The Secretary of Agriculture has the authority to provide for USDA-administered school lunch and child nutrition programs and has the discretion to enact requirements necessary to carry out such programs in order to safeguard the public interest, including the nutritional needs of children. This authority should be exercised to ensure that subgrantees and their contractors retain a stable and high-quality workforce of full-time employees. Other requirements should give subgrantees and their contractors discretion to develop such policies to

reasonably prevent service interruptions from labor disputes. Additionally, state educational agencies must conduct administrative reviews of school meal programs, and this review should include a review of workforce continuity and non-disruption assurances.

Federal Contractors' and Grantees' Employees: Ensuring Compliance with Existing Labor Standards in Federal Grants and Contracts

Overview: Enforcing existing labor standards that apply to federal grants and contracts is just as important as producing new labor standards. All federal grant-making and contracting agencies should ensure full compliance with existing labor standards when they are spending or distributing federal dollars. In many cases, improving compliance is a matter of better information, training, and coordination. Regardless, it is a necessary part of the federal government's role.

[Increase the Number and Coordination of Agency Labor Advisors](#)

Recommendation: Instruct the Office of Management and Budget and the Department of Labor to jointly issue guidance directing all contracting agencies to designate an agency labor advisor responsible for policies and practices to improve implementation and compliance with labor requirements for federal contractors. OMB and DOL should be directed to provide training and technical assistance to agency labor advisors, with DOL playing a coordinating role, given its expertise in the relevant labor laws.

Background: Some, but not all, agencies have [designated one or more persons as agency labor advisors](#). Federal regulations describe agency labor advisors as individuals who advise contracting agency officials on federal contract labor issues. If more agencies designated labor advisors, and with greater coordination and training, the labor advisors could be a valuable resource to their agencies on administration and enforcement of existing labor standards and on various new labor-related requirements.

[Provide Job Aid and Training for the DHS Contracting and Acquisition Workforces](#)

Recommendation: Direct DHS to continue its efforts to develop a job aid and training to ensure that its contracting officers and acquisition workforce understand the full scope of federal labor rights and protections, including (1) the procedures to correctly apply collective bargaining agreements to labor standards contracts covered by the Service Contract Act; (2) how to obtain appropriate DOL wage determinations when prevailing wage laws apply to a contract; and (3) how to properly apply DOL wage determinations.

Background: The Department of Homeland Security is already in the process of developing this job aid and training. Relatedly, DHS is creating and implementing a training for the DHS acquisition workforce on the process for reporting and the duty to report (typically to DOL) complaints from any party (e.g., an anonymous complaint or a complaint from an employee or subcontractor of the prime contractor) about unfair labor practices and/or violations of labor standards requirements incorporated in a government contract.

Private-Sector Employees: Ensuring Taxpayer Dollars Are Spent on Made-in-America Goods and Construction Projects that Provide Good Union Jobs in the United States

Overview: President Biden's Executive Order No. 14005, Ensuring the Future is Made in America By All of America's Workers (the Made in America EO), ensures that the federal government spends taxpayer dollars, to the greatest extent possible and consistent with law, on American-made goods produced by workers in America and with American-made component parts. The task for the Office of Management and Budget and all agencies that procure goods is to work together to fulfill this

commitment. By focusing spending on American-made goods, federal procurement can lead to the rejuvenation and expansion of industries like manufacturing that have long been iconic examples of good, union American jobs. The construction industry has also been a critical contributor to the creation of middle-class, union jobs, and so the federal government's investments in construction should consistently seek to promote contracting and labor relations practices in a manner that ensures economical and efficient procurement.

[Empower America's Workers through Increased Reliance on Made in America Goods and Services](#)

Recommendation: Direct OMB to maximize domestic sourcing by strengthening Made in America standards; closing loopholes in Made in America Laws; and reduce the need for waivers by leveraging federal tools to fill gaps in the U.S. industrial base to support the domestic production of key products and critical supply chains.

