

National Council on Federal Labor-Management Relations

Second Public Meeting, 04/07/2010

The National Council on Federal Labor-Management Relations held its second meeting on April 7, 2010, at the Office of Personnel Management (OPM). Mr. John Berry (Director, Office of Personnel Management) and Mr. Jeffrey Zients (Deputy Director for Management and Chief Performance Officer, Office of Management and Budget) co-chaired the meeting.

In addition to the Co-Chairs, the following Council members attended:

Member Name	Member Title
Ms. Carol Bonosaro	President, Senior Executives Association
Mr. William Dougan	President, National Federation of Federal Employees
Mr. Michael Filler	Director of Public Services, International Brotherhood of Teamsters
Mr. John Gage	President, American Federation of Government Employees
Mr. W. Scott Gould	Deputy Secretary, Department of Veterans Affairs
Mr. Seth David Harris	Deputy Secretary, Department of Labor
Mr. Gregory Junemann	President, International Federation of Professional and Technical Engineers
Ms. Jane Holl Lute	Deputy Secretary, Department of Homeland Security
Mr. H.T. Nguyen	Executive Director, Federal Education Association
Mr. Darryl Perkinson	Federal Managers Association
Ms. Carol Waller Pope	Chair, Federal Labor Relations Authority
Mr. Neal Wolin	Deputy Secretary, Department of Treasury

Mr. Steve Keller (National Senior Counsel for Compensation and Negotiations, National Treasury Employees Union (NTEU)) sat in for Ms. Colleen Kelley (President, NTEU).

Dr. Clifford L. Stanley, Under Secretary of Defense for Personnel and Readiness, sat in for Mr. William J. Lynn, Deputy Secretary of Defense.

Ms. Gina Lightfoot-Walker (Federal Division Director for the National Association of Government Employees (NAGE)) sat in for Mr. David Holway (National President, NAGE).

More than 100 members of the public also attended the meeting, including four representatives from the media.

Agenda Item I: Welcome and Approval of Minutes from February 26 Meeting

At 10:00 a.m., Mr. Berry welcomed the Council members and audience to the meeting. He said the meeting would begin promptly due to a busy agenda.

Mr. Berry said he would like to make a few business notes before turning to the agenda items. He said that microphones were available, that speakers should use them, and that doing so would make it easier for the Council members and audience to hear the discussions.

After introducing the substitutes for Council members noted above (Mr. Keller, Dr. Stanley, and Ms. Lightfoot-Walker) Mr. Berry introduced the new President of the Federal Managers Association, Ms. Patricia Niehaus, and said that for now Mr. Perkinson was still on the Council. (Ms. Niehaus was elected on March 15, 2010, but in order to be a member of the Council her appointment by the President must be complete.)

Mr. Berry said he believed all Council members had received the minutes from the Council's first meeting and he asked if there were suggested revisions or comments. The Council unanimously approved the minutes for the Council's first meeting. (Those minutes are Council document NCFLMR-10-02-01).

Mr. Berry turned to the next item on the agenda, the Council Working Group report on implementation plans.

Agenda Item II: Implementation Plans – Working Group Report

Mr. Berry said he first wanted to thank the Implementation Plans Working Group¹ and staff for all their hard work since the previous meeting. He said that the Working Group and staff had met their assignment with incredible effort. He said that Ms. Lightfoot-Walker would present the Working Group report to the Council.

Ms. Lightfoot-Walker said she wanted to echo Mr. Berry's appreciation of the Working Group and staff for their hard work in preparing the report. Her presentation included the slides in Council document NCFLMR-10-02-02.

