

**National Council on Federal Labor-Management Relations
Fifth Public Meeting, 07/07/2010**

On July 7, 2010, the National Council on Federal Labor-Management Relations held its fifth meeting at the Office of Personnel Management (OPM). Mr. John Berry (Director, OPM) and Mr. Jeffrey Zients (Deputy Director for Management and Chief Performance Officer, Office of Management and Budget (OMB)) 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	National President, American Federation of Government Employees
Mr. W. Scott Gould	Deputy Secretary, Department of Veterans Affairs
Mr. David Holway	National President, National Association of Government Employees
Mr. Gregory Junemann	President, International Federation of Professional and Technical Engineers
Ms. Patricia Niehaus	National President, Federal Managers Association
Ms. Colleen Kelley	National President, National Treasury Employees Union
Mr. H.T. Nguyen	Executive Director, Federal Education Association

Mr. T. Michael Kerr, Assistant Secretary for Administration and Management, Department of Labor, sat in for Mr. Seth David Harris, Deputy Secretary of Labor.

Mr. Jeffrey Neal, Chief Human Capital Officer, Department of Homeland Security (DHS), sat in for Ms. Jane Holl Lute, Deputy Secretary, DHS.

Ms. Sarah Whittle Spooner, Counsel, Federal Labor Relations Authority (FLRA), sat in for Ms. Carol Waller Pope, Chair, FLRA.

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

Mr. Dan Tangherlini, Assistant Secretary for Management and Chief Financial Officer, sat in for Mr. Neal Wolin, Deputy Secretary, Department of the Treasury.

More than 60 members of the public also attended the meeting, including three representatives from the media.

Agenda Item I: Welcome and Approval of Minutes from June 7 Meeting

At 10:03 a.m., Mr. Berry welcomed the Council members and audience. He said that while it is difficult to achieve full attendance this time of year, the Council had a quorum and could begin the meeting. He said the Council would try to conclude the meeting within an hour, which might

provide an opportunity for a Council working group to meet face-to-face immediately afterwards. He asked whether Mr. Zients had opening remarks.

Mr. Zients took the opportunity to mention the President's Save Award program¹. He said that in 2009 the President had called for a process through which every Government worker could submit ideas for how agencies could save money and perform better. He said that in 2009 Government workers submitted more than 38,000 ideas, and that many of the ideas made it into the President's budget. He said that the 2010 Save Award program would launch on July 8, 2010, and that he hoped to get as many submissions as possible, especially from frontline workers. He added that the winner of the 2010 Save Award would have the opportunity to meet the President in the Oval Office. He said that, with the Council's permission, he would have OMB staff reach out to the Council members for help in spreading the word.

Mr. Berry turned to administrative matters. He asked the Council members to keep their microphones clear during the meeting so that everyone could hear the discussions. He reminded everyone that the Council had revised its schedule, and that there would be no Council meeting in August. He suggested that the September Council meeting be postponed until sometime after Labor Day. The Council members checked their schedules and agreed that the next Council meeting would be on September 20, 2010. (The Council would then continue with its next scheduled meeting, on October 6, 2010.)

Mr. Berry provided the Council members with an opportunity to comment on the minutes from the previous meeting (Council Document 10-05-01). There were no comments, so Mr. Berry made a motion that the Council approve the minutes. The motion passed unanimously.

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

Agenda Item II: Implementation Plans – Working Group One Report

Mr. Gould presented the Working Group One report, which included the slides in Council document 10-05-02, "Implementation Plan Evaluation." The working group members and staff assigned to review the plans are listed on the second page of the slides.

Mr. Gould said that, in addition to the 48 agencies whose plans were approved as of the previous Council meeting, the Armed Forces Retirement Home (AFRH) and Federal Election Commission (FEC) now met the requirements of Executive Order (EO) 13522. He said that the Social Security Administration (SSA) did not yet meet the EO requirements. He proposed that Working Group One convene right after the Council meeting to address the SSA implementation plan, and said that the Working Group could bring a recommendation regarding that plan back to the next Council meeting.

