

Data Collection Report
Executive Order 13839
Promoting Accountability and Streamlining Removal Procedures Consistent
with Merit System Principles

Consistent with the vision of the President's Management Agenda, Executive Order (EO) 13839, signed by the President on May 25, 2018, requires executive agencies (as defined in section 105 of title 5, U.S. Code, excluding the Government Accountability Office (agencies)) to further facilitate a Federal supervisor's ability to promote civil servant accountability while simultaneously recognizing each employee's procedural rights and protections. To ensure the complete collection of data, we are also collecting data from military departments, as defined in section 102 of title 5, U.S. Code. To obtain comprehensive data for the Federal workforce, this form collects information for Senior Executive Service (SES) members, Administrative Law Judges (ALJs) as well as competitive service and excepted service (non-SES) employees. Please use the submit button below to provide the completed form to OPM's Accountability and Workforce Relations office by January 9, 2019.

Fiscal Year:

Executive Agency:

Point of Contact Name:

Point of Contact Email:

Point of Contact Phone Number:

Q1: Does your agency have SES employees? [Please indicate with an 'x' in the appropriate box]

YES

NO

If **NO**, please mark only the appropriate boxes below

Q2: Does your agency have ALJ employees? [Please indicate with an 'x' in the appropriate box]

YES

NO

If **NO**, please mark only the appropriate boxes below

Q3: How many employees were serving in a probationary period or otherwise employed for a specific term?

Non-SES

SES

Q3a: Of this number, how many employees were removed?

Non-SES

SES

Q4: How many employees were reprimanded in writing?

Non-SES

SES

ALJ

Q5: How many employees were afforded an opportunity period under 5 U.S.C. § 4302(c)(6)?

Non-SES

Q5a: Of this number, how many employees received an opportunity period greater than 30 days?

Non-SES

Q6: How many of the following adverse actions were taken against employees under chapter 75 of title 5, United States Code?

Removal:

Non-SES

SES

ALJ

Reduction in grade or equivalent:

Non-SES

SES

ALJ

Reduction in pay or equivalent:

Non-SES

SES

ALJ

Suspension of 14 days or less:

Non-SES

ALJ

Suspension of greater than 14 days:

Non-SES

SES

ALJ

Q7: How many agency decisions were issued on proposed removals taken under chapter 75 of title 5, United States Code?

Non-SES

SES

Q7a: Of this number, how many agency decisions were not issued within 15 business days of the end of the employee's reply period?

Non-SES

SES

Q8: How many adverse personnel actions were taken for which employees received the 30-day advance written notice requirement of chapter 75, or how many actions were taken under 5 CFR part 359 against SES members which required the 30-day advance written notice?¹

Non-SES

SES

¹ While not specifically expressed by the Executive Order, this question is expanded to include actions taken beyond 5 U.S.C. § 7513(b)(1). Only those 5 CFR part 359 personnel actions with a 30-day advance written notice period should be reported.

Q8a: Of this number, how many employees (or SES members) received written notice in excess of the 30 days?

Non-SES

SES

Q9: How many agency settlement agreements were reached with employees arising out of adverse personnel actions?

Non-SES

SES

ALJ

Q9a: Of this number, how many settlement agreements included the following key terms?

Last chance/abeyance agreement:

Non-SES

SES

ALJ

Payment of back pay:

Non-SES

SES

ALJ

Reassignment:

Non-SES

SES

ALJ

Retirement:

Non-SES

SES

ALJ

Waiver of appeal rights:

Non-SES

SES

ALJ

Payment of attorney/legal fees:

Non-SES

SES

ALJ

Other key terms (as applicable):

Q10: In how many instances was litigation used to resolve matters pertaining to adverse actions taken against employees?²

Non-SES

SES

ALJ

Q10a: Of this number, how many cases were resolved as follows?

Appeal dismissed:

Non-SES

SES

ALJ

Action upheld:

Non-SES

SES

ALJ

Action mitigated:

Non-SES

SES

ALJ

² As used in this question, "litigation" refers both to administrative and court litigation.

Action reversed:

Non-SES

SES

ALJ

Settlement:

Non-SES

SES

ALJ

Other:

Non-SES

SES

ALJ

