

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
LABOR-MANAGEMENT IMPLEMENTATION PLAN UNDER E.O. 13255

How the EEOC will conduct a baseline assessment of the current state of labor relations in the Agency

In compliance with the President's Executive Order on Labor Management Forums, the EEOC will conduct an assessment of the current state of labor-management relations within the Agency. The National Council of EEOC Locals No. 216 has been invited to participate in this effort. This assessment will incorporate a number of methods for evaluation, including survey instruments and work groups between agency and union leadership to exchange ideas and solicit feedback. Other indices that may be used are reports and statistical data detailing the nature of disputes and other workplace conflicts. For example, the EEOC has a very active alternative dispute resolution program, "RESOLVE" which has successfully mediated a number of disputes initiated on behalf of Agency employees. Data from this program, while not presenting a completely conclusive picture, will be useful as an indicator of the labor-management relations climate.

Inasmuch as we have a mutual interest and desire in promoting good labor and management relationships, we are committed to furthering the goals and spirit of the Executive Order. A key component of the assessment is to identify our best practices, i.e., what has worked well for us before, what is working well now and what we believe will work best in the future to promote communication and engagement between the parties.

We will also need to develop new indicators or measures as well as to review existing ones. For example, a measure of effectiveness might be how often disputes are addressed and resolved prior to arbitration, thereby saving resources and monetary costs normally associated with arbitration. We need to evaluate whether there are sufficient resources dedicated to promoting labor-management awareness among the parties and to providing opportunities for interaction and non-traditional training (awareness) where needed, specifically, in such areas as alternative dispute resolution and win-win bargaining. There are several questions we must consider in order to gauge the labor relations climate in EEOC. For example, do we currently practice good labor-management relations? Are there adequate measures in place for collaboration? How do we compare with other federal agencies; what are their best practices and what lessons did we learn under the previous Executive Order on Partnership? Key to this endeavor is the involvement and participation of agency and union leaders, line managers and employees.

EEOC is currently undertaking the design and development of a survey to assess the state of our labor relations under the guidance of our Office of Human Resources (OHR) and Office of Research, Information and Planning (ORIP). ORIP gathers information required by the Commission in its strategic planning by conducting surveys to analyze

the effectiveness and efficiency of our programs inside and external to the federal government. Upon the certification of this implementation plan, the Agency's labor-management council will contribute to the development of any such surveys.

The extent to which the Agency has already established labor-management forums

The Agency has proposed and consulted with the Union on a labor-management forum agreement, national in scope, which governs the creation, scope, substance and ongoing maintenance of a national labor-management forum for the purpose of enhancing the Agency's service to the public and accomplishment of its mission. Under the proposal, the parties will establish a National Labor-Management Council (the Council) consisting of sixteen (16) members, eight (8) of whom will be appointed by labor and eight (8) of whom will be appointed by management. One management member and one union member will co-chair the Council meetings. Co-chairs will be selected by the Council members at its first meeting. In order to continue to replenish its leadership and reinforce its purpose, selection of co-chairs will occur annually, members of the Council will serve at the discretion of the appointing officials, and the Council itself will meet quarterly on dates and in places mutually agreed to by the parties pursuant to rules established by the Council.

Under the current proposal the National Council will identify issues which it will address and recommend to the Chair of the EEOC actions in furtherance of the Council's recommendations to attain the goals of the Executive Order. The Council will provide notice of its decisions and policies, will collect and disseminate information on labor-management activities, and will provide this information to EEOC employees.

As part of the implementation of the Executive Order, the parties have each formed a working group to provide input. Included in its charge has been the solicitation of suggestions from a range of employees pertaining to potential subjects for the prospective labor-management forum(s). The working groups on both sides will offer a good pool of candidates from which to choose council members.

While there is general agreement on the Agency's National Labor-Management Council, the parties have not been able to agree on a local council structure below the national council level. The Agency has proposed that the parties meet within thirty (30) days of the certification of this implementation plan to discuss and determine the type and structure of labor-management councils below the level of the National Council. The Union does not find this approach acceptable; therefore no agreement has been reached on the establishment of EEOC's labor-management forums.

The Agency's desire to participate in a pilot bargaining project

The Agency will be guided by the President's National Council on Federal Labor-Management Relations (the President's Council) in permitting discussions to the fullest

extent practicable on the subjects set forth in 5 U.S.C. 7106(b)(1) and other pre-decisional matters. We will also be guided by those agencies who engage in pilots under the EO and their results. Our National Labor-Management Council will develop a policy regarding the parties' negotiation within topics under 5 U.S.C. 7106(b)(1). The policy will be formulated after review of the outcome of those pilots identified and developed by the President's Council pursuant to Section 2(b)(vii) of Executive Order 13522. At this point, we feel that EEOC would be better served by proceeding in this manner.

The Agency's and Union's intentions for creating metrics to monitor improvements

The EEOC's proposed National Labor-Management Council will establish forum work groups to evaluate the whether identified activities are meeting their intended goals of improved customer service, productivity gains, labor-management satisfaction, cost savings and improved employee work life. These work groups will evaluate mission-related and critical work processes and programs used to serve our customers. As a civil rights enforcement agency, our programs pertain to investigating and litigating discrimination charges in the private sector and adjudicating discrimination complaints in the federal sector. We also provide technical assistance to federal agencies and private and public employers on their affirmative employment responsibilities. Council forums will consider existing mechanisms for evaluating the productivity and effectiveness of these activities. Evaluation of activities or programs using the predetermined metrics established in the EEOC's Strategic and Human Capital Plans and other assessment tools to determine if our programs are managing costs wisely while providing good customer service, will be beneficial.

Many of the metrics which the Council could use will, to the extent possible, reflect those established by the EEOC's Strategic and Human Capital Plans. With the assistance of the Office of Research, Information and Planning (ORIP), we propose that the Council confirm metrics and establish guidance for their use for the activities it chooses to evaluate.

The Council will further develop metrics, as appropriate, using data generated by EEOC as part of its ongoing mission analysis. Data used to evaluate a program or activity will originate from various sources inside and outside of the Agency. For example, the source of data used to evaluate employee work life will include feedback from the Office of Personnel Management's Federal Employee Viewpoint Survey. This information will be instructive to the Council in determining the effectiveness of such programs as our alternative work schedules, health and wellness programs, telework, awards, performance management and job satisfaction programs.

With the assistance of ORIP, the Council will also adopt metrics to periodically monitor the EEOC's labor-management climate. Successful resolution of workplace disputes through the use of our internal mediation program, RESOLVE, or another third-party entity will be compared with areas of ongoing dispute to determine how to improve the labor-management climate in the Agency. Once feedback is obtained on these and other

areas, the Council will be able to design and implement action plans for on-going measurement and assessment of outcomes, with adjustments where appropriate.

The adequacy of the Agency's resources for the implementation of the plan

The Office of Human Resources (OHR) and staff designated by the Office of the Chair (OCH) will provide staff support to the proposed National Labor-Management Council. The EEOC will pay all travel and per diem for two annual in-person meetings by the Council, based upon the Chair's determination as to availability of funds. The EEOC will also pay other related expenses of the National Labor-Management Council, again based on availability of funds. In addition, the EEOC will arrange for staff support, travel orders, per diem and other arrangements for National Labor-Management Council business. The EEOC will also arrange for and provide video-conference facilities for as many additional meetings as are needed annually. The EEOC will also fund the cost of training for managers and union representatives on non-adversarial dispute resolution techniques and interest-based bargaining approaches.