

Summary: The three May 2018 Executive Orders and their effect on agency operations and the federal workforce during the COVID pandemic

EO #13836: (Bargaining) Re-opens collective bargaining agreements and rushes negotiations

- Establishes a "Labor Management Group" that dictates broad "one-size-fits-all" proposals neglecting local, regional, and function-specific needs for operations.
- Directs federal agencies to negotiate new collective bargaining agreements as soon as possible unnecessarily disrupting and creating more work for unions and agencies.
- Encourages "take-it-or-leave-it" bargaining tactics, and direct agencies not to bargain over subjects that the law allows. Encourages bad faith bargaining and partial bargaining.
- Sets arbitrary timelines for negotiations, rushing the process to reduce employees' bargaining power and the scope of bargaining, such as continuity of operations.
- **UNDER COVID:** Collective Bargaining Agreements (CBAs) are ignored or terminated at will. Agencies choose over what to bargain, leaving out plans and procedures (COOP, etc.) that traditionally helped agencies and employees together. This is adding to COVID chaos, and reduced workforce flexibilities on planning and response to COVID issues such as leave, telework, working conditions, safety, etc. Lines of communication that help during a crisis were broken deliberately as management severed ties to employees as ordered by this EO.

EO #13837: (Representation) Hinders unions' ability to represent workers

- Drastically reduces official time for union officials, an attack designed specifically to make it harder for unions and employees to fulfil the legal requirements for representation. This is designed to discourage unfair labor practices and other charges against management.
- Cuts off access to office space and supplies for union officials carrying out their legal requirement to represent workers. This is 'divide and conquer' by management.
- **UNDER COVID:** Creates culture of fear that prevents communications especially during COVID. Employees cannot get messages to management without this format. Employees are less likely to engage or suggest improvements to help during COVID from fear of retaliation. Employees less likely to challenge COVID mismanagement or negligence by agencies through unions. This EO orders the physical removal of employees associated with unions from government spaces and prohibits use of agency email, blocking two-way communication two-way dissemination of COVID information to and from management.

EO #13839: (Merit Principles) Directs agencies to ignore federal employee workplace rights

- Encourages agencies to abandon fairness concepts such as progressive discipline process and other options to address employee issues.
- Encourages agencies to tailor different penalties for the same or similar offenses, ignoring established law. It ignores Merit Principles and case law against unlawful practices.
- Instructs agencies to take away our ability to grieve unfair terminations or to challenge performance appraisals or awards. It is a huge step back to the Spoils System by allowing undue and/or political influence to threaten career employees without cause.
- **UNDER COVID:** Creates a culture of fear of retaliation because legitimate grievance and arbitration procedures are now corrupted, ending due process. This paralyzes the workforce during COVID, silences potential whistleblowers, hides agency and political mismanagement, and ends the independent voice of union employees to report on crisis operations. The EO will be used against employees after agencies return to normal.