[Union Letterhead]

[Date]

[Agency Head or Designated Official]

[Agency Address]

\*\*Subject: Demand to Bargain, Request for Information, and Notification of Potential Unfair Labor Practice Regarding DEIA Order of 1-22-25\*\*

Dear [Agency Head or Designated Official],

This letter is to formally notify you that [Union Name] demands to bargain over the agency’s “Direct order 1-22-25,” dated January 22, 2025, regarding the closure of all agency DEIA offices and the termination of all DEIA-related contracts. We also submit a formal request for information and provide notice that we consider this order to be a potential Unfair Labor Practice.

\*\*Demand to Bargain\*\*

The aforementioned order constitutes a significant change in working conditions, including but not limited to the elimination of programs and offices supporting equal employment opportunity and diversity, equity, inclusion, and accessibility (DEIA). These changes have a direct impact on the workplace environment and may also affect hiring, promotion, training, and employee support systems, which are all subjects of mandatory bargaining.

\* The agency is obligated to bargain in good faith with the union over any changes in working conditions. By issuing this order without prior notice to or bargaining with the union, the agency is in violation of its statutory and contractual obligations.

\* Specifically, the order may violate contractual provisions related to EEO, training, career development, and reasonable accommodation.

\* The order may also violate the merit system principles by impacting fair and equitable treatment of employees for hiring and promotions.

Therefore, we demand that the agency immediately cease implementation of this order and commence bargaining with the union over the impact and implementation of this change.

\*\*Request for Information\*\*

To adequately prepare for bargaining and to assess the full scope of the order’s impact, the union requests the following information:

\* All documents related to the development and justification of the DEIA order of 1-22-25.

\* Any analysis or assessment conducted by the agency prior to issuing this order.

\* All specific plans for the closure of DEIA offices and termination of contracts.

\* Any impact analysis on bargaining unit employees, including, but not limited to, positions affected, contracts impacted, and any potential disparate impact on protected groups of employees.

\* Any legal review of the order, and any opinions from the agency's legal counsel regarding compliance with law and regulation.

\* The agency's budget related to DEIA programs and contracts, and any planned changes in budgeting for DEIA-related programs.

\* All communications, whether internal or external, concerning this order.

This information is necessary to enable the union to fulfill its duty to represent bargaining unit employees effectively. We expect the agency to provide this information as expeditiously as possible.

\*\*Notification of Potential Unfair Labor Practice (ULP)\*\*

The union believes the agency's actions may constitute an Unfair Labor Practice under 5 U.S.C. § 7101 et seq., specifically:

\* \*\*Unilateral Change to Working Conditions:\*\* Implementing the DEIA order without providing the union with prior notice or an opportunity to bargain is a violation of the duty to bargain in good faith.

\* \*\*Violation of Law and Regulation\*\*: The statement in the order that DEIA programs are divisive and discriminatory contradicts EEO law and may indicate the order is not compliant with existing law and regulation.

\* \*\*Discrimination and Disparate Impact:\*\* The order, along with its justification, indicates discriminatory animus and the potential for disparate impact on certain groups of employees.

\* \*\*Retaliation and Chilling Effect:\*\* The order's language, and especially the statement that "failure to report this information within 10 days may result in adverse consequences," could be interpreted as a threat of reprisal, creating a chilling effect on employees who support DEIA principles and protected activities.

\* \*\*Failure to Provide Information:\*\* The agency has an obligation to provide information to the union. By failing to provide information and an opportunity to bargain, it appears the agency is in violation of its obligation..

\* \*\*Violation of Merit System Principles:\*\* If this action violates the principles of the merit system, that is a ULP.

We, therefore, demand that the agency immediately rescind this order until all bargaining obligations have been met, and that any actions to implement the order be ceased while this matter is under review.

\*\*Conclusion\*\*

The union is committed to protecting the rights of its members and ensuring that the agency adheres to its legal and contractual obligations. We request a prompt response to this demand to bargain and request for information. We also expect the agency to take immediate action to remedy these potential violations of law. Please provide a response to this letter no later than

Sincerely,

[Union President Name]

[Union Title]

[Union Contact Information]