Ms. Lightfoot-Walker reminded the Council of the four items Executive Order 13522 requires agencies to address in their plans. She reminded the Council and audience that agencies are required to--

- describe how the department or agency will conduct a baseline assessment of the current state of labor relations within the department or agency;
- report the extent to which the department or agency has established labor-management forums or may participate in the pilot projects described in the Executive order;
- address how the department or agency will work with the exclusive representatives of its employees through its labor-management forums to develop department-, agency-, or bargaining unit-specific metrics to monitor

¹ At the February 26 meeting, the Council assembled a Working Group consisting of Mr. Gage, Mr. Gould, Mr. Holway, and Ms. Lute. The Working Group was assigned to review agency plans to implement labor management forums in order to comply with Executive Order 13522. Agencies had until March 9, 2010, to submit the plans, and the Council has 30 days from receipt of a plan to review it and provide a recommendation to the Co-Chairs as to whether to certify that the plan satisfies all requirements of the E.O.

improvements in areas such as labor-management satisfaction, productivity gains, cost savings, and other areas as identified by the relevant labor-management forum's participants; and

- explain the department's or agency's plan for devoting sufficient resources to the implementation of the plan.

Ms. Lightfoot-Walker said the Working Group was asked to determine which plans meet the Executive order requirements, to post plans for public comment, to provide feedback and guidance to the departments and agencies on the plans, and to provide recommended actions to the full Council.

Ms. Lightfoot-Walker said that the Working Group had reviewed all but two of the 47 agency plans that had been submitted. (She later explained that the remaining two had been submitted late, and so the Working Group had not yet reviewed them.) She said that, of the 45 plans reviewed so far, the Working Group recommended that 24 plans be approved and 21 plans be returned to the agencies for revision. (The 24 agencies whose plans the agencies recommended for certification are listed on page 4 of Council document NCFLMR-10-02-02.)

Ms. Lightfoot-Walker covered the seven criteria the Working Group proposed to the full Council for certification of the implementation plans. These are listed on page 5 of Council document NCFLMR-10-02-02 and are restated below for convenience:

- Does the plan state that all unions with national consultation rights were consulted in the establishment of the plan?
- At a minimum, are forums established at the levels of recognition within the organization or does the plan address how forums will be established at levels of recognition?
- Does the plan describe how the department or agency will conduct a baseline assessment?
- Does the plan identify a process to develop a limited number of mission-linked or process-improving performance goals?
- Does the plan identify how the department or agency will work with the unions to develop metrics to monitor improvements?
- Does the plan indicate that the agency will devote sufficient resources to the implementation of the plan?
- Pilot volunteer for 5 U.S.C. § 7106 (b)(1)?

Ms. Lightfoot-Walker reported that, in order of descending frequency, the main problems with submissions for which the Working Group recommended revision were insufficient union involvement/consultation with plan development, failure to state a plan for conducting the required baseline assessment, insufficiency with respect to establishing labor-management forums, no statement of a plan for developing metrics to measure improvements, no statement of a plan for developing sufficient resources for implementing the plan, and the level of advisory co-chairs. (These are listed on page 6 of Council document NCFLMR-10-02-02.)

Ms. Lightfoot-Walker said that the Working Group had identified what it judged to be the best practices agencies were using in their plans to implement Executive Order 13522. In Council document 10-02-03, these practices are listed and linked to criteria the Working Group recommended to the full Council for certifying the implementation plans.

Ms. Lightfoot-Walker said the Working Group would like the information from Council document NCFLMR-10-02-03 to be posted on the Council Web site.

Ms. Lightfoot-Walker said the Working Group also recommended that the Council set up another Working Group to address the question of whether separate forums should be established for each level of union recognition.

Ms. Bonosaro said she wanted clarification on the consistency of collaborative groups and whether management should be included. Ms. Lightfoot-Walker said that in general collaboration between management and labor is a best practice.

Mr. Dougan noted that the Working Group had said that 45 of the 47 implementation plans submitted had been reviewed, and asked what had happened with the other two. Ms. Lightfoot-Walker said the two plans were submitted late and were still in review.

Mr. Dougan asked how many agencies had not submitted plans. Mr. Berry said all major, clearly covered agencies had responded. He said that while 10 independent agencies did not submit a plan, the Council would contact the heads of those agencies and encourage them to have their agencies participate.

Ms. Lightfoot-Walker said the Working Group recommended next steps on the plans. These next steps are summarized on page 7 of Council document NCFLMR-10-02-02 and are--

- Communication of results of Council's review of plans to the departments and agencies,
- All departments and agencies should start forums,
- For plans not certified, Council should require resubmission within 10 days for review by Working Group,
- All departments and agencies should work to perfect the implementation plans,
- A Working Group should be established to deal with issues with level of recognition, and
- A follow up review should be conducted on all plans within the next 6 months, including those certified, to ensure plans are implemented and functioning properly and to determine whether adjustments are needed.

