

National Council on Federal Labor-Management Relations

First Public Meeting, 02/26/2010

The National Council on Federal Labor-Management Relations held its first meeting of 2010 on February 26, 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.

Mr. Jeffrey Sumberg, OPM's Associate Director for Merit System Audit and Compliance, served as meeting facilitator at the request of Mr. Berry.

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. David Holway	President, National Association of Government Employees
Ms. Colleen M. Kelley	President, National Treasury Employees Union
Ms. Jane Holl Lute	Deputy Secretary, Department of Homeland Security
Mr. William J. Lynn	Deputy Secretary, Department of Defense
Mr. H.T. Nguyen	Executive Director, Federal Education Association
Mr. Darryl Perkinson	President, Federal Managers Association
Ms. Carol Waller Pope	Chair, Federal Labor Relations Authority
Mr. Neal Wolin	Deputy Secretary, Department of Treasury

Mr. Faraz Khan sat in for Mr. Gregory Junemann (President, International Federation of Professional and Technical Engineers). For a portion of the meeting, Mr. T. Michael Kerr (Assistant Secretary for Administration and Management, Department of Labor) sat in for Mr. Harris.

Agenda Item I: Welcome and Introduction of Council Members

Mr. Berry started the meeting at 10:00 a.m. He said the President had confirmed the Council members just minutes before the meeting, so all Council memberships were now official. He said that although a couple of members had not yet arrived, he thought it best to begin promptly due to a full agenda.

Mr. Berry said he was honored to have everyone attend the first of the Council's historic meetings and that he very much appreciated the members' taking time out of their very busy schedules to participate. He said he welcomed the opportunity to build on successes he had enjoyed in the past with some of the Council members. He said he believed membership on the Council is a "powerful opportunity for a fresh start," and that it is good the Council will take some of its earliest steps in spring, a time when "new things come around."

Mr. Berry read from the policy statement in section one of Executive Order (EO) 13522, which created the Council. The statement read as follows.

Section 1. Policy. Federal employees and their union representatives are an essential source of front-line ideas and information about the realities of delivering Government services to the American people. A nonadversarial forum for managers, employees, and employees' union representatives to discuss Government operations will promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government. Labor-management forums, as complements to the existing collective bargaining process, will allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people. Management should discuss workplace challenges and problems with labor and endeavor to develop solutions jointly, rather than advise union representatives of predetermined solutions to problems and then engage in bargaining over the impact and implementation of the predetermined solutions. The purpose of this order is to establish a cooperative and productive form of labor-management relations throughout the executive branch.

Mr. Berry said the policy statement serves to remind the Council of its mission and that he believes the statement is a broad and clear description of what the Council is to accomplish.

Mr. Berry asked the Council members to introduce themselves, and they did so. Their introductory remarks are summarized below.

Mr. Zients said he felt lucky the Council had such good people to accomplish its work and believed the Council had a "great opportunity to do things more efficiently" and better serve the American people. He said that while strong labor-management relationships "exist in pockets" now, the spirit of cooperation in successful labor-management relationships needs to be spread. He said he looked forward to the Council's work.

Ms. Pope said it was her pleasure and honor to serve on the Council, and that her experience went back to "the prior EO" (Executive Order 12871), which created the National Partnership Council (NPC). She said she looked forward to serving on the Council and building on the accomplishments of the NPC. She said she believed the Council members offer considerable expertise to accomplish the Council's goals.

Ms. Bonosaro said that since Ms. Pope had done such a good job in describing sentiments that matched her own, she had nothing to add.

Mr. Nguyen said he also felt honored to serve on the Council and looked forward to identifying best practices in labor-management relations, as well as practices to avoid.

Mr. Gould said he believed the Council could accomplish much and that he looked forward to the work ahead.

Mr. Holway said he was honored to be at the table with his distinguished colleagues. He said he believed the Council could “set a new tone” and help foster respectful communication between labor and management.

Mr. Lynn said he had worked with some of the Council members before and looked forward to working on the Council, whose efforts might lead to a more productive Federal workforce.

Mr. Gage thanked the Co-Chairs for “getting the ball rolling.”

Ms. Kelley said she very much looked forward to the opportunity to develop good labor-management practices and ensure those practices are spread throughout the Federal workforce, “right down to the front lines.”

Mr. Wolin agreed with his colleagues that it’s a pleasure and an honor to serve on the Council, and said he looked forward to the work ahead.

Mr. Dougan thanked his colleagues for getting together and said he was ready to roll up his sleeves and get to work.

Mr. Filler said he was excited to attend, that it had been a long time since organized labor had been invited to work in partnership with management, and that he believed there was a wonderful opportunity “under this President” to make progress in labor-management relations.

