



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

August 29, 2018

MEMORANDUM FOR: HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: DR. JEFF T.H. PON, DIRECTOR

Subject: Updated Guidance Relating to Enjoinment of Certain Provisions of Executive Orders 13836, 13837, and 13839

Note: The guidance within the memorandum below has been rescinded by Executive Order; please refer to OPM's March 5, 2021 memorandum: <https://www.chcoc.gov/content/guidance-implementation-executive-order-14003-protecting-federal-workforce>

On August 24, 2018, U.S. District Court Judge Ketanji Brown Jackson issued an Order enjoining certain provisions of Executive Orders 13836, 13837, and 13839 (see Order at https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2018cv1261-58). Specifically, Judge Jackson's Order enjoined the President's subordinates from implementing or giving effect to: Executive Order 13836 §§ 5(a), 5(e), 6; Executive Order 13837 §§ 3(a), 4(a), 4(b); and Executive Order 13839 §§ 3, 4(a), 4(c). All other provisions of the Executive Orders not enjoined remain in effect.

The U.S. Office of Personnel Management's (OPM) guidance of July 5, 2018, that was circulated pursuant to issuance of Executive Orders 13836, 13837, and 13839 and that relates to provisions of the Orders that were enjoined should be considered rescinded. OPM guidance relating to the still effective provisions remains in place.

OPM will fully comply with Judge Jackson's Order and encourages other agencies to consult with their offices of human resources and general counsel to determine proper compliance measures based on the Order. OPM will work with the U.S. Department of Justice to evaluate next steps in this litigation and will provide additional guidance to agencies as appropriate.

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