Background: The Made in America EO supports America's workers by targeting federal purchasing toward firms that hire America's workers and are engines of America's communities. This effort is deeply intertwined with the President's commitment to invest in American manufacturing, including clean energy and critical supply chains, growing good-paying, union jobs, and advancing racial equity. The OMB should continue to fully and effectively implement the executive order through its Made-in-America Office with full cooperation from all agencies that buy large volumes of goods to carry out their missions.

[Promote Manufacturing in the United States](#)

Recommendation: Direct the Department of Energy to continue strengthening U.S. manufacturing requirements across science and energy programs to better ensure the technologies that are funded by DOE are substantially manufactured in the United States.

Background: One of the goals of the Bayh-Dole Act is to "promote the commercialization and public availability of inventions made in the United States by United States industry and labor." As the global market has drastically changed since the enactment of Bayh-Dole Act in 1980, DOE is implementing enhanced domestic manufacturing requirements in funding agreements to better ensure DOE's investments benefit U.S. manufacturing, industry, and labor. These requirements increase the need for high-skilled labor in the United States, making it more likely that union employers can fairly compete for these funds.

[Ensure National Telecommunications and Information Administration Broadband Grants Support Construction Jobs with Strong Labor Standards](#)

Recommendation: Require the Commerce Department to report on the success of its strategy for creating jobs with strong labor standards in the National Telecommunications and Information Administration (NTIA) program so other agencies may consider adopting a similar approach.

Background: The Commerce Department, through the NTIA, is deploying nearly \$1.3 billion in broadband expansion grants authorized under the Consolidated Appropriations Act of 2021, with \$1 billion in funding targeted to Tribal areas and the rest targeted to areas lacking broadband, especially rural areas. The grant requirements ensure that NTIA-funded broadband expansion projects lead to quality construction jobs and do not disadvantage union contractors. Grant applicants were asked to describe how their projects would incorporate strong labor standards, including project labor agreements and community benefit agreements that offer wages at or above the prevailing rate and include local hire provisions. This will be one of the grant-selection factors and is expected to lead to the creation of many

good union jobs. The Commerce Department should report to the Task Force on the grant program's outcomes.

[Ensure Bureau of Ocean Energy Management Offshore Wind Leasing Projects Are Built with Union Labor](#)

Recommendation: Instruct the Department of the Interior's Bureau of Ocean Energy Management (BOEM) to include lease stipulations that require developers to make every reasonable effort to establish a project labor agreement covering the construction stage of any project proposed for the leased area as part of individual future lease sales.

Background: The Department of the Interior anticipates that implementing the Biden-Harris administration's renewable energy goals could result in the creation of tens of thousands of new family-supporting union jobs while positioning America to tackle the climate crisis. For the first time, the Department's BOEM could advance provisions in the offshore wind leasing process to help ensure that projects are built with union labor supplied through workforce training programs. Offshore wind development requires a specially-trained workforce for the fabrication, assembly, and installation of wind turbines, substations, and subsea cables. American labor unions have established training and apprenticeship programs and the institutional capacity to provide offshore wind developers and their contractors with a highly skilled workforce capable of advancing projects in the safe and timely manner needed to achieve the administration's offshore wind goals. Project labor agreements can help provide a pathway for workers, particularly those from underserved communities, to be recruited into union training and apprenticeship programs for the development of offshore wind projects.

[Include a Project Labor Agreement Evaluation Preference for Department of Interior Construction Contracts](#)

Recommendation: Instruct the Department of the Interior to continue exploring the possibility of producing guidance that would give a preference with respect to major construction contracts to companies submitting proposals that include commitments to project labor agreements. Instruct the Task Force to coordinate with the Department of the Interior to assess the impact of this action, if taken, and investigate whether other agencies should consider similar actions.

Background: The Department of the Interior contracts for many different types of construction projects across the public lands it manages. These can include projects to build tribal schools, replace and repair bridges and roads in our national parks or national wildlife refuges, or construct laboratory space for the U.S. Geological Survey. This initiative would create incentives to expand the use of project labor agreements into additional construction projects.

