

**U.S. Department of Education (Department) Implementation Plan for Executive Order 13522, *Creating Labor-Management Forums to Improve Delivery of Government Services.***

**I. LABOR-MANAGEMENT FORUMS**

The parties' collective bargaining agreement has already established Department (National) and local level Labor-Management Forums. There have been three (3) National Labor-Management Forum meetings since August 2009. Forum members include the Deputy Secretary of Education, the General Counsel, and three senior level management officials. American Federation of Government Employees (AFGE) Council 252 representatives at the Forum are the Council President, Executive Vice President, Chief Steward, and three additional Union officials. From the beginning, the Forum members established a spirit of candor and collaboration that has led to a much improved and more cooperative labor-management relationship, and a greater recognition of the value that giving a voice to employees through their Union representatives brings to agency decision-making. The Department and AFGE Council 252 are considering establishing Regional Labor-Management Forums. The parties plan to discuss this issue at the next Department National Forum meeting in March 2010.

**II. IMPLEMENTATION PLAN**

**A. Baseline Assessment**

The parties will collaborate on a baseline assessment of the current state of labor-management relations within the Department. Assessment techniques will include:

Baseline data collection on a variety of labor-management activities based on timeliness and responsiveness in areas such as:

- EEO, grievances, arbitrations, and unfair labor practice cases;

- Review and revision, as necessary, of the Department's grievance procedures to ensure a fair and neutral process for initial decisions and appeals;
- Issues brought to the Department's Informal Dispute Resolution (IDR) Center;
- Personnel actions for misconduct and performance problems; and
- Mid-term negotiations.

To the extent that information is available, data will be collected for each above activity to gauge:

- Avoidable labor-management disputes (e.g., percentage of grievances appealed); number of informal/formal EEO complaints; number of mixed grievance/EEO cases at the informal stage; the number of cases brought to the IDR Center; and the number of cases resolved through the IDR Center or other methods of resolution;
- Effectiveness of labor-management communications concerning changes in working conditions, practices, and/or procedures (i.e., communicating early and often on changes) for both Management and Union Officials; and
- Management and Union effectiveness in applying the spirit and intent of E.O. 13522.

Beyond the annual baseline assessment, the Department will collaborate to develop and implement annual goals to improve Union and management officials' technical knowledge and best practices in labor relations, including training in: Alternative Dispute Resolution (ADR), Federal labor relations law, conduct and discipline, and performance management.

### **B. Metrics to Monitor Improvement**

The Department will promptly share with the Union releasable reports that are developed in response to E.O. 13522 requirements and related initiatives, including 7114(b) requests to the Union.

The Department and AFGE Council 252 will adopt metrics from the 2008 Federal Human Capital Survey (FHCS). According to Hay Group Consultants, a 3-5 percent point increase from the 2009 results is considered meaningful for the Department. In addition, the Department will use seven key questions on the survey as a morale index in conjunction with monitoring improvement, based on responses to the following survey questions:

- Complaints, disputes, or grievances are resolved fairly in my work unit;
- Arbitrary actions, personal favoritism, and coercion for partisan political purposes are not tolerated;
- Prohibited Personnel Practices (for example, illegally discriminating for or against any employee/applicant, obstructing a person's right to compete for employment, knowingly violating veteran's preference requirements) are not tolerated; and
- I can disclose a suspected violation of any law, rule or regulation without fear of reprisal.

### **C. Improvement Initiatives**

It is noteworthy that AFGE Council 252 and the Department are committed to collaborative initiatives during 2010 and beyond designed to enhance the overall quality of the Department's workplace and workforce. Transformational initiatives have started with objectives to: jointly establish performance goals, improve labor-management communications, redesign and make transparent the Department's performance management system and the awards process, and to position the Department as a premier Federal employer. We will implement the initiatives, evaluate our results, and then formulate and implement new actions.

The following are examples of four initiatives that the Department will pursue with AFGE Council 252 across several major focus areas:

#### *1. Performance Goals*

Performance goals will emphasize changing the culture/dynamic of the working relationship between the Union and management. This includes identifying and focusing on matters of mutual interest and incorporating the spirit and intent of Executive Order 13522. The Department's National Labor-Management Forum will identify mission-related and/or process improvement performance goals, after considering input from lower-level labor-management forums, or joint working groups, to be established by the parties.

