Air Sickness: Who’s to Blame? (Part 2)

By Ivan G. Osorio

Summary: If management-labor relations at large airlines are preventing fair competition with newer airlines, to what extent do labor unions share the blame for the industry’s woes? Plenty, according to the Competitive Enterprise Institute’s Ivan Osorio. Costly bargaining agreements and aggressive union tactics may be too much to overcome.

America’s airline industry is hurting. As aviation consultant Vaughn Cordle noted in his interview in last month’s Labor Watch, the 1978 deregulation of the airline industry let new carriers with lower labor costs enter a newly competitive market. Many of the major established airlines—also known as legacy airlines—have not been able to adapt to the competition.

Fearing a loss of revenue or market share if union strikes shut down their operations, the legacy airlines have made major concessions to their unions. This was especially true during the 1990s boom, when airlines faced a tight labor market and increased demand for travel. For example, in 2000, United granted its pilots raises ranging from 21 to 28 percent, followed by annual hikes of 4 percent.

The terrorist attacks of September 11, 2001 pushed some airlines to the brink. Since then, two major carriers, United and US Airways, have struggled to survive. Decades of generous union contracts have left the legacy carriers burdened with expensive pension obligations to both employees and retirees. As a consequence, the federal government has felt obligated to bail out the airlines. It is said they are industries “too big to fail.” But even with federal assistance, the challenge facing these carriers—and others likely to follow—is enormous. The industry’s highest costs are for labor, and realizing savings here will require large severance costs in the short term. Will the employee unions cooperate?

Deregulation Changed Everything

While innovative upstarts like JetBlue and Southwest thrive, legacy airlines carry on under labor regimes that date from before the industry’s 1978 deregulation. Before deregulation, the major airlines were shielded from competition and could afford to make concessions to unions representing industry workers. Any increased costs were simply passed on to consumers.

But the passage of the Airline Deregulation Act of 1978 freed airlines to set their own fares and routes in response to market forces. The Civil Aeronautics Board, a New Deal-era regulatory agency, no longer controlled routes and fares. No longer were routes awarded like franchises and fares fixed artificially. Airlines went head to head with each other to attract passengers. The upshot: Fare fell for the major carriers, but costs did not, especially labor costs. In 2002, American and United spent 50 percent of their income on employee wages and benefits.

Union collective bargaining agreements impose onerous and costly work rules on the major airlines, such as requirements that they employ a minimum number of pilots and fly a minimum number of aircraft. Other onerous rules include restric-
tions on the use of regional jets (i.e., smaller aircraft that allow airlines to serve cities too small to support mainline service); complex rules on code sharing, which allow individual airlines to coordinate connections with other carriers; and restrictions on furloughing employees, even during hard times.

But the low-cost carriers enjoy either lower rates of unionization or more flexible collective bargaining agreements. Often these agreements allow pilots to fly more hours with less downtime between flights, allow airplanes to outsource extensively, and require less paid vacation time and sick leave.

Among the legacy carriers’ largest costs are pension contributions for both current and retired employees. Decades of generous labor contracts have left many major airlines saddled with enormous pension costs. Even if troubled carriers like United and US Airways manage to renegotiate their labor contracts to achieve savings, they still face billions of dollars in pension obligations. The federal government has intervened to rescue both United and US Airways from this debacle, mainly by assuming billions of dollars in pension obligations. The federal government has intervened to rescue both United and US Airways from this debacle, mainly by assuming billions of dollars in pension obligations. But only the harsh realities of the marketplace can prepare the airline industry for long-term stability; government intervention got these carriers into this situation in the first place.

United Airlines’ recent history shows the toll that high labor costs and union hardball tactics can take on an airline. Animosity between United, the nation’s second-largest carrier, and its unions dates back to 1985, when pilots went on strike for 29 days to protest a proposed two-tiered wage structure intended to reduce labor costs by bringing in new hires at lower wage rates.

Facing new competitive pressures after deregulation, United CEO Richard Ferris proposed the two-tiered wage structure.

United’s four leading competitors at the time—American, Continental, Frontier and the now-defunct discount start-up People Express—had already cut wages or started out with lower costs. Ferris argued that if 2,000 new hires came to United at a scale 40 percent lower than that for its current employees, the airline would save about $120 million in 10 years. But the pilots said no.