[Use Evaluation Factors That Support Union Participation in Veterans Affairs Construction Projects](#)

Recommendation: Instruct the Department of Veterans Affairs to proceed with its plan to include labor union participation or involvement as an evaluation factor in major construction procurements.

Background: In addition to meeting its legal obligation to contract with veteran-owned small businesses, VA intends to include labor union participation or involvement as an evaluation factor in major construction procurements as an area of key importance in the source selection process. This could include project labor agreements or subcontractor labor preferences, based on VA's market research. The evaluation process permits the Department to award a contract based on an analysis of both price and

other non-price evaluation factors. Using a non-price evaluation factor to evaluate the extent of union labor agreement use by prime contractors and subcontractors as one of several factors in the evaluation process would likely have the effect of increasing the use of union labor in the competitive procurement process.

Federal Contractors' and Grantees' Employees: Eliminating Barriers to Union Eligibility for Federal Grants and Contracts

Overview: There are a host of ways that unions can help federal agencies carry out their missions including, but not limited to, workforce developments, skills training, and community outreach. Yet, over the years, barriers have developed that keep unions from fairly competing for and winning some federal grants and contracts. Where unions can be effective and efficient partners for federal agencies in important mission functions, and the law does not expressly exclude them from participating, unions should not be excluded, whether directly or indirectly, from providing that assistance through grants and contracts.

Ensure that Labor Unions Are Eligible to Compete for Relevant Federal Financial Assistance

Opportunities

Recommendation: Instruct OMB to 1) use existing mechanisms such as training and issues alerts to clarify that labor unions should not be inappropriately excluded from grant and various other Federal funding opportunities, where appropriate, such as certain service contracts; 2) work to make changes to the reporting mechanisms for financial assistance programs to update the list of eligible recipients to explicitly include labor unions (rather than including them in the more generic non-profit category); and 3) work with agencies to ensure that labor unions can participate in appropriate grant and other Federal funding opportunities on a fair and equal basis with other non-profit organizations.

Background: Labor unions can experience difficulties accessing certain federal funding programs due to agencies excluding them from participation through the over-specification of recipients. For example, some grant programs specify “501(c)(3)” organizations as eligible, even if the grants are not statutorily restricted in this manner. Other types of non-profits such as 501(c)(5)s—labor unions—are thereby rendered ineligible. Additionally, staff administering grants sometimes mistakenly believe that labor unions are not appropriate grantees. OMB could raise awareness of these issues among agencies and work with agencies to ensure that labor unions can participate in grant opportunities on a fair and equal basis with other non-profit organizations. If labor unions can participate in appropriate federal opportunities on equal footing with other similarly situated entities, labor unions will have additional opportunities to grow, as well as to serve their members and the public while advancing the agencies’ missions.

Evaluate Union Suitability as Lead Applicants, or Partners, on Department of Labor Grants and Promoting Worker Organizing and Collective Bargaining in Grants

Recommendation: Instruct the Department of Labor to review all its grants to determine whether there are any legal barriers preventing unions from being lead applicants. Where there are no legal barriers, DOL should explicitly name unions as potential lead applicants in grant solicitations when doing so would be consistent with the grant’s purpose, activities, and goals. Where unions are not suitable lead applicants, DOL should ensure that unions are required partners to the lead applicant as appropriate. The Department should also use its existing authority to establish application selection criteria that preference applicants that demonstrate commitment to worker organizing, collective bargaining, and union engagement, where consistent with the Department’s legal authority.

Background: The Department of Labor administers a number of grant programs that provide training and other important services to workers. Unions are experienced, established providers of many of these services and should be - eligible - recipients of grant funding to the extent available by law. These actions would help ensure that DOL grantees – which are often engaged in activities to help workers enter, reenter, or improve their outcomes in the labor market – have access to high quality services connected to well-paying, union jobs.

