

RESOLUTION NO. 14

REGULATION ENFORCEMENT

WHEREAS, the federal procurement process requires that a bidder must be “responsible” including that it have a satisfactory record of integrity and business ethics; and

WHEREAS, there are some unscrupulous contractors which have historically violated the rights of their employees under the National Labor Relations Act by committing unfair labor practices against their employees and against labor unions and some which have historically violated the rights of their employees under the Fair Labor Standards Act and Service Contract Act by failing to pay them the appropriate wage rate for all hours worked; and

WHEREAS, in 1999 and 2000, the U. S. Department of Labor proposed regulations which clarified that a potential contractor is not “responsible” if it has a history of several violations of federal labor, environmental, antitrust and consumer protection laws and that a federal officer should not award a service contract to such a company; and

WHEREAS, in April 2001, the U. S. Department of Labor halted the implementation of such regulations and has proposed to revoke them and related regulations which were to prohibit the use of federal funds for any unsuccessful opposition to charges of violations of federal labor and other laws; and

WHEREAS, a worker on a federal service contract can be banned by a government agency from working at a federal facility, without recourse to any hearing or other due process, for only one alleged violation of law or even for a past arrest which was found to be unwarranted or was otherwise resolved without a conviction; and

WHEREAS, in this era when we have seen the manipulation and/or thwarting of laws by major corporations such as Enron to provide millions of dollars and other benefits to management while ignoring the rights of rank and file workers, it is clear to the Delegates assembled at this Convention that it is necessary for the welfare of all working people and of this nation to make sure that the laws of this country are enforced equally against rich and poor alike;

NOW, THEREFORE, it is hereby

RESOLVED that this ITPE Convention strongly urges the Bush Administration and the U. S. Department of Labor to immediately reinstate and enforce the regulations as published in December 2000 to require federal procurement officers to review the compliance of service contract bidders with federal labor, environmental, antitrust and consumer protection laws; to reject any bidder as ‘non-responsible’ when it has a history, either through admissions or through findings after due process hearings, of violations of such laws; and not to reimburse any contractor for the cost of defense against allegations that it violated any such law when a violation is admitted or found.