When Ms. Lightfoot-Walker concluded her report of the Implementation Plans Working Group, Mr. Berry asked if the Council had comments.

Ms. Lute said she believed everyone on the Working Group agreed that work should begin. Mr. Gage agreed with Ms. Lute that work should begin, and said he was very much in favor of getting the forums up and running. He added that resolving the issue of

union recognition is critical to that goal, and said a Union Recognition Working Group should be formed and begin its work as soon as possible.

Mr. Gould noted that among the 21 agencies with plans falling short of certification, a number were very close to being certified. He said that the call for implementation plans generally had yielded innovative and positive results.

Mr. Berry agreed that agencies can be just short of certification while still being very close to it and headed in the right direction.

Mr. Zients asked whether the 21 agencies with plans not yet certified received feedback from the Working Group. Mr. Gould said the Working Group provided those agencies detailed feedback, including how to remedy any problems with the plans.

Ms. Pope asked if the Working Group had identified any bargaining pilot proposals. Ms. Lightfoot-Walker referred to page 4 her slide presentation, Council document NCFLMR-10-02-02, which indicates that the National Credit Union Administration has a bargaining pilot proposal in its implementation plan.

Mr. Berry said that, regarding bargaining pilot proposals, he and Mr. Zients were still open for suggestions. He said that so far the Council had only one bargaining pilot proposal, and that he and Mr. Zients need to be actively involved in order to ensure there are as many bargaining pilots as possible.

Mr. Keller said that some agencies were in discussions with unions about the question of the scope of the bargaining pilot proposals, e.g. should a pilot project involve bargaining over technologies used by an agency or certain aspects of the technologies?

Ms. Bonosaro said she knew there was no requirement for uniformity in the implementation plans. She said she was concerned that this could be a problem. For example, if agencies use different methods of assessment, the Council may have difficulty reporting outcomes to the President as required by Executive Order 13522. She said the President needs good measures and that in general he deserves the Council's very best efforts.

In response to Ms. Bonosaro's concerns, Mr. Berry asked whether the Working Group had addressed the question of metrics in evaluating the implementation plans.

Mr. Gould said, "We're catching a moving train." He said some plans were already well on their way forward. He said he believed the progress thus far was leading toward a point when the Council might have enough data to develop a common set of metrics. Mr. Berry said he believed this would be a good follow-on activity.

Mr. Filler said there was at least one case where an agency had mentioned national security reasons as an impediment to bargaining pilots. He said he didn't care to hear that kind of excuse. He said that was old age thinking, that this is a new day when innovation is critical. He added that, "on the metrics issue, maybe guidance should come out," that guidance might help achieve consistency.

Mr. Nguyen said his union had volunteered for a bargaining pilot, but that so far management had shown no interest. He wondered whether some mechanism could encourage participation and deal with management's lack of enthusiasm with respect to bargaining pilots. He said that one problem with a lack of guidance on bargaining pilots was that subcomponents can claim they can't participate in pilots without guidance from the agency. He said subcomponents and agencies can hide behind the claim that nothing can be done until partnership agreements exist and guidance is provided.

Mr. Berry said it was clear from the Working Group recommendations and foregoing discussions that all agencies need to get the forums up and running, and that there was no doubt the Co-Chairs would need to get actively involved to encourage bargaining pilots. Addressing Mr. Filler, he said he appreciated willingness to approach the work at hand with a new spirit, and he said he agreed that national security concerns should not be used as a reason not to participate in bargaining pilots.

As other members had pointed out earlier, Mr. Dougan said one issue slowing the progress of the establishment of bargaining pilots appeared to be that no guidance with respect to breadth, scope, or constraints had been issued. He said another issue is whether bargaining pilots are all or nothing, i.e. do agencies have discretion to operate pilots in some subcomponents but not others? He said that the Council would probably find it helpful to issue guidance that answers such questions.