Federal Contractors’ and Grantees’ Employees: Promoting Apprenticeships through Federal Programs

Overview: Independent evaluations find that registered apprenticeships not only produce good outcomes for trainees, but also one of the higher returns for government dollars invested in training. Apprenticeships also produce positive outcomes for employers with increased productivity from trained workers and lower absenteeism and turnover. Training provided by labor-management partnership programs produces similar outcomes. In many cases, registered apprenticeships and labor-management training programs are also pathways to good union jobs and careers. Supporting registered apprenticeships and labor-management partnerships are an effective way of strengthening the economy and building union density.

[Expand Use of Registered Apprenticeships and Training through Labor-Management Partnerships \(LMPs\) for Recipients of Federal Funds](#)

Recommendation: Direct the National Economic Council, in coordination with the Domestic Policy Council, to initiate an interagency process to explore the possibility of an Executive Order that, consistent with applicable law, would establish targets or preferences for the use of registered apprenticeships (RAs) and training through Labor-Management Partnerships (LMPs) for recipients of federal funds.

Background: All federal contracts and some federal financial assistance awards already have requirements around education level, certifications, or years of experience. If issued, and to the extent permitted by law, this Executive Order could expand both registered apprenticeships and labor-management partnership-supported training into more sectors, which could increase government economy and efficiency and also have the effect of increasing union membership in a variety of occupations.

[Implement Good Jobs Challenge Funds Training that Leads to Quality Jobs](#)

Recommendation: Instruct the Commerce Department to implement its Good Jobs Challenge in a manner that increases opportunities to expand registered apprenticeship and labor-management partnership training programs, and to otherwise include unions in the programs it funds.

Background: As part of its American Rescue Plan (ARP) funding, the Economic Development Administration (EDA) within the Commerce Department established a \$500M Good Jobs Challenge. The Challenge is designed to help get workers in America back to work by establishing or strengthening sector-based partnerships that bring employers who have hiring needs together with other key entities, including training partners, unions, community-based organizations, and others. As part of the Notice of Funding Opportunity, EDA promotes the use of funds to, among other things, start new or scale registered apprenticeship programs and highlights the important role unions play in workforce development. To qualify for funding, the jobs workers are receiving training for must meet a certain quality threshold, including paying a rate that exceeds the local prevailing wage for the industry in that region, offers benefits (e.g., paid leave, health insurance, retirement/savings plan), and/or is unionized. Unions have a high-value opportunity to be a partner through this grant program. In fact, unions are eligible grantees.

All Employees: Facilitate Diversity and Inclusion in Unionized Jobs

Overview: Black and Latino workers who are union members, both men and women, benefit from substantially higher median weekly earnings than similarly situated non-union workers. Workers of color, women, older workers, and worker with disabilities also typically benefit from anti-discrimination and anti-harassment protections that unions ordinarily include in their collective bargaining agreements. For these and many other reasons, ensuring that the pathway to union membership is inclusive and gives diverse populations of workers equitable opportunities to secure good union jobs is an important part of facilitating worker organizing and collective bargaining.

[Work with the Union Veterans Council to Help Service Members, Military Spouses, and Veterans Transition into Good Union Jobs](#)

Recommendation: Instruct the National Economic Council to lead an inter-agency process to review recommendations from the Union Veterans Council (UVC) on ways to strengthen coordination regarding workforce efforts between its member unions and the Departments of Defense, Veterans Affairs, and Labor.

Background: The UVC represents veterans across many large and small trade unions in a variety of occupations with a mix of skill sets. These unions offer outstanding opportunities for transitioning service members, military spouses, and veterans not only to find good union jobs, but to build the skills and experience needed for long lasting middle-class careers. The UVC sent recommendations to the NEC that include actions such as establishing inter-agency coordinating bodies, evaluating skills of veterans exiting their service, and expanding training opportunities to active duty and veteran spouses. DOD, VA, and DOL should develop strategies for working effectively with the UVC to involve its members in service member, military spouse, and veterans employment programs through a variety of means. Many of the UVC recommendations involve closer coordination or program review or reconsideration of existing agency activities, while others relate to administration priorities that the unions can help with.

