

**National Council on Federal Labor-Management Relations
17th Public Meeting
January 18, 2012**

The National Council on Federal Labor-Management Relations (NCFLMR) held its 17th meeting on January 18, 2012, at the Office of Personnel Management (OPM). Mr. John Berry (Director, Office of Personnel Management) chaired the meeting. Co-Chair Jeffrey Zients (Acting Director, Office of Management and Budget (OMB)) was unable to attend, but Dr. Shelley Metzenbaum (Associate Director for Performance and Personnel Management, Office of Management and Budget) sat in for him.

The following Council members also attended:

Member Name	Member Title
Ms. Carol Bonosaro	President, Senior Executives Association
Mr. William Dougan	President, National Federation of Federal Employees
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
Mr. H.T. Nguyen	Executive Director, Federal Education Association
Ms. Patricia Niehaus	National President, Federal Managers Association
Ms. Carol Waller Pope	Chair, Federal Labor Relations Authority

Ms. Sheila McCormick, Associate Director for Communications and Public Relations, National Treasury Employees Union (NTEU) sat in for Ms. Colleen M. Kelley, National President, NTEU.

Mr. Vince Micone, Chief of Staff, Under Secretary for Management, Department of Homeland Security (DHS), sat in for Ms. Jane Holl Lute, Deputy Secretary, DHS.

Mr. Pat Tamburrino, Deputy Assistant Secretary of Defense for Civilian Personnel Policy, sat in for Mr. Ashton B. Carter, Deputy Secretary of Defense.

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

About 70 members of the public attended the meeting, including 4 representatives from the media.

Agenda Item I: Welcome

At 10:01 a.m., Mr. Berry began the meeting and said he appreciated the great attendance today. He commented that Co-Chair Zients had recently moved up to Acting Director of OMB. Mr. Berry said that he would let the Council know whether, with the new responsibilities, Mr. Zients can continue as Co-Chair.

Mr. Berry said that Council will meet every month in 2012 except for August and December, and that meetings will be on the third Wednesday of the month and be held at OPM. He welcomed suggestions on alternative locations, but cautioned that under the Federal Advisory Committee Act changing meeting locations requires sufficient public notice.

He said that today's meeting marks an important anniversary. He said, "Fifty years and one day ago, President John F. Kennedy issued his Executive Order on Employee-Management Cooperation in the Federal Service. He embraced the idea that by working together, managers and employee organizations could formulate personnel policies that benefit everyone – managers, employees, and the American people. This was accomplished by granting federal employees the right to organize and bargain collectively."

Mr. Berry said, "The idea worked, and worked well." He said that a 1969 review committee reported to President Nixon that the new policies had contributed to more democratic management of the Federal workforce and marked improvement in communications between agencies and their employees. He said Presidents Nixon and Ford each expanded collective bargaining rights with their own Executive orders, and that President Carter signed the Federal Services Labor-Management Relations Statute in 1979. Mr. Berry said "We've been working together ever since." He said, "Regardless of which political party, we've kept sight of the impacts we achieve with a strong employee-management relationship by safeguarding the public interest, contributing to the effective conduct of public business, encouraging amicable settlements of disputes, and upholding the high performance standards that the public demands. This is a legacy that would make President Kennedy proud, and one I am proud we're here to send forward into the next 50 years."

Dr. Metzenbaum said, "This is exceptional." She added that this was an anniversary worthy of celebrating.

Mr. Berry noted that the FLRA's web page has now posted a tribute to the 50th anniversary and the history of labor relations in the federal government. He thanked Carol Pope and her team for providing this information to all of us.

Ms. Pope thanked both labor and management for contributing to the evolution of Federal labor law, and added her appreciation of being a part of it.

Mr. Berry asked for a motion to approve the minutes from the previous Council meeting. He said edits that had been submitted were incorporated, and asked whether any Council members cared to propose additional edits to the draft minutes. The Council suggested no further edits and unanimously approved the minutes. Mr. Berry then turned to the next agenda item.