Mr. Berry said it sounded like the Council had a motion to approve the implementation plans for AFRH and FEC. He said that if Working Group One's work after the meeting leads to a proposal, perhaps the Council could wrap up any remaining work on SSA by email, and then the Council would have 100 percent compliance on implementation plans. (The Council would formally vote

¹ See <http://www.whitehouse.gov/omb/save/SaveAwardHomePage> for further information.

on whether to approve the SSA implementation plan in its September 20, 2010 meeting.) The Council unanimously approved the AFRH and FEC implementation plans.

Mr. Gage said that, after talking to a number of his components, he believed actual implementation of the EO might be uneven. He said that some agencies have done nothing and that it seemed that agencies were in some cases waiting for further instructions. He asked whether the Council could do anything to “push implementation and get the forums going at various levels.”

Mr. Berry said that any specific problems could be described to him by email, and he could then take steps to remedy the problems. He said the Council could also send out a general reminder of the need for full implementation of the EO. He said the Council would do everything it could to move implementation along. Mr. Zients agreed.

Mr. Gould noted that the Council’s approval of 50 out of 51 implementation plans was significant progress.

Mr. Berry turned to the next item on the agenda, the Working Group Three report on (b)(1) bargaining pilots.

Agenda Item III: (b)(1) Bargaining Pilots – Working Group Three Report

Mr. Gould highlighted the changes the Council agreed would be made to the Working Group Three report presented in the last Council meeting (Council document 10-04-04). The following revisions are included in the revised Working Group Three report (Council document 10-05-03):

- On slide 6, added a fourth dash to the second bullet that reads, “Portfolio may include a term agreement covering all or part of (b)(1).”
- On slide 7, to end of last bullet added “and other additional mediation services including FMCS.”
- On slide 8, added a new bullet at the bottom that reads, “Include both common and specialized measures.”
- On slide 9, changed second bullet text “within 30 days to “within 45 days” and added a new bullet between the requirement to start pilots no later than November 2010 and to conduct pilot for 18 months from start date that reads, “Provide one or more interim progress reports.”
- Deleted slide 10.

After highlighting the changes to the Working Group Three report, Mr. Gould said he also wanted to mention that the FLRA/FMCS training included material on (b)(1) bargaining. He said the training had progressed well and included good, substantive content.

Mr. Gould made a motion that the revised Working Group Three report be adopted by the Council. The motion passed unanimously.

Mr. Berry then turned to the next item on the agenda, the Working Group Four report on metrics.

Agenda Item IV: Metrics – Working Group Four Report

Mr. Berry asked Ms. Shelley Metzenbaum, Associate Director for Performance and Personnel Management, OMB, to take the lead on Agenda Item IV. Ms. Metzenbaum said that Working Group Four was engaged, hardworking, and incredibly energetic. She said that Mr. Junemann and Mr. Kevin Donahue (Senior Advisor to Assistant Secretary of Management, Department of the Treasury) would present the Working Group Four report (Council Document 10-05-04).

Mr. Donahue introduced himself and began the presentation. He said that he and Mr. Junemann would provide a progress report on Working Group Four's efforts. Mr. Donahue said that while he was speaking first, he wanted to make sure Mr. Junemann had a chance to share. Mr. Donahue said Mr. Junemann had been a "real motivator" for Working Group Four.

Mr. Donahue presented page two of his presentation, which summarizes the activities of Working Group Four so far and indicates that the working group's ultimate goal was to identify specific metrics for possible adoption by the Council. He indicated in his presentation that the working group had structured itself and organized its work around the goals the Council agreed in previous discussions² to measure. He said the working group had formed the following subgroups to develop metrics for the Council to consider:

- Subgroup One: Better labor management relations,
- Subgroup Two: Improved quality of employee worklife, and
- Subgroup Three: Improvements in ability to accomplish mission and deliver high quality products and services.

Mr. Donahue said that each subgroup had labor and management members working together toward its goals. He pointed out that Subgroups Two and Three have members common to both groups, so that each subgroup works toward its goals with an awareness of the other subgroup's goals. (Mr. Donahue is a member of both Subgroups Two and Three as are Mr. Steve Keller (National Treasury Employees Union) and Ms. Janice Lander (Department of Defense)).

Mr. Donahue said that page three of his presentation essentially covered "homework assignments" for the subgroups. He said that Subgroup Two was studying the Employee Viewpoint Survey in an effort to identify any noteworthy trends relevant to its efforts, and also considering whether other agency performance assessments might be of use to the Council in its efforts to measure the quality of employee worklife.