[Explore Creating a Veterans' Employment Recruiting and Apprenticeship Program](#)

Recommendation: Direct the Department of Veterans Affairs to assess the feasibility of partnering with its unions to use existing training and education funds to create or augment an employment recruiting and apprenticeship program for VA employment that targets historically underserved or underrepresented groups.

Background: Recruitment efforts for this new program would make special efforts to solicit at Historically Black Colleges & Universities (HBCUs), Tribal Colleges & Universities (TCUs) and Hispanic-Serving Institutions (HSIs), as well as other engagements targeted at historically underserved or underrepresented groups. This partnership between labor and management would provide VA with a pipeline of talent to fill vacancies and increase access to care for veterans. The Program would aim to recruit workers for positions that are in existing bargaining units, giving organized labor opportunities to increase membership.

[Review HUD's Current Section 3 Enforcement and Identify Improvements](#)

Recommendation: Direct the Department of Housing and Urban Development to evaluate and, where appropriate, propose improvements to the agency's education and enforcement process for Section 3 of the Housing and Development Act of 1968.

Background: Section 3 requires HUD grantees and recipients of certain HUD financial assistance, to the greatest extent possible, to provide training, employment, contracting, and other economic opportunities to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons. Stakeholders – including local unions and worker centers – have expressed concerns that grantees’ compliance with Section 3 is inconsistent, and that it is difficult to identify where or how to make complaints about Section 3 compliance. HUD should therefore evaluate the process used by individual program offices to identify and refer potential incidents of non-compliance, the program offices’ capacity to take on these monitoring and enforcement roles, and the process used to make findings and suggest appropriate remedies. This action would incentivize local grantees to ensure that low-income people in local communities are being employed using HUD-funding. It will lay the groundwork for these employees to utilize pre-apprenticeship programs offered by unions.

HUD and DOT to Partner with DOL’s Employment and Training Administration

Recommendation: Instruct the Department of Housing and Urban Development and the Department of Transportation’s Federal Aviation Administration to consider an expanded collaboration with the Department of Labor’s Employment and Training Administration (ETA) and continue collaborating with ETA on its YouthBuild, Office of Apprenticeship, and Job Corps programs.

Background: HUD should promote ETA’s employment programs to HUD grantees to ensure HUD-assisted housing residents are able to access these programs for future employment in construction trades. In general, the principal means by which job seekers initially access unionized building trades jobs is via pre-apprenticeships and apprenticeship opportunities. While HUD has historically encouraged grantees to utilize pre-apprenticeship and apprenticeship programs, the additional expertise offered by DOL’s ETA can assist HUD with leveraging existing HUD programs along with other employment programs to expand pathways to skilled training that leads to good union jobs. Similarly, the Department of Transportation’s Federal Aviation Administration should engage with both ETA’s Apprenticeship office and Job Corps program to determine how to support labor-management apprenticeships and other labor-management job-training programs through already-existing DOL programs.

All Employees: Ensuring Unions Have a Seat at Many Federal Advisory Tables

Overview: Unions offer deep and broad expertise in a host of topics that are directly relevant to agencies’ mission-focused efforts. Unions can be found in almost all industries and represent diverse populations of workers in wide swaths of the United States. Equally important, they are democratic institutions, which requires their leaders to maintain close contact with their members and to stay informed of the latest developments. The federal government should reap the benefits of this expertise, and ensure that its policies include a focus on workers’ interests, worker organizing, and collective bargaining, by using every available opportunity to include union voices in their formal advisory discussions and informal networks, outreach, and other interactions.

Include Union Voices on Advisory Committees

Recommendation: Instruct all federal agencies to include, as appropriate, labor unions in advisory committee membership balance plans and to conduct more outreach to labor unions about opportunities to submit nominations to serve on advisory committees.

Background: The Federal Advisory Committee Act (FACA) requires “...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.” Leading the way, the Department of Commerce has undertaken an effort to increasingly include labor unions as part of its advisory committee membership balance plans as

it renews charters or issues a call for nominations for new members. The Department also is increasingly advertising vacancies on federal advisory committees among union stakeholders in an effort to increase organized labor representation.

