



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

Tuesday, November 20, 2018

Memorandum for Heads of Executive Departments and Agencies

From: Margaret M. Weichert, Acting Director

Subject: Updated Guidance for Submission of Collective Bargaining Agreements and Arbitration Awards in Accordance with EO 13836 - Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining

Note: The guidance within the memorandum below has been rescinded by Executive Order; please refer to OPM's March 5, 2021 memorandum: 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>

Introduction

Consistent with the vision of the President's Management Agenda, Executive Order (EO) 13836 - Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining, signed by the President on May 25, 2018, calls for executive departments and agencies subject to chapter 71 of title 5, United States Code to develop efficient, effective, and cost-reducing approaches to Federal sector collective bargaining.

Portions of EO 13836 were challenged and enjoined pending further proceedings. However, sections of EO 13836 requiring submission of collective bargaining agreements and arbitration awards were unaffected by this and remain in place.

On July 5, 2018, the U.S. Office of Personnel Management (OPM) issued guidance for implementation of EO 13836. This guidance included key document reporting requirements specific to Section 8 of EO 13836 requiring agencies to submit to OPM each term collective bargaining agreement (CBA) and its expiration date as well as arbitration awards. OPM is currently developing a collective bargaining database to facilitate making CBAs publicly accessible on the Internet in the future. This updated guidance outlines steps agencies should take in the interim. Additional guidance will be provided by OPM in the future regarding the submission of CBAs through the collective bargaining database when it becomes available.

Agency Submission Requirements for CBAs

Within 30 days of this memorandum, agencies shall submit to OPM each term CBA currently in effect and its expiration date. Agencies shall also submit new term CBAs and their expiration dates to the OPM Director within 30 days of each CBA's effective date. Agencies will need to provide term CBAs in a format conformant with the standards of Section 508 of the

Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 (d) and 36 CFR Part 1194). This law requires Federal agencies to make their electronic and information technology accessible to people with disabilities. This will facilitate the EO requirement to make term CBAs publicly accessible on the Internet as soon as practicable once the collective bargaining database becomes available. CBA submissions to OPM should be sent to lrg@opm.gov.

Along with the submission of each CBA, agencies are required to complete and attach two forms provided by OPM. The Collective Bargaining Agreement Submission Form is required in order to provide OPM with pertinent information about the CBA. In addition agencies are required to complete and attach a Section 508 Conformance Attestation Form attesting to the completion of the conformance standards of Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 (d) and 36 CFR Part 1194).

Agencies should submit CBAs in a Portable Document Format (PDF) file format that conforms with the standards of Section 508. When formatting the CBA in preparation for submission to OPM, agencies should include key information, such as dates and parties listed on signature pages throughout the document, but should not include any actual signatures.

Agency Resources for Section 508 Conformance

The U.S. General Services Administration (GSA) Government-wide IT Accessibility Program has developed resources to assist agencies in creating documents that meet the standards of Section 508. OPM encourages agencies to reference the resources provided by GSA at <https://www.section508.gov/create/documents> and <https://www.section508.gov/create/pdfs>.

It is also suggested that agencies coordinate Section 508 conformance with their internal agency 508 Program Managers. A list of agency coordinators can be found at <https://section508.gov/tools/coordinator-listing>.

If your agency does not have a designated 508 Program Manager, contact your agency Chief Information Officer (CIO) office for assistance.

Agency Submission Requirements for Arbitration Awards

Agencies are required to submit new arbitration awards to OPM within 10 business days of receipt. Arbitration awards do not require Section 508 conformance. Arbitral award submissions to OPM should be sent to lrg@opm.gov.

Questions

Agency headquarters-level human resources offices may contact OPM's Accountability and Workforce Relations office at lrg@opm.gov or 202-606-2930. Other agency employees should contact their agency human resources offices for assistance.

Attachments:

- [Executive Order 13836](#)
- OPM Form Number 5022: Section 508 Conformance Attestation Form (see 508-conformant PDF below)
- OPM Form Number 5023: Collective Bargaining Agreement Submission Form (see 508-conformant PDF below)

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