

Congress of the United States

Washington, DC 20515

May 13, 2026

Colleen Duffy Kiko
Chair
Federal Labor Relations Authority
1400 K Street, NW
Washington, DC 20424

Dear Mrs. Duffy Kiko:

We write today regarding the Federal Labor Relations Authority's (FLRA) refusal to process Unfair Labor Practice (ULP) charges filed by members of the Portsmouth Naval Shipyard Metal Trades Council (MTC) on behalf of its members. The MTC has brought forward a ULP charge to the FLRA but has been informed that due to President Trump's March 27, 2025, Executive Order 14251¹, limiting the right of certain federal employees to engage in collective bargaining, the FLRA would not process the Portsmouth Naval Shipyard employee ULP case. However, recent court rulings have nullified portions of that order, and the FLRA should be acting in accordance with the court order.

Office of Personnel Management (OPM) guidance issued on March 27, 2025, directed that "agencies should cease participating in grievance procedures after terminating their CBAs."² On October 1, 2025, the United States District Court for District of Columbia issued a preliminary injunction in *AFL-CIO v. Trump*.³ The District Court found Section 2 of E.O. 14251 unlawful "as applied to Plaintiffs' bargaining units," ruled that OPM's March 27 guidance was, "unlawful" and enjoined the agencies "from implementing the OPM guidance..."

The failure to process ULP charges in the presence of a standing judicial injunction risks undermining confidence in the federal labor relations protections established under the Federal Service Labor-Management Relations Statute. Considering the Court's injunction and the importance of this issue to our constituents, we respectfully request that the FLRA provide prompt clarification regarding its handling of ULP filings brought forward by unions representing workers under federal agencies impacted by President Trump's March 27, 2025, Executive Order 14251.

Specifically:

1. Is the Federal Labor Relations Authority refusing to process Unfair Labor Practice charges brought forward by unions representing federal workers?

¹ *Exclusions from Federal Labor-Management Relations Programs*. Federal Register, April 3, 2025, <https://www.federalregister.gov/documents/2025/04/03/2025-05836/exclusions-from-federal-labor-management-relations-programs>.

² *Guidance on Executive Order Exclusions from Federal Labor-Management Programs*. Office of Personnel Management, March 27, 2025, <https://www.opm.gov/chcoc/latest-memos/guidance-on-executive-order-exclusions-from-federal-labor-management-programs.pdf>.

³ *AFL-CIO v. Trump*, No. 1:25-cv-02445 (D.D.C., 2025), <https://storage.courtlistener.com/recap/gov.uscourts.dcd.283118/gov.uscourts.dcd.283118.44.0.pdf>

2. Is the FLRA acting in accordance with the U.S. District Court of the District of Columbia's October 1st injunction in *AFL-CIO v. Trump*? What steps is the FLRA taking to ensure compliance with the injunction?
3. What is the status of the ULP charge brought forward by the Metal Trades Council at Portsmouth Naval Shipyard?
4. What is the legal basis for the FLRA's refusal to process ULP charges in light of the court's October 1st injunction?

The men and women of the Portsmouth Naval Shipyard and workers across our federal system deserve to know that their concerns are being taken seriously and fairly considered by the Federal Labor Relations Authority. We look forward to your timely response to our questions.

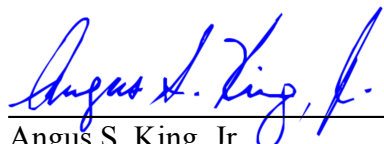
Sincerely,



Jeanne Shaheen
United States Senator



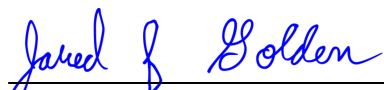
Susan M. Collins
United States Senator



Angus S. King, Jr.
United States Senator



Margaret Wood Hassan
United States Senator



Jared Golden
Member of Congress



Chris Pappas
Member of Congress



Maggie Goodlander
Member of Congress



Chellie Pingree
Member of Congress