## 2. Communications Augmentation

A basic tenet of the Department's and AFGE Council 252's efforts is continuous improvement of communications between the parties. For example, minutes from joint working group meetings will be distributed to Union and management officials followed by standing weekly conference calls between senior leaders of the parties to ensure the parties' mutual interests and rights remain intact.

## 3. Education Performance Management System Redesign

The Department has launched an effort to redesign its performance appraisal system. This effort will progress in consultation with the Union. Input from employees and managers about what they would like to see in a new system, as well as benchmarking of other agencies, are elements of the project. Focus groups involving employees, managers, and Union representatives are under way with participation from Headquarters (HQ) and regional employees. The parties will also review grievances, formal complaints and any other related data, or reports on the effectiveness of the Department's current performance appraisal system to identify issues to be addressed in designing the new system.

## 4. Education First Class

This initiative advances an objective to create a sustainable environment where each employee and every manager feels excited about coming to work every day. The overarching goal for the Department is to improve its 2010/2011 Leadership and Knowledge Management Survey Dimension by supporting managers in demonstrating leadership competencies that cultivate a culture that is inclusive, inspires and motivates employees, and achieves results. The goal for Federal Student Aid (FSA), the Department's pilot organizational component, is to move up its standing in the "Best Places to Work" rankings from the bottom quartile (200+) to the next higher quartile (100+) over the next two survey cycles. This is indeed a very aggressive goal. To reach these goals there will be many simultaneous and consecutive actions rolled out across FSA and the Department. The one constant is what makes Education special -- our team, employees, and managers.

The following are additional actions that the Department plans to take to improve communication and employee engagement; leadership, trust, and transparency; and labor-management collaboration:

### *Communication and Employee Engagement*

- Establish an Education-wide Communications Team that will focus on internal communications, partnering with the Union to identify membership from Headquarters, regional offices, business units and teams across the functions, and to share vital information up, down, and across the organization;
- Coordinate improved communication methods between HQ and regional offices. Each regional office will receive updated communication equipment to facilitate the exchange of information, ideas, and activities with and between offices and staff. It will also provide a new forum for recognition of staff and accomplishments, strategic messaging, and other communications of value to the Department;
- Develop a Department experience pool program for employees with specific skills, talents, or subject matter expertise to use on special projects, short-term details, and other high-stakes, high-recognition assignments of value to the enterprise;
- Create an improved employee “on-boarding” process, designed to effectively acculturate new staff into the organization, and enhance the initial employee experience;
- Augment Department initiatives and programs to retain productive employees to improve opportunities for successful performance and readiness to advance; and
- Develop training that builds a common platform for communications between employees and their leaders.

### *Leadership, Trust, and Transparency*

- Design and implement an exercise to develop Education’s vision, core values, and mission. Management will confer with labor and ensure vision development is open to all employees who care to participate. This work will be integrated with the strategic planning work currently being commissioned;
- Design a cadre of management and new manager essentials to augment the considerable and existing leadership training and resources available within Education with pinpointed skill building; and
- Collaborate with FSA’s Senior Management Group, to leverage possible resources and relationships with the Partnership for Public Service to pilot programs, training, and initiatives to improve the effectiveness of Education’s leadership with employees.

### *Labor-Management Collaboration*

- Partner with the Union to identify leadership, community-building, and other competencies in which there may be a shared interest with Agency management. Explore the possibilities of leveraging resources to build greater capacity for the benefit of the Agency and the Union;
- Develop a formal program with participation guidelines for a Labor-Management Council; and

- Work collaboratively to identify problems and propose solutions and better serve the public.

#### **D. Resources**

In June 2009, the Department began devoting resources to its enhanced Labor-Management Forum. To date, resource commitments have included:

- Duty time for bargaining unit employees and/or subject matter experts to attend Forum meetings, or perform work on collaborative efforts;
- Duty time for bargaining unit employees and/or subject matter experts to participate in pre-decisional activities;
- Training and travel for employees participating in pre-decisional and collaborative efforts; and
- Participation by senior Department leadership to improve the labor-management relationship and demonstrate commitment to a collaborative approach to solving problems.

The Department has also directed operating line offices and support functions such as the Office of General Counsel and Human Resources Services to lead and/or provide resources in support of Labor Management Forums.