

October 3, 2017

MEMORANDUM

TO: Chapter Presidents

RE: Executive Order Issued to Dismantle the National Council on Federal Labor-Management Relations

SUMMARY: President Trump has issued an Executive Order that would dismantle the National Council on Federal Labor-Management Relations.

Late Friday, President Trump issued an Executive Order (EO) to dismantle the National Council on Federal Labor-Management Relations. The “Presidential Executive Order on the Revocation of Executive Order Creating Labor-Management Forums” overrides both the Obama Administration’s EO 13522, issued in December 2009 to re-establish the Clinton era created agency labor-management forums, and its subsequent EO 13708 issued in September 2015 that extended the authority for the National Council on Federal Labor-Management Relations, co-chaired and operated by the Office of Management and Budget and the Office of Personnel Management. As President of NTEU, I was appointed by the President and have served as a member of the National Council. While the National Council played an important role in helping to provide visibility and a model for labor-management collaboration, and guidance for agencies in establishing successful forums, the real impact of the Obama order was not at the Council level, but at the level of the agency labor-management forums, where the meaningful pre-decisional involvement was designed to occur. It is important to note that this EO does not have the authority to terminate agency-level labor-management forums that are established under a collective bargaining agreement, or to impact any statutorily-required negotiations (for items under 5 United States Code 7106). It is unclear at this time what individual agency heads will do in response regarding their agency-level forums. The latest EO is attached for your review.

In addition to the National Council, the administration has chosen not to extend the Department of Labor’s federal employee Federal Advisory Council on Occupational Safety and Health, which NTEU is also a member of, and which has sought to reduce illnesses and injuries across the federal workforce, and to bolster agency-specific occupational health and safety programs.

The Obama Administration’s 2009 EO was issued based upon a belief that “federal employees and their union representatives are an essential source of front-line ideas and information about the realities of delivering Government services to the American people. A

non-adversarial forum for managers, employees, and employees' union representatives to discuss Government operations will promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government.” Notably, the 2009 EO also promoted the use of pre-decisional involvement (PDI). However, the Trump Administration’s EO argues that “labor management forums have consumed considerable managerial time and taxpayer resources, but they have not fulfilled their goal of promoting collaboration in the Federal workforce. Public expenditures on the Council and related forums have produced few benefits to the public, and they should, therefore, be discontinued.”

This is not the first time we have seen an assault on the ability of frontline federal employees and unions to engage in meaningful dialogue with agency management, as the George W. Bush Administration also issued a similar EO. I know that many of us were frustrated in recent years about what came out of the forums, and mainly with the lack of any resulting concrete benefits. In NTEU’s opinion the lack of gains was owing to insufficient use of, or the complete absence of PDI, or collaboration, depending upon the specific agency. However, the lesson learned is that there needs to be greater utilization of PDI, not less. For an administration that is presently undertaking agency reorganizations, with an eye to reducing operational costs and to achieve workplace efficiencies, to state that it is too time-consuming and costly to directly engage in dialogue with its own employees is ill-advised and self-defeating. This action will backfire by serving to limit the ability of frontline employees to suggest workplace process efficiencies, thwarting the desired goal of improved government operations and their successful implementation, and is disrespectful of the role of union representatives in the workforce. Further, eliminating venues to reduce employee workplace injury and illness, and to limit coordination, is indefensible for any employer, and will translate into costlier, and otherwise preventable, worker compensation claims. Only by sitting down across from the table, and establishing personal working relationships, can jointly-crafted, productive labor-management workplace solutions emerge. If the revocation of this EO is intended to send the message to agencies that there should be less consultation with unions, it will not bode well for the public, agencies or employees.

Anthony M. Reardon
National President

Attachment