Mr. Donahue said the working group was well aware that agency performance plans are a potential resource for developing metrics. He said Subgroup Three was reviewing agency performance plans as an indicator of the extent to which agencies' intended outcomes reflect the intention to accomplish the mission and deliver high quality products and services. He said that Subgroup Three was also looking both inside the Government (e.g., Navy) and in the private sector (e.g., Kaiser Permanente) for examples of metrics the Council might adopt and modify for its purposes.

² See especially minutes from meetings 10-01 and 10-04.

Mr. Donahue said that Working Group Four's plan so far was very general by design, and that no one in the working group was ready to draw conclusions about what direction the Council should take with metrics. His presentation clarified that at this point the working group was—

- Learning from its study of models inside and outside Government,
- Considering how those models might be useful in the Council's work on metrics (e.g., how might a mission-specific metric be effective in other contexts),
- Considering not only how a metric measures the goal it is intended to measure but also how it influences/interacts with other goals and metrics, and
- Identifying best practices in agencies that can be adopted for use elsewhere.

Mr. Donahue handed over the rest of the presentation to Mr. Junemann, who Mr. Donahue said had done a good job of reminding the working group of some critical themes.

Mr. Junemann began by saying that being able to measure improvements in agencies' ability to accomplish mission and deliver high quality products and services might be the most critical element of what the Council is doing. He stressed the importance of Government programs making sense to the American taxpayer, who may wonder why an agency is needed. He said that agencies also needed to keep in mind that their customers include other agencies, and summarized these points by saying, "It has to make sense to the outside world."

Mr. Junemann said that, as Mr. Donahue had mentioned, Working Group Four had been studying metrics models both inside and outside the Government. He said that Veterans Affairs (VA) had made a presentation to the working group, which might be useful for the working group to consider in formulating specific recommendations to the Council in the future. He said that the VA model reflected an awareness that what is done at the front end reflects the results, a good thing for the Council to keep in mind in its efforts. In making the point that the working group was also looking outside the Government for models it might adopt and modify, he said that Kaiser Permanente provided an example of the excellent results that labor and management can achieve when they work together towards common goals.

Mr. Junemann said that while Working Group Four had nothing for the Council to vote on yet, the working group was making progress, and that its investigations and deliberations are leading towards formulating recommendations on metrics. He said the working group members planned to report to each other on July 9, 2010. He mentioned that he was on the Naval Sea Systems Command Partnership Council, and he said he was investigating what metrics are being used by the Department of Navy.

In closing, Mr. Junemann reiterated that what the Government does must make sense to the taxpayer. He said, "The key is not just that it makes sense to us; we need to show taxpayers they're getting a bigger bang for their buck." He said that the seeds the Council plants now will significantly affect the Federal workforce in the future. He said that if the Council can show that a partnership between labor and management benefits the taxpayer, then it will not be so easy to dismantle the partnership in the future.

Mr. Berry suggested that the order of the themes for Subgroups One and Three be switched. He said the Council needs to send a message through all its materials that mission and delivery of

high quality products and services are paramount. He said the Council needed to show the American taxpayer that “this has substance and merit.” Mr. Junemann agreed with Mr. Berry’s suggestion, and said “Begin with the end in mind.”

Mr. Gage suggested the direction from this point be clarified and asked, “Can we get less fuzzy?” He said that in a recent meeting with the Department of the Air Force, he noticed management’s “glazed eyes” until labor mentioned metrics, which got management’s attention. He said that some people would want to know what they would be measured on, and he asked whether the Council would put out guidance revealing that. He said that metrics could be a “mini show-stopper.”

Mr. Zients agreed with Mr. Gage. He asked what the timeline was for issuing guidance. Ms. Metzenbaum responded that the plan was for Working Group Four to propose guidance soon, but that the working group did not want to issue poor guidance. She said the working group would be meeting on July 13, 2010.

Mr. Zients said he would think that Working Group Four could have a straw man by the next Council meeting. Ms. Metzenbaum agreed. Mr. Zients suggested that half an hour at the next Council meeting be devoted to discussing the proposal Working Group Four would submit. He said the Council’s guidance should be specific enough to be helpful but should not be too specific.