Mr. Zients said Mr. Dougan may be right, that the Council should think about the issue of guidance, but in the interim the Council doesn't want to slow down the flow of ideas.

Mr. Keller said he knew of one agency that wanted to know whether a bargaining pilot could operate in some but not all of its components.

Mr. Wolin said he would have thought there might eventually be guidance with respect to bargaining pilots. Concerning the question of operating pilots in some but not all subcomponents of an agency, he said that might be a question to be settled within an agency by agreement between labor and management.

Mr. Berry said that pilots do not have to be agency-wide. He said that design methods should include a mechanism to provide information on all aspects of how well the project is working. He said he wants to "deliver a fair representation to the President."

On the question of guidance, Mr. Zients said the Council could both continue to receive ideas for pilots now and get started on developing guidance.

Ms. Bonosaro said that in the end the Council's recommendations to the President must cover the entire scope of bargaining. In order to make good recommendations to the President, the Council cannot cherry-pick one area but must gather data to make recommendations based on a fair representation. Mr. Zients agreed and said the Council should put together a portfolio.

Mr. Berry said the Council could be creative and would continue to address the issues raised in the Council's discussion on the implementation plans, but at some point the Council needs to "lock and load."

Mr. Perkinson asked if, in reviewing the plans, the Working Group had been concerned about whether implementation of the plans would involve labor and management at all levels, since one of the guiding principles said labor and management would be involved at all levels. Ms. Lightfoot-Walker said, "In some of the plans, yes." Mr. Perkinson said that one of his concerns was that "last time this was tried, it didn't get to working-level people."

Mr. Gage said that even in plans that were approved, structures weren't fully fleshed out. He said he was expecting a plan to describe how in implementation it would cascade through the agency. He said that it was, however, his understanding that the plans were not set in stone.

Mr. Berry said that there was variation in the extent to which the agencies show application of the guiding principles in the plans. He said as plans are returned to the agencies or later revisited and further refined, the Council could remind agencies of the guiding principles and specify where the plans need adjustment. He said the first step is to set up a forum, and the Council can return later and make sure all levels are engaged.

Mr. Junemann pointed out that the National Aeronautics and Space Administration (NASA) was listed on the "Best Practices" slide (Council document NCFLMR-10-02-03) but was not listed as an agency for which the Working Group recommended certification. Ms. Lightfoot-Walker explained that NASA exemplified a best practice for that particular criterion, not the entire plan.

Mr. Junemann said he was concerned that some plans might be like a book with a nice-looking cover where one doesn't really know what's inside. Ms. Lightfoot-Walker said a number of plans had nice covers, but the Working Group had looked well beyond the covers and had gone through the plans with a fine-tooth comb.

Regarding Mr. Junemann's concern about NASA appearing not as an agency recommended for certification but appearing on the best practices slide, Mr. Zients explained the two documents can be reconciled. (The best practices are linked to criteria the Working Group recommended for certifying the plans. If a best practice is followed on one of these items, the agency could still fall short on one or more of the others and not be certified.)

Mr. Junemann said his point was really that "we have to make this work." He reiterated that things can look good on the surface but still be problematic below it. Mr. Wolin agreed, and contrasted words on a page with actions.

Ms. Lute said a plan is not guaranteed survival based on a first contact and that the real proof is in the doing. She said she agreed with Mr. Gage that "these should be living documents." She said, "Ideally, if we have set the starting point right, it's only a starting point."

Addressing Mr. Junemann's concern about ensuring the Council look below the surface, Mr. Berry pointed out that the NASA implementation plan was returned to the agency with the hope the agency will resubmit a plan that complies in all areas.

Mr. Gage moved that the Council adopt the Working Group's recommendations with respect to certifying the 24 implementation plans. The motion passed unanimously.

Mr. Berry said a remaining issue to address before turning to the next item on the agenda was the Implementation Plans Working Group recommendation that the Council set up another Working Group to address the issue of union recognition and representation in labor-management forums. The Council agreed that the Union Recognition Working Group would consist of—

- Mr. Dougan,
- Mr. Gage,
- Mr. Gould,
- Mr. Holway,
- Dr. Stanley, and
- Mr. Wolin.