Agenda Item II: Metrics Reports on Agency Forums - Update

Mr. Tim Curry, OPM Deputy Associate Director, Partnership and Labor Relations, presented the Council Document entitled “Metrics Submissions from Labor-Management Forums”. He reminded everyone of the requirement for agencies to submit metrics reports to the Council by December 31, 2011. He highlighted common issues addressed by agency forums:

- Improve a process or procedure to save time and/or increase customer satisfaction,
- Add to cost savings and employee satisfaction by changing travel policy or technology,
- Increase telework participation and improve employee satisfaction,
- Develop training or increase current training to improve efficiency of service, and
- Improve labor-management relationship by decreasing grievances and/or unfair labor practices.

Mr. Curry updated the Council on the progress of submissions by agency labor-management forums on their performance. He reported that 35 of 51 agencies submitted metrics reports. He highlighted examples of metrics submissions from four agencies:

- **Department of Commerce:** Economic Development Administration achieved a 50% decrease in the number of employees needed to travel to meetings through the use of teleconferencing.
- **Department of Treasury:** Overall quality service at the Bureau of Engraving and Printing improved by 3%. Alcohol and Tobacco Tax and Trade Bureau improved average number of days to process an original permit application by 12.93 days (from 52.07 days).
- **Department of Justice:** Executive Office for Immigration Review realized cost savings of \$203,000 by supplying only one computer (laptop and docking station) to each staff attorney in the bargaining unit instead of one desktop and one laptop.
- **Department of Agriculture:** One forum reported a cost savings of \$16,000 per month through collaboration of IT management and bargaining unit employees in the distribution of bi-weekly webIT software releases. Another forum increased the agency recycling program from 35% to 43%.

Mr. Curry reported that seven of the agencies still owing metrics reports requested short extensions, and that OPM staff continues to follow up with those agencies. He suggested that the Council’s Metrics Working Group reconvene to determine next steps.

Dr. Metzenbaum commended the agencies for submitting reports or setting specific dates for doing so. She said that it’s exciting to hear agency success stories, and that these reports demonstrate how labor and management can work together.

Ms. Bonosaro asked whether the submitted reports are complete and hit the mark. Mr. Curry said that the agency reports vary as to completeness and robustness. He said the Council might need to follow up with some agencies to get additional information. He added that data are still being reported.

Mr. Berry said that some agencies, based upon OPM's experience, may need additional time to report on metrics.

With regard to OPM's own progress on the metrics, Mr. Berry said that OPM is working to consolidate training. He said that there is a lot of duplicate coordination. He said that OPM recently appointed Joseph Kennedy as OPM's Chief Learning Officer. He said that though he can't produce savings yet, he will be taking this to the partnership table, and he expects great results over the long run. He then turned to the next agenda item.

Agenda Item III: Report to President on (b)(1) Pilots - Update

Mr. Dougan provided an update on (b)(1) pilots. His presentation was accompanied by the Council Document entitled "Report to the President – (b)(1) Collective Bargaining Pilots". He began by reviewing the requirement of Executive Order 13522 that the Council submit a report to the President evaluating the impact of (b)(1) bargaining.

Mr. Dougan highlighted important points from the Council Document:

- He said that 12 pilot projects have been established in 9 agencies, covering over 14,000 bargaining unit employees.
- He said that section 4(c) of E.O. 13522 provides that the Council submit a report to the President evaluating the results of the pilots and recommending appropriate next steps.
- He emphasized that the report is due to the President by May 1, 2012.

Mr. Dougan thanked the working group participants, particularly Ms. Bonosaro for hosting meetings at the Senior Executives Association. He also thanked OPM for administrative support.

