

**From:** [Chapter 242](#)  
**To:** [Sleva, Dawn M.](#)  
**Subject:** An important Message from Chapter 242  
**Date:** Tuesday, June 26, 2018 12:53:49 PM

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Hello Chicago Region Bargaining-Unit Colleagues,  
I'm not sure if you've already seen or heard something about the three euphemistically titled executive orders issued on Friday May 25 (before the long Memorial day weekend). I'm deeply concerned about the substance of the orders. **You should be concerned too.** Arguably, the timing and titling was intended to bury the significance of the orders and their aim to strip you of your right to a strong advocate at the bargaining table. Make no mistake, these executive orders are designed to circumvent current statutory and collective bargaining contractual rights that have made the federal civilian sector nonpartisan by design for decades.

See for yourself – the orders are available from the Whitehouse at the following links:

### **THE ORDERS**

#### **Executive Order Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles**

<https://www.whitehouse.gov/presidential-actions/executive-order-promoting-accountability-streamlining-removal-procedures-consistent-merit-system-principles/>

#### **Executive Order Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining**

<https://www.whitehouse.gov/presidential-actions/executive-order-developing-efficient-effective-cost-reducing-approaches-federal-sector-collective-bargaining/>

#### **Executive Order Ensuring Transparency, Accountability, and Efficiency in Taxpayer Funded Union Time Use**

<https://www.whitehouse.gov/presidential-actions/executive-order-ensuring-transparency-accountability-efficiency-taxpayer-funded-union-time-use/>

### **A BRIEF SUMMARY OF THE IMPACTS**

**What do the executive orders aim to do?** If followed these three orders would:

- (a) reduce employee due process rights; (whether you can have an advocate, what you can challenge, and whether you have a meaningful timeframe to appeal a manager's decision even when it impacts you directly)
- (b) direct all agencies to renegotiate collective bargaining agreements to eliminate merit-system safeguards (such as long held employee and union rights to challenge removals, performance ratings, or incentive awards);
- (c) eliminate options for arbitration (remove the opportunity to challenge certain manager actions altogether);
- (d) require agencies to have proposals pre-approved by an OPM-controlled council (this basically removes the ability to collaboratively develop bargaining agreements tailored to the agency and sets forth a template to make it easier to restructure and reduce the federal workforce whether or not it erodes the agency's ability to perform its core missions); and
- (e) reduce official time (so that there's a strong disincentive to obtain an advocate by requiring all grievances and representative advocacy to occur outside normal business hours).

**Can agencies do this?** As much as the Administration would like to implement these changes immediately, they cannot. Anything that is the subject of an existing term agreement cannot be

changed until renegotiated pursuant to a mid-term re-opening clause or the expiration of a term agreement.

**What has NTEU done to combat this?** NTEU has filed a lawsuit to stop many provisions in the executive orders and is pursuing an expedited briefing schedule. Preliminary motions including motions for summary judgment will be heard and ruled on in July 2018. *Ask your steward for a copy of that lawsuit.* Whether or not there's a legally sound foundation for the directives in these EOs, together they communicate an adversarial tone toward federal employees and the right to petition one's government or challenge decisions of federal civilian workforce managers.

### **WHAT YOU CAN DO**

**What can I do?** Get involved. If you are a member, be sure you understand what rights you have and be vigilant about developments by your congressional and senate representatives. When you are not on a government network or using government equipment you can visit NTEU's legislative action center for options and analysis. If you are not a member, now is the time to find out more about what NTEU has to offer. Visit NTEU at [www.nteu.org](http://www.nteu.org).

**We need our members to show strength now more than ever.** One of the executive orders measures the reasonableness of time allocated to employee advocacy based on bargaining-unit enrollment level. We have strong membership in the Chicago region and I appreciate your support. But we can do better. Visit our chapter website at [www.nteuchapter242.org](http://www.nteuchapter242.org) to find out how you can become better informed about the fight ahead.

Thanks, Dawn Sleva, Chapter 242 President