Mr. Wolin asked Mr. Gage if someone from his staff could articulate the issue in a one page document for the sake of clarification. Mr. Gage agreed. He said one issue included in the question of union representation is whether large unions that represent a great majority of an agency's employees should have separate forums.

The Council turned to the next item on the agenda.

Agenda Item III: Metrics – Continued Discussion

Mr. Berry said that in the first Council meeting the Council had agreed on a set of guiding principles and metrics but had also agreed it could "adjust course" as needed. He reminded the Council that in the first meeting some Council members expressed concern about whether grievance data should be used to measure progress in the Government's labor-management relations climate. He said that Ms. Bonosaro was assigned to think about this issue further and help the Council crystallize its thoughts on the issue.

Ms. Bonosaro provided the Council with a one-page document, Council document NCFLMR-10-02-04. She said she agrees measures of progress should not be based on numbers of individual grievances. She said that the issue of using grievance data to measure progress in labor-management relations is not simply a matter of the number of arbitrations declining, and that the extent to which forums are used to resolve problems could be a useful indicator.

Mr. Gage said, "We're reactive on grievances." He said the Council should not assess the value of forums based on grievances. He said that he does, however, think predecisional involvement would decrease unfair labor practice (ULP) filings based on

“no prior notice.” He said he thinks “about half of all ULPs are because of a change in working conditions without notice.” He said he didn’t think “forums will want to talk about grievances.”

Ms. Bonosaro said she believed what Mr. Gage was saying was true of local grievances, but asked whether he believed it was true of national ones.

Mr. Gage said that after its previous discussion of the draft metrics under the goal *improve the labor management relations climate*, the Council had already agreed not to adopt the draft metric *fewer grievances, bargaining disputes, and unfair labor practices* but instead to adopt the metric *increase in disputes resolved*. He reiterated that he would like to see a decrease in ULPs based on lack of notice. He said the Council does not “have control of the litigation aspect.”

Mr. Dougan agreed with Mr. Gage that forums are not a place to discuss grievances. He said management and labor would be at forums to discuss an entirely “separate set of issues from individual grievances, even on the national level.”

On Mr. Gage’s point about the Council having already agreed on the metric increase in disputes resolved, Mr. Dougan said maybe the Council had not yet “adequately described how to measure what we agreed on.” He said an “attempt to put flesh on the bones” would be fine with him.

Mr. Nguyen said he would like to add a few things about metrics. He said that under metrics associated with the goal *improve the agency’s ability to deliver high quality products and services to the public*, the Council might consider measuring how early agencies work with unions to ensure their predecisional involvement, since he believes efforts in that direction would be toward the goal. He said that a good metric for the goal *improve the labor-management relations climate* might be one that would measure how often heads of agencies will sit down and work with heads of unions. He said that when heads of agencies refuse even to meet with heads of unions, it is difficult for an agency to meet the goal.

Ms. Bonosaro said she wondered how the metrics Mr. Nguyen proposed could be implemented. She said that the Council would have to craft metrics carefully or it would likely encounter difficulties drawing valid conclusions from the metrics and reporting accurately to the President. Referring to her suggestion in Council document NCFLMR-10-02-04 that some measure be made to indicate the effect of predecisional consultation, she said that this was getting back to Mr. Dougan’s earlier point about getting more detailed about putting more meat on the bones.

Mr. Dougan said that Ms. Bonosaro appeared to have several ideas that “hang meat on the bones,” for example, the idea that cost savings resulting from predecisional involvement somehow be measured. He said it would be worthwhile for the Council to consider these measures further to see if they are worthwhile and can be refined.

Mr. Zients said the Council needs some way to measure the Government's ability to meet the goals of this whole process. He said, "We need to figure out what to do at the Council level," and that a straw man on metrics should be brought to the Council for its consideration.

Ms. Lute said she actually agrees with Mr. Gage that tracking grievances up and down is no way to measure progress. But she maintained that it still might be useful to collect some grievance data. She said she did not know what the value of such information would be yet and that she was not suggesting that the Council could draw particular conclusions from grievance data, but that grievance data might be useful to the Council and at least provide a starting point for fruitful discussions.

