

Executive Order 13836: Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining – Issued May 25, 2018

Agency Deadlines for Implementation of Key Requirements

<u>Executive Order Section</u>	<u>Agency Action</u>	<u>Deadline</u>
Section 4(a) Collective Bargaining Objectives, Report on Operative Term CBAs	The head of each agency that engages in collective bargaining under chapter 71 of title 5, United States Code, shall direct appropriate officials within each agency to prepare a report on all operative term CBAs. The report shall recommend new or revised CBA language the agency should seek to include in a renegotiated agreement that would better support the objectives of Section 1 of this order. (The report shall be provided to each agency head, not OPM)	At least 1 year before expiration or renewal date of term CBAs
Section 5(a), Collective Bargaining Procedures	For collective bargaining negotiations, a negotiating period of 6 weeks or less to achieve ground rules, and a negotiating period of between 4 and 6 months for a term CBA under those ground rules, should ordinarily be considered reasonable and to satisfy the “effective and efficient” goal set forth in Section 1 of this order. Agencies shall commit the time and resources necessary to satisfy these temporal objectives and to fulfill their obligation to bargain in good faith. Any negotiations to establish ground rules that do not conclude after a reasonable period should, to the extent permitted by law, be expeditiously advanced to mediation and, as necessary, to the Panel	Ground rules negotiating period of 6 weeks or less and term CBA negotiating period of between 4 to 6 months <i>should ordinarily be considered reasonable</i>
Section 5(b) Notice of Status of Negotiations	Upon the conclusion of the sixth month of any negotiation, the agency head shall receive notice from appropriate agency staff and shall receive monthly notifications thereafter regarding the status of negotiations until they are complete. The agency head shall notify the President through OPM of any negotiations that have lasted longer than 9 months, in which the assistance of the FMCS either has not been requested or, if requested, has not resulted in agreement or advancement to the Panel	Agency head shall receive notice from staff of any negotiations lasting longer than 6 months (and monthly thereafter) and Agency head shall notify the President through OPM of any negotiations that have lasted longer than 9 months

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Section 5(e), Rescind Requirements based on now-revoked EO 12871 and EO 13522	To the extent that an agency's CBAs, ground rules, or other agreements contain requirements for a bargaining approach other than the exchange of written proposals addressing specific issues, the agency should, at the soonest opportunity, take steps to eliminate them. If such requirements are based on now-revoked Executive Orders, including Executive Order 12871 of October 1, 1993 (Labor-Management Partnerships) and Executive Order 13522 of December 9, 2009 (Creating Labor-Management Forums to Improve Delivery of Government Services), agencies shall take action, consistent with applicable law, to rescind these requirements	At the agencies soonest opportunity
Section 5(f) Review of Binding Agreements to Ensure Consistency with all Applicable Laws, Rules, and Regulations	When conducting agency head review under 5 U.S.C. 7114(c), the agency head shall ascertain whether the agreement contains any provisions concerning subjects that are non-negotiable, including provisions that violate Government-wide requirements set forth in any applicable Executive Order or any other applicable Presidential directive. If an agreement contains any such provisions, the agency head shall disapprove such provisions, consistent with applicable law. The agency head shall take all practicable steps to render the determinations required by this subsection within 30 days of the date the agreement is executed, in accordance with section 7114(c) of title 5, United States Code, so as not to permit any part of an agreement to become effective that is contrary to applicable law, rule, or regulation	Within 30 days of the date the agreement is executed
Section 8(a) Public Accessibility	Each agency subject to chapter 71 of title 5, United States Code, that engages in any negotiation with a collective bargaining representative, as defined therein, shall submit to the OPM Director each term CBA currently in effect and its expiration date. Such agency shall also submit any new term CBA and its expiration date to the OPM Director within 30 days of its effective date	Within 30 days of the new term CBA's effective date (see Section 8(b) for timeline of initial submissions of term CBAs currently in effect)
Section 8(a) Public Accessibility	Each agency subject to chapter 71 of title 5, United States Code, that engages in any negotiation with a collective bargaining representative, as defined therein, shall submit to the OPM Director new arbitral awards to the OPM Director within 10 business days of receipt	Within 10 business days of receipt of arbitral awards

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Section 8(b) Public Accessibility	Within 90 days of the date of this order, the OPM Director shall prescribe a reporting format for submissions required by subsection (a) of this section	Within 90 days of the date of the Order
Section 8(b) Public Accessibility	Within 30 days of the OPM Director's having prescribed the reporting format, agencies shall use this reporting format and make the submissions required under subsection (a) of this section	Within 30 days of OPM prescribing the reporting format