During the strike, United’s pilots union—an aggressive union that flexed its muscle to support the presidential campaigns of Al Gore and John Kerry—used characteristically belligerent tactics to thwart management’s attempt to keep the airline running, including surveillance to discourage replacement pilots. The union even hired a psychotherapist to identify CEO Ferris’s “hot buttons” and push him to react emotionally to its attacks.

United managed to hire some replacements—it had recruited and trained 570 new pilots in anticipation of the strike—and it persuaded some pilots to cross union picket lines (many wore Groucho Marx masks to avoid surveillance), but the union did serious damage. The 29-day strike cost United upwards of $10 million a day. Facing a near-total shutdown, Ferris and his management team pared down their two-tiered plan so that it would only apply to the first five years of new pilots’ employment.

The strike added luster to an already-powerful union’s clout. Then in 1986, United pilot Rick “Mad Dog” Dubinsky, a union activist who came to prominence during the strike, became union president. In 1987, Dubinsky and the pilots’ union offered $4.5 billion to buy the airline. They feared the airline’s (and pilots’) status would be diminished by a decision made by United’s holding company to diversify its operations by purchasing hotel and rental car properties. The pilots’ offer put...
nior executives who they believed had crossed the union in the past. Greenwald refused and fell from favor. In 1998, the unions successfully blocked Greenwald’s chosen successor, John Edwardson, from becoming CEO in retaliation for his attempt to outsource union jobs to cut down labor costs.

Employee ownership and efficient management were not compatible. During the summer and fall of 2000, United pilots fought a proposed merger with US Airways, fearing that they would lose seniority to US Airways pilots just as their contract was set to expire. United’s once-profitable West Coast routes were hurting as the dot-com bubble burst and demand fell. Further conflicts with a union disillusioned by the demands of ownership led to one of the biggest slowdowns in airline history. United was forced to cancel 23,000 flights, and its on-time service rate plummeted to 40 percent. In the first half of 2001, the company lost $600 million.

Then came the September 11. Terrorists used two United planes as missiles, and in the five months following the attacks, United’s traffic declined by 25 percent. The airline took planes out of commission and asked senior pilots not to come to work even though they still could collect 80 percent of their pay. By the end of 2001, United lost almost all its earnings of the previous three years. United filed for Chapter 11 bankruptcy protection in December 2002, after posting losses of $2.1 billion for 2001 and $3.2 billion that year.

Since entering Chapter 11, United has cut $5 billion in costs but it remains in trouble, posting losses of $1.6 billion for 2004 and a whopping $1.1 billion for the first quarter of 2005. The airline says it needs to secure an additional $2 billion in cost cuts, including $725 million in annual labor savings, to emerge from bankruptcy.

Achieving those savings won’t be easy. In January, the Aircraft Mechanics Fraternal Association authorized a strike if it fails to reach an agreement with United management. The Association of Flight Attendants (AFA) authorized a strike last December but then approved $131 million in concessions. In April, the AFA threatened to terminate its contract unless management discloses more information on its own belt-tightening measures. Leaders of IAM District Lodge 41—which represents nearly 20,000 United ground workers, including ramp workers and ticket agents—sent out a bulletin in April urging members to authorize a strike in the event contract talks fail.

Because Chapter 11 protection allows airlines to rewrite labor contracts without union approval, the unions have an incentive to offer concessions in exchange for a place at the bargaining table. United has forced concessions, including pay cuts of 29 percent from pilots, 13 percent from machinists and 9 percent from flight attendants. Several United unions also have agreed to reduced pension payouts, reduced company contributions to the pension plan, less vacation time and increased maximum flying time.

“We are hoping this step provides the company the tools it needs to move closer to getting out of bankruptcy,” said ALPA spokesman Steve Derebey after pilots approved pay cuts of 11.8 percent in January.

But other unions are less sanguine, and the airline’s fortunes are bleak: “The ratification of these concessions is not an endorsement of United Airlines’ management,” said Greg Davidowitch, head of AFA’s United Master Executive Council.

How long will United’s frequent flyers trust the airline’s future health to buy advance tickets?