Mr. Dougan discussed the progress the working group made during its initial December 7, 2011, meeting and later via e-mail during December. He stated that the working group established a rough draft proposed outline of five major topics expected to be covered –

- Background/Introduction info
- Explanation of (b)(1) bargaining and pilot selection
- Metrics
- Analysis of pilots
- Conclusions and set of recommendations

Mr. Dougan said it was interesting that working group discussions revealed common themes across the pilots. He said these themes warrant an in-depth analysis and explanation.

Mr. Dougan described the process by which the working group gathered information from the pilots. He said that the working group designed a set of questions including:

- Labor-management relationship (What impact, if any, has there been on the labor-management relationship?)

- Preparation for bargaining (Did the pilot use Federal Labor Relations Authority training?)
- Bargaining (What process of bargaining did the pilots use, e.g. traditional or interest-based?)
- Metrics (How will the pilot measure the extent to which the pilots help agencies accomplish their mission?)
- Outcomes (Start thinking about answers. Rather than just asking superficial questions, have a conversation that flows from asking broad, fundamental questions, such as why a pilot was chosen.)

Mr. Dougan said that these questions were submitted ahead of time to the pilots, before the working group interviews began in early January 2012. He said interviews of labor and management representatives from pilots tended to last about an hour and that the interviews allowed for a lot of dialogue, rather than just a question-and-answer period. He reported that the working group interviewed 10 of the 12 pilots.

Mr. Dougan said that they have not been able to nail down interview dates yet for Camp Pendleton and the National Federation of Federal Employees or the Department of Labor (Office of Labor Management Standards) and the National Union of Labor Investigators.

Mr. Dougan concluded his presentation by discussing next steps. He noted the potential difficulty in meeting the May 1, 2012, report deadline. He stated that pilots have until March 31, 2012, to report, which will give the Council a short window to make comments and changes and approve an initial draft at the April 2012 Council meeting.

Mr. Berry thanked Mr. Dougan, Ms. Bonosaro, and Mr. Nguyen for their hard work. He also asked Mr. Harris and Mr. Tamburrino for their assistance in helping their respective pilots meet with the working group.

Mr. Berry asked the Council if the working group missed anything. He said that this would be a good time for any additional discussion. He emphasized to management and labor that this was their chance, knowing that the Council is on a tight schedule.

Mr. Gould asked whether there would be discussion in the report about the scalability and sufficiency of data from the (b)(1) bargaining pilots. He asked if there were a sufficient number of folks involved to conclude that it was ready to roll out Governmentwide. He suggested asking “Does it feel like the pilots are ready to go to the next level?” He suggested having the question on the table.

Mr. Dougan responded that the question was not specifically asked. He said that some folks have bargained before, but for other groups this was their initial attempt at (b)(1). He agreed that it would be a good follow up question.

Mr. Berry said that we now have a natural flow, and the Council is well positioned to incorporate Mr. Gould’s suggestion. He then turned to the next agenda item.

Agenda Item IV: GEAR Pilots - Update

Mr. Justin Johnson, OPM Deputy Chief of Staff, presented the Council Document entitled “Goals – Engagement – Accountability – Results (GEAR), Update on GEAR Pilots”.

Mr. Johnson opened the presentation on GEAR pilot programs by briefly reviewing the pilot agencies and five key recommendations from the report. He stated that the pilot agencies (Department of Energy (DOE), OPM, U.S. Coast Guard (USCG), Veterans Affairs (VA), and Department of Housing & Urban Development (HUD)) met at OPM Headquarters on December 8, 2011, to discuss implementation of the pilots. He also stated that periodic meetings have been held to assess progress of the pilots.

OPM Pilot

Mr. Johnson described OPM’s progress in implementing GEAR recommendations. He acknowledged OPM’s advantageous position of only having two locals which makes for a more convenient labor-management forum.