Ms. Holl Lute said she could hardly think of a more tangible demonstration of “the value put on the Federal workforce” than the Council’s creation, and that this is fitting since public service should be taken seriously.

Mr. Perkinson said he looked forward to promoting excellence in public service.

Mr. Berry thanked the Council members for their introductions and remarks, and turned to the next item on the agenda.

Agenda Item II: Facilitated Discussion on EO Requirements, Guiding Principles of the Council, and Metrics

Mr. Berry said he hoped the Council members had all received the meeting materials OPM had sent them. He said OPM had tried to send the materials out so the members would have time to prepare for the meeting, and he apologized to those who had not received the materials in time.

Mr. Berry said the Council had two key issues to discuss during this part of the meeting:

- What principles should guide the Council’s efforts, and
- What metrics should the Council use to measure the success of its efforts?

Mr. Berry referred the Council members to the white paper provided in their materials entitled “Engaging Federal Employees through Their Union Representatives to Improve Agency

Performance.” He said the authors¹ provide a “nice jumping-off place” the Council could use to formulate guiding principles for its work and metrics to measure the success of its efforts. He said he hoped that with Mr. Sumberg’s facilitation the Council could begin to “figure out principles and metrics,” and that the Council could change these if necessary as it learns. He said he hoped the Council would operate with the goal of reaching consensus on the guiding principles and metrics.

Mr. Zients said the guiding principles in the white paper are “a helpful guide” the Council could use in developing its own guiding principles. He reminded the Council that the EO requires the Council to develop suggested measurements and metrics for the evaluation of the effectiveness of the Council and department or agency labor-management forums. He asked the Council to consider whether the draft set of guiding principles was sufficient and what revisions might be helpful.

Mr. Sumberg greeted the Council. He said that Mr. Berry had asked him to facilitate discussion of the EO requirements, guiding principles of the Council, and metrics to measure the success of its efforts. He said the agenda allowed an hour for the discussion.

Guiding Principles

Draft Guiding Principles from White Paper

The Council began with the suggested guiding principles from the white paper, which are listed below.

- Engagement should contribute positively to the performance of the agency;
- Engagement should promote the economic and workplace interests of employees and managers;
- Engagement should operate with a clear charter that grants the parties broad authority to address issues that fall outside the scope of bargaining;
- Engagement should address issues in a pre-decisional manner wherever possible;
- Engagement teams should receive training in interest-based problem-solving and conflict resolution;
- Engagement teams should use skilled facilitators at appropriate times;
- Engagement teams should set goals, measure performance, and communicate results;
- Managers and union representatives at all levels, especially high-ranking, should be committed to making engagement work, which means being personally engaged;
- A cooperative approach to collective bargaining should be taken wherever possible so that adversarial relations at the negotiating table do not jeopardize the larger engagement process;

¹ “Engaging Federal Employees through Their Union Representatives to Improve Agency Performance,” February 2, 2010. Masters, Marick F.; Merchant, Christina Sickles; Tobias, Robert.

- Engagement teams should include middle managers and labor relations specialists with the understanding that the role of the latter is not to obstruct but rather to contribute to the cooperative conduct of all forums of labor-management interaction.

Guiding Principles Developed by Council

After considering each guiding principle suggested in the white paper, the Council developed the guiding principles listed below based on a thorough discussion.

- Labor-management forums should contribute positively to the performance of the agency
- Labor-management forums should promote the economic and workplace interests of employees and managers
- Labor-management forums should operate with a clear charter that grants the parties broad authority to develop solutions jointly on issues that fall outside the scope of bargaining
- Employees and their union representatives should have pre-decisional involvement in all workplace matters to the fullest extent practicable, without regard to whether those matters are negotiable subjects of bargaining under 5 U.S.C. 7106
- Management and union officials and participants in labor-management forums should receive training on the requirements of the E.O., the guiding principles, and tools and processes that could assist with problem-solving and conflict resolution
- Labor-management forums should use skilled facilitators at appropriate times
- Labor-management forums should set goals, measure performance, and communicate results
- Managers and union representatives at all levels should be committed to making labor-management forums work, which means being personally engaged
- In the spirit of the larger labor-management engagement process, all parties should take a cooperative approach to collective bargaining
- Labor-management forums should be led by relevant decision makers and supported by appropriate staff
- The parties should devote sufficient resources to the implementation of the E.O.

Metrics

When the Council had concluded its work on the guiding principles, Mr. Sumberg noted that the agenda allowed little time to consider the question of what metrics should measure its improvement of labor-management relations in the Federal Government.

Mr. Berry said that measuring the Council's progress is such an important issue that the Council would have to allow additional time for developing good metrics. In light of the Council's extensive discussion of metrics during the meeting, Mr. Berry reiterated that the Council did not have to conclude its work on the question of metrics in its first meeting. He asked the Council members to continue thinking about metrics after the meeting, and said the Council could revisit the subject in the next meeting.

