

# Proposal for an Executive Order Modernizing and Reinvigorating the Public Workforce and Restoring Honor in Public Service

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections [1104\(a\)\(1\)](#), [3301](#), and [7301](#) of title 5, United States Code, and section [301](#) of title 3, United States Code, and to ensure the effective functioning of the Executive Branch, it is hereby ordered as follows:

Section 1. Purpose. One of the most important and urgent government reform issues that American government faces concerns the rebuilding of its public sector, and particularly of the Federal workforce.

Achieving this will require leadership from the highest levels of our government – from the White House, the Office of Personnel Management and the heads of agencies/departments. Recent events, such as the COVID-19 pandemic and repeated natural disasters, have shown why having a capable, professional and non-partisan civil service is of critical importance to the future of American democratic government and its ability to deal with the issues and challenges that face our Nation.

The federal government faces unprecedented critical skills shortages that put agency missions – including national and homeland security – at risk. When the public needs government to respond to a crisis, it is essential that our public servants have the ongoing capability and capacity to respond. Our civil service laws and regulations state that employees should maintain high standards of integrity, conduct, and concern for the public interest, and that the Federal workforce should be used efficiently and effectively. Unfortunately, implementation of America’s civil service laws has fallen far short of these ideals in recent years. The [Federal Employee Viewpoint Survey](#) has consistently found that fewer than half of federal workers believe creativity and innovation are rewarded. Only a third believe steps are taken to deal with poor performers who cannot or will not improve, and only 39 percent believe differences in performance are recognized in a meaningful way. At the same time, the federal government struggles to recruit and retain younger workers, resulting in a government with fewer employees under age 30 than over age 60.

This order advances the restoration of honor and trust in the public service and our dedicated Federal workforce, begins the modernization of Federal workforce practices, and recognizes and restores employees’ procedural rights and protections.

Sec. 2. Modernizing and Reinvigorating the Federal Workforce.

- A. Refocusing and empowering the Office of Personnel Management (OPM).
  - i. The Director of the Office of Personnel Management is hereby designated as a member of the Cabinet.
  - ii. The Director of the Office of Personnel Management is hereby directed to review job assignments within the Office: to minimize the number of positions assigned to support and non-mission functions; and to increase by not less than 50 percent the number of positions engaged in policy development, and to

provide advice to federal agencies without requiring reimbursement from the agencies.

- iii. Proposals to merge the General Services Administration and the Office of Personnel Management are hereby rescinded.
- iv. The Office of Personnel Management is delegated advisory authority for all matters related to federal human capital management, including those occupations not covered by Title 5 of the United States Code.

B. Reinstate and expand protections for Federal employees.

- i. The following Executive Orders are canceled immediately:
  - a) Executive Order 13839 – *Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles*.
  - b) Executive Order 13836 – *Developing Efficient, Effective and Cost-Reducing Approaches to Federal Sector Collective Bargaining*. The provisions of Collective Bargaining Agreements that were implemented without full collective bargaining under that Executive Order may be re-opened at the request of the affected labor organization.
  - c) Executive Order 13837 – *Ensuring Transparency, Accountability, and Efficiency in Taxpayer Funded Union Time Use*. Provisions of Collective Bargaining Agreements that were implemented without full collective bargaining under that Executive Order may be re-opened at the request of the affected labor organization.
  - d) Executive Order 13957 – *Creating Schedule F in The Excepted Service*.
  - e) Executive Order 13950 – *Combating Race and Sex Stereotyping*.
- ii. Executive Order 13522 of December 9, 2009 (*Creating Labor-Management Forums to Improve Delivery of Government Services*), as extended by Executive Order 13708 of September 30, 2015 (*Continuance or Reestablishment of Certain Federal Advisory Committees*), which established the Council and implemented labor-management forums throughout the executive branch, is hereby reinstated.

C. Flexible pay and job classification and hiring. The Director of the Office of Personnel Management is hereby directed to:

- i. Review all General Schedule job classification series and reduce the number of job series by not less than 50 percent. An initial review must be completed and published within 120 days, with final job classification standards in place not later than December 31, 2021.
- ii. Delegate authority to Agency Heads to exercise authority to pay recruitment, relocation and retention payments as authorized by 5 U.S.C. § 5753 and 5 U.S.C. § 5753.
- iii. Significantly expand the use of streamlined hiring authorities to the extent permitted by law.
- iv. Eliminate the use of applicant questionnaires that are not valid assessment instruments and issue draft regulations within 90 days to provide for modern assessment processes to identify high-quality candidates for federal positions.
- v. In consultation with the Department of Justice, review the statutory basis for open competition requirements, with the intent to grant agencies the authority to

competitively advertise vacancies in geographic regions rather than open to all U.S. citizens nationwide.

