

From: [CHCO Council](#)
Subject: Follow Up: CHCO Council Special Session - Labor Management Programs and Collective Bargaining
Date: Friday, April 4, 2025 8:57:06 AM

Good morning, CHCOs and Deputy CHCOs:

Thank you for joining our Special Session on Wednesday, April 2nd and for your patience as we worked through a few technical challenges. We hope you found the meeting helpful. Below are some notes and follow up items. Please contact awr@opm.gov with any follow up questions.

I. Immediate Next Steps

Agency general counsel and CHCOs **should not** at this time terminate agency collective bargaining agreements (CBAs) affected by Executive Order 14251 of March 27, 2025 (*Exclusions from Federal Labor-Management Relations Programs* [“*Exclusions*”]) and **should not** file decertification petitions with the Federal Labor Relations Authority (FLRA). Agencies and agency subdivisions covered by Executive Order 14251 may consider and implement policy changes that are inconsistent with the provisions of such CBAs, provided such breaches do not rise to the level of repudiating or terminating the applicable CBAs.

Under FLRA precedent, agency actions that may breach a provision of a CBA do not repudiate the agreement if they do not go to the heart of the parties’ agreement. *See Dep’t. of the Air Force, 375th Mission Support Squadron, Scott AFB, Ill.*, 51 FLRA 858 (1996). Agencies may also cease engaging in activities that are required under Chapter 71 of title 5, United States Code, but are not elements of the agency’s contract. **For example, an agency may pause automatic collection of union dues, it may carry out generally scheduled RIFs, it may cease ongoing or future negotiations or dispute resolution activities with the union, or it may take other steps to align the agency with the President’s executive order short of repudiation or cancellation of the contract. The Administration has filed motions in multiple district courts requesting a declaratory judgment that the President’s executive order preempts the full force and scope of agency CBAs that fall under the scope of the EO, and no CBAs should be terminated before those motions are resolved.**

Moreover, no agency official should communicate with union representatives about implementing Executive Order 14251 without first consulting with the Office of Personnel Management and the White House Counsel’s Office and providing an update on the action the agency is contemplating taking under the EO. Central communication on implementation of the EO is important as the Administration continues in its litigation efforts affirmatively defending the application of the Chapter 71 national security exemptions. Please direct any questions to awr@opm.gov.

II. Agency CIO and Information Resource Management Offices

Exclusions immediately exempts from collective bargaining the Office of the Chief Information

Officer (CIO) at the 15 executive departments defined in 5 U.S.C. 101, along with OPM and the Social Security Administration. This is due to the key role that CIOs play in safeguarding sensitive government data from hostile foreign adversaries. *Exclusions* similarly exempts from collective bargaining at those agencies subdivisions that have information resources management duties as their primary duty. See 44 U.S.C. § 3502(7) (defining “information resources management” as “the process of managing information resources to accomplish agency missions and to improve agency performance . . .”). The U.S. Office of Management and Budget (OMB) provided direction on the meaning of “information resources management” in its Circular No. A-130, [*Managing Information as a Strategic Resource*](#), to include functions relating to IT management, records management, and privacy and information security. Covered agencies and subdivisions should therefore exempt from collective bargaining any subdivision that has, as its primary mission, safeguarding and protecting sensitive information, including safeguarding IT databases. Covered agencies should determine whether any subdivisions, in addition to their OCIOs, fall within these categories by **April 28, 2025**, and send any determinations to awr@opm.gov.

III. Upcoming Deadlines

A. By April 11, 2025 – Certification from Secretaries of Defense and Veterans Affairs

Section 4 of *Exclusions* provides delegated authority to the Secretaries of Defense and Veterans Affairs to allow any subdivisions of their department coverage under the Federal Service Labor-Management Relations Statute. The applicable Secretary must certify to the President that this allowance is consistent with national security requirements and considerations. Additionally, the Secretary’s certification must be submitted for Federal Register publication by no later than April 11, 2025.

B. By April 28, 2025 – Identification of Additional Exclusions from all Agency Heads

Section 7 of *Exclusions* requires all agency heads with employees covered under the Federal Service Labor-Management Relations Statute, to identify any agency subdivisions with a primary function of intelligence, counterintelligence, investigative, or national security work, that are not covered by Executive Order 12171, as amended by *Exclusions*. These reports should be submitted to awr@opm.gov by April 28, 2025.

Thank you,
The CHCO Council Team