

**National Council on Federal Labor-Management Relations  
Fourth Public Meeting, 06/07/2010**

On June 7, 2010, the National Council on Federal Labor-Management Relations held its fourth 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. 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. Seth David Harris	Deputy Secretary, Department of Labor
Mr. David Holway	National President, National Association of Government Employees
Mr. Gregory Junemann	President, International Federation of Professional and Technical Engineers
Ms. Colleen Kelley	National President, National Treasury Employees Union
Mr. H.T. Nguyen	Executive Director, Federal Education Association
Ms. Carol Waller Pope	Chair, Federal Labor Relations Authority

Mr. William D. Fenaughty, National Secretary Treasurer, National Federation of Federal Employees (NFFE) sat in for Mr. William Dougan, President, NFFE.

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

Ms. Patricia Niehaus, National President, Federal Managers Association (FMA), sat in for Mr. Darryl Perkinson, FMA.

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 four representatives from the media.

**Agenda Item I: Welcome and Approval of Minutes from May 5 Meeting**

At 10:04 a.m., Mr. Berry welcomed the Council members and audience. He said the meeting would be a busy one, and that five working groups would present reports. He said the Council's work had progressed well since the previous meeting.

Mr. Berry proposed a change in the Council's schedule of public meetings. He said that August can be a difficult time to schedule meetings, and proposed that the Council skip the meeting scheduled for August 4, 2010. (The Council would keep its July and September meetings as scheduled and continue its work between meetings). The Council members all agreed.

Later in the meeting, Mr. Berry provided the Council members with an opportunity to comment on the minutes from the previous meeting (Council Document 10-04-01). There were no comments, so Mr. Berry made a motion that the Council approve the minutes. The motion passed unanimously.

After the Council agreed on the change in its schedule of public meetings, Mr. Berry turned to the next item on the agenda, the Working Group Two report on levels of recognition.

### **Agenda Item II: Level of Recognition – Working Group Two Report**

Mr. Berry said the Working Group Two members were Mr. Dougan, Mr. Gage, Mr. Gould, Mr. Holway, Mr. Lynn/Dr. Stanley, and Mr. Wolin.

Mr. Berry said that Ms. Terry Rosen, a labor relations specialist at the American Federation of Government Employees (AFGE), would present the Working Group Two report.

Ms. Rosen presented the report. She said that one of the first things Working Group Two did in its work for today's report was "change the name," i.e. adopt a new term for describing the group's focus. She said the task is really to develop guidance on "forum creation at appropriate levels," a more descriptive term for the group's purpose than "levels of recognition."

Ms. Rosen said Working Group Two thought it would be helpful to define the term "level of recognition" in the proposed guidance on forum creation at appropriate levels. She said the proposed definition was "the level at which a bargaining unit with an exclusive representative is certified and the parties have specific rights and obligations within the collective bargaining process."

Ms. Rosen said that Executive Order 13522 requires a labor-management forum at the level of recognition. She said that while Working Group Two did not believe it should create a "one size fits all" approach to forums at other levels, the group discussed options that agencies might consider for creating appropriate forums above or below the level of recognition. Working Group Two developed two models:

- One model for departments/agencies with many unions with national consultation rights (NCR), and
- Another model for departments/agencies with few NCR unions and none with recognition at the department/agency level.

Ms. Rosen said that for both models essential elements are a) that there will be forums at the levels of recognition within the organization and b) that agencies should establish forums at all appropriate levels of the organization, with details to be worked out by the parties. She said Working Group Two intended the remaining elements for the two models to be optional. (The

two models are in Ms. Rosen's slide presentation, Council document 10-04-02. For each model, Working Group Two considered items 1 and 2 are essential and items 3-5 optional.)

Mr. Berry asked whether the Council members were comfortable with the proposed guidance. He added that one benefit of adopting the guidance would be that it would move forward the effort to bring the Social Security Administration's (SSA's) plan into compliance, since SSA agreed it would adopt whatever model the Council recommended.