Draft Goals and Metrics

The Council began its discussion of metrics by considering the following potential metrics for the Council's consideration built around key labor-management goals.

Goal: Improve the agency's ability to deliver high quality products and services to the public

Metrics

- Higher productivity
- Improved customer satisfaction
- Better service delivery
- Cost savings

Goal: Improve the quality of employee worklife

Metrics

- Higher employee morale
- Greater job satisfaction
- Lower attrition rates

Goal: Improve the labor-management relations climate

Metrics

- Fewer grievances, bargaining disputes, and unfair labor practices
- Greater union and employee engagement in workplace decisions
- Expedited collective bargaining process
- Cost savings and/or cost avoidance

Goals and Metrics Developed by the Council

After considering each draft goal and its associated metrics, the Council developed the metrics listed below based on a thorough discussion.

Goal: Improve the agency's ability to deliver high quality products and services to the public

Metrics

- Higher productivity

- Improved customer satisfaction
- Better service delivery
- Cost savings
- Speed and quality of adoption of new business processes and technology

Goal: Improve the quality of employee worklife

Metrics

- Higher employee morale
- Greater job satisfaction
- Lower attrition rates
- Employee development and training

Goal: Improve the labor-management relations climate

Metrics

- Greater union and employee engagement in workplace decisions (establish baseline via survey)
- Expedited collective bargaining process
- Cost savings and/or cost avoidance
- Increase in disputes resolved

Agenda Item III: Agency Implementation Plans

Mr. Berry said the Council would need to review all agency plans to implement labor management forums (LMFs) as required by Executive Order 13522. (The plans are to be submitted to the Council by March 9, 2010 and reviewed and certified by the Council by May 8, 2010.)

Mr. Berry suggested that a working group be formed to develop recommendations to the full Council for handling the implementation plans. The Council agreed that while some working group tasks can be delegated to staff, working group principals are expected to be involved and meet as necessary to decide on a proposal for dealing with the implementation plans, and the principals should come to the next meeting with the proposal. Mr. Berry said that at the next meeting (April 7, 2010) the working group members would have an hour to present the proposal to the full Council.

Mr. Gage said he would want to see the agencies' implementation plans. Mr. Berry assured him that the plans would be available to all Council members.

Mr. Gage said one other concern of his is representation on the LMF being a problem where multiple unions represent employees in an agency. As an example, he said that in the Department of Defense (DOD) many unions represent the agency's employees, but that the American Federation of Government Employees (AFGE) represents the majority. He said it would be "unwieldy" to have a forum where all the many unions in DOD were represented, and that he would like to see an AFGE LMF.

Ms. Kelley acknowledged Mr. Gage's concern and agreed a need exists to work out the potential problem of management and labor agreeing on how unions are represented on the LMFs.

Mr. Berry said the Council would need to figure this issue out and hoped it could be worked out by consensus. Mr. Zients suggested this is a problem the working group should examine.

The Council agreed the working group would consist of Mr. Gage, Mr. Gould, Mr. Holway, and Ms. Holl Lute. Mr. Berry then turned to the next item on the agenda, bargaining pilots.

Agenda Item IV: Bargaining Pilots

The Council agreed that the members would think about possibilities for bargaining pilot proposals and submit those for the Council's consideration by March 9, 2010 (the same due date as for the LMF implementation plans). Mr. Berry said he wanted to have discussion of some specific bargaining pilot proposals on the agenda for the April 7, 2010, meeting. He said that if the Council doesn't come up with enough proposals, he and Mr. Zients may need to add to the proposals.

Mr. Dougan asked if the proposals could be "across any and all levels," and Mr. Berry said, "Yes."

Ms. Bonosaro asked whether as the proposals are received they could be shared with the full Council, and Mr. Berry said they could.

Mr. Gage asked Mr. Berry if there were any guidelines as to agency size. Mr. Berry said the Council would need the right mix of agencies for the pilots, the right combination of large and small. He said he believed the Council would know the right mix when they see it, and said, "Let's see what we get."

Mr. Berry reiterated that ideas for bargaining pilots should be submitted by March 9, 2010. He turned to the next item on the agenda, acknowledgement of public submissions.

Agenda Item V: Acknowledgement of Public Submissions

Mr. Berry said that no public questions or comments had been submitted prior to the meeting, but he welcomed any input from the public now.

An audience member introduced himself as “Mr. Phil Boyer from Walter Reed.” He thanked the Council for its work and commitment to “making the process work.” He said he was “very encouraged” and that seeing the Council’s work so far was “almost like an early Christmas Day.”

Mr. Berry thanked Mr. Boyer for his comments.

Agenda Item VI: Adjournment

Mr. Berry adjourned the meeting at 12:02 p.m.