



Report to the President – (b)(1) Collective Bargaining Pilots

National Council on Federal Labor-Management Relations

Bill Dougan

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Background

- Section 4(a) of E.O. 13522 provides for establishment of several pilot projects to evaluate the impact of bargaining over permissive subjects found at 5 U.S.C. 7106(b)(1)
 - 12 pilot projects established in 9 agencies covering over 14,000 bargaining unit employees
- Section 4(c) of E.O. 13522 provides that the Council submit a report to the President evaluating the results of the pilots and recommending appropriate next steps
- Report is due to the President by **May 1, 2012**

Workgroup Participants

- Bill Dougan, NFFE
- Carol Bonosaro, SEA
- H.T. Nguyen, FEA
- Steve Keller, NTEU
- John Barkhamer, OMB
- Gina Lightfoot Walker, NAGE
- Leslie Wiggins, VA
- Denise Biaggi-Ayer, VA
- Darryl Roberts, DoD
- Teresa Briley, DoD
- Jessica Klement, FMA
- Daniel Vavasour, Treasury
- Jade Mariano, Treasury
- Sarah Whittle Spooner, FLRA
- Terry Rosen, AFGE
- Emily Kornegay, OMB
- Richard Tarr, FEA
- Tim Curry, OPM
- Tom Wachter, OPM
- Amanda Jones, OPM
- Temple Wilson, OPM

Workgroup Meetings

- Initial meeting of workgroup December 7, 2011 and regular meetings occurring, generally weekly
- In addition to reports submitted by the pilots, the workgroup interviewed representatives of pilots
- Council approved outline of report at February 15 meeting
- Final reports from pilots were due by March 31
- Based on all available information, workgroup developed analysis and conclusions and prepared draft report for the Council's consideration



Report Outline

I. Transmittal Letter

- Brief overview of report
- Signed by Co-Chairs; All Council members listed

II. Executive Summary

Brief, but substantive, incl. basic findings and recommendations

III. Definition and Background of (b)(1) bargaining

IV. Pilot Projects Undertaken

V. Assessment of Pilot Projects

VI. Analysis of Pilots

VII. Findings and Recommendations

Appendices

Highlights of Report Findings

- 12 pilots are at various stages in implementation of their plans
 - Some have completed bargaining, others have not
 - Some pilots have no measurable outcomes at this time
 - Those with reported outcomes, little data collected or reported concerning the impact on or the benefit to the government
- Many pilots did not bargain over matters that had a significant & immediate impact on an agency's mission
- Many reported metrics were largely anecdotal, with little objective statistical data – may reflect level of experience in measuring outcome of collective bargaining experiences

Highlights of Report Findings

- More robust feedback and assistance from the Council to the pilots on their original plans may have helped pilots better focus their efforts and develop stronger metrics
- General lack of prior experience and knowledge on the legal principles and standards applicable to the topics covered by 5 U.S.C. 7106(b)(1) presented some challenges
- Success in working collaboratively on all workplace matters, not just (b)(1) matters – pre-decisional involvement was common
- No bad or negative outcomes reported by any pilot – communication increased and labor-management relations improved



Highlights of Report Findings

- Pilots generally had a prior history of good labor-management relations which developed and strengthened due to pilot
- Pilots often chose less complex workplace issues to address in initial bargaining – likely contributed to success

General finding:

- Lack of complete data from all the pilots makes it difficult to fully assess and evaluate pilot results at this time

Report Recommendations

- Extend the duration and scope of the pilot projects to provide further evaluation of the effectiveness of negotiating over permissive subjects of bargaining
 - Invite current twelve projects to continue for two additional years
 - Solicit new pilots from additional agencies/departments
 - Endeavor to ensure sufficient representation of pilots bargaining full scope of (b)(1) subjects
 - Take steps to ensure ALL pilots are trained
 - Encourage pilots to select issues based on strategic/operational plans
 - Provide sufficient support and oversight to pilots
 - Collect data and evaluate outcomes over entire period
- Urge all agencies to have pre-decisional discussions of (b)(1) subjects with their unions in accordance with E.O. 13522



Report Recommendations

- Remind all agencies that they may elect to bargain over (b)(1) subjects
- Encourage agencies and their unions to participate in pilot projects



Next Steps

- Discuss draft report
- Approve draft report (with any necessary changes) and submit to President