Building Formalized Lines of Direct Communication between HUD Regional Offices, Unions, Worker Centers and Worker Stakeholders

Recommendation: Direct the Department of Housing and Urban Development to build and formalize relationships between HUD’s field offices and local unions and worker centers.

Background: HUD has field offices across the country, and these offices are responsible for ensuring that localities and grantees understand and comply with the law, including Davis Bacon and Section 3 of the Housing and Development Act of 1968, a statutory mandate that employment and other economic opportunities generated by Federal financial assistance for housing and community development be directed to low and very low-income persons. Improving local coordination between HUD, unions, and worker centers would lead to greater participation for local low income and/or HUD-assisted individuals in local HUD-funded projects and greater access to pre-apprentice and apprenticeship programs in the building trades. Many residents of public housing have historically experienced barriers to full employment and to unionized employment. In addition, when HUD works to ensure that stakeholders understand and can flag issues with Davis-Bacon compliance, contractors are better able to understand and comply with Davis-Bacon requirements, ensuring that appropriate and primarily union-defined wage rates are maintained.

All Employees: Developing Research and Collecting Data to Advance Policy About Worker Organizing and Empowerment

Overview: Good policy is driven by data and evidence. Yet, there is a great deal we do not know about worker organizing and collective bargaining, and the full extent of their importance to the economy and workers’ lives. Federal agencies collect sizable amounts of data for a variety of purposes and have substantial analytic capacities that can and should be brought to bear to help the Task Force and its member agencies to find new and effective means of facilitating worker organizing and to help explain the value of these policies to the public.

Analyze Relationship between Union Density and Middle-Class Stability and Growth

Recommendation: Instruct the Treasury Department to conduct original research and submit to the Task Force a report on the effect of union density on indicators of strength of the middle class, including income, savings (including retirement savings), and homeownership.

Background: Unions built the middle class. The mandate of the Task Force is predicated on this fact. While much research has been conducted on the link between union density and middle-class stability, the federal government would benefit from having its own evidence base that more deeply explores and illuminates the nature of the relationship between unions and the middle class, and the overall impact on the economy, to inform future policy decisions across government.

Harness and Expand Existing Statistical Surveys to Improve Data on Worker Organizing, Bargaining, and Employment Relationships

Recommendation: Instruct the Department of Labor, through the Office of the Assistant Secretary for Policy and the Bureau of Labor Statistics, and the Commerce Department, through the Census Bureau and the Bureau of Economic Analysis, to improve data collection through business and household surveys and

other research tools on the status of employment relationships, union membership and worker organizing, strike activity, relative performance of businesses with unionized workforces, and other related subjects.

Background: Unions, researchers, policymakers and policy and economic analysts, financial markets, members of Congress, executive branch leaders, and others rely on federal government data about employment trends, wages, demographics of the workforce, unionization rates, and other worker-related data. Unions use these data to inform decisions about organizing new members and representing existing members. While the Census Bureau conducts more than 130 surveys and programs each year, including the nation’s largest household survey (the American Community Survey) and business survey (Economic Census), it does not currently collect data around union density or ask questions around worker organizing and empowerment. The Census Bureau should work with the Labor Department to develop, test, and add additional questions that would provide stronger data around union density, union membership, unionized employees, and the relative performance of unionized businesses. The Department of Labor and the Commerce Department should also support new research on union representation and its effects on job quality and a variety of other outcomes for workers, firms, and communities, paying close attention to the effect of union representation for historically disadvantaged or marginalized workers.