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“Flight attendants understand that under the realities of bankruptcy, the lesser of two evils is to ensure we shape the concessions forced upon us rather than allow mistrusted management to seek rejection of our contract.” After members of the Aircraft Mechanics Fraternal Association (AMFA) rejected a contract agreement that would have cut wages and benefits by 5 percent, a bankruptcy judge granted United’s request to temporarily cut mechanics’ pay by 10 percent. On May 11, 2005, the same day that United posted the $1.1 billion first-quarter net loss, members United’s machinists’ union voted to authorize a strike if a judge allows the airline to terminate its contract with the union.

The High Cost of Downsizing

Facing a desperate situation, airlines are moving to cut labor costs and increase efficiency, and unions have grudgingly made some concessions. But long-term labor force reductions entail large severance costs in the short run. The new labor agreements at US Airways provide a good example of the dire straits the airlines and the unions face.

The labor agreements at US Airways require workers to increase productivity. Pilots and flight attendants may now fly up to 95 hours a month, compared to 75 hours under the previous agreement. Fred Freshwater, president of Air Line Pilots Association Council 40, complained to The Pittsburgh Tribune-Review, “They’re burning us out.” But pilots union spokesman Jack Stephan said flight attendants and pilots can meet the new quotas by reducing idle time, and reports that some pilots have asked for more flight hours. “The day doesn’t get any longer,” Stephan said. “It simply changes what you do during the day.”

The agreements also allow for workforce reductions. For instance, 600 fleet service workers will lose their jobs to outsourcing. All are members of the International Association of Machinists and Aerospace Workers, which represents more than 8,000 US Airways employees.
But the reductions will require large severance costs.

In early January, members of the Association of Flight Attendants approved $150 million in annual concessions. As part of the agreement, US Airways has offered voluntary furlough packages, including $10,000 cash to persuade 500 flight attendants to leave the airline in June. Furloughed attendants with at least 10 years of service can fly for free on US Airways for life, will be paid for unused vacation, and may receive unemployment compensation. Previous furlough programs allowed flight attendants to opt to come back after six to 12 months, but the current package puts attendants on “limited recall”—they cannot return to work until all laid-off employees are offered their jobs back.

Reducing the workforce at US Airways call centers has come at a premium. The Communications Workers of America (CWA), which represents reservation agents and other call center employees, has agreed to job cuts, which will offer employees the choice of a transfer or a generous buyout. Starting April 22, US Airways began to phase out its two-build-

ing complex in Green Tree, Pennsylvania, near Pittsburgh, a major US Airways hub. The airline is laying off 784 reservation agents at Green Tree, which is due to close by September. All workers can choose $10,000 to $20,000 buyout or transfer to a facility in Winston-Salem, North Carolina, with a $500 moving allowance. More than 500 agents chose the buyouts.

In Findlay, Pennsylvania, 31 of 48 call center workers accepted similar buyouts. At the Winston-Salem reservation call center, an estimated 330 of nearly 800 CWA workers agreed to buyouts worth up to $20,000. In Charlotte, 109 of 400 gate and ticket agents agreed to accept company buyouts, which include up to $15,000 in cash plus health care and travel privileges. Some of the new labor agreements demonstrate that management and unions can work together to survive, but it hasn’t all gone smoothly. And some unions are still playing hardball.

For US Airways, Christmas 2004 was an unmitigated disaster. In the period of December 22-28, a severely understaffed US Airways canceled 405 flights, delayed more than half its flights and failed to deliver at least 72,000 bags. Shortly after the meltdown, US Airways CEO Bruce Lakefield blamed the problem on a “record number” of sick calls from flight attendants and ground crews, but a U.S. Department of Transportation report blamed US Airways for understaffing itself during the period.

“Maybe next time they won’t be so quick to blame it on the employees,” Mike Flores, a flight attendants union member told The Charlotte Observer. But Mike Boyd, president of the Boyd Group, an independent airline consultancy, said it was doubtful whether the government knew which side was right. “It was an internal problem at US Airways and, beyond that, I don’t think the U.S. government has the ability to pass judgment,” he said. Since the Christmas meltdown, US Airways has been trying to raise staffing levels and increase salaries by more than $2 an hour.

Planned call center workforce reductions at US Airways, though agreed to by the union, have generated plenty of union protests against overseas outsourcing. Passenger calls regarding lost luggage used to be relayed to the Findlay call center, which closed March 19. Now they go to a call center in El Salvador run by Grupo Atento, a Spanish company. Grupo Atento workers in El Salvador make about $2.20 an hour, compared with Green Tree wages of $17 or more. The January labor agreement ratified by CWA-represented agents allows US Airways to outsource as many jobs to Grupo Atento as the number of employees who accept buyouts and are furloughed by September.