Addressing Mr. Nguyen, Ms. Lute added that she is not a fan of process indicators and said that people tend to substitute process for substance and action. She said she liked the idea of a measure that might show a cost savings achievement that would be to the credit of both management and labor. Addressing Mr. Zients' earlier suggestion that a straw man on metrics be developed by Council, Ms. Lute suggested that top-driven specifications might cause the Council to lose the benefit of agencies' creativity.

Mr. Zients said, "You're closer to the plans." He said if the Council believed "good ideas are emerging" that he would agree with Ms. Lute as long as there is "enough to go on." He said he "would be wary of a one size fits all approach."

Ms. Lute said, "Not only is there enough to go on; it's show time. We need to put our money where our mouth is."

Mr. Harris said it might be useful to have the metrics emerging from agency plans categorized under goals and subgoals. He said that such information shared among agencies could possibly be a tool agencies could use in development of their own plans. He asked for clarification: "What are we expected to report to the President? Do we need one set of metrics or can we live with diversity?" He suggested the Council might consider those questions further.

Mr. Zients said that Mr. Harris' suggestion regarding categorizing agency-developed measurements under goals would be a very good exercise likely to lead to useful dialogue.

Mr. Harris made the point that defining "success" might be helpful. He said that maybe ideas and data from agencies would help show what success should look like.

Mr. Nguyen said that, returning to the issue of numbers of grievances, to conclude anything useful from grievance data one would have to look at the nature of the grievances. As an example, he said that grievances are filed when pay is computed incorrectly and that in such cases a good working relationship may still exist, so that such a data point considered as a number without knowledge of its nature could distort the overall picture. He said that such a situation would be very different from another in which a violation of a contract is involved.

Mr. Junemann said that in his experience it's best to try to keep grievances separate. He said he didn't necessarily see grievances and ULPs as quantifiable metrics. He said employees can flood managers they dislike with grievances to make them look bad. He said such data can therefore be misleading. He said that even with a substantially improved labor-management relations climate, the Government may still have people who go wild with grievances, and that he doubted grievances could be a good indicator.

Mr. Berry said that it seemed the consensus of the Council that the best thing to do is "get started and see where we are." He said OPM staff would map agency-proposed metrics to goals, as Mr. Harris suggested.

Mr. Dougan said he believed the Council's work on metrics and the decision to tap agency creativity and categorize agency-proposed metrics by goal would lead to "a good tool agencies can use." Regarding earlier discussion that seemed headed more towards Council specification of metrics to be used by agencies, he said, "We're not saying this is not good stuff; we're saying let's leave it up to individual forums."

Ms. Bonosaro said she believed the Council's efforts had "led to a conversation we needed to have."

The Council turned to the next item on the agenda.

Agenda Item IV: (b)(1) Bargaining Pilots

Mr. Berry said that bargaining pilots are a priority and that Council recommendations are due to the President by May 8, 2010. He said, "The door is open. We're looking for as creative as you can be."

Mr. Junemann said that the Bush Administration had done this Council a favor by taking labor-management partnerships away so that people could see how much better it is to have such partnerships. He said that today public opinion of Federal employees is very low. He said that maybe there should be measurement of the public's perception of Federal employees, that there used to be glory in public service, and that today "people think if you can't make it in the private sector you get a job in the Government." He said that while he's not sure this Council should take on the task of improving the public's perception of Federal employees, he believes that if "someone dissolves partnership they'll realize it will take a long time to restore public opinion."

Mr. Berry said that the goal to *improve the agency's ability to deliver high quality products and services to the public* goes to the heart of the issue Mr. Junemann described. Mr. Berry said his hope was that the fruits the new partnership would bear would be so sweet that future Administrations would want to keep it going.

Ms. Bonosaro said that bargaining pilots need to get underway as soon as possible. She said that a very important concern regarding the pilots is that they will be used to make large-scale recommendations with far-reaching consequences, so great care must be taken in evaluating their effectiveness. She said she therefore would "be back, calling for how to measure."