Establish an Integrated Data Approach

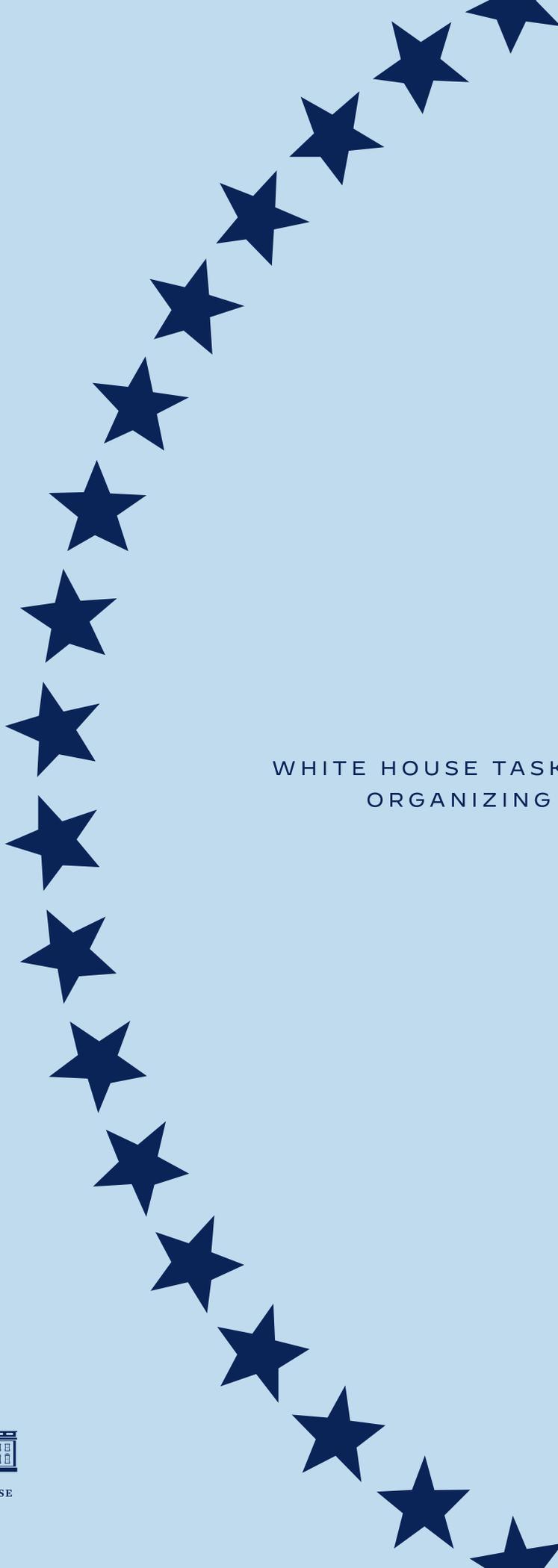
Recommendation: Instruct the Department of Labor and the Office of Management and Budget to explore the feasibility of establishing an integrated data approach to employer violations of the laws enforced by DOL, including the possibility of securing Technology Modernization Fund (TMF) funding for the project.

Background: Currently, Department of Labor data are siloed. It requires significant effort to defragment or deconflict data and address data gaps. An integrated data approach would allow DOL to determine whether problematic employers, including federal contractors, have violations across the range of labor and employment laws that DOL enforces. Enforcement efforts could be strengthened if enforcement officials could better detect patterns of employer behavior. DOL’s oversight, compliance, and enforcement efforts could be strengthened in the long-term through analytical methodologies and ensuring this data is made accessible to the public. DOL could also more easily leverage information about labor law violations from the NLRB’s publicly available information to inform its own enforcement strategies. The data could potentially be integrated into the Federal Awardee and Performance Integrity and Information System (FAPIS). Making the enforcement data publicly available would help workers engaged in organizing to know about the compliance record of their employer.

Continue the U.S. Energy Employment Report

Recommendation: Instruct the Department of Energy to continue publishing the U.S. Energy Employment Report (USEER) on an annual basis, providing a baseline for key labor statistics for the energy industry to increase information, allow for data-driven action, and drive accountability.

Background: The Department of Energy published the USEER in 2021 “to reform existing data collection systems to provide consistent and complete definitions and quantification of energy jobs across all sectors of the economy.” This was the first time it was published by the Department of Energy, rather than externally, since 2017. The study combines surveys of businesses with public labor data to produce estimates of employment and workforce characteristics, including unionization rates in various energy sectors. Organized labor has also been a key partner in advocating for and helping to advance the USEER.



WHITE HOUSE TASK FORCE ON WORKER
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