“This company is not doing this to survive,” Becky Gerald, president of CWA Local 3640 in Winston-Salem, told The Pittsburgh Tribune Review. “They are doing it out of pure greed.” In March, members of CWA Local 13302 announced plans to petition a federal bankruptcy court to reverse US Airways’ decision to close the Green Tree call center.

**The Load of Pensions**

For troubled legacy carriers, the most
important benefit of bankruptcy is relief from pension obligations. Decades of generous labor contracts have left many carriers saddled with billions in pension commitments. Airlines have for years provided their employees with defined-contribution pension plans, which pay out a fixed benefit regardless of the employee’s contribution into the pension fund. By contrast, many other sectors of the economy have moved largely to defined-contribution plans, such as 401(k) accounts, in which the employee invests into an individual investment fund.

The Pension Benefit Guaranty Corp. (PBGC), the federal agency that insures private corporate pension plans, has moved to take over both United’s and US Airways’ pension plans, as part of their Chapter 11 reorganization plans. For both airlines, PBGC guarantees pensions up to $45,613 a year for workers who retire at 65; only those who retire earlier than 65 or have higher pensions receive reduced payments.

Judge Stephen Mitchell approved a plan to terminate the pension plans of US Airways’ machinists and flight attendants, as well as an already frozen pension plan for 28,000 retirees.

On February 2, the PBGC assumed about $2.3 billion in retirement payments to 51,000 US Airways workers and retirees. The plan terminations should save US Airways as much as $100 million a year. At the time of this announcement, US Airways’ $2.3 billion pension obligations, plus another $726 million in liabilities that the PBGC assumed during the carrier’s first bankruptcy, comprised the second-largest debt from a single company ever assumed by the PBGC. It was behind only Bethlehem Steel, from which PBGC assumed about $3.7 billion in pension debt in 2003. But even that would soon be eclipsed by United.

On March 11, PBGC agreed to take over the pensions for 36,000 United ground workers and retirees, relieving the airline of its financial obligations to the underfunded plan. The two unions representing the employees—the International Association of Machinists and Aerospace Workers and the Aircraft Mechanics Fraternal Association—vow to oppose the plan; IAM threatens to strike, while AMFA said it would fight the PBGC takeover in court. “Failure by United to reach an agreement with the IAM could lead to strike action against the carrier,” IAM District 141 president Randy Canale told Reuters, while AMFA director O.V. Delle-Femine said, “We are not going to take this standing still.”

IAM general vice president Robert Roach, Jr. called the plan “not acceptable,” and said that employees stand to lose between 20 and 50 percent of the value of their pensions, “PBGC has taken this step...because United has failed to have any meaningful discussion that would avoid pension termination,” he told the Associated Press. Yet the termination’s terms, while unpleasant, are not about to leave anyone on the street—and are pref-

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United terminated all its pensions that would put PBGC another $6.6 billion in the hole! United says the government’s share of the pension contributions would be $1.7 billion. PBGC Executive Director Bradley D. Belt said United has missed $363 million in legally required payments into the pension plan, and that a takeover had become “necessary to protect the agency against further losses.” But it may all be for naught.

On April 22, the PBGC reached an agreement with United to assume that $6.6 billion in debt. PBGC will take over four of the airline’s pension plans, covering 121,500 employees and retirees. The plans—for pilots, flight attendants, mechanics, and ground workers—are underfunded by nearly $10 billion, of which the PBGC will guarantee about two-

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were threatening to strike through a tactic known as CHAOS—for “create havoc around our system”—which involves intermittent job actions, such as one-day strikes and single-city strikes.)

**Why Do It? Who Benefits?**

Despite all these elaborate financial arrangements, this situation facing the airlines begs the question: Why should airlines trim their costs when the federal government is waiting in the wings offering assistance? Airlines are very large enterprises, the kind government officials consider “too big to fail.” But keeping a sick airline on life support hurts the industry as a whole. And it fails to hold companies accountable for the overly generous union contracts they negotiated.

Consider this recent episode. According to The New York Times, when United CEO Glenn F. Tilton finished outlining the steps the airline plans to take to emerge from bankruptcy, someone in the audience at a February conference asked why United doesn’t just stay in bankruptcy?

