



## **Talking Points on President Trump's Executive Orders**

### **What do the orders say?**

Three EOs were issued by President Trump on Friday, May 25, 2018. The EOs direct agencies to take certain actions in the areas of removing (firing) employees, bargaining contracts with unions representing employees, and limiting the ability of union representatives to effectively represent employees who have been treated unfairly.

### **The EO on firing employees tells agencies to:**

- Limit the time period from when an employee is notified of a proposed removal to the decision to the minimum time allowed by law. In many cases, this would not allow sufficient time to gather all of the information needed to ensure that all of the facts are put forward and that the employee is treated fairly.
- Limit performance improvement periods to 30 days. This may not be sufficient time to give the employee a real opportunity to improve and, in NTEU's view, is contrary to law.
- Feel free to ignore the concepts of progressive discipline and treating employees consistently for the same offenses when firing an employee.
- Exclude removals from the grievance procedure, depriving unfairly terminated employees' union paid-for and provided representation.
- Exclude things like performance appraisals and performance awards from the grievance procedure, giving agencies complete discretion in these areas.

### **The EO on collective bargaining:**

- Creates a "Labor Management Group" that will create and issue bargaining proposals to agencies to include in their contracts. However, no employee representatives will be included in the group.
- We expect "model" proposals from this Group to give agencies sole discretion over work schedules, telework, overtime assignments and other important matters.
- Directs agencies to make sure these take-it-or-leave proposals are included in their contracts. These proposals will not be employee friendly. That means no compromising, engaging in perfunctory bargaining, and moving bargaining to the Trump-appointed Federal Services Impasses Panel as fast as possible, trusting that it will impose the terms.
- Directs agencies not to engage in interest based bargaining, which would require them to work with employee representatives to find solutions that meet employee interests, as well as the agency's.
- Directs agencies to unilaterally impose their anti-employee proposals if they think employee representatives are taking too long to submit counter-proposals or to agree to the agency's proposal.
- Directs agencies not to bargain over things like the number of employees assigned to a project, or the technology used to get work done, subjects that the law allows agencies to bargain over if they want to.

**The EO on official time:**

- Eliminates time for union representatives to ensure that the agency is living up to its contractual obligations, while allowing time for employees to represent themselves.
- Eliminates time for representatives to contact members of Congress about workplace issues and employees' pay, benefits, and rights.

**What it means for you as a federal employee:**

- These orders are based on the false assumption that federal employees like you are the problem, and that if you can be fired faster and more easily, the U.S. government will operate more efficiently and effectively. Do you buy that?
- The orders will undermine your due process protections that are critical to ensuring that the American people have a government that operates based on merit systems principles, not patronage and favoritism.
- The orders send the wrong message to agencies; that they should get rid of your rights that they may not like or find inconvenient, like flexible and compressed work schedules, telework arrangements, and equitable work assignments.
- In addition to paring back these rights, the EOs will undermine NTEU's ability to enforce your existing contract rights through the grievance procedure, effectively rendering those rights worthless.
- Don't think your appraisal is fair? Too bad. Wonder why you weren't considered for that promotion opportunity? Don't bother asking. Want to discuss a problem with your union representative? Sorry. They won't be released for that. You get the picture.
- In the end, this is about respect. You deserve respect for the work you do each day for this agency and the American people. You deserve it, but these EOs don't give it. And they just add to the lack of respect shown by the administration's proposals to freeze your pay and cut your retirement benefits (increase salary contributions by 6-7 percent with no increase in benefits, no COLAs for retirees, eliminating the supplemental annuity, moving from basing annuities on high 3-year average to high 5), and increase your health care costs.

**What NTEU is doing and what we need you to do**

- NTEU is demanding respect for federal workers. First and foremost, we need every employee to join us in this fight for respect, by being a member. If you're not a member, we need you. If you have coworkers who aren't members, we need them. And they need NTEU.
- We have contracts for a reason. Under the law, agencies cannot change contract rights without negotiating the changes in the contract. And our contracts can only be renegotiated when they expire or if the contracts explicitly provide for a window to re-open and renegotiate certain articles. In short, we will continue to enforce your contractual rights.
- If the agency wants to follow the directions in these EOs and pair back those rights, we will fight those efforts at the bargaining table, and in the grievance procedure and, ultimately, the courts if they don't bargain in good faith.

- We are also fighting in court. We have filed a lawsuit in the U.S. District Court for the District of Columbia against President Trump and OPM Director Pon. The suit challenges the legality of two of the EOs that clearly conflict with existing law; the EO that directs agencies to limit our ability to represent you and enforce your rights, and the EO that cuts back on your due process rights. Our suit asks the court to bar the president and his subordinates from enforcing the illegal portions of the EOs. We may add additional claims as the suit progresses.
- On Capitol Hill, we are supporting legislation that would reinstate the labor-management forums that President Trump abolished last year. The council and agency forums put us back at the table with management as partners on more equal footing, which is what provides the possibility of resolving workplace issues and making office and program improvements in a collaborative environment. Those bill numbers are: S. 2340 and H.R. 4878. You can go to our legislative action center at [www.nteu.org](http://www.nteu.org) to send a message to your Senators and Representatives, asking them to support this legislation.
- While visiting our website, you can also weigh in on the proposed retirement cuts and legislation to provide employees with a 3 percent pay increase.
- There is more you can do away from the workplace. To allow us to tell you more about that, NTEU needs your home email address and your cell phone number. If you members haven't already done so, go to the NTEU website and add this information to your member profile. As a bonus, if you update your information during June, you may win an 80<sup>th</sup> Anniversary gift.

### **Chapter Activities**

- Chapters can add in specific actions your chapter may be asking members to take, including agency specific actions, such as in response to what's happening at the bargaining table. These could include petitions to agency management or letters and messages.
- Ask members to wear stickers at work on a designated day to show solidarity (e.g., Enough, Respect, Professional). NTEU is creating stickers, buttons, signs, fliers and social media posts which will provide a visible reminder of NTEU's support in the workplace and give employees an opportunity to show their discontent with how they have been denigrated by politicians. This option is not available to our uniformed members.
- Ask employees to ensure they are registered to vote. OFFSITE - Conduct a voter registration drive at an offsite meeting with an outside group or provide laptops and the web addresses for the state voter registration website(s). Employees can quickly check their voter registration status at the meeting and update it or register online. Several states allow online registration. Ask employees to donate to TEPAC during the offsite meeting.
- Ask employees to sign letters to their congressional Representative and Senators requesting their support for legislation for a pay increase.
- Ask employees to sign up to visit their elected representatives' local offices with the chapter's legislative coordinator or committee members to discuss proposed legislation impacting federal employees. Employees would need to take leave or go during non-work hours.