Mr. Holway commented that it might be better to change the fourth bullet on the "Departments with Many NCR Unions" slide to read "should be created" rather than "may be created." Ms. Rosen responded that "may" is used because Working Group Two did not intend to require specific models for forums above or below the level of recognition.

Mr. Holway said that changing the language as he suggested might help "get rid of the wiggle room" for agencies not wanting to keep to the spirit of the EO. Mr. Gould responded that Working Group Two wanted to encourage keeping to the spirit of the EO without forcing a model on agencies.

Mr. Gage said he would like a point clarified: If there is a union with national recognition, is it up to that union and agency to determine what other unions are invited to join the forum? Mr. Berry said his understanding of how the Department of Defense (DOD) model works is that if a union has national recognition, it will be included. Whether other unions participate is up to the agency.

Mr. Gage expressed concern about agencies being able to set up separate forums with unions other than those with national recognition. He discussed unions in SSA's Office of Disability Adjudication and Review (ODAR), where AFGE has national recognition. Mr. Berry asked what problem there would be with SSA creating separate forums for unions other than AFGE. Ms. Kelley noted her interest in NTEU being represented on a forum at SSA.

Mr. Gage said he would be concerned if SSA tried to set up a larger forum where AFGE has national recognition without SSA first getting AFGE approval to do so. Ms. Kelley said her understanding was that Mr. Gage did not want unions other than AFGE on a national forum at SSA. Mr. Gage said, "It's not that I don't want them there." He said the EO requires a national forum and was not about management inviting parties without national recognition.

Seeking clarification, Mr. Berry asked whether Mr. Gage would object if SSA wanted to have another forum if it already had one with AFGE at the national level. Mr. Gage said that he *would* object, that there was some evidence of "game playing." He added that it is not for SSA management alone to say that other unions can be invited, but that maybe AFGE and SSA management could sit down and talk about that possibility.

Mr. Gage and Ms. Kelley discussed the situation with respect to forums at SSA. Mr. Gage said that AFGE is 97 percent of the unions there. Ms. Kelley pointed out that AFGE has its own national level forum at SSA. Mr. Gage said he did not believe that SSA had the authority to set up a second forum with other groups at the national level. He added that three unions have consultation rights at ODAR and that a forum for those unions could be at that level.

Ms. Kelley pointed out that the employees at ODAR work for the SSA Commissioner. She said pitting unions against each other is not advisable. She said that while AFGE has the prerogative

not to attend a forum, she does not understand how AFGE can tell SSA which unions to invite. Mr. Gage said an agency can meet with those parties it desires, but that now he was discussing what should be sanctioned by the Council.

Mr. Gould said that at the Veterans Administration (VA) five unions are together on a forum. He said two of the unions do not have national representation, but everyone is around the table and has input. He said this model was working well at VA. Mr. Gage said the situation at VA was different in that AFGE had given a waiver. He added that in the VA forum the participants had been working together for 10 years and already had a working relationship. He said that SSA is different, and there AFGE wants its forum and does not want its representation diluted.

Mr. Berry said it is in the spirit of partnership to allow people to come together and share ideas. He said he is not sure management should surrender its right to sit down together with parties of its choosing. He said if an agency thinks it is important to have everyone come together, why discourage it? He said having a second forum does not negate the first, and that “it’s not a competing thing.”

Mr. Gage said he was calling down AFGE’s right to have a forum at SSA without dilution. He said that he did not object to the previously discussed representation at the ODAR level, but that AFGE wants a forum in accordance with the EO: “AFGE at SSA at the top.”

Mr. Fenaughty said the focus of the current discussion seemed more on an SSA issue than on the overall question of recognition.

Mr. Junemann commented that he felt he had missed something. He said he represented important people at SSA. He asked, “Have I been left out?” Mr. Berry said there had only been discussion and not decisions.

Mr. Filler made a motion to adopt the Working Group Two recommendations with the understanding that more work is needed with respect to SSA. Mr. Berry asked the Council members whether they were comfortable with that. Ms. Bonosaro asked whether further progress with respect to the SSA issue would be reported back to the Council, and Mr. Berry said, “Yes.”

