

Executive Order 13837: Ensuring Transparency, Accountability, and Efficiency in Taxpayer Funded Union Time Use – Issued May 25, 2018

Agency Deadlines for Implementation of Key Requirements

<u>Executive Order Section</u>	<u>Agency Action</u>	<u>Deadline</u>
Section 3(b)(i) Standards for Reasonable and Efficient Taxpayer-Funded Union Time Usage	If an agency agrees to authorize amounts of taxpayer-funded union time under section 7131(d) of title 5, United States Code, that would cause the union time rate in a bargaining unit to exceed 1 hour (or proposes to the Federal Service Impasses Panel or an arbitrator engaging in interest arbitration an amount that would cause the union time rate in a bargaining unit to exceed 1 hour), the agency head shall report this agreement or proposal to the President through the Director of the Office of Personnel Management (OPM Director) within 15 days of such an agreement or proposal. Such report shall explain why such expenditures are reasonable, necessary, and in the public interest, describe the benefit (if any) the public will receive from the activities conducted by employees on such taxpayer-funded union time, and identify the total cost of such time to the agency. This reporting duty cannot be delegated	Within 15 days of agreement or proposal that would cause union time rate in a bargaining unit to exceed 1 hour
Section 3(b)(ii) Standards for Reasonable and Efficient Taxpayer-Funded Union Time Usage	Each agency head shall require relevant subordinate agency officials to inform the agency head 5 business days in advance of presenting or accepting a proposal that would result in a union time rate of greater than 1 hour for any bargaining unit, if the subordinate agency officials anticipate they will present or agree to such a provision.	5 business days in advance of presenting or accepting a proposal that would result in a union time rate of greater than 1 hour for any bargaining unit
Section 4(c)(i) Employee Conduct with Regard to Agency Time and Resources	The requirements of this section shall become effective 45 days from the date of this order. The Office of Personnel Management (OPM) shall be responsible for administering the requirements of this section. Within 45 days of the date of this order, the OPM Director shall examine whether existing regulations are consistent with the rules set forth in this section	Within 45 days of the date of this order

<u>Executive Order Section</u>	<u>Agency Action</u>	<u>Deadline</u>
Section 4(c)(ii) Employee Conduct with Regard to Agency Time and Resources	The head of each agency is responsible for ensuring compliance by employees within such agency with the requirements of this section, to the extent consistent with applicable law and existing collective bargaining agreements. Each agency head shall examine whether existing regulations, policies, and practices are consistent with the rules set forth in this section. If they are not, the agency head shall take all appropriate steps consistent with applicable law to bring them into compliance with this section as soon as practicable	As soon as practicable
Section 5(b) Preventing Unlawful or Unauthorized Expenditures	As soon as practicable, but not later than 180 days from the date of this order, to the extent permitted by law, each agency shall develop and implement a procedure governing the authorization of taxpayer-funded union time under section 4(b) of this order. Such procedure shall, at a minimum, require a requesting employee to specify the number of taxpayer-funded union time hours to be used and the specific purposes for which such time will be used, providing sufficient detail to identify the tasks the employee will undertake. That procedure shall also allow the authorizing official to assess whether it is reasonable and necessary to grant such amount of time to accomplish such tasks	As soon as practicable, but not later than 180 days from the date of this order
Section 5(b) Preventing Unlawful or Unauthorized Expenditures	For continuing or ongoing requests [for taxpayer-funded union time], each agency shall require requests for authorization renewals to be submitted not less than once per pay period. Each agency shall further require separate advance authorization for any use of taxpayer-funded union time in excess of previously authorized hours or for purposes for which such time was not previously authorized.	Not less than once per pay period
Section 5(c) Preventing Unlawful or Unauthorized Expenditures	Each agency shall develop and implement a system to monitor the use of taxpayer-funded union time to ensure that it is used only for authorized purposes, and that it is not used contrary to law or regulation.	As soon as practicable, but not later than 180 days from the date of this order
Section 6(a) Agency Reporting Requirements	To the extent permitted by law, each agency shall submit an annual report to OPM on requirements set forth in Section 6(a)(i), (ii), (iii), (iv), and (v) of this order	Report to OPM annually (date set by OPM)

<u>Executive Order Section</u>	<u>Agency Action</u>	<u>Deadline</u>
Section 6(b) Agency Reporting Requirements	Agencies shall notify the OPM Labor Relations Group established pursuant to the Executive Order entitled “Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining” of May 25, 2018, if a bargaining unit’s union time rate exceeds 1 hour.	Report to OPM annually (date set by OPM)
Section 6(c) Agency Reporting Requirements	If an agency’s aggregate union time rate (i.e., the average of the union time rates in each agency bargaining unit, weighted by the number of employees in each unit) has increased overall from the last fiscal year, the agency shall explain this increase in the report required under subsection (a) of this section	Report to OPM annually (date set by OPM)
Section 6(d) Agency Reporting Requirements	The OPM Director shall set a date by which agency submissions under this section are due	Date to be set by Director of OPM
Section 7(a) Public Disclosure and Transparency	Within 180 days of the date of this order, the OPM Director shall publish a standardized form that each agency shall use in preparing the reports required by section 6 of this order	Within 180 days of the date of this order
Section 7(b) and (c) Public Disclosure and Transparency	<p>OPM shall analyze the agency submissions under section 6 of this order and produce an annual report detailing requirements set forth in Section 7(b)(i),(ii), (iii), and (iv) of this order</p> <p>The OPM Director shall publish the annual report required by this section by June 30 of each year. The first report shall cover fiscal year 2019 and shall be published by June 30, 2020</p>	Annual report to be published by OPM by June 30 of each year
Section 8(a) Implementation and Renegotiation of Collective Bargaining Agreements	Each agency shall implement the requirements of this order within 45 days of the date of this order, except for subsection 4(b) of this order, which shall be effective for employees at an agency when such agency implements the procedure required by section 5(b) of this order, to the extent permitted by law and consistent with their obligations under collective bargaining agreements in force on the date of this order	Within 45 days of the date of this order

<u>Executive Order Section</u>	<u>Agency Action</u>	<u>Deadline</u>
Section 8(a) Implementation and Renegotiation of Collective Bargaining Agreements	The head of each agency shall designate an official within the agency tasked with ensuring implementation of this order, and shall report the identity of such official to OPM within 30 days of the date of this order.	Within 30 days of the date of this order
Section 8(b) Implementation and Renegotiation of Collective Bargaining Agreements	Each agency shall consult with employee labor representatives about the implementation of this order. On the earliest date permitted by law, and to effectuate the terms of this order, any agency that is party to a collective bargaining agreement that has at least one provision that is inconsistent with any part of this order shall give any contractually required notice of its intent to alter the terms of such agreement and either reopen negotiations and negotiate to obtain provisions consistent with this order, or subsequently terminate such provision and implement the requirements of this order, as applicable under law	On the earliest date permitted by law