“The question reflected the skewed reality of the airline industry,” notes Times reporter Micheline Maynard. “Instead of disappearing, the sickest airlines are being kept alive with significant help from lenders, the federal government, patient judges, aircraft companies and even rivals.” Without the federal assistance safety net, it is unlikely that faltering companies would attract so much investment.

This state of affairs can only discourage airlines from making the tough decisions—including reducing labor costs and undoing complicated work rules—they need to make to become competitive. As the Times’ Maynard notes, “The wide variety of available help, however, frustrates some executives at airlines that have managed to avoid a Chapter 11 bankruptcy filing, often through the dint of deep cuts in their operations.”

For instance, the best way for legacy carriers to begin to handle their pension crisis is to move their employees from defined-benefit pension plans to defined-contribution retirement plans, such as 401(k) accounts. Huge pension liabilities have put the legacy carriers at a competitive disadvantage with low-cost carriers.

Fortunately, the problems at United and US Airways are prompting other legacy carriers to make changes. In November, union pilots at Delta ratified a new contract that freezes their defined-benefit pension and creates a defined-contribution plan. Atlanta-based Delta, the nation’s third largest carrier, is itself in danger of bankruptcy; it posted a $1.1 billion loss in the first quarter of 2005 and faces $3.1 billion in pension payments over the next three years. Northwest CEO Doug Steenland is also trying to move his airline to revamp its pensions.

**Regional Airways**

Legacy airlines may also be able to try another strategy to give them a fresh start: they are undertaking partnerships with low-cost regional airlines that do not carry the larger companies’ union baggage.

When US Airways, the nation’s seventh-largest airline, emerged from bankruptcy the first time in March 2003, it had cut its annual costs by $1.9 billion and gotten a $900 million federal loan guarantee. But last September, US Airways filed for bankruptcy again. It posted losses of $611 million for all of 2004 and $191 million for the first three months of 2005.

On January 6, a U.S. bankruptcy judge canceled the collective bargaining agreement between US Airways and its machinists union, thereby clearing the way for United to cut thousands of jobs and impose pay cuts from 6 to 35 percent. Judge Stephen Mitchell said that, “at bottom, it is clear that the debtor’s financial position is so precarious that even with the relief being sought, there will still be grave questions as to whether it can survive.” Acknowledging job losses, he said, “Which is worse, that half of the mechanics lose their jobs or that all of the mechanics lose their jobs?”

But there may be help for US Airways in the form of subsidiary regional airlines. Appleton, Wisconsin-based Air Wisconsin Airlines and Indianapolis-based Republic Airways have pledged to invest $125 million each into US Airways, under agreements that give each regional carrier three seats on the board of directors and the right to own 19 to 25 percent of US Airways stock. US Airways says it needs $250 million before it can emerge from bankruptcy by June 30, a deadline set by its biggest creditor, GE Capital.

Regional partners may also be the key to United’s survival. The regional airlines often have much lower labor costs: many are not unionized and pilot pay is partially based on the size of aircraft.

Moreover, major airlines need regional routes to feed their hub airports, while high fuel costs make flying jets to small markets a losing proposition. However, regional airlines can fly small aircraft that
require less fuel and carry fewer passengers to fill them. For example, Manassas, Virginia-based Colgan Air’s smallest plane carries 19 passengers, while the smallest jet at Colgan’s major airline partner Continental carries 37 passengers, according to The Washington Post.

Some industry analysts predict that the Air Wisconsin and Republic deals, which tie US Airways’ operations very closely to the two regional carriers, may lead to outright mergers. Indeed, last month US Airways announced a merger with Phoenix-based America West, an airline that serves primarily the Western U.S., to create a large low-cost airline. US Airways’ survival may depend on the success of the merger.

Some unions that have strongly opposed mergers in the past may now embrace them as a way to save their members’ jobs. For example, during the summer and fall of 2000, following a May announcement of plans for a US Airways-United merger, United’s pilots staged a slowdown to show their opposition. But now Airline Pilots Association president Duane Woerth seems to be open to the idea. In February, Woerth told The Pittsburgh Tribune-Review that the federal government should allow for consolidation in the airline industry through mergers. “It’s really not behaving like a deregulated industry when consolidation is denied,” he said. “If we’re going to be deregulated, let’s deregulate, and that means get out of the way.”