Mr. Junemann asked, “Where’s the filter on this?” Explaining his question, he said he knew of a case where management was trying to prevent a group of employees from organizing. He asked how labor and management can work in partnership if management can obstruct organization. Mr. Berry said he would be glad to work with Mr. Junemann separately on that issue.

Mr. Berry seconded Mr. Filler’s motion to adopt the Working Group Two recommendations, and the Council agreed.

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

### **Agenda Item III: Implementation Plans – Working Group One Report**

Mr. Holway presented the Working Group One report. His presentation included the slides in Council document 10-04-03, which lists the Working Group One members and staff they assigned to review the implementation plans.

Mr. Holway said that Working Group One recommended approving the Federal Communications Commission's (FCC's) implementation plan. He said that counting FCC, there would then be a total of 48 approved implementation plans.

Mr. Holway said the implementation plans for the Armed Forces Retirement Home and SSA do not meet the requirements of Executive Order 13522. He said the implementation plan for the Federal Election Commission was received late and is still under review.

Mr. Berry said that he expects all plans will be done by the July 7<sup>th</sup> meeting. He made a motion that the Council approve FCC implementation plan. The motion passed unanimously.

Mr. Berry then introduced the next agenda item, the working group report on (b)(1) bargaining pilots.

#### **Agenda Item IV: (b)(1) Bargaining Pilots – Working Group Three Report**

Mr. Gould presented the Working Group Three report. His presentation included the slides in Council document 10-04-04, which lists Council members and staff who attended Working Group Three's meeting. The topics discussed at the meeting are listed in Council document 10-04-04 and are repeated below for convenience.

- Who should/will participate in the pilot program? Which agencies?
- What are the subjects/criteria of the pilot program?
- What is the process we will use to establish these criteria and subsequently manage the pilots?
- How/Who will be trained?
- How will we use ADR for the pilots?
- How will we assess success of the pilot? What are the metrics?
- When are we going to do this? (Target start and completion dates)
- How are we going to document and report results of this session for the June 7th meeting?
- Determine outline for deliverable to the President

Mr. Gould said OPM and the Departments of Homeland Security (DHS), Defense, Labor, Treasury, and Veterans Affairs would participate in bargaining pilots. He said the SSA would also participate once the Council approves its implementation plan. He said other agencies would be encouraged to participate.

Mr. Gould said Working Group Three proposed the Council require a pilot to cover 500 or more bargaining unit employees (may consist of more than one bargaining unit) or involve a significant

agency process. He said the pilots could involve agencies or unions not represented on the Council.

Mr. Gould said Working Group Three proposed that a pilot can cover any combination of (b)(1) subjects, e.g. an individual pilot could cover just types of employees assigned to a tour of duty or just technology used in performing work. He said the working group suggested, however, that the Council's entire portfolio of bargaining pilots cover at least one "number, type and grade" category, one "technology, methods, and means" category, and one with both categories.

When Mr. Gould finished the report, Mr. Berry asked the Council if it had comments.

Mr. Zients asked whether any smaller agencies had stepped forward. Mr. Berry said that the National Credit Union Administration had. He said it was certainly okay for agencies to move forward with the pilots.

Ms. Bonosaro expressed concern about the proposed criteria for bargaining pilot subjects. She asked whether an example of "both categories" would be grade and methods. Mr. Gould said it would. Ms. Bonosaro said she objected to the criteria, since using them could result in not having any pilot with the full range of subjects.

Mr. Berry said the bargaining pilot at OPM would cover the full range of subjects. Ms. Bonosaro said that was good. She mentioned that Mr. Neal talked about "FEMA having the full range," but she said that one is already underway. Mr. Neal said that although what Ms. Bonosaro described is not a pilot and has existed for about 10 years, it has "the full range of issues." He added that many regard it as a model, and he said it is more robust than a pilot.

