



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Tuesday, May 18, 2021

MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Kathleen M. McGettigan, Acting Director

Subject: Guidance on Labor-Management Relations in the Executive Branch

On January 22, 2021, President Biden signed [Executive Order \(EO\) 14003 on Protecting the Federal Workforce](#). Section 1 of the EO states that it is “the policy of the United States to encourage union organizing and collective bargaining.” This is the first step by the Biden-Harris Administration in resetting labor-management relations in the Executive Branch.

We have received questions from agencies and labor unions asking whether agencies are restricted from establishing labor-management forums to facilitate a more collaborative labor-management relationship. Specifically, EO 13812, issued on September 29, 2017, revoked EO 13522 of December 9, 2009 (Creating Labor-Management Forums to Improve Delivery of Government Services). OPM issued [guidance for EO 13812 on December 13, 2017](#).

EO 13812 currently remains in effect but is under review. While this review is pending, OPM hereby updates our guidance on EO 13812. As noted in OPM’s previous guidance, EO 13812 abolished the requirements previously imposed on agencies to form labor-management forums and engage in pre-decisional involvement (PDI) in all workplace matters with employees and their union representatives. OPM’s previous guidance also noted, however, that EO 13812 does not prescribe any particular approach to labor-management relations. Accordingly, agencies have discretion under the Federal Service Labor-Management Relations Statute (5 U.S.C. Chapter 71) to adopt a labor relations strategy best suited to their own needs.

OPM believes the establishment of labor-management forums and use of PDI can be beneficial and useful to agencies and labor unions. Therefore, if an agency believes establishment of these forums or use of pre-decisional involvement will be productive and elects to use them or some version of them under 5 U.S.C. Chapter 71, the agency is encouraged to do so. OPM rescinds the requirements in our December 13, 2017, guidance directing agencies to report to OPM any determination that the benefits of participating in a labor-management forum (or equivalent) have outweighed the costs. An agency may determine that establishment of a labor-management forum or use of PDI meets its needs and is not required to report this decision to OPM.

If you have any questions about this guidance or Executive Order 13812, please contact OPM’s Employee Services at (202) 606-2930 or awr@opm.gov.

cc: Chief Human Capital Officers (CHCOs), Deputy CHCOs, and Human Resources Directors