- vi. Create a strategy for delegating hiring and promotion authority to agencies based on their needs, rather than forcing all agencies into a one-size-fits-all approach.

D. Managing the Federal Workforce. To promote strong morale in the Federal workforce, employee accountability, and high performance, and to ensure the effective and efficient accomplishment of agency missions and the efficiency of the Federal service, to the extent consistent with law, agencies shall:

- i. Ensure that Whistleblower protections are implemented and reduce, to the maximum practicable extent, the involvement of political appointees in reviews of Whistleblower complaints.
- ii. Allocate not less than three percent of labor dollars to employee training, upskilling and reskilling.
- iii. Establish employee-led teams to review Federal Employee Viewpoint Survey results and propose improvement plans, consistent with 5 U.S.C. Chapter 71.

### Sec. 3. Data Collection and Analysis.

- A. The Director of the Office of Personnel Management, in consultation with the Chief Human Capital Officers Council, will establish a working group to identify and implement a comprehensive strategy for data collection and analysis on the federal workforce. That data should be used to advance strategic workforce planning, with a particular focus on identifying the federal government's most pressing strategic human capital needs. The data collection and analysis strategy will ensure transparency and must be implemented not later than December 31, 2021.
- B. Compilation and submission of the data required by subsection (a) of this section shall be conducted in accordance with all applicable laws, including those governing privacy and data security.
- C. To enhance public accountability of agencies for their management of the Federal workforce, the OPM Director shall, consistent with applicable law, publish the information received under subsection (a) of this section, at the minimum level of aggregation necessary to protect personal privacy. The OPM Director may withhold particular information if publication would unduly risk disclosing information protected by law, including personally identifiable information.
- D. These data shall be maintained and distributed in a timely fashion and with full public access.
- E. Within 60 days of the date of this order, the OPM Director shall issue guidance regarding the implementation of this section, including with respect to any exemptions necessary for compliance with applicable law.

### Sec. 4. Implementation.

- A. Within 45 days of the date of this order, the OPM Director shall examine whether existing regulations effectuate this order. To the extent necessary or appropriate, the OPM Director shall, as soon as practicable, propose for notice and public comment appropriate regulations to effectuate the principles set forth in section 2 of this order and to achieve the requirements of this order.

- B. The head of each agency shall take steps to conform internal agency performance policies to the principles and requirements of this order. To the extent consistent with law, each agency head shall:
- i. within 45 days of this order, revise its discipline and performance policies to conform to the principles and requirements of this order, in areas where new final Office of Personnel Management (OPM) regulations are not required, and shall further revise such policies as necessary to conform to any new final OPM regulations, within 45 days of the issuance of such regulations; and
  - ii. renegotiate, as applicable, any collective bargaining agreement provisions that are inconsistent with any part of this order or any final OPM regulations promulgated pursuant to this order. Each agency shall give any contractually required notice of its intent to alter the terms of such agreement and reopen negotiations. Each agency shall, to the extent consistent with law, subsequently conform such terms to the requirements of this order, and to any final OPM regulations issued pursuant to this order, on the earliest practicable date permitted by law.
- C. Within 15 months of the adoption of any final rules issued pursuant to subsection (a) of this section, the OPM Director shall submit to the President a report evaluating the effect of those rules, including their effect on employee morale and public trust and confidence in government.
- D. Within a reasonable amount of time following the adoption of any final rules issued pursuant to subsection (a) of this section, the OPM Director and the Chief Human Capital Officers Council shall undertake a Government-wide initiative to educate Federal supervisors about modernizing and reinvigorating the public workforce and restoring honor and trust on the Federal public service.

#### Sec. 5. General Provisions.

- A. Nothing in this order shall be construed to impair or otherwise affect:
- i. the authority granted by law to an executive department or agency, or the head thereof; or
  - ii. the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- B. Agencies shall ensure all collective bargaining obligations are met in the implementation of this order.
- C. This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- D. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- E. If any provision of this order, including any of its applications, is held to be invalid, the remainder of this order and all of its other applications shall not be affected thereby.

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