

Bargaining Guidance: Executive Order on Protecting the Federal Workforce

After years of AFGE members working tirelessly to defeat the union-busting policies of the previous administration, President Biden has finally taken action to rid us of Trump's Executive Orders. At the end of the business day on January 22, 2021, **the White House released a new executive order revoking the EOs (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/22/executive-order-protecting-the-federal-workforce/>)** that aimed to kill our union and harm our members. In addition, the new Biden Executive Order instructs agencies to bargain over permissive topics, and eliminates the Schedule F instruction, which made some civil servants at-will-employees. More guidance will be forthcoming, but in the meantime:

Revoking the Trump Executive Orders on Union Rights:

Trump's 3 EOs attacking unions- 13836, 13837 and 13839 are revoked. Agencies are instructed to review and identify all actions taken pursuant to the EOs, including attacks on official time, space and disciplines. Agencies are to go about "suspending, revising, or rescinding" those actions.

What does this mean: Time will tell us more, but it seems to suggest that any action taken to effectuate the old EOs, including kicking people out of their offices, taking away their official time, and stripping down grievance and arbitration rights should be halted, and any CBA with those terms in it should be subject to bargaining to undo those actions.

1. Demand to bargain and remove all vestiges of the EO from your CBA
2. Propose status quo from the previous CBA during the interim, because the current CBA constitutes an effectuation of the revoked Trump EOs
3. File an information request for all employees disciplined, suspended or removed under the auspices of the EO, as a part of the review of the actions taken under the EOs
4. Be prepared to bargain back all the rights the Trump EOs took, while insisting a return to pre-Trump EO working conditions during the negotiations

Permissive Bargaining:

The new Biden Executive Order elects to bargain over permissive subjects of bargaining, and instructs agencies to do the same.

What does this mean: Agencies have to bargain over permissive subjects. Staffing, technology, methods and means of performing work, and more – it is all on the table.

When you return to the table, be prepared to bargain permissive subjects. FSED and your Districts will help identify these topics, and craft proposals. As always, just because a topic is negotiable doesn't guarantee that the Agency will agree to our proposals, but it opens the door to a number of new and worthwhile issues.