Mr. Johnson described this as a supervisor improvement project. He said employees will be led well and know what is expected of them. Four key areas of focus are:

- Encouraging regular *informal* feedback through a new quarterly scorecard/progress review;
- Holding supervisors accountable for their performance management responsibilities through corporate performance commitments – *make sure you do it*;
- Comprehensive training for supervisors and employees (e.g., how to give and receive feedback; how to conduct difficult conversations; developing rigorous and results-oriented performance standards; etc.) – *an agencywide training initiative will support the GEAR pilot*;
- Improving the assessment and selection of our supervisors through a standardized competency-based approach – *along with technical skills and competencies, make sure supervisors want to lead*.

Finally, Mr. Johnson marked the importance of providing training on GEAR for employees and managers to learn how to take and give feedback, and that the agency develops leadership competencies in people.

HUD Pilot

Ms. Karen Newton Cole, Acting Chief Human Capital Officer, HUD, presented HUD’s progress on their GEAR pilot. She stated that HUD looked at what steps OPM took to strengthen performance of their Senior Executive Service (SES) and implemented many of their ideas. She also noted that HUD aligned employee and organizational performance with the new SES performance plan framework for fiscal year 2012. She also stated that management began reaching out to National Federation of Federal Employees and American Federation of State, County and Municipal Employees to begin aligning front-line employee performance. She stated that she hoped to proceed with an outline on implementation with labor in March.

DOE Pilot

Ms. Janie L. Payne, Chief Human Capital Officer, on detail from HUD, reported for Mr. Michael Kane, Chief Human Capital Officer, DOE. She discussed DOE’s progress in implementing

GEAR. She said that GEAR will be implemented for most of Energy (except National Nuclear Security Administration and Bonneville Power Administration) in collaboration with 8 local bargaining units covering 7,500 bargaining and non-bargaining employees. She said focus will be on all GEAR concepts, with modifications where appropriate, to successfully integrate GEAR model within existing performance management and organizational assessment framework.

Ms. Payne said DOE has made a leadership alignment commitment. She said DOE holds mandatory online training for managers and supervisors. She said there will be quarterly progress reviews. She announced that the Secretary of Energy approved 360-degree reviews at DOE, and that the agency plans on providing future training opportunities on GEAR. She said senior leaders will be using this as a diagnostic tool, and not an evaluation tool. She said there would be training development for performance management. She mentioned crucial conversations with those soft skills.

DHS / USCG Pilot

Mr. Micone briefly stated that the Coast Guard continues to work closely with American Federation of Government Employees (AFGE) Local 120 to implement GEAR. He noted that they've had three meetings so far.

VA Pilot

Mr. Gould announced that GEAR fits nicely with VA's performance management plans. He said the VA will take a comprehensive inventory, and set specific goals and strategies. He stated that management would be asking the Council to designate representatives to help implement GEAR.

Mr. Gage stated his opposition to GEAR, and that AFGE would not recommend to its locals and Council its implementation. He said that there is no collective bargaining waiver coming from this level. He said he did not see anything different from past performance management systems. He also said that many contracts cover material contained within GEAR. He described GEAR as another layer that does not excite him. He said that this Council did not unanimously recommend GEAR despite AFGE's participation with the drafting of the report. He informed Mr. Berry that he would follow up with a letter to the Council.

Mr. Berry said that he will be in touch with Mr. Gage to talk in more detail.

Agenda Item V: New Business

Mr. Berry said the VA was hosting a [Veteran Career Fair and Expo](#) at the Washington, DC Convention Center today. He said it will feature approximately 5,000 public and private sector jobs. He thanked Mr. Gould and the VA for their hard work and commitment to our veterans, especially for their focus on disabled veterans.

Agenda Item VI: Acknowledgement/Receipt of Public Submissions

Mr. Berry opened the floor to members of the public for comments or submissions to the Council. There were none.

Agenda Item VII: Adjournment

Mr. Berry said that the next Council meeting is scheduled for Wednesday, February 15, 2012.
Mr. Berry adjourned the meeting at 10:57 a.m.

CERTIFIED

John Berry
Co-Chair

Jeffrey Zients
Co-Chair