Ms. Bonosaro said the whole point of bargaining pilots is to get a full range of experience in order to learn what needs to be done with respect to bargaining over all the (b)(1) covered subjects. Referring to OPM, Mr. Berry said, "Well, we are guaranteed to have one."

Mr. Neal said that at the DHS forum last week the members agreed that other pilots would be considered.

Mr. Gage said he agreed with Ms. Bonosaro about the importance of complete coverage of (b)(1) subjects. He said he did not know yet "what these pilots use," but that to get the full flavor "someone needs to step up and do a full-term contract under (b)(1)." He said there are enough contracts to do that, and doing as he suggested would provide the Council with enough data to report adequately to the President.

Mr. Gould said Mr. Gage's suggestion was a possibility, but he reminded the Council that it had chosen to set up criteria for bargaining pilots as an early step for dealing with them. He suggested that proceeding much beyond that essential step might be putting the cart before the horse.

Mr. Gage reiterated the importance of his suggestion, and said he thought it might be the only way to get data on a full range of subjects.

Mr. Harris suggested having unions come forward with ideas for bargaining pilots, which might involve a little proselytizing. He said some agencies had successful experiences with (b)(1), and that perhaps unions could come forward with such examples. He suggested that the Co-Chairs

could then follow up with those particular agencies to solicit pilot projects. He said that maybe this suggestion could get Mr. Gage what he was hoping for with respect to term contracts.

In response to Mr. Harris, Mr. Berry said the door for such input had been open for 3 months. He said that his problem was an empty inbox and that he still welcomed suggestions. Mr. Gage said that AFGE had submitted ideas and so must have used the wrong inbox.

Mr. Gage proposed that Working Group Three add a bullet to its recommendations that the portfolio of pilot projects should include a full-term contract under (b)(1), and then the Council could actively seek that outcome. Mr. Harris responded that a mechanism for getting someone to step forward with an idea would be necessary.

Mr. Neal said the Council might consider bringing ongoing projects into the effort to get (b)(1) data, but he noted that negotiating a binding contract is significantly different from a pilot.

Mr. Gould said the big win thus far was getting six agencies confirmed for pilot projects. He said these agencies will serve as the vanguard for others who would come forward later. He expressed concern regarding the time remaining to report to the President

Ms. Bonosaro said she was not suggesting the Council stop moving forward with respect to (b)(1), but that she wanted to note the importance of getting as much data as possible on the full range of (b)(1) subjects.

Mr. Gould suggested that a fourth dash be added under the second bullet on page 6 of Council document 10-04-04, reading "May include a term agreement."

Mr. Gage said he did not believe there would be a big problem with using a term agreement in one agency to get (b)(1) data.

Mr. Gould described the proposed process to establish criteria and subsequently manage the (b)(1) pilots, covering page 7 of Council document 10-04-04. Under Working Group Three's plan, forums would operate according to the Council's criteria and work out the details themselves. Everyone negotiating on (b)(1) subjects would be jointly trained to do so (managers and supervisors, union representatives and forum members.) Mr. Gould added that for training the Federal Labor Relations Authority (FLRA) would be a great source.

Mr. Gould said a variety of approaches, including alternative dispute resolution, would be used to help negotiating teams agree.

Mr. Gould then covered slides 8-10 in Council document 10-04-04, which covered pilot assessment, the timeline for (b)(1) projects, and the letter of recommendation to the President.

When Mr. Gould finished his presentation, Mr. Berry asked if any other members of Working Group Three cared to comment on or add anything to Mr. Gould's presentation.

Referring to slide 8 in Council document 10-04-04, Ms. Bonosaro said she believed the Council agreed to have a more uniform assessment than the slide described. Mr. Gould said there should be some standard and a baseline, but that allowing for customization was also desirable.

Mr. Filler referred to the November 2010 deadline for starting (b)(1) pilots. He asked what assistance might be available to ensure the parties to potential (b)(1) projects can agree by that time.