What Next?

In Pittsburgh, where US Airways job cuts have been deep, former US Airways employees are seeking work with other airlines or leaving the airline industry. Bryan Smith, a former US Airways mechanic interviewed by The Pittsburgh Post-Gazette, said some of his friends are applying for commercial drivers’ licenses to drive long-haul trucks, while he has applied for jobs in building operations, drawing on his experience maintaining de-icing pads and baggage systems.

For people like Bryan Smith, this kind of transition will not be easy. However, the legacy carriers’ business model needs to change. Delaying the airlines’ day of reckoning through government intervention and periodic bailouts only helps prolong the pain—and keeps airline unions in a state of denial. Indeed, for America’s airline industry to function efficiently and profitably, the best thing the government can do is to get out of the way.

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Four Unions Move Toward Split from AFL-CIO

Four union presidents who are opposed to John Sweeney’s reelection as president of the AFL-CIO in August have demanded that their members’ names and addresses be removed from the federation’s master list of 13 million households. The list is the AFL-CIO’s primary tool for political mobilization and grassroots lobbying. The four unions—the Service Employees International Union (SEIU), the Teamsters, the Laborers and Unite Here—represent one-third of the AFL-CIO’s membership. SEIU’s Andrew Stern has been threatening to leave the AFL-CIO altogether, taking 10 percent of the federation’s membership with him. The shrinking master list has the Democrats nervous. The office of Senate Democratic Leader Harry Reid was compelled to issue a statement that he “is confident that this will not lessen the AFL-CIO or any affiliated union’s commitment to America’s working families, nor lessen their ability to impact the political process.”

AFL-CIO Discloses Financial Woes

The AFL-CIO’s net assets have declined under President John Sweeney, from $66.1 million in January 2000 to $29.1 million in June 2004. Sweeney acknowledged to reporters that the federation may have to lay off a quarter of its employees, despite increasing annual spending on political and lobbying efforts to $15 million.

Labor Department Warns AFL-CIO About Pension Fund Tactics

A U.S. Labor Department official has warned the AFL-CIO and its member unions that it may be illegal to use union-affiliated pension funds to bully Wall Street firms to remain silent on President Bush’s proposals to reform Social Security. Alan Lebowitz, deputy assistant secretary for program operations at the Employee Benefits Security Administration, reminded union leaders that “a fiduciary may never increase a plan’s expenses, sacrifice the security of promised benefits, or reduce the return on plan assets, in order to promote its views on Social Security or any other broad policy issue.”

Chicago Mob Indictments Cite Union Control, Violence

New federal indictments of 14 alleged leaders of the Chicago Mafia, also known as “The Chicago Outfit,” claim the mob has significant control over unnamed Chicago-area labor unions, according to the National Legal and Policy Center. Most of the indictments charged racketeering violations; other charges include murder, attempted murder, extortion, loan-sharking, bookmaking, witness intimidation and obstruction of justice. “It was further part of the conspiracy that the conspirators would and did maintain hidden control of labor organizations and assets,” reads the racketeering indictment. Also: “It was further part of the conspiracy that the conspirators would and did utilize the threat of labor union violence or disruptions to induce payments to the enterprise to keep ‘union peace.’”

Senate Bill Would Limit Advertising by 527 Organizations

Section 527 organizations, the quasi-political nonprofits that had a major impact on the 2004 elections and received substantial sums from labor unions, may be forbidden from using unlimited “soft money” contributions for political television commercials if the Senate approves a bill launched by the Senate Rules Committee last month. Republican leaders and campaign finance reform advocates generally support the measure, while free-speech advocates including some conservative advocacy groups oppose it.

Government Unions Contradict Position Against Employee Politics

Last year, federal employee unions criticized the Office of Special Counsel for not aggressively pursuing violators of the Hatch Act, which prohibits government workers from actively campaigning for a candidate while on the job. But now Colleen Kelley, president of the National Treasury Employees Union, is criticizing Special Counsel Scott Bloch’s effort to fire two Social Security Administration employees for distributing e-mails to co-workers—one in support of Sen. John Kerry’s campaign, one in support of President George W. Bush. Kelley supports a ruling by Merit Systems Protection Board (MSPB) judge Arthur Amchan that the e-mails amounted to a discussion of politics and not soliciting votes. Bloch is appealing that ruling to the full MSPB.