Mr. Berry said that he felt “no need to sugar-coat it; the (b)(1) issue won’t be easy.” He said the fact that there was only one bargaining pilot proposal so far showed that. He said to the Council, “But we need your help.” He asked that the Council try to get more bargaining pilot ideas by the next Council meeting on May 5, 2010.

The Council turned to the next item on the agenda.

Agenda Item V: Training – FLRA/FCMS Joint Offering

Mr. Berry said that for training on implementing Executive Order 13522, the Council had turned to two great organizations that had put together a joint training approach. He introduced Ms. Julia Clark, Federal Labor Relations Authority (FLRA) General Counsel, and Mr. George Cohen, Director of the Federal Mediation and Conciliation Service (FMCS).

Mr. Junemann said he wanted to “piggy back” on the training with his union. He asked whether the training schedule might be expanded in the future. Mr. Cohen said that might be a possibility, and said FMCS would answer questions free of charge.

Ms. Clark and Mr. Cohen presented the information in Council document NCFLMR-10-02-05, which includes a course description and training dates and locations.

Mr. Cohen said he had come with a totally upbeat message: that the two organizations were well positioned to offer training on implementation on the Executive order, with 175 mediators located throughout the country. He said the considerable experience the trainers offer should be of great benefit in implementing the Executive order.

Ms. Clark said the training as currently configured is an initial offering, with more to come from both agencies. She said the training builds on the strength of FLRA and FMCS. She said the course description and schedule would be posted on the FCMS Web site on April 8, 2010. (The documents are posted at <http://www.fmcs.gov/internet/itemDetail.asp?categoryID=39&itemID=22616>.)

Mr. Berry pointed out that there would be no charge to participants. He said he knew that it is human nature when a course is offered twice to defer attending until the later time. He said that people should take advantage of the training as soon as they can so the implementation process can keep moving.

Ms. Bonosaro said it would be good to make sure people received the course information or knew where to find it on the Internet. Mr. Berry said the Council would see to it.

Mr. Gage suggested as a location where the training could take place in the future the National Labor College in Silver Spring, MD. Mr. Gage said he was a trustee of the college and could attest to the excellence of the facilities.

Mr. Keller said his understanding was that the training was designed for two-person teams consisting of one labor and one management member. He asked whether there might be ways in which all forum participants could get involved in the training.

Ms. Clark said other training modules and formats were in the works besides those in this initial offering.

After confirming there were no further questions or comments on the training, Mr. Berry opened up the floor for public comment.

Agenda Item VI: Acknowledgement of Public Submissions

Mr. Dennis Phelps identified himself as a member of “IBEW and Metal Trades, AFL-CIO.” He said that when “we discussed the draft Executive order we brought out concerns agencies wouldn’t do (b)(1) if it wasn’t mandatory.” He added, “It seems like we were right,” referring to the shortage of bargaining pilot proposals so far. He said that if there were no more volunteers his union would go back to the President and ask him to revise the Executive order. Mr. Berry thanked him for his comments.

Ms. Michelle Tolson, President of AFGC local 32, told the Council her local welcomed the forum concept back. She agreed with Ms. Lute that tracking the number of grievances and ULPs, not as a measurement of success but as a way to be informed, could be useful. She said her union had enjoyed an extremely high rate of resolved grievances under the Clinton Administration, and that this had been accomplished through alternative dispute resolution (ADR). Mr. Berry thanked her for her comments.

Ms. Carolyn Davis from the Environmental Protection Agency said she wondered how much “directional emphasis” would be given to ADR. She said she had been in situations where “you have to get people to think outside the box.” She shared an anecdote where an employee who believed her job needed no performance plan was convinced otherwise when she told her that a job with no performance plan was like a house without a deed.

Mr. Berry thanked Ms. Davis for her comments. He said that predecisional involvement is a form of ADR. He said that the Council would encourage open engagement and creativity in fostering good labor-management relations. He said he hoped that these efforts would be carried through.

Agenda Item VII: Adjournment

After confirming there were no additional comments, Mr. Berry adjourned the meeting at 11:44 a.m.

CERTIFIED

John Berry
Co-Chair

Jeffrey Zients
Co-Chair