Mr. Berry said there would be a presentation later on broader training and mediation, and he asked whether Mr. George Cohen, Director of the Federal Mediation and Conciliation Service (FMCS), might comment now.

Mr. Cohen said he would like everyone to feel cautiously optimistic. He described a situation with United Steelworkers and a steel company, which he used as an example of how parties can come to agreement and accomplish great things. He asked that the Council not underestimate the ability of people to come together for a common cause. He said FMCS is ready to help the Council in its (b)(1) advancement efforts, and he stressed the importance of mediation being introduced early in such an undertaking.

Mr. Filler said that while he very much appreciated FMCS' contributions, the Council should not preclude the use of other neutral third-party resources as well. Mr. Berry agreed.

Mr. Nguyen said there was more labor than management participation in the effort to get (b)(1) projects moving. He said the Council needed more pilots, and asked what the Council could do to get management to step forward.

Mr. Berry said that the current pool of agencies is large and should provide very good representation. He acknowledged the devil is in the details, but he said he believed Working Group Three's proposed guidance would be good as a start, and then as the details emerge the Council can deal with them.

Mr. Neal commented that the November 2010 date does not mean everything in the (b)(1) projects are agreed to, but that it means that is when bargaining starts. After a project begins, there could be bargaining on various aspects for a year and a half.

Mr. Filler asked for clarification regarding (b)(1) implementation. Mr. Neal responded that his point was that in order to pilot (b)(1) bargaining, parties need to be able to keep bargaining over issues as they arise, and one size cannot fit all.

Mr. Filler said he was concerned about not having clear start and end dates for pilots, and he said he would think it would be difficult to collect legitimate data without such dates. He said he was concerned about the possibility of not having solid data with which to report to the President. He argued in favor of a firm start date for all pilots rather than a "start no later than" date.

Mr. Zients asked Mr. Gould to clarify: Was he saying that under the Working Group Three proposal agencies could start earlier than November 2010? Mr. Gould said he was.

Mr. Gould said he understood Mr. Filler's argument to have a common measurement period for the pilots. Mr. Gould added, however, that given the voluntary nature of (b)(1), dates common to all would require coordination by the participating agencies. He said a respectful discussion among the participating agencies was a possibility, but that requiring a start date as an absolute might be problematic.

Mr. Filler said if the Council begins with the end in mind, and reporting to the President is the end, then not having a common start date might limit the Council's ability to report on (b)(1) to the President. He said the current strategy appeared too open-ended.

Mr. Gould said the nature of a project might limit the extent to which the Council can impose constraints, e.g. a pure pilot may be more tractable than a term contract. He said that with regard to control, however, Working Group Three had tried to respect flexibility and not impose so many constraints as to make volunteering less attractive.

Regarding Mr. Gould's point about the voluntary nature of the pilots and the desire to make volunteering more attractive, Mr. Filler said it was that very concern that led to his earlier question about what assistance would be available to help all parties reach agreement in time to start pilots by the November 2010 deadline.

Mr. Junemann suggested that since "there are different levels of success and hurdles," it might be useful for the Council to stop and take stock of its progress regarding (b)(1) projects periodically. Mr. Berry said that would definitely happen. He added that, speaking of measuring progress, there would later be a discussion of metrics. He said that, for now, Working Group Three appears to have come up with a good structure with which to begin.

Ms. Niehaus expressed concern about having enough bargaining pilots and asked how the Council could extrapolate the success of (b)(1) with such limited pilots. Mr. Zients responded that he believed the portfolio of bargaining pilots would be rich, and he suggested the Council let the process get started and see what comes of it.

Mr. Gage asked whether the unions would get a glimpse of the proposed pilots. Mr. Zients said, "Yes, 30 days," referring to the bullet on page 8 of Council document 10-04-04, which says that management and union teams are to develop their proposed pilot plans and report to the Council within 30 days of the Working Group Three criteria being approved.

Mr. Berry said the proposed pilots also would be discussed in forums, and that what is proposed in a forum would come to the Council for its consideration. He said he thought the Working Group had developed a good mechanism for today and had done a phenomenal job in wrestling (b)(1) issues to the ground.