Mr. Filler said that, with regard to Mr. Gage’s point about providing a clear direction, “there shouldn’t be a lot of mystery.” He said that an agency just needs to look at its strategic plan in order to tell what outcomes to measure. He said the Council’s efforts were largely just to bring what had existed for many years into a partnership framework. He said that agencies really should not be surprised to find out what they will be measured on, and he added that if an agency doesn’t know its own strategic plan that is a bigger issue.

Mr. Berry asked if anyone had any other thoughts. Mr. Junemann asked that anyone who had any ideas submit them. He said he would appreciate any input. He said the Council cannot go by inappropriate measures, such as performance appraisals, and needs to get the metrics piece right.

Mr. Berry agreed that getting metrics right is very important. He said that if the Council could do that, it would advance results-based Governments and will mesh with all the Administration’s other efforts towards that end.

Mr. Berry turned to the next item on the agenda, the report on joint FLRA-OGC/FMCS training.

Agenda Item V: Report on Joint FLRA-OGC/FMCS Training

Ms. Julia Clark, FLRA General Counsel, presented the information in Council document 10-05-05, a report on joint FLRA-OGC/FMCS training in support of EO 13522. She said that the first round of open and agency/union-specific training sessions was complete. She said the goal of the training was to educate as many people as possible on the fundamentals of the EO. She said that in the first round of training—

- There were eight open training sessions;
- The eight open training sessions were attended by a total of 302 individuals;

- The attendees in the eight open training sessions were from a broad range of agencies and unions;
- The sessions were generally limited to 18 labor-management pairs, but the sessions tend to fill up, and there was one session in which 55 people participated; and
- In the first round of agency/union specific training, the agencies listed on page 6 of her presentation participated.

Ms. Clark said there would be a second round of training between July and September 2010. She said the sessions were already nearly fully subscribed. She said the training would continue as long as the interest does. Training dates for the second round of open training are posted on the Internet at http://www.flra.gov/OGC_Training.

Ms. Clark said that the agencies listed on page 7 of her presentation plan to participate in the second round of agency/union specific training. She said that training was in the planning stage for the agencies listed on page 8 of her presentation. She added that FLRA and FMCS had also done training for groups, e.g. labor relations specialists and union staff.

Mr. Berry thanked Ms. Clark. He said the training had been a “great initiative” and added, “You’ve done a lot already.” He asked the Council to encourage participation in the training. He said that while the sessions fill up quickly, people can be squeezed in if necessary. He said he would also welcome any ideas or feedback people might have about the training. He said the training was a great way to facilitate discussions and work in furtherance of the Council’s goals.

Ms. Clark asked if there were other comments on the training. She said that one comment she has heard is that some wish it could be covered in one day rather than two. She said she welcomed other comments.

Mr. Berry said that before moving on to the next agenda item he wanted to address a topic. He said that Council meetings so far have been about process, and that he would like to see the Council turn towards substance. He said, “We have had our vegetables, let’s get to the meat.” He suggested that telework might be a good topic. He said the Council could discuss telework in the context of its goals, e.g. discuss the impact of telework on mission and worklife. He said he would like the Council to think about what might contribute to a panoply of issues for such discussion. He said if people can get ideas to the Council, the Council could start preparing itself to move from process to substance.

Mr. Gage said he thought Mr. Berry’s idea was a great one.

Mr. Gould said that Federal hiring practices for veterans might be a good substantive topic for the Council to address.

Mr. Gage said that maybe the Council could consider having internal training accredited. Mr. Zients said it might be better to focus on making training better rather than having it accredited, getting back to the earlier emphasis in the Council’s discussions today on “bang for the buck.” To the Council’s amusement, Mr. Berry joked that Mr. Zients was just being a wet blanket now.

Mr. Berry then moved to the next item on the agenda, acknowledgement/receipt of public submissions.

Agenda Item VI: Acknowledgment/Receipt of Public Submissions

There were no questions or comments from the audience.

Agenda Item VII: Adjournment

Mr. Berry adjourned the meeting at 10:49 a.m.

He offered the use of either the Director’s Conference Room or the current location for the working group to meet.

CERTIFIED

John Berry
Co-Chair

Jeffrey Zients
Co-Chair