Ms. Kelley asked whether she would know about any pilot proposals in agencies in which she is involved. Mr. Berry said she would. Ms. Kelley said she just wanted to ensure that predecisional involvement would be part of the process.

Mr. Zients said he wondered if it would be a good idea to allow more time than 30 days for the management and union teams to develop their proposed pilot plans and report to the Council. Mr. Gould suggested 45 days.

Mr. Berry liked Mr. Gould's suggestion of 45 days, and said that would allow enough time for the products to be discussed at the September meeting. Mr. Gage also liked the suggestion, and said getting up and running would be the hardest part.

Mr. Zients asked whether the November 2010 date, the date by which (b)(1) projects would begin, should be moved to January 2011. Mr. Gould said we should show appropriate concern for all the

training and other preparation the projects would require. Mr. Gage said he thought changing the November 2010 date was unnecessary. Mr. Berry suggested the Council see where it is on bargaining pilots by the September meeting and maybe revisit the November 2010 date at that time.

Ms. Bonosaro mentioned some concerns she had with slide 10 of Council Document 10-04-04, which listed recommendations for drafting the letter of recommendation to the President. She asked where cost was mentioned and whether the letter was from the entire Council or just its Co-Chairs. Mr. Berry said the letter of recommendation to the President was a matter the Council could take up at a later time, once the Council's (b)(1) efforts were further along.

Mr. Gould moved for the following changes to Council document 10-04-04:

- On slide 6, add 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 add "and other additional mediation services including FMCS."
- On slide 8, add a new bullet at the bottom that reads, "Include both common and specialized measures."
- On slide 9, change second bullet text "within 30 days" to "within 45 days" and add a next to last bullet mentioning the interim reports Mr. Junemann and Mr. Berry discussed earlier.
- Delete slide 10.

The Council voted to approve the Working Group Three guidance on bargaining pilots, with the changes Mr. Gould proposed. Mr. Filler abstained. Mr. Berry then turned to the next item on the agenda, the Working Group Five Report on Federal Advisory Committee Act (FACA) requirements for labor-management forums.

#### **Agenda Item V: FACA – Working Group Five Report**

Mr. Shriver said that Working Group Five met and had a productive discussion about the legal issues surrounding FACA. Lawyers from the NFFE, AFGE, and NTEU joined representatives from the DOD and the head of General Services Administration's FACA group, who agreed to serve as a technical advisor.

Mr. Shriver said the meeting participants agreed that the unions, led by Stefan Sutich of NFFE, would draft a position paper for the group to consider. Mr. Shriver reported that Mr. Sutich made progress and should be ready to produce the draft position paper next week, and that Working Group Five would decide on a course of action from there.

Mr. Berry thanked Mr. Shriver for the update, and turned to the next item on the agenda, the Working Group Four report on metrics.

## **Agenda Item VI: Metrics – Working Group Four Report**

Ms. Shelley Metzenbaum, Associate Director for Performance and Personnel Management, Office of Management and Budget, presented the Working Group Four report, Council document 10-04-05.

Ms. Metzenbaum said the challenge to address with respect to metrics is “how to do this going forward in a way we can learn.” She said the Council would need to be realistic in its expectations with respect to metrics, since factors such as having no control group can make a difference.

Ms. Metzenbaum presented the following EO 13522 requirements with respect to the Council, agency leadership, and agency implementation plans:

- Council
  - Develop suggested measurements and metrics for the evaluation of the effectiveness of the Council and labor-management forums.
- Agency Leadership
  - Evaluate and document changes in employee satisfaction, manager satisfaction, and organizational performance resulting from the labor-management forums.
- Agency Implementation Plans
  - Develop metrics to monitor improvements in areas such as labor-management satisfaction, productivity gains, cost savings, and other areas.

Ms. Metzenbaum then reviewed the ideas for metrics discussed in the first Council meeting, which are summarized on page 3 of the slides. She pointed out that the ideas had emerged from a brainstorming process.

In covering a proposed timeline, Ms. Metzenbaum said that Working Group Four planned to meet on June 10 to “clarify expected group outcomes (to establish metrics and guidance), review progress on metrics, and assign specific tasks to group members and teams.” She said the working group originally planned to present its findings and recommendations in time for the Council to discuss them at the August 4 meeting, but that the timeline would now need to be changed to indicate Council discussion in September rather than August.

When Ms. Metzenbaum finished her presentation, Mr. Zients said he had two additions. First, the timeline is only a guide and may change. Second, in its work on metrics Working Group Four needs to focus on bargaining pilots. He said other aspects of metrics can be addressed as well, but from today’s discussions it was clear that (b)(1) needs to be part of the product.

Mr. Berry asked Ms. Metzenbaum to consider how often bargaining pilots should be measured.

Ms. Metzenbaum said that much good partnership work had been done during the Clinton Administration, and that it was unfortunate metrics were not built in so there would be some way to measure that progress. Returning to her earlier point about realistic expectations, she added that if the Council expected perfect metrics it would get nothing done. In closing, she expressed overall optimism about the Council being able to set up good metrics.

Mr. Berry thanked Ms. Metzenbaum for her presentation and turned to the next item on the agenda, Federal Mediation and Conciliation Service/Federal Labor Relations Authority (FMCS/FLRA) training.

### **Agenda Item VII: FMCS/FLRA Training**

Mr. George H. Cohen, FMCS Director, and Ms. Julia Clark, FLRA General Counsel, presented the information in Council Document 10-04-06, a report on training in support of EO 13522.

Ms. Clark said the first round of training went very well and that the sessions filled soon after the training announcement. She said the training took participants through the EO and the fundamentals of its requirements, focusing on (b)(1) and predecisional involvement. She said the training also covered the basics of setting up a forum. She said FMCS and FLRA are honored to provide the training and are committed to continue supporting the Council's work.

Ms. Bonosaro asked whether Council members could get a copy of the training slides (which Council document 10-04-06 lists as enclosures). Mr. Berry said the slides would be provided, then he asked if he could get any other feedback as to how the training had been going.

Mr. Cohen said participants in the training had been very much involved. He said that how-to interaction was the biggest thing, and that slides do not tell the whole story. He said that bargaining pilots were a "revolutionary job under the EO," and that it would be best to introduce mediation in the early stages of a pilot.

Mr. Gould asked how to determine who should be involved, for example what percentage of participants should be managers and senior leaders. Mr. Cohen said that would depend on the issues involved. He said situations are best assessed case by case, which is why mediators' early involvement can be so helpful.

Before moving to the next item on the agenda, Mr. Berry brought up an item not on the agenda that he felt was important to share: the Feds Feed Families program. He said that stocks in food banks nationwide go to nothing in the summer. He said the program's current goal is to raise 1.2 million pounds of food over the next 3 months. He said that last year 1 million pounds of food were collected.

Mr. Junemann said mentioning the Feds Feed Families effort was a fabulous idea, and added, "We need to trumpet this sort of thing." He said this would help show the public that there is pride and dignity in government service.

Ms. Kelley asked if information on Feds Feed Families is on the OPM Web site. She said union leaders could share Web links with members if someone could provide the links. Mr. Berry said he would make sure that happened. (The information can be found on the Internet at <http://www.fedsfeedfamilies.gov/>.)

Mr. Berry then moved to the next item on the agenda, acknowledgement/receipt of public comments. He said the Council was complying with FACA by providing this opportunity for public comment.

**Agenda Item VIII: Acknowledgment/Receipt of Public Submissions**

There were no questions or comments from the audience.

**Agenda Item IX: Adjournment**

After confirming there were no additional comments, Mr. Berry adjourned the meeting at 11:52 a.m.

**CERTIFIED**

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John Berry  
Co-Chair

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